

Onley Town Council Minutes of December 5, 2011

VIRGINIA: Public Hearing for Text Changes to the Zoning Ordinance & Regular Meeting to immediately follow at the Onley Fire & Rescue Building on the 5th day of December, A.D., 2011:

Members Present: Billye D. Custis, Mayor
Jack Pierson, Vice-Mayor
Billy Chance
Dawn Dize
Lance Eller
Ned Finney
Don Strautz

Staff Present: Walter Marks, Chief of Police
Jamy Salazar, Treasurer
Cela Burge, Town Attorney
David Engelhart, Zoning Administrator

Public Hearing

Call to Order

Mayor Custis called the Public Hearing to order at 6:00pm. She established that there is a quorum and read the rules for public participation.

Presentation of Text Changes

Mr. Engelhart asked if he should go through each change as was done in the last meeting. Ms. Burge stated that since this is a public hearing for the Town Council and not the Planning Commission and there are no significant changes, it is not a requirement. She stated that the essence of the Public Hearing is that there are substantial revisions being made to the zoning ordinance. The Planning Commission has done a lot of work to make appropriate changes and updates. She further stated that she brought some information related to group homes. She provided that there is state code that requires that a group home that has eight people in a licensed facility cannot be banned by a city or town in a residential district. The state code provides that any area in Onley in the R-1 district that meets this definition is allowed. She feels that our ordinance should be in line with that state code. She suggested that we add two changes – one a definition that needs to be amended to the exact definition in the state code and the second being to add under Section 3-2.2 under Principal uses and structures – group homes. Ms. Milliner stated that she could not hear so Ms. Burge repeated everything directly to her and the other residents. Ms. Milliner asked how group homes related to Onley. Ms. Burge stated that it doesn't since there are no group homes in Onley at this time. Ms. Milliner asked how this related to transient laborers. Ms. Burge stated that it did not apply at all. She read the exact definition of a group home at this time. Mr. Engelhart stated that he just returned from CZO/CZA training and the law says that we have to allow this so it just makes good sense to include it in the zoning ordinance.

Public Comments

No one signed up to speak. Mayor Custis asked if anyone wished to speak. No one did.

Adjourn Public Hearing

Mayor Custis adjourned the Public Hearing at 6:12pm.

Regular Monthly Meeting

Call to Order

The Regular Monthly Town Council Meeting was called to order by Mayor Custis at 6:12pm. The invocation was given by Lance Eller. The Pledge of Allegiance to the Flag was led by Ned Finney. Mayor Custis thanked everyone for coming tonight and reminded them of the Community Christmas Caroling on December 10th at 6:00pm.

Adoption of Agenda

Mayor Custis asked to add (J) Veterans Day/GL Smith under Old Business.

Motion: To adopt the agenda with the change 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 November 7, 2011 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Motion: To accept the January 2012 schedule by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Finney asked how many times they assisted the Sheriff's Department. Chief Marks pointed out on the report that it was 24 times. He further stated that on November 15, our department worked with the Drug Task Force to prepare for a raid on a residence in Painter as well as to execute one on Monroe Street here in Town. This resulted in 35 marijuana plants as well as other paraphernalia being confiscated and taken off of the street and out of our Town. There has been no news on the USDA grant for the new car. Ms. Burge stated that she has looked into the liability considerations and usage policies for tasers. She stated that the liability is no greater than with any other weapon. The training and certification is very stringent and it is her opinion that there is no greater liability with a taser than any other weapon. Chief Marks added that he has a copy of Onancock's use of force policy as well as one from Taser. He added that if there are any legal questions that arise, Taser will provide legal representation as long as proper procedure is followed based on their policy. Mr. Strautz asked if it is necessary to purchase 5 tasers. Chief Marks explained that tasers fasten to your duty belt along with your other equipment. The taser cartridges are also assigned to the individual officer so it will be hard to share tasers. Chief Marks also stated that often just seeing the taser will make a person more compliant; therefore often it is not necessary to actually use the taser. Mayor Custis asked if there is grant money available for this. Chief Marks did not know at this time. Mr. Strautz suggested checking with some of the other Towns to see if they were able to acquire grant money. Mayor Custis asked Chief Marks if the Byrne Jag grant can be used for equipment purchases. Chief Marks stated that it can. Mr. Finney asked how much that grant is. Mayor Custis stated that we have \$5,000.00.

Motion: To purchase 5 tasers with cartridges for regular use and training and if possible be reimbursed with a grant by Jack Pierson and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks stated that on November 26th, he was called to assist the state police and in pursuit of an assailant, he hit several puddles that were very deep and knocked the front spoiler and license plate bracket off. The cost to replace the license plate bracket is \$96.00. Mr. Finney asked why the state police are not liable for the damage since we were called to assist them. Ms. Burge stated that we do not have a mutual aid agreement with them.

Treasurer's Report

Ms. Salazar asked Council to be aware that there are additional payables in their folders tonight.

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

Ms. Salazar pointed out to Council that on the cash account balance report we are almost at \$200,000.00 in our regular checking account. She suggested that they move some money into a higher interest bearing account. She provided them with current rates from local banks as well as the rate for our current money market accounts. Mr. Eller asked how much municipalities are insured for. Ms. Burge stated that there is a public funds act and for every dollar held in an account, there is an account that offsets it.

Motion: To purchase an 18 month CD with a rate of .75% from Shore Bank in the amount of \$125,000.00 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 attended a meeting last Monday with RSMH. He now has a copy of the site plan. It really affects the two parcels on the highway that are in town. There will be a public hearing next week for the re-zoning of the large parcel behind the plaza because it falls under agriculture. He added that last Thursday he went to Charlottesville for testing for the state certified zoning certification. He does not have the results but expects to receive them in several weeks. He thanked Council for allowing him to do that. He thanked the Planning Commission for all of their hard work on the Zoning Ordinance. He concluded by encouraging Council to include the group home wording in the approved Zoning Ordinance.

Attorney's Report

Ms. Burge stated that she has looked into the taser issues as discussed earlier. The land leases have been recorded. The group home language was discussed earlier in the night. She presented Council with the final version of the salary comparison noting that she did not have the Onancock information since they were not interested in participating. She stated that she reviewed the hazard mitigation resolution this month and will talk about that when it is reached on the agenda. She concluded stating that she and Mr. Engelhart have done some work on the Nicolls situation regarding licensing of his business.

Old Business

After much discussion about the new building, Council decided to meet on December 8th at 6:30pm for further discussion. They urged the citizens to come out and offer their input.

There was no grant coordinator report.

Mayor Custis stated that Jason Campbell's term on the Planning Commission will expire at the end of this month.

Motion: To appoint Jason Campbell to serve on the Planning Commission until December 31, 2015 by Lance Eller and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

The clean up remained tabled.

Motion: To accept the draft zoning ordinance with changes presented earlier in the night by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked council how they would like to proceed with the holiday decorations. The fire department has been unable to complete the job and some of the banners that were put up have come down. Ms. Dize and Mr. Finney asked why there are so many lights out since everything was working at last week's meeting. Mayor Custis stated that they should ask someone at the fire company. Mr. Strautz suggested that we Council re-visit the idea of a public works person to handle things like this as well as grass cutting and the possibility of one or two clean ups. There was some discussion about edging of sidewalks as well. It was decided that Ms. Burge will look into the issue of edging sidewalks and a Public Works contract will be put on the agenda in the next couple of months. Mayor Custis stated that Adam Simpson quoted her \$300.00 to put the holiday decorations up.

Motion: To hire Adam Simpson to put up the remaining decorations and check the decorations that are already up by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that Lighthouse Ministries did not return our calls about the copier and printer so the copier was given to Onley Methodist Church and the printer will be given to Marvin Giddens for parts.

Mayor Custis stated that the shed is completely empty and the stuff from the pod can be moved into the shed. The holiday decorations can be put in the garage when they are taken down. Mr. Finney would like to purchase new decorations for next year and throw away the current ones.

Ms. Siglin asked if Council would consider donating the chairs that are used for the Santa train to SPOTS.

Motion: To donate chairs to SPOTS by Lance Eller and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Ms. Dize will contact Ms. Salazar tomorrow and get the contact information from her about getting some new welcome signs for the Town.

Ms. Dize will be going to Salisbury tomorrow and purchasing a \$100.00 gift card for G.L. Smith as a thank you for the Veterans Day Celebration.

New Business

Ms. Burge was asked to look into our BPOL ordinance and our Personnel Policy. There is nothing in our BPOL ordinance that excludes delinquent real estate property owners from purchasing a business license. Our personnel policy states that General Government and Public Works employees earn comp time hour for hour – anything over 40 hours per week should be earned at 1.5 per hour. There is also the issue of FMLA since we do not have 50 employees we are not required to have it.

Motion: To hold a Public Hearing on budget amendments at 6:00pm on January 4, 2012 by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis read the Resolution 2011 Hazard Mitigation Plan Town of Onley, VA into the minutes. A copy will be attached. The ANPDC recommends that Council give the Mayor the authority to accept the resolution once FEMA has approved it so not to miss the 2011 deadline.

Motion: To authorize Mayor Custis the authority to approve the Resolution 2011 Hazard Mitigation Plan Town of Onley, VA by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Public Participation

No one signed up to speak. Mayor Custis asked if anyone wished to. They did not.

Council Comments

Mr. Finney thanked Mr. Engelhart for all of his hard work.

Mr. Pierson had no comment.

Mr. Eller had no comment.

Ms. Dize thanked Mr. Morrison for his years of service on the Planning Commission.

Mr. Strautz also thanked Mr. Morrison as well as Ms. Siglin. He also thanked the residents for their votes in last month's election. He concluded by requesting at the next meeting we discuss a sound system. He thanked everyone for coming.

Mr. Chance thanked everyone for coming.

Ms. Custis thanked everyone for coming and reminded them about the caroling on Saturday night.

Closed Session

Motion: To go into Closed Session at 7:48pm 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, Administration and Public Works Departments, specifically related to employee performance by Lance Eller and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Open Session

Motion: To return to Open Session at 8:04pm by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-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: Custis-yes; Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes.

Motion: To give Chief Walter Marks a \$500.00 bonus, all full-time officers a \$300.00 bonus, all part-time employees a \$50.00 bonus. All of these will be before tax amounts. To give Treasurer Jame Salazar two weeks pay as a bonus and for Mayor Custis to take all employees to lunch on the Town by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To recess at 8:07pm until December 8th at 6:30pm by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor