

Onley Town Council Minutes of December 1, 2014

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 1st day of December, A.D., 2014:

Members Present: Jack Pierson, Mayor
Ned Finney, Vice-Mayor
John Dennis
Dawn Dize
Matt Hart
Susan Rillo
Don Strautz

Staff Present: Sgt. John Spivey, Officer-in-Charge, OPD
Jamy Salazar, Treasurer
Cela Burge, Town Attorney

Call to Order

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

Invocation & Pledge of Allegiance

The invocation was given by Dawn Dize and the Pledge of Allegiance was led by John Dennis.

Adoption of Agenda

Motion: To adopt the agenda by Dawn Dize and seconded by Matt Hart.

Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Ms. Burge asked to make a note that “& vacation hours” will be struck from the Closed Session. Ms. Dize agreed to that amendment to her motion.

Consideration of Minutes

Motion: To approve the Minutes of the November 3, 2014 Joint Public Hearing with Planning Commission for Re-zoning Property & Regular Monthly Meeting by Ned Finney and seconded by Don Strautz. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Sgt. Spivey presented Council with the January 2015 schedule and the November 2014 police report. He added that the new uniforms will be ordered once the badges arrive. He asked that Council approve the donation of the old uniforms (all patches have been removed) to Hospice Thrift Store. Sgt. Spivey praised Officer Bennett for doing an excellent job of handling the operations of the Veterans Parade. He stated that there was an officers meeting on November 14 and Mayor Pierson and Vice-Mayor Finney were in attendance. At that meeting, a set of directives was established until policy can be enacted. Officer Coulbourne presented training on sovereign citizens and Officer Bennett was placed in charge of the armory, maintaining touring records and coordinating weapons qualifications and training for all matters concerning weapons. Officer Bennett has also completed a full inventory of all ammunition and weapons. In doing so, it has been noted that there are various calibers of bullets that we do not use and we do not need. Sgt. Spivey asked Council's permission to have Officer Bennett dispose of those things. Mr. Finney asked if there might be another agency that could use the ammunition in question. Sgt. Spivey stated that he did not think so.

Motion: To have Officer Bennett dispose of the ammunition by Ned Finney and seconded by Matt Hart. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Motion: To donate the old uniforms, having been stripped of all insignias, to the Hospice Thrift Store by Don Strautz and seconded by Susan Rillo. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Mr. Dennis questioned the citation figures on the police report. Mayor Pierson asked if Officer Coulbourne was off for any reason in November. Sgt. Spivey stated that he did use one sick day but otherwise he was here as scheduled. Mr. Dennis asked to have Car 90 removed from the monthly schedule.

Motion: To accept the January 2015 schedule with the requested change by Don Strautz and seconded by John Dennis. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar stated that the PNC checking account balance is at about \$215,000.00 as of today and that account draws almost no interest. She pointed out that the 2014 taxes are coming in as expected. She stated that since the meeting fell so early in the month, there may be some additional payables to come in but she does not expect it to be a large amount. She then gave an overview of the current budget. Mr. Finney asked that Ms. Salazar check with the local banks and find where we can get the best interest. Mr. Dennis asked at what bank the money market account is located. Ms. Dize said that she would like to purchase another CD since there is already quite a lot of money already in the money market accounts. Ms. Salazar added that there are several issues with the meals and transient occupancy tax that she wants Council to be aware of. Thai Rada is delinquent on their meals tax and she often has trouble collecting their tax on time. The Quality Inn has become a "slow pay" as well and Las Rositas Taco Truck has closed until the spring. She did state that late penalties are being assessed. In reference to the Veterans Celebration, she thanked everyone for their help and stated that it was a success again this year. She explained that we did go over budget a bit but it couldn't be helped since there were several unexpected expenses this year. Ms. Dize asked some questions about the deposit detail and asked if there was a way to make that report easier to understand. Ms. Salazar will see what she can do.

Motion: To Pay the November 2014 Payables by Dawn Dize and seconded by Don Strautz.

Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Attorney's Report

Ms. Burge has worked on numerous tasks this month. She reviewed a sign permit application for Panzotti's Pizza and a special use permit application for Tami Serio which she deemed complete after some recommendations. She reviewed the Town Decal Ordinance and will make some remarks about that. There have been some personnel questions that she has answered from staff and the Mayor. Lastly, she reviewed some matters pertaining to Robert's Rules of Order and she will go over that when it is reached on the agenda. Mayor Pierson asked that she address those items now rather than wait until they are reached on the agenda. Ms. Burge agreed and gave an explanation of the Town Decal Ordinance stating that it is a tax that provides for a licensed year. Mr. Dennis had asked Ms. Burge to look into the matter of having this tax added to our annual tax bills rather than having residents come into the office and purchase a decal. Ms. Burge stated that the first couple of years of doing that may be tricky but after that it will be run of the mill. She stated that several changes will need to be made to this particular ordinance if Council wishes to pursue having this tax paid with the annual tax bill. She explained that Council has the option of not selling decals in the spring and collecting the costs in December 2015, which will make a shortfall in the current budget, or the town could run their own tax bills for the first year only. There is also the option of pro-rating. Mr. Finney wants the County to handle

this matter – he stated that he does not want the Town to get into sending their own tax bills. Mr. Strautz agreed stating that it may confuse people as well as be a greater expense than necessary. Mr. Dennis would like Council to consider the pro-rate option. Council asked that Ms. Burge ask Dana Bundick the best way to handle this matter.

Public Works

Ms. Salazar stated Mr. Simpson sent a man to help us the morning of the Veterans Celebration and he was a great help. The Veterans Day flags went up without any trouble and once they came down, the snowflakes and banners were put up. There have been some problems with the light timers and an electrician had to come and adjust them. She asked that Council consider looking into the cost of new hardware for next year since some of the banners are not really stable and it is due to the old hardware. There is also an issue with the lights on the tree not working and a snowflake on Bank Street that has never worked since Ms. Salazar has worked here. She will need to have the electrician come again and address both of those issues. She reminded everyone that while Mr. Simpson is responsible for hanging the lights and banners; he is not an electrician and is not responsible for anything electrical. She stated that the clean-up is complete – two houses were missed but that has been corrected. They are also very busy cleaning out the storm drains since the leaves are falling so fast right now. Mr. Finney asked if grates can be made to cover the storm drains. Mr. Dennis stated that would be a question for VDOT.

Old Business

Ms. Burge opened and read the one response to the RFP for Architect that was received. It was from GMB. A copy of the proposal will be attached to the minutes. Mayor Pierson asked Council to postpone any further action on this until after the first of the year since December is such a busy month. Mr. Strautz stated that someone needs to contact GMB and let them know this. Mr. Finney agreed to contact them and make them aware of that decision.

Ms. Dize stated that she is sorry that the holiday lights have been such a headache. She is hoping that next year things will go smoother and she would like to have the big tree on Coastal decorated as well. She would also like for Council to consider the possibility of purchasing some more snowflakes before next year. Ms. Siglin stated that there are none out by her house. The next beautification project will be in the spring.

Ms. Dize stated that there may be some grant money for sidewalks and she would like to look into that if Council is okay with it. Mayor Pierson stated that he believes we are on a list for sidewalk money – he and Ms. Salazar met with someone months ago and made them aware that the town is interested in sidewalk money when it becomes available. Ms. Dize commented that Chincoteague has just put in some sidewalks. Mr. Dennis replied that the Town of Chincoteague does all of their own road and sidewalk maintenance. The State gives them an allotment each year to do so. Mr. Dennis stated that there are no plans for new sidewalks in the State's budget at this time.

Billye D. Custis suggested that while the snowflakes are up, Council go around and look at where more are needed. She suggested purchasing ten at a time to minimize expense.

Mayor Pierson stated that he has checked John Pavlik's references and that each Council member has been given those findings. He added that Mr. Pavlik received excellent recommendations from everyone with whom he spoke. Mr. Pavlik also has a vast knowledge of building construction which Council may find useful.

Motion: To hire John Pavlik as the part-time Zoning Administrator with a ninety day probationary period by John Dennis and seconded by Susan Rillo. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

The town decals were discussed earlier in the night. Mayor Pierson asked if everyone wanted to discuss delinquent taxes. Mr. Dennis stated that he asked for the amount at a previous meeting. Ms. Salazar checked last month's minutes and stated that the amount was just over \$4,000.00.

Ms. Burge explained that during the course of month, Mayor Pierson contacted her and asked how Council can review a decision that has already been made. He wanted to know if there is a procedure for doing so and if so what it is. She stated that there are two procedures under Robert's Rules of Order and explained what they are. The first is a motion to reconsider which should be made during the course of the same meeting or if a community has adopted its own rules of procedure, then at a recessed or the very next meeting. In which case, the person on the winning side of the decision would make a motion to bring the matter back before the governing body making a motion to reconsider the action that had been taken. There was a meeting held last month and that meeting was adjourned. The Town of Onley does not have any additional rules of procedure; therefore, a motion to reconsider is not an appropriate motion to be made if the Council sitting tonight wants to look at something done in the past. The other type of motion is a motion to rescind. It is an incidental motion but what it does is allow a governing body to nullify an action that was previously enacted. A governing body may make a motion to rescind when the deadline to make a motion to reconsider has passed. Any member of that governing body may make that motion and only a majority vote is necessary to act on the motion. If there was no notification of all Council members that this matter was to be discussed, a two thirds vote would be necessary. A motion to rescind is to change something previously adopted. It requires a second, it is amendable, it is debatable and it can only reconsider a negative vote. A motion to rescind does not mean that a different action is being taken; it means that Council's action is being reversed as if no action were taken.

Motion: To rescind the motion in the matter of re-zoning 21033 Front Street, Onley, VA by Ned Finney and seconded by Susan Rillo. Vote: Dennis-no; Dize-yes; Hart-abstain; Finney-yes; Rillo-yes; Strautz-yes.
MOTION PASSED

Ms. Burge offered a clarification stating that it is very important for Council to know what it is that they are voting on, adding that this motion rescinds the motion in the matter of the re-zoning, which means that the action of that motion was to deny the re-zoning - so this motion will nullify that denial. At this time the above vote was taken on the motion.

Motion: To re-zone the property at 21033 Front Street, Onley, VA to residential by Ned Finney and seconded by Susan Rillo. Vote: Dennis-no; Dize-abstain; Hart-abstain; Finney-yes; Rillo-yes; Strautz-yes.
MOTION PASSED

New Business

Mr. Finney stated that we need a better heating system at the pump house. Mr. Dennis stated that he spoke with someone from the OVFD and they are not using the water system that this pump house supports. He added that it has not been used for years and may not even work at all. Mr. Strautz thinks that pump may supply water to the old Agriculture building. He feels that if that is their only water source, the owner of that property may wish to purchase the property. Council asked Ms. Salazar to contact Boggs and have them find out what the pump is supplying water to and possibly have it turned off completely depending on the answer. Ms. Rillo stated that she is in favor of possibly selling the property if it is not needed.

Ms. Salazar stated that John Kellam's term on the BZA is due to expire on December 31, 2014. Mr. Kellam would like to continue to serve if Council wishes.

Motion: To recommend John Kellam for re-appointment to the BZA by Ned Finney and seconded by Dawn Dize. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Ms. Burge asked if any one has expressed interest in replacing Ms. Taylor; Ms. Salazar stated that Ms. Taylor does not wish to serve any longer. Council asked Ms. Salazar to advertise the vacancy on the community bulletin board.

Ms. Salazar stated that the next step in the SUP application from Tami Serio is for Council and the Planning Commission to decide when they would like to hold the public hearing. Both bodies agreed to have a joint hearing at the January 2015 meeting.

Public Comments

Jan Siglin reminded everyone about the Santa train on December 6th and Christmas Caroling on December 13th.

Council Comments

Mr. Dennis had no comment.

Mr. Hart had no comment.

Mr. Strautz wished everyone a happy holiday.

Mr. Finney thanked everyone for all that they do for the town.

Ms. Rillo wished everyone a Merry Christmas.

Ms. Dize wished everyone a Merry Christmas and asked for prayers for her family.

Closed Session

Motion: To go into Closed Session at 8:18pm 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 pertaining to the Police, General Government, and Public Works Departments, specifically related to holiday bonuses by Ned Finney and seconded by Don Strautz. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 9:28 by Ned Finney and seconded by Matt Hart.

Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-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; Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes.

Motion: To give the following holiday bonuses: Officer Bennett- \$400.00, Officer Long-\$300.00, Officer-in-Charge Spivey- \$500.00, Treasurer-two weeks pay, part-time clerks-\$100.00, part-time public works employee-\$100.00, attorney-\$300.00 gift card and \$50.00 to Antwone Sears by Ned Finney and seconded by Susan Rillo. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Adjourn/Recess

Motion: To adjourn at 9:32pm by Ned Finney and seconded by Dawn Dize. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Respectfully Submitted,

Jamye Salazar
Clerk/Treasurer

Jack Pierson
Mayor