

## Onley Town Council Minutes of October 1, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 1st day of October, A.D., 2012:

Members Present: Billye D. Custis, Mayor  
Billy Chance  
Dawn Dize  
Ned Finney  
Fred Gardner  
Jack Pierson, Vice-Mayor  
Don Strautz

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

### Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Custis at 6:30pm. The invocation was given by Don Strautz. The Pledge of Allegiance to the Flag was led by Dawn Dize.

### Adoption of Agenda

Mayor Custis welcomed everyone and asked to add Veterans Celebration under Old Business and SPOTS donation under New Business.

**Motion: To adopt the agenda with changes by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Presentation of 2011-2012 Audit

David Foley from Robinson Farmer Cox Associates presented the 2011-2012 Audit. Mr. Foley thanked Mayor Custis and Ms. Salazar for their help with completing the audit. He gave a brief overview of the audit stating that it was performed with general auditing standards. They issued an unqualified opinion on the Town's financial statements which is the cleanest opinion that an auditor can give. They also issued a report of the Town's internal control over financial reporting – that report is clean as well. They found no significant deficiencies or material weaknesses. There were no instances that needed to be reported in a management letter. He concluded by stating that overall it was a very clean audit. Ms. Burge asked for a recommendation about a time period for considering delinquent taxes uncollectable. Mr. Foley stated that state code does not allow personal property to be collected after five years and real estate after twenty years. He suggested that anything that falls outside of that timeframe be written off. A copy of the draft audit will be attached to the minutes.

**Motion: To accept the 2011-2012 Audit by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Report on building at 25571 E. Main Street

Mr. Higgins presented Council with a new floor plan containing some changes to the conference room. He felt that the building will be very close to the front of the lot and that issue may need to be looked at again. There was some discussion about the location of the drain fields. Mr. Finney asked what it would take to move them. Mr. Engelhart said that would be a health department question. Ms. Siglin asked how the entire floor plan got changed from the last meeting when it was discussed. There were significant changes made to the floor plan since the last meeting with Mr. Higgins involving the trusses,

the roof and the overall layout of the building. Mayor Custis stated that Mr. Higgins made the changes. There was some discussion about the size of the porches especially the one on the back. There was discussion about the necessary septic and drain fields. Mr. Higgins asked that Council consider putting him in touch with an engineering firm to work on making this building meet passive house standards. Mayor Custis asked Council how they feel about the new design. Mr. Gardner asked about square footage and price difference. Mr. Higgins stated that the new design is about 300 square feet more than the other design. The price would be based on price per square foot. Mayor Custis asked Ms. Salazar if Kristie has looked into any grants for furnishing the building. She stated that she has talked with her about it but she will mention it again. There was much discussion about the size of the meeting room. Mayor Custis stated that Council needs to settle on a design before they think about moving to the next step. She then asked Council to consider having a meeting to discuss the building at a later date. Council agreed to meet on October 8<sup>th</sup> at 6:00pm for that purpose.

### **Consideration of Minutes**

Mr. Pierson asked to have the word "not" added to a comment that he made referring to making a decision about the fifth officer under the police report. Ms. Dize asked to have Ms. Shaw changed to Mr. Shaw on page four at the bottom. Ms. Salazar stated that she will be changing the word is to if on page four as well.

**Motion: To approve the minutes of the September 5, 2012 Regular Monthly Council Meeting with changes by Dawn Dize and seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Department Reports**

#### **Police Report & Schedule**

Chief Marks stated that there is a new schedule in the blue folders since some changes were made to the one that was sent out with packets. There are several officers that need to take some vacation as well as three holidays that month. Chief Marks added that there are only two days that no one is scheduled to work but he will be answering calls from home. Ms. Dize was concerned that there was no one working past 12:00am on November 16<sup>th</sup> & 17<sup>th</sup>. Council asked that one of the 8-4 shifts on November 16<sup>th</sup> be changed to 6-2.

**Motion: To approve the November 2012 police schedule making a change to the weekend November 16<sup>th</sup> & 17<sup>th</sup> by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked Council to consider making a change to the policy covering overtime for officers which would allow the Town to continue receiving the highway safety grant. She explained that as it stands now any officer working more than 85.5 hours in a pay period receives comp time at a rate of time and a half – this change would mean that the officer would no longer receive comp time but be paid for that time at a rate of time and a half. This is a requirement set for the DMV Highway Safety Grant Administration and if we are unable to meet that requirement it will mean the loss of \$9,000.00 to our Police Department. She added that it is very rare for an officer to work more than 85.5 hours in a pay period.

**Motion: To make the change in the Officer Overtime Policy allowing for officers to be paid for any hours over 85.5 in a pay period at a rate of time and a half by Jack Pierson and seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks stated that Officer Bennett has asked to attend a Street Survival/Gang Training Seminar in Richmond on November 12<sup>th</sup> & 13<sup>th</sup> at a cost to the Town of \$447.00.

**Motion: To send Officer Bennett to the Street Survival/Gang Training Seminar on November 12<sup>th</sup> & 13<sup>th</sup> at a cost of \$447.00 by Ned Finney and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Treasurer's Report**

Ms. Salazar read the month end totals pointing out a small amount of delinquent taxes that have been collected. She then asked if there were any questions about her report. There were not.

**Motion: To pay the Payables by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Zoning**

Mr. Engelhart stated that at last month's Planning Commission, he was instructed to contact Ms. Burge about her interpretation of our ordinance and specifically the word "premises". This was in reference to the off-premise Subway sign proposed at Walmart. It appears that even though Subway does not lie within our Town limits, that sign should be permitted without a special exception. It meets the criteria as far as size and height and it is a connected premise.

Mr. Engelhart stated that he needs to acquire bids for the rest of the clean-up of the Nicolls property.

Mr. Pierson stated that he thought we were going to take the money received from the salvage of the vehicles and use it to cover the cost of the clean-up. Council agreed that Mr. Engelhart should pursue that. Mayor Custis asked Ms. Dize about the grass issues in Town. Ms. Dize stated that she will get a list to Mr. Engelhart by the October 8<sup>th</sup> meeting but that there are only two that she is aware of. She stated that there is a home on the corner of Maryland & Lee Avenue and the Jones property on W. Main Street. There were some questions about the old hotel that has been purchased by Matt Hart. Mr. Engelhart stated that he has been approved for a four person family and nothing else. Mr. Finney asked about the other homes in Onley that have a lot of people living in them. Mr. Engelhart stated that if Council wants to pursue those issues that he can start but it will be hard to prove and it can get messy.

### **Attorney's Report**

Ms. Burge stated that she has been working on a tax collection letter and she has reorganized everyone that owes more than \$20.00. She is planning on doing a mail merge and getting those letters out within the next few days. In reference to the Alarm Engineering contract, she has spoken with their representative and they will be unable to meet our contract negotiations. She asked if Council felt that we are at the end of our negotiations with them at this time. She added that she thought that Council may have decided that there is not really a need for an alarm system after all. Several members were in agreement with that and stated that they feel we may need to re-visit this issue with the new building. Finally, she stated that she has helped Mayor Custis with the police overtime policy change that was approved earlier in the night.

### **Old Business**

The Property at 25571 E. Main Street will be discussed at next week's meeting.

There is no grant coordinator's report.

Mayor Custis stated that the clean-up of the garage and pod is a pressing issue since the Christmas lights need to be checked before they go up next month and we need to come up with a better way to store them. There is also a problem with ants in the storage pod. Mr. Finney asked if we should put a floor in the ceiling joist of the garage. Mayor Custis stated that she feels we should empty the garage of everything except the truck and possibly put up a rack to hang the lights. She asked that Mr. Finney take a look and offer suggestions.

Council agreed there is no need for an alarm system.

Mr. Strautz spoke with Wayne Greer from CALL about the donation of the Public Works equipment. Mr. Greer stated that he is no longer the president of that organization but that they will need to vote to accept the donation of those items. His concern is that will not happen until another president is chosen. Mayor Custis stated that T&W Block may be interested in the street sweeper. Mayor Custis asked that Council consider trading the street sweeper for some stone for the parking area at the office. Mr. Strautz agreed and added that he does not feel the CALL will have a need for the sweeper anyway. Council agreed to ask about the trade with T&W Block.

The newsletters will be ready for delivery on Wednesday with an insert about the Fall Clean-up. Council agreed to have Mr. Shaw continue mosquito spraying for now and leave it to his discretion as to when to stop.

Mayor Custis stated that the Veterans Celebration is November 10<sup>th</sup> and she needs to know who is going to do what. There is a real need for help this year. Mr. Gardner agreed to help. Ms. Dize stated that she can serve. Mr. Strautz will get back to us as to whether or not he can help.

### **New Business**

Niall Finnigan spoke on behalf of SPOTS asking that Council consider moving forward with the donation of \$5,000.00 that was placed in the budget. He updated Council on the work that has been done at the train station as well as the work that still needs to be done. This money will go along way towards that work.

**Motion: To donate \$5,000.00 to SPOTS by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Public Comments**

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

### **Council Comments**

Mr. Chance thanked everyone for coming.

Mr. Strautz thanked everyone from the SPOTS organization for their hard work at the train station.

Mr. Finney thanked everyone from SPOTS as well. He added that he also appreciates the hard work of the other Council members as well as the Town employees. He asked Ms. Salazar if she had looked into ordering chemical signs for the garage. She stated that Mr. Shaw does not think that the signs are a requirement. Mr. Finney would like for her to order them anyway.

Ms. Dize agreed with Mr. Finney and thanked everyone as well. She added that she is thrilled with the audit. Mayor Custis added that Mr. Foley commented that it was the easiest audit that they have done so far. Ms. Dize pointed out that the fiscal responsibility of the Council and employees is remarkable.

Mr. Gardner thanked everyone and added that he would like to thank Mike Higgins as well for his time working on the new building.

Mr. Pierson had no comment.

Mayor Custis stated that Accomack Public Works would like to begin clearing the overgrowth from the ditch by the railroad building, the one behind the homes on Maryland and Virginia Avenue and the one behind RE Michel. She stated that they are waiting on some property owners to sign easements.

She would also like Council to consider doing something for Mr. Higgins since he has not charged us for his work.

### **Closed Session**

**Motion: To go into Closed Session at 8:40pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters specifically pertaining to the re-evaluation for an employee by Dawn Dize and**

**seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Open Session**

**Motion: To return to Open Session at 8:39pm by Don Strautz and seconded Dawn Dize. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; 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; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes.

**Motion: To give Sergeant James Coulbourne the remaining \$500.00 bonus by Fred Gardner and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Adjourn/Recess**

**Motion: To recess at 8:41pm until October 8, 2012 at 6:00pm by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Jack Pierson, Vice-Mayor