

Onley Town Council Minutes of September 7, 2011

VIRGINIA: Public Hearing on Water Supply Plan & Regular Meeting to immediately follow at the Onley Fire & Rescue Building on the 7th day of September, A.D., 2011:

Members Present: Billye D. Custis, Mayor
Billy Chance
Dawn Dize
Lance Eller
Ned Finney
Don Strautz

Staff Present: Walter Marks, Chief of Police
Jamy Salazar, Treasurer
Cela Burge, Town Attorney
David Engelhart, Zoning Administrator

Absent: Jack Pierson, Vice-Mayor

Public Hearing

Call to Order

Mayor Custis called the Public Hearing to order at 6:14pm. She stated that she was unsure where Curt Smith and Jim McGowan were. Mr. Smith assured Ms. Salazar on Friday that they would be coming tonight. Mayor Custis read a letter into the minutes stating the purpose of this hearing. A copy of this letter will be attached to the minutes. She further explained that they proposed having a Public Hearing at 6:30pm but we notified them that our Public Hearings are normally held at 6:00pm. She also stated that we did not have to advertise in the newspaper since it does not pertain to taxes, zoning or other specific criteria. She then read the Proposed Resolution Approving the Accomack County Water Supply Plan into the minutes. A copy will be attached. Mayor Custis concluded by saying that a copy of the document was available for viewing in Accomack or we could send it electronically if so requested. Mr. Eller asked how this plan will affect us since we do not have a water system. Mayor Custis stated that it does not but in 2008 it was mandated that each Town had to create their own plan or go with Accomack County.

Public Comments

No one signed up to speak. Mayor Custis asked if anyone wished to speak. No one did.

Adjourn Public Hearing

Mayor Custis adjourned the Public Hearing at 6:19pm.

Regular Monthly Meeting

Call to Order

The Regular Monthly Town Council Meeting was called to order by Mayor Custis at 6:19pm. The invocation was given by Lance Eller. The Pledge of Allegiance to the Flag was led by Don Strautz.

Adoption of Agenda

Mayor Custis asked to add (F) Spraying for Relay for Life under New Business.

Motion: To adopt the agenda with the change by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Consideration of Minutes

Motion: To approve the Minutes of the August 1, 2011 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks pointed out that there were 16 requests for assistance from the Accomack County Sheriff's Department. He stated that there has been some concern that our officers were leaving town unnecessarily and just wanted to clarify that they only leave when requested. There was an additional 6 requests by the Virginia State Police as well. He also reminded Council that there is a mutual aid agreement with Onancock. He added that just because an officer is not dispatched on the radio, they may have received a call on their cell phone. He mentioned a specific case recently when Sergeant Coulbourne went to a felony domestic that was less than one mile from Town. Mayor Custis commended Chief Marks and his department for 204 residential patrols and 165 business checks. Mr. Strautz asked about days with double coverage. Chief Marks stated that three officers are required for check points, there are court dates on some of those days and also the beginning and end of the month is a high travel time.

Motion: To accept the October 2011 schedule by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED
Mayor Custis told Council that Officer George Bennett is scheduled to return to work on Monday.

Treasurer's Report

Ms. Salazar stated that the amount of other payables is greater than normal due to the meeting falling later in the month. She added that there is also a purchase journal in the report for the whole month and not just month end. This was a suggestion from the auditors that were here last week. Mayor Custis added that she spoke with them before they left and they were very complimentary. They stated that Ms. Salazar has taken their recommendations and put them in place which has not always happened in the past. Mr. Finney thanked Ms. Salazar and stated that he thinks she does a good job. Mr. Strautz had questions about several payables which Ms. Salazar promptly answered.

Motion: To pay the Payables by Ned Finney and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Mayor Custis stated that the drum in our main printer has gone up and will likely be costly to replace. Glen Ferry has suggested an all in one copier/printer/fax and we have started looking into the cost of one.

Mayor Custis welcomed Mr. McGowan who arrived at 6:32pm. Mr. McGowan gave a brief overview of what was discussed earlier in reference to the Water Supply Plan. He stated that basically what this plan does is establish a process during a drought for a response by local government.

Zoning

Mr. Engelhart stated that he has just recently finished working on the Hazard Mitigation Plan with Accomack and Northampton Counties. In doing so, he has found that Onley is one of the few Towns not participating in the National Flood Insurance Program backed by FEMA. Through research, he has found that Onley does not have a flood plain so we do not have to have an ordinance to elect to join – only a

resolution. This would be a benefit to our residents since it will enable them to purchase flood insurance at a cheaper rate. In reference to the plan, there are the normal hazards such as weather and problems caused by travel. Drainage is a problem due to a lot of low areas. He would like to apply to FEMA for help with the assessment of low areas. He feels that would be a good place to start. He also spoke about a program for native plants that may benefit SPOTS. In reference to Mr. Nicolls, as of last Friday he has not paid the fine or brought the property into compliance. He asked Council to consider how they would like to proceed. Mayor Custis asked Mr. Engelhart if he has taken any pictures recently. Mr. Engelhart stated that he has not but he is still in violation.

Attorney's Report

Ms. Burge has drafted letters to St. Peter's Catholic Church and Mrs. Betty Chance explaining the lease terms and both of them have been returned. She has contacted Waste Management and indicated to them that some provisions in their contract are objectionable. The contract arrangement with former Officer David Richardson will be discussed in Closed Session. Lastly, she has begun the process of creating a salary administration plan. She has contacted VML and the Institute for Local Government. She presented Council with a spreadsheet containing figures for communities that are similar in size. She suggested that we join this organization as well at a cost of \$40.00. She explained that this will be the framework for developing a salary administration plan. In reference to the Water Supply Plan, she stated that the Town was not required to advertise or hold a Public Hearing with certain notice provisions but the Town did opt to have one. It gives the public the opportunity to look at a huge document with a built in option to take or not to take certain measures built into the plan. Mayor Custis stated that so many Eastern Shore Towns were having a Public Hearing on the Plan she felt that the citizens of Onley should have the same opportunity.

Old Business

Mayor Custis stated that she, Mr. Finney and Ms. Salazar met with GMB Architects in reference to the new Town Office. Mr. Finney stated that without knowing exactly what we wanted, they basically created some preliminary plans but they have asked us to create a wish list based on our needs. There was some discussion of parking which may be a problem. They have a person that specializes in working with USDA and she seemed to be very knowledgeable. The estimated cost for a 1925 square foot building is \$489,000. This amount includes an inspector on the job every day. Mayor Custis read an exact breakdown of the cost into the minutes. A copy will be attached. Mr. Finney would like to create a committee to decide what exactly is needed. He feels that everyone on the Council should be involved as well as some citizen input. Ms. Dize agreed that citizens need to be involved. Council decided to meet again on September 22nd at 6:30 to discuss this matter.

Mayor Custis read the Grant Coordinator's Report. A copy will be attached.

There has been no interest in the Planning Commission vacancy.

The Town parking area has been completed.

Ms. Burge has already spoken to the matter of the real property between West Main Street and Coastal Blvd as well as the Waste Management contract earlier in the night.

New Business

Motion: To adopt the Accomack County Regional Water Supply Plan and Drought Ordinance by Don Strautz and seconded by Lance Eller. Voice Vote: Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson-absent; Strautz=yes. MOTION PASSED

Council will discuss the maturing CD at the September 22nd meeting.

Mayor Custis read an email from VDOT stating that they are evaluating the environmental impact of proposed route 609 widening project in the Town of Onley and Accomack County. VDOT has requested

a written response to this email no later than September 16th. Essentially they want to know if there is any opposition, will it disrupt the community or its planned growth, is it consistent with local land use, does Council endorse it, is it in the Town's Comprehensive Plan, what impact it will have for emergency services and do we anticipate any disproportionate impact on minorities or low income population. Mr. Strautz stated that Church Road is becoming a major road between Onley and Accomac.

Mayor Custis asked Council if they wished to endorse the project. All were in favor of it with the exception of Mr. Eller who abstained.

Mr. Finney asked if the Clean up was referring to a storm clean-up. Mayor Custis stated that what she has seen out is not from the storm. She added that she has taken quite a bit to the landfill and has seen many residents there. Mr. Strautz asked if a clean-up would have been covered under the person or company that we would have hired from the RFP from earlier in the year that we did not use. The answer was no – clean-ups are separate from grass cutting. Mr. Finney wondered if we could hire someone to mulch the debris. Mr. Eller stated that certain types of trees when turned to mulch can kill vegetation so we need to be careful when mulching. Mayor Custis stated that the issue is do we have a clean-up now or do we wait until later in the season. Mr. Eller stated that there is the possibility of more storms to come. Ms. Dize is concerned that no one has cleaned up on her street. S.P. Custis, a resident in Town stated that he has cleaned up his own and he feels that everyone else should do the same. Ms. Salazar stated that we have had about 5 people call and ask about a storm clean-up.

Motion: To table the clean-up by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Mr. Chance stated that all of the storm drains are clogged up. Mr. Eller stated that they have all been vacuumed out within the last two weeks – all since the storm. Mayor Custis stated that she is worried that some people are filling their ditches with debris.

There was some discussion about how to proceed with the Public Hearing for the Draft Zoning Ordinance. At the June meeting, Ms. Burge suggested that the Planning Commission hold a public hearing, make changes, send it to Council and then they will hold a public hearing. The general feeling of Council was to hold joint hearings. Ms. Burge suggested that since it is such a large document with substantial changes, Planning Commission and Council will both need significant time to consider public comments as well as suggestions and changes, the possibility of two separate hearings should be considered. After much discussion about this, it was decided that the Planning Commission will hold their Public Hearing on September 29th at 7:00pm to be advertised in the September 16th and September 23rd editions of the local newspaper. Council agreed to hold off on their Public Hearing until November. Mayor Custis asked if Council will allow Mr. Shaw to spray for mosquitoes around the Nandua track for Relay for Life on Saturday.

Motion: To allow Tommy Shaw to spray for mosquitoes at Nandua High School for the Relay for Life event to be held Saturday by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Public Participation

No one signed up to speak. Mayor Custis asked if anyone wished to speak. Mr. Grinnalds asked where the Town boundary is over near him. Mayor Custis stated that it is the ditch south of the Wine Rack. Ms. Grinnalds asked about the Crockett property. Mayor Custis stated that they were working on it today when she came through. Ms. Pepler asked about the flood insurance and stated that she thinks it is a good idea. Ms. Burge will look over the information that Mr. Engelhart provided and Council will discuss it further at the September 22nd meeting.

Council Comments

Mr. Chance had no comment.

Mr. Strautz said that he was glad the hurricane wasn't any worse than it was and that it's important in those times that everyone pull together and keep the lines of communication open.

Ms. Dize had no comment.

Mr. Eller stated that he feels that as we move forward with the Town Office, that citizens "weigh in" since it's their money being spent.

Mr. Finney agreed that communication is the biggest issue with Council and residents concerning the new Town Office as well as all matters.

Mayor Custis agreed that resident input is important and we need to pursue all of our avenues. She asked Ms. Pepler to give us an update on Mr. Pierson who had surgery last week. She also asked Mr. Kellam to give us an update on Mrs. Kellam.

Closed Session

Motion: To go into Closed Session at 7:54pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 7: Consultation with Legal Counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to David Richardson by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Open Session

Motion: To return to Open Session at 8:05pm by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Certification of Closed Session

A roll call vote was taken immediately after reconvening in Open Session, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session: Custis-yes; Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes.

Motion: To recess at 8:05pm until September 22, 2011 at 6:30pm by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-absent; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor