

Onley Town Council Minutes of November 7, 2011

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 7th day of November, A.D., 2011:

Members Present: Billye D. Custis, Mayor
Billy Chance
Dawn Dize
Lance Eller (arrived 6:20pm)
Ned Finney
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

Council Work Session-Draft zoning Ordinance – 6:00pm

Mr. Engelhart began by thanking the members of the Planning Commission for their hard work in preparing this document. Mayor Custis asked to have a change made on page 1 striking “Town of Onley”. Mr. Engelhart presented the changes that are being proposed stopping for comments and discussion. A copy of the proposed changes will be attached to these minutes.

Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Custis 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 Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Consideration of Minutes

Motion: To approve the Minutes of the October 12, 2011 Recessed Meeting by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Motion: To approve the December 2011 Police Schedule by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks asked Council to approve spending an additional \$1760.00 towards the purchase price of the car. He explained that we started with this grant almost two years ago and the cost of some additional items needed on the car have increased.

Motion: To approve the additional cost of purchasing the new police car up to \$1800.00 by Jack Pierson and seconded by Lance Eller. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks asked Council to revisit the idea of purchasing tasers for the Police Department. Mr. Eller stated that he is concerned about the liability of tasers. Mayor Custis asked for pricing. Mr. Pierson asked if training is required. Chief Marks stated that it is and Chief Eric Williams from Onancock is a certified trainer. Chief Marks will get prices and Ms. Burge will look into the liability before next month's meeting. Ms. Salazar stated the VML would like to give the Town three body cameras with the stipulation that someone from the Police Department come to a two hour training session at the CBBT on November 10th. She added that Sergeant Coulbourne has volunteered to go. Mr. Finney stated that he would like to purchase a set of night vision goggles with some of the grant money that we receive. Mayor Custis stated the law enforcement allocation for the Town is \$11,858.00.

Motion: To send Sergeant Coulbourne to the VML training at CBBT on November 10th and allow him to accept the free body cameras by Lance Eller and seconded by Don Strautz. Vote: Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=yes; Strautz=yes. MOTION PASSED

Mr. Strautz asked where the films are kept. Chief Marks stated that it should work on a continuous feed and the only video that is kept is what is marked for use.

Treasurer's Report

Ms. Salazar stated that there is nothing out of the ordinary on her report. She asked if anyone had any questions. Ms. Dize asked what the contract reimbursement is on the deposit detail. Ms. Salazar stated that is the money received from former Officer David Richardson.

Motion: To pay the Payables by Lance Eller and seconded by Ned Finney. Vote: Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=yes; Strautz=yes. MOTION PASSED

Zoning

Mr. Engelhart stated that he had nothing new to report. Mayor Custis asked if anyone had questions. Mr. Strautz asked how things are coming along with Mr. Nicolls. Mr. Engelhart stated that he has exercised his right to appeal to the BZA. Mr. Finney asked what is happening with the old hotel. Mr. Engelhart stated that he has made no application. He has a permit for renovation as a single family dwelling. Mayor Custis stated that the Crockett building is gone and it looks very nice over there. Mr. Strautz asked what we have heard from the agricultural building. Mayor Custis stated that we can solicit special legislation for a cheaper price but she didn't think anyone was interested in that. Mr. Strautz agreed.

Attorney's Report

Ms. Burge stated that the Waste Management contract has been successfully negotiated. Mayor Custis has signed it and it has been returned to them. She has also reviewed the maintenance agreement for the all in one printer and has provided Ms. Salazar with some suggestions. The land leases have been signed and they will be recorded at the Clerk's office once the preparation fees have been paid to the Town. In the matter of Mr. Nicolls, she asked earlier in the month for a copy of the violation notice. She feels that this is a violation of the junkyard ordinance and not a zoning ordinance. She feels that things got "tangled up" since Mr. Nicolls indicated that he has been there since before the 1971 zoning ordinance. She stated that she does not believe that he is entitled to an appeal period through the BZA since it is not a zoning violation. She stated that his appeal would have needed to be with the court and he did not appeal that decision. Mr. Engelhart asked Ms. Burge how he should proceed. Ms. Burge would like to write Mr. Nicolls a letter explaining what his options of appealing to the notice of violation are and further explain that they are not through traditional zoning. Council agreed to let Ms. Burge write the letter. Mr. Strautz asked what the Town's ultimate goal is in all of this. Mayor Custis stated that the Town wants the property cleaned up or screened. Ms. Burge agreed that it should be cleaned up or screened from public view.

Old Business

Mr. Finney stated that Mr. Hill will have something ready for us to look at in December. Mayor Custis stated that she had some information from Beracah about a modular building. She distributed it for everyone to look at.

There was no grant coordinator's report since there were no changes from last month.

There has been no interest in the Planning Commission vacancy.

The land leases were discussed earlier in the night.

The Waste Management contract was discussed earlier in the night.

Mayor Custis stated that there was no newsletter created.

Council left the clean-up tabled.

Mr. Engelhart picked up where he left off earlier in the night with the presentation of the draft zoning ordinance. He continued to hit the highlights of any and all changes stopping only for comments or questions.

Motion: To hold the Public Hearing on Draft Zoning Ordinance at 6:00pm on December 5, 2011 with Regular Meeting to immediately follow by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that the new all in one printer is in place. Ms. Burge made some recommendations before signing the maintenance agreement.

Mayor Custis presented Council with the pricing on storage sheds that they requested at last months meeting. She added that she feels that if the garage and shed are cleaned out, there would be no need for the pod or the purchase of a new shed. She suggested having a "clean out" day on a Saturday so that everyone from Council can help. Mr. Finney and Mr. Eller stated that they would not be available on a Saturday until January.

Mr. Strautz stated that he is still trying to contact Mr. Bowling about the holiday decorations. Mayor Custis stated that the Fire Company put up our flags last week and if everything goes as planned they will be taking them down and putting the holiday decorations up next Monday. She asked that Council set a time for checking the decorations to make sure they are in working order. Council agreed to meet at 6:00pm on Wednesday night at the fire house. Chief Marks will load the decorations on the trailer and drive them over on Wednesday afternoon.

Mayor Custis thanked everyone for their help with the Veterans Celebration. She stated that everything went well. Ms. Dize expressed concern that Mayor Custis spent quite a lot of her own money and she feels that she should be reimbursed. Mayor Custis stated that she did not mind making the contribution and that Jimmy White also spent a lot of his own money. She added that we are also waiting on a donation that was promised but has not yet been received. Mr. Finney and Ms. Dize both asked for a final figure at next month's meeting so a decision can be made about reimbursement. Mayor Custis would like to give G.L. Smith a gift certificate as a thank you for the barbeque. She added that Jimmy White has suggested that next year a little more money be put in the budget to cover expenses.

New Business

Mayor Custis asked Council to decide what they would like to do with the printer and copier we no longer use since the purchase of the all in one printer. There is a third printer that Glen suggested we keep as a backup.

Motion: To keep anything that we can use and donate the remainder to Lighthouse Ministries. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked Council to come together and clean up the garage, shed and pod. This should eliminate the need for the pod as well as the purchase of a new shed. She suggested that we store the

Christmas wreaths on a pole hanging in the garage to free up space in the shed. Council will come back to this issue to set a clean out date.

Public Participation

No one signed up to speak. Mayor Custis asked if anyone wished too. John Dennis asked Council to purchase the Fire Company a grill as a thank you for using the firehouse on Saturday. Mr. Eller agreed and stated that the grill that he used on Saturday was really unsafe. Mr. Strautz suggested that we use the donation to purchase them a grill. Mayor Custis would like to give them a donation and purchase them a grill. Ms. Dize agreed. Mr. Finney will check with Eddie Kilmon for prices. Mr. Eller stated that Walmart has some pretty good deals on grills.

Motion: To purchase a grill from Walmart in the amount of up to \$225.00 as a donation to the Onley Fire Company by Dawn Dize and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Grinnalds asked for a good PA system in the new building because he has not heard anything tonight. Mayor Custis stated that anyone that cannot hear can move up closer.

Council Comments

Mr. Chance thanked everyone for coming and reminded everyone to vote tomorrow.

Mr. Strautz thanked everyone as well and reminded everyone that he and Mr. Pierson are on the ballot tomorrow.

Ms. Dize thanked everyone for coming to the meeting and expressed her hope to get moving with the new building.

Mr. Pierson thanked everyone for getting him in the building tonight.

Mr. Eller thanked everyone for coming and added that as Council begins the process of building public comments will be very welcome.

Mr. Finney thanked the Planning Commission for all of their hard work on the draft zoning ordinance. He also thanked everyone for coming to the meeting.

Mayor Custis thanked the Planning Commission for their work on the draft zoning ordinance as well as Town Council for all of their help at the Veterans Celebration.

Motion: To adjourn at 8:24pm by Lance Eller and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor