

## Onley Town Council Minutes of August 13, 2018

VIRGINIA: At a Public Hearing for Proposed Charter Changes and the Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 13th day of August A.D., 2018:

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

Council Members Absent:     Jack Pierson, Mayor

Staff Present:             Jamy Salazar, Town Manager  
                                  Rachel Kellam, Town Attorney  
                                  John Spivey, Chief of Police, OPD  
                                  Melissa Taylor, Clerk

### **Call to Order**

Vice-Mayor Finney called the meeting to order at 6:30pm.

### **Invocation & Pledge of Allegiance**

The invocation was given by Susan Rillo and the Pledge of Allegiance was led by Matt Hart.

### **Adoption of Agenda**

**Motion: To adopt the agenda of August 13, 2018 by Dawn Dize and seconded by Ted Bliss.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

### **Public Hearing for Proposed Charter Changes**

#### **Call to Order**

Vice-Mayor Finney called the meeting to order at 6:32pm.

Ms. Salazar read aloud the Rules for Public Hearing and Participation.

Ms. Kellam read aloud the Proposed Charter Changes made, copy attached to minutes.

Mr. Bliss noted an error in 4.1 in the first sentence stating the first meeting in July following each election; it should read first meeting in December since the election date was moved to coincide with the General Election to November. Ms. Kellam noted she will make the proper correction. Mr. Hart would like the phrase "He" to be changed to "He/She" to be gender specific. Ms. Kellam noted she will make the proper correction. Ms. Dize pointed out under 4.2 - Qualification and Duties of the Town Manager, the duties are listed, but there is no qualification listed, and she recommended for the town's

## Onley Town Council Minutes of August 13, 2018

protection the qualifications should be listed. Ms. Dize stated that the Town Manager should have education and other pertinent information and that should be placed in the Charter. Ms. Kellam responded that the Charter is written exactly as the Virginia Code list the Qualification and Duties of the Town Manager. Ms. Kellam recommends adding the qualifications of the Town Manager to a policy agreement instead of the Town Charter. Ms. Kellam stated you could add anything to the Charter; her recommendation is to add the qualification piece into a policy as the Charter needs to grow with the town year to year. She stated that qualifications would be easier to change in a personnel policy then it would be the Charter, as the Charter can only be changed by sponsorship through the General Assembly. Ms. Salazar asked Ms. Kellam if the same would hold true with the duties that state that the Town Manager "Shall" do, because some of the duties listed Ms. Taylor completes under the Clerk's position. Ms. Kellam responded that the Town Manager could delegate any duties that the Town Manager will need help with, and the Town Manager will need to verify the assigned duty was completed correctly. Ms. Kellam stated the town could change the Charter and add or subtract to as much as Council would like. Ms. Rillo commented that the Commonwealth of Virginia has the Charter written this way for a specific reason, and she thinks that qualifications fall more under a job description. Ms. Rillo's recommendation was to remove under 4.2 the word qualifications and have it to state Duties of the Town Manager. Mr. Zember agrees with Ms. Rillo by eliminating the word qualifications and having the Charter state Duties only. Mr. Zember stated changing the job description will be an on-going thing with town growth and would be much easier to modify. Mr. Finney noted a correction on page four duties and powers outlined herein shall be given to the Mayor". Ms. Kellam noted she will make the proper correction.

### **Public Comments – Public Hearing:**

Billye D. Custis read a statement to the council, copy attached to minutes.

John Dennis stated that the council had already answered his questions during its discussion.

Laurice Hohlt made no comment at this time.

Laura Belle Gordy asked if she could address the council. Ms. Gordy stated she was upset with the changing of the charter and not sure if the council had given it a lot of thought. She said she was unhappy because there is a job description without the qualifications for the town manager position. Ms. Gordy gave Ms. Salazar praise but felt the council was putting her in the position to be criticized. Ms. Gordy stated she would like to see Ms. Salazar receive some education in her role as town manager for the town of Onley at the town's expense. Ms. Gordy stated that she feels there is a lot of jealousy on the council and that it is going to ruin the town; she asked the council to step up and do the right thing.

Ms. Dize responded that the Mayor is an elected official by popular vote and is the Chief Elected Officer of the town (and noted this is no reflection on Ms. Salazar). Ms. Dize stated if you strip the Mayor of all duties that will be going against our original Charter, which has been in existence for 68 years. She also had concerns that the Charter wasn't available to the public until Friday, August 10, 2018, and legally it should have been readily available to the public to review all changes because the meeting was advertised as a public hearing (and Ms. Dize stated she received her updated copy this morning). Ms. Dize polled the Council to see how many received a copy of the changes before Ms. Kellam presented the changes tonight (she said this is no reflection on any one person). Ms. Dize stated the Council needs to be careful about the legality of making the changes and wants to make sure things are done correctly.

## Onley Town Council Minutes of August 13, 2018

Ms. Kellam stated in the May 2018 meeting when all Council Member received the proposed Charter changes while you can change the Charter, all of the sections come directly from the Virginia Code even if we don't have this in our Charter the code still protects the Mayor's power through the Virginia Code. Ms. Kellam noted when the town has hired and appointed a Town Manager the position becomes CFO/CEO of the town until such time the position is not filled then the duties will fall back to the Mayor. Ms. Salazar responded that Council received a copy of the Charter changes in the June 4, 2018, Council meeting packets and since the Public Hearing changed from July to August that some might have forgotten they had received the copy of the changes. She noted the only resident that requested a copy of the changes was Billye D. Custis and it was a matter of minutes and the copy was provided. Ms. Custis confirmed she was asked to wait a few minutes at which time a copy was produced. Mr. Gardner asked Vice Mayor Finney if there is a hard copy of the job description of Town Manager. Vice Mayor Finney and Ms. Salazar responded yes.

**Motion: To adjourn from Public Hearing at 6:51pm by Ted Bliss and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

### **Regular Monthly Meeting - 6:52pm**

#### **Consideration of Minutes**

Ms. Salazar spoke on behalf of Ms. Taylor; a correction was made to page 9 of July 16, 2018 minutes, a small paragraph that is highlighted to indicate the correction, someone was misquoted.

**Motion: To adopt the July 16, 2018 monthly meeting minutes with the corrections as indicated by Ted Bliss and seconded by Woody Zember.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

#### **Department Reports:**

##### **Police Report & Schedule**

Chief Spivey stated that this last month had been a very productive month for the Police Department with a high number of traffic violations, higher amount of vehicle accidents and calls for service, the officers have performed admirably due to the heat and working in the Kevlar vest. He noted there had been positive outcomes on most of the incidents and calls for service that were investigated. Chief Spivey explained the amended August schedule stating he made changes due to the mandatory holiday which falls on the first Monday of September. Chief Spivey requested authorization to purchase ammunition for the annual qualifying in the total of \$1,312.27.

**Motion: To accept the Police Department schedule for August 2018 with amendments by Ted Bliss and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

**Motion: To accept the Police Department schedule for September 2018 by Dawn Dize and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

**Motion: To approve \$1,312.27 for the purchase of ammunition for the Onley Police Department to use for qualification for duty by Susan Rillo and seconded by Ted Bliss/Woody Zember.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

**Treasurer's Report – Payables**

Ms. Salazar gave her report for the month ending July 31, 2018; all financial documents attached to minutes. She stated that payroll expense for the month is a little higher than usual because it included the year-end bonuses. Ms. Salazar explained the budget expenses are higher as it is the first month of the fiscal year and some bills have been paid for the upcoming year. Ms. Salazar noted the GMB payment for July 31, 2018, for \$10,339.00.

**Motion: To pay the payables by Ted Bliss and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

**Town Manager's Report / Zoning Administrator / Public Works Report**

**Public Works Report**

Ms. Salazar stated Hayvon continues to work on the cleaning of storm drains, litter pickup, and grass cutting around town. Ms. Salazar received a complaint from a Council Member about litter around town; she addressed that complaint with Hayvon and hopes that things are looking better. She stated she purchased the dunks at the cost of \$218.00 (\$109.00 per case and a case last thirty days and it takes two cases to do the town) and they have been in place for several weeks, at Council request. Ms. Salazar stated Hayvon resolved a complaint about a sign by Mr. Evans home on West Main Street and the a/c unit and he also trimmed back some weeds and flowers at the town office. Ms. Salazar stated Hayvon cut the grass at the Ag building after several attempts to notify the landowner by mail and phone of the grass ordinance. Ms. Salazar said she met with an investigator from the Office of Pesticides Services in Richmond (unannounced visit), someone had made a complaint/reported the town had an unauthorized person spraying for the Town of Onley. Ms. Salazar provided all the proper documentation and answered all questions. The investigator also met with Mr. Scott and reviewed his application records, the investigator found there to be no violations. Ms. Salazar responded that from this investigation he advised that the Town of Onley is not allowed to spray in the State of Virginia right-of-way. There is no concern up to this point, but he asked that we not spray around the railroad tracks until he can get clarification if that area is VDOT's or the State of Virginia right-of-way. The investigator was very pleased with what he found.

**Zoning Administrator Report**

Ms. Salazar stated she spoke with a realtor about some zoning designations on some properties in town. She talked to Walmart about some internal changes, Ms. Salazar determined they didn't require town permits. Ms. Salazar received a call from a Propane Company about a possibility of a propane center at a local business here in town; she provided them the proper paperwork, but she hasn't heard back from them. Ms. Salazar stated she addressed the issue of the feathered flags with the business owners along Route 13, at this time she hasn't seen them out, but if the problem arises again, she will have to get the town Attorney involved. Ms. Kellam responded that the feather flags are allowed but only for the first 28 days that the business is opened, per the town ordinance.

### **Town Manager's Report**

Ms. Salazar gave her report stating she has several upcoming meetings scheduled. She said she has a meeting this month with Mike Mason and other small towns regarding the cost for the town decal in the yearly tax bills. On August 21, 2018; she will meet with VDOT and the ANDPC about Community Improvement Projects, and she will push for the sidewalk project/repairs during this meeting. Ms. Salazar sent a letter to VDOT about having some streets lines and curbing repainted and the condition of some roads in town and a repair that was promised that hadn't been completed yet, she hasn't heard anything back from VDOT at this time. Mr. Finney stated he would also follow up with VDOT. Ms. Salazar noted the new town building RFP ran in last week's newspapers. Ms. Salazar said she contacted Accomack County Public Works about the missing street signs and they are working on getting these signs replaced or repaired. Ms. Salazar stated she reviewed procedures and protocol with Ms. Kellam concerning the Planning Commission. Ms. Salazar wrote and published all ads for the mower, website, and the Charter changes. Ms. Salazar stated she was unable to locate the lease with the Railroad in the garage, but she did find two separate MOU's between SPOTS and the town. Ms. Salazar spoke with Ms. Kellam about the resident on Carolina Avenue that still has the two abandoned cars in their yard, Ms. Salazar, and Ms. Kellam will meet on August 15, 2018, to take the next step and get this matter resolved. Ms. Salazar and Chief Spivey worked today on a pothole issue located on private property, but the area is used as a right-of-way between Onley Road and Route 13. Ms. Salazar stated the Accomack County Comprehensive Plan Update - Public Hearing date is August 22, 2018, at 7 p.m. and it does make mention of the Town of Onley, Four Corner, RSMH and Retail Commercial (Onley being the retail commercial center). Mr. Zember requested a copy of the Comprehensive Plan. Ms. Salazar responded she would have the copy available tomorrow in the Town Office for him; she also stated a copy is accessible to the public in the Town Office. Mr. Hart asked Ms. Salazar when she meets with VDOT and ANDPC would she express an interest (a majority of had Council expressed interest) of a crosswalk at the intersection of East Main Street and Coastal Blvd. Mr. Hart stated that Council had approved to send a letter to the Delegate, Senator, and VDOT. He stated it will help with residents in town safely crossing over that busy intersection. Mr. Hart says he hopes Council agrees. The Council was polled: Mr. Finney stated he had voted no previously to go over VDOT's head and continues to have the same feeling, he voted no to have Ms. Salazar bring before the ANDPC. Ms. Rillo responded the town already had the answer that VDOT didn't want to install new lights to allow the crosswalk; she voted no to have Ms. Salazar bring before the ANDPC. Mr. Zember responded it is a very expensive endeavor; he voted no to have Ms. Salazar bring before the ANDPC. Ms. Dize voted no to have Ms. Salazar bring before the ANDPC. Mr. Bliss replied that \$150,000.00 to fix the lights, even if it State money it is still taxes we pay, he voted no to have Ms. Salazar bring before the ANDPC. Ms. Dize asked Ms. Salazar if she had a chance to notify VDOT about the humps in the road on Coastal Blvd. because they are getting worse since even since last month. Ms. Salazar replied that the complaint was included in her recent email to VDOT.

### **Attorney's Report**

Ms. Kellam reports for July 2018 she reviewed the building permit documents from GMB, and she noted that more information is needed before the permit documents can be completed. Ms. Kellam researched the Town's Planning Commission By-Laws and Chairperson duties. Ms. Kellam reports she is still working on the SPOTS land and food trucks situation. Ms. Kellam states that she is working with Ms. Salazar in hopes of finding a contract (unable to locate in garage) with the Railroad to give her a starting point to research. Mr. Zember asked Ms. Kellam if she had anything to report on the SPOTS and food

trucks situation. Ms. Kellam responded that she learned before tonight's meeting that Ms. Salazar was unable to locate the contract. She noted there is no additional information at this time.

### **Planning Commission Report**

Ms. Bliss gave her report stating they had elected Rose Pierson as Chair of the Planning Commission. Ms. Bliss noted the Planning Commission continues to work on the Property Maintenance Ordinance and implementing a process and procedures to enforce. Ms. Bliss stated the Planning Commission had begun the process to put in place ordinances that would affect mobile food trucks in the town of Onley.

### **Old Business**

#### **Property at 25571 East Main Street / New Town Building**

Ms. Salazar stated the RFP for the new building ran in last week's paper. Ms. Salazar offered apologies to Council that they weren't able to review before publication as initially stated. GMB's hurry to complete things they expedited the RFP, and it was sent to the paper, several free publications and websites. Ms. Salazar noted one company responded they are interested and are planning to put in a bid. Ms. Salazar said the pre-bid meeting date is August 17, 2018, at 10:00 am at the town office and stated GMB would conduct this meeting. Ms. Salazar noted that the contractors do not have to be present at this meeting to bid, but that is not encouraged. She stated the sealed bids are due back on September 6, 2018, at 5 pm to the town office, bids will be brought to the monthly meeting that night, and the sealed bids will be opened publicly and read aloud. Ms. Salazar said after the meeting all paperwork would be turned over to GMB for them to make recommendations and research the bidders. GMB will make their recommendations to Council at the October 1, 2018 meeting. Ms. Salazar noted that the Council is under no obligation at that point, Council will need to decide how to proceed during October 1, 2018 meeting. Ms. Salazar stated she received the new building permit paperwork for a new commercial building from Accomack County they filled out a portion of the permit and she also received two sets of drawings that will be submitted with the permits. Ms. Salazar stated the submission of the permit is at a standstill until additional information can be gathered (i.e., contractor). Ms. Salazar noted she facilitated communication between GMB and Bundick's Well and Pump for the proximity of the Stormwater Management and the well location. She stated the Site Construction Plan, Erosion and Sediment Control Plan, Stormwater Management Plan and Computation was submitted to the Department of Health. Mr. Hart expressed concerns for the town residents as many of them have expressed how they are discouraged about the construction of the new town building. He asked Ms. Salazar if there was any way to get a referendum and on the ballot for the November 2018 election since it is a large sum of money the town will be spending. Ms. Salazar and Ms. Kellam responded that would be a question for Patricia White at the Registrar Office. Ms. Salazar replied she would call the Registrar Office to get the answer at Council request; Council agreed for Ms. Salazar to call Register Office. Ms. Custis responded that it is too late to add for the County, not sure about towns. Mr. Hart stated he is going to put this request in the form of a motion.

**Motion: The Town Manager set up to have the property located at 25571 East Main Street on a referendum if possible for the November 2018 ballot so the taxpayer can decide if they want to spend this kind of money by Matt Hart with no seconded.**

Mr. Finney responded where were all the taxpayers when the discussion of the new building was going

on. Ms. Kellam noted that the town would be breaching a contract stating there would be implications for going back and forth. Mr. Zember asked for clarification on the original plan of action. Ms. Salazar responded that the original plan and motion was to have Ms. Salazar call the Register Office to see if a referendum could be added to the November 2018 ballot. Mr. Hart responded he would like this referendum added to the ballot to build the new town building for X amount of dollars (until the exact amount is available). Mr. Finney responded if this opens the town up for breach of contract, we better stay away from it.

**Motion: Failed no second.**

Ms. Salazar asked for clarification at this time about calling the Registrar Office. Mr. Finney stated no call at this time.

**Town Website – Open Bids/Proposals**

Ms. Salazar responded no bids were received. Mr. Zember asked if Marvin at D&D Computing did this type of work. Ms. Salazar responded he doesn't do websites. Chief Spivey replied the town would have to seek out a designated provider, not too many local companies provide this service. Ms. Rillo asked if the ESCC had anyone willing to help with the website. Ms. Salazar responded she would contact the ESCC. Ms. Salazar stated she had reached out to other towns and they are having some of the same troubles finding a company, and some towns are doing internally. Chief Spivey stated if push comes to shove we can build/maintain internally. Chief Spivey noted he had developed a website before; it has just been awhile. Mr. Bliss stated he thinks the town should exhaust all other options before the town taking responsibility. Ms. Rillo said rather than adding the website design to Chief Spivey's workload it would be better to exhaust all possibilities and hire a professional company. Mr. Zember agreed with Ms. Rillo. Ms. Bliss stated if it doesn't have to be completed on site as it is all electronic why not advertise in Richmond, VA area. Chief Spivey responded they were looking into a web page user-friendly and not too complex so that Ms. Salazar could make without a third party; the town could surely go that route, but that route is usually costly. Ms. Rillo recommends checking with other towns, and she states Chincoteague has a pretty website. Ms. Salazar responded other towns like Cape Charles has a town employee (part of their job duties as a town employee) doing their website design, and they are not interested in doing for other towns. Ms. Salazar and Chief Spivey stated they could design the website, but has concerns they already have a lot of work. Chief Spivey said he didn't want to take on this job because of the criticism, stating he is not a professional web designer but it would meet the criteria and it will look nice. Ms. Rillo responded that she understands Chief Spivey's concern. Mr. Rakowski stated if the town set up a website they would have to do so through a professional to make it non-hackable so that only town employees have access to make changes. Mr. Bliss stated the town should investigate somebody professionally to complete the website design. Mr. Zember, Ms. Rillo, Mr. Finney all in agreement, Ms. Dize, had no comment. Ms. Salazar and Chief Spivey stated they would work together and continue to research a company that can provide web design services for the town.

**Sale of Ferris Lawn Mower / Open Bids**

Ms. Salazar stated three bids were received. Ms. Salazar stated the first bid was received on August 3, 2018, bid one submitted by Moab Farm Enterprise, LLC for \$1005.57. Ms. Salazar stated the second bid was received on August 8, 2018, bid two was submitted by Shields Bridge Lawn Service for \$1000.00. Ms. Salazar stated the third bid was received on August 10, 2018, bid three was submitted by Avon

Garrison for \$1,500.00. Ms. Salazar noted all bids were received timely, was sealed and was secured and all bids provided the proper information. Council accepted Avon Garrison bid for the Ferris lawnmower.

**Motion: To contact Avon Garrison with his bid of \$1,500.00 should he choose back out Council will accept the next highest bid by Ted Bliss and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

#### **Ratify VDOT Road Diet Letter**

Ms. Salazar provided Council another copy of the letter submitted by VDOT for the Road Diet project. Ms. Salazar stated that VDOT asked her (Town Manager) to sign the letter in support of the Road Diet project going into the Town of Onancock and said Council decided to wait and sign until the Accomack County Supervisors made their decision. Ms. Salazar stated that Accomack County Supervisors, Town of Onancock, and the Riverside Shore Memorial Hospital were all in favor of the project. Ms. Salazar reported she polled all Council Member's via telephone, and all Council Members were in agreement with Ms. Salazar signing the letter as a representative/Town Manager that the Town of Onley would also support the project.

**Motion: To ratify the VDOT Road Diet Letter by Matt Hart and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

#### **Stand -up sulky mower**

Ms. Salazar stated she contacted the person who made an offer of \$300.00/\$350.00 in writing on the sulky mower to let know that Council had accepted his offer, left two messages and no return call. Ms. Salazar stated that he must have changed his mind or is no longer interested. She said the standup sulky mower is still available. Mr. Finney asked if that mower could be donated to an organization (little league or soccer field). Ms. Hohlt stated that No Limits (brain injury survivors) in Tasley, might be able to use. Mr. Gardner also commented that Light House Ministries might be interested. Mr. Zember stated it will be good to give to a charitable cause. Ms. Salazar responded she would research some agencies and bring back before Council at next month's meeting.

#### **Mobile Food Trucks**

Mr. Hart stated that he learned during SPOT's monthly meeting they voted 5-0 against the idea of mobile food trucks. He noted he hadn't seen anything in writing (minutes), was notified verbally. Ms. Custis confirmed that the vote was correct, at this time. Mr. Hart asked if he was able to ask reasons for the way SPOT's voted. Mr. Finney and Ms. Rillo stated that information would need to be obtained from SPOT's. Mr. Hart has concerns that the town spent \$8,000.00 (per a motion) to run electric and water down the tracks. Ms. Custis clarified the electrical and water installation cost, and repair of the leaking toilet was a total of \$6,600.00. Mr. Hart responded he would like to see that area along the railroad tracks used since the town spent the money to have electric and water installed as the initial plan was a Farmer's Market that never got up and running.

#### **New Business**

**Proposed Changes to Town Charter**

Mr. Finney polled Council Members. Mr. Hart stated he would like to keep it the way the original founders wrote it. He said stripping power from the position of Mayor is not in the best interest of the public or the Mayor. Ms. Rillo stated according to the Town Attorney since the town has a Town Manager in place that supersedes the Mayor's authority whether it is in the Charter or not. She said what Council is trying to do is clarify the process from changes made in 2017 that never got completed. Ms. Rillo stated that the Town Charter worked when written initially, the town government was smaller, the town was a lot smaller at that time, but noted these changes should be made to clarify everything. Mr. Zember stated there needs to be some changes to the Charter made, however, he wants to make sure all changes are completed correctly, so the proposed changes to the Charter will be sufficient for years to come with the rate the town is growing. Mr. Zember said he sees both aspects, but that Onley needs to be modern with the times. He said he would like to find a Town Manager's school for Ms. Salazar to attend at the town's expense. Ms. Salazar responded she has researched schooling in the past and was unable to find one. Mr. Zember noted he is hesitant, he votes no to the proposed Charter changes at this given time. Ms. Dize stated she had voiced her concerns previously. She said she feels a little better knowing the additions were authorized by the State of Virginia. Ms. Dize still has issues with a couple of items, one being the list of qualifications, that list should be under a job description in the personnel record instead of in the Town Charter. Ms. Dize states she is also hesitant and if it would call for a vote she is unsure how she would vote. Mr. Finney responded that he thinks qualifications should be removed from the Charter. Mr. Bliss stated his expectation is not only will the Charter need to be changed now but in the next few years will probably have to change again because the town is growing. He said the town's needs are changing, the population is changing, the entire demographics of the town is changing. Mr. Bliss said the town needs to be as current as possible and have somebody in place with authority to be effective. Mr. Bliss stated the town is going to grow and get bigger and better or we are going to die on the vine. Ms. Hohlt asked to address Council and said the town residents elect the Mayor, that means the town residents have a say, but the Town Manager is not an elected position which means the town residents have no say. Mr. Bliss responded the Town Manager is appointed by the Council who are elected by the town residents the Council provides the guidance to the Town Manager what his/her job may be. Mr. Bliss stated the Mayor's position is a titular position, the person that runs the meetings, and is officary for the town. Ms. Custis asked to address Council and stated the appointments are "shall" in the Charter and she thought the State states "shall" elect Clerk, that is what the town has to have, and the town "may" elect a CAO/Attorney and so on. Ms. Custis stated she thinks what is happening is this is being done on what's right now, and that is what should not happen. She says when the Mayor and/or Ms. Salazar in the Charter has the power to hire or fire an employee without the Council's knowledge. Ms. Custis noted when the Mayor fired an employee that was the Council's opportunity to remove him from his position. Ms. Custis thinks you can't base changes in your Charter about today's circumstances. She mentioned that if something were to happen to Ms. Salazar the town is committed to having a Town Manager cause the Charter reads "shall" have one, Ms. Custis stated it would be hard to replace the Town Manager/Treasurer position with what the town is paying Ms. Salazar. Ms. Custis noted the Council also needs to consider the town's financial status. Ms. Kellam responded the Mayor needs to understand if something should happen to the Town Manager that position falls back onto the Mayor to complete, submit financials, prepare annual budgets and make the town run. Ms. Dize asked if the vote for the Charter changes needed to be completed tonight since it was advertised has Public Hearing. Ms. Kellam stated that the Council did not have to vote on tonight, but will need to know by December to give Delegate/Senator time to see if they will be sponsoring the

## Onley Town Council Minutes of August 13, 2018

Charter changes in the January session. Ms. Rillo stated that the proposed Charter changes are not something new and this has been a discussion for years. She noted for the town to run correctly a Town Manager is needed and noted she is willing to continue the discussion at an upcoming meeting. Ms. Custis and Ms. Rillo stated that office employees should be cross-trained. Mr. Bliss responded that this is a matter of continuity of business you can control what a Town Manager does, but you can't control what a Mayor does. He notes that Council is not required to vote on this tonight, but Council needs to get thought processes going and make sure Council is doing the right thing. Ms. Salazar responded Ms. Taylor is in the process of learning the office process and there is written instructions on anything of importance. Ms. Dize gave praises to the office staff and says the town is very fortunate to have Ms. Salazar and Ms. Taylor. Mr. Bliss recommended continuing this discussion until the point that Council has to decide. Mr. Finney stated no motion would be made tonight; Council will have further discussion on the changes and bring it back at the next meeting. Mr. Finney asked Ms. Salazar to put on the agenda for the next meeting. Ms. Kellam responded she will not be available at that meeting and recommended having a special meeting only to discuss the Charter changes and all Council Members agreed. Mr. Kellam noted she had provided Council with copies of the original Charter, proposed Charter changes, and copies of other town Charters. Mr. Finney asked Council Members to review all Charter's before the special meeting. No date was set during discussion.

### **Purchase of Bio-mist (\$1,848.00)**

Ms. Salazar stated when ordering the briquettes for the larva, she requested a price for the Bio-mist to get Council's approval, and the company included the Bio-mist with the briquette shipment. She noted there was a misunderstanding when the order was placed.

**Motion: To accept the purchase of the Bio-mist of \$1,848.00 by Ted Bliss and seconded by Susan Rillo.**

**Roll Call Vote: Hart-yes; Rillo-yes; Zember-yes; Dize-yes; Bliss-yes; Finney-yes. MOTION PASSED**

### **Public Comments:**

Billye D. Custis stated she is disappointed that the Rainy-Day Fund wasn't on the agenda after several Council Members thought that needed more consideration. Ms. Custis says the breach of contract is troubling after Council Member asked if the work with GMB binds the town to the building, and she was under the impression the answer was "no." Ms. Salazar responded they would have to look at the contract. Mr. Kellam stated the town signed a contract to provide services; we will need to see at what stage of the contract we are in. She noted we had hired GMB to help the town facilitate the building process, so there will be a breach of contract if the town tells them to halt whatever services the town has signed on for at this point. Ms. Custis asked the amount of this contract. Mr. Finney responded \$120,000.00. Ms. Custis asked if Council understand the terms of the contract. Mr. Zember replied he thought the contract had several steps and at a certain point the town could walk away. Ms. Kellam responded we could re-read the contract, but stated if you halt a process that has been put in place there may be damages. Mr. Hart's understanding was the contract in place up to the bidding process at which time Council then could decide if they wanted to continue with the construction of the building. Mr. Rakowski stated if he were a contractor bidding on the job and you are asking for a referendum for public approval to spend the money, he wouldn't even bid on the job. Ms. Kellam stated the Council had made motions to accept and then build this building. Ms. Kellam noted it is frowned upon for Council to make motions and then go back on that motion; you make motions to move forward as a town. Ms. Custis is not in favor of the Road Diet and dropping the road down to three lanes going into

## Onley Town Council Minutes of August 13, 2018

Onancock, and she has heard that the Town of Onley is in agreement. Mr. Finney responded he agrees and states this is just a study. Ms. Amadeo stated that there has been an large increase in vehicle traffic on that section of road, it's hard to get in and out of driveway. Mr. Finney asked Ms. Gordy if she could answer any question on the proposed Road Diet since Accomack County Supervisors voted to make the changes. Ms. Gordy responded when you are dealing with the State they have already made up their minds, the money has already been put aside, and you are fighting city hall. She says why make them mad over something you know they are already going to do when you might need a favor in the future. Ms. Custis replied that per the newspaper what Accomack County agreed on was to get more information. Mr. Finney stated the town signed the letter to give them the go-ahead to start the study. Ms. Salazar noted that Accomack County agreed to sign the letter, the letter was signed by Mike Mason and Ms. Salazar was the last one to sign the letter on behalf of the town. Ms. Salazar stated the consensus of the Council when polled was the Town of Onley didn't want to go against the others that had already signed the letter just for a study.

Laura Belle Gordy thanked Council for postponing the vote on the proposed Charter changes; it was a wise decision.

John Dennis stated the Road Diet changes are not as easy as it sounds. He gave details on how the road is constructed. Mr. Dennis says he doesn't know what the State is thinking.

Deborah Bliss stated she received a flyer in the mail from ORA in the third week of July 2018 halfway through summer and this is the only notification town residents received from ORA. Ms. Bliss said when ORA came before Council asking for a donation, ORA said they would send out a flyer notifying town residents immediately, she states that did not happen. Ms. Bliss noted the flyer came when half of the summer is gone. Ms. Bliss asked if Council has heard from ORA since they approved the donation of \$3,800.00. Ms. Bliss wondered what the obligations are of ORA to Council and is there anything in writing. Ms. Bliss stated her personal opinion is that the past two years Council threw away Onley's good money by making donations, and she is not a happy camper.

Bill Ferguson offered apologizes for arriving late to the meeting; he attended the service of a departed brother firefighter. Mr. Ferguson said he and Mr. Hart have agreed publicly to run a clean Mayoral campaign. He stated on record the town has his word as a gentleman for a clean campaign. Mr. Ferguson stated he is in support of the position of Town Manager to oversee the town operations and employees, and have those duties revert back to the mayor in the Town Manager's absence, these practices are just good redundancy in business.

Fred Gardner replied to Mr. Finney's question about where the town residents were when the discussion of the new building was taking place. Mr. Gardner responded not very many people read the advertisements in the newspaper about special meetings/buildings - that is that answer. Mr. Gardner stated several years ago there was a vote for a \$450,000.00 building just a year or town ago the building is up to \$800,000.00 and if you can build for under \$1,000,000.00 you will be doing good. Mr. Gardner stated if the town can spend all this money on a new town building then the town can certainly spend \$150,000.00 for a crosswalk from West Main Street to East Main Street for safer crossing conditions.

Ms. Salazar read aloud a thank you letter from the Tasley Volunteer Fire Department for the donation of \$4,500.00 from the Aide to Locality Grant given from the Town of Onley.

## Onley Town Council Minutes of August 13, 2018

Laurice Hohlt stated she had a hard time hearing Council Members speaking during the meeting. Ms. Hohlt says she has live in town since 1976, and recently she has noticed a lot of young people walking the streets, and they have a right to, but at times she doesn't feel safe. Ms. Hohlt noted the milkweed growing in her back yard and next to the parking lot is full worms she is feeding to turn into butterflies.

### **Council Comments**

Mr. Hart stated this was a very productive meeting. He thanked everyone in attendance tonight, and it is the resident's voice that helps the Council make the right decisions. Mr. Hart stated he did a ride along with Officer Coulter and praised him for an excellent job and he thanked Chief Spivey for allowing him the opportunity. He said he was glad to hear that Ms. Salazar is meeting with VDOT on the repairs of the town's sidewalks and possible trails along the railroad tracks. Mr. Hart stated he wishes Council would be more open-minded about getting a crosswalk at the intersection of Coastal Blvd., East, and West Main Streets. He notes this intersection has a high pedestrian crossing and it is hard to cross with all the traffic flow and public safety should be first and foremost. Mr. Hart stated the town residents he has spoken with seem to be against the new town building. He says citizens have voiced concerned that a town with a population of 500 shouldn't spend \$1,000,000.00 on a new town building. Mr. Hart stated four years ago Council thought an appropriate amount for a new building should be around \$300,000.00. Mr. Hart noted the town has gained \$1,000,000.00 over the last four years and that doesn't mean you should spend that \$1,000,000.00 on a new building. Mr. Hart said he is disappointed SPOTS didn't approve the mobile food truck idea. Mr. Hart stated the town has to look at ways to bring job opportunities and healthy growth to the area such as mobile food trucks as they are becoming a way of the future. Mr. Hart would like to continue the discussion of mobile food trucks along the railroad tracks. He says it would bring more people to the downtown area and could offer SPOTS more publicity. Mr. Hart supports the town paying for Ms. Salazar to go to training, the smarter and the more information we feed her, the better off the town is going to be. Mr. Hart says if he is elected Mayor he would like Ms. Salazar, Town Manager to teach him the operating processes of the town. Mr. Hart stated he still wants to get an inspection and appraisal on the old Onley Volunteer Fire Department building so that the town doesn't have to always rely on neighboring fire departments. He notes that if the town were able to buy the OVFD now, the town would have the capability of opening a fire/rescue in the future and would also allow for a meeting hall for town meetings. Mr. Hart stated the town already has about \$200,000.00 in the lot where the new town building is slated to be built, and the lot is worth approximately \$10,000.00 because it doesn't perk. Mr. Hart said just because the town has the money for a new building doesn't mean you have to build the Taj-Mahal when you could purchase the OVFD which would serve the town's needs and also the future needs of a future fire department.

Ms. Rillo thanked everyone for coming to the meeting tonight, stated it is nice to see town residents in attendance and thanked everyone for their comments to help the Council make the right decisions. Ms. Rillo thanked all town employees and the Town Attorney for doing a fantastic job. Ms. Rillo thanked her fellow Council Members for their thoughtful comments. Ms. Rillo stated she hopes to see the Town Residents in attendance again at next month's meeting.

Mr. Zember thanked everyone for coming out tonight and thanked them for the input which helps Council make the best decisions for the town. Mr. Zember stated in the future as the town grows the Charter will need to be amended, adapted, or changed, however, he needs additional information before voting on the proposed changes. Mr. Zember praised Ms. Salazar for making decisions and taking

Onley Town Council Minutes of August 13, 2018

the initiative (purchase of the dunks) in the best interest of the town. Mr. Zember said with fall coming and beatification in the budget he is hoping to decorate the town for the upcoming holidays. Mr. Zember offered to speak before SPOTS about mobile food trucks/farmers markets; he has knowledge of being involved with Onancock farmers market for many years. Mr. Zember asked Ms. Kellam to research the contract for the new building for any possible penalties for breaching the contract.

Ms. Dize said that it is terrific to see everyone in attendance tonight and Council appreciates the town resident's input. It helps make the Council make better-educated discussions. Ms. Dize says she knows the town residents have concerns about the new building, as does she. She noted she challenged the Council to come up with ways to save money to recoup some of the money that has already been earmarked for the town. Ms. Dize stated she keeps hearing the new building will cost \$800,000.00 and that amount is not in the budget, the budget amount was \$500,000.00. Ms. Dize said she still challenges the Council (a diversified Council) to find ways to cut the town's budget and find some ways to recoup some of this money by making an intelligent effort. Ms. Dize acknowledges Officer Arnold for 113 citations and Office Coulter for 77 citations for outstanding job performance for last month's traffic patrol. Ms. Dize thanked the town employees for going over and above to help out when needed. Ms. Dize says she has enjoyed sitting on Council and is sorry that her health will not allow her to run again, but she will continue to be an active town resident. Ms. Dize stated it had been a pleasure to serve the town for ten terms. Ms. Dize said she has talked about sidewalks for many years now, so if the town gets sidewalks and improvements she will "One Happy Lady".

Mr. Bliss thanked everyone that came out tonight and would like to see this attendance every month. Mr. Bliss stated that citizen participation (voices/opinions) would help with the productivity of the town operations. Mr. Bliss spoke about the construction of the new town building. He noted the original cost five years ago was \$450,000.00, at today's price it will be higher, and a lot of the price increase is due to state requirements and due to the lengthy time for Council to decide to proceed with construction. Mr. Bliss stated he agrees with Mr. Hart with the high foot traffic crossing over Coastal Blvd. He said if the cost to implement a crosswalk is too expensive, could the current light system be used by just changing the light cycle (timing), or installing a walk / don't walk signs in coordination with the traffic light cycle to allow pedestrians safe crossing. Mr. Bliss said establishing an enterprise zone to build up the downtown area will help in the participation to develop other business not only mobile food trucks but arts and craft vendors and such. Mr. Bliss stated as far as weeds and trash along the property lines this is not something the town can demand the property owners to clean up; he stated that has to be a relationship between the landowner and their neighbor. Mr. Bliss stated he is disappointed with ORA because there has been no updates or representation at any Council meeting since the town gave them a donation. Mr. Bliss thanked all town employees for jobs well done.

Mr. Finney welcomed Claudia Harmon to the Council meeting and recognized her as a running mate in the November election. Mr. Finney thanks everyone in attendance for coming out tonight. Mr. Finney thanked all town employees for their awesome job performances.

Adjourn

**Motion: To adjourn at 8:43 pm by Susan Rillo and seconded by Ted Bliss.**

**Roll Call Vote: Hart--yes; Rillo--yes; Dize--yes; Bliss--yes; Zember--yes; Finney--yes. MOTION PASSED**

Onley Town Council Minutes of August 13, 2018

Respectfully submitted,

Melissa Taylor  
Clerk

Henry E. Finney  
Vice Mayor