

Onley Town Council Minutes of December 3, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 3rd day of December, A.D., 2012:

Members Present: Jack Pierson, 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 Mayor Pierson at 6:30pm. The invocation was given by Don Strautz. The Pledge of Allegiance to the Flag was led by Fred Gardner. Mayor Pierson read a Resolution of Appreciation for Billye D. Custis into the minutes. A copy of this resolution will be attached to the minutes.

Update of Riverside Shore Memorial Hospital – Joe Zager

Mr. Zager gave a quick update on the hospital construction. He stated that the Accomack Board of Supervisors has given them the green light to go ahead with the construction of the new hospital. He pointed out some specifics about the floor plan of the new hospital stating that it is being designed to meet the specific needs of the Eastern Shore people. This will be a 78 bed facility and will provide obstetrics. The building will be built with pre-cast concrete and brick. He gave an overview of the specific floor plan and added that the plan is to build with room for expansion. Mr. Strautz asked if there is a possibility of having local contractors do some or all of the work. He stated that he would like to keep as much money locally as possible. He also asked why our hospital will be larger than the one that Riverside has built in Williamsburg. Mr. Zager stated that there is more competition with other hospitals in that area. Council thanked Mr. Zager for coming and providing a thorough update.

Adoption of Agenda

Mayor Pierson welcomed everyone and asked for a motion to adopt the agenda.

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

Consideration of Minutes

Motion: To approve the minutes of the November 5, 2012 Regular Monthly Council Meeting by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Motion: To approve the minutes of the November 14, 2012 Recessed Council Meeting by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Motion: To approve the January 2013 police schedule by Ned Finney and seconded by Fred Gardner.

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

Mr. Pierson invited anyone who wishes to speak on a subject as it is reached on the agenda to do so. He added that there will still be Public Comment at the end of the meeting but if you prefer to speak before then it is okay to do so.

Treasurer's Report

Ms. Salazar stated that she does not have anything unusual this month. There are no additional payables. The deposit detail is higher than normal due to the incoming real estate and personal property taxes. She added that Ms. Burge will give an update on the delinquent taxes later in the meeting. Mr. Strautz asked if the Shoreline Surveyors bill is the second half agreed upon and if so have they met our expectations. Ms. Salazar stated that it is the second half of their bill and Mr. Finney stated that he feels they have met our expectations adding that there was only one corner not marked with a pipe but he has taken care of that. Ms. Salazar stated that his final report was received on Friday and it is included with the building information.

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

Zoning

Mr. Engelhart stated that he has received an application for a special use permit with an exception in the business district. There is interest in putting a children's bounce house in the former Fresh Pride building. He will get copies of the application to Ms. Siglin for the Planning Commission. In reference to the new hospital, the plaza where the pizza place is will become the entrance to the hospital. The north half of that piece of property will be transferred back to Four Corner LLC but the rest will be the entrance. He believes that this is a minor subdivision and the determination can be made by him personally so any feedback on that should be given to him.

Attorney's Report

Ms. Burge gave an update on the delinquent taxes stating the total amount of delinquent taxes is \$11,241.91. This amount includes all amounts that are greater than \$20.01. As of this afternoon, \$4,125.28 has been recovered or abated. She added that she and Ms. Salazar will continue to work on this and she suggested that any money paid be put towards the delinquent balances first due to the statute of limitations on some of the delinquencies. She has also worked on several other items this month that she will discuss as they are reached on the agenda. Mr. Strautz asked Ms. Salazar if there is a problem with people showing up delinquent because they have not received a bill due to the amount being less than \$2.00 or \$5.00. Ms. Salazar stated that we did not send delinquent letters to anyone owing less than \$20.00. She added that we do not send tax bills out if they are \$2.00 or less and cannot be combined with another bill. She stated that the biggest issue that she has is some people do not understand why the Town taxes are due once a year and the County twice a year.

Old Business

Mr. Finney asked Joe Hill to present the plan for the new building that he has created. Mr. Hill stated that he looked at the two floor plans and evaluated them on complexity and cost. He determined that the square building will be a more economical building but he did change the original square footage to make the building a perfect square of 2500 square feet. He presented Council with an architectural

rendering of the outside of the building. He added that the building as shown will have a 7/12 pitch roof and dormers. Mr. Finney stated that he went by T&W Block today and they are estimating about 15,000 bricks at approximately \$30,000.00. Laura Belle Gordy asked about the floor plan. Mr. Hill stated that he did not deal with the floor plan at all but he feels that the current square floor plan would be workable with this plan. Billye D. Custis stated that she thought this was the kind of roof that Mr. Finney did not want. Mr. Finney replied that he did not like the dormers or the square shape but he did like the high pitched roof. Ms. Custis stated that she thought Mr. Finney said there would be a problem with leaking. Mr. Finney replied that he feels the quality of the materials that would go into this building should take care of that. Ms. Custis asked about the upstairs storage. Mr. Hill stated that we will be limited because of the hip roof but he does feel there will be adequate storage. Mr. Gardner asked Mr. Hill for a ball park figure for the cost of building. Mr. Hill estimated that the original amount would be adequate. Mr. Finney stated that was about \$200.00 per square foot but he does not feel it will be that much.

Motion: To give \$500.00 to Joe Hill for the work that he has done on this project by Ned Finney and seconded by Dawn Dize. Vote: Chance=yes; Dize=yes; Finney=yes; Gardner=yes; Strautz=yes. MOTION PASSED

Mr. Finney would like to set up a building committee in the future and ask Mike Higgins to help as well.

There was no grant coordinator's report. Mayor Pierson asked Ms. Salazar to be on the lookout for a sidewalk grant. Ms. Salazar stated that she has left a note for Ms. Finney to do so but she does not do anything with grants at this time. Ms. Burge stated that one of the things to keep in mind about sidewalks is that many are in VDOT's right-of-way so the first task on a survey project would be to survey what the Town owns and then make requests from VDOT.

Ms. Dize expressed concern that the holiday decorations are not completely up. She was really concerned that there are no lights in the business section. Ms. Salazar stated that Best Ever is not willing to come back and put the lights up until the banner rods are here since he wants to do everything at once. There was some discussion about the way that the decorations were put up as well indicating that Best Ever did not follow directions. Ms. Salazar stated that they have been given directions – they just have not always followed them. She added that she has been going back and forth with them for several weeks now without any luck. Council asked when their contract is up. Ms. Salazar stated that she believes it to be December 31st. Mr. Strautz stated that he feels it may be time to change direction. Ada Jo Amadeo agreed and added that if someone else is hired, it should be stressed that they work on our schedule and not theirs. Mr. Finney agreed and Ms. Dize expressed concern about the problems with the grass cutting in the past as well. Billye D. Custis suggested that their bill that is on the payables be held to make sure they complete the remainder of their contract by removing the holiday lights. Ms. Salazar stated that the check on the additional payable was the payment for last month and has already been sent but that the December payment can be held. Ms. Custis suggested that the holiday storage issues be addressed since the decorations will need to be taken down before the next meeting. Ms. Dize would also like to see the banners covered to avoid fading. Mr. Finney will take care of this.

New Business

Mr. Pierson stated that there has been some interest in the Council vacancy but since there has been no time to review them he does not think a decision should be made tonight. Ms. Burge added that while Council does need to review the applicants, a decision should be made before the next meeting in order to meet the 45 day requirement. Ms. Dize said that she felt a short meeting should be held to discuss the applicants and make a decision. Council agreed to meet on December 10th at 6:30 at the Town Office to make a decision on the Council vacancy.

Mayor Pierson read the Resolution for Bank Authorized Signatories into the minutes. A copy will be attached.

Motion: To adopt the Resolution for Bank Authorized Signatories by Fred Gardner and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Ms. Salazar stated that Debbie Roberts from PNC Bank has stated that a requirement for applying for a Town credit card is to have approved minutes with a motion to apply for such a card.

Motion: To authorize Jamey Salazar to apply at PNC Bank for a Town credit card on our behalf by Dawn Dize and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Mr. Finney suggested that the card be issued in Ms. Salazar's name since the Mayor is subject to change. There was some discussion as to what name the credit card should be under. Ms. Burge stated that typically the card is in the Mayor's name but since there is a special situation she would concede that it could be in Ms. Salazar's name for now. She added that even though the limit is the same there should be a policy about purchases and someone should be monitoring the statement. Ms. Dize offered to look over the statement each month. Ms. Salazar added that whoever signs off on the checks with her each month should also look at the statement as well. That is what has been done in the past.

Mr. Finney stated that we need a new garage door and he will be glad to get what we need but he doesn't feel that he should do the work. Ms. Burge agreed. Mr. Strautz asked if we need to get three quotes. Mr. Finney does not feel that it will be over \$500.00. Mr. Gardner offered to help Mr. Finney install it.

Motion: To purchase a new garage door with the installation to be done by Ned Finney and Fred Gardner by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Mr. Strautz stated that Reba Murphy has requested some ditch maintenance near her property in the Lakewood Development. There has been some new construction in that area and a ditch was filled in during that process and it is causing a flooding issue. Ms. Murphy has asked for Council to consider some ditch cleaning in that area. Ms. Burge asked who the filled-in ditch belongs too. Mr. Strautz believes that it may belong to Ms. Murphy but he is not certain. Billye D. Custis stated that the roads in that area are private- they are not state maintained. Ms. Burge stated that if that is the case the Town does not have any responsibility. She suggested that the first step to take would be to make sure the streets in question are in VDOT's system.

Mr. Chance stated that he feels there are still a lot of residents that have not purchased decals. He asked Ms. Salazar how many we have sold. She replied that we have sold about 400 – the same amount normally sold in previous years. Mayor Pierson asked Chief Marks what happens if someone doesn't have a decal. Chief Marks stated that if they are stopped and they don't have one, they are issued a summons. Mayor Pierson asked Ms. Salazar if she checks to see if decals have been purchased when tax payments are made. She replied that she does not. She does require that personal property taxes be paid before a decal is sold. Mr. Strautz asked how the County handles people that do not purchase decals. Billye D. Custis stated that she thinks Dana Bundick is required to do a certain number of DMV stops per month but that was not an avenue that the Town wished to pursue since they are pricey and the state and county governments take precedence over towns when collecting.

Ms. Salazar stated that there are no working telephones in the police department and her phone on her desk is broken. She would like to purchase some phones from Walmart to replace what is currently

there. Council stated that Ms. Salazar should purchase some phones from Walmart of the operating budget.

Ms. Salazar stated that she was asked by an employee to put the Personnel Policy Discussion on the agenda since there was some question about the hiring and firing process. Mayor Pierson agreed to have it put on the agenda and added that he would just like some clarification. Ms. Burge explained that per the Town's Personnel Policy, the Mayor or CAO has authority for hiring, promoting and discharging in accordance with the overall personnel policies. The Mayor or CAO has the responsibility of administering the personnel system established. The current Town Charter states that the Mayor shall be the Chief Executive and Administrative Officer of the Town so that's where the CAO comes from. She stated that the Mayor's role is the Chief Administrative and Executive Officer of the Town and while the Council is generally consulted it is not a necessity. The employees that the Mayor will be looking after are the appointed officers of the Town. The Chief of Police may be an appointed officer as well as the Town Sergeant. The Town must have a Town Treasurer, a Town Clerk and a Town Attorney. The Treasurer and Clerk can be the same person. She added that it has been the practice of the Town to have the whole Council talk about personnel matters but it is the responsibility of the Mayor to make decisions. She feels that this is wise since it is the Mayor's responsibility to see that things get done. She further added that when there is a place where there is a department structure, it is the department head's responsibility to make decisions and make sure that things are getting done. She explained that when performing employee evaluations it is important to keep the structure proper. She stated that this is also the case when hiring – it doesn't mean that Council can't have input but it is the department head or Mayor's call as to whether to hire. The same would go for firing as well. She explained that the policy can be changed but we may need to ask the General Assembly to make changes to the Town Charter should Council desire. Council decided to leave things as they are for now.

Mayor Pierson read a letter from The Onley Fire Company asking for assistance with purchasing 20 new pagers. A copy of this letter will be attached. Billy Ferguson and Chris Davis were there representing the Fire Company. They explained that as of January 1st, 2013, the pagers they have now are obsolete. Mr. Ferguson shared a quote from Delmarva Two Way Radio for \$353.43 per pager and stated that they need to purchase 20 pagers at that state contract price. Mayor Pierson asked how many responders they usually have. Mr. Davis replied anywhere from 5-15 people. Council asked how the Fire Company will be able to keep track of the pagers should they purchase them. Mr. Ferguson responded that they will be cataloged and inventoried and that anyone receiving one will be signing them out via a sign-out receipt. Mr. Davis stated that the need for more than 20 pagers is a possibility down the road but they will have to make do with that amount for now. Mr. Finney asked Ms. Burge how they need to make the purchase since there is no money in our budget specific to purchase these pagers. Ms. Burge stated that Council needs to decide where in the budget to authorize such expenditure. She also made the recommendation that due to the lack of financial data being presented to Council, the actual expenditure should be made to purchase the equipment rather than the money being given directly to the Fire Company. Finally, she suggested that the Fire Company provide documentation of assignment on these pagers. Billy D. Custis pointed out that there is \$6,000.00 in the budget for a donation to the Fire Company. She added that she feels Ms. Burge may want to check into the possibility that if there is a direct connection with the Town and Fire Company, the County may not want to pay LODA coverage. Ms. Burge explained that is why she made the suggestion that the Town purchase the equipment and assign them to the Fire Company. She added that Council can reallocate the donation money to use for the purchase of this equipment. Mr. Finney suggested reallocating the \$6,000.00 donation and purchasing as many as that amount will cover (approximately 15). Mr. Davis stated that by purchasing only 15 pagers that cuts out 25% of the responding force. He stated that the Onley Fire Company is in a

very bleak financial situation. He added that this is a life safety issue and he doesn't think we should argue over a few hundred dollars. Ada Jo Amadeo asked why the Fire Company wasn't prepared for this and why it's now become the Town's concern. Mayor Pierson asked that the discussion be kept on the pagers and nothing more. Mr. Ferguson offered to speak with Ms. Amadeo after the meeting.

Motion: To purchase 20 pagers direct from Delmarva Two-Way Radio at state contract price using funds allocated for a donation to the Onley Fire Company and allocating additional money needed from Public Works line item by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Mr. Strautz asked if it is possible for the Fire Company to give some sort of report each month at the regular meeting. Ms. Burge stated that they are not a Town department and therefore she does not recommend that. Mr. Finney asked that the Fire Company supply us with their procedure for tracking the pagers before we relinquish the pagers to them.

Public Comments

No one signed up to speak. Mayor Pierson asked if anyone wished to. Billye D. Custis stated that five motions were made that were not marked on the agenda and she feels that they should have been. Ms. Burge stated that under Former-Mayor Custis' administration, that procedure was used as a public informational item but it is not a legal requirement. Ms. Custis added that she had some comments about the holiday lights but they have been addressed.

Council Comments

Mr. Gardner thanked everyone for coming and stated that he thinks a lot of good happened tonight.

Ms. Dize thanked everyone for coming and agreed that a lot of ground was covered tonight.

Mr. Finney thanked everyone for coming out.

Mr. Strautz stated that there has been some discussion about the help between the Council, the Mayor and the previous Mayor and what is expected of everyone. He stated that he does not feel that has always been very well defined and he is not quite sure what the Public completely expects. He stated that he does not sit around and wait for things to come along that he needs to do – he is a family man with a full-time job and that keeps him very busy. However, he feels that if anyone feels that he needs to do more than he is doing, he will be happy to but he needs to be asked. He feels that the lines of communication need to always be open.

Mr. Chance thanked everyone for coming.

Laura Belle Gordy stated that Mr. Strautz has confused her since she has not heard anything about everyone not working together for the Town.

Closed Session

Motion: To go into Closed Session at 8:45pm 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 pertaining to the Police, Administration and Public Works Departments specifically related to holiday bonuses by Don Strautz and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Open Session

Motion: To return to Open Session at 9:01pm by Don Strautz and seconded Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Certification of Closed Session

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: Chance-no; Dize-no; Finney-no; Gardner-no; Pierson-no; Strautz-no.

Ms. Burge stated that Council deviated by discussing whether or not Mike Higgins was eligible for a bonus. It was determined that he is not an employee and so there was no further discussion on that matter.

Motion: To give the following holiday bonuses: Chief of Police, \$500.00, all other police officers, \$300.00, part-time employees, \$100.00 and the Treasurer should receive two weeks salary after taxes and an employee lunch on December 13th by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

Adjourn/Recess

Motion: To recess at 9:05pm until December 10, 2012 at 6:30pm by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Strautz-yes. MOTION PASSED

John J. Pierson, Mayor

Jamye Salazar, Treasurer