

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 7th day of December 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
Jess Long, Sergeant, OPD
Rachel Kellam, Attorney
Alissa Yoder, Clerk

Call to Order

Mayor Hart called the meeting to order at 6:30pm

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 as written made 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

Consideration of Minutes –

Motion: To accept the minutes from November 2, 2020 as written 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

Department Reports

Police Report & Schedule (January 2021) – Chief Spivey presented council with the police report and the January schedule. Councilwoman Harmon inquired about the officers having to take vacation before the end of the year. Chief Spivey assured her that the officers have until December 31 to roll over 40 vacation hours, and that no one is taking vacation from December 11 on. Chief Spivey also discussed the details of the Executive Order 13.9.29 called Safe Policing for Safe Communities that was signed by President Trump on June 16, 2020.

Motion: To approve the January 2021 Police Schedule 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

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

Treasurer's Report – Payables November 2020) – Ms. Salazar presented council with the Treasurer's Report for November 2020. A copy of this is available at the town. Councilwoman Custis inquired about the line item for Police Vehicle Repairs. Chief Spivey discussed the repairs with Council. Ms. Salazar also noted that there are 10 calendar days to withdrawal the CD that has matured at Suntrust Bank in the amount of \$155,667.56. She noted that it is a very low interest rate to keep it in and therefore wanted to close it out. She advised putting the money into the Money Market Account.

Motion: To pay the payables for November 2020 by Billye D Custis and seconded by Woody Zember.

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

MOTION PASSED

Motion: To withdrawal the money that has matured at Suntrust Bank and put it into the Money Market Account by Billye D. Custis and seconded by Claudia Harmon.

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 presented council with the Town Manager's Report/Zoning Administrator's Report/Public Works Report for November 2020. A copy of this is available at the town office. Ms. Salazar noted that she received a letter right before the meeting from Mayor Hart stating that Accomack County is now ready to resume the septic pump-out notification program and will be getting in touch regarding residents' mailing addresses within the next few weeks

Attorney's Report – Ms. Kellam stated that during the month of November, she met with Dale Pusey from VDOT and Ms. Salazar to discuss the street abandonment project. She also drafted a waiver and release for the town's Christmas market and reviewed the example pavilion agreement from Councilwoman Custis. Ms. Kellam stated that she also "reviewed an email sent to the town from Mayor Hart regarding the Mayor's purchase of property that the town tasked the Mayor specifically to look into for the town that is a direct conflict of interest issue". Ms. Kellam also tendered her resignation for the town.

Old Business

Property at 25571 E. Main St./New Town Office Committee Report - Councilwoman Pierson stated that the committee looked into the Onley Baptist Church office building and she noted that it needs a lot of work, they are asking a lot of money for it, and the town would have to build an addition onto it. Councilman Zember inquired about the price, which Councilwoman Pierson answered was \$225,000.00. Councilwoman Pierson also noted that the committee had also looked at the Floor Store building, but she believed it is not a good location due to space and parking. Councilwoman Harmon addressed the committee regarding interjecting their personal opinions when presenting their research, instead of simply giving the information. Mayor Hart spoke regarding the matter, stating that he does not think the town should buy a building only to find out that more work and money is needed to make it ideal for a town office. He noted that this had happened in the past which ultimately led to the town demolishing the building and wasting money. Councilwoman Custis interjected and inquired if Mayor Hart discouraging council to buy an old building to restore is a conflict of interest since he recently informed council that he will be purchasing the Floor Store, which council tasked the committee to look into buying for the town. Ms. Kellam stated that it was a direct conflict of interest. Ms. Kellam noted

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

that in the email from Mayor Hart, he stated that he knew he was interested in the property at the last meeting when the council mentioned looking into it and he did not mention it when council was discussing it. Mayor Hart replied that he also mentioned in the email that if the town would like to have the building, he would be willing to allow the town to purchase it for the same price he offered for it. Councilwoman Custis noted that Mayor Hart never told anyone in council how much he offered for the building. Mayor Hart stated that "he did not like the way he was being treated". Ms. Kellam stated that "everything from last month, to this month, to your email is textbook conflict of interest". Councilwoman Harmon inquired with Councilwoman Pierson about what she knew of the purchase that Mayor Hart made with the building and the details of the building. Councilwoman Pierson stated that she did not know anything. Councilwoman Harmon and Councilwoman Custis reiterated that the council asked the committee to look into both the Floor Store building and the church office building. Councilwoman Pierson again noted that she did not think it was in the town's best interest to purchase the Floor Store building, which Councilwoman Harmon reminded Councilwoman Pierson and the committee that the committee's job is to be information gathering only, and not interjecting opinions when presenting information. Mayor Hart stated that everyone is entitled to have an opinion, and that the only reason the council is attacking him is because he was re-elected. He also noted that if the council would like the building, they can have it. Brian Corbin reviewed with council what the history has been with the building committee and what they have done to try to purchase a building. He noted that although a lot of avenues have been taken by the committee, there are not many options left. Councilwoman Harmon noted to the committee that she believed the council was not given the options and the committee did not bring gathered facts to the council. Mayor Hart inquired about why no one reached out to him after he sent his e-mail. Ms. Kellam replied that the business of the town happens at town council meetings, not through e-mails or side conversations. She also noted that if there is any personal connection to anything that is done for the town, the council and Mayor must disclose it. Mr. Corbin stated that he believes the committee should bring back the most feasible option, while Councilwoman Harmon disagreed and noted that the most feasible would be an opinion. Mayor Hart continued to discuss the roles of the committee and the roles of elected officials with the council. Councilwoman Custis inquired with Mayor Hart about when council can know about the purchase agreement with the Floor Store building, to which Mayor Hart responded, "When you let me know you're interested". Ms. Kellam reminded Mayor Hart that she believes those words make it sound like he is trying to "make a deal". Mayor Hart suggested that if council wants details about the purchase he will make for the Floor Store, that they talk to the owner about it. Council continued discussion with Mayor Hart and Ms. Kellam.

George N. McMath Park Committee Report - Councilwoman Custis presented council with her George N. McMath Park Committee Report for November 2020. A copy of this is available at the town office. She noted that the committee is interested in purchasing playground equipment for ages 2-12, however due to the sale of the equipment, options are beginning to sell out. She presented council with the options.

Motion: To purchase the playground equipment for \$12,500.00 in the lifesaver colors 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

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

VDOT Street Abandonment Project – Ms. Salazar noted that this topic was discussed last month, and she believes VDOT wants the town to be responsible for the maintenance and all legal matters regarding the streets that VDOT believes to be abandoned. Ms. Kellam noted that the legal legwork for the town would be too extensive. Ms. Salazar agreed and stated that her answer to VDOT, if council agrees, will be that the town is not interested at this time.

New Business

Amended 2020-2021 Budget - Ms. Salazar provided council with copies of the budget thus far and a blank column for council members to modify, possibly in January. She noted that if council would like to amend the budget, there must be a hearing with appropriate advertising. Councilwoman Custis suggested reviewing the budget and have a public hearing in February.

Planning Commission & BZA Vacancies – Ms. Salazar noted that she has already begun to advertise for members for the Planning Commission & and the BZA due to members being elected to council.

Attorney Vacancy – Ms. Kellam stated that she turned in her resignation letter to council and Ms. Salazar and will be resigning at the end of December.

Motion: To accept the resignation of our attorney, Rachel Kellam 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

Discussion of Barrier(s) for Town Owned Property/Next to Ag. Bldg. - Councilwoman Custis stated that she believes a barrier should be put down on both sides of the property. Mayor Hart stated that he would like to be the one to put up a fence because of personal aesthetic preferences. He also noted that he would like to weed-eat it. Council discussed the details of the barrier property.

Motion: To accept the request of the property owned by Matthew Hart next to the town owned property to have a 3-foot-high fence barrier between the two properties within 90 days at his expense by Claudia Harmon and seconded by Susan Rillo.

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

MOTION PASSED

Discussion of In-Ground Pools and Required Fencing/Locking Gates – Mayor Hart stated that he would like more follow-up on the fencing around pools in town, due to the dangers of drowning. Mayor Hart asked if Ms. Salazar has done any inspections on the existing pools, which she replied that she had not, although she does have what is required in zoning. The council, Ms. Salazar and Ms. Kellam discussed the possibility of changing the zoning ordinance. Mayor Hart suggested having a policy of inspection, in which Ms. Kellam and Chief Spivey noted will be more liability on the town along with the possibility of being unconstitutional.

Public Comments – Bill Ferguson thanked Ned Finney and Susan Rillo for their years of service. He inquired with Ms. Kellam if she could stay on for 3 more months to help navigate the new council. Ms.

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

Kellam stated that she will help with the transition however possible. Mr. Ferguson also noted that one thing that is important to him is the building of the town office, and he stated that council needs to trust the committee in order to progress forward with the building. He also thanked the town employees.

John Dennis stated that it needs to be cleaned up around the tank on the town owned property. He also noted that VDOT needs to do something about the ditches at the park.

Council Comments- Councilman Zember thanked everyone for coming and hopes everyone has a great Christmas. He also hopes we can all get along and put away any pettiness and get the building built. He noted that he feels there is progress being made but he agrees with Mr. Ferguson that we need to establish what we want out of the committee and trust them.

Councilwoman Rillo thanked everyone for allowing her to be a member of the council, which she noted has been an honor. She also wished the new council the best of luck and wished everyone a Merry Christmas.

Councilwoman Harmon stated that it has been a privilege to know Councilwoman Rillo and Vice-Mayor Finney. She noted that after working professionally for 42 years, she believes it is the most stressful position to be on council and she believes council must work on this. Councilwoman Harmon also thanked Ms. Kellam for guiding and supporting the council and being professional. She noted that she feels council needs to “get their stuff together” because it is an embarrassment. Councilwoman Harmon stated that it is a privilege to have the employees that the town has. She also wished everyone a Merry Christmas.

Councilwoman Pierson thanked everyone for coming and thanked the town employees. She also wished everyone a Merry Christmas and thanked Councilwoman Rillo and Vice-Mayor Finney for their service.

Councilwoman Custis stated that she believed Councilwoman Harmon “said it all”. She stated that the council will miss Councilwoman Rillo and Vice-Mayor Finney, but she is looking forward to the new council and getting things done. She also wished everyone a Merry Christmas.

Vice-Mayor Finney stated that he has been on council since 2008, and at that time he would have never thought that in 2020 the town would have to censure the Mayor, and he never would have dreamed that the council would be sued by the Mayor. He noted that the Mayor cost the town \$9,000.00. Vice-Mayor Finney stated that he appreciates the time that he has served, but “the last two years have been a nightmare”. He thanked Councilwoman Rillo and Ms. Kellam for all the time they spent and noted that it is all about helping the town, and he appreciates the time they took. He also wished everyone a Merry Christmas and noted that the town has good employees.

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 changes at 8:30 pm 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

Onley Town Council
Regular Monthly Meeting
Minutes of December 7, 2020

Open Session & Certification of Close Session

Motion: To return to Open Session at 9:05pm 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 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; Hart–yes.

Adjourn

Motion: To adjourn at 9:06pm 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