

Onley Town Council
Public Hearing(s) & Regular Monthly Meeting
Minutes of May 2, 2022
Onley Town Office, 25308 Lankford Highway, Onley VA

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

Staff Present: Carl Bundick, Town Attorney
 Lt. Pat Coulter, OPD
 Arlene Evans, Town Administrator
 Jamye Salazar, Clerk/Treasurer

Call to Order

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

Invocation & Pledge of Allegiance

The invocation was given by Councilwoman Custis and the Pledge of Allegiance was led by Councilman Ferguson.

Adoption of Agenda

Ms. Custis asked to add the following items: 7I. Building Committee Report, 6D. Discussion of Hiring Town Manager and 8A3. New Police Officer.

Motion: To adopt the agenda with the addition(s) by Billye D. Custis and seconded by Claudia Harmon.

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

MOTION PASSED

Public Hearing - Proposed 2022-2023 Budget

Mayor Hart called the public hearing to order at 6:05. Ms. Salazar read the Rules for Public Participation. At the request of Ms. Custis, who represented the Budget Committee, Ms. Salazar presented the 2022-2023 Budget, noting that it is a balanced budget and there was no increase in taxes or fees for the year. Ms. Custis added that the assessment amount of \$53,932.00 is more than 1% of our taxes and she believes that is not allowed. She asked Ms. Salazar to speak on that matter. Ms. Salazar stated that she has not been involved in the budget process and she does not have any answers to that question. Ms. Custis stated that she feels the Treasurer should get answers to this before we adopt this budget. Ms. Salazar will investigate the matter.

Arlene Evans listed several areas of the budget that she feels are not correct and added that Council needs to review before the budget is accepted. A copy will be attached.

Mayor Hart agreed with Ms. Evans adding that the Council has not been involved enough with the creation of this proposed budget.

Ms. Harmon disagreed with some of Ms. Evans' budget assessments. She stated that we need a Town Manager and a Zoning Administrator.

Ms. Custis stated that as a member of the Budget Committee, they put together what they felt was right. She suggested that the Mayor and Town Administrator put together their budget and see if it

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passes. She added that if it doesn't, we cannot spend any money after July 1st. She stated that we need a Town Manager and a Zoning Administrator.

Mr. Corbin said that he doesn't disagree with everything Ms. Evans stated but added that he does think we need a Town Manager and Zoning Administrator. He reiterated that having our own Public Works was supposed to save the town money and it has not – it has cost the town three times more than a contractor. There was a discussion about possibly returning to a contractor versus having our own Public Works Department. Mayor Hart disagreed that we are spending three times as much money.

Mr. Zember spoke in favor of making Ms. Salazar a full-time employee.

Ms. Pierson agreed with Mr. Zember about Ms. Salazar and added that she is not in favor of hiring a Town Manager. She thinks Mario does a good job but does not feel certain that he should be full-time.

Mr. Ferguson stated that he agrees about Ms. Salazar, but he also feels we need to make Mario full-time. He reiterated that he wants to give money to the fire companies.

Fred Gardner stated that he would keep the part-time employees at 32 hours per week. He added that he is disappointed in the budget hearing because it seems that someone doesn't have their stuff together. Ms. Harmon asked what he meant. Mr. Gardner said he'd rather not further comment.

Council agreed to meet on May 16th at 6:00pm to re-visit the 2022-2023 budget.

Motion: To adjourn the Public Hearing at 6:44pm 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

Public Hearing - Proposed Capital Budget

Mayor Hart called the hearing to order at 6:44pm. Ms. Salazar gave a brief synopsis of the Proposed Capital Budget.

Ms. Evans stated that we do not need a capital budget since the sidewalk project and the purchase of a PD vehicle can be paid for with ARPA funds. Council decided that it is still a good idea to have a capital budget – just not to allocate the money for a specific use.

There was no public comment.

Motion: To adjourn the Public Hearing at 6:49 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

Public Hearing - Proposed Town of Onley Zoning Ordinance

Mayor Hart called the public hearing to order at 6:50pm. Ms. Custis stated that the Council has had the proposed zoning ordinance for a couple of months and if they have questions, they should ask them.

Ms. Salazar stated that the hearing has been properly advertised. There were no public comments.

Motion: To adjourn the Public Hearing at 6:51pm 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

Regular Meeting (cont'd)

Old Business

Mr. Bundick stated that he has had no response from the HRSD at this time. Richard Evans stated that he feels that Council needs to move on with this matter and he doesn't feel the property is suitable for a pump station.

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Motion: To keep possession of the property and reject the bid from Richard Evans for the purchase of town-owned property on Front Street by Woody Zember and seconded by Claudia Harmon. Roll Call

Vote: Corbin- yes; Custis-yes; Ferguson- no; Harmon – yes; Pierson – no; Zember - yes. MOTION PASSED
Mr. Evans stated that the property needs to be cleaned. Mayor Hart agreed. Ms. Harmon asked what is wrong and added that anything that is broken should be addressed.

Ms. Custis stated that there was no Planning commission report because there was no meeting. She added that Council asked them to review the Comprehensive Plan, but Mayor Hart has since stated that there was no need to review it because it was just done less than five years ago. Mayor Hart said that recommendation came from the Town Administrator, and he stands by it. Ms. Custis stated that the newsletter was sent out with two errors: it stated that the Planning commission meets every month, and that the meeting location is Tasley Fire Company. Ms. Salazar stated that Ms. Bliss told her that she plans to continue meeting at the Tasley Fire Company, so that is not an error. Mayor Hart said he feels that all town meetings should be held here at the town office.

Ms. Evans said that ARPA funds can be used for the library donation. Ms. Salazar stated that if we do use ARPA funds, we can only give \$10.00 per citizen.

Motion: To donate \$5,200.00 (from ARPA funds) to the ES Public Library Foundation for technology and the museum by Claudia Harmon and seconded by Rose Pierson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

Ms. Evans stated that it will be difficult to donate ARPA funds to ESCADV due to the restrictions placed on that money. She suggested that Council give a donation from town funds. Council decided to wait on this matter.

Ms. Evans said that we can allocate APRA funds to the fire departments, but they must come up with a project and we need to create a formula for how much to donate since they are not technically the Town of Onley's fire departments. She stated that we need to be very careful how we spend these funds because they are meant to be used for projects that benefit our town. She encouraged Council not to rush to spend this money and really think about what the town's needs will be in the future.

Northern Accomack Community Cats has asked for a donation and permission to use town-owned property to park the Neuter Scooter. Council agreed to a donation but not the Neuter Scooter.

Motion: To donate \$500.00 to Northern Accomack Community Cats by Claudia Harmon and seconded Rose Pierson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

Ms. Evans presented Council with some rules for the town meetings as well as for the town office. Several Council members stated that they thought we had already adopted the meeting rules and added that we just need to get better at following them. Council did not agree with the office rules specifically the requirement for making appointments before coming to the town office.

Council will meet on May 16th to re-visit the 2022-2023 Proposed Budget and the Capital Budget.

Motion: To adopt the Proposed Town of Onley Zoning Ordinance by Bill Ferguson and seconded Rose Pierson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

New Business

Ms. Salazar stated that we did not receive any RFP's for Police Department renovations. Mayor Hart stated that he spoke with the person that has been spraying sidewalks in Onancock and asked him to submit a proposal. Ms. Salazar stated that she has not received anything at this time.

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Motion: To re-allocate the funds (via public hearing) for the New Town Office budget and the McMath Park budget by Brian Corbin and seconded by Billye D. Custis. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – yes; Zember - yes. MOTION PASSED

Ms. Custis asked to open a dialogue about the possibility of hiring a town manager. There was much discussion about this topic. Mr. Zember, Mr. Corbin, Ms. Custis and Ms. Harmon spoke in favor of it. Mayor Hart, Mr. Ferguson, and Ms. Pierson disagreed. There was a discussion about what the current charter states (about a Town Manager) as well as the proposed charter that is awaiting General Assembly approval.

Motion: To appoint a committee to start a search for a Town Manager by Billye D. Custis and seconded by Claudia Harmon. There was a discussion about this motion.

Motion: To really look and hire a Town Manager by Billye D. Custis. There was no second to this motion. There was already a motion on the floor.

Mr. Ferguson stated that feelings were hurt about another matter and that is bleeding over into the town manager issue. Mr. Zember reminded Council that there is a motion on the floor and a second. He called for the vote. Ms. Salazar read the motion back to Council. Mayor Hart asked for each Council Member's vote (see below). Ms. Harmon asked to further discuss the motion. Mayor Hart said he did not hear her ask that and once again asked for her vote. Mr. Ferguson said that he heard it. Ms. Harmon said that she is just going to vote yes since she is not allowed to further discuss it.

The following vote was taken on the first motion: Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- no; Harmon – yes; Pierson – no; Zember - yes. MOTION PASSED

Mayor Hart apologized to Ms. Evans and told her she is doing a great job. Ms. Evans stated that it was okay. Ms. Harmon asked why Ms. Evans can't apply for the position. Ms. Evans stated that she is not applying, as of tomorrow she is not working in the office, and she would be leaving the meeting. Mayor Hart stated that he was leaving too. Mayor Hart relinquished the gavel to Vice -Mayor Pierson at 8:08pm.

Committee Reports

Community Spirit – Ms. Pierson reported that the presentation on fire safety was a success, and another is being planned.

Sidewalk Project Committee – Mr. Corbin reported that at last meeting he passed out a proposal for sidewalks, a crosswalk and driveway repairs. He asked that Council vote on those items tonight.

Motion: To find someone who is willing to submit the resolution to VDOT for the work to be done on the construction of the new pedestrian safety proposal by Billye D. Custis and seconded by Claudia Harmon. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Motion: To advance the project to repair the three driveway entrances in the vicinity of the intersection of East, West, Main & Coastal (one in front of Onley Baptist Church, two in front of Lighthouse Thrift Store) by Billye D. Custis and seconded by Woody Zember. Roll Call Vote: Corbin-yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED
Council agreed to have VDOT research the matter of no right turn on red at the Main & Coastal intersection as well as paint lines for pedestrians.

Golf Cart Committee - Ms. Pierson reported that VDOT has approved the permit allowing us to be a golf cart town. We are now waiting on the approval of the golf cart ordinance.

Public Works Committee – Mr. Ferguson asked if Council has reviewed the SOP's that were presented at last month's meeting. Ms. Custis made several comments and asked for several changes. Mr. Corbin asked about mosquito spraying. Ms. Salazar said that (at last month's meeting) someone was tasked

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with checking with Chincoteague and Onancock to see how they are handling it. Ms. Harmon mentioned the distribution of the briquets also. Several Council members expressed concern about the condition of McMath Park. Ms. Salazar suggested that Council consider turning the park duties over to Mario. Mr. Ferguson asked Council to consider making Mario a 40-hour employee adding the park to his duties. Council did not make a decision at this time.

Personnel Committee – Ms. Custis said that Council asked them to review the Personnel Policy and there was also a question about a job description for the Town Administrator. Ms. Harmon stated that she spoke with Ms. Evans earlier today and Ms. Evans was planning to report that we have not met, and we should wait until the charter changes to review the Personnel Policy so that they are uniform. There was a discussion about the process for hiring new employees. Council would like to see that uniformed as well. They also mentioned the possibility of adding mandatory drug testing before hiring.

Budget Committee – In the absence of Ms. Bliss, there was no report.

Police Technology Committee – In the absence of Ms. Bliss, there was no report. Ms. Custis asked Lt. Coulter for an update on the items that were approved at last month's meeting. He stated that there is a holdup with the evidence locker and the other items have not been ordered.

Town Office Relocation Committee – In the absence of Ms. Evans, Ms. Salazar reported that there have been some problems with getting some of the furniture and the two 10' tables have been canceled. She stated that there are also some additional costs involving the PA system and moving the phones and computers.

Building Committee Report – There was no one there to give the report. Mr. Corbin stated that he feels that even if there is nothing to report, the committee should let us know something – even if it's just that there is nothing to report. Ms. Custis said that is why she asked for it to be added tonight, adding that the Council has been given information that has never been discussed. There was mention of researching pole buildings. Ms. Custis stated that the committee was supposed to research all options. Fred Gardner said that he wants to see this town build a building. John Dennis offered to serve on the Building Committee if Mr. Corbin would agree to serve.

Motion: To have this Council instruct the Building Committee to look at all options, especially new build by Billye D. Custis and seconded by Bill Ferguson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Department Reports

Police Report & Schedule

Motion: To adopt the police department schedule by Bill Ferguson and seconded by Claudia Harmon.

Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Motion: To purchase a new patrol vehicle with equipment installed at a total cost of \$48,673.37 by Billye D. Custis and seconded by Bill Ferguson. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Motion: To authorize the police department to explore options for selling our used police equipment by Bill Ferguson and seconded by Billye D. Custis. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Ms. Harmon stated that she recently received a phone call from someone who praised Lt. Coulter for his professionalism and kindness handling a recent call.

Lt. Coulter stated that Officer Ira Sacks has been hired to fill one of the vacant positions. His annual salary is \$47,000.00 with standard full-time benefits according to our personnel policy. Ms. Custis

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expressed concern that his salary is outside of our pay scale, adding that if a town manager did that, there would be consequences. Mr. Ferguson praised Officer Sacks, stating that we are lucky to have him.

Treasurer's Report

Ms. Custis had several questions for Ms. Salazar about some of the invoices that were paid specific to IT work and the purchase of a computer, public works gasoline, tipping fees and park supplies. Ms. Salazar noted a correction on the payables referencing the purchase of a push lawnmower.

Motion: To pay the payables by Bill Ferguson and seconded by Woody Zember. Roll Call Vote: Corbin-yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Mayor/Zoning Report

In the absence of Mayor Hart, there was no report. Ms. Custis started that she wished to speak. She said that she received a letter responding to two zoning complaints that she made in the office. She said that one was a question that she asked and was told that someone else had also asked the same question and they did not get a letter. The other item was that someone is living behind the Maranatha Supermarket. The letter stated that the apartment has been there for thirty years, and she does not believe that is true. She added that the letter also stated that we have no zoning ordinance regarding not allowing apartments in town. Ms. Custis said that our zoning ordinance clearly states that in the business district, apartments are only allowed above stores. She said that on July 2, 2021, Mayor Hart instructed Council to review a letter. At that time, the mayor stated that he does not address complaints unless they are in writing. Ms. Custis stated that she did not put anything in writing and yet she received a response letter.

Attorney's Report

Mr. Bundick reported that he is still working (with Ms. Salazar) on some delinquent meals tax and BPOL issues.

Consideration of Minutes

Motion: To accept the minutes of the April 4, 2022, Regular Monthly Meeting by Billye D. Custis and seconded by Brian Corbin. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Public Comments

Fred Gardner stated that his disappointment with the budget (as stated earlier) is because Ms. Bliss is not here, and Mayor Hart and the Clerk/Treasurer did not have any information. He stated that the Evans' brought the coffee shop to the agenda one week and the next week, Arlene Evans was hired as an employee. He feels that wreaks of crony capitalism. He also feels that Arlene Evans and Mayor Hart should apologize to the Town Council for their behavior tonight.

John Dennis suggested that we look at the sidewalk near the dentist office because he feels it is a hazard. He suggested that the town use ARPA funds to hire an architect to create a preliminary design for a sewage system.

Council Comments

Ms. Harmon stated that she is embarrassed about the things that transpired here tonight. It was not her intention to embarrass anyone. She said that two remarks were made to her personally.

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Mr. Corbin stated that he feels what happened here tonight was uncalled for because Mayor Hart kept interjecting and inserting Arlene into the conversation about a Town Manager, and that job was offered to her, and she didn't want it. He said that just because Council has changed their mind about wanting a Town Manager, it was no reflection on her. He added that no one mentioned letting her go and he feels she did a lot of good things and would love for her to stay on. In the matter of the VDOT proposals, he suggested hiring someone to help that specializes in that stuff.

Ms. Custis agreed with Ms. Harmon and Mr. Corbin. She added that she received a text message on March 30th from Arlene that was very unpleasant. She said that she feels that Arlene does a good job, but she is quick to pop as we all saw tonight. She suggested that if she (Ms. Evans) wants the Town Manager job, she should apply for it. She then asked Ms. Salazar if she wants to change to a full-time status employee. Ms. Salazar responded that on average, she is working about 34 hours per week which makes her a full-time employee. She stated that according to federal and state law, this qualifies her for full-time status and benefits. She added that she is willing to do whatever the Council wishes but if she cuts back her hours, they need to find someone to handle the additional work.

Mr. Zember said tonight was bad and he is upset and disappointed.

Mr. Ferguson thanked the town employees. He still wants to see us help the fire companies.

Motion: To make Jamye Salazar a full-time employee with benefits effective July 1st by Brian Corbin and seconded by Woody Zember. Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Council will re-visit the idea of Mario becoming a full-time employee once Mr. Ferguson has investigated the number of hours needed to perform Public Works, McMath Park and Town Office duties.

Adjourn

Motion: To adjourn at 9:55pm by Billye D. Custis and seconded by Woody Zember.

Roll Call Vote: Corbin- yes; Custis-yes; Ferguson- yes; Harmon – yes; Pierson – did not vote; Zember - yes. MOTION PASSED

Respectfully Submitted,



Jamye Salazar, Clerk/Treasurer



Matthew D. Hart, Mayor