

Onley Town Council
Joint Public Hearing(s) & Regular Monthly Meeting
Minutes of December 4, 2023
Onley Town Office, 25308 Lankford Highway, Onley, VA

Council Members Present: Ned Finney, Mayor, Bill Ferguson, Vice-Mayor
Daniel Bloxom, Brian Corbin, Rodney Lang, Woody Zember

Council Members Absent: Kate Hill

Staff Present: Carl Bundick, Town Attorney
E. J. Long, Chief of Police, OPD
Susan Rillo, Town Manager
Jamy Salazar, Clerk/Treasurer

Planning Commission Present: Deborah Bliss, Chairperson,
Don Bowling, Brian Corbin, John Kluis

Call to Order

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

Invocation & Pledge of Allegiance

The invocation was given by Councilman Zember and the Pledge of Allegiance was led by Councilman Bloxom.

Adoption of Agenda

Motion: To adopt the agenda by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote: Bloxom - yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Call to Order of Planning Commission Meeting

Chairperson Bliss called to order the Planning Commission meeting at 6:02pm.

Joint Public Hearing on Special Use Permit – Briarpatch Rentals LLC

Mayor Finney called to order the Public Hearing for the Onley Town Council and established a quorum for the record. Chairperson Bliss called to order the Public Hearing for the Onley Planning Commission and established a quorum for the record. Ms. Salazar read the rules for public participation. Ms. Rillo presented the statement of facts. A copy is available upon request. Deborah Bliss (noting that she was speaking as a resident) spoke against the issuance of the SUP allowing a manufactured home. In doing so, she cited several sections of the Town’s current zoning ordinance. Billye D. Custis spoke, stating that she agreed with Ms. Bliss’s statement referencing the current zoning ordinance and she is not in favor of issuing the SUP.

Motion: To adjourn the Town Council’s Public Hearing by Bill Ferguson and seconded by Woody Zember. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Motion: To adjourn the Planning Commission’s Public Hearing by John Kluis and seconded by Don Bowling. Roll Call Vote: Bliss – yes; Bowling – yes; Corbin – yes; Kluis – yes. MOTION PASSED

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Joint Public Hearing on Resolution to Grandfather Current Permitted Residential Homeowners from Existing Zoning in Reference to Lot Area, Lot Frontage & Yard Regulations

Mayor Finney called to order the Public Hearing for the Onley Town Council and established a quorum for the record. Chairperson Bliss called to order the Public Hearing for the Onley Planning Commission and established a quorum for the record. Ms. Rillo read the resolution into the record. A copy is available upon request. Billye D. Custis asked if her house burns down, does that mean she would have to comply with the current zoning requirements. Ms. Rillo stated that she would have to comply with current zoning.

Motion: To adjourn the Town Council's Public Hearing by Bill Ferguson and seconded by Woody Zember. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes.

MOTION PASSED

Motion: To adjourn the Planning Commission's Public Hearing by John Kluis and seconded by Don Bowling. Roll Call Vote: Bliss – yes; Bowling – yes; Corbin – yes; Kluis – yes. MOTION PASSED

Motion: To adjourn the Planning Commission Meeting by Don Bowling and seconded by John Kluis. Roll Call Vote: Bliss – yes; Bowling – yes; Corbin – yes; Kluis – yes. MOTION PASSED

Regular Meeting (cont'd)

Commission/Committee Reports

Planning Commission – Ms. Bliss stated the following: (1) The Planning Commission (by unanimous vote) recommends that the Council deny the Special Use Permit to Briarpatch Rentals LLC because they are not in compliance with the current zoning ordinance. (2) In the matter of the Resolution to Grandfather Current Permitted Residential Homeowners from Existing Zoning in reference to Lot Area, Lot Frontage and Yard Regulations, the Planning Commission recommends that Council adopt the resolution as written. (3) In the matter of short-term rentals, the Planning Commission recommends leaving the zoning ordinance as is stands – no short-term rentals in Onley.

McMath Park Commission- Ms. Custis reported that there have been several meetings in preparation for the Veterans Day and Tree Lighting events at the park. She said that both events were well attended and enjoyed. She thanked everyone that helped with the events. The Commission has decided that beginning in January, future meetings will be held on the second Monday of each month at 6:00pm. They hope to start working on playground equipment needed and a capital budget to present to Council for budget consideration. She added that this will be her final report as she has resigned from the Chairperson position, however, she will remain a member of the Commission. Several Council members thanked Ms. Custis for her service on the Commission. Ms. Rillo told Council that Mary Wardius has submitted a letter of interest in serving on the McMath Park Commission.

Motion: To appoint Mary Wardius to the McMath Park Commission by Bill Ferguson and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Public Works Garage Committee – Mr. Lang reported that he has not done much this month because he doesn't know the setoffs from the septic system. He also thinks we may need to have a survey of the property.

Old Business

Mr. Bundick explained to Council that they now need to accept or deny the recommendation of Planning Commission pertaining to the SUP for Briarpatch Rentals. Ms. Rillo added that the purpose of the special use permit is to make exceptions to the zoning ordinance – it is not setting a precedent. Mayor Finney asked if a regular home could be built on the lot. Ms. Rillo was unsure. Mr. Bloxom stated

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that he would rather see a nice new trailer there than the one that currently sits on that lot. He added that the Planning Commission's assessment that it is not the owner's home is a moot point since it will be a nice home for someone, even if it's a rental. Ms. Bliss asked Council to consider if it is contiguous and congruent with the other homes in the neighborhood. She added that the current manufactured home isn't and now is the time to get rid of it. Mr. Lang spoke in favor of allowing the SUP, adding that if they were to build a home there, it would look like a trailer due to the setbacks and footprint. Mr. Zember said there are a lot of teachers and travel nurses looking for decent homes to rent. Ms. Custis asked if the new trailer will be exact (location) as the current trailer. Mr. Thornes said he can do the same footprint, or he can adjust it to meet the setback requirements if the town requires that. Ms. Rillo asked to clarify something that she said earlier in the night pertaining to setbacks. She said that (hypothetically your house burns down) you will need to meet the current required setbacks. Mr. Thornes stated that the current trailer does not meet the setbacks but the new one will on all sides. Mr. Corbin asked Mr. Bundick if we allow one mobile home, can't the next guy (who gets denied) question our decision. Mr. Bundick said that is entirely possible.

Motion: To accept the Planning Commission's recommendation and deny the SUP by Brian Corbin. There was no second to the motion. MOTION FAILED

Motion: To deny the Planning Commission's recommendation by Daniel Bloxom and seconded by Woody Zember. Roll Call Vote: Bloxom -yes; Corbin- no; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Motion: To approve the SUP for Briarpatch Rentals LLC by Daniel Bloxom and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- no; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Motion: To adopt the Resolution to Grandfather Current Permitted Residential Homeowners from Existing Zoning in Reference to Lot Area, Lot Frontage & Yard Regulations by Bill Ferguson and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Ms. Rillo stated that we have discussed the matter of short-term rentals for several months now and Planning Commission has given their recommendation on the matter, therefore, she thinks it is time for Council to make a decision so that the town and its residents can move forward accordingly. Council briefly discussed one home in town that has been acting as a short-term rental. Mr. Corbin stated that he is concerned about spot zoning and reminded Council that it is illegal. Ms. Bliss stated that if the town decides to allow short-term rentals, managing them will be a full-time job for the town.

Motion: To accept the Planning Commission's recommendation in reference to short-term rentals (meaning keep the Zoning Ordinance as is) by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote: Bloxom -no; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - abstain. MOTION PASSED

Ms. Salazar presented Council with a list of various organizations that have asked for a donation from the town.

Motion: To table the discussion of donations until early in the next calendar year by Bill Ferguson and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

New Business

Motion: To hold the January 2024 Regular Monthly Meeting on January 9, 2024, at 6:00pm by Rodney Lang and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

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Motion: To hold the Amended 2023-2024 Budget Workshop on January 17, 2024, at 6:00pm by Bill Ferguson and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Ms. Rillo explained that there has been a request from a resident for the Council to send a letter of support for the veteran housing project in Parksley. Ms. Rillo added that there was a correction made to the original article that ran in the newspaper stating that this is not a veteran-owned business. She added that there was no name or address to send a letter. Ms. Salazar said that (if she understood the article correctly) they are seeking government funding and are hoping to have letters of support sent to our local legislators. Council asked Ms. Rillo to research the matter more before agreeing to send a letter of support.

Department Reports

Police Report

Chief Long presented his monthly report. He reported that there was an issue with the no parking signs in front of the ABC store and that has been fixed. The computers for the cars have been delivered and Mr. Nottingham will be installing them around the first of the year. Mr. Bundick warned Chief Long about some issues with the computer-generated tickets. Chief Long said he is aware and has found a solution to the problem. Mr. Lang asked Chief Long to make his officers aware of the large number of U-turns happening on E. Main Street in front of the store across from Lighthouse Thrift store.

Treasurer's Report

Ms. Salazar reported that the 2023 taxes are coming in nicely and reminded everyone that they are due tomorrow. She said that we have received a partial payment on back delinquent taxes from Mr. Elliott's office and she has had two inquiries from others so she is hopeful they will be paid soon. She plans to add some other delinquent taxpayers who will now meet the criteria since their 2023 taxes are not paid. In the matter of personal property tax, she is hoping to begin the DMV stops very soon. She reported two businesses that are delinquent on meals tax. Lastly, she gave her financial report. A copy will be available upon request.

Motion: To pay the November 2023 payables by Bill Ferguson and seconded by Brian Corbin. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Ms. Salazar recommended that Council rollover the CD that's maturing at Shore United Bank into another CD (11-month term) with an interest rate of 5.12%.

Motion: To rollover the current CD maturing at Shore United Bank into an 11-month CD there with a rate of 5.12% by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Mr. Corbin asked if we plan to discontinue the portable bathroom and handwash station at the park for the winter months. Ms. Salazar said that while it was previously discussed, no decision was made.

Motion: To remove the portable bathroom and handwash station until April 1, 2024, by Brian Corbin and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Town Manager/Zoning Report

Ms. Rillo reported that she will be in Charlottesville for the remainder of the week attending Zoning Administrator training. She issued one roof/siding permit and one deck/fence permit this month. She reported that she has received notice from VDOT that based on the last speed study performed, they

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will be lowering the speed limit on E. Main Street to 25mph. The holiday decorations were installed but there is a problem with some of the lights. Jim Chapman will be here next Monday to work on this issue. She suggested that over the summer, we overhaul the whole holiday light setup and equipment. Percy Smith will be attending OSHA training (in Cape Charles) for two days next month. Mayor Finney asked about the status of the speed reduction signs. Ms. Rillo said that we are still waiting for an answer from VDOT about Badger Lane. Chief Long added that he is looking for a small trailer so that we can make the signs mobile, which would not require a permit. Mr. Corbin asked about the children at play signs on Badger Lane. Ms. Rillo said she purchased the signs, but she is still waiting on VDOT and Accomack County. She added that while VDOT normally would do the install, they have declined to do these signs. Chief Long told Council that a representative from VDOT told him that any sign that is installed must be approved by VDOT. There is an issue with chickens around E. Main Street that has been discussed with the property owner. Lastly, Ms. Rillo asked Council's permission to purchase a sound system for community events. She stated the base cost is \$909.00 plus additional costs for speaker stands. No decision was made at this time.

Attorney's Report

Mr. Bundick reported that he worked on the BZA appointment, and he expects it to be signed by the judge this month. Mr. Lang asked what can be done about the occupants of Dr. Bundick's former office. Ms. Rillo stated that until we can prove that they are living there, we cannot do anything.

Consideration of Minutes

Motion: To adopt the minutes of the November 6, 2023, Public Hearing & Regular Monthly Meeting by Brian Corbin and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson-yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Public Comments

Billye D. Custis said that Brook Duer asked at last month's meeting to have a response from Council about the donation/pool discount so they can get that information out in January. Mary Wardius said that the tree lighting was very nice.

Council Comments

Mr. Corbin said that he feels that a lot of time and effort goes into writing our ordinances and while he knows they are not perfect, he feels we should abide by them. He added that he does think that we set precedents when we make exceptions. He said that all the surrounding property owners were sent letters, and no one came to complain, so he hopes it all works out in the end.

Mr. Lang said he appreciates the work that the Planning Commission does, but he knows Mr. Thornes and he feels very good about his work and the condition of his properties. He thanked Ms. Custis for her work on the McMath Park Commission and asked her to continue to serve.

Mr. Bloxom thanked everyone for coming and said he also enjoyed the tree lighting ceremony. He wished everyone a happy holiday.

Mr. Zember thanked everyone for coming to the meeting. He thanked the town employees. He agreed that the tree lighting was a nice time and a big success, adding that it felt like the Onley of the past.

Mr. Ferguson thanked everyone for coming. He thanked the town employees. He explained that he didn't vote with the Planning Commission because he feels sometimes the spirit of the law outweighs the letter of the law.

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Mayor Finney said that he doesn't feel that we set a precedent tonight pertaining to trailers. He doesn't feel that we are going to have a lot of trailers torn down and replaced in town. He thanked the McMath Park Commission for their work on the tree lighting ceremony.

Closed Session

Motion: To go into Closed Session (7:20) 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 Police Department, General Government & Public Works holiday bonuses by Bill Ferguson and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session (7:41pm) by Bill Ferguson and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– 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:** Finney – yes; Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes.

Motion: To give the following holiday bonuses: Percy Smith, \$250.00, Susan Rillo, \$400.00, Jamye Salazar, \$750.00, Jess Long, \$450.00, Pat Coulter, \$400.00, Ira Sacks, Nathan Anderson, and Carl Bundick, \$350.00 by Rodney Lang and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Adjourn

Motion: To adjourn (7:43pm) by Daniel Bloxom and seconded by Bill Ferguson. Roll Call Vote: Bloxom - yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Respectfully submitted,



Jamye Salazar, Clerk/Treasurer



Henry E. Finney, Mayor