

Onley Town Council Minutes of November 5, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 5th day of November, A.D., 2012:

Members Present: Jack Pierson, Vice-Mayor
Billy Chance
Dawn Dize
Ned Finney
Fred Gardner
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 Vice-Mayor Pierson at 6:30pm. The invocation was given by Dawn Dize. The Pledge of Allegiance to the Flag was led by Don Strautz.

Adoption of Agenda

Motion: To adopt the agenda by Ned Finney and seconded by Fred Gardner. There was no discussion. Vice-Mayor Pierson declared the motion passed.

Resignation of Mayor Billye D. Custis

Vice-Mayor Pierson read a letter from Mayor Billye D. Custis dated October 30, 2012, stating her intent to resign from her position as Mayor of the Town of Onley effective immediately.

Motion: To accept the resignation of Mayor Billye D. Custis by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-no; Pierson-yes; Strautz-yes. MOTION PASSED
Ms. Burge asked to speak at this time. She stated that it is an honor to work for the Town of Onley and she wants to assure everyone that she is here to help through this challenging time. She ended by saying that it has been an honor to work with Billye D. Custis and found her to be someone really dedicated to her Town and her position as Mayor.

She stated that there is a procedure in the Code of Virginia for filling vacancies. First, she explained that although Mr. Pierson is presiding over the meeting tonight, he is still sitting as a Council member. She then added that the Council will appoint a Mayor within 45 days and in the interim period, Mr. Pierson will continue to serve as Vice-Mayor. This appointment may be from a person on Council or a person in the community at large. She will prepare a petition to the Circuit Court to ask for a special election. She added that the Board of Elections may be very busy at this time so she is unsure as to how long it will take to have the special election. She suggested that Council continue on with the agenda tonight as they normally would and at some point to set a time for a recessed meeting or special called meeting to have deliberations for an appointee for Mayor.

Consideration of Minutes

Motion: To approve the minutes of the October 1, 2012 Regular Monthly Council Meeting 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

Motion: To approve the minutes of the October 8, 2012 Recessed Council Meeting by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To approve the minutes of the October 22, 2012 Recessed Council Meeting by Fred Gardner and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Ms. Dize stated that before the meeting she asked Chief Marks if he was sure that he wanted to work the 24th and 25th of December and he stated that it is not a problem. Chief Marks explained that he did the same thing last year. He stated that his children are older so he would like for his officers to be home with their families for the holiday.

Motion: To approve the December 2012 police schedule by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar presented Council with a sheet of additional payables that she would like for them to consider when making the motion to pay bills. Mr. Finney asked Chief Marks if they have received their vests. Chief Marks explained that they have not been delivered yet but there was a problem with his that had to be corrected. Mr. Strautz asked Ms. Salazar if the taco wagon on Onley Road has a business license. She stated that they do and they also pay meals tax.

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

Zoning

Mr. Engelhart stated that the County Supervisors have approved the conditional use permit for the new hospital. He stated that the Town still had some traffic issues and there was some question as to whether the VDOT review was accepted but it is part of the package that was approved. He stated that at the last Planning Commission meeting, there was a presentation about the Route 13 Highway Overlay District. He feels that if the Town had known about that when it was first put out, the Town could have put in some restrictions but we no longer have that opportunity.

He concluded by telling Council that there are plans for Dollar General to move from their current location to the old CVS store at Four Corners.

Ms. Dize stated that she received a call from H.B. Rew in reference to the flooding on Madison Street which runs behind his house. She feels that the ditch behind John Kellam's property is very shallow. She added that she has also had extensive flooding over near her house as well which caused plumbing issues. She asked if there were any plans to work on the ditches in Town. Mr. Engelhart stated that he could look into it. Mr. Strautz asked if there wasn't some money earmarked for ditch clean-up. Ms. Salazar stated that the Town has \$7,000.00 allocated in the budget for that purpose. Billye D. Custis stated that she and Lance Eller took a look about four years ago at the ditch on Madison and Mr. Eller stated that there is nothing that can be done due to the slope in the road. She took another look about two months ago with a county employee and they will look into it to see if there might be something that can be done. She added that the ditch behind Ms. Dize's house is set to be worked on in the coming weeks – the county is waiting for one easement to be returned before they can begin. Mr. Engelhart concluded by thanking Ms. Custis for her time and service.

Attorney's Report

Ms. Burge stated that she has spent some time this month working with Ms. Salazar on the collection of delinquent taxes. She has also reviewed the Shoreline Surveyors contract and made the recommendation to sign and return it. Lastly, she has spent the last few days working on the appropriate measures to take to help the Town with filling the vacant mayor's seat.

Old Business

Mr. Pierson asked to have a workshop meeting to review the existing proposals about the new building and make a decision as to which direction to take. Ms. Burge explained that in order to reconsider a decision already made by the Council there is a procedure to do so. Mr. Pierson explained that he did not necessarily want to reconsider but perhaps to review. Mr. Pierson stated that he would like to get Council's opinion before any more decisions are made. Mr. Gardner stated that he is open to reviewing the current building plan since there are a lot of questions concerning it as well as the matter of how to pay for it. Ms. Dize agreed adding that she realizes the other plan has been accepted but she feels there was not enough time to review both plans and she would like to spend more time on this matter due to the amount of money that will be spent. Ms. Burge explained that the procedure for reconsidering that design is that a person on the prevailing side of the original motion will have to bring a motion to reconsider to the table. Mr. Gardner asked if he can vote on this matter since he was not on Council at that time. Ms. Burge felt that it would be appropriate for him to abstain.

Motion: To reconsider the current plan for the new Town Office at a recessed meeting by Jack Pierson and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-abstain; Pierson-yes; Strautz-yes. MOTION PASSED

There was no grant coordinator's report.

Mr. Finney stated that the garage needs to be cleaned up worse than the shed and pod. Mr. Pierson asked about the possibility of hiring a couple of guys for a day or two to clean it up. Mr. Finney said that he can go in with someone and straighten up the disarray-he doesn't think that it's very bad. His main concern is the boxes of files in the pod. Ms. Salazar stated that she recently attended a Library of Virginia workshop on the proper way to dispose of the paperwork in the pod but she does not feel that she will be able to get into any of that at least until tax season is over. She also reminded Council that we will need a better way to store the holiday decorations when they come down in January. Mr. Finney stated that we will need to come up with a rack in the garage. He asked if there is any room in attic at the Town Office suggesting that some of the paperwork from the garage be moved there and Ms. Salazar can work on it as time allows. Mr. Finney also asked about the police equipment stating that he feels they may not need a lot of what is in there. Ms. Salazar agreed adding that she knows that the car cages are not for the cars that we currently have. Mr. Finney will have some of his guys work on that. Mr. Strautz asked about the items donated to the CALL. Ms. Salazar stated that she has not heard from them. She added that T&W Block did pick up the street sweeper and bring stone for the parking lot. Mr. Pierson stated that the Veterans Day celebration is on Saturday and is well under way. Ms. Salazar agreed and asked that anyone that has the time on Saturday come out and help wherever they can.

New Business

Ms. Salazar asked Council to consider writing off any 2012 tax bills under \$2.00 that cannot be included with any other tax bills.

Motion: To write off any tax bills under \$2.00 that cannot be included with other taxes by Ned Finney and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Finney had several of his employee's check the holiday lights today and they are all in working order. Ms. Salazar said the plan is to have them up and lit on Thanksgiving night.

Public Comments

Ms. Burge read the Rules of Public Participation. No one signed up to speak so she asked if anyone wished to.

Margaret Grinnalds asked to make Council aware that during the hurricane last week, Sergeant Coulbourne stopped by to check on her family and she was very appreciative of that. She feels that we have the best Police Department on the Shore.

Billye D. Custis read a letter. A copy will be attached.

Laura Belle Gordy asked that Council come up with a better sound system. She stated that she has been unable to hear most of what took place tonight.

Council Comments

Mr. Chance thanked everyone for coming.

Mr. Finney thanked Ms. Custis for her past service. He feels that she has always gone above and beyond. He stated that he also feels that the current Council has also done a good job.

Mr. Strautz thanked Ms. Custis for her work and her fiscal responsibility. He thanked everyone for coming to the meeting.

Mr. Pierson also thanked Ms. Custis and stated he wished that she had made her need for help a little clearer. He stated that he wished the attendance at the meetings was always like it's been tonight.

Ms. Dize read a letter of appreciation for Ms. Custis.

Mr. Gardner stated that he too has enjoyed serving under Ms. Custis and is sad to see her leave. He thanked everyone for coming to the meeting.

Adjourn/Recess

Motion: To recess at 7:35pm until November 14, 2012 at 6:30pm by Don Strautz and seconded by Fred Gardner. Vote: Chance=yes; Dize=yes; Finney=yes; Gardner=yes; Pierson=yes; Strautz=yes. MOTION PASSED

Jamye Salazar, Treasurer

Jack Pierson, Mayor