

REVISED Onley Town Council Minutes of October 2, 2017

VIRGINIA: At a Joint Public Hearing with Planning Commission for a Special Use Permit & Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 2nd day of October, A.D., 2017:

Council Members Present: Jack Pierson, Mayor
Ned Finney, Vice-Mayor
Ted Bliss
Matt Hart
Susan Rillo
Woody Zember

Council Members Absent: Dawn Dize

Staff Present: Jamye Salazar, Town Manager
John Spivey, Chief of Police
Joel Parks, Clerk
John Pavlik, Zoning Administrator
Rachel Kellam, Town Attorney

Call to Order

Mayor Pierson called the meeting to order at 6:30pm.

Invocation & Pledge of Allegiance

The invocation was given by Susan Rillo and the Pledge of Allegiance was led by Ted Bliss.

Adoption of Agenda

Mayor Pierson asked everyone to excuse Ms. Dize's absence, as she was not feeling well.

Motion: To move item 9A to somewhere in the area of item 5B or 5C by Woody Zember. There was no second to his motion at this time.

At this time, Mayor Pierson asked Mr. Zember for an explanation for the change. Mr. Zember and Ms. Kellam said that this would allow for the matter to be taken care of at the beginning of the meeting. Mr. Bliss expressed concern stating that we do not take votes in public meetings. Mr. Hart suggested it be moved under item 6. At this time, Ms. Salazar reminded Council that they will need to hear the Planning Commission's recommendation before they make their decision. Ms. Kellam said that everything pertaining to the special use permit should be handled at once on the agenda. Ms. Salazar asked if Ms. Kellam meant under item 5. Ms. Kellam said that she did. Mr. Zember said that he stayed with the motion.

Motion: To adopt the agenda with the change by Ned Finney and seconded by Woody Zember.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED.

Town Council and Planning Commission Joint Public Hearing for Special Use Permit

Call to Order the Public Hearing & Establishment of a Quorum

Mayor Pierson called the Public Hearing to order at 6:33 p.m. He stated that the Town Council did have a quorum. Rose Pierson called the Planning Commission's hearing to order and said that they too had a quorum. At this time, Ms. Pierson stated that we are here to discuss the special use permit allowing the erection of two monument signs at the Four Corners Plaza. She then introduced John Custis, attorney for Four Corners Plaza LLC. Ms. Salazar asked Mr. Custis if she could read the Rules of Public Hearings before he continued.

Rules for Public Hearings

The Rules for Public Hearings were read by Ms. Salazar.

Statement of facts on Special Use Permit

Mr. Custis apologized that Mr. Hall, the property owner, could not be in attendance adding that he had to attend to a family matter. He stated that the proposed signs are going to beautify the Four Corners and Route 13 area. He said it is the desire of Four Corners LLC to erect two monument signs at the stop light by McDonalds and PNC Bank and remove the existing signs. They want to make them consistent with the look and feel of Four Corners Plaza. Mr. Custis stated that Mr. Hall would accept a condition on the permit stating that the other signs would need to be removed. He added that there may be an issue with the Dollar General sign since they have a condition in their lease giving them the right to have a sign. Mr. Custis said that they have started discussions with them about this matter and have had no negative feedback at this time. He added that Royal Farms is also not included in this proposal. A copy of the proposal and renderings of the signs will be attached to the minutes. Mr. Bliss asked what guarantees the town has that once a business closes, their sign will be removed. Mr. Custis assured Council that will not be problem. He added that the space on the sign comes at an expense and it would not be fruitful for Four Corners LLC to leave up a sign for a closed business.

Public Comments

Billye D. Custis stated that she agrees with the permit as long as they make a condition that closed businesses' signs are removed within a certain time period and that all of the other signs currently there are removed. She also would like to know that VDOT approves. She expressed concern that she is wasting her voice since it appears that immediately after this discussion, the Planning Commission will make their recommendation and Council will vote. She feels that if there is no deliberation, it looks like it was a done deal before the hearing was held. Ms. Pierson assured Ms. Custis that was not the case and they would still need to have a proper vote.

Ralph Wardius asked if there would be a deadline for removing signs. Mr. Custis suggested the sign be removed within thirty days of lease expiration. Council agreed.

Deborah Bliss asked Mr. Custis to address the VDOT question that Ms. Custis spoke about. Mr. Custis said there is no reason to ask VDOT for approval since the signs are not in their right-of-way.

Mr. Pavlik clarified that once the new signs are erected, the old signs will be removed.

Mr. Custis stated that all notices to adjacent property owners have been submitted and proof of such has been given to John Pavlik. Mr. Pavlik added that all advertising requirements were also met.

Recommendation on Special Use Permit (Four Corners Plaza LLC)

Ms. Pierson asked that the Planning Commission make a motion to either reject or accept the special use permit based on the recommendations made that closed business' signs are removed within thirty days and the current signs will be removed within thirty days of the install of the new signs.

Motion: To accept the proposal including the recommendations granting the Special Use Permit to Four Corners LLC by John Kluis and seconded by Deborah Bliss. Vote: Bliss- yes; Kluis-yes; Rillo-yes; Pierson-yes. MOTION PASSED

At this time, Ms. Pierson stated that the Planning Commission has voted to approve the Special Use Permit request made by Four Corners LLC.

Special Use Permit (Four Corners Plaza LLC)

Motion: To accept the recommendation from the Planning Commission granting the Special Use Permit to Four Corners LLC by Ned Finney and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Adjourn Public Hearing-Both Bodies

Regular Monthly Meeting (cont'd)

Consideration of Minutes

Motion: To accept the minutes of the September 5, 2017 Regular Monthly Meeting by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Spivey said the department qualified with their weapons this month. He held a meeting this month and discussed several matters that need to be addressed such as ticket numbers, the importance of being visible around town and spending less time in the office. He addressed some email complaints that were sent to the Town Manager by Councilman Hart. Mr. Hart has complained that patrols are not being done adequately and business checks have been discontinued. Chief Spivey said that he has examined the daily work logs and patrols are adequate and five business checks are being done per night. Chief Spivey said that his department was just audited by the State of Virginia Highway Safety Grant Program and received a very clean/positive audit. Mr. Hart thanked Chief Spivey for addressing his concerns.

Motion: To accept the November 2017 Police Schedule by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Town Manager's /Public Works/Treasurer's Report

Ms. Salazar gave the treasurer's report noting that the packet went out before the month was over. She said that the audit was supposed to be presented tonight but Mr. Foley was unable to make tonight's meeting. Mr. Finney asked Mr. Zember why we are receiving a bill from Hortco for \$1,081.00 for watering flowers. Mr. Zember said that he has spoken with Hortco and they will discontinue watering until further notice. Mr. Finney said he thought the watering cost was included in the original cost of the pots. Mr. Zember said he is in negotiations with Hortco now. Mr. Finney asked what we have

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heard from VDOT about the flower pots. Ms. Salazar stated that she is waiting to hear from VDOT but we may have to carry a surety bond to keep them where they are. Mayor Pierson asked how we got to this point. She stated that Tyler Marsh from VDOT came in and asked if we had a land use permit to put the pots in their current location and she told him that we did not. He told her that she should contact Dale Pusey about acquiring one. Mr. Marsh told her that he moved the pots, with the help of Mr. Hart, out of the right-of-way. Ms. Salazar stated that she thought Mr. Zember had already gotten permission from VDOT. Several Council Members agreed that they also thought Mr. Zember had taken care of this matter. Deborah Bliss asked Ms. Salazar if the watering costs is going to come from the beautification budget. Ms. Salazar said that it is.

Motion: To Pay the September 2017 Payables including additional payables by Susan Rillo and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Ms. Salazar gave an overview of Public Works tasks this month. The crepe myrtles are complete and litter has been a problem this month but they continue to work on that. We will soon have a man working three days per week once Mr. Simpson is able to hire someone. Council decided to have Mr. Watson discontinue mosquito spraying at the end of October.

Ms. Salazar has received the receipts from the OVFD so she will be applying for the ATL grant at the end of the week. She has ordered the Town of Onley banners and presented samples for everyone to see. She said that she will have the Santa train treat bags prepared when the time comes. There have been several complaints about drainage on Monroe Street. She is looking into what can be done to resolve the problem. In the matter of the crosswalk, she spoke with Chris Isdell from VDOT and Mr. Isdell said that we cannot put in our own crosswalk. Due to that, she did not proceed with getting estimates. Joel Parks is back at work full-time. Ms. Salazar stated that she received a phone call from Phil Snyder at Hall-Richardson to let her know that his company is cancelling the insurance coverage for OVFD. She thanked Mr. Snyder for the update but explained to him that they are a separate entity from the town. She said that a Council Member asked her to write a letter to the YMCA and ask if they (YMCA) would consider offering discounted memberships to Council Members. After speaking with Ms. Kellam, they are both in agreement that would not be appropriate. THE VRS has contacted us and the original rate that we were given for Hazardous Duty was higher than our actual rate so there is a small savings to the town. The sidewalk repair on Pennsylvania & E. Main is complete. Lastly, she met with Morgan Helfrich from GMB. Ms. Salazar apologized stating that she thought that they would meet with the entire Council but Ms. Helfrich said that they do not normally meet with everyone – only a representative.

Attorney's Report

Ms. Kellam has revised the Property Maintenance Ordinance and needs Council's approval from Council of the additional definitions that were added to it. Council will need to advertise the ordinance. She worked with Mr. Pavlik and Ms. Pierson on feather flag and banner definitions. She met with Mr. Pavlik regarding the paper road issue. She will need Council to give her approval to do a title search on the property. Mr. Finney said that he thinks Ms. Burge did one already. Billye D. Custis agreed that the title search has been done. She added that the property was given to the town but the town never accepted it. Ms. Salazar asked if she knew the time frame for the search. Ms. Custis said the search was done sometime before she was elected Mayor but the property was left to the Town in the 1920's. Ms. Kellam will check with Ms. Burge before she proceeds with a title search. She stated that the BZA may not be in compliance with Virginia State Code. We must have five people serving and we only have four and that includes John Willis Kellam who will be stepping down. The letter has been sent to the Department of Justice regarding the polling place change. In regards to Facebook, we need to be careful what we post because once something is posted there, we cannot take it down. Ms. Salazar said that everything on

the page is covered under FOIA. She added that she has comments disabled and uses the page for information purposes only.

Zoning Administrator's Report

John Pavlik gave the Zoning Administrator's report. A copy will be attached to the minutes.

Planning Commission Report

Rose Pierson requested that Council set a public notice for the amended Comprehensive Plan and Proposed Changes to the Zoning ordinance pertaining to feather flags and real estate signs. Mr. Pavlik said that the Planning Commission will need to have a Public Hearing as well.

Motion: To send the Draft Comprehensive Plan and the Proposed Changes to the Zoning Ordinance to Public Hearing by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart=yes; Rillo=yes; Dize-absent; Bliss=yes; Zember=yes; Finney=yes. MOTION PASSED

The hearing will be held November 6, 2018.

Old Business

Ms. Salazar said that there was a kick-off meeting with Morgan Helfrich's team from GMB that was attended by Mayor Pierson, Mr. Finney, Mr. Pavlik and herself. Jimmy Bundick and Grant Cooley were also in attendance. Ms. Salazar read the report from that meeting into the minutes. A copy will be attached. Ms. Salazar stated that we need to put the well and septic design out for bid. Mr. Pavlik expressed concern about the setback requirements. There was some discussion on both matters. Ms. Salazar stated that the report is for information purposes only, now is the time to make changes if Council wishes. Mr. Hart asked Ms. Salazar how high slab on grade is. Ms. Salazar will get an answer from GMB. Deborah Bliss suggested that the meetings with GMB be recorded. Mr. Zember agreed adding that there are five Council Members who do not know what is going on. Mayor Pierson disagreed saying that you (Council) all know everything that we know since you were given a complete summary in writing the day of the meeting.

Council set the date of the fall clean-up for November 5th-November 11th with pick-up to begin November 12th.

Ms. Salazar asked that if anyone has information for the newsletter, they get it to her this week.

Council agreed to have a public hearing about the Property Maintenance Ordinance at the November meeting.

Mr. Hart thanked Ms. Salazar for her work on the crosswalk proposal. He said that he finds it disturbing that VDOT is not willing to move forward with the project considering the age of people in town and the fact that the busy post office sits on that corner. He said that he would like the town to send a letter to Senator Lewis and Delegate Bloxom and ask if they would look into the matter with VDOT. Mr. Zember agreed that we should pursue it adding that we should even consider covering the cost. Mr. Bliss said that VDOT is not saying it will never happen but that they do not have the funding at this time. He further added that he understands that they don't want someone else coming in and touching their equipment. Mr. Hart said that is why we have our elected officials. He said that if someone gets hit in that spot, he will feel partially responsible. Mr. Bliss expressed concern that it may seem like we are using the horsepower of Council for personal gain. Several members of Council expressed concern that we will make enemies at VDOT.

Motion: To send a letter to Senator Lewis and Delegate Bloxom requesting that VDOT erect a crosswalk at the intersection of Coastal Blvd. and Main Street by Matt Hart and seconded by Susan Rillo. Roll Call Vote: Hart=yes; Rillo=yes; Dize-absent; Bliss=no; Zember=yes; Finney=no. MOTION PASSED
Ms. Salazar will compose the letter. Mr. Hart requested a draft be sent to each Council Member.

New Business

The Special Use Permit (Four Corners LLC) was discussed earlier in the night.

Public Comments

Billye D Custis said that Eddie Gardner made the motion that police officers cars be turned off when not in use. She agreed with Mr. Finney that she thought the cost of watering flowers was included in the purchase price. She does feel like the flower pots are a liability if someone should hit one. She addressed the problem with flooding on Monroe Street when she was the Mayor and was told that you can't make water run up hill. She said that the \$600.00 that was given to SPOTS should be charged there and not to Veterans Day even though that's where the money was pulled from. She said that the more you rattle VDOT's chain, the less that you will get them to do. She has witnessed the Board of Supervisor's plead to have road work done and every time they do, it gets moved back again.

Ralph Wardius asked Mr. Pavlik if it is possible to get a variance and not change our entire zoning ordinance. Mr. Pavlik explained that we are not changing the entire zoning, we are amending a small district.

Mary Wardius asked about the burn ordinance. Chief Spivey stated that we do have a burn ordinance and explained it to her. Ms. Salazar stated that the burn ordinance is on the town's website. Ms. Wardius asked if the town has considered having a town yard sale. Ms. Salazar said that we have tried something like that in the past and it was not successful. Ms. Wardius said the flowers are beautiful. She thanked the town for spraying for mosquitoes and the pool discount that was offered. She asked about Santa train. Chief Spivey responded that Santa will arrive – just not by train. She asked for an update on the OVFD. Mayor Pierson responded that it has been dissolved by the county and we do not have anything to do with wrapping up business over there.

Fred Gardner said that he would like for mosquito spraying to be done in the morning since a lot of people walk in the evening. He asked that Council look into the possibility of solar panels in the new building.

Jamye Salazar read a statement at the request of Royal Governor, who could not attend tonight's meeting. A copy will be attached.

Council Comments

Mr. Finney thanked everyone for coming to the meeting. He said that while he is happy that the residents speak up and participate, he reminded everyone that they should wait to speak during Public Comment unless they are asked something during the meeting.

Mr. Bliss thanked everyone for coming to the meeting. He thanked the employees for all that they do.

Ms. Rillo thanked her fellow Council adding that she hopes Ms. Dize gets well soon. She thanked the town employees and the residents for coming to the meeting.

Mr. Zember thanked everyone for coming to the meeting.

Mr. Hart thanked everyone for coming to the meeting. He said that he like the solar panel idea and would also like to have a metal roof on the building. He said that he does not support the building being places on a concrete slab for purposes of flooding. He added that it's not a matter of if it will flood, but when. He thinks that the new signage at Four Corners is a good idea. He feels that there are improvements that need to be made but he town is moving in the right direction. He said he would like to see the drama stop, adding that people are talking behind other's backs but he believes that is human nature.

Adjourn

Motion: To adjourn at 8:36pm by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-absent; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

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Respectfully submitted by,

Jamye Salazar
Town Manager

Henry E. Finney
Vice-Mayor