

Onley Town Council Minutes of November 6, 2017

VIRGINIA: At a Joint Public Hearing with Planning Commission & Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 6th day of November, A.D., 2017:

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

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

Planning Commission Present: Rose Pierson, Chairman
Deborah Bliss
Susan Rillo

Call to Order

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

Invocation & Pledge of Allegiance

The invocation was given by Ned Finney and the Pledge of Allegiance was led by Ted Bliss.

Adoption of Agenda

Motion: To add item (C). RFP for Network under Old Business by Ted Bliss and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED
Motion: To add rescind motion on Four Corners Sign due to conflict of interest and the vote being taken at the wrong time by Matt Hart and seconded by Woody Zember. Roll Call Vote: Hart-yes; Rillo-no; Dize-no; Bliss-no; Zember-yes Finney-no. MOTION FAILED
Motion: To adopt the agenda with the addition by Susan Rillo and seconded by Ned Finney. Roll Call Vote: Hart-no; Rillo-yes; Dize-yes; Bliss-yes; Zember-no Finney-yes. MOTION PASSED

Town Council & Planning Commission Joint Public Hearing

Call to Order the Hearing and Establishment of a Quorum

Mayor Pierson called the Public Hearing to order at 6:35pm.

Rules for Public Hearings

Ms. Salazar read the Rules for Public Hearings.

Presentation

Rose Pierson presented (1) Amendments to the Zoning Ordinance concerning pennants, feather flags and commercial real estate "For Sale" signs, (2) 2017 Proposed Draft Comprehensive Plan, (3) Proposed Ordinance 004-17 Property Maintenance Ordinance. A copy of each will be attached to the minutes.

Public Comments

No one signed up to speak.

Ms. Pierson asked the Planning Commission to make a motion to accept the revisions and submit them to the Mayor & Council. **Ms. Bliss made the motion (so moved). Ms. Rillo seconded. The motion passed 3-0.**

Ms. Kellam stated for the record that the Property Maintenance Ordinance is not voted on by the Planning Commission. They are only concerned with the Proposed Comprehensive Plan and the Proposed Zoning Amendments.

Adjourn Public Hearing – Both Bodies

Motion: To adjourn the Public Hearing of the Onley Town Council and the Planning Commission by Susan Rillo and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Regular Meeting (cont'd)

Council Discussion/Decision

Motion: To accept the Amendments to the Zoning Ordinances concerning pennants, feather flags and commercial real estate "For Sale" signs by Ted Bliss and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

At this time, Ms. Dize asked to poll the Council and ask how many members have actually read the Comprehensive Plan. She added that she has not been well and was not able to read it. Mayor Pierson agreed. Ms. Rillo stated that she read it while most said that they scanned it but did not read it verbatim.

Motion: To accept the 2017 Proposed Comprehensive Plan by Ted Bliss and seconded by Matt Hart.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-no; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Motion: To accept Proposed Ordinance 004-17 Property Maintenance Ordinance by Ted Bliss and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Consideration of Minutes

At this time, Ms. Salazar stated that she has been made aware of numerous mistakes in the October 2, 2017 minutes and she will make sure that Ms. Parks makes the corrections.

Motion: To accept the minutes of the October 2, 2017 Town Council & Planning Commission Joint Public Hearing & Regular Monthly Meeting with corrections by Ted Bliss and seconded by Susan Rillo.

Roll Call Vote: Hart-no; Rillo-yes; Dize-no; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Police Report & Schedule

Chief Spivey said that Halloween was a success in town and everything went smoothly.

On another matter, he stated that the officer's vests are about to expire and we need to purchase new ones. He does not have the actual quote but asked that Council approve the purchase of up to \$2,700.00 for five vests. He apologized for not having the quote adding that this is something that snuck up on him and he does not feel we can wait until December. Mr. Bliss asked that in the future, Chief Spivey make things like this an agenda item for discussion. Chief Spivey apologized again and reiterated his reason for being unable to do that at this time. Mr. Hart and Mr. Finney asked how long the vests last. Chief Spivey said five years.

Motion: To purchase new body armor in the amount of \$2,700.00 by Ted Bliss and seconded by Woody Zember. Roll Call Vote: Hart=yes; Rillo=yes; Dize=yes; Bliss=yes; Zember=yes Finney=yes. MOTION PASSED

Mr. Zember thanked the Police Department for a wonderful job on Halloween. He expressed concern about speeding on Coastal Blvd.

Motion: To accept the December 2017 Police Schedule by Susan Rillo and seconded by Ted Bliss. Roll Call Vote: Hart=no; Rillo=yes; Dize=yes; Bliss=yes; Zember=yes; Finney=yes. MOTION PASSED

Treasurer's Report

Ms. Salazar gave her Treasurer's Report. Mr. Zember had numerous questions about the Flags/Banners, Beautification and Veterans Day line items in the budget.

Motion: To transfer the remaining balance in the Veterans Day line item be transferred to the Beautification line item by Woody Zember and seconded by Matt Hart. Roll Call Vote: Hart=yes; Rillo=yes; Dize=no; Bliss=no; Zember=yes Finney=no. The vote resulted in a tie so at this time Mayor Pierson stated that his vote is no. MOTION FAILED

Mr. Zember asked if the town puts up a large Christmas tree. Mayor Pierson stated that we do not since we do not own the property that contained the tree that has since been cut down. Mr. Zember would like to purchase a 10' tree to decorate and put up either at the town office or on another piece of property owned by John Willis Kellam if he will allow it. Jan Siglin offered the SPOTS property for the tree. Mayor Pierson asked Mr. Zember if he is able to put up and decorate the tree. He said that he is not. Mr. Bliss asked if SPOTS has the manpower to get the tree up if the town buys it. Ms. Siglin said they do not. Mr. Zember began to make a motion and Mr. Finney stopped him and said that before we make a motion to buy the tree, we need to work out all of the details. He further added that he does not want another situation like we had with VDOT and the flower pots. Mr. Bliss said that he would like a letter from SPOTS giving the town authorization to put a tree on their property. Ms. Siglin said she can supply that. Ms. Bliss said she is concerned about cost. Mr. Zember again tried to make a motion and was stopped by Mayor Pierson. Mayor Pierson asked Mr. Zember to work out the details first. Ms. Bliss stated that she is concerned about the separation of church and state. Mayor Pierson polled the Planning Commission and the Town Council and the general consensus was in favor of a tree. Ms. Rillo said that she thinks we need to plant a small tree somewhere and let it grow. Mr. Finney said that there is still the matter of maintaining it. Mr. Zember said he would investigate the cost of a tree and bring the information to the December meeting.

Mr. Hart asked Ms. Salazar if the edging around town will be done. She said that it is and she will speak to that under her Public Works report.

Motion: To Pay the October 2017 Payables and additional payables by Susan Rillo and seconded by Dawn Dize. Roll Call Vote: Hart=yes; Rillo=yes; Dize=yes; Bliss=yes; Zember=no; Finney=yes. MOTION PASSED

Public Works & Town Manager's Report

Ms. Salazar said that we now have a man working the additional two days per week. He is doing a lot of street cleaning on Coastal, East and West Main Street. She stated that Mr. Finney loaned him a dump trailer and that has made his job somewhat easier. He continues with daily checks of the storm drains. In the matter of the edging, as soon as the street cleaning is finished, he will begin the edging. She reminded everyone that the flags will go up in a few days and as soon as they come down, the holiday decorations go up. The new Town of Onley banners are here and they look wonderful. She said that they should be up sometime in March, once the inclement weather is over.

In the matter of the new town office, Ms. Kellam has recommended that an RFB be issued for the design and build of the well and septic system. That has been done and sealed bids should be back and opened at the December meeting. She said that Mr. Hart has some concerns about the height of the slab. Ms. Salazar has spoken with GMB and they have said that the building will be slab on grade and they usually go down about a 20" minimum to the bottom of the footing but they will need to do a soil data test to verify the capacity. She added that some surveying has already been done at the property. Bruce Herbert from Accomack County has said that he is willing to waive the eater fountain requirement if we can provide them with proof that we use a bottled water company and we do so we can. In the matter of solar panels, GMB recommends that we add them to the existing building since there are a lot of grants to cover the cost to existing buildings. The matter of the 50' setback has been resolved. She said that each Council Member should have received a project schedule. Royal Governor from the former OVFD has provided her with proper receipts for the grant fund expenditures and she has submitted for the current year's grant. She added that the Department of Fire Programs has received everything at this time and she hopes to have the funds in December. She is working on some issues with the BZA and believes she has two candidates who are willing to serve. She will have that information for next month's meeting. In the matter of the letter that was sent to Senator Lynwood Lewis and Delegate Robert Bloxom, both have responded that they have contacted Chris Isdell from VDOT and they are in agreement with him that there is not a need for a crosswalk at this time. They cited reasons such as cost, no prior accidents at this location and the possibility of congestion in that area. We did receive a response from VDOT to the speed study request performed on Coastal Blvd. near St. Peter's Church. VDOT has determined that there is no need for a speed reduction but they did find a resolution from 1969 that decreases the speed for trucks to 45mph. Proper signage will be installed by VDOT. Ms. Salazar has completed the 2020 US Census Bureau packet and that has been returned to them. There was a large gravel spill on W. Main Street. Ms. Salazar thanked Chief Spivey, adding that he was instrumental in getting it cleaned up and the matter resolved. She noted that the gravel spills are quite frequent and it was in an area that had just been cleaned by our Public Works man. T&W Block, VDOT and Simpson all helped with the clean-up. She said that she has had requests from several residents for U.S. flags in front of their houses on East and West Main, so she has ordered some new flags and hardware at a cost of \$265.00 and Simpson will get them installed. She said that Councilman Hart called her and asked how the town would like to handle the matter of the electric that they installed years ago on his property for the purpose of a Christmas tree. Ms. Salazar said that she asked Bennie Tatum to handle it and he unplugged it, unwrapped it, dropped it down and cut it off. Tax payments have already started to come in. Ms. Salazar said that the flag pole at the office is broken and a new one will cost about \$900.00. Lastly, VDOT has requested drawings and a diagram of the intersection where the flower pots are placed for the purpose of the land use permit. She said that she is unsure where to acquire such drawings and asked for Council's guidance. Mr. Finney suggested that we move them to the current town office and keep them for the new town office. Mr. Bliss agreed. Mr. Zember wanted to move them to private property. Mr. Hart said that he feels that it's in distaste to move the pots. He added that his patrons appreciate them. Ms. Rillo said she is in favor of moving them. Mr. Bliss and Ms. Dize agreed to move them. A poll of Council will have them moved to the Town Office. Ms. Salazar will take care of it.

Motion: To move the four potted plants to the Town Office by Ned Finney and seconded by Ted Bliss.

Roll Call Vote: Hart-no; Rillo-yes; Dize-yes; Bliss-yes; Zember-no Finney-yes. MOTION PASSED

In the matter of the intersection and crosswalk, Mr. Hart stated that there was an accident there on Memorial Day weekend and Officer Turner responded. Chief Spivey explained that the accident data is compiled annually so that information has probably not been made available to VDOT at this time. It will most likely show up in next year's numbers. Mr. Hart asked Chief Spivey if it's going to take a serious accident to make a crosswalk happen. Chief Spivey said that he can't speak on VDOT's behalf. Mayor Pierson said that they have the same issue over near his church. Mr. Hart asked Mayor Pierson to refrain from cutting him off when he speaks. Mr. Zember asked to move on adding that this behavior is no way to run a meeting. Ms. Salazar thanked Mr. Pavlik for his donation of a gun safe cabinet to the police department. Lastly, she asked for a decision about the purchase of the flag pole. Council decided to remove the broken flagpole and wait to purchase a new one once the new town office is constructed. Mr. Bliss suggested a wall mounted flag for the current town office.

Attorney's Report

Ms. Kellam revised the RFB and worked with GMB to get their approval. In the matter of the paper road, she met with Ms. Burge and Ms. Burge did not do anything pertaining to that in her capacity as Town Attorney. Ms. Kellam will be going to Ms. Burge's former office and locate the file in the attic. She prepared the Procurement Ordinance increasing the spending limit by \$500.00.

Zoning Administrator's Report

In the absence of Mr. Pavlik, Ms. Salazar noted that all advertising requirements for tonight's Public Hearing were met. She then read his report. A copy of the report will be attached to the minutes.

Planning Commission Report

Rose Pierson said that they continue to review the zoning ordinance regulating residential businesses and home business.

Old Business

Ms. Salazar said that Council has a copy of the revised site plan for the new town office and if Council is satisfied, they should adopt the plan. She also asked for a motion to allow her to issue the RFB for well and septic design.

Motion: To adopt the revised site plan by Ted Bliss and seconded by Susan Rillo. Roll Call Vote: Hart-no; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Motion: To accept the RFB for water and sewer by Ted Bliss and seconded by Susan Rillo. Roll Call Vote: Hart-no; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Motion: To accept the revised Procurement Ordinance by Ted Bliss and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes Finney-yes. MOTION PASSED

Mr. Bliss asked Ms. Salazar about the RFP that was issued for server and network services. She stated that she did and she only had one response from Cloud Server Techs in the amount of \$12,675.00. She added that the Byrne Jag grant (\$3,000.00) can be spent towards the purchase if Council wishes. Chief Spivey stated that the Byrne Jag grant can be used towards the server purchase. He and Ms. Salazar both stated that there is a dire need for a computer system/network in the office at this time. Ms. Salazar said that we will be able to tie into the new town office with this system very easily and we will also have the option of a telephone and security system tie-in. Chief Spivey stated for the record that the Byrne Jag grant is not a given – we could be denied but it is an option. Council agreed to pick up the cost in that instance.

Motion: To accept the proposal from Cloud Server Techs by Ted Bliss and seconded by Woody Zember. Roll Call Vote: Hart=yes; Rillo=yes; Dize=yes; Bliss=yes; Zember=yes Finney=yes. MOTION PASSED

New Business

The flag pole was discussed earlier in the night.

Public Comments

At this time, Mr. Hart said that he was going to rescind his motion that was made at the Planning Commission's Joint Public Hearing whereas he voted yes and he now wants to rescind that vote and change it to no. He re-stated that he rescinds his vote of yes in the matter of the sign permit at Four Corners.

Mr. Zember asked to speak and said that the lawyers worked for the same firm and he was not made aware of that. He said that he was asked by Ms. Kellam to move the discussion to the front of the meeting. He has since spoken with someone and that person said the discussion was in the right place and should not have been moved. Mr. Finney asked why we are discussing this during Public Comments and added that it is not on the agenda. Ms. Salazar stated that zoning matters cannot be reconsidered without a Public Hearing. If Council wants to reconsider this issue, we will need to have another Public Hearing. Mr. Bliss asked Ms. Salazar if we decide to change our votes and not allow the Special Use permit, are we financially responsible to the property owner for any expenses he has incurred. Ms. Salazar stated that would be a legal question and Ms. Kellam should answer it. Ms. Kellam said that she is here in a procedural capacity only. She added that this matter is not on the agenda. Mr. Hart said that he made a motion and Mr. Zember was speaking and he does not understand why they are being ignored. Ms. Kellam said that we cannot talk about matters that are not on the agenda. Mr. Hart said that he can make any motion that he wants. He then said that he wanted to make it a part of the record that he is rescinding his vote. He asked Ms. Salazar if she is recording the meeting. She said that she is. Mr. Zember began to make a motion and Ms. Salazar stated that she believes there is already a motion on the floor. Mayor Pierson asked that we begin again with the motions.

Motion: To rescind the vote of yes to granting the Special Use Permit to Four Corners by Matt Hart and seconded by Woody Zember. Roll Call Vote: Hart=yes; Rillo=no; Dize-abstain; Bliss=no; Zember=yes Finney=no. MOTION FAILED

Mr. Zember said that he feels that he was tricked and should never have been asked to make the agenda changes. Mr. Finney stated that we should not be discussing this since we are in Public Comments. Ms. Rillo agreed. Ms. Dize said that Mr. Hart should have said that he wanted to change his vote – he should not have made a motion since she is not sure that once you vote, your vote can be changed at a later time. Mr. Hart said that he confirmed with VML that if you find out more things after the meeting, you can rethink things and rescind your vote based on the new information that you have received. He said that the vote should have been taken in the meeting and not the Public Hearing. He also warned Council about "going against" VML. **At this time, a vote was taken on the above motion made by Mr. Hart.**

Mayor Pierson asked Mr. Zember if he wished to make a motion at this time. Mr. Zember said that he did not.

Billye D. Custis said that our meetings should never be broadcast because the behavior at this meeting is embarrassing. She said that whether Mr. Hart gets to rescind his vote or not, it should be made a part of the record. She added that Mr. Hart is correct that you cannot vote on a matter in a Public Hearing. She said that every attorney that we have had suggests that the Planning Commission leave the room and deliberate. If they don't, it appears that the decision was made before the Public Hearing was held. Lastly, she said that T&W Block's gravel spills have always been a problem.

Jan Siglin said that she agrees with everything that Ms. Custis said – this meeting was embarrassing.

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Royal Governor stated that the OVFD hasn't necessarily been dissolved completely. The state says that he cannot file any dissolution records until the company is liquidated. He said the state says they are still in business until he files the Incorporation Articles of Dissolution. They are in the process of selling assets at this time. Mr. Finney asked if they have insurance. Mr. Governor said that they do.

Council Comments

Mr. Finney had no comment.

Mr. Zember thanked everyone for coming and apologized for the chaos. He said that if anyone is interested, you can get a Christmas tree ornament for .37.

Ms. Dize said that she feels that our meetings do not always follow Robert Rules and that as a Council we need to work harder to work together and not let our emotions take over.

Mr. Bliss agreed that it is embarrassing and we need to do a better job of running the meeting. He thanked everyone for coming.

Ms. Rillo thanked the town employees for all they do.

Mr. Hart said he is embarrassed that Mr. Hall had to sit here tonight and listen to the chaos. He addressed Mr. Hall saying that his rescinding the vote had nothing to do with the sign – it was strictly because things were not done legally. He verified this with VML and felt this was the correct decision to make. He said that he is in favor of the sign. He thanked Royal Governor for coming and said that Onancock, Tasley and Melfa are doing a good job but we do miss the OVFD. He then said that if he wants to rescind his motion – he can. He said that he sends emails to the Town Manager and it takes weeks to get a response. He stated the matter should have been addressed at that time before it escalated. He feels that somebody should have made the call to VML and had the problem fixed.

Adjourn/Recess

Motion: To adjourn at 8:19pm by Ned Finney and seconded by Matt Hart. Roll Call Vote: Hart=yes; Rillo=yes; Dize=yes; Bliss=yes; Zember=yes; Finney=yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar
Town Manager

Jack Pierson
Mayor