

Onley Town Council  
Special Meeting  
Minutes of October 18, 2021

Special Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 18th day of October 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  
Laurie Chamberlain, Town Administrator

**Call to Order**

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

**Invocation & Pledge of Allegiance**

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

**Adoption of Agenda**

**Motion: To adopt the agenda 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**

**Town Charter Change(s)**

Mayor Hart apologized to Council for getting the charter change information to everyone today adding that Mr. Bundick sent him the information on the 8<sup>th</sup>, and it slipped his mind.

Mr. Bundick said that the charter is not in a type-written format so he had his assistant re-format it so that we can now make changes as necessary. He said that all proposed changes are italicized. He stated that one of the changes that Council requested was the addition of staggered terms to the charter. He also removed all references to the Town Manager as he was directed by Council. He added the position of Town Administrator as a potential employee along with the other employee requirements. Ms. Pierson asked to poll Council and see who really wants the staggered terms. Mayor Hart agreed adding that he is against staggered terms. He asked Council if they are in favor of staggered terms and the poll was as follows: Corbin- no; Custis-yes; Ferguson- no; Harmon – yes; Pierson – no; Zember - no. Based on the poll, Council instructed Mr. Bundick to remove the staggered terms from the proposed changes.

Ms. Custis asked to remove from Section 3.-1 language stating that the Council Members and Mayor should be in office by July 1<sup>st</sup>. Council agreed to have Mr. Bundick remove that language.

Mr. Bundick asked for Council's approval of the language added to Section 4.1 dealing with the Town Administrator. Mr. Corbin asked to briefly read from a previous charter. He stated that the wording "such officers may include but shall not be limited to" gives the Council a wide range of how to manage their employees – who to hire and who not to hire. He feels that the more liberty that Council has, the better off the town is. He would like to go back to that language. Council agreed to that change. At this time, Mayor Hart opened the discussion to Council for comments.

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Ms. Custis stated that she wasn't in favor of the last charter change because she doesn't feel that one person should have all the power. She added that she and Mayor Hart have previously spoken about that, and he agreed with her. She feels that (maybe) the mayor is the CEO but not the CAO. She then read from state code the following: "every chief administrator shall be the administrative head of local government in which he is employed, he should be responsible to the governing body and proper management of all of the affairs, the localities, the government the governing body has the authority to control". She stated that it then lists duties. She further added that if there is no CAO, it shall be the job of the mayor to set forth the duty to be carried out. She feels that it is very hard to have a full-time job and get done all the things that have to be done as Mayor. She added that she reached out for the charter change information last Wednesday and did not receive it until today. She thinks that the mayor needs help. Mayor Hart stated that we have it. He added that Laurie has just come on board and Jamey Salazar is also helping. Ms. Custis asked why it took ten days to get the information that they needed. Mayor Hart once again apologized and said that it was something that slipped through the cracks due to it being a particularly busy week with him and Mr. Bundick working on numerous things at one time. Ms. Custis said that the mayor once agreed with her that the CEO and CAO should not be the same person when we had a town manager but now that's exactly what we have in the mayor's position. Mayor Hart stated that Council can add something separating those positions but once we do that, we will always be required to have that. Mr. Bundick stated that we could use specific language addressing that issue which would not limit us. Lastly, Ms. Custis stated that we cannot change this charter every two years because we get a new mayor or council member. She reminded everyone that any citizen of this town can run for mayor or council. She said that in the past we have had people that couldn't read, and it would be too late if someone like that got elected for mayor and held all the power.

Mr. Corbin said he does not feel the town manager's job description should have been part of the charter and he believes that it was included against the advice of the previous attorney. Ms. Custis stated that she was not in favor of putting the job description in the charter, but she was not on Council at that time. Ms. Custis expressed concern about the mayor becoming incapacitated adding that there are no provisions for who is in charge should that happen. Mr. Corbin said the Vice-Mayor would assume the duties. Mayor Hart said that has already happened and the Vice-Mayor took over. Ms. Custis asked Mayor Hart how he thought that worked out. Mr. Corbin said that he feels that the voters chose the Council and Mayor to represent them and make decisions for the town and we need to do the job that we were elected to do.

Mr. Zember said he does not like how Section 3.5 (sic) reads. (Section 3.4) He has issues with the section that reads the mayor "shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter." Mr. Zember feels that leaves too much in the mayor's hands and he does not feel that most mayors, being one single person, have the time to handle all that responsibility. Mr. Corbin agreed with Mr. Zember. Mr. Zember further added that he believes some of the duties and powers should be the responsibility of the Council. Ms. Custis agreed, adding that Ms. Bliss said the same thing a while ago. She further added that having a full-time job and being the mayor and running this town is almost impossible due to the workload.

Mayor Hart asked to have "he" changed to "they" where necessary throughout the charter. Ms. Custis said that we can have a town manager and not have all of this in their job description. Mr. Corbin agreed with that but added that he does not feel that this town can afford the costs incurred with having a town manager. Ms. Custis said part of that is because we were combining zoning with town management. She doesn't feel that we have to call that person a town manager, but we should have an administrative officer responsible for what goes on daily in this town. Mr. Corbin said that he feels we have already changed the language in the proposed charter so that we can hire anyone that we

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want. Ms. Custis asked how everyone feels about that. Mayor Hart asked Ms. Chamberlain how she feels about taking on some of the duties and responsibilities that Ms. Custis just mentioned. Ms. Chamberlain said that she would be open to it, but she will need some training and certification. Mr. Zember would like to make this the last charter change for a long time. Ms. Custis agreed that should be the objective. Mr. Ferguson said we should allow room for growth. Mayor Hart said that we should be looking at language that delegates authority from the mayor to department heads to carry out the duties that need to get done to move the town forward. He asked that Council make the mayor the CEO of the town.

Ms. Custis stated that if you look at the definitions, an administrator is higher than a manager. Mr. Corbin stated that when you hire a town manager, it is a highly qualified person that requires quite a hefty salary, and he feels that is what scares people about the term "town manager". He feels that we need to take the restrictive wording out of the charter allowing the Town Council to have a say in how things are run. Ms. Custis said that she agrees with that however she doesn't believe that is what is happening at this time. Mr. Corbin asked her if the Council isn't running things now, then who is running it. Ms. Custis stated the mayor is running things. Mr. Corbin disagreed stating if we weren't running things, we wouldn't be sitting here now.

Ms. Custis asked if everyone read what the charter says about the Chief of Police. She noted that we have hired two police officers lately and the Council didn't have much input. Mr. Zember thinks that we shouldn't give the Chief of Police as much power as the current charter allows. Ms. Custis read from the charter "he should have the authority to preside over police matters as directed by the Town Council". She also noted that the Council may appoint a Chief of Police, but it doesn't say that we *shall* appoint one, adding that is not what we were told recently. Mr. Zember said that he was never in favor of doing things the way that they were recently done with our current Chief of Police being recommended by the previous Chief. He always thought that the Council should have had more involvement. Ms. Custis also noted that the appointment should have been made by the Council and not by the mayor.

Mayor Hart asked Council if they wanted to put provisions in the charter for the Public Works Department. Mr. Ferguson is in favor of that. Mr. Zember disagreed and stated that's a "can of worms." At this time, Mayor Hart asked Debbie Bliss if she had said something. Ms. Bliss stated that everyone is talking at once and she can't hear what is being said. Mayor Hart replied that the audience members are chatting, and the Council is trying to have a meeting. He added that he plans to call on the audience once the Council has finished their discussion. Ms. Bliss asked Mayor Hart if he is trying to be rude. Mayor Hart asked if anyone has anything to say. Ms. Bliss stated that if Ms. Chamberlain takes on the role of Zoning Administrator, she should be aware that it is a daunting job, and she would probably need to work full-time. Ms. Chamberlain agreed and stated that she would need to give up her other jobs, should that happen. Ms. Bliss advised Council to address "he", changing it to "they" wherever necessary. She asked who will be doing the hiring and firing of town employees. She feels that it should be done by Council. She then asked if Council hired the last police officer. She concluded by stating that we vote for all of you and that's one thing that she thinks Council should do – hiring and firing – and she feels that should be addressed in the charter.

Mr. Bundick asked about addressing the Public Works Department in the charter. Council agreed. Mr. Zember stated that when Ms. Salazar was Town Manager, she always ran hiring and firing past the Council, so he feels that this wasn't an issue but perhaps it is now. He does like to be kept apprised of those matters. Mayor Hart responded that he always emails information to the Council, and they do not always respond. In the matter of the latest hire, he spoke with Ms. Salazar, and she said that sending someone to school is a bad idea and comes with risk, so he thought hiring the one certified officer that applied and is a good candidate was the best idea.

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Ms. Custis said that we all agree that the town manager should never have been given all the power. She said that when she was mayor, she never hired or fired anyone without the approval of the Council. She said that the Town Council has always interviewed every police officer that's been hired. She told Mayor Hart that if you want to know about hiring and firing, you should have asked the Town Council – not Ms. Salazar who doesn't even live in the town. She said that sending someone to school is a headache, but we don't lose money if we have them sign a contract. Mayor Hart said that he did speak with Ms. Custis about sending someone to school and he thought she was against it. Ms. Custis said that she doesn't feel that we should hire someone because they are the only one that applied. Mayor Hart said that hiring someone and sending them to school doesn't help the town right now – it doesn't address our immediate need for an officer.

Ms. Custis asked Mayor Hart if we are going to once again have a rotation that calls for everyone to work shifts so that the town is covered better [because that has not been happening]. Mayor Hart said the Chief will have to answer that question, but he believes that we will. She feels that Council should make sure that happens. She added that it was always made clear to the former Chief of Police Spivey that he would work the rotation. Mr. Ferguson agreed and said he feels that was the understanding once the fourth officer was hired. He added that Chief McPherson said that he would only be working the day shifts for a couple of months to "clean up some messes" that would take daytime duty. He said that he has heard Chief McPherson say that he wants to get back in the rotation. At this time, Mayor Hart stated that we are getting off topic, we should only be discussing the charter changes. Ted Bliss said that he has been on Council before, and he knows how things get twisted around. He reminded everyone that there are two town entities in this room right now. There are the executive and the legislative positions. Council is legislation and the mayor is executive. The mayor is responsible for executing the policies, ordinances, and the will of the Council. He feels that the charter should state that (in a nutshell).

**Adjourn**

**Motion: To adjourn at 7:03pm 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**

Respectfully submitted from audio,

Jamye Salazar, Clerk/Treasurer

Matthew Hart, Mayor