

Onley Town Council Minutes of September 9, 2019

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 9th day of September A.D., 2019:

Council Members Present: Matt Hart, Mayor
Ned Finney, Vice Mayor
Billye D. Custis
Claudia Harmon
Rose Pierson
Susan Rillo
Woody Zember

Staff Present: Jamye Salazar, Town Manager
John Spivey, Chief of Police, OPD
Rachel Kellam, Attorney
Alissa Yoder, Clerk

Call to Order

Mayor Hart called the meeting to order at 6:00pm.

Invocation & Pledge of Allegiance

The invocation was given by Susan Rillo and the Pledge of Allegiance was led by Billye D. Custis.

Adoption of Agenda

Motion: To adopt the agenda, with the addition of 4. Pavilion to item 9.B under Old Business on tonight's agenda by Billye D. Custis and seconded by Ned Finney.

Roll Call Vote: Zember-yes; Rillo-yes; Harmon-yes; Pierson-yes; Custis-yes; Finney-yes.

MOTION PASSED

Presentation – Deputy Jason Campbell, Accomack County Sheriff’s Office D.A.R.E. Program – Deputy Jason Campbell announced that he will be leading the D.A.R.E. program in Accomack County for the first time this year. He will be leading the program for over 400 students, with this semester being Accomac Elementary, Pungoteague Elementary, and Tangier Island. He stated that local businesses and Towns within Accomack County are encouraged to donate money to the program, which will 100% go to the D.A.R.E. graduation day event for all of the students.

Presentation – Anne Dize, Four Corners Inc. – Anne Dize announced that due to safety and traffic concerns, Four Corners will be getting rid of all of the head-on parking spaces in front of the storefronts facing route 13. They will be converting all of those spaces into fire lanes. With the conversion of these spaces, Anne requested that council look into adopting an ordinance for the town to prohibit vehicles from parking in a fire lane. The council all agreed that they will be supporting this change.

Motion: To instruct our attorney to draft an ordinance for parking by Billye D. Custis and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon- yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed.

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Consideration of Minutes

Motion: To adopt the August 12, 2019 Public Hearing and Regular Monthly Meeting minutes by Rose Pierson and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Motion: To adopt the August 19, 2019 Recessed/Special Meeting minutes by Rose Pierson and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon- yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Department Reports:

Police Report & Schedule - Chief Spivey presented council with the October 2019 schedule, noting that as always Halloween evening will see a higher amount of police presence.

Motion: To accept the police schedule for October 2019 by Billye D. Custis and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Purchase Patrol Car – Chief Spivey noted that at the last meeting, the council made a motion to proceed with purchasing the 2019 Dodge Charger. However, since then, Chief Spivey discovered that Dodge is temporarily not manufacturing the Chargers. The state contract dealer is not able to tell him when they will be manufacturing these again, nor why they are temporarily unavailable. After speaking with Ms. Salazar about the situation, he is recommending that council rescind the motion for purchasing the 2019 Dodge Charger until such time that Chief Spivey can present council with some better information.

Motion: To rescind the motion to proceed with purchasing the 2019 Dodge Charger by Ned Finney and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Treasurer's Report

Ms. Salazar gave her report for August 2019, stating the numbers are pretty accurate due to the meeting being so late in the month. A copy of the report is available at the town office.

Motion: To pay the payables including the additional payables by Ned Finney and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Town Manager's Report / Zoning Administrator Report / Public Works Report

Ms. Salazar read her report for Town Manager, Zoning Administrator and Public Works. This report is available at the Town Office.

Attorney's Report

Ms. Kellam reported that she reviewed the RFP from Bundick Well and Pump that they submitted

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regarding the new town office and reviewed the zoning ordinance and zoning ordinance issues with Ms. Salazar. She also drafted a new zoning ordinance violation letter. She noted that if anyone goes to court for zoning ordinance violations, the ordinance has financial penalties included in it.

Planning Commission Report

Ms. Bliss reported that the Planning Commission met on August 28, and came up with some more definitions to go into the Zoning Ordinance. She is also talking to ANEC to find out what their codes are for signs on or near utility poles, and possibly adding this topic into the Zoning Ordinance. The Planning Commission also discussed requesting a charging station at Royal Farms in Onley. Ms. Kellam responded to this, noting that going to a private business as the Town is questionable legally. She stated that if residents of the town want to approach a private business, they can do so without the Town. The Planning Commission also reviewed a Special Use Permit, which council will be discussing later in tonight's meeting.

Old Business

Property at 25571 E. Main Street / New Town Office

Conceptual Berecah Plan - Rose Pierson provided council and the public with the most recently revised copy of the Berecah plans. She asked if the council had any more recommendations before the plans are put out to bid. Mr. Finney stated that the fundamental problem with this set of plans is that the building is too small, and the council isn't considering the GMB plans anymore. The council discussed what they each intended the Building Committee to be for. Mayor Hart stated that the Building Committee was intended to provide council with a Plan B on plans after the bid on GMB plans was too high. This required the Building Committee to research options on how they can get the cost down on the new building. He also stated that if Mr. Finney wanted to put the GMB plans out to bid as well, the members of council that want to do that, can. Mr. Finney argued that the Building Committee was responsible for implementing ways to reduce the cost of the GMB plans as well as the Berecah plans, and send both of them out to bid when complete. Ms. Kellam stated that her worry with sending both sets of plans out to bid is not only that it shows division between council, but also that it will be confusing for anyone bidding. She also stated that if changes are to be made to the GMB plans, the town must look at the contract with GMB to see if changes will have to be made by them.

George N. McMath Park/Committee Report

A report for the George N. McMath Park Committee was presented by Billye D. Custis. The report is available at the town office.

Fence – After getting quotes from three different sources, the committee recommended Anderson Fence for \$28,324.00. Ms. Kellam acknowledged the time and energy made to get the quotes, but reported that due to the amount estimated, the town would have to put the fence out for bid. She noted that she will be double checking on that.

Motion: To purchase fencing from Anderson Fence for the amount of \$28,324.00 per attorney review by Rose Pierson and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Labyrinth – Ms. Custis reviewed labyrinth details with council, noting that the other members of the George N. McMath Park Committee chose red colored bricks that the company informed her may eventually turn pink. She stated that this was not her choosing. She also stating that after research, she

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found a sole source of purchasing for a total of \$13,500 in Connecticut Ms. Kellam stated that due to the labyrinth being a single source, the labyrinth would not have to go out to bid. She also stated that since Adam Simpson is responsible for public works, the town does not have to put the work out to bid and Mr. Simpson can do the work.

Motion: To purchase the labyrinth for the George N. McMath Park in the amount of \$13,500 by Susan Rillo and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Storage Building – Ms. Custis stated that the park committee recommended a storage building in Accomac for up to \$2500. She also noted that the storage building will be positioned in a way that the back of it can be petitioned off in the future if the town wants to put bathrooms in.

Motion: To purchase the storage building for no more than \$2500 by Rose Rillo and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Pavilion – Ms. Custis that she received a quote and blueprints from Truss Tech for the pavilion for \$7117.00. She also noted that this is a sole source. Ms. Kellam stated that this does not need to go out to bid if it is a sole source.

Motion: To purchase the Pavilion for \$7117.00 by Claudia Harmon and seconded by Susan Rillo

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Beautification/Committee Report – Claudia Harmon reported that the Beautification Committee decided to delay the purchase of fall banners until the 2020 catalogs come out in January. At that time, they will be purchasing fall banners and more spring banners and will instruct Adam Simpson to put up spring banners and trim the branches in the spring. She also noted that it is the committee's recommendation to use cut trees for Christmas this year. This will ensure that the council will have time to be sure the \$1200 Christmas tree that will be purchased for next year will be at a practical location. Ms. Custis responded to this, stating that Adam Simpson knows where there may be a better price. She also noted that she was told to plant a tree this fall if the town wants a Christmas tree for next year. Ms. Harmon also reported that the Beautification Committee is recommending miniature evergreen trees in the pots at the intersection. The council agreed to this, as long as the trees meet the VDOT requirements.

Go Green Committee – Leo Radkowski, a consultant with ANEC, spoke about ways that ANEC is going green, and gave his contact information for anyone interested in going green, both residentially and commercially.

New Business

Historical Preservation Committee - Mayor Hart informed the council that, while speaking with Judge Gordon Vincent, the two of them came up with the idea of an Onley Historical Preservation Committee. He reported that with his love of Eastern Shore history and especially Onley, he would like to serve on the committee if it is formed. He also noted that Judge Gordon Vincent and George McMath would also like to serve on the committee. He mentioned that, when discussing the idea with Judge Gordon

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Vincent, the two thought that the memorabilia could be displayed in the new town office and could later be kept in a museum if the town wanted to do so.

Workers Comp Coverage for Council/Resolution – Ms. Salazar reported that VML provided her with a copy of a resolution from January 2001 in which the Onley town council adopted a resolution to have the town council members covered by workers comp. A VML representative reached out to Ms. Salazar, inquiring if the town would like to continue to provide this coverage. The VML representative noted that this is not something normally covered in town government. If the council decides to continue with the coverage, no action needs to be taken. Ms. Salazar was not provided with figures as to how much it would cost to continue coverage. She also noted that the coverage is under the town's liability insurance.

Special Use Permit (SUP) – Cathey – Ms. Salazar reported that Mr. and Mrs. Cathey have applied for Special Use Permit and have paid for the application fee. She noted that they are in a residential district and shared the comments that Mr. Cathey has written on his application, which she had also passed along to the Planning Commission prior to the meeting. The Planning Commission reported back to Ms. Salazar with some questions for Mr. Cathey, which Ms. Salazar will be sending in the form of a letter to Mr. Cathey, with the approval of council. Ms. Bliss reported the concerns to council. Ms. Kellam stated that she will look over the concerns and ensure they are applicable.

Public Comments – Deborah Bliss reported concern about the porta potty business at the end of the street. She informed council that the business had a special use permit granted to it for the prior owners. Since then, the business has changed owners and Ms. Bliss stated that not only is the special use permit not valid for new owners, but the new owners have violated zoning ordinances due to not having proper fencing up for the business. Ms. Salazar responded that she will be getting in touch with the owners about this matter, and if it does not get resolved, she will talk with Ms. Kellam about legal avenues.

Council Comments – All council members expressed gratitude for the public, fellow council members, and progress with the George N. McMath Park.

Closed Session

Motion: To go into Closed Session in accordance with Section 2.2-3711(A) of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or consideration of personnel matters pertaining to the Police Department, specifically related to job performance by Billye D. Custis and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Council went into Closed Session at 7:58pm.

Open Session & Certificate of Closed Session

Motion: To return to Open Session by Billye D. Custis and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

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A roll call vote was taken after reconvening in Open Session at 9:16pm, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session:

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

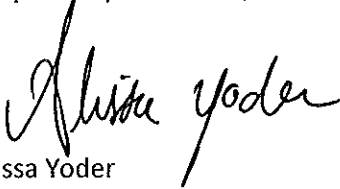
Adjourn

Motion: To adjourn at 9:16 pm by Billye D. Custis and seconded by Rose Pierson

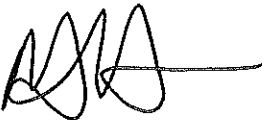
Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Respectfully submitted,



Alissa Yoder
Clerk



Matthew D. Hart
Mayor