

Onley Town Council Minutes of October 7, 2019

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 7th day of October A.D., 2019:

Council Members Present: Matt Hart, Mayor
Ned Finney, Vice Mayor
Billye D. Custis
Claudia Harmon
Rose Pierson
Susan Rillo
Woody Zember

Staff Present: Jamye Salazar, Town Manager
John Spivey, Chief of Police, OPD
Rachel Kellam, Attorney
Alissa Yoder, Clerk

Call to Order

Mayor Hart called the meeting to order at 6:00pm.

Invocation & Pledge of Allegiance

The invocation was given by Claudia Harmon and the Pledge of Allegiance was led by Woody Zember.

Adoption of Agenda

Motion: To adopt the agenda, with the addition of 4.A Intro of Candidates on tonight's agenda by Ned Finney and seconded by Susan Rillo.

Roll Call Vote: Zember-yes; Rillo-yes; Harmon-yes; Pierson-yes; Custis-yes; Finney-yes.

Motion Passed

Introduction of Candidates – Mayor Hart noted that all candidates attending the meeting have three minutes to introduce themselves. Mr. James Lilliston (running for treasurer), Ms. Janet Turner (running for school board), and Ms. Brandy Custis Childress (running for treasurer) all introduced themselves and gave a brief summary of their background.

Consideration of Minutes

Motion: To adopt the September 9, 2019 Regular Monthly Meeting minutes by Rose Pierson and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Department Reports:

Police Report & Schedule - Chief Spivey noted to council that he did not provide a schedule due to Officer Bennett's possible return from leave at a date that is not yet known. He also noted that when he is aware of Officer Bennett's return date, he will be presenting council with a new schedule.

Onley Town Council Minutes of October 7, 2019

Chief Spivey presented council with an estimate from a sole source for refurbishing radars for the officers, noting that fixing the radars will be \$1,349.06, which is beyond the \$1,000 maximum for purchases that do not need council approval.

Chief Spivey reported that he also attempted to contact the state about the Chargers, but the state did not respond. He stated that due to that, he has no answers for council and will report to them as soon as he does.

Chief Spivey stated that due to Officer Bennett being out, the other officers have not been able to use their vacation time. He requested that council approve the officers to sell the vacation time back at the end of the year if they so desire. Ms. Custis requested that Chief Spivey provide council with how much that would be for each officer. She also noted that she received a personal compliment for Chief Spivey from ARC about his presence at the fish fry. Mr. Finney also noted that the council appreciates the officers stepping up to cover Officer Bennett's leave.

Motion: To authorize the repair of the police radars for \$1,349.06 by Susan Rillo and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Treasurer's Report

Ms. Salazar gave her report for September 2019, noting that General Government, Public Works, and Police Department are all under budget so far this fiscal year. A copy of the report is available at the town office.

Motion: To pay the payables including the additional payables by Ned Finney and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

CD Maturing at Suntrust Bank 10/18/2019 – Ms. Salazar noted that there will be a sizeable check that will be made out to Bundick's in the near future due to the work being done at the town office. She requested that council approve Ms. Salazar closing out the CD at Suntrust Bank and put it in a money market or regular checking account. With that being done, there will be money to cover the bill from Bundick's.

Motion: To close the CD, with the balance of \$129471.93 to regular checking in the amount of Bundick's bill amount and the remaining amount to a money market account at PNC by Rose Pierson and seconded by Billye D. Custis

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

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

Ms. Salazar read her report for Town Manager, Zoning Administrator and Public Works for September 2019. This report is available at the Town Office.

Attorney's Report

Ms. Kellam reported that in the past month, she has reviewed GMB's plans as well as prepared a fire-lane ordinance for Four Corners. She will be making changes to this ordinance per Chief Spivey's

request. Ms. Kellam also discussed Special Use Permits with Ms. Salazar and reviewed the Sexual Harrassment Policy. Mayor Hart inquired about the Rails to Trails letters that everyone has been receiving. Ms. Kellam responded, saying that she believes it is a class-action lawsuit that an attorney who is licensed in Virginia "caught wind of". Ms. Kellam confirmed that the land on the railroad was leased, and the land owners may be entitled to compensation or entitled to getting the land back since the railroad is no longer being used. Ms. Custis reported that she attended the meeting for this subject. She summarized that each individual case is its own merit, however it only pertains to the surface of the land, and underground activity is not allowed at those locations.

Planning Commission Report

Councilwoman Pierson reported that the Planning Commission has discussed Moore's Portable Solutions and Ted Cathey's Special Use Permits that were submitted. The Planning Commission created a list of questions for Moore's Portable Solutions that Ms. Salazar stated she mailed to them last week.

Old Business:

Property at 25571 E. Main Street / New Town Office

Conceptual Berecah Plan – Councilwoman Pierson reported that the council has a newly revised plan from Berecah. Ms. Pierson asked Ms. Kellam for permission to complete the motion from April, based on the fact that the town has spent the \$3000 to Berecah and the set of plans is complete. Ms. Kellam agreed that the Committee may proceed. Ms. Custis inquired about moving forward if the council does not agree with the newly revised plans. Ms. Kellam responded, saying that the council has to agree on the plans, and that the Building Committee is only a fact-gathering committee that can make recommendations only; The council decides what can go through.

Mayor Hart noted that the service is already paid for and if council does not approve, the service is being stalled. He also noted that the committee has implemented many changes and he hopes for the council's support on the new plan. When Ms. Salazar asked if there should be a motion made for approving the plans, Ms. Kellam responded that a motion should be made. Mayor Hart disagreed, stating that the Building Committee understood that the original motion from April was to follow through with the entire process without making another motion until council was ready for the bidding process.

Ms. Pierson asked each member of council if they agree with the plan. The council did not agree with the plan, with Ms. Rillo, Ms. Harmon and Mr. Zember disagreeing with Mayor Hart, stating that they were unaware that the numbers given from council to the committee at the time of the committee's formation regarding the building would be used as a budget. Mr. Brian Corbin, Mr. Bennie Tatum and Mr. Ralph Wardius all spoke about unity between the council in order to move forward. Mayor Hart asked council if they would like to put a referendum for the 2020 election, letting the people choose between stick built or modular built. The council did not respond to this inquiry. After a lengthy discussion, a vote was taken.

Motion: That the council consider the latest revision of the Berecah plans and approve them so council can receive the set of plans from Berecah that council has paid \$3000 for by Rose Pierson and seconded by Susan Rillo.

Roll Call Vote: Custis-no; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

GMB Plans

Ms. Kellam noted that GMB plans may go out to bid, but no changes whatsoever shall be made to the plans. Councilman Finney recommended discussion of the GMB plans only after the final Berecah plans are received by council.

George N. McMath Park/Committee Report

A report for the George N. McMath Park Committee was presented by Billye D. Custis. The report is available at the town office.

Fence – After putting the fence out for bid, Ms. Custis stated to council that the bid chosen by the committee was Chesapeake Fence Co. with \$27,500.

Motion: To accept the bid from Chesapeake Fence for the amount of \$27,500.00 by Rose Pierson and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Beautification Committee – Ms. Salazar noted that the Committee did not meet this month, however the mums are going to be planted at the intersection for fall, which will change to small Christmas trees in the winter. The committee is also interested in purchasing a Christmas tree for this season, noting that they do not want to spend over \$1000 for the tree.

Go Green Committee – Due to the length of the meeting and no members currently, there was no discussion.

Historical Preservation Committee – Mayor Hart noted that he has spoken with people in town who are in favor of forming the committee. He also noted that he would like to have historical photos of Onley at the new town office when the time comes.

Worker's Comp Coverage for Council/Resolution – Ms. Salazar reported that she discovered a resolution from 2009 rescinding the resolution adding councilmembers as employees so that they may be covered by workman's comp. However, VML was never made aware of this change, therefore the members of council have been covered by workman's comp coverage thus far. Ms. Salazar noted that it costs \$150 per year to provide workman's comp to the council members. She asked council if they would like to continue to be covered. The council agreed to continue to be covered. Ms. Salazar will provide council with a resolution reinstating the coverage for the November meeting; Ms. Kellam agreed.

Special Use Permit – Cathey – Ms. Salazar reported that the planning commission has done their research and inquired with Mr. Cathey about his Special Use Permit, which Mr. Cathey has responded to in writing. Ms. Salazar reported that the next step is to have a public hearing. Ms. Salazar also noted that the property owners around him will be notified.

Motion: To send Mr. Cathey's Special Use Permit to public hearing by Claudia Harmon and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

New Business:

Special Use Permit – William M. Moore LLC – Ms. Salazar reported that Mr. Moore purchased a property from the Pierson Comfort Group four years ago, who had a special use permit in place to operate the property as a business. Ms. Salazar was recently made aware that, although it has been an extended period of time, the permit does not get transferred to a new property owner, and Mr. Moore must re-apply for a special use permit in order to have his business there. Ms. Salazar made Mr. Moore aware of this and Mr. Moore submitted an application and the application fee. The planning commission compiled a list of questions for Mr. Moore pertaining to his business there and Ms. Salazar has sent Mr. Moore those questions. Ms. Salazar requested that a public hearing be done on this special use permit for the November meeting.

Motion: To send William M. Moore LLC's Special Use Permit to public hearing in November, pending Mr. Moore's responses to necessary questions by Billye D. Custis and seconded by Ned Finney

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

DARE Donation – Last month, Officer Campbell came to the council meeting to inform council and the public about the D.A.R.E. program in schools. While speaking, Officer Campbell also noted that the D.A.R.E. program is accepting donations from towns and businesses in the school districts that will be positively effected by the program. Mayor Hart asked council how much they would like to donate to the program.

Motion: To make a \$500 donation to the DARE program by Billye D. Custis and seconded by Susan Rillo

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Sexual Harrassment Policy – Ms. Salazar provided council with a policy which she received from Tina Stevens, who presented the sexual harassment training for the town employees. Ms. Kellam approved of the policy provided.

Motion: To adopt the sexual harassment policy by Billye D. Custis and seconded by Rose Pierson

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Public Comments – Laurice Holt announced that on Saturday October 12, there will be an Alzheimer's Walk and she encouraged the public to come and walk and/or donate.

Rodney Lang spoke about an incident regarding the police department, stating that he felt the officer that he dealt with recently with his child seemed to prioritize giving a ticket over discussion with him and his wife prior. He also discussed an incident after that, which pertained to someone being at his house at 3:30 in the morning when no officer was on duty. He stated that he had a difficult time getting an officer to help. Mayor Hart responded, stating that if the council sees that not having around the clock coverage becomes a consistent problem, they will discuss the possibility of around the clock coverage. He also apologized for both incidents happening the way the did, and hopes there will be no problems in the future.

Onley Town Council Minutes of October 7, 2019

Mr. Ralph Wardius inquired about the proposal of Onley connecting to the town water from Onancock. Mayor Hart replied, stating that the proposal will be for a pumping station somewhere around Four Corners. Mayor Hart stated that Supervisor Robert Crockett informed him that the town of Onley will not have to spend any money on it. Mayor Hart also noted that it may not be for another ten years until the town is ready or willing to tie in to the station. Mr. Wardius also inquired about town lot sizes. Mayor Hart responded that there are different sizes with each lot; not all lots are the same. Mr. Wardius also asked if power will be running underground for the park. Mayor Hart replied that it will be.

Mary Wardius inquired about why Berecah is not able to be the sole source for doing the town office. Mayor Hart explained that the town is legally required to put the plans from Berecah out for bid so that other companies have the equal opportunity to bid on the project as well. Mr. and Mrs. Wardius also noted that they both thought the building cost would be too much. Mayor Hart informed them that the building is not a shell; that it will be a finished building, but the furniture, phone system, etc. will still have to go in.

Council Comments – Claudia Harmon stated she hopes no one assumes she is difficult; that she just wants to have all the facts laid out before she makes a decision on the town office. She also noted that the greatest thing for her is to work together and put personal feelings aside.

Rose Pierson thanked everyone for participating. Ned Finney thanked the council and the input of the people that came. He also noted Ms. Salazar and Chief Spivey have been doing a great job.

Billye D. Custis thanked everyone for their support of the park and noted that the dedication will be Saturday, October 27 at 2:00pm and all are welcome to attend.

Woody Zember thanked everyone for coming and noted that he hopes everyone can work together for the new town office. He also hopes that the town will be well decorated for Christmas.

Susan Rillo thanked the councilmembers and everyone for coming. She also stated that she is thankful for the office workers and officers, noting that she hopes Officer Bennett will be coming back to work soon.

Mayor Hart thanked council for running a smooth meeting. He also thanked everyone for coming and encouraged the building committee to “hang in there” to complete the task that the building committee was formed for.

Closed Session

Motion: To go into Closed Session in accordance with Section 2.2-3711(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 Department, specifically related to job performance by Billye D. Custis and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Council went into Closed Session at 8:13pm.

Open Session & Certificate of Closed Session

Motion: To return to Open Session by Billye D. Custis and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Onley Town Council Minutes of October 7, 2019

Motion passed.

A roll call vote was taken after reconvening in Open Session at 8:56 pm, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session:

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

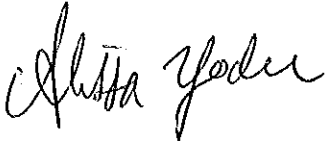
Adjourn

Motion: To adjourn at 8:57 pm by Billye D. Custis and seconded by Susan Rillo

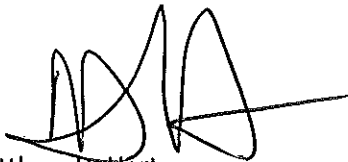
Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Respectfully submitted,



Alissa Yoder
Clerk



Matthew D. Hart
Mayor