

Onley Town Council  
Public Hearing(s) & Regular Monthly Meeting  
Minutes of September 9, 2021

Public Hearing(s) & Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 9th day of September 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  
Jamye 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 Councilwoman Harmon and the Pledge of Allegiance was led by Councilwoman Custis.

**Adoption of Agenda**

Mr. Ferguson asked to add Council Pay Schedule as item G under New Business. Mr. Corbin asked to add Town-Owned Lot on Front St. and McMath Park Lights as items H and I.

**Motion: To adopt the agenda with the additions 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 Unsafe Building Ordinance (Proposed Ordinance #002-21)**

**Call to Order**

Mayor Hart called the public hearing to order at 6:04pm.

**Rules for Public Hearings**

Ms. Salazar read the Rules for Public Hearings.

**Presentation of Unsafe Building Ordinance (Proposed Ordinance #002-21)**

Mayor Hart explained that we need to re-enact the Unsafe Building Ordinance from 1982 since the original ordinance was not properly signed by the mayor (at that time). Mr. Bundick agreed with Mayor Hart's explanation adding that we have two properties in town that need attention, so we need to make sure that our ordinance is properly enacted.

**Public Comments Regarding Unsafe Building Ordinance (Proposed Ordinance #002-21)**

Glenn Smith (25767 Pennsylvania Avenue) asked what buildings/owners have been issued violation letters. Mayor Hart stated one went to T & W Block and one went to St. Matthews Church on E. Main Street. Mr. Smith stated that his concern is for the E. Main Street location, adding that he believes that it is a fire hazard. He would like the town to add to the ordinance that they will notify law enforcement, fire/EMS and utility companies of the property violations.

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John Dennis stated that the water line on the side of the building is not active. Mr. Smith stated that he was more concerned with the electrical service adding that the meter is on the wall next to two utility poles.

Deborah Bliss stated that while she is in favor of adopting the ordinance, it is a grammatical nightmare, and she believes it to be unclear. She asked for permission to work with Ms. Chamberlain to correct the grammatical errors as well as add the notification clause mentioned by Mr. Smith. Council agreed to have Ms. Bliss and Ms. Chamberlain make the corrections.

**Adjourn Public Hearing**

Mayor Hart adjourned the Public Hearing at 6:12pm.

**Public Hearing Proposed Zoning Change – CBPA**

**Call to Order**

Mayor Hart called the public hearing to order at 6:13pm.

**Presentation of Proposed Zoning Change - CBPA**

Ms. Salazar stated that the proposed changes to our zoning are being made at the request of DEQ. Ms. Salazar stated the changes that are being proposed. Ms. Bliss stated that this was given to the Planning Commission for informational purposes, and they took a good look at it. She stated that the big difference in this ordinance is that now the entire town is in the CBPA zone adding that this will affect things like the requirement of a five-year septic pump-out. She also stated that we need to acquire a map to include with these changes. Ms. Salazar agreed with Ms. Bliss and asked to note that both Public Hearings were properly advertised. Ms. Salazar also stated that she is not for or against this change, but her understanding is that we must adopt it, or we could suffer penalties from the DEQ. Ms. Bliss agreed with Ms. Salazar.

**Public Comments Regarding Proposed Zoning Change - CBPA**

Glenn Smith signed up but stated that he did not wish to speak on this matter.

**Adjourn Public Hearing**

Mayor Hart adjourned the Public Hearing at 6:18pm.

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

**Closed Session**

**Motion: To go into Closed Session at 6:19pm 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 Onley Police Dept. evaluations and pay schedule 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**

**Open Session & Certification of Closed Session**

**Motion: To return to Open Session at 7:13pm 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**

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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**Old Business**

**Committee Reports**

Ms. Pierson reported that the **Community Spirit Committee** has planned a 9/11 Memoriam event for Saturday. She invited everyone to attend. She also reported that there is an Alzheimer's Walk event on October 9<sup>th</sup>, and she would like to have our own walk here in town. Anyone interested should let her know. Ms. Custis reported that the town office has been decorated for the Alzheimer's Paint the Town Purple event. She thanked Mayor Hart for installing some lattice around the well head.

Mr. Corbin reported that the **COVID Relief Committee** has decided that the best way to distribute the Food Lion gift cards is to mail them with the newsletters. The cards are alcohol and cigarette restricted. Ms. Harmon said that she has had someone ask her to whom the cards will be given. She added that this person owns property, but they do not have a house on it. This person also feels that the cards should not go to renters. Council agreed that the cards will be given to property owners with a house in town. No business owners will receive the card. No renters will receive the cards.

Mr. Corbin (**New Town Office Building Committee**) reported that he has spoken with Jim Wert twice this week and the problem is that the plans for the building were not reviewed by an architect or stamped by an engineer. Mr. Corbin suggested that the town find an architect (on our dime) to help Mr. Wert along. Ms. Salazar said that we will need to issue an RFP for architectural services. She also said she believes that what we really need is the engineering stamp, so we technically need engineering services. Council decided to leave things as they are and have Mr. Wert acquire the engineering services.

Mr. Corbin reported that the **Public Works Committee** has been working with Michael Scott and Adam Simpson to ensure things are being done properly. He believes that there is still some confusion about who Michael gets his orders from – us or Adam. Mr. Scott has sprayed the railroad track. There have been some issues with the mosquito spraying involving our truck going onto private property. Mr. Corbin recommended to the mayor that we no longer allow our truck to be driven on any private property in town. Ms. Custis stated that Mr. Scott drove the truck across her property to get to the town office. Mr. Corbin will take care of that. Mr. Corbin said that the consensus is that the flower bed by the light will have fabric installed once the weather turns cold. Ms. Harmon said that it needs to be weeded now. Ms. Salazar said that she thinks the biggest issue is communication adding that Travis is a good worker, but he needs someone to give him some direction. She added that the checklist is being used.

Ms. Pierson reported that the **Golf Cart Committee** is still waiting to hear from VDOT. Mr. Bundick has reviewed the proposed ordinance and his only concern is who will perform the safety inspections of the carts. Several people suggested Shore Tire & Auto or Woody's. Ms. Bliss asked who in the town was surveyed about the golf cart matter adding that it seems like this decision was made based on a small group of people in favor of allowing golf carts, some of whom already have them. She feels that there are a lot of people without golf carts that are concerned about how the carts will affect the traffic patterns in town. Council decided to place a questionnaire in the upcoming newsletter about golf carts.

Ms. Arlene Evans reported that the **Personnel/Payroll Committee** information was already presented and discussed in the Closed Session. Ms. Harmon asked to thank Ms. Evans for her hard work adding that when Ms. Evans is passionate about something, there is no better resource. Ms. Custis agreed and thanked Ms. Evans's son for his help also.

**Motion: To promote Pat Coulter to the position of Lieutenant with the appropriate pay increase to \$51,000.00, to give Sgt. Long a 5% pay increase and address the Chief of Police's salary in sixty days or so by Billye D. Custis and seconded by Bill Ferguson. No vote was taken at this time.**

Before the vote was taken, Mayor Hart asked Chief McPherson if he would like to speak. Chief McPherson stated that he does see an issue with the motion. He explained that with the current motion,

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Sgt. Long will be paid \$ 550.00 more than Lt. Coulter. Ms. Bliss stated that in the military, plenty of Sergeants make more than Lieutenants. Ms. Custis asked to amend her previous motion and made the following:

**Motion:** To promote Pat Coulter to Lieutenant with a pay increase to \$52,000.00, Sgt. Long will receive a 5% pay increase and the Chief's salary will be reviewed in 60 days or so 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**

Council agreed that the pay increases will go into effect at the beginning of the current pay period.

#### **Planning Commission Report**

Ms. Bliss reported that they began meeting again in July to (once again) review the Zoning Ordinance. She added that they plan to meet until the end of the year about this project. They want to work on the language specifically regarding types of housing. They feel that there are discrepancies with state definitions.

#### **Discussion of Residents' Complaints (Update)**

Mayor Hart stated that we have been addressing a lot of residents' complaints over the last couple of months. He added that we are working with the town attorney to resolve the ones that can be addressed and that we are doing the best that we can to fix some things.

#### **Safety Issue at 25528 E. Main St.**

Mayor Hart reported that he has spoken with the owner's son, and they are working with the insurance company to see if they will cover the repairs. He added that Lance Eller from VDOT reached out to him about the building since there are plans to pave Coastal Blvd. within the next two weeks. Mr. Eller is concerned about the vibration from the equipment. Mayor Hart has notified the owner about VDOT's plans for the road.

#### **New Business**

##### **New Town Logo Proposal**

Mayor Hart asked for Council's permission to have the current town logo digitized so that it looks a little crisper and more professional. Ms. Custis asked that we consider making the building larger and the train smaller since we are no longer a "train town". Council agreed to allow Mayor Hart to have the town logo digitized and come back to them with some options for final approval.

##### **Streetlights – LED Bulbs**

Mayor Hart stated that numerous streetlights have been out for a long time. At this point, with the help of Chief McPherson, we have had about a dozen lights replaced (with LED bulbs) at the expense of ANEC. He asked Council to consider the possibility of replacing the remaining 87 streetlight bulbs in town at a cost to the town of \$6,525.00. ANEC only replaces bulbs at their expense when they burn out. Mayor Hart feels that it will make the town safer. Chief McPherson stated that every Sunday night, the officer on duty is required to perform a streetlight check. His opinion is to replace the bulbs as they go out and save the money. Chief McPherson stated that there are two areas that give him cause for concern, the park and pool area and CVS pharmacy. Melissa Taylor added that another dark area is over by the old R.C. Evans building. Council asked Chief McPherson to investigate the matter of adding lights in those areas.

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**Motion: To update all streetlights in town to LED at a cost of \$6,525.00 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

**Re-establish George N. McMath Park Committee**

Mayor Hart asked Council's opinion about re-establishing the McMath Park Committee. Ms. Custis thinks there needs to be an event committee. Mayor Hart stated that would fall under the park committee. Ms. Harmon stated that someone needs to be looking at the park for things that need to be kept up there. Mr. Corbin stated that he is fine for it to fall under Public Works. Ms. Harmon asked to be included on decisions concerning "the pretty stuff".

**9/11 20 Year Remembrance Event**

Ms. Pierson invited everyone to attend the event on Saturday, September 11<sup>th</sup> at 12:00pm at the town park. Ms. Custis reminded Ms. Pierson that we should be referring to the town park as the George N. McMath Park.

**Unsafe Building Ordinance #002-21**

**Motion: To adopt the Unsafe Building Ordinance #002-21 correcting all grammatical errors and adding that all appropriate fire, EMS, law enforcement and utilities be notified of the violations 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

**Proposed Zoning Changes (CBPA)**

**Motion: To adopt the Proposed Changes to the Zoning Ordinance specifically related to the CBPA 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 Pay Schedule**

Mr. Ferguson asked Council to consider changing the rule that Council Members only get paid once the entire quarter is over. He would like to get paid after the last regular meeting of the quarter. He added that he is not as financially stable as some people on Council, and he has an event coming up that will incur some personal expense. Ms. Custis stated that when she first came onto Council, they were paid once a year – at the end of the year. Council asked Ms. Salazar why this rule was implemented. Ms. Salazar explained that there have been issues over the years with Council Members not attending meetings and still being paid so Council thought this was the best way to fix the problem. She added that while she has no issues with whatever Council decides, they must remember that Council can only be paid within our regular employee pay periods so that we do not violate any IRS regulations or accrue penalties. Council asked Ms. Salazar to pay Mr. Ferguson on the next employee payroll run (September 24<sup>th</sup>).

**Town-Owned Lot Front Street**

Mr. Corbin feels that the town-owned lot on Front Street containing the old water tank is an eyesore. He would like to research the possibility of selling the lot, but he wants to sell it with the stipulation requiring the purchaser to clean the lot within a certain time-period. He plans to make a motion to have the lot appraised as the first step. Mr. Bundick said that while stipulations can be put on the sale, if the purchaser does not comply, we will have to take legal action. Ms. Harmon feels that the chances of selling the lot with those conditions are slim to none. Ms. Custis asked Mayor Hart what he thinks, as a

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realtor. Mayor Hart replied that he needs to be careful speaking about this matter since there could be a conflict of interest. Mr. Bundick asked if there is a possibility that someone would want to scrap it. Ms. Custis said that it cannot be scrapped because we don't know what is in the tank. Arlene Evans stated that it could have lead paint. Mr. Ferguson said that it was the withdraw tank for the reserve of the Onley Fire Company and that the only thing it ever did was fill trucks for the fire company. Mayor Hart would like to advertise for someone to perform demo work. Ms. Custis stated that the lot needs to be cleaned as well.

**Motion: To advertise for an appraiser to appraise the town-owned land on Front Street (one with the clean-up and demo and one without) by Brian Corbin and seconded by Rose Pierson. No vote was taken at this time.**

Mayor Hart said that he doesn't believe that the appraiser can do two different appraisals adding that when you appraise a property, it is as is. He added that an appraiser will not know the cost to clean and demo the property. Ms. Custis agreed. Ms. Evans said that she sent an email to let the Mayor and Council know that they could contact Accomack County and ask for someone to come and look at the tank and let them tell you what needs to be done. She said that should be done first adding that the DEQ in Richmond said that the tank is probably not safe and needs to be removed properly. She said that the water could be contaminated, and it cannot be released into the ground. Ms. Harmon suggested having someone from the county come and make a recommendation. Mayor Hart said that all they will do is tell us the process for removing it. At this time, Mr. Corbin amended his motion.

**Motion: To advertise for an appraiser to appraise the property on Front Street and to advertise for a contractor to demo and remove the tank from the property 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**

Mr. Corbin stated that we advertised for a contractor to install lights at the park. We did not have any response to that RFP, so Mr. Corbin contacted two companies and asked for a quote. The first company, Big Wood Electric, did not respond after two weeks and the second, Jack Tarr, submitted a bid of \$14,880.00 to install ten lights at the park. Ms. Custis asked if we had considered solar lights, based on a previous recommendation from Fred Gardner. Mayor Hart and Mr. Ferguson both spoke against solar adding that the problem with solar is that they burn out too quickly. Ms. Harmon asked why we need a light on the playground if the park closes at dusk. Mayor Hart said that we can have it put on a separate switch, but it really is a safety issue for the entire park. We will also have a light on the flagpole. Ms. Custis suggested ordering twelve lights and installing ten.

**Motion: To accept the bid from Jack Tarr in the amount of \$14,880.00 to install lights at McMath Park 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**

**Consideration of Minutes**

**Motion: To accept the minutes from August 2, 2021, Regular Monthly Meeting 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**

**Motion: To accept the minutes from August 26, 2021, Special 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**

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**Department Reports**

**Police Report and Schedule (Revised September 2021 & October 2021)**

Chief McPherson asked if there were any questions about the schedules. Ms. Harmon asked him to stop placing X's on the shifts/days that no one is working. Chief McPherson reiterated the street light program that he has implemented. He has also implemented a vehicle maintenance check list adding that this was never done before, and he has no record of what maintenance has been done on our vehicles. He has updated the monthly statistical report which will allow Council to have more information. He reported that he has made the decision about the uniforms based on advice from Ms. Custis. Chief McPherson presented Council with information about a Stalker Information Radar Trailer which could be set up to pull speeds of vehicles – it also flashes the speed to the vehicles as they pass. He would like for Council to consider using COVID funds to purchase one at a price of approximately \$20,000.00. Ms. Harmon said that she is okay with spending COVID funds on this but not town money. Ms. Custis stated that we do not have any COVID funds – we returned them to the County. Ms. Salazar agreed adding that we did that to allow our businesses to participate in the \$5,000.00 County grant program. Mr. Ferguson asked to re-visit the idea of purchasing the trailer once the ARPA COVID restrictions are lifted. Chief McPherson presented Council with information about vehicle radar units. The cost of them is \$1,800.00-\$3,000.00 depending on which model we purchase. He stated that we need one for each vehicle, but he is hoping to start by purchasing one at a time. Council asked to put this discussion/purchase off until next month.

**Treasurer's Report**

To save time, Mayor Hart asked Ms. Salazar to consider not giving a verbal report. She agreed, stating that everyone has a written copy of her report and asked if there were any questions. There were no questions.

**Mayor's Report/Zoning**

Mayor Hart did not give a report.

**Attorney's Report**

Mr. Bundick reported that he has been working on some Unsafe Building violations as well as the ordinance itself. He has researched a potential Golf Cart Ordinance. He has looked into the matter of companion animals based on a complaint in town. There is a tort claim matter pertaining to an accident that he has been tasked with handling. He stated that he is pleased that the DEQ matter was resolved tonight. Ms. Harmon asked about the companion animal complaint stating that she is unfamiliar with that issue. Mr. Bundick stated that there is an issue with a horse in town. Mayor Hart asked Mr. Bundick's findings on the matter. Mr. Bundick stated that while we can pass an ordinance containing provisions or prohibiting them altogether, we cannot enforce a new ordinance prohibiting the companion animals currently in use. Ms. Custis said that based on conversations with our previous town attorney, zoning administrator and town manager, she feels that we can prohibit if they become a nuisance since we currently have a nuisance ordinance. Mr. Bundick stated that we are looking into every case as it comes forward. Ms. Custis asked Mr. Bundick for an update on the proposed charter changes. Mr. Bundick stated that we really can't discuss it too much tonight since it was not advertised on the agenda, but he has received the information from Mr. Corbin about the requested changes. The next step is having each Council Member's recorded vote in the minutes to submit to Senator Lewis.

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**Public Comments**

There were no public comments.

**Council Comments**

Ms. Harmon stated that Ms. Evans has a wealth of knowledge, and it has been a pleasure to work with her. She asked that everyone try to get to know her better.

There were no other council comments.

**Adjourn**

**Motion: To adjourn at 9:39pm 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