

Onley Town Council  
Public Hearing(s) & Regular Monthly Meeting  
Minutes of June 21, 2021

Public Hearing(s) & Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 21st day of June A.D., 2021:

Council Members Present: Matt Hart, Mayor  
Rose Pierson, Vice-Mayor  
Brian Corbin  
Billye D. Custis  
Bill Ferguson  
Claudia Harmon  
Woody Zember

Staff Present: Jamye Salazar, Clerk/Treasurer  
John Spivey, Chief of Police, OPD  
Carl Bundick, Town Attorney

**Call to Order**

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

**Invocation & Pledge of Allegiance**

The invocation was given by Councilman Ferguson and the Pledge of Allegiance was led by Councilman Corbin.

**Adoption of Agenda**

Mayor Hart asked to add hiring a new police officer to the Closed Session at the end of the meeting.

**Motion: To adopt the agenda with the addition requested by Rose Pierson and seconded by Bill Ferguson. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

**Public Hearing for Proposed 2021-2022 Budget**

**Call to Order**

Mayor Hart called the public hearing to order at 6:02pm.

**Rules for Public Hearings**

Ms. Salazar read the Rules for Public Hearings.

**Presentation of 2021-2022 Budget**

Ms. Salazar presented the 2021-2022 Budget noting that it is a balanced budget and there is no change in taxes or fees for the coming fiscal year. A copy of the budget is attached.

**Public Comments Regarding Budget**

No one signed up to speak.

**Adjourn Public Hearing**

**Motion: To adjourn the Public Hearing at 6:06pm by Rose Pierson and seconded by Bill Ferguson. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

**Public Hearing Re-Appropriation of Funds George N. McMath Park**

**Call to Order**

Mayor Hart called the public hearing to order at 6:06pm.

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**Presentation of Re-appropriation of Funds George N. McMath Park**

Ms. Salazar presented the Re-appropriation of funds for the George N. McMath Park. A copy will be attached.

**Public Comments Regarding Re-appropriation of Funds**

No one signed up to speak.

**Adjourn Public Hearing**

**Motion: To adjourn the Public Hearing at 6:07 by Bill Ferguson and seconded by Rose Pierson. Roll Call**

**Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED**

**Public Hearing Re-Appropriation of Funds Building a New Town Hall**

**Call to Order**

Mayor Hart called the public hearing to order at 6:07pm.

**Presentation of Re-appropriation of Balance of Funds/Building a New Town Hall**

Ms. Salazar presented the re-appropriation of balance of funds for building a new town hall. She explained that the wrong amount was advertised (\$339,454.94), but we will still move forward so that we are able to spend that amount beginning July 1, 2021. Another hearing will be held at the July 2021 meeting to hear comments on the correct amount (\$666,847.05).

**Public Comments Regarding Re-appropriation of Funds**

No one signed up to speak.

**Adjourn Public Hearing**

**Motion: To adjourn the Public Hearing at 6:09pm by Rose Pierson and seconded by Bill Ferguson. Roll**

**Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED**

**Regular Monthly Meeting (cont'd)**

**Presentation of 2019-2020 Audit**

David Foley from Robinson Farmer Cox Associates presented the 2019-2020 audit. A copy of the audit is available upon request. They issued an unmodified opinion on the town's financial statements and the internal controls in place by the town, which is the cleanest opinion that an auditor can give.

**Motion: To accept the 2019-2020 Audit by Bill Ferguson and seconded by Rose Pierson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED**

**Presentation – Golf Cart Committee**

Susan Hurst gave a presentation in favor of allowing the use of golf carts in town.

**Motion: To proceed with the VDOT Land Use permit application as the first step in allowing golf carts in town by Rose Pierson and seconded by Woody Zember. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED**

**Presentation – ORA**

Rhonda Marsh & Nicole Marsh, ORA representatives presented a proposal to the Town Council asking for a \$10,000.00 yearly donation to the ORA for the next ten years to help with paying off a bank loan. They also gave Council an update on membership and the progress being made at the pool.

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**Motion: To donate \$2005.03 to the ORA by Brian Corbin and seconded by Billye D. Custis. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

At this time, Mr. Ferguson left the meeting room.

**Consideration of Minutes**

**Motion: To accept the minutes from May 3, 2021 Regular Monthly Meeting by Rose Pierson and seconded by Woody Zember. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- absent; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

**Motion: To accept the minutes from May 17, 2021 Special Meeting by Rose Pierson and seconded by Woody Zember. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- absent; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

**Motion: To accept the minutes from May 24, 2021 Emergency Council Meeting by Rose Pierson and seconded by Woody Zember. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- absent; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

At this time, Mr. Ferguson returned to the meeting room.

**Department Reports**

**Police Report and Schedule (July 2021)**

Chief Spivey noted that there is also a revised June schedule to approve.

**Motion: To adopt the schedule(s) for June 2021 & July 2021 by Rose Pierson and seconded by Woody Zember. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

Chief Spivey stated that we are not able to purchase a new police vehicle at this time due to a computer chip shortage. He added that there will not be any available for three – twelve months. Council agreed that we need to get on the waiting list if that is possible.

**Treasurer's Report**

Ms. Salazar gave the Treasurer's Report. A copy is available at the office upon request.

**Motion: To pay the payables by Bill Ferguson and seconded by Rose Pierson.**

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

Ms. Harmon stated that the Finance Committee had nothing to report adding that they have not met this month.

**Mayor's Report/Zoning Administrator's Report/Public Works Report**

Mayor Hart reported that he has completed the regular monthly tasks as Mayor consisting of meeting with Ms. Salazar to oversee things in town and approving and signing checks. He said that he has conducted an interview with Chuck McPherson to fill the police department vacancy, called references and approved his hiring. He asked Ms. Salazar to complete the offer letter and he is awaiting Mr. McPherson's response.

In the matter of zoning, he approved sign permits for Truist Bank on Lankford Highway. He approved a demo permit for the removal of a house on Coastal Blvd. He thanked Ms. Salazar for her help with the zoning matters.

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In the matter of Public Works, he spoke with Adam Simpson, and he feels that Mr. Simpson has been doing a decent job. He added that he would like to see the edging get done but he feels there are some things that need to come first.

**Attorney's Report**

Mr. Bundick reported that he completed the mosquito spraying contract. There has been no further discussion on the town building contract. He looked at some FOIA issues and reviewed a FOIA response that the Chief of Police made in the matter of Sgt. Long's accident. He also did some work in preparation for tonight's Closed Session regarding employment related issues. He asked Council to re-configure how he receives requests and how he should respond to them. He added that when he was hired, he was told that Ms. Salazar was his point of contact for the town.

**Old Business**

**Committee Reports**

Ms. Pierson stated that the **Community Spirit Committee** had nothing new to report.

Mr. Ferguson stated that the **COVID-19 Committee** had nothing new to report.

Mr. Corbin (**Town Office Committee**) stated that he spoke with Mr. Wert, and he (Mr. Wert) is waiting on the permits from Accomack County. Mr. Ferguson suggested that we speak with Jackie Phillips. Mayor Hart suggested that we reach out to Rich Morrison before we go to Mr. Phillips. Mr. Bundick suggested that we go up the chain through the appropriate channels. There was a small discussion about the cost of the building increasing due to the increase in the cost of lumber.

Ms. Custis asked Council to approve the **McMath Park** playground rules that she created so she can order the official signs. She added that Chief Spivey told her that the town needs to adopt ordinances allowing the Police Department to enforce the rules. Mr. Bundick said that the only reason for an ordinance would be if we plan to charge people with civil violations. Chief Spivey explained while they can enforce the law when there is a criminal offense, the PD is not empowered to make someone leave the park or issue no trespass orders. There was also a discussion about the need for people to reserve the pavilion for private functions. Council decided to discuss that issue in a future meeting.

In the matter of the part-time Town Manager, Ms. Custis stated that we have received one application and she would like to discuss it in the Closed Session.

**New Business**

Ms. Salazar stated that we received one response to our RFP for Public Works and Grounds Maintenance. She added that the bid/proposal was received before the bid deadline. The bid/proposal was from Simpson's Tree & Bobcat Services LLC in the amount of \$34,000.00 per year. A copy of the bid/proposal will be attached. Council discussed the possibility of creating a committee to oversee the Public Works Contractor as well as the Mosquito Spraying Contractor. Ms. Harmon volunteered to ride with the mosquito sprayer to see the route and how long a spray takes. She feels that we need to set guidelines for him before we can complain that he is not doing things properly. Ms. Salazar stated that he has just started but we do not have any complaints right now.

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**Motion: To accept the bid from Simpson's Tree & Bobcat Services LLC in the amount of \$34,000.00 by Brian Corbin and seconded by Rose Pierson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED**  
Council will discuss forming a Public Works Committee at the next meeting.

Ms. Pierson proposed hiring a person to handle some of the Town Manager's duties but not giving them the title of Town Manager. Ms. Custis objected stating that our Town Charter states that we *shall* have a Town Manager. Mayor Hart stated that the population of Onley has not grown, and he does not feel that we have a need for a Town Manager. He added that Ms. Salazar agreed that we may not need a Town Manager. He said that he feels that the elected officials should be running the town. Ms. Custis stated that she does not feel that one person should have all the power. Mayor Hart agreed. Ms. Pierson stated that she believes that we can appoint someone to do the duties of the town manager but not call them that. Ms. Custis stated that if Mayor Hart wants to be the Mayor, then he needs to do the job. Mr. Corbin asked what it is that Mayor Hart is not doing. Ms. Custis cited zoning as an example, stating that clearly Ms. Salazar is handling zoning and that is not her job. Mayor Hart said that he is handling zoning along with help from Ms. Salazar, but she does not mind helping. Ms. Custis stated that she thinks it is ridiculous to hire an officer manager to manage Ms. Salazar because we are not going to hire anyone that knows more than Ms. Salazar does. Ms. Harmon stated that she wants to do what is legal – not what we or any individual wants but what we are required to do. She added that if the Council wants to make a charter change, then let's do it but make sure that we are doing things properly. Mr. Corbin said that he feels we should move away from a Council/Town Manager form of government to a Mayor/Town Council form of government. Mr. Corbin agreed with Ms. Harmon that things need to be done properly adding that he feels many things have been done wrong just over the course of the last two weeks. He cited postponing the last meeting and polling the Council as two examples. He asked why it has been okay to do those two things in the past but suddenly it is not. Mr. Zember agreed. Mr. Bundick explained that he made those decisions based on information obtained from VML, Janice Williams at Northampton County and Robert's Rules of Order. Mayor Hart asked Mr. Bundick if a Councilmember asked him to look into the matter of cancelling the meeting. Mr. Bundick said yes. Mayor Hart said that he feels that Councilmembers should not be circumventing him and going to the attorney with issues. He also asked that moving forward, Mr. Bundick reach out to him and not Ms. Salazar or any member of Council when an issue arises. Mayor Hart stated that is what the Charter says needs to be done. Mr. Bundick disagreed that the charter reads that way adding that if you wish to change the Charter, we need to go through the proper channels. At this time, Mr. Ferguson asked that we move on stating that what has already happened cannot be undone and we need to move forward and do better.

The purchase of a copier for the town office will be discussed at next month's meeting.

In the matter of Council Communication, Mr. Corbin stated that at the cancelled meeting on June 7<sup>th</sup>, he was called by Mr. Ferguson and placed on speakerphone without knowing who he was talking to since no one announced themselves. He was polled over the phone and put on the spot. Ms. Harmon said that she initially did not realize that we were even in a meeting. Mr. Corbin stated that at some point during the call, Ms. Salazar stated that had she known that a discussion was going to happen, she would have started the recorder and thankfully she kept minutes. He said that once Ms. Salazar said that, Ms. Harmon asked Mr. Bundick if we should be having this discussion and he stated no. Mr. Zember asked why Mr. Corbin was called. Ms. Harmon replied, "to see if he was coming to the meeting". Mr. Corbin

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said that after being asked that question, he was kept on the phone, and they kept asking him questions. Ms. Harmon replied that no one meant to do anything incorrectly and it will not happen again. Mr. Corbin added that Councilmembers do not have to give you a reason for not attending a meeting. He also feels that Councilmembers should not be calling the attorney whenever they want, it is costly to the town. Mr. Zember agreed.

Ms. Custis stated that we are required to have a FOIA officer and with Ms. Salazar's resignation from the Town Manager's position, we do not have one.

**Motion: To re-appoint Jamye Salazar as the FOIA officer by Rose Pierson and seconded by Brian Corbin. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes.

MOTION PASSED

Ms. Salazar stated that in the matter of FOIA fees, the FOIA Council has guidelines for us to use.

Planning Commission Topics will be discussed at next month's meeting. Ms. Custis stated that she feels that they need to meet and establish a Chair and Vice-Chair.

Council will meet on June 28, 2021, at 6:00pm to adopt the 2021-2022 Budget & Re-appropriations. They will also discuss/adopt the Motor Vehicle Ordinance for the coming year.

Council set July 12, 2021, at 6:00pm as the next Regular Monthly meeting date.

**Motion: To send out an RFP for the 2020-2021 Audit by Billye D. Custis and seconded by Rose Pierson.**

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes.

MOTION PASSED

In the matter of polling Council, Council asked Mr. Bundick for a definitive answer. Mr. Bundick said that it should not be done except in an emergency since it can be considered a FOIA violation. Ms. Salazar stated that in the past, Council was only polled (individually by telephone) in the case of an emergency. She cited PD vehicle repairs that were over her spending limit as an example adding that if the amount was over her limit and the next meeting was not relatively close, Council was polled because we needed the vehicle repaired. She added that the poll would be ratified through a motion at the next available meeting to make it part of the public record. Chief Spivey agreed. Mayor Hart stated that the matter that he polled Council about (advertising a PD vacancy) was not something that warranted a poll, he was able to make the decision himself and he apologized for the confusion. Chief Spivey added that while we do have a Town Charter to refer to, we also have policies which should be adhered to also.

**Motion: To purchase 2 drums of Biomist in the amount of \$3,696.00 by Rose Pierson and seconded by Billye D. Custis. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

**Motion: To renew the current Anthem employee health coverage with an increase of 1.10% by Woody Zember and seconded by Bill Ferguson. Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

**Public Comments**

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Ned Finney stated that it seems to him that Ms. Salazar is still being put in the Town Manager's position. He does not feel that should continue since it is no longer her job. In the matter of the building of the new town hall, he feels that a 15% contingency is way too low based on the current cost of building materials. Lastly, he said that everyone should have shown up to the June 7<sup>th</sup> meeting. He thinks those that did not were wrong.

**Council Comments**

Mr. Corbin said that he thinks we should start the process of changing the charter because he believes that the Mayor should be in charge. He thanked Ms. Salazar for all that she does and apologized that she got caught in the middle of some things over the last few weeks.

Ms. Custis agreed with Ms. Harmon that things need to be done correctly. She asked that the Mayor make sure that he is doing things properly when making decisions for the Town.

Ms. Pierson agreed that we should start the process to change the charter making the Mayor in charge of things. She is happy that the golf cart project is moving forward. She thanked Ms. Salazar and Chief Spivey for all that they do.

Ms. Harmon said that she is happy about tonight, adding that while we cleared the air, we did it together and respectfully. She added that she does not care for words like "power" and "in-charge". She feels that leadership is what the town needs. She asked that everyone allow the Mayor to lead but not be followers unless we feel that what we are doing is right for the town. She thanked Mr. Bundick and asked him to let us know when we are doing wrong.

Mr. Ferguson thanked the Town employees for all that they do. He agreed with Ms. Harmon about the word "power". He feels that responsibility is a better word.

Mr. Zember said that he respects everyone in the room but sometimes when he disagrees, he comes off harsh, so he apologized if anyone felt offended. He apologized directly to Mr. Bundick and Ms. Harmon for his earlier comments to them.

**Closed Session**

**Motion:** To go into Closed Session at 9:14pm 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 issues with the Police Department, hiring a Police Officer, discussion of Clerk/Treasurer salary and review of applicant(s) for part-time Town Manager position by Billye D. Custis and seconded by Brian Corbin. **Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. **MOTION PASSED**

**Open Session & Certification of Closed Session**

**Motion:** To return to Open Session at 10:07pm by Billye D. Custis and seconded by Bill Ferguson. **Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – 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:** Hart-yes; Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes.

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**Motion:** To hire Chuck McPherson as a Corporal with the Onley Police Department (at a salary of base pay for a Corporal per Onley's PD Payroll Guidelines) with a probationary period of 60 days by Rose Pierson and seconded by Bill Ferguson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

**Motion:** To increase Jamye Salazar's pay from \$20.00 per hour to \$25.00 per hour retroactive to the date that she was permanently appointed to the Clerk/Treasurer position by Rose Pierson and seconded by Brian Corbin. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

**Adjourn**

**Motion:** To adjourn at 10:13pm by Rose Pierson and seconded by Brian Corbin.

Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes.  
MOTION PASSED

Respectfully Submitted,

Jamye Salazar, Clerk/Treasurer

Matthew Hart, Mayor