

## Onley Town Council Minutes of July 6, 2011

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 6th day of July, A.D., 2011:

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

Staff Present: Walter Marks, OPD Chief of Police  
Jamy Salazar, Treasurer  
Cela Burge, Town Attorney  
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 Dawn Dize. The Pledge of Allegiance to the Flag was led by Don Strautz. Mayor Custis welcomed Jack Pierson as a new member of the Onley Town Council and asked that everyone speak loud and clear and refrain from communicating with others during the meeting. This will help Ms. Salazar ensure the accuracy of the minutes.

### Adoption of Agenda

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

### Consideration of Minutes

**Motion: To approve the Minutes of the June 6, 2011 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To approve the Minutes of the June 13, 2011 Recessed Meeting by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

Mayor Custis stated that Officer David Richardson is no longer employed with the Town and Officer George Bennett is out with a broken bone in his hand.

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

Chief Marks stated that on the days that there is no one on duty, he makes sure that Accomack knows to call him if there is a need. Mayor Custis asked Chief Marks if there has been any interest in the advertised opening in the police department. Chief Marks stated that no certified officers have applied but he has since been approached by someone who may be interested. He further stated that he would like Council to consider hiring someone to send to the academy. Mr. Finney stated that he would like to hire two officers to send to the academy but he feels that the contract needs to be more stringent. Ms. Dize agreed and stated that she feels that we need to advertise in both newspapers since the ES News

reaches areas off of the Shore. Ms. Dize stated that she feels we may need to raise salaries to broaden our appeal to a certified officer.

**Motion: To advertise in the ES Post and ES News for a preferably certified Police Officer by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Eller asked if Ms. Burge can make some changes to the current contract making it more stringent. Mayor Custis stated that matter will be discussed in Closed Session.

### **Treasurer's Report**

Ms. Salazar asked to make one change to the Treasurer's Report. She stated that the amount paid to Lois Ann Martin on the purchase journal should be \$191.25 not \$63.75. There was some discrepancy in the amount of hours that Ms. Martin worked.

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

Mayor Custis asked Council to set a date to come back and discuss the CD maturing at Suntrust Bank.

**Motion: To meet on July 12, 2011 at 6:30pm at the Town Office to discuss the maturing Suntrust CD by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked if Council had given any thought to Mr. Finnegan's request to help with the roof on the SPOTS building. Mr. Finnegan stated that he has been trying to acquire grant money however no one wants to give them money once they hear that the Town has not given them any. Mr. Finney asked why we haven't given SPOTS any money. Mayor Custis stated that when the money was originally put in the budget, Mr. Morrison asked that it be removed. Mr. Morrison stated that he only made that offer because revenue was not coming in as expected. Mayor Custis stated that we have finished the last three years with sizeable revenue over expense. Mr. Finnegan stated that they have a quote for \$8,400.00 but there is also a need for another \$1,500.00 to cover carpentry. Ms. Burge stated that if the amount of the donation is more than 1% of our budget, there would need to be a budget amendment. Mr. Eller asked if SPOTS has any money available. Mr. Finnegan stated that there is \$3,000.00 in the checking account at this time. Ms. Siglin stated that some of that money is earmarked for the train project. Mr. Pierson asked about uses for the train station. Mr. Finnegan stated that they would like to use it for educational purposes as well as hosting Santa Train and other civic functions. Ms. Laura Belle Gordy asked to speak and stated that she feels that the train station is a wonderful project and she would like for the Town to help with the roof. Mayor Custis asked Ms. Burge how the motion should speak to where the money will come from. Ms. Burge stated that the money should be allocated from the reserve balance since there is no line item from which to draw the money.

**Motion: To give SPOTS \$10,000.00 to come from the CD maturing at Suntrust Bank on July 12, 2011 by Lance Eller and seconded by Dawn Dize. Voice Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Zoning**

Mr. Engelhart stated that he is seeing some progress on the Royal Farms that is coming to Four Corner Plaza and the strip center coming south of Sage Diner. He stated that the setback for Royal Farms is 78 feet and he feels that is acceptable. There will be an entrance to the strip center off of Badger Lane as well as the one from Lankford Highway. He expects that they will make application at the end of the year with construction to begin early next year.

### **Attorney's Report**

Ms. Burge stated that she and Ms. Salazar have reached a solution to the issue of overtime for Officer Coulbourne while he does the grass cutting for the Town. She told Council that we have received a notice of bankruptcy from James Wenzel. There was a creditor meeting last week and we are a secured creditor. She will continue to check for notices online so that our claim can be submitted. If there are no assets, they will identify that and let creditors know. In reference to the general employment contract for the Police Department, she stated that the reason for having that was due to the significant cost to the Town of sending an officer to school for certification. She suggested that along with having a penalty for leaving in the contract, we include some incentives for staying. Mayor Custis stated that it cost \$13,515.68 each to send Officers Wenzel and Richardson to school. Mr. Pierson asked about a salary scale. Mr. Strautz suggested a salary administration plan much like the school system has in place. Ms. Burge will speak to the Charter Franchise agreement and the Motor Vehicle Code as they are reached on the agenda. Mr. Pierson asked if the people on the motor scooters are required to have liability insurance or a driver's license. Chief Marks stated that as long as operators are eligible for a driver's license and they do not drive more than 35 mph they are legal. Ms. Dize asked about the Nicolls case. Ms. Burge stated that the judge gave him until August 25<sup>th</sup> to clean up the property.

### **Old Business**

Mayor Custis presented council with three architect proposals for the building at 25571 East Main Street. Mr. Finney will look over the proposals and get back with Council at the next meeting. Mayor Custis gave the Grant Coordinators Report. She stated that the third quarter of highway safety grant has been completed and reimbursement has been received. Ms. Finney suggested that grant hours be recorded on a time card since there has been some confusion about hours worked from several officers. The Byrne Jag grant has been submitted but no reimbursement has been received to date. The training that was to be paid for under that grant was cancelled so the remaining funds will go to cover the cost of Citipak software. The USDA grant application for the police car has been filed. There has been no answer to date. The USDA rep came to Onley and started the environmental study but there has been no update as of today.

**Motion: To have police officers use separate timecards for grant and regular hours by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. The newsletters will be ready on Friday and Ms. Salazar will call you when they are ready for pickup. Ms. Salazar stated that as of 4:00 today the website is up and running. She added that there are a few changes that need to be made and she will have that done within a few days.

Ms. Burge recommended that Council accept the Charter Communications Franchise agreement. The Town does collect communications tax from Charter at this time. It is received monthly and comes via the Commonwealth of Virginia. The term of the agreement is 10 years and grants rights to the use of the streets and easements. She does recommend that we ask for a certificate of insurance. Mr. Strautz asked what will happen if we don't accept this agreement. Ms. Burge stated that they will keep going without it.

**Motion: To accept the Charter Communications Franchise Agreement by Jack Pierson and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Council decided that since the issue of Jamie Coulbourne's overtime has been resolved, he will continue with the grass cutting duties and there will be no bid package created for Public Works services. Mayor Custis presented Council with two proposals for garbage pick-up. Davis Disposal proposed \$11.28 per container per month and Waste Management proposed \$12.00 per container per month. Mayor Custis pointed out that Waste management will pickup many items in addition to household garbage, while Davis Disposal will not. Citizens have been very pleased with Waste Management and the fact that

they will pick up things like metal and yard debris. Ms. Dize stated that she is concerned that Mr. Davis never addressed that they were overcharging us for containers in previous years. Mr. Finney asked the citizens in attendance what they thought. The general feeling from residents was that Waste Management has done a good job this past year.

**Motion: To accept Waste Management's proposal for waste pick-up for the coming year beginning August 1, 2011 by Ned Finney and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **New Business**

Mayor Custis stated that Council needs to appoint a Vice Mayor.

**Motion: To appoint Jack Pierson as Vice Mayor by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis presented Council with the 2011-2012 Meeting Schedule for their approval.

**Motion: To adopt the 2011-2012 Meeting Schedule by Don Strautz and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To re-appoint Jamye Salazar to the Treasurer's position by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To re-appoint Cela Burge to the position of Town Attorney by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis and Ms. Burge discussed the correct number sequence for the Ordinance to Adopt the Motor Vehicle Code of Virginia. Mayor Custis read the ordinance into the minutes and a copy will be attached. Ms. Burge explained that since the Town does not have a motor vehicle code, we are formally adopting the state code.

**Motion: To adopt Ordinance 003-11 for the Motor Vehicle Code of Virginia by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis read the Resolution for Bank Authorized Signatories into the minutes and a copy will be attached. This is a requirement for adding Vice-Mayor Pierson to the bank accounts.

**Motion: To adopt the Resolution for Bank Authorized Signatory by Dawn Dize and seconded by Don Strautz. Voice Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

There has been no interest in the Planning Commission vacancy.

Mayor Custis stated that Mr. Shaw sprayed three times last week due to the large amount of mosquitoes. She asked if Council would like to continue this.

**Motion: To continue spraying for mosquitoes three times a week by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-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. Siglin asked why the Planning Commission has not received their checks since they are on the purchase journal. Mayor Custis explained that they had to be approved tonight by Council in the Payables. Ms. Salazar stated that they will be mailed tomorrow.

### **Council Comments**

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

Mr. Strautz thanked everyone for taking an active role in their community. He apologized to SPOTS for the time that it took to get them the money for the roof and wished them luck.

Ms. Dize welcomed Mr. Pierson to Council. She further stated that she is happy that the Town was able to help SPOTS with the roof.

Mr. Eller had no comment.

Mr. Pierson stated that he is happy to back on Council and he will do what he can to help out the Town.

Mr. Finney welcomed Mr. Pierson to Council, thanked everyone for coming out on a bad night and thanked Mayor Custis for all that she does.

#### **Closed Session**

**Motion: To go into Closed Session at 7:52pm 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 pertaining to evaluations for Administration, Zoning, and Police and discussion of member to fill vacancy on the Planning Commission; Paragraph 3: Discussion or consideration of the disposition of publicly held real property, specifically pertaining to the property between West Main Street and Coastal Blvd.; and Paragraph 7: Consultation with Legal Counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to the Police Department by Dawn Dize and seconded by Don Strautz. Vote:** Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=yes; Strautz=yes. MOTION PASSED

#### **Open Session**

**Motion: To return to Open Session at 8:45pm by Don Strautz and seconded by Dawn Dize. Vote:** Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=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; Pierson=yes; Strautz=yes.

**Motion: To recess at 8:46pm until July 12, 2011 at 6:30pm by Lance Eller and seconded by Don Strautz. Vote:** Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=yes; Strautz=yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor