

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 2nd day of August 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: Carl Bundick, Town Attorney
Chuck McPherson, Chief of Police, OPD
Jamy Salazar, Clerk/Treasurer

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

Ms. Custis asked to add Under New Business, Item B. Alzheimer's Paint the Eastern Shore Purple Event.

Motion: To adopt the agenda with the addition 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

Mayor Hart noted the new agenda format and said that if everyone likes it, we will stick with it but if it doesn't work, we can always return to the old format.

Old Business

Committee Reports

Ms. Pierson stated that the **Community Spirit Committee** is going well. They were only able to visit one house this month, but they did help two other residents with issues. She said that the feedback they are receiving is positive. Mayor Hart asked if she was able to contact Mr. Gillispie. Ms. Pierson stated that the police have delivered the letter with the offer of help, but they have had no response. Mayor Hart stated that we are going to have to send a violation letter if he does not respond.

Mr. Ferguson reported that the **COVID-19 Committee** has not moved forward with the purchase of the gift cards at this time adding that there are rumors that some residents are not in favor of it. He regrets that we were not able to do this sooner due to "red tape". Mr. Corbin agreed and said he doesn't think it was necessary. There was a discussion about how to distribute the cards as well as whether the cards should go to property owners or renters. Ms. Salazar also recommended having a plan in place for purchasing the cards adding that some cards have fees to consider. The committee will do some research and get back to Council at the September meeting.

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

Motion: To purchase and distribute (250) \$75.00 gift cards not to exceed \$18,750.00 by Bill Ferguson and seconded by Rose Pierson. Call Vote: Corbin- yes; Custis-no; Ferguson- yes; Harmon – no; Pierson – yes; Zember - yes. MOTION PASSED

Mr. Corbin (**Town Office Building Committee**) reported that he has spoken with Jim Wert twice since our last meeting. He explained to Mr. Wert our concern that nothing is happening with the building. Mr. Wert said that he would look into the matter and get back to Mr. Corbin. He did not. Mr. Corbin called him today and Mr. Wert explained that he has been sick. Mr. Corbin said that he does not want to lose Mr. Wert or his bid so he asked that Council be patient for another month. Mayor Hart said that he has also reached out to Mr. Wert but has not gotten a response. He said that Chris Guvenator's office has signed off on everything and if Mr. Wert needs stamped plans, he should let us know.

Mr. Corbin (**Public Works Committee**) reported that some of the mosquito spraying is happening in the afternoon and not the morning. He feels that if there are no complaints, that should be acceptable. The committee has not met with Adam Simpson yet, but Ms. Salazar has provided him with a checklist.

Ms. Pierson (**Golf Cart Committee**) reported that they are submitting the land use permit to VDOT again. They are reviewing a sample ordinance that may need to be adopted allowing golf cart usage. She added that some streets may need to have signage installed.

Planning Commission Report

Ms. Custis reported that the Commission met, and all Commissioners were present. Ms. Bliss was appointed to serve as the Chairperson. Mr. Bowling is looking into some DEQ questions that he has. They have started the review of the Zoning Ordinance, will meet in again in August and they should have something to present at the September meeting. Ms. Custis noted that they met at the Tasley Fire Company, and it was very nice. Ms. Salazar noted that the DEQ information that was presented is really a formality, it is required that we make it part of our Zoning Ordinance. She added that we need to move forward with the Public Hearing at the September meeting so we can adopt it. Mr. Bundick asked if there is a deadline. Ms. Salazar stated that the original deadline was June 30th, and it has been extended to August 31st, so we really need to act on this.

Discussion of ARPA Funds

Mayor Hart said that he was invited to a meeting with Delegate Bloxom and Senator Lewis about the ARPA Funds but due to personal matters, he was unable to attend. He called Delegate Bloxom the day after the meeting and asked to be filled in on what he missed. He said that Delegate Bloxom stated that we shouldn't spend the money too fast since he may be able to match it with state money. Mayor Hart told Delegate Bloxom that we are having a hard time coming up with something to spend it on. Delegate Bloxom's office is pushing for it to be spent on sewage solutions or natural gas. Council discussed how the money can be spent. Mayor Hart said that we are very limited at this point, but he believes that they will loosen the restrictions.

Safety Issue – 25528 E. Main St.

Mayor Hart reported that the Chief of Police has placed cones around the area to keep everyone safe. A letter was sent to the property owner on July 27th, and we are waiting on a response.

Mr. Bundick reported that the Unsafe Building Ordinance was adopted in 1982 and not signed by the mayor. He recommended that we have a Public Hearing and re-adopt the Unsafe Building Ordinance.

Motion: To send the Unsafe Building Ordinance and the DEQ Zoning Change to Public Hearing 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

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

Adoption of New Town Hall Funds

Motion: To adopt the Re-appropriation of \$666,847.05 for the purpose of building a new town office 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

Discussion of Resident's Complaints

Mr. Corbin said that he feels that Council has been negligent when receiving complaints or suggestions from residents. He added that we may not agree with everything they are saying but we should always consider it. In the matter of Ms. Arlene Evans's letter, he has reviewed the pictures and while there are some things that we cannot do, there are others that we should be able to handle. Mr. Corbin reported that in the matter of the Gillispie house, the town has addressed it over the years – we have cut his grass numerous times and charged him. He also said that he feels that we should recognize the letter that was sent to us back in February from George McMath. Mayor Hart replied that Mr. McMath's letter was discussed at a meeting, and he did respond to Mr. McMath on behalf of the Council. Mr. Corbin said that in the matter of sidewalks, Ms. Salazar told him that there was a sidewalk project in the works before COVID. Ms. Harmon asked about the process for receiving complaints. She asked if residents need to be told to put it in writing. Mayor Hart stated that in his opinion, for it to be a true complaint, it needs to be in writing. Mr. Ferguson feels that anything that has potential penalties should be in writing but just comments or suggestions can be verbal.

New Business

Police Dept. Salary Increase

Mayor Hart stated that the new budget has a 5% pay increase for the Police Department. Ms. Custis said that she would like to see us use the pay scale that was adopted by the Council for this purpose. She suggested moving the Corporal to the high end and moving the Sergeant to medium. This will be an increase of more than 5%. Mr. Corbin asked what pay increase Ms. Custis is proposing for the Chief. Chief McPherson asked to comment on the matter before Council decides. Council agreed. Chief McPherson stated that our pay scale is dated 2018 and he feels that is outdated based on what officers are making at other agencies. He also said that he was not working here when things were done in the past so that cannot be changed, but he feels that pay raises should be based on performance. He added that if someone is doing their job well, they should be compensated really well for their effort. Chief McPherson proposed moving Corporal Coulter to a Sergeant slot. If he works for us for three years, this will allow him to retire as a Sergeant with a Sergeant's pay. Chief McPherson praised Corporal Coulter for his job performance and stated that the Corporal should have been the one to get promoted to Sergeant. Mr. Bundick asked Ms. Salazar if there is a Personnel Committee that handles this sort of thing for the town. Ms. Salazar replied that there is no Personnel Committee and typically the process is as follows: evaluations are done in May, Council reviews them at the June meeting in a closed session, Council makes payroll increases if so desired that begin on July 1st with the new fiscal year. She also cautioned Chief McPherson and the Council about talking about personnel matters specific to anyone in an open session. Chief McPherson stated that he is used to a merit increase in addition to a COLA increase. He would like Council to begin the practice of considering both. Ms. Custis stated that former Chief Spivey told us at last month's meeting that evaluations would get done before this meeting. She asked if that happened. Chief McPherson said no, adding that two shifts into Chief Spivey's schedule after the last meeting, Chief Spivey called him and Mayor Hart and basically said that he was done and that he would be using his leave time for the remainder of the month. He added that Chief Spivey did come into the office twice for a short amount of time and shared a few things with him but certainly not

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

everything. Chief McPherson said that he can do an evaluation (for last year) from the numbers on the IBR system, if Council wishes. He also told Council that he will be creating training files on each officer since we do not have those either. He told Council that Sgt. Long has approached him to let him know that he has been approached by other agencies with job offers. He proposed that Sgt. Long get less than the proposed 5% pay increase and give Cpl. Coulter 5%-7%. Mr. Bundick warned that we are again getting into a closed session topic. He recommended giving the Chief time to get his proposal together and having a closed session next month. Ms. Custis recommended establishing a Personnel Committee. Chief McPherson agreed. Ms. Custis offered to serve. Mayor Hart asked Ms. Arlene Evans, a town resident, if she would serve. She agreed. Ms. Harmon said she also would like to serve.

Motion: To establish a Personnel Committee to review employee performances and salaries 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

Council instructed Chief McPherson to work with the Personnel Committee to create a proposal for next month's meeting.

Alzheimer's Paint the Eastern Shore Purple

Ms. Custis made Council aware of a new event called "Alzheimer's Paint the Eastern Shore Purple". It is a promotion to help raise awareness for Alzheimer's by decorating local businesses. She thought it would be good for us to distribute the information to our businesses in town. Mayor Hart and Ms. Pierson agreed to distribute the fliers.

Consideration of Minutes

Motion: To accept the minutes from July 12, 2021, Public Hearing & Regular Monthly Meeting 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

Department Reports

Police Report and Schedule (re-vised August 2021) (September 2021)

Chief McPherson advised Council of some changes to the August schedule. He told them that he has some training coming up but it is online so he will be in town. He said that he and Sgt. Long are attending a Grant Workshop on August 11th. He apologized that the police schedule looks different but explained that he changed it to what he is used to. He said that his officers are currently working a 76-hour pay period leaving the additional 4-hours for court or anything extra that comes up. He is trying to keep the overtime low but reminded everyone that we are short an officer. Mayor Hart asked Ms. Salazar to advertise for an officer until one is hired. Mr. Corbin asked Chief McPherson if our police salaries are comparable to other agencies. Chief McPherson responded that they are not – not even close. Mr. Corbin asked him for the difference. Chief McPherson stated that he would rather present it to Council in writing after doing some research. Mr. Corbin asked if the Chief feels that is the reason that we haven't had any applicants. Chief McPherson said he feels that is a part of it. Ms. Harmon stated that when we advertise, we don't advertise a salary so she's not sure that's a reason for no applications. Chief McPherson stated that he has been contacted by some people, but they won't even entertain coming here with the current salary offerings. He added that other things are considered also such as scheduling, training, take-home cars, uniforms, and management. Mr. Zember asked that Chief McPherson put together a pay range from other agencies. Chief McPherson said the problem is they won't give him what they are actually paying, they make it look lower than what it is. Ms. Salazar

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

advised Chief McPherson to make an official FOIA request adding that will guarantee actual figures since legally made FOIA requests must contain true responses. Ms. Custis added that the Budget Committee had Ms. Harmon contact the Town of Onancock for salary information and their salary figures were not nearly as much as the Chief in Onancock told our Chief that he was making. Fred Gardner asked how we have gotten so far behind everyone else when we just re-evaluated and created our salary guidelines just a couple of years ago. Ms. Custis agreed and added that the information received from Onancock a few months ago for budget purposes was not that much different than what we are paying our officers. Mayor Hart disagreed and stated that he feels we are behind again.

In the matter of a new patrol car, Chief McPherson has found that Chief Spivey's statement that there are no cars is not entirely true. While we are unable to get a Dodge Charger or Durango, we can possibly get a Ford Explorer within a reasonable time frame. The price range is \$35,000.00 to \$42,000.00 with the major difference being the higher priced one has a hybrid engine. Mayor Hart is in favor of purchasing a hybrid vehicle. Ms. Harmon asked about previously purchased cars. Chief McPherson said that there is no information on the cars other than asking Ms. Salazar what has been spent on repairs and maintenance. Mr. Corbin asked if Chief McPherson feels confident purchasing a Ford Explorer. Chief McPherson stated that he does as long as the right person is driving it. He added that the new vehicle will go to Cpl. Coulter. Council discussed the pros and cons of purchasing a hybrid vehicle. Ms. Custis and Mr. Corbin are not in favor of it. Chief McPherson stated that he has some concerns about hybrid as well.

Motion: To purchase a road ready Ford Explorer (non-hybrid) in the amount of \$39,011.00 by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

Chief McPherson asked Council for approval to change the uniforms. He asked the officers for a wish list of things they would like to change and the main thing that they have requested is to wear BDU pants and polo shirts. The cost of one set of new uniforms is \$150.00 per person.

Motion: To purchase two sets of new uniforms for each officer at a cost of \$900.00 by Brian Corbin and seconded by Woody Zember. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes. MOTION PASSED

Mayor Hart thanked Chief McPherson for saving Piglet, the lost dog.

Treasurer's Report

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

Motion: To pay the payables 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

Ms. Harmon stated that the Finance Committee has met and would like to recommend that Council approve the transfer of \$200,000.00 from the PNC checking account to a 13-month CD at Shore United Bank and \$210,000.00 from the PNC checking account to a money market account at Taylor Bank.

Motion: To transfer \$200,000.00 from the PNC checking account to a 13-month CD at Shore United Bank and \$210,000.00 from the PNC checking account to a money market account at Taylor Bank 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

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

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

Mayor Hart reported that he has worked on numerous things this month. He has emptied the trash at the park and thinks that everything looks good there. He has worked closely this month with the new Chief of Police and stated that he is thankful that he (Chief McPherson) keeps him informed on what's going on in town. He has been working with the Public Works Committee and he feels confident that things are going to improve. In the matter of zoning, he stated that he doesn't have anything to report. He asked Ms. Salazar if she was aware of anything. She stated that she didn't know of anything. Lastly, he mentioned the tall grass in town, noting that it is an on-going issue, but added that most of it has been cut at this time.

Attorney's Report

Mr. Bundick reported that at last month's meeting, Chief Spivey mentioned a need for an ordinance allowing the police department to enforce things on the civil side at the park. Mr. Bundick reached out to the LGA and after attending a forum about this matter, he feels that an ordinance may not be needed. He suggested that if any officer has occasion to ask someone to leave the park and that person does not leave, we can follow it up with a no-trespass notice. He asked Council for permission to meet with the current Chief to further discuss this matter. He is currently still working on the charter changes that Council requested. He sent the letter to the owners of the unsafe building in town. He has worked on reviewing the DEQ information. Lastly, he will be reviewing the golf cart information that was given to him tonight and report back about that. Mayor Hart asked Mr. Bundick how the charter change is coming. Mr. Bundick responded that he plans to meet with Senator Lewis to have it introduced but the General Assembly went into special session today, so he is probably busy with that at the moment. Mr. Corbin had some questions about the charter changes. Mr. Bundick asked that he email him the questions attached to the current charter.

Public Comments

There were no public comments.

Council Comments

Ms. Pierson felt that we had a good meeting. She thanked Chief McPherson and said that she is impressed with his report.

Ms. Custis agreed that it was a nice meeting, and she thinks some things were accomplished.

Mr. Corbin agreed that it has been a good meeting. He told Chief McPherson that having another officer is a priority at this time. He asked that the Chief report back to them at next month's meeting how we can make Onley more appealing to a police officer.

Mr. Zember said it was the best meeting that we've had in a while. He thanked the employees for a good job, and he thanked his fellow Council Members. He is very happy that we have been able to move forward with purchasing a vehicle. He added that it's not often that we can make progress so quickly.

Mr. Ferguson thanked everyone for coming. He thanked the employees. He welcomed Chief McPherson and stated while he means no offense to our former Chief, sometimes you need a change. He added that he believes that Chief Spivey knew that as well.

Ms. Harmon said that she enjoyed working with everyone tonight. She wished the Chief much success and added that his proposed changes may be just what the town needs. She loves the idea of merit raises and people being rewarded for a good job as well as people being held accountable for their actions.

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

Ms. Custis stated that before we make the motion to go into Closed Session, she would like to state that we have not advertised for a part-time Town Administrator. Mr. Bundick stated that this is a new term for that position, and he does not believe that we have advertised for that position. Both asked Ms. Salazar and she stated that they are correct, that position has not been advertised. Mayor Hart asked why this is being brought up now since they have had the agenda for days and didn't express their concerns. He stated that once again it seems like the two of you (Custis and Bundick) are working together to cause problems. He told Ms. Custis that she has his number, and she could have contacted him before the meeting to voice her concerns. Ms. Custis stated that she responded to an email that Mayor Hart sent and asked him to contact her, and he did not. Mayor Hart stated that she should have called him directly. Mr. Bundick stated that he and Ms. Custis have not discussed this matter outside of this conversation. Ms. Custis agreed adding that she has not spoken with Mr. Bundick since last month's meeting. Mr. Ferguson asked if someone would explain to him exactly what the issue is. Mayor Hart stated that Ms. Custis wants a Town Manager and not a Town Administrator, so she is trying to stop progress on this matter. He added that the Council has already decided that they do not want a Town Manager. Ms. Custis said that, by definition, an administrator is above a manager. Mr. Corbin said that Ms. Custis gave up the Town Manager Search Committee and he and Ms. Pierson took over. In doing that, he found that if we want a Town Manager, we are going to pay \$100,000.00 a year. He feels that a town our size does not need that. He also feels that a part-time town manager is not realistic. Ms. Custis stated that when we advertised for a Town Manager, the committee chose a really good applicant. Ms. Custis has met him and found him to be everything that he presented and promised. He was willing to come for less than the figures that Mr. Corbin just presented so she feels that Mr. Corbin's figures are high. She added that this is not just her opinion, it is what the Charter requires. Mr. Corbin said that if we go by the letter of the Charter, we are in violation by having Ms. Salazar act as Clerk and Treasurer. Mr. Corbin read a Section 4.1 of the Charter stating that the Town Manager can serve as the Treasurer – not the Clerk. Mr. Bundick stated that at this point, we need to pursue the charter changes as discussed earlier and include a passage that it becomes effective immediately and not July 1st. Ms. Harmon said she just wants to make sure that we are doing things legally. She added that she agrees with Mr. Corbin's statement about us being a town of 490 people but there must be a reason that the charter was changed last time. Mayor Hart said that legally we need to go into Closed Session because at this time we are discussing things that were not advertised on the agenda.

Closed Session

Motion: To go into Closed Session at 8:18pm 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 review/discussion of applicant(s) for part-time McMath Park employee and part-time Town Administrator by Rose Pierson and seconded by Brian Corbin. Roll Call Vote: Corbin-yes; Custis-no; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 9:03pm 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

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:

Onley Town Council
Regular Monthly Meeting
Minutes of August 2, 2021

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

Motion: To hire Dean Savage as a part-time McMath park employee 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


Adjourn

Motion: To adjourn at 9:04pm 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

Respectfully submitted by,


Jamye Salazar, Clerk/Treasurer


Matthew Hart, Mayor