

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

VIRGINIA: At a Joint Public Hearing for Special Use Permit and Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 4<sup>th</sup> day of November 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, with a moment of silence for Ms. Brothers who passed away recently from an accident in Onley.

**Invocation & Pledge of Allegiance**

The invocation was given by Billye D. Custis and the Pledge of Allegiance was led by Susan Rillo.

**Adoption of Agenda** – Mayor Hart requested that Intro of Candidates be added under 5 on the agenda. He also requested Hours of Meeting to be added under Old Business I. Councilwoman Custis requested that Scheduling be added under Closed Session 12, and Chief Spivey requested that Discussion of Police Purchase Patrol Car be added under 7A.

**Motion: To adopt the agenda, with the changes that are requested by Ned Finney and seconded by Rose Pierson.**

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

**MOTION PASSED**

**Planning Commission Meeting –**

**Call to Order the Hearing & Establishment of Quorum for Onley Town Council & Planning Comm. –**

Deborah Bliss called the hearing to order at 6:03 pm and established with Mayor Hart that both the Council and Planning Commission have a quorum.

**Rules for Public Hearing** - Ms. Salazar began reading the Rules for Public Hearing. Mayor Hart paused the reading and acknowledged that the order of the meeting was changed due to changes added to the agenda, and that the Intro of Candidates is actually the item that needs to be addressed on the agenda.

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

**Introduction of Candidates** – Jackie Phillips, who is running for Board of Supervisors, introduced himself and gave a summary of his background.

**Adjourn Planning Commission Meeting – 6:10pm**

**Motion: To adjourn the Planning Commission Meeting by Bill Ferguson and seconded by John Kluis.**

**Roll Call Vote: Bliss -yes; Bowling -absent; Kluis -yes; Ferguson -yes; Pierson -yes.**

**Motion Passed**

**Introduction of Candidates** – Janet Turner who is running for School Board, introduced herself and gave a summary of 3 concerns that she would like to address if elected to the school board.

**Planning Commission Meeting-**

**Call to Order the Hearing & Establishment of Quorum for Onley Town Council & Planning Comm. – Ms. Bliss called the Planning Commission Meeting to order at 6:13pm.**

**Rules for Public Hearing – Jamye Salazar - Ms. Salazar read the Rules for Public Hearing.**

**Statement of Facts on Special Use Permit (SUP) – Jamye Salazar – Ms. Salazar reviewed the Statement of Facts with council and the public regarding the Special Use Permit for Ted & Jill Cathey at 25537 Coastal Blvd. in Onley. She also reviewed the answers that Mr. Cathey provided to the Planning Commission. Ms. Salazar noted that she visited the site, and that after all facts were gathered, she recommends the approval of the permit to the council.**

**Council & Planning Commission Discussion of Special Use Permit Application – Mr. Cathey noted that Ms. Salazar’s facts are true. He also answered councilwoman Pierson’s concerns regarding delivery truck traffic and employee parking. Bennie Tatum and Brian Corbin both spoke that they approved of the permit. Ms. Bliss spoke for the Planning Commission, reviewing the concerns that the Planning Commission had regarding the location of the site and mentioning that this is a residential property and the Commission is concerned about property value. John Kluis also expressed concerns about property value. Mayor Hart noted that, as someone who owns a business on Coastal Blvd., he did not have any problems with delivery trucks when delivery trucks were used in his business. Councilwoman Harmon noted that she is adjoining neighbors with Mr. and Mrs. Cathey, and her and her husband have no problems with the permit being approved. Bill Ferguson stated his support for the permit approval. The council reviewed the Special Use Permit guidelines. Ms. Bliss inquired about the Planning Commission’s role, expressing her frustration with the procedure and the lack of involvement between the Zoning Administrator and the Planning Commission. Ms. Kellam responded, stating that the Planning Commission works at the bequest of the Town Council to be an advisory board and the Zoning Administrator makes an independent recommendation to the Town Council.**

**Adjourn Public Hearing – Both Parties –**

**Motion: To adjourn the Public Hearing by Susan Rillo and seconded by Ned Finney.**

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

**Motion Passed at 6:36pm.**

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

Mayor Hart called for a 5-minute recess at this time. At 6:43pm, The Planning Commission voted 3 to 1 to recommend the approval of a Special Use Permit for Ted and Jill Cathey with the specifications outlined in the letter to Ms. Salazar and Special Use Permit application as things that must be adhered to.

**Motion: To adjourn the Planning Commission Meeting at 6:43pm by Deborah Bliss and seconded by Rose Pierson.**

**Roll Call Vote: Bliss -yes; Bowling -absent; Kluis -yes; Ferguson -yes; Pierson -yes.**

**Motion Passed**

**Presentation- Stephen D. Mallette, Resource Management Associates** – Stephen Mallette introduced himself to council and the public and gave an overview of the Hampton Roads Sanitation District Resolution. He noted that there was a recent meeting where a resolution was created for towns to show their support for tying into the waterline in the future. This resolution would be sent to Richmond and will show the Governor that the towns are in support of this waterline being built. Mr. Mallette and Ms. Kellam noted that this resolution does not mean that the town needs to tie into the waterline, this decision will happen at a later date. Ms. Salazar stated that she will be putting the resolution on the agenda for next month's meeting.

**Consideration of Minutes**

Councilwoman Custis stated that she would like to see a change in the minutes from October 7<sup>th</sup>, stating that the minutes give readers the false impression that Anderson Fence was not a responsible bidder. She requested that the sentence be removed.

**Motion: To adopt the October 7, 2019 Regular Monthly Meeting minutes with the change made 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**

**Department Reports:**

**Police Report & Schedule** – Chief Spivey presented council with a police report and a schedule. He noted that there has been an increase of accidents and criminal matters in the past month, and the cause of that is unknown. He also noted that due to the officers attempting to use up some of their vacation time before the end of the year, the schedule will look differently but there is very little coverage lost due to this.

**Patrol Car Purchase** – Chief Spivey informed council that he contacted the Sheriff's Association's contracting system regarding the Dodge Charger. He managed to talk with the dealership about reserving a Charger, however the dealership was not able to provide a specific amount that the Charger would cost, due to the pre-order process of the dealership. Chief Spivey, did, however, inform the council that he was told it would be no more than \$28,000. He noted that \$28,000 is for the car only, not any of the gear that is needed for the Police Department. He requested that council authorize the purchase of the Dodge Charger for up to \$28,000. He noted that this is not a motion to purchase regardless of specifics, only to reserve and purchase if specifications are satisfactory to council and the Police Department standards. After discussion, a motion was made.

**Motion: To purchase a 2020 white, all-wheel-drive Dodge Charger from Hall by Susan Rillo and seconded by Woody Zember.**

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

**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 October 2019. A copy of the report is available at the town office. Councilwoman Custis inquired about the laser purchase being more than what was authorized. Chief Spivey replied that he will look into this.

**Motion: To pay the payables including the additional payables by Susan Rillo and seconded by Woody Zember.**

**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 October 2019. This report is available at the Town Office.

**Attorney's Report**

Ms. Kellam reported that in this month, she has been looking into strengthening the fire lane violations and looking into the legitimacy of the railroad land letter that was discussed last month. She also reported that she has reviewed the proposed Hampton Roads Sanitation Resolution for the town.

**Planning Commission Report**

Due to the Planning Commission Meeting being held prior to the report, Ms. Bliss reported no new information.

**Old Business**

**Property at 25571 E. Main Street / New Town Office**

**Conceptual Berecah Plan** – Councilwoman Pierson informed council that the Building Committee is awaiting revised plans from Berecah, therefore there is nothing new to report from the Building Committee.

**GMB Plan** – Councilman Finney requested council's approval for Ms. Salazar and himself to go to GMB about what can be eliminated or changed from the GMB plans. He noted that there would be no cost for them to meet with GMB. Ms. Salazar affirmed that she received an email from GMB explaining that the meeting would be no cost to the town. Mayor Hart requested that a report be given to council regarding the findings. Ms. Salazar replied that Mr. Finney would like her to go for that reason.

**Motion: To allow Mr. Finney and Ms. Salazar to meet with GMB on Wednesday at 3:00pm by Susan Rillo and seconded by Claudia Harmon.**

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

**Motion Passed**

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

**Town Office/ Building Construction Budget (Discussion)** – Mayor Hart gave a brief overview of last month’s meeting, stating that there were some members that did not feel that an official budget was made for the new town office building. Councilwoman Rillo stated that after reviewing the minutes from the meeting that this was done, only the words “building committee budget” were used and that she believed the building committee only looked at the Berecah plan. Councilwoman Pierson and Mayor Hart disagreed and noted that the building committee researched both the GMB and Berecah plans and also looked at existing property. Councilwoman Rillo noted that although that may have happened, the council was only presented with Berecah plans. Councilwoman Custis pointed out that Councilwoman Harmon was the person who requested to put this topic on the agenda. Councilwoman Harmon reiterated that she feels there was no official budget set for the building, but rather a “wish list” from council to the building committee. Councilman Finney and Councilman Zember agreed. Councilwoman Custis agreed, and also noted that a hearing would have to take place for the budget to be adopted.

**Motion: To wait and see what the buildings come in at before we set a budget by Ned Finney and seconded by Woody Zember.**

Mayor Hart, Councilwoman Pierson and Councilwoman Custis discussed that they believed a budget needs to be official before going forward, not the other way around. Mr. Tatum and Mr. Corbin expressed their frustration with council over their lack of progress with the building committee and with building the town office in general. There was discussion and a roll call vote was taken.

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

**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.

**Park Property Issue(s)** – Ms. Rillo asked if Ms. Custis knew the solution to the pavilion issue in the report. Ms. Custis responded that she was informed that sonic tubes at every post of the pavilion should solve the problem. Mayor Hart inquired about the drainage issue. Ms. Custis stated that it is her understanding that it is caused by the backed-up ditches. Mayor Hart responded, saying it was his understanding that the lot would be built up after it was acquired by the town. Ms. Custis argued that not only would building up the lot halt progress in the park, she was also informed that it would kill all of the trees on the property due to the roots being too far down to get nutrients. She also responded to Mayor Hart, stating that the pavilion itself will be built up and there will be dirt that will go in if there is a low spot on the land but there is not much variation in the topography of the land. Mayor Hart stated that he would like to go on public record and state that he feels as though this park should halt process in moving forward until the lot is built up and a professional can advise the town on whether or not it will flood out again. He noted that his fear is that the town invest in the lot and it will constantly go underwater due to the land not being built up. Ms. Rillo reported that she regularly walks in the area of the park and the recent flooding was an unusual situation. She also noted that she is concerned that building the land up would make flooding worse in other areas. Ms. Custis requested that council make a motion to continue work with the park for public record and for reassurance of council’s approval.  
**Motion: To continue with the park project by Susan Rillo and seconded by Rose Pierson.**

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

**Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-abstain.  
Motion passed.**

**Beautification/Committee Report** – Claudia Harmon reported that the Beautification Committee are working to change the banners to American flags for Veteran’s Day. She also reported that they are going to plant small trees for the pots at the intersection, and that there will be a Christmas tree delivered to the park this week.

**Go Green Committee** – Mayor Hart noted that due to the lengthy agenda, the council does not need to discuss the Go Green Committee or the Historical Preservation Committee. Mayor Hart asked each member of council if they support the formation of the Go Green Committee. If so, he will request that it stay on next month’s agenda. All council members support the formation.

**Historical Preservation Committee** – Mayor Hart asked each member of council if they support the formation of the Historical Preservation Committee. If so, he will request that it stay on next month’s agenda. All council members support the formation. He noted that he will let Gordon Vincent and George McMath know that council approves of the committee being formed and that he will be keeping them notified of anything regarding the Historical Preservation Committee in the future, due to their expressed interest in the Committee.

**Workers Comp Coverage for Council/Resolution** – Ms. Salazar reported that at last month’s meeting, the council made the decision to continue the coverage of council as employees under the worker’s comp. Ms. Salazar read the resolution, “Be it resolved that the members of the Onley town council hereby authorize all council members to be included as employees for the purposes of the worker’s compensation act of the Commonwealth of Virginia entitled all council members to all coverage provided under said act.”

**Motion: To adopt the resolution for the Town of Onley regarding worker’s compensation act of the Commonwealth of Virginia and entitles all council members to all coverage provided under said act by Rose Pierson and seconded by Woody Zember.**

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

**Special Use Permit (SUP) – Cathey** – Mayor Hart noted that a motion must be made at this time to approve or not approve the Special Use Permit from Mr. and Mrs. Cathey.

**Motion: To approve the special use permit for Mr. and Mrs. Cathey to operate their home business from their garage/outbuilding by Susan Rillo and seconded by Claudia Harmon**

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

**Special Use Permit (SUP) – William M. Moore LLC** – Ms. Salazar reported that she has no new information regarding the Special Use Permit for William M. Moore, and that she is hoping to hear back from Mr. Moore in order to move forward with the permit.

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

**Hours of Meeting** – Vice-Mayor Finney stated that he would like to move the council meeting starting time to 6:30pm instead of 6:00pm due to his work schedule. Councilwoman Rillo agreed that it is difficult to arrive at 6:00pm due to her work schedule as well. Mayor Hart inquired about personal preference to the public, the council and the office staff. The public, Ms. Salazar and Chief Spivey had no preference, along with Councilwoman Harmon. Councilwoman Custis stated that she preferred the 6:30pm time, and Mayor Hart, Councilman Zember, Councilwoman Pierson and Ms. Yoder preferred an earlier starting time.

**Motion: To change the council meetings back to 6:30pm by Billye D. Custis and seconded by Susan Rillo.**

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

**Motion passed.**

### **New Business**

**Discussion of three (3) minute rule for Public Comment** – Vice-Mayor Finney suggested enforcing the three-minute rule for public comment, due to the public speaking longer than 3 minutes in past meetings. Mayor Hart appointed Ms. Salazar to be responsible for enforcing the rule and keeping a bell to ring when the speaker's time is up. Councilwoman Custis reinforced Vice-Mayor Finney's statements, saying that the past attorney advised council to listen to public comment, but restrain from debating or discussing the topic at that time. Instead, someone will get back to them regarding their questions/concerns so there will be time to legally address the question/concern. Ms. Salazar concurred with this, saying some individuals use public comment as an opportunity to have a question and answer session with council, and that this was addressed in her manager's report recently. Ms. Kellam also noted that individuals who have not signed up to speak should not be permitted to do so.

**Personnel Policy Change Proposal – Paid Holiday Schedule** – Ms. Salazar reported the personnel policy does not give employees Martin Luther King, Jr. Day off, but instead gives employees a personal day to use at their leisure. Because of this, she has noticed a pattern through the years of employees forgetting about using their personal day which causes a lost paid day off if not used by the end of the year. She also noted that, due to Martin Luther King, Jr. Day being a federal holiday, all other state or federal buildings are closed on that day, which can be inconvenient for work to be accomplished in the office. Councilwoman Custis replied that in the past, the employees had off on Lee Jackson Day and Martin Luther King Jr. Day, and some requested to have their birthdays off as well. At that time, it was decided that there will be a personal day in lieu of all of those days off, so employees could decide when they would like to take off.

**Motion: To change the personnel policy to remove Personal Day and add Martin Luther King, Jr. Day as a holiday for the employees.**

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

**Motion passed.**

**BZA Appointment Request/BZA Review** – Ms. Salazar reported that she received a letter of interest from John Dennis to be on the Board of Zoning Appeals. Ms. Kellam noted that if council is in favor, a

Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

motion must be made to support Mr. Dennis' position. She also noted that the Board of Zoning Appeals is deficient one member, therefore his term will be for the term that is currently vacant.

**Motion: To approve of John Dennis' request to be on the Board of Zoning Appeals by Rose Pierson and seconded by Susan Rillo.**

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

**Motion passed.**

**2019 Tax Bill Write-Off (\$66.26)** – Ms. Salazar stated that it is office policy to write off tax bills that are a total of two dollars or less, and cannot be combined with any other tax bills. This year the total is \$66.26.

**Motion: To write-off \$66.26 in tax bills 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.**

**Ditch/Drainage Issues** – Ms. Salazar reported that she reached out to Chris Governor and she stressed the importance of correcting this problem. She will inform council of any information she gathers when she hears back from him.

**Public Comments** – Bennie Tatum wanted to publicly thank Chief Spivey and the entire police department for their presence on Halloween.

**Council Comments** – Councilwoman Harmon appreciated that there will be more information regarding the new town office building, and noted that she wants only what is best for the town. She also expressed gratitude to the council, public, and Ms. Salazar for all their help in gathering as much information as possible. Councilwoman Rillo reiterated what Councilwoman Harmon said, stating that she will feel better getting more information from GMB on the cost of the town office building, and expressed appreciation to the building committee, and everyone for being there. Councilwoman Rillo also noted that she was unaware that GMB thought that the bid that was received was too high. Councilman Zember thanked everyone for coming and noted he agrees with Councilwoman Harmon and Councilwoman Rillo. Councilwoman Pierson expressed gratitude to everyone for their participation, whether everyone agrees or not. She also stated that she is encouraged by the discussions. Councilwoman Custis agreed with Councilwoman Rillo, stating that she also was unaware that GMB thought the bid that was received was too high. She also noted that there were park recommendations that she presented to council from the park committee that were not voted on, but they are all budgeted for. Vice-Mayor Finney stated that he believes the problem with the park is the drainage issue with the ditches. He also noted that in the past, council has been able to come up with unanimous decisions, and he hopes to get back to that. He thanked the council, the public, and the office staff. Mayor Hart thanked everyone for attending and providing their input. He also read and provided a statement regarding a facebook post that he commented on. The statement reads: "In American, we have a freedom of speech. This is covered under the First Ammendment of our Constitution. I have made some statements on a facebook post that some did not agree with or found offensive. I would



Onley Town Council  
Joint Public Hearing for Special Use Permit and Regular Monthly Meeting  
Minutes of November 4, 2019

like to state for the record that my comments to Governor Northam were those of my own and not those of the Town of Onley. I apologize to whom I may have upset by these comments."

**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 employees annual leave and scheduling 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.**

Council went into Closed Session at 8:54pm.

**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.

**Motion passed.**

A roll call vote was taken after reconvening in Open Session at 9:31pm, 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.

**Motion:** To allow Chief Spivey take his extra 40 hours over into the new year and to be used by March 31<sup>st</sup>, 2020 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:** To start January 2020, the schedule will take all officers from 10-hour to 8-hour shifts by Billye D. Custis and seconded by Rose Pierson.

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

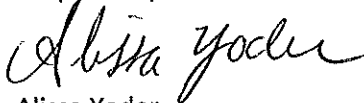
**Adjourn**

**Motion:** To adjourn at 9:34 pm by Rose Pierson is and seconded by Susan Rillo.

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

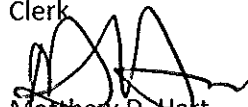
**Motion passed.**

Respectfully submitted,



Alissa Yoder

Clerk



Matthew D. Hart

Mayor