

## Onley Town Council Minutes of May 2, 2011

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 2nd day of May, A.D., 2011:

Members Present: Billye D. Custis, Mayor  
Billy Chance  
Dawn Dize  
Lance Eller  
Ned Finney  
Don Strautz

Staff Present: Walter Marks, OPD Officer- In- Charge  
Jamye Salazar, Treasurer  
Cela Burge, Town Attorney

Absent: David Engelhart, Zoning Administrator

### Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Custis at 6:30pm. The invocation was given by Billy Chance. The Pledge of Allegiance to the Flag was led by Don Strautz. Mayor Custis and Council presented Teresa Marshall Erdman with a Resolution of Appreciation for her dedication and hard work for the past 2 years and 8 months to the Town of Onley.

### Adoption of Agenda

Mayor Custis asked to add under #8 Old Business, items (I) Decal Ordinance and (J) Mosquito spraying. She also asked to add under #12 Closed Session, Paragraph 1, administration specifically relating to Jamye Salazar.

**Motion: To adopt the agenda with changes by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### Consideration of Minutes

**Motion: To approve the Minutes of the April 13, 2011 Regular Monthly Council Meeting by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

**Motion: To approve the Minutes of the April 25, 2011 Special Called Meeting by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

Mr. Strautz asked why no one is working on June 1. Sergeant Marks stated that there are two officers working but they do have court that afternoon.

**Motion: To approve the June 2011 Police Schedule by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that Officer Coulbourne would like to attend training on June 7th-9th in Bel Air, MD. The cost is reimbursable under our grant.

**Motion: To send Officer Jamie Coulbourne to training in Bel Air, MD from June 7<sup>th</sup> until June 9<sup>th</sup> by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### **Treasurer's Report**

Ms. Salazar stated that she didn't have anything out of the ordinary this month but she did have some additional payables that came in today for Council's consideration.

**Motion: To pay the Payables by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### **Zoning**

Mr. Engelhart was absent due to illness therefore there was no Zoning Report. Mayor Custis did state that there is a Special Use application that the Planning Commission would like to go to Public Hearing in June.

**Motion: To hold a joint Public Hearing with the Planning Commission for a Special Use application for Woody & Andrea Zember at 6:00pm before the June 6, 2011 Regular Monthly meeting by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### **Attorney's Report**

Ms. Burge stated that the Charter Franchise is still on hold. She has spoken with Mark Taylor to see if it makes sense for us to work together with the County on this matter. She stated that at last month's meeting, Council decided to rescind the loitering and curfew ordinance at Four Corner Plaza so she has changed the index and the code book for that and will provide that to Ms. Salazar tonight. In reference to the question that was posed at last month's meeting concerning the free decal for disabled veterans, she has provided Ms. Salazar with the definition that the state code finds acceptable. In reference to the Council seat vacated by Ms. Erdman, she has prepared a writ of election and submitted that to the Court.

### **Old Business**

In reference to the building at 25571 East Main Street, Mr. Engelhart is working on getting us a square footage number so that we can proceed with the RFP for an architect. After speaking with Peggy Jordon, there was some confusion as to what needs to be done first so it seems that some things will be handled concurrently.

There is no Grant Administrator's Report.

Ms. Salazar stated that there are still quite a few newsletters in the office that need to be delivered. Mr. Finney thanked Mr. Chance for helping him to deliver his since he has been ill.

Ms. Salazar stated that she has received a mock website from Ms. Dryden and she will now begin providing her with information such as meeting minutes and Town Ordinances. Ms. Burge offered to help with the scanning of the ordinances since any ordinance that she has created is already in electronic format. Ms. Salazar will check with Ms. Dryden and see which format she prefers.

The Charter Communications agreement is on hold.

Mayor Custis stated that Council has a spreadsheet of the 2011-2012 Draft Budget and Ms. Salazar has some draft possibilities for the newspaper ad. She stated that draft #1 includes leaving in the Public Works Department employee as well as a fifth Police Officer. Draft #2 leaves out the Public Works employee but does include money for contracting grass cutting and other odd jobs as well as only four Police Officers. Council agreed to accept draft #2 adding an additional \$5,000.00 to the Public Works amount as well as the Reserve to Balance.

Mr. Strautz expressed concern about the rather low fees that we charge for permits and licenses. Mayor Custis stated that the Planning Commission is looking into that at this time.

**Motion: To send the 2011-2012 Draft Budget to Public Hearing by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

Ms. Salazar stated that she is still waiting to hear from Able Body Day Labor about the Clean-up. Mr. Eller will continue to try and contact them. Ms. Salazar stated that she will as well. She further stated that there is community service help that may be available but they do require supervision. Sergeant Marks stated that he may know a couple of people that can help. Mayor Custis is concerned about insurance requirements. Ms. Burge stated that in order for them to be covered they will need to be added as part-time Town employees however, there is also the possibility of hiring an independent contractor – they would carry their own insurance and not require supervision.

Mayor Custis stated that she has announced the Council vacancy and apologized for making the deadline May 4<sup>th</sup> instead of the 2<sup>nd</sup>. She will get back to Council with any applicants once the deadline has been reached.

Ms. Burge stated that she has made the requested changes to the Decal Ordinance that were discussed at last month's meeting. She proposed that we keep the same ordinance that we have now with one restatement in the recitals and that will be that the Town Council desires to amend the previous ordinance #003-10 by providing an exemption from the license fee for active members of the Onley Volunteer Fire Department. This would apply to one decal for any active member of the OVFD. As previously discussed, this will also include disabled veterans with license plates from the DMV. Ms. Burge read the recitals in full into the record and a copy of this ordinance will be attached to the minutes.

**Motion: To adopt the amendment to Ordinance #003-10 by Lance Eller and seconded by Dawn Dize.**

**Voice Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked Council when they would like to start mosquito spraying and if they want to use the white truck for spraying again this year.

**Motion: To use the white truck for mosquito spraying and to begin Monday, May 9<sup>th</sup> doing so twice a week on Monday and Thursday by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### **New Business**

Mayor Custis stated that there has been a request for a "Watch for Children" sign on Rogers Street.

**Motion: To write a letter to the Accomack County Board of Supervisors requesting a "Watch for Children" Sign on Rogers Street by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that Jamie Coulbourne has been cutting grass in Town and knows where to cut as well as how often. Mr. Eller stated that he will get together with Ms. Salazar and come up with a Public Works bid package to be advertised.

The Planning Commission has requested that Jason Campbell be appointed to fill the vacancy created by Mr. Strautz. Mayor Custis asked whose position Jack Pierson filled. Mr. Morrison stated that Mr. Pierson filled Mr. Eller's vacancy. Mayor Custis asked if Mr. Eller gets to vote on Planning Commission matters since he is the Council liaison. Ms. Burge stated that he does.

**Motion: To appoint Jason Campbell to the Onley Planning Commission with a term ending December 31, 2011 by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

### **Public Participation**

No one signed up to speak. Mayor Custis asked if anyone wished to speak at this time. Ms. Laurice Hohlt stated that the trees on Badger Lane need to be trimmed back. There is no way to see around them from the stop sign. Ms. Burge stated that is a VDOT issue but we can pass it along. It is believed that VDOT has that area under review.

**Council Comments**

Mr. Finney thanked everyone for coming to the meeting. He especially wanted to thank Jason Campbell for agreeing to serve on the Planning Commission.

Mr. Eller agreed that it was nice to see so many people at the meeting as well as wished Mr. Campbell luck on the Planning Commission.

Ms. Dize thanked Mr. Campbell and everyone in attendance. She apologized for not being in attendance at the last few meetings. She had a family emergency and it was unavoidable.

Mr. Strautz thanked everyone for taking an active role in their community.

Mr. Chance thanked everyone and asked them to keep coming back.

Mayor Custis thanked Mr. Campbell and stated that she thinks it's great to see some of the younger residents taking an interest in the Town.

**Closed Session**

**Motion: To go into Closed Session at 7:15pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended under Paragraph 1: discussion or consideration of personnel matters pertaining to the Police Department, specifically related to the job performance of OIC Marks and Administration specifically relating to Jamye Salazar and Paragraph 7: Consultation with Legal Council and Briefings by staff members or consultants pertaining to actual or probable litigation by Dawn Dize and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

**Open Session**

**Motion: To return to Open Session at 7:30pm by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

**Certification of Closed Session**

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: Custis-yes; Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes.

**Motion: To promote OIC Walter Marks to the position of Chief of Police for the Town of Onley effective immediately by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

**Motion: To offer Jamye Salazar paid health insurance (if needed) as a benefit of her employment to the Town by Dawn Dize and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

**Motion: To adjourn at 7:35pm by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor