

Onley Town Council
Regular Monthly Meeting
Minutes of May 4, 2020
Electronic Meeting Via Zoom

Regular Monthly Meeting of the Onley Town Council held on the 4th day of May A.D., 2020:

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

Call to Order

Mayor Hart called the meeting to order at 6:31pm.

Due to this meeting being electronic, there was no invocation or Pledge of Allegiance.

Adoption of Agenda –

Ms. Custis asked to remove items 4E., items 5A.-F. and 6A.-3.

Ms. Salazar asked to add under her Zoning Report, items 1. SUP – Turner and 2. Moore’s Portable Solutions.

Motion: To adopt the agenda with the following changes: remove 4E. Planning Commission Report, remove under 5. Old Business, Items A-F, add under 5. Old Business, item G.

Council/Mayor Pay and remove under 6. New Business, item A3 ORA Donation by Billye D. Custis and seconded by Ned Finney. At this time, Mayor Hart asked Ms. Custis if she was stating that she wanted to remove the Onley Recreation Association from discussion tonight. Ms. Custis stated that is correct. Mayor Hart said the motion has been made and seconded, he asked if there is any discussion and immediately stated that yes, there is some discussion. Mayor Hart stated that he talked with Pete Duer from the ORA and Mr. Duer has stated that they (ORA) are in dire need of help. He added that without help, they will most likely be closing. He asked Ms. Custis if she still wants to remove ORA from the agenda. She said yes. At this time, Mayor Hart tried to proceed with the vote, but Mr. Zember was unable to communicate for a short period of time. Once Mr. Zember was brought back online, Mayor Hart asked Mr. Zember if he was in favor of removing the ORA donation from the agenda. Mr. Zember was not. Ms. Rillo also had some difficulty and responded with a thumbs up to Ms. Custis’ motion signifying a response of yes. Ms. Harmon asked to speak before she voted. She said that she also received a phone call and she would like to discuss it at next month’s meeting. Mayor Hart stated that he would like to see it discussed tonight adding that the meeting is not going to be very long since many items have been scratched from the agenda. Ms. Harmon stated that she votes to keep ORA on the agenda. Ms. Pierson stated that she voted to keep it on the agenda.

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

At this time, Mayor Hart stated that the vote is 4-2, the motion carried with keeping the ORA on the agenda. (the actual vote was 3-3) (Ms. Rillo was inaudible but signified yes with a thumbs up motion)

Consideration of Minutes

Motion: To accept the minutes from the March 2, 2020 Regular Monthly Meeting 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 (Ms. Rillo was inaudible but signified yes with a thumbs up motion)

Motion: To accept the minutes from the March 16, 2020 Special Meeting & Budget Workshop 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 (Ms. Rillo was inaudible but signified yes with a thumbs up motion)

Police Report and Schedule (May & June 2020)

Chief Spivey gave his monthly report stating that he is still waiting on two pieces of equipment for the 2019 Durango. He stated that the 2012 Charger is currently out of service due to an incident this weekend. He further added about the incident from the weekend, there were some emails that were sent that carried misinformation and he feels that we need to establish some guidelines. He stated that the Mayor keeps insisting that he be given information that he is not privileged to have. He further added that based on the town charter, he (Chief Spivey) answers to the town manager, Ms. Salazar, and the Onley Town Council. He wants everyone to understand that there is a chain of command and there should be no circumnavigation when it comes to his officers. Mayor Hart stated that while he appreciates everything that the Police Department does for the town, he feels that he has the right to defend himself. He said that he stated in the email that he received notification from a concerned citizen that one of our officers was in dire trouble and that his car was wrecked on the side of the road with a busted windshield. He stated those are all facts. Ms. Salazar disagreed stating that is not the facts and the car was not wrecked. Mayor Hart replied that is what he was told and he could show the messages. He said he was very concerned for our officer's safety, so he called the officer and also Ms. Custis – neither answered their phones. He said that the officer did call him back stating that he was in the ER due to an altercation with a suspect and that they were both being treated at the ER. At this time, Ms. Kellam stated that she was concerned that Mayor Hart is divulging confidential information. Mayor Hart said that he was not doing that but defending himself against the Chief's accusations. Mayor Hart added that he cannot believe that the Chief of Police is calling out the Mayor – had he known this was going to happen, he would have never allowed it. He added that the car should not have set on the highway as long as it did. Chief Spivey reiterated that there is a chain of command and it should be followed. Mayor Hart said there is a lot more to this adding George Bennett told me that Jamye Salazar knew about

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the incident after it occurred. He then stated that he was not informed, he learned of the incident three hours later when he arrived on scene. Ms. Salazar asked to be recognized so that she may defend her position. Mayor Hart agreed. Ms. Salazar stated that she spoke with Chief Spivey only thirty minutes before Mayor Hart sent his email. At that time, she asked Chief Spivey if there was anything that she needed to make Council aware of about the incident. She said that Chief Spivey instructed her not to divulge any information at that time since it was an ongoing investigation and there was very little that he could tell me or anyone else. She added that he assured her that Sgt. Bennett was fine and there was no need to reach out to Council. Mayor Hart asked Chief Spivey why he and the Council can be privy to certain information but not to all of it. He cited an incident with the destruction of the town sign a few months ago in which he was notified immediately. Chief Spivey explained that was not a criminal investigation. Mayor Hart stated that he does not feel that matters. Chief Spivey said that it does matter – it is the difference. Mayor Hart asked Chief Spivey to give him a reason why the car sat on the side of the road for five hours. Chief Spivey said that he cannot since it is currently an open investigation.

Ms. Harmon asked Chief Spivey if the sick leave that is being used is earned sick leave. Chief Spivey stated that it is. Ms. Custis asked Ms. Salazar if there is a recommendation for how much leave can be used. Ms. Salazar responded eighty hours which we have surpassed at this time. Ms. Custis asked if the May schedule can be changed if the officers wish to return to work and not use their leave. Chief Spivey responded yes.

Motion: To accept the June 2020 Schedule by Ned Finney and seconded by Billye D. Custis.

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

Motion Passed

Treasurer's Report – Payables

Since they are quite lengthy and everyone received paper copies last week, Ms. Salazar stated that rather than verbally give the Treasurer's Report for March and April, she asked if there were any questions about the reports. She added that the reports are available to anyone that makes a request. There were no questions.

Motion: To pay the payables 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

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

Ms. Salazar read her report into the minutes. A copy will be attached to the original minutes. Ms. Salazar said that we have a SUP application from Sheila Turner to place a 28'x40' manufactured home on Savage Street.

Ms. Salazar read a request from William Moore/Moore's Portable Solutions to extend the SUP fence deadline for 120 days.

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Motion: To extend the Moore's SUP fence deadline by 60 days 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

Motion: To send the Turner SUP application to the Planning Commission for a recommendation 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

Attorney's Report

Ms. Kellam has worked with the Town Manager about the COVID-19 matter. She has worked on the parking ordinance and the dog leash ordinance. She has also investigated the cigarette, vehicle and business taxes and will discuss those later.

Old Business

In the matter of the decal ordinance, Ms. Kellam stated that Ms. Salazar spoke with Accomack County and as long as we suspend the vehicle decal tax for only one year, the County will not pick up the tax.

Motion: To suspend the vehicle decal tax for 2020 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

Council discussed the possibility of donating a quarter of their salary to the residents. Ms. Salazar and Ms. Kellam advised against doing that for many reasons. Ms. Salazar stated that it would be a logistical nightmare trying to distribute checks to each resident. Ms. Kellam pointed out that it would also need to be reported as income on taxes so we would need to figure out that aspect as well. Both pointed out that we are talking about a miniscule amount of money. They suggested that if Council feels strongly about it, they can relinquish their pay to help with the 2020-2021 budget shortfall. Mr. Zember stated that he is not crazy about the idea of giving up Council pay; he feels that what they do has value, but he will agree to relinquish his pay for the first quarter of the new fiscal year.

Motion: To suspend Council pay for the first quarter of the 2020-2021 budget year and we revisit this issue when the time comes 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

Ms. Salazar presented the Council with a copy of the actual path that VDOT has decided upon for the Rail-to-Trail project. She stated that they chose this path because they want to use VDOT owned property. They have asked that we give them some feedback on the path and if we like it, we should approve it.

Motion: To approve the Proposed Rail-to-Trail Multi-Use Path presented by VDOT and the A-NPDC 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

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Ms. Salazar stated that we still have a shortage in the 2020-2021 budget in the amount of \$63,688.00. Mayor Hart asked how much we currently pay Adam Simpson for Public Works. Ms. Salazar replied \$29,000.00 per year. She added that there is a clause in the Public Works contract that states if we can agree upon terms with Mr. Simpson on a contract price, we do not have to re-bid the contract for an additional two years. We are currently entering into the second year, so it is up to Council to decide how they wish to proceed. She stated that Mr. Simpson will raise his contract price to \$33,000.00 per year. That includes the addition of park grass cutting, the installation of Spring banners and tipping fees. Mayor Hart said he would like to scratch the Public Works as much as we can. He volunteered to cut the grass and stated that he does not feel that the banners are important at this time. He added that he does not believe that they were installed properly since we have all daisies in one section and all hummingbirds in another section. Ms. Custis would like to see a copy of what we get for that money. She questioned how many days per week we should have a maintenance man in town. Ms. Salazar said that we are supposed to have someone three days per week. Mayor Hart asked Ms. Salazar if that has been happening. She said that it does not happen as often as it should and added that she has started keeping a log in the office of the days we have someone. Mayor Hart said that he feels the problem is that Mr. Simpson does not manage the company well adding that he very seldom sees him out showing the employees what needs to be done. He thinks that the work they do has been getting progressively worse over the years. Ms. Harmon said she is not in favor of letting volunteers perform Public Works. She feels that if we are in that much of a dire predicament, we need to cut some other major things, even employees. Mayor Hart said the fact is the job is not getting done and he thinks it is ludicrous to keep paying for it. Ms. Harmon said if he feels that strongly, we should put it out for bid. Mayor Hart said that he feels we owe it to other people in that business to bid it out. Ms. Custis pointed out that the problem with that is now everyone else knows what Simpson's bid is and she does not think that is fair. Mr. Zember said that Mr. Simpson can always re-bid it himself and come up with a new price. Ms. Salazar pointed out that we really should be discussing the budget as a whole. She added that if there are issues with Mr. Simpson's performance, we really need to make that an agenda item and discuss it properly. Mayor Hart asked Ms. Salazar if she would like to disclose that she is related to Adam Simpson. Ms. Salazar stated that she is not related to Adam Simpson and has said that to Mayor Hart numerous times. Mayor Hart said that she seems to always go to bat for him. Ms. Salazar stated that you seem to always accuse me of that, and I have always denied it. At this time, Ms. Harmon asked both to stop speaking and stated that she is embarrassed that the Town Manager is being treated that way. Mayor Hart stated that he is embarrassed over the way that Ms. Salazar has treated him over the years. He added that people do not want to hear the issues in town, and he fights against that all the time. Ms. Salazar read a portion of the Rainy-Day Fund which allows for withdrawals due to an urgent event or a natural disaster. She added that no more than 50% of the balance can be used at once. Ms. Custis reminded everyone that any money used must be replaced within three years.

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Motion: To move \$63,688.00 from the Rainy-Day Fund to cover the shortage in the 2020-2021 budget by Susan Rillo and seconded by Rose Pierson. Roll Call Vote: Custis–no; Finney–yes; Harmon-no; Pierson-yes; Rillo- yes; Zember-yes

Motion Passed

Ms. Custis expressed concern that Mayor Hart did not ask her opinion about using the Rainy-Day Funds, although he asked everyone else. Mayor Hart stated that since it was her idea, he thought she was in favor of it. Ms. Custis said it was not her idea. Mayor Hart offered her the chance to speak at this time. Ms. Custis declined.

New Business

Motion: To donate \$10,000.00 to the Onancock Volunteer Fire Dept. by Ned Finney and seconded by Billye D. Custis. Roll Call Vote: Custis–yes; Finney–yes; Harmon-yes; Pierson-yes; Rillo- yes; Zember-yes

Motion Passed

Motion: To donate \$5,000.00 to the Tasley Fire Company by Ned Finney and Billye D. Custis. Roll Call Vote: Custis–yes; Finney–yes; Harmon-yes; Pierson-yes; Rillo- yes; Zember-yes

Motion Passed

Mayor Hart and Ms. Harmon both spoke on behalf of the ORA and encouraged Council to donate.

Motion: To donate \$4,350.00 to ORA 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

Mayor Hart stated that he thinks this should be a one-time donation and there should be no subsidies on resident memberships this year. Council agreed.

Motion: To purchase Biomist at a cost of \$1,916.00 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

Public Comments

Chief Spivey read a statement from Art Mather. The statement is as follows: I think the office of Mayor should be made aware of any and all incidents involving the town, town council and other departments and be made aware of the confidential or sensitive nature of the occurrence.

Mayor Hart stated that Arthur is a friend of mine, but I did not talk to him before this meeting.

Council Comments

Mr. Zember is happy that the budget is balanced, and he is happy with the way the donations were handled. He thanked everyone for attending the meeting.

Ms. Rillo thanked everyone for attending and apologized for some technical difficulties. She would like to have more discussion about the chain of command matter and would like to make sure that we are always doing things legally.

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Ms. Harmon said she does not think this meeting went very well because there were personalities that did not need to be present tonight. She added that we all disagree at times but how we handle ourselves is very important. She believes that the citizens will benefit from some of the good things that Council did tonight. She added that she does not want to hear or see anyone saying, "I did this". It is important to remember that the Council makes decisions as a whole. No one alone is accomplishing anything.

Ms. Pierson is happy that the budget has been resolved. She is happy about the donations that were made tonight.

Ms. Custis agreed with what Ms. Harmon said and she also feels that there is no "I" in anything. Everything that gets done is done by the six voting members of Council. She stated that in her thirty plus years of involvement with running the Town of Onley, this has been one of the toughest years. She thanked Ms. Salazar for everything that she does.

Mr. Finney said that he is disgusted that the town manager must come to work and be subjected to nasty emails. At this time, Mayor Hart interrupted Mr. Finney and asked, "nasty emails from who?" Mr. Finney responded, "From you".

Mayor Hart stated that this is where the attorney should step in because there should be no bashing anybody on this platform. Mr. Finney said, "I am talking right now." Mayor Hart directed Mr. Finney to address his comments to the material that was talked about tonight. Mr. Finney said that Mayor Hart has threatened to sue. Mayor Hart denied that allegation and said that Mr. Finney and Ms. Custis are mad that he won the election. He said they should "get over it" and stated that "God put me in this place to lead". He reiterated that "nobody is going to bash me on this platform". Ms. Pierson called for both to stop speaking. Mayor Hart repeatedly said to Mr. Finney "you are not going to bash me on this platform – nobody is going to bash me on this platform". Mayor Hart stated that we need to adjourn this meeting right now.

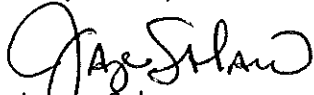
Adjourn

Motion: To adjourn at 8:29 pm 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

Respectfully Submitted,



Jame Salazar
Town Manager