

Onley Town Council  
Regular Monthly Meeting  
Minutes of April 5, 2021

Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 5<sup>th</sup> day of April A.D., 2021:

Council Members Present: Matt Hart, Mayor  
Rose Pierson, Vice-Mayor  
Brian Corbin  
Billye D. Custis  
Bill Ferguson  
Claudia Harmon  
Woody Zember

Staff Present: Alissa Yoder, Town Clerk  
John Spivey, Chief of Police, OPD  
Jess Long, Sergeant, OPD  
Carl Bundick, Town Attorney

**Call to Order**

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

**Invocation & Pledge of Allegiance**

The invocation was given by Bill Ferguson and the Pledge of Allegiance was led by Brian Corbin.

**Adoption of Agenda** – Councilwoman Custis requested that after public hearing, that Brooke Duer and Benjamin Lewis be added for presentations. She also requested Alissa Yoder, treasurer appointment be added under 5.D. Councilwoman Custis added that she would like to discuss the Budget and Rainy-Day Fund under 7.G. and Fire Program Funds under 8.C.

**Motion: To adopt the agenda with changes made by Billye D. Custis and seconded by Bill Ferguson.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes**

**MOTION PASSED**

**Public Hearing for Proposed Town Budget for the Purpose of Construction of a new Town Hall**

Mayor Hart called the public hearing to order at 6:04pm. Ms. Yoder read the proposed town budget for the purpose of construction of a new town hall. There were no public comments.

**Motion: To adjourn the public hearing by Rose Pierson and seconded by Woody Zember.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes**

**MOTION PASSED**

**Brooke Duer of Onley Recreational Association** – Ms. Duer updated council on the ORA and requested a donation from council for concrete repair that is needed at the pool. Ms. Duer stated to council that the repair that is needed at the pool should ideally be done before the season starts this year. She noted that any amount council would agree to give would be appreciated. Council discussed options with Ms. Duer on what would help the most. Mayor Hart recommended doing a donation for the repair but also using a portion of the donation to give residents discounts for pool membership. Councilwoman Custis stressed that the pool needs immediate financial assistance to repair the pool, and she believed a full donation to the repair would be more beneficial to the ORA. Council continued to discuss the options with Ms. Duer, along with the financial and membership history of the pool.

**Motion: To donate a total of \$5,000.00 to Onley Recreation Association, subsidizing 25 memberships at \$75.00 each and review if memberships exceed 25 by Claudia Harmon and seconded by Woody Zember.**

**Roll Call Vote: Corbin- yes; Custis-no; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes**

**MOTION PASSED**

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**Benjamin Lewis – Browder-Hite** – Mr. Lewis presented his pricing and details of application to council regarding mosquito spraying for the season. He answered questions from council and council discussed the option. Mr. Bundick inquired when the service would begin, which Mr. Lewis answered about the 15<sup>th</sup> of April.

**Motion:** To have Brower Height spray for the mosquitos at \$300.00 per spray not to exceed more than two applications per week for a total of \$14,400.00 for the season by Brain Corbin and seconded by Claudia Harmon.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Consideration of Minutes**

Councilwoman Custis noted that there were a few changes made by Ms. Yoder for the March 1, 2021 Council Meeting.

**Motion:** To accept the minutes from March 1, 2021 with the changes made by Rose Pierson and seconded by Bill Ferguson.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Motion:** To accept the minutes from March 10, 2021 by Rose Pierson and seconded by Woody Zember.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Motion:** To accept the minutes from March 22, 2021 by Rose Pierson and seconded by Bill Ferguson.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Alissa Yoder – Treasurer Appointment** – Mayor Hart noted that Mr. Bundick has spoken to VML and it is possible for a clerk to also be a treasurer.

**Motion:** To make Alissa Yoder the clerk/treasurer, adding her to all signatories and authorize her to spend up to \$1,000.00 by Billye D. Custis and seconded by Rose Pierson.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Motion:** To give Alissa Yoder a raise to \$16.50 per hour, 6 hours pay for all holidays, and a week of paid vacation this year, retroactive to March 25, 2021 by Billye D. Custis and seconded by Rose Pierson.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Police Report and Schedule (May 2021)** – Sergeant Long presented council with the police report and schedule for May 2021. Council discussed speeding tickets with Sergeant Long, along with where they all have noticed speeders.

**Motion:** To adopt the schedule for May 2021 by Rose Pierson and seconded by Woody Zember.

**Roll Call Vote:** Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes  
**MOTION PASSED**

**Treasurer’s Report** – Ms. Yoder presented council with the Treasurer’s Report for March 2021. A copy of this is available at the town office. Ms. Yoder also updated council on money market account rates and CD rates for PNC Bank, Atlantic Union Bank, Shore United Bank and Taylor Bank. Council discussed the options and decided that they would like to keep the closed CD funds in the current account at PNC Bank.

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**Motion: To pay the payables by Billye D Custis and seconded by Woody Zember.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember- yes**

**MOTION PASSED**

**Town Manager's Report/Zoning Administrator's Report/Public Works Report** - There was no report for Town Manager, Zoning Administrator, or public works, due to Ms. Salazar's resignation. Councilwoman Custis suggested a Mayor's Report for the next meeting, which Mayor Hart noted he would gladly do next time. Chief Spivey discussed with council what was spent for the hazard mitigation plan. Mayor Hart stated that he has had nothing to report for zoning administrator, and Councilwoman Harmon noted that the flowerbeds have been mulched in town. Councilwoman Custis noted that the park will need to be mowed within the next few weeks, which Chief Spivey stated he will be in touch with Mr. Simpson about.

**Attorney's Report** – – Mr. Bundick updated council on the house that will be demolished under the Kellam Family, and he asked council's approval for \$175.00 for the Local Government Attorney's Association membership for resources. He noted that he will be creating a contract for Mr. Wert for the building, along with a Browder-Hite contract. Mr. Bundick suggested forming a Finance Committee to help ensure the best financial decision for the Town.

**Motion: To pay Mr. Bundick's membership to the Local Government Attorney's Association in the amount of \$175.00 by Billye D. Custis and seconded by Rose Pierson.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**

**MOTION PASSED**

**Motion: To form a Finance Committee and elect Claudia Harmon as Chair and Deborah Bliss as a member by Billye D. Custis and seconded by Woody Zember.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**

**MOTION PASSED**

**Property at 25571 E. Main St./New Town Office Committee Report** – Councilman Corbin discussed the importance of a detailed contract with Mr. Bundick. Councilman Corbin suggested looking at the Saw Mill Park building contract. Mr. Bundick replied that he will reach out to Mike Mason tomorrow.

**George N. McMath Park** – Ms. Yoder opened one bid for the maintenance of the George N. McMath Park. Advantage Lawn Care and Landscaping bid \$10,920.00 per year. She read contents of the bid and passed the bid around to council. After council's inspection of the bid, the council decided that there was not enough information on the bid and some of the duties were modified by Advantage Lawn Care and therefore they could not make a sound decision to accept the bid. Mr. Bundick stated that he will look over the bid. Council also discussed putting an ad in the paper for a part time employee if the bid is not sufficient. Councilman Ferguson noted that with the unforeseen events in the past month, he was not able to follow through with getting in touch with VDOT. He noted that he would like to do that this month. Councilwoman Custis also noted what the council needs to approve for the park, noting that there needs to be mulch and barrier put down around the playground. Councilwoman Harmon inquired if Councilwoman Custis could research the price for those things. Councilwoman Custis stated that she will do her best.

**Community Spirit Committee** – Councilwoman Pierson stated that herself and Ms. Bliss have been to 44 houses handing out flyers and having a wonderful reception to them from residents. She noted that two people left contact information for volunteering and were contacted by a pastor at St. Peter who would

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like to have an ecumenical meeting with local pastors and town residents in mid-May at the George N. McMath Park. Mr. Bundick stated that he did not see any legal problem with the meeting due to the Committee only facilitating the meeting and "not advocating any particular thing". No one in council objected to the meeting. Councilwoman Custis noted that there are no rules for the park to be used. Mr. Bundick suggested looking at Accomack County and Wachapreague for park rules. Council discussed how involved they want the town to be with the rules and reservations with the park.

**COVID-19 Relief Committee** – Councilman Ferguson updated council that he would like to order hand sanitizer and masks for residents. Once ordered, he will let council know and he would like some assistance with packing the items.

**Discussion of Public Works RFP** – Mayor Hart suggested possibly hiring someone to do both the park and the town for public works. Mr. Bundick stated that he would like to look over the bid from Advantage Lawn Care before there is more discussion about the contract for public works. Councilwoman Custis suggested looking at the budget before sending an RFP out. Council decided to wait until next month to discuss sending out an RFP. Mayor Hart noted that Simpson's contract will expire at the end of June.

**Discussion of fence at 210033 Front St.** – Mayor Hart reviewed with council that there was a motion for Mayor Hart to put a fence on his property at the property line between his residence and the town owned property next door, which he agreed to do. He informed council that since that time, he has decided that he would not like to put up a fence and instead put lawn furniture up so no one drives through. He stated that he hopes that council will "reason with me" and agree that the fence does not need to be put up. Mr. Bundick noted that he does not know "what authority anyone has here." Councilwoman Custis updated Mr. Bundick about what has happened in the past with the property line. Mr. Bundick read the motion that was made about the fence in December. Councilman Corbin made a motion to rescind the motion from December 7, 2020. Councilwoman Custis inquired with Mr. Bundick about rescinding motions when it is a new council and all old council members that are still in council voted for the motion. Mr. Bundick noted that since he has been hired by the town, he has noticed that "an absence of personalities" from council has worked very well for positive accomplishments, in his observation. He also noted that it is a boundary line dispute and if there are further issues, there can be an ejectment action in the circuit court. Stepping down as Mayor, Mr. Hart stated that he did remove the stones at council's request. He also noted that he has felt "harassed" and that council "should not treat a Mayor like this, or a resident in the United States of America this way". Mr. Bundick recommended that permanent markers be put down. Mayor Hart noted that he has no problem with permanent markers being put down. Councilwoman Custis stated that "if we are not going to honor people's property lines, no matter who it is, and we're not going to enforce the zoning, why do we need a zoning administrator?" Mr. Hart stated, "a better question is if a town contractor messes up someone's property, shouldn't we hold them accountable to fix the problem that they started?" Councilman Ferguson stated that permanent property markers should be put on the town's property line instead of a fence. Councilwoman Harmon noted that there have been vehicles going through the property line. Mr. Hart stated that once the furniture was put in place, no one has gone through. Councilman Zember stated that he thought "this issue is a petty issue, and the issue should be handled as Councilman Ferguson and Mr. Bundick stated."

**Motion:** To rescind the motion made on December 7, 2020 which states: "To accept the request of the property owned by Matthew Hart next to the town owned property to have a 3-foot-high fence barrier between the two properties within 90 days at his expense by Claudia Harmon and seconded by Susan Rillo." By Brian Corbin and seconded by Rose Pierson.

**Roll Call Vote:** Corbin- yes; Custis-no; Ferguson- yes; Harmon – no; Pierson – yes; Zember - yes  
**MOTION PASSED**

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**Discussion of Town Manager Job Description and Advertising** – Councilwoman Custis presented council with the job description and advertising for the Town Manager position for council to approve. Council discussed advertising options.

**Motion: To accept as written the town manager position to be advertised in the local paper and the website by Rose Pierson and seconded by Bill Ferguson.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

**Budget/Rainy Day Fund** – Councilwoman Custis suggested that council put money back into the Rainy-Day Fund, which is mandatory to do in three years from the time it was taken out. Councilman Corbin stated that he believes the town does not need a Rainy-Day Fund. Mayor Hart agreed with Councilman Corbin. Chief Spivey noted to council and Mayor Hart that regardless of wanting a Rainy-Day Fund or not, the Rainy-Day Fund is currently in effect and is required to be reimbursed. He also noted that now is the time to reimburse the Rainy-Day Fund due to next year's budget being over by at least \$80,000.00 currently.

**Motion: To reimburse the Rainy-Day Fund with \$63,688.00 by Billye D. Custis and seconded by Woody Zember.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

**New Business**

**Planning Commission Appointment(s) – Deborah Bliss and Doug Young –**

**Motion: To appoint Deborah Bliss and Doug Young to the Planning Commission by Rose Pierson and seconded by Billye D. Custis.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

**Town Spring Clean-up Dates** – Councilwoman Harmon requested that the newsletter have the date on the top. Council agreed with the request. Councilwoman Custis suggested making the dates for clean-up from April 26 – May 2, with the pick-up date starting on May 3.

**Motion: To have April 26-May 2 by clean-up, and the week of May 3 will be pick-up week by Woody Zember and seconded by Rose Pierson.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

**Fire Program Funds** – Councilman Ferguson stated his opinion of allocating the Fire Program Funds. He suggested giving the funds to Tasley and Onancock, due to "90% of the response" being from those two. He noted that he will be abstaining from the vote but wanted to state his first-hand experience. Council discussed the options. Council also scheduled April 14, 2021 to appropriate funds for the new town hall, discuss the RFP for park maintenance, discuss the playground base and border, and work on the budget.

**Motion: To give \$7,500.00 to Tasley Fire Company and \$7,500.00 to Onancock Fire Company by Brian Corbin and seconded by Billye D. Custis.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- abstain; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

**Public Comments** – Ned Finney inquired about the person responsible for building and zoning permits. Mayor Hart replied that he is the person responsible. Mr. Finney stated that he believes it is a conflict of interest due to Mayor Hart being a contractor. Mr. Bundick stated that if the Charter states that in the absence of a Town Manager, the Mayor is responsible, then Mayor Hart is responsible. However, he noted that he cannot be responsible for his own building and zoning permits as a contractor and Vice-Mayor Pierson will be responsible, as the Charter states.

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Ned Finney also noted that he is happy that the building is being built and he believes the town has a good contractor. He also noted that "if it is not specified in the contract, he does not have to do it" and that "a man's word is his bond."

**Council Comments** – Councilman Zember thanked everyone for coming and noted that he believes there is a very productive council. He also stated that with the amount of work and time put into the park, he hopes that the park will be maintained to a high standard. He also thanked everyone for coming and thanked the employees.

Councilman Ferguson thanked the employees and noted he is pleased at the amount of momentum that the council has. He also noted that he would like council to continue to "look in the windshield instead of the rear-view mirror". Councilman Ferguson stated that he is happy to be a part of the council.

Councilwoman Harmon thanked Chief Spivey and Ms. Yoder for their extra help. She stated that some things that happened tonight were disappointing but would like council to continue to go forward. She noted that the most disappointing part of the meeting was the money aspect, noting that although there is money in the bank, there is a major expense in the next fiscal year that will take a lot of that money.

Councilwoman Pierson stated that she believed it was a good meeting and she enjoyed council working together. She thanked Ms. Yoder and Chief Spivey for their help.

Councilwoman Custis thanked council for putting the Rainy-Day money back. She thanked Chief Spivey, Sergeant Long and Ms. Yoder for helping extra in the office.

Councilman Corbin stated that he believes the council is working together and that is what needs to be done. He thanked council for supporting the motion to rescind the December motion. Councilman Corbin noted that before getting on council, he frequently heard negative comments towards the Mayor and he wishes that that behavior would stop, noting that it went on tonight and "if you don't have anything good to say, don't say anything." He thanked the employees for doing a good job.

**Adjourn**

**Motion: To adjourn at 9:21pm by Rose Pierson and seconded by Billye D. Custis.**

**Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes**  
**MOTION PASSED**

Respectfully Submitted,

Alissa Yoder, Clerk

Matthew Hart, Mayor