

Onley Town Council Minutes of October 7, 2013

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 7th day of October, A.D., 2013:

Members Present: Jack Pierson, Mayor
Billy Chance
Dawn Dize
Ned Finney, Vice-Mayor
Fred Gardner
Susan Rillo
Don Strautz

Staff Present: Walter Marks, OPD Chief of Police
Jamye Salazar, Treasurer
Cela Burge, Town Attorney

Call to Order

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

Adoption of Agenda

Mr. Finney asked to add Holiday Decorations under New Business. Mr. Strautz stated that he feels the clean-up of the Nicolls property should be under Old Business not New Business.

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

Consideration of Minutes

Motion: To approve the minutes of the September 4, 2013 Regular Monthly Council Meeting by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks stated that the November schedule is likely to change with the addition of a fifth officer. He added that most of the time when there is no day coverage – he is usually listening to the radio and will come out if needed. Ms. Dize asked if that is the case on Thanksgiving and the following day. Chief Marks stated that he may work those days just to make sure they are covered. Mr. Strautz asked when the officers are doing foot patrols. Chief Marks stated that he does one most every day. Mr. Finney suggested leaving a notice in the door when a check is done.

Motion: To approve the November 2013 Police Schedule by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Chief Marks stated that he has looked at our options for purchasing a new vehicle in light of the black Charger being wrecked. He stated that each Council member should have specs in their blue folder for a 2013 Chevy Impala that he thinks is the best option for the Town. He added that they did salvage the radios and lights to be used on the next car. Mr. Strautz asked if there is anything that can be sold on Govdeals.com. Chief Marks stated that he would prefer to save these items to use on the silver Charger if necessary. Chief Marks stated that he would like to make the new car a marked unit. Ms. Dize stated

that this is the first that she has heard about the black Charger being damaged. She asked about the insurance coverage. Ms. Salazar stated that the insurance company is giving us \$15,600.00 less the \$250.00 deductible for the car.

Motion: To purchase the 2013 Chevrolet Impala marked with the graphics as presented by Chief Marks by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Chief Marks asked that Council consider the possibility of offering Law Enforcement Officers Retirement which is a supplement to the current VRS program to our officers. After several questions about this program from Council members, Chief Marks asked that Ms. Salazar explain what she knew about the program. Ms. Salazar stated that when she spoke with our VRS representative some time ago, he told her that there was currently a moratorium on this program and a lot of changes were being made. He did tell her that the first step to acquiring such a program for our employees was to have VRS perform an actuarial study. Council asked that Chief Marks or Ms. Salazar gather some more information about this topic for next month's meeting.

Treasurer's Report

Ms. Salazar asked that Council consider the Additional Payables when approving the monthly payables. She gave an overview of the budget stating that the first quarter of our budget year is now over and that we should be at or about 25% of our revenue and expenditures.

Mr. Finney asked where we are with the new Town signs. Ms. Salazar stated that the deposit check was sent out but Gary has stated that they are very busy and they will get down here as soon as they can. Since no one was able to come up with a message for the back of the sign, it was decided that there would be no message. Everyone wasn't necessarily in agreement with this decision. There was some discussion about a message for the back of the sign. Ms. Salazar stated that if Council does want a message for the back, she needs to contact Phillips Signs as soon as possible. Mr. Finney stated that if Council wants to add a message later on – he will take care of it.

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

Zoning

There was no zoning administrator's report. Mr. Strautz stated that he has spoken with Ms. Siglin from the Planning Commission and she is wondering what will happen if a zoning issue arises and there is no zoning administrator. Ms. Burge stated that she will speak further about that matter later on the agenda but that it is important to remember that the function of the Planning Commission is only to make recommendations to Council – they aren't really involved with day to day zoning matters. Mr. Finney stated that they have interviewed two people for the position and that will be discussed later tonight. Mr. Gardner stated that he would have liked for everyone to have copies of their employment applications. Ms. Salazar stated that everyone did not receive copies since the applications contain personal information.

Attorney's Report

Ms. Burge stated that she has reviewed the zoning ordinance and answered some questions in reference to that this month. She will speak about the VLDP coverage when it is reached on the agenda as well as the SPOTS Pump & Haul Agreement. She concluded by giving a briefing on the prayer question that was brought up at last month's meeting. She began by stating that there is a case pending in New York that may change all that she tells us tonight but for now she will tell us what she does know. There are three items to consider: (1) It doesn't matter how the person giving the prayer is selected even if some groups are excluded as long as the selection process doesn't stem from an impermissible motive

(2) if the administrative body has a long practice of selecting ministers to give the invocation, that would suggest that it's a constitutional practice (3) another county suggested inviting different denominations to give the invocation, not to invoke Jesus' name or have the invocation before calling the meeting to order. She stated that this is only a report on the research not a policy recommendation. She stated that a member of Council invoking Christ's name in prayer is a violation of the Fourth Amendment. She stated that she will be happy to work on a policy if the Council wishes. Ms. Dize stated that this is a sticky issue but she feels that as long as we say the prayers that we have been saying without using the name of Jesus Christ, we should be okay. She added that if anyone is offended by people giving thanks for what they have, then that person can leave during that invocation. Mr. Finney agreed that prayer should continue. Council agreed to have the Invocation and the Pledge of the Allegiance before the meeting is called to order.

Mr. Finney asked that Ms. Salazar check on the price of a PA system since some people were having trouble hearing.

Old Business

Mr. Finney stated that the RFP for Contractor is ready to go to the newspaper.

Motion: To send the RFP to the newspaper by Ned Finney and seconded by Susan Rillo. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Ms. Salazar will take care of getting it to The Virginian Pilot, The Daily Times and The Eastern Shore Post. Ms. Salazar read the Grant Coordinator's Report. A copy will be attached to the minutes. She added that the Department of Fire Programs ATL grant was received this week for last year and this year in the amount of \$17,000.00 and a check has been issued to the Onley Fire Department. Mr. Strautz asked if unused grant hours are lost. Ms. Salazar stated that they are lost but that the officers very rarely allow that to happen. They understand that not using grant hours results in the loss of revenue to the Town as well as the loss of possible hours given to us in the next year. Mr. Strautz asked if the Kindles were purchased for training purposes. Ms. Salazar stated that she is not sure and that may be a better question for Chief Marks or Ms. Finney.

Mr. Strautz asked if Mr. Hurst has expressed interest in serving on the Planning Commission. Mayor Pierson stated that he is but that he is not required to come to the monthly meeting - only the Planning Commission meetings.

Motion: To appoint Andy Hurst to the Planning Commission by Ned Finney and Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

There was no discussion about the Welcome to Onley signs.

Council agreed to acquire three new bids for the clean-up of the Nicolls property since the original person has since decided not to take the job.

New Business

Motion: To adopt the Resolution to Irrevocably Elect Not to Participate in Virginia Local Disability Program with VRS and to use VML to acquire coverage by Don Strautz and seconded by Ned Finney.

Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Ms. Burge read the entire Resolution into the minutes. A copy will be attached.

Ms. Salazar asked that everyone help to generate more interest in the parade. At this time, there have only been three responses. She added that we are still looking for an announcer. Mr. Strautz agreed to announce if we can find a PA system.

Ms. Dize stated that she feels that Planning Commission pay should be increased from \$20.00 per meeting to \$50.00 or \$75.00 per meeting. She thinks that this will garner more interest from citizens in serving. Billye D. Custis reminded Council that the average Planning Commission meeting is only about an hour.

Motion: To increase the Planning Commission pay from \$20.00 per meeting to \$50.00 per meeting by Dawn Dize and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-abstain. MOTION PASSED

Council was presented with a Pump & Haul Agreement from SPOTS for consideration. SPOTS asked that Council waive the \$5,000.00 escrow requirement. Ms. Burge stated that this is not possible since the requirement is a part of the Town's ordinance. She suggested that they look into acquiring a bond for this amount. Council will re-visit this issue at next month's meeting.

Ms. Salazar expressed concern that some of the holiday decorations that need to go up next month may not be in working order. She stated that the problem is the electricity at the pole – not the decorations. Mr. Finney suggested that Adam Simpson take an electrician with him as he puts each decoration up and if there is a problem it can be fixed immediately. The Town will ask Mr. Simpson to pay the contractor and we will reimburse him with his monthly bill. Ms. Salazar will contact Mr. Simpson about this.

Motion: To hire an electrician to repair the electricity at the utility poles as needed by Ned Finney and seconded by Susan Rillo. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Public Comments

Billye D. Custis stated that she thinks that anyone that takes the time to come to the meeting should be allowed to speak during Public Comment. She does not feel that you should have to sign up to speak. She added that sometimes things come up during the meeting that you wish to speak about. She doesn't feel that the town grass looks very good and the crab smell has been bad several times this month. She feels that Chief Marks does a good job but the questions that came up about the grant should not have been necessary since all grant purchases should have been previously approved. Chief Marks stated that they were. She feels that \$50.00 for the Planning Commission meetings is too much. She advised that someone should have a look at the MOU with SPOTS. She concluded by stating that Simpson's hourly rate was the highest proposed and that the electrical work could be rather high. Ms. Salazar stated that we will not be paying him for the work but the electrician. Ms. Custis reminded Council to be mindful of the budget when giving raises and spending money.

John Dennis complained that the ditch on Pennsylvania has not been cut the whole year. Mr. Finney stated that the ditch has been sprayed.

Council Comments

Ms. Rillo stated that she understands what Ms. Custis is saying about the budget but she feels that the time spent on the Planning Commission is well worth the \$50.00 per meeting. She feels that Council made a good decision.

Mr. Gardner had no comment.

Ms. Dize thanked everyone for coming and added that she thinks the Town needs to progress with the times and the pay raise was an extension of that.

Mr. Finney agreed that the pay raise is the right thing. He thanked everyone for all their hard work.

He added that he feels the sign up sheet should be adhered to strictly or done away with completely.

Mr. Strautz stated that he wished life was a little more pleasant for some people in town. He thanked everyone for their hard work and stated that the Town does need to spend a little money to keep things going.

Mr. Chance thanked everyone for coming.

Closed Session

Motion: To go into Closed Session at 8:43pm 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 regarding zoning administrator interviews and personnel matters related to officer's performance in the Police Department by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 9:21pm by Ned Finney and seconded by Dawn Dize.

Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

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: Pierson-yes; Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes.

Motion: To offer the position of part-time zoning administrator to Cynthia McKeever by Ned Finney and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Adjourn/Recess

Motion: To adjourn at 9:22pm by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes MOTION PASSED

Jamye Salazar, Treasurer

Jack Pierson, Mayor