

*Postponed from March 3, 2014 Due to Inclement Weather

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 13th day of March, A.D., 2014:

Members Present: Jack Pierson, Mayor
 Billy Chance
 Dawn Dize
 Ned Finney, Vice-Mayor
 Fred Gardner
 Susan Rillo
 Don Strautz

Staff Present: Walter Marks, OPD Chief of Police
 Jamy Salazar, Treasurer
 Cela Burge, Town Attorney
 Cindy McKeever, Zoning Administrator

Invocation/Pledge of Allegiance

The invocation was given by Dawn Dize and the Pledge of Allegiance to the Flag was led by Ned Finney.

Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Pierson at 6:30pm.

Adoption of Agenda

Motion: To adopt the agenda by Ned Finney and seconded by Don Strautz.

Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Consideration of Minutes

Motion: To approve the minutes of the February 3, 2014 Regular Monthly Council Meeting by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks stated that two officers will be attending in-service school in April. He added that the new car has finally arrived and it looks very good with the Town decal on the side. Ms. Dize asked how many payments are due on the car that was financed. Ms. Salazar stated that she believes it is about three more years but she will have to verify that with USDA.

Motion: To approve the April 2014 Police Schedule by Susan Rillo and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar stated that the bills have already been paid due to postponing the meeting. She pointed out that the \$200,000.00 has been moved from the regular checking account to the money market. She concluded by giving an overview of the budget thus far in the year. Mr. Strautz asked if there is any reason that we shouldn't pay off the USDA car loan. Ms. Salazar stated that she believes if we were to pay off early, it would affect our ability to acquire more grants in the future. Ms. Salazar asked Council

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for permission to work with Ms. Burge about an issue that has developed over the last several months with a business in Town. She stated that Pickles Subs & Deli is several thousand dollars behind in meals tax. She has made numerous efforts to contact them as well as offer them ways to remedy this situation and they have not responded. Council agreed.

Motion: To pay the Payables by Ned Finney and seconded by Susan Rillo. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Zoning

Ms. McKeever stated that she has met with Tom Brockenbrough and he says the reason that she has had so much trouble with the GIS website is that she needs to do an upgrade since the County did one back in December. She added that the zoning map that was done by them for us is not survey grade and any map that he would do will not be survey grade. He asked for the data that he used when he did the earlier map and Ms. Salazar has forwarded that to him and he will get back to us about our options.

Ms. McKeever stated that she has notified Mrs. Nicolls that the Town would like to proceed with the clean-up of the property. Mrs. Nicolls has some reservations about the cost of the clean up since the bid from Mr. Morgan was \$7,500.00. Mrs. Nicolls wants to make sure she is not responsible for the \$7,500.00. Mrs. Nicolls asked to speak. Mayor Pierson allowed it. Mrs. Nicolls stated Mr. Morgan went on the property before they received the certified letter of notification. Mr. Morgan started with a trailer and created a large amount of debris. She added that a pontoon boat-which was a saleable item - was removed from her property. Mr. Finney asked her if she was certain that Mike Morgan took the boat. She stated that all she knows is that Mr. Morgan was on the property working when the boat was removed. She added that she has witnesses that she can provide should she have to go to court. Mayor Pierson stated that the Town did not have a signed contract with Mr. Morgan. Mrs. Nicolls stated that when her son was cleaning up the property, Mr. Morgan stated that he had a contract with the town. Ms. Nicolls stated that Mayor Pierson called her and asked if she had received the notification of the property clean-up. Mayor Pierson stated that he does not recall calling her or having any discussion with her about this matter. Mrs. Nicolls replied that "you are suffering from dementia or are a liar." Mayor Pierson asked Mrs. Nicolls to refrain from negative comments or she will be asked to leave. At this time, Ms. Burge asked Mrs. Nicolls to explain her objection. Mrs. Nicolls explained that she does not feel responsible for any money that was paid to Mr. Morgan since he should not have been on her property at that time since she and her husband had not received any notification. She added that this is separate from her objection to the Town coming on her property at all. She also has great concern about the debris that Mr. Morgan left on her property and the missing pontoon boat. Ms. Burge stated that she understands Ms. Nicolls' objections and will work with Ms. McKeever on this.

Ms. McKeever has had a complaint regarding a possible non-conforming use violation. She has researched this matter and decided that it is no longer a legal non-conforming use. She has drafted a letter to the property owner and sent that to Ms. Burge for approval. Once approval has been received, the letter will be sent to the property owner.

In reference to the addition of sidewalks in Town, she thinks the Council needs to decide whether or not they want to pursue this matter and if so locations need to be agreed upon. VDOT will need to be notified if this is the case.

In reference to the grey water matter, she asked that Council look at Ordinance #004-06 and consider adding language to that ordinance to cover grey water.

Attorney's Report

Ms. Burge stated that she has reviewed the non-conforming letter that Ms. McKeever spoke about and she will get together with her and share her comments. She did add that there will always be some legal

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non-conformities whenever there is a zoning ordinance adopted. She urged that we have good evidence when we identify non-conformities and that we use due process when handling them.

Ms. Burge suggested that she do some Planning Commission training since we do have some new commissioners. She added that she has spoken with Mayor Pierson, Ms. Salazar and Ms. Siglin about this and would coordinate through them.

In reference to the adoption of a digital zoning map, she stated that we are confirming the map that we currently have – not adopting anything new.

She stated that the water that is pumped onto VDOT right-of-ways comes from a variety of sources. After reviewing VDOT's regulations, VDOT does have a procedure for discharging water into the right-of-way. Ms. Burge stated that she spoke with Dale Pusey from VDOT and he stated that there is permitting process but they are not going to address current issues. She added that Council will not be able to use Ordinance #004-06 for the purpose of grey water since it pertains primarily to trash, grass, weeds etc.

Mr. Finney asked if the Town has any recourse since VDOT is not going to address the problem. Ms. Burge stated that we do and she will be glad to speak with Mr. Pusey on a case-by-case basis. Billye D. Custis stated that the house in question has only had water pumping into the street for a few years. This is not something that has been there for many years.

Old Business

Mr. Finney stated that two bids have been received but they have not been opened. Mayor Pierson asked that Council give some thought to what they are willing to spend. He would like for Council to come to next month's meeting with a dollar amount in mind. Mr. Strautz is concerned that some people may not have realistic figures in mind. Mr. Gardner stated that he does not want to spend more than \$300,000.00. He added that some of the citizens are in agreement with that figure.

Ms. Burge reminded Council that we do have a procurement ordinance. She stated that Council has pre-qualified the bidders. Then a pre-bid meeting was held so everyone should be bidding on the same thing. She wants to make sure there is documentation to that effect, a re-statement of the fact that these items remained sealed until opened at a public meeting. She added that once a contractor is selected, our ordinance provides for 5% retainage – meaning the Town cannot hold back money from a contractor once the work starts other than that 5%. It is very important that the contractor selected is able to meet all of our requirements and that someone is reviewing their work.

There was no grant coordinator report but Ms. Salazar stated that there is nothing new to report. The grey-water discharge was discussed earlier in the night.

New Business

Council did not set a date for a budget work session. They decided to have Ms. Salazar put together some starting figures and discuss them at the April & May meetings.

Mayor Pierson stated that Ms. Siglin's term on the Planning Commission is due to expire on March 31, 2014.

Motion: To re-appoint Jan Siglin to the Planning Commission by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Ms. Burge had a question about the specific zoning on a section of the zoning map located near Shore Parkway. The adoption of the digital zoning map was tabled at the request of Ms. Burge until some verification of actual zoning.

There was some discussion about moving the pump house that belonged to the building that was torn down. It is partially located on property belonging to Billye D. Custis. Mr. Finney would like to remove the whole thing. Mr. Dennis stated that it's not bothering them and suggested that nothing be done until a decision is made about the new building. This matter was tabled.

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Ms. Salazar stated that Council needs to make a decision about Public Works. There will be grass to cut soon and she wants to know how Council wants to handle this matter. Mr. Finney wondered if we need to hire a part-time person two days a week along with contracting some things out. Ms. Salazar said that several people have made suggestions to her about the scope of work. For instance, grass should be cut weekly, the contract should run for a year and possibly adding in snow removal. Mayor Pierson expressed his concern about the part-time person since there is no public works vehicle. He also wondered what kind of work this person would be doing if the contract covers most things. Council agreed to discuss this further at next month's meeting.

Mr. Strautz stated that he wants to open the lines of communication with the public. He suggested when an issue arises, Council should have at least a week to consider these items or issues. He would like to see a format where if the public has an item to be discussed, a narrative be submitted to the Mayor a week before the meeting. He finds it inconceivable that Council is sometimes expected to make decisions about items that they are just learning about when they show up at the meeting.

Ms. Dize stated that (as an example) she would like to have been able to ponder the Onley Fire Company letter but she did not receive it until she arrived tonight. Mayor Pierson stated that the letter came in after the agenda was created but since the agenda was revised, he wanted Council to be aware of it but no decision should be made until the April meeting. Ms. Dize questioned the asterisk stating that action will be taken. Ms. Burge stated that when the Mayor sets the agenda, information should be received in a timely fashion. She agreed that seldom should action be taken on an item that has just been introduced. She added that any citizen that has concerns can contact any Council member as well as the Town Office with that concern. She added that while it is the practice of the Town of Onley to have Public Participation it is not a requirement. She reminded Council to refrain from responding to public comments and participation. Ms. Rillo feels that a notice should be sent in the next newsletter notifying residents that if they want something discussed what the proper channels will be.

Ms. Salazar stated that she keeps a list of running agenda items brought to her. Mayor Pierson has final say as to whether or not an item goes on the agenda. She added that she cannot think of an instance where he declined anyone's request. She then asked Ms. Burge about the need for the asterisk since she & Mayor Pierson do not always know what Council's pleasure will be when it comes to taking action on certain matters. Ms. Burge stated that it is not a requirement.

Kim Ferguson from Onley Volunteer Fire & Rescue Co. Inc. spoke in reference to a letter to Council that was received this week. A copy of the letter will be attached.

Public Comment

Wayne Byrum stated that he is amazed that Council is talking about what they are willing to pay for a building but never gave any of the companies our financial restraints. He suggested that the bids be opened before any decisions are made.

Don Dashiell from Evans Builders suggested that once the bids are open, Council can sit down with the contractor and decide how to get to the figure that they have in mind. He asked if Council had a budget in mind. Mr. Finney asked Mr. Dashiell how much the cost of building is going up per year. He estimated to be about 3-4%.

Dakota Fitchett asked that Council reconsider the skateboard park. He believes that it will help the community as well as keep youngsters off the street and out of trouble. Mr. Finney asked Ms. McKeever about the insurance requirements. She stated that she spoke with Mr. MacMillan from VML and if the Town is willing to increase their deductible, the premium amount should stay the same. Otherwise, expect an increase of about \$50.00-\$100.00. She added that these are not concrete numbers – just numbers based on a scenario.

Mayor Pierson thanked Dakota and stated that the park has been tabled but not forgotten.

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John Dennis stated that he is concerned because the water going to the agriculture building comes from the Town. Mayor Pierson stated that we will discuss that if it becomes an issue. Mr. Dennis also stated that the sidewalks at the new building need to be considered since it takes months to acquire permits from VDOT.

Billye D. Custis stated that the budget cannot be adopted at the same meeting as the Public Hearing. She asked if we are putting out an RFP for Public Works. Ms. Salazar stated that it will be discussed at next month's meeting. Mr. Finney stated that we can hire Simpson to cut grass until a contract is in place. Ms. Custis asked if the bid extension was advertised. Mr. Finney said that it was not advertised. Ms. Burge stated that since the bidders were pre-qualified, they only needed to be contacted. Matt Hart stated that he is running as a write-in candidate for the Onley Town Council in the May election. He spoke about his qualifications and asked for everyone's vote on May 6th.

Council Comments

Mr. Chance thanked everyone for coming.

Mr. Strautz agreed and stated that he just wants to make sure all issues are brought before Council. He thanked all of the employees for their hard work.

Mr. Finney stated he believes he speaks for everyone when he says that Mrs. Grinnalds will be missed.

Ms. Dize agreed and added that it's good to see Mr. Chance out and looking so well. She thanked everyone especially Ms. Burge for her help.

Mr. Gardner agreed and asked that everyone keep up the good work.

Ms. Rillo stated that seeing the teenagers here tonight proves that there is a need to make this Town livable for everyone. She would like for Council to consider making something for the kids in Town a priority once the building is under way.

Closed Session

Motion: To go into Closed Session at 8:21pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or consideration of personnel matters, specifically related to the performance of zoning administrator by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 8:58pm by Ned Finney and seconded by Susan Rillo.

Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

A roll call vote was taken immediately 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: Pierson-yes; Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes.

Adjourn/Recess

Motion: To adjourn at 8:59pm by Susan Rillo and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes MOTION PASSED

Jamye Salazar, Treasurer

Jack Pierson, Mayor