

Onley Town Council Minutes of September 4, 2013

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 4th day of September, A.D., 2013:

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

Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Pierson at 6:30pm. He stated that anyone wishing to speak during the public comment portion of the meeting needs to sign up to do so – anyone not signed up will not be permitted to speak. The invocation was given by Don Strautz and 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 Susan Rillo. 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 August 12, 2013 Recessed Meeting by Dawn Dize and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Motion: To approve the minutes of the August 5, 2013 Regular Monthly Council Meeting by Don Strautz and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks pointed out that there were a large number of accidents during the month of August. Mr. Finney asked Ms. Dize if she had any concerns about the October schedule. She stated that there are nine days with only night coverage. Chief Marks stated that this is due to some vacation time being used but that he will be on call those days with the exception of the 11th and 12th. Mr. Finney asked that Chief Marks have someone stand in on call for him those two days.

Motion: To approve the October 2013 Police Schedule by Ned Finney and seconded by Susan Rillo.

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

Chief Marks asked for Council's permission to advertise for a fifth certified police officer. He added that he has spoken with two certified officers that are interested in the position.

Motion: To advertise for a certified police officer in both local newspapers by Dawn Dize and seconded by Susan Rillo. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes.
MOTION PASSED

Treasurer's Report

Ms. Salazar stated that the Hertrich bill for the repair of the silver 2009 Charger is on the payables – it came back at about \$100.00 more than was originally quoted for the repair. She gave a summary of the budget for the month as well as the year. Mr. Finney asked about the original estimate for the repair of the Charger. He thought that it was only about \$800.00. Chief Marks stated that there were two estimates required since the car was not fixed when it was originally picked up by Officer Bennett. Ms. Salazar pointed out that the August 5th minutes state the final estimate is about \$1,100.00.

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

Zoning

There was no zoning administrator's report. Mayor Pierson stated that the ad to fill this position will begin running in the local newspapers this week. Mr. Finney asked Mayor Pierson if he has spoken with Mr. Lauer about the Nicolls property. Mayor Pierson stated that he has left a message but has had no response. He feels that it is time to start looking for someone else. Mr. Gardner agreed and asked that it be put on next month's agenda. Mr. Finney stated that he does not want to wait until next month but we may need to. Ms. Burge added that if Mr. Lauer is unwilling to perform the job, Council may consider going to the next bidder. Mr. Finney asked if he can negotiate with the next bidder. Ms. Burge stated that he may negotiate the price but not the scope of work.

Attorney's Report

Ms. Burge stated that she would like to speak about the Rice Property and the tree removal when it is reached on the agenda. Mayor Pierson asked that Ms. Burge send a letter to the mortgage company that has foreclosed on the house on Coastal Blvd. about the grass. Mayor Pierson stated that he has been unable to get anyone to return his calls. Mr. Finney said that he is in favor of the Town paying to have the grass cut. Ms. Burge will see if any written notices have been sent by Mr. Engelhart and pick up from there.

Old Business

Mr. Finney stated that he gave Ms. Salazar a list of about 30 contractors that may be interested in bidding on the new Town Office. He asked that she call some of them and see if they would be interested. She stated that everyone she spoke with was interested. Mr. Finney asked if Mr. Engelhart has put the RFP for Contractors in the paper. Ms. Salazar stated that he did not and she is not even sure that one was ever written. Mr. Finney said that the committee will look into that. There was no grant coordinator's report. Ms. Salazar stated that she received the last quarter's reimbursement from the highway safety grant today and that will be on next month's deposit report. Mr. Strautz asked how many hours and how much work is required of the grant coordinator. Ms. Salazar stated that Ms. Finney comes in as needed so her hours vary. Ms. Finney completes all aspects of the Byrne Jag and Highway Safety grants which does involve some travel on her part at times.

Motion: To increase the Grant Coordinator's salary from \$125.00 per quarter to \$250.00 per quarter by Don Strautz and seconded by Susan Rillo. Vote: Chance-yes; Dize-yes; Finney-abstain; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

There is still a vacancy on the Planning Commission. Mr. Finney stated that Mr. Hurst is still interested but is not in attendance. Mayor Pierson asked Ms. Siglin if there was anything new to report. She stated that Royal Farms had a question about moving their sign but that has been resolved.

Ms. Salazar stated that Phillips Sign Co. is ready to erect the 5' signs but Council needs to decide on the message for the back of the signs. Council would like for him to provide them with some suggestions.

New Business

The Zoning Administrator vacancy was discussed earlier in the night.

Ms. Salazar stated that several people on the Veterans Celebration Committee have suggested that the Town discontinue the parade and just have the celebration at the firehouse. There seems to be less and less participation in the parade each year but a lot of work goes into making it happen. Billye D. Custis suggested shortening the parade route so spectators wouldn't be spread out all over Town. After some discussion about this matter, Council decided to continue with the parade.

Motion: To continue with the Veterans Celebration Parade by Dawn Dize and seconded by Ned

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

Ada Jo Amadeo stated that since Council is adamant about having the parade – they need to remember that a lot of work goes into it and Council needs to be willing to help make it happen.

Ms. Salazar asked Council to start thinking about the Fall Clean-up. She stated that she would like to give Simpson plenty of notice so that things will hopefully go a little smoother than the Spring Clean-up.

Council decided to have the Fall Clean-up the first week of November. They decided that citizens may put out debris November 1-4 with pick-up to be November 5-7. Ms. Salazar reminded Council that flags will also need to go up that first week of November and holiday decorations will follow. She added scheduling things so closely may cause problems in the case of inclement weather. Council decided to stick with those dates.

Niall Finnegan spoke on behalf of SPOTS. He gave an update on what is happening at the station and asked that Council consider making a donation. Mr. Finney asked about the cost of adding bathrooms to the station. Mr. Finnegan stated that he has one quote for \$15,000.00 but they may be able to do it for about \$12,000.00.

Motion: To donate \$10,000.00 to SPOTS by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Rillo-abstain; Strautz-yes. MOTION PASSED

Ms. Salazar asked Council to decide when they would like to stop mosquito spraying. Council agreed to let Mr. Shaw make that decision.

Ms. Burge stated that at last month's meeting, Council asked her to look into the right-of-way at Rice's trailer park. She has since done that and found that all of the lots and the areas that are not lots were originally subdivided in 1925. She then followed the chain of title and gave a brief summary of what she found. She did not find a right-of-way or an easement in any of the deeds inherited by R.C. Evans Jr. Mr. Evans then gave the deed to the bank and the Town of Onley was given a quick claim deed. It is the basis of that deed that leases were drawn with St. Peter's Church and Betty Chance. She did determine that the Town of Onley still owns those alley ways and the 40' right-of-way. She further determined that no title was given to anyone else for those areas. She did add that if someone owns something that is land locked, there is an implied easement available to them. At present, Mr. Rice does not have legal title to the alley ways or the right-of-way. She stated that in reference to the tree removal which is next on the agenda, this means the tree is on Town property.

Mayor Pierson stated that the tree is on Town property and it is creating problems for the neighboring land owners. He feels that the Town should have it removed and Simpson has agreed to remove it at a cost of \$850.00. Billye D. Custis stated that someone from Accomack County Public Works told her that if that tree comes down, there is a chance that the fence on the neighboring property will also come down. Mayor Pierson stated that he does not feel that should be a problem adding that Simpson did not

seem concerned about the fence. Billye D. Custis stated that the Town does not own the ditches in Town. Ms. Burge said that the Town does own this property. Mayor Pierson agreed and added that the Town has been maintaining this property for some time. Ms. Dize asked if the sand brought in by Mr. Rice is causing this issue. Ms. Burge stated that it is not. Billye D. Custis said that while it may not be causing this problem, it is causing others.

Motion: To remove the tree on Town owned property located next to Betty Chance at a cost of \$850.00 by Fred Gardner and seconded by Don Strautz. Vote: Chance-abstain; Dize-yes; Finney-yes; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Public Comments

Billye D. Custis expressed concern about the height of the grass at the railroad track, the grass was cut today and blown into the road on Pennsylvania Avenue, there is already clean-up debris out on her street, the crab smell at the Post Office was very bad today and her 91 year old mother cannot sit on her porch because of the crab smell and the grass next to the laundromat is also very tall. She concluded that having the prayer before the meeting is illegal and another County just had to pay a lot of money for having a prayer before their meeting. Ms. Burge stated that she did not read the whole case but she believes that the ACLU has taken exception with a singular Christian prayer using Jesus' name. She will look further into this matter.

Ms. Siglin asked to speak. Mayor Pierson denied her stating that she had not signed up to speak. Ms. Siglin stated that she did not realize that this matter was going to be discussed.

Mr. Finnegan no longer wished to speak having spoken earlier in the night.

Council Comments

Mr. Chance thanked everyone for coming.

Mr. Strautz thanked everyone for their work at the train station. He thanked everyone for coming to the meeting and stated that he hoped his mention of football in his prayer was not out of line.

Mr. Finney thanked SPOTS and stated that he hopes to be able to help them again. He thanked everyone else for their hard work.

Ms. Dize agreed that the train station looks wonderful and thanked everyone for coming.

Mr. Gardner thanked everyone for coming adding that the train station looks nice. He added that he is a pastor and a minister and he will not stop praying in the name of Jesus Christ.

Ms. Rillo thanked Mr. Finnegan and SPOTS. She thanked the Town employees and asked that the residents come back next month.

Adjourn/Recess

Motion: To adjourn at 7:50pm by Ned Finney 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