

Onley Town Council Minutes of August 1, 2011

VIRGINIA: Public Hearing for Proposals for the Acquisition and/or lease of the Property(s) known as Parcel 1 in Notice for Public Hearing & Regular Meeting to immediately follow at the Onley Fire & Rescue Building on the 1st day of August, A.D., 2011:

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

Staff Present: Walter Marks, Chief of Police
Jamye Salazar, Treasurer
Cela Burge, Town Attorney

Absent: David Engelhart, Zoning Administrator

Public Hearing

Call to Order

Mayor Custis called the Public Hearing to order at 6:00pm. She read the Notice of Public Hearing into the minutes – a copy will be attached. Mayor Custis read the Rules for Public Participation & Public Hearings. Ms. Burge arrived at this time. She explained that there is a statute in the Code of Virginia requiring that before public property is sold or leased that there be an opportunity for a Public Hearing to allow citizens to express whether or not they feel that their governing body should do that. She further explained that the proposals shall be opened and discussed in Closed Session.

Public Comments

Mr. Michael Dillenburg residing at 20558 North Shore Drive, Onancock spoke in favor of disposition of the property. He stated that it will assist in alleviating parking problems at St. Peter's Church.

Mr. Charles Schmidt residing at 30530 Argenti Place, Painter also spoke in favor of disposition of the property. He stated that he is also a representative of St. Peter's Church.

Mrs. Betty Chance residing at 25287 W. Main Street, Onley stated that she is also in favor of disposition of the property.

Mayor Custis stated that no one else had signed up to speak and asked if anyone wished to. No one did.

Adjourn Public Hearing

Mayor Custis adjourned the Public Hearing at 6:08pm.

Regular Monthly Meeting

Call to Order

The Regular Monthly Town Council Meeting was called to order by Mayor Custis at 6:08pm. The invocation was given by Billy Chance. The Pledge of Allegiance to the Flag was led by Ned Finney.

Adoption of Agenda

Motion: To adopt the agenda by Ned Finney and seconded by Don Strautz. 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 July 6, 2011 Regular Monthly Council Meeting by Lance Eller and seconded by Billy Chance. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To approve the Minutes of the July 12, 2011 Recessed Council Meeting by Lance Eller 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 July 19, 2011 Special Called Meeting by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks stated that along with the September 2011 schedule there was also a revised August 2011 schedule to include the two new officers. Mr. Finney asked Chief Marks when Officer Bennett will be returning to work. Mayor Custis stated that she spoke with him today and he goes back to the doctor next week.

Motion: To accept the September 2011 and revised August 2011 schedules by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Finney asked how Sergeant Coulbourne is doing. Chief Marks stated that he is doing fine and he will return to work on August 8th.

Mayor Custis stated that a motion needs to be made to purchase new uniforms for the two new officers. Ms. Salazar stated that she did not have an exact amount since our sales rep has been out of the office but she estimates the total cost for three uniforms each and a pair of boots to be approximately \$600.00.

Motion: To purchase the uniforms for the two new officers that have been hired 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 stated that Council previously agreed to send Sergeant Coulbourne to a training course later in the year paid for with grant funds. This training has been cancelled due to overbooking. She asked Council to consider allowing the funds to be used for a general training course instead.

Motion: To allow an officer to attend a general training course later in the year in lieu of the previously approved training by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar pointed out that the cash account balance sheet now reflects the changes that were made at last month's meeting. The Suntrust CD has been closed and the balance less the \$10,000 given to SPOTS has been deposited into the Shore Bank money market account. She also stated that although no petty cash was used last month, there is still a Petty Cash Report reflecting this.

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

Zoning

Mr. Engelhart was absent. Mayor Custis stated that she spoke with him earlier and he wished to express his gratitude for allowing him to attend the conference. He said that it was very worthwhile and he will take the certification test in December. He also asked Mayor Custis to remind Council that Mr. Nicolls has until the 25th of this month to bring his property into compliance.

Attorney's Report

Ms. Burge stated that she has reviewed the contract from Waste management and does not recommend signing it until some substantial changes are made. She has also mailed a letter to former Officer David Richardson regarding the investment the Town made when sending him to the HRCJTA. She gave him a respond date of August 8th and she will keep Council updated. She has begun working on a salary administration plan and has made some contacts at VML to help with this. She is hoping to put together a comprehensive spreadsheet.

Old Business

Mr. Finney stated that he has looked at the proposals for the architect for the new building and Mr. Engelhart has recommended GMB from Salisbury. He agreed stating that Laura Lintz who charges \$100.00 per hour seems to be mostly residential while Covington Hendrix & Anderson who charges \$150.00 per hour have not done a lot of work on the Shore. GMB charges \$135.00 per hour and has completed numerous projects on the Shore. Mr. Eller agreed that they are very knowledgeable. Ms. Dize stated that they have an excellent reputation. Mayor Custis asked if Mr. Engelhart had looked into the size of the building and parking issue. She wants to make sure they we have answers for them before we meet. Ms. Burge stated that at this stage we are looking for a firm that will help guide us on want we want in terms of space. The only requirements should be that they have worked with local government before and they should be licensed and insured. It will also be very helpful if they have worked with USDA and Rural Development since they will know the requirements for getting reimbursed by them. She recommended first meeting with the firm and then putting together a contract if so desired.

Motion: To meet with GMB for the purpose of developing a scheduled work and negotiating a contract by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Finney asked the residents in attendance what their thoughts were. Anne Pepler replied that she didn't know what was happening since she didn't realize that the meeting began at 6:00 and she had just arrived. After stating that they were discussing the architect for a new Town Office, Mayor Custis explained that whenever there is a Public Hearing, the Regular Monthly meeting immediately follows. She further added that this has always been the case and the Public Hearing notice clearly stated the time as well as that the Regular Meeting would follow.

Mayor Custis stated that the 2010-2011 Highway Safety Grant requirements are on their way. Kristie will be attending the Grant Workshop in Suffolk on August 12th. The next year's grants will be handed out at this event. The Byrne Jag reimbursement form has been submitted. There are no updates on the USDA grant for the police car or the Town Office at this time.

The newsletters were delivered however there were a couple of people that came into the office and stated that they did not receive one. Overall, the delivery this time went much better than last time.

Mr. Strautz requested that a reminder about unattended dogs be places in the next newsletter.

There has been no interest in the Planning Commission vacancy.

Mayor Custis asked Council if they would like for Mr. Shaw to continue spraying three times a week or go back to the original twice a week.

Motion: To have Tommy Shaw spray for mosquitoes twice a week and three times only in the case of excess rain by Ned Finney and seconded by Billy Chance. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

New Business

Mayor Custis asked Council to consider some sort of fix for the parking area at the Town Office. There is a problem when it rains with mud and standing water. The Police Officers spray their cars almost daily and they are still not clean due to this problem.

Motion: To allow Mr. Eller to contact 2 to 4 contractors for pricing to place fill dirt and a clean #57 stone in the drive area at the Town Office up to an amount of \$650.00 with the approval of Mayor Custis by Lance Eller and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

The Real Property between West Main Street and Coastal Blvd will be discussed after Closed Session.

Public Participation

Anne Peppler stated that she signed up to speak about the meeting starting early but that was already addressed earlier in the night. She asked about the status of the yellow house on Onley Road. Mayor Custis stated that Mr. Crockett has applied for a demolition permit but it has not been approved. There is a stop work order from Accomack County at this time.

Mayor Custis asked if anyone else wished to speak. No one did.

Council Comments

Mr. Chance thanked everyone for coming to the meeting and asked that they come back again.

Mr. Strautz stated that the Town has hired two new officers and he would like for residents to stop in and introduce themselves and make them feel welcome.

Ms. Dize asked if everyone would try to stay until after Closed Session since she feels that it should not take long.

Mr. Eller thanked everyone for coming to the meeting and expressed how important it is for the lines of communication between Council and residents to remain open.

Mr. Finney thanked everyone as well and agreed that communication is very important.

Mayor Custis stated that National Night Out is tomorrow and she reminded everyone about the ice cream social at her house on Caroline Avenue from 6:30-8:00.

Closed Session

Motion: To go into Closed Session at 6:47pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 3: Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, specifically state surplus property, and Discussion or consideration of the disposition of publicly held real property, specifically pertaining to the property between West Main Street and Coastal Blvd by Jack Pierson and seconded by Lance Eller.

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

Open Session

Motion: To return to Open Session at 7:39pm by Lance Eller 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 lease 2 separate parcels – one at Coastal Blvd to St. Peter’s Catholic Church with a length of 500’ by 40’ for 40 years at \$2.50 per year with a contract to be written by the Town Attorney with the church paying for the cost of all legal expenses, all debris removed from property at the expense of the church and that the Town maintains a right-of-way at all time, lastly that this lease is not transferrable. The other lease is to Betty Chance at \$1.00 per year for 40 years with all other conditions previously mentioned to apply. These leases are to be recorded. This motion was made by Lance Eller and seconded by Ned Finney. Voice Vote: Chance-abstain; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mr. Dillenburg asked about the right-of-way easement. Mr. Strautz explained that there is a piece of land between these 2 parcels that the Town will still need to maintain so we will need access to that parcel.

Motion: To not pursue purchasing the government surplus property located on Front Street unless it can be purchased for a nominal fee or acquired through a gift to the Town by Don Strautz and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To adjourn at 7:46pm by Lance Eller and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor