

**Onley Town Council**  
**Regular Monthly Meeting**  
**Minutes of July 3, 2023**  
**Onley Town Office, 25308 Lankford Highway, Onley, VA**

Council Members Present:      Ned Finney, Mayor  
   Bill Ferguson, Vice-Mayor  
   Daniel Bloxom  
   Brian Corbin  
   Kate Hill  
   Rodney Lang  
   Woody Zember

Staff Present:                              Carl Bundick, Town Attorney  
   E. Jesse Long, Chief of Police, OPD  
   Susan Rillo, Town Manager  
   Jamye Salazar, Clerk/Treasurer

**Call to Order**

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

**Invocation & Pledge of Allegiance**

The invocation was given by Councilwoman Hill and the Pledge of Allegiance was led by Councilman Zember.

**Adoption of Agenda**

Mr. Corbin asked to add mosquito spraying under new business. Ms. Rillo said that she plans to discuss it when giving her report.

**Motion: To adopt the agenda with no changes by Bill Ferguson and seconded by Woody Zember. Roll**

**Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

**Old Business**

Ms. Rillo reported that she has received a letter from Deborah Bliss expressing her desire to serve on the McMath Park Commission. She said that Mr. Ferguson also told her that Bryan Daffin would like to serve but he has not submitted a letter.

**Motion: To appoint Deborah Bliss and Bryan Daffin (pending an official letter of request from him) to the McMath Park Commission by Bill Ferguson and seconded by Rodney Lang.**

**Motion: To amend the above motion to also include the appointment of Councilman Daniel Bloxom to the McMath Park Commission by Bill Ferguson and seconded by Rodney Lang. Roll Call Vote:** Bloxom -

abstain; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Ms. Rillo reported that Doug Young has agreed to step down from his position on the Planning Commission. She has received an email from Thomas Cherry asking to be appointed to the Planning Commission. Council asked that Ms. Rillo ask Mr. Young to formally resign by writing a letter of intent. Mr. Corbin nominated Toni Nelson to serve on the Planning Commission, noting that she has recently started attending some of our meetings. Mayor Finney asked that Ms. Nelson submit a letter of interest as well as her qualifications. Ms. Salazar suggested that Council consider appointing Mr. Cherry and Ms. Nelson since we are allowed to have more than five members on the Planning Commission.

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**Motion: To appoint Thomas Cherry to the Planning Commission by Brian Corbin and seconded by Rodney Lang. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

No action was taken on the Domestic Fowl Ordinance. Mr. Ferguson said he may know someone that can help with the issue of capturing the chickens, but he will need to do a little research. Ms. Rillo said that we haven't had any complaints recently and she hasn't seen any around town. Mr. Finney said he doesn't think the issue has stopped.

Mr. Bloxom presented Council with a quote of \$3,000.00-\$3,500.00 for additional fall zone material since the location of the playground equipment has been changed. Mayor Finney asked Council if they realized that the delivery/return on this equipment is eight months. Mr. Ferguson said he did not, and he is not in favor of moving forward. Mr. Zember agreed and said he is not prepared to make a decision at this time. Mr. Lang said he would like to visit the park and look at things again before making a decision. Mr. Bloxom said that he has provided all that information over the last four months and it's not his fault that Council didn't look at it. Ms. Rillo questioned the cost of the equipment, adding that she has found some things that are ready to ship at a lower cost. Mr. Bloxom stated that he chose the best quality equipment and was trying to use a company with a local representative. Mr. Corbin asked that when purchasing high dollar items (in the future), Council consider appointing a committee to research the matter. Billye D. Custis spoke about the McMath family's vision for the park, noting that it was meant to be a park – not a playground.

There was a discussion about the role of the McMath Park Committee which included their involvement in planning town events.

**Motion: To have town administration contact the vendor of the playground equipment and have them cease production of the playground equipment by Bill Ferguson.** At this time, Mayor Finney asked that we have the town attorney investigate our options first. **Mr. Ferguson rescinded his motion.**

**Motion: To have the town attorney investigate the issue of purchasing the playground equipment by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -abstain; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Mr. Corbin reported on the sidewalk project. He said we have obligated \$75,000.00 from ARPA funds for sidewalks. He presented Council with three options: (1) cancel the whole project, (2) just repair/replace the three driveways along Coastal at a cost of \$17,000.00 each, or (3) proceed with the entire project. He noted that if we do the entire project, we will have to do some right-of-way research. Ms. Rillo reported that the VDOT grants were closed out in June and those grants also take about 3-4 years, which is longer than we can hold the ARPA funds.

**Motion: To have the Town Manager call and get pricing (for option two) and report back at the next meeting by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Mr. Corbin said he has been thinking about this PD schedule issue and he feels that if a Council Member requests a copy of the schedule, they should get it. He proposed that a paper copy be given to any Council Members that come to the office and request it, adding that Council took an oath to be responsible and if there is an issue with someone not acting responsibly, it will be addressed accordingly. Mr. Lang agreed with Mr. Corbin. He feels that Council should always know the schedule. He added that should he have any issues in the middle of the night, he wants to be able to call the Chief. Mr. Bloxom said that if Council having the schedule in any way jeopardizes an officer's safety, he is against it. Ms. Hill asked Chief Long for his opinion. Ms. Rillo noted that the schedule is not an available item under FOIA. Chief Long added that VML and VRSA do not recommend releasing it. He also told Mr. Lang that should he have an emergency during the night, he should immediately call 911, not the Police

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Chief. Ms. Salazar stated that she is not weighing in on the schedule issue but added that all emergency calls need to go through the 911 Center and/or the Accomack County Sheriff's Office for dispatch purposes. Mr. Lang said he has had issues with calling the ACSO in the past, namely waiting for an hour and no one responding. He also said that while we run things past VML and VRSA, he spoke with someone who has worked for another town for 30 years, and they have said the schedule is public information. He also feels that when police officers put that badge on, they know what they signed up for. Lastly, he said the Town of Onley's schedule has never been leaked. Mr. Zember agreed with Mr. Corbin's statement. Mr. Ferguson said that while he is torn on this matter, he feels we should trust Chief Long. He said that we hired people to do a job and sometimes we need to sit back and let them do it. He also agreed that when needing the assistance of a police officer, it should be done through dispatch – not the Town Office or by calling an officer directly. Mayor Finney presented Council with three options: (1) keep the schedule at the Town Office for Council's review, (2) no review of the schedule at all, (3) continue as we have, and everyone on Council gets a copy.

**Motion: To keep a (PD) schedule available to all Council members here at the town office for review by Bill Ferguson and seconded by Woody Zember. Roll Call Vote:** Bloxom -yes; Corbin- no; Ferguson-yes; Hill – yes; Lang– no; Zember - yes. MOTION PASSED

Mr. Corbin thanked Mr. Bundick and Ms. Salazar for the work done on collecting the delinquent taxes. Ms. Salazar reported that the contract has been signed with James Elliott and he has provided her with the criteria that delinquent taxpayers must meet for collection. She has completed the spreadsheet and will send it to Mr. Elliott as soon as he gives her the green light. Council asked that Mr. Bundick and Ms. Salazar investigate the DMV stops for collecting delinquent personal property tax.

**New Business**

Ms. Salazar presented Council with Motor Vehicle Ordinance #001-23, explaining that the adoption of this ordinance allows our police officers to issue summons. Mr. Bundick agreed and added that any revisions that have occurred in the motor vehicle code in the recent General Assembly session are codified here.

**Motion: To adopt Motor Vehicle Code of Virginia Ordinance #001-23 by Bill Ferguson and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Ms. Rillo presented Council with two options for street cleaners: (1) pull behind Victory gutter sweeper with a vacuum system that is driven against traffic (\$19,600.00) (2) pull behind unit that extends into the gutter and can be driven with traffic (\$37,420.00). There was a discussion about VDOT's regulations for using this equipment. Ms. Rillo stated that we do not need to do anything special if we are not on the road for more than 15 minutes. Mr. Corbin asked that she verify that with VDOT, noting that he feels it's not realistic that Percy will only be out there for 15 minutes. He also expressed concern that we are spending such a large amount just to eliminate moving some signs. Council also discussed contracting out street sweeping but decided against it. Ms. Hill suggested a committee, noting that this is a large expensive purchase. Mayor Finney said we do not need a committee for this. John Dennis spoke and said he feels we will need much more than Council realizes to be able to use this equipment. Ms. Custis asked about the insurance coverage. Ms. Rillo said that they cannot quote us until we have the equipment. Council instructed Ms. Rillo to check on the insurance, check again with VDOT and VSP. Mr. Corbin stated that he feels that we have covered the ordinance enforcement issues. Ms. Rillo spoke about an email that she received earlier in the day from a resident. The resident has stated that she feels some of the town ordinances are being ignored. She cited several examples such as high grass, ditches, vacant lots containing construction debris and mosquito spraying. She feels that her complaints

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are just as important as the dog and chicken complaints. She also complained that there is very little patrolling by police officers, including the Police Chief. Ms. Rillo stated that the resident feels her issues are being ignored and she (Ms. Rillo) doesn't want to do that. Chief Long stated that his officers have a standing order to patrol that area for a minimum of 30 minutes per day. Ms. Rillo thinks if we review our ordinances and have stricter repercussions, this will help the situation. Mr. Bundick said we can review our ordinances, but fines are set by the court.

Ms. Salazar presented Council with the renewal information for employee health insurance. She stated that the current policy is increasing 8.65% but she also gave them some other options.

**Motion: To renew the current Anthem employee health insurance at a rate of 8.65% by Woody Zember and seconded by Rodney Lang. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

**Commission/Committee Reports**

**Planning Commission** -Ms. Bliss asked Council to consider an amendment to the current zoning ordinance pertaining to the definition of temporary signage and a revision to the fee schedule for temporary signs. She asked that the zoning ordinance be adopted, stating that Planning Commission gave the ordinance to Council late 2021 and asked that it go out for public comment and the mayor and Council never moved forward with that request. Ms. Salazar disagreed stating that a public hearing was held on May 2, 2022, to hear public comments on the proposed zoning ordinance, with the Regular Meeting immediately following. The Zoning ordinance was adopted at the Regular Meeting. She referred everyone to the minutes from that meeting.

**Motion: To send the proposed temporary sign amendments to Public Hearing at the August 2023 meeting by Bill Ferguson and seconded by Woody Zember. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Ms. Bliss said they continue to work on the Comprehensive Plan, without input from Council. She said that they have asked twice and got nothing, therefore, they may not look upon Council's comments favorably. She added that if Council would like them to look at fines and punishments for ordinance violations, Council should remember that they get paid \$50.00 a month.

**Police Department Renovation Committee** -Mr. Corbin reported that the job is coming along great, and it really looks nice. He and Mr. Lang suggested that we replace the back windows, adding that with everything else being new, those windows look bad. Mr. Lang questioned why we had Spectrum internet connected when we were supposed to have free internet with Neubeam due to the location of the pole on our property. Ms. Salazar stated that the agreement was with ES Communications, which has been bought by Neubeam. She said that she was not involved in recent conversations, but she believes that Mr. Maggard worked out an agreement for discounted internet (from Neubeam) – not free. Chief Long explained that the discounted amount was for a static IP address, which Spectrum is providing for free with their service. Mr. Lang wants to check with Neubeam and ask why they are not reimbursing us for using our pole and our property. Mr. Corbin suggested that we ask Neubeam to give us a discount on the park internet. Council asked Ms. Rillo to contact Neubeam and get some answers.

**McMath Park Entertainment Committee/McMath Park Commission**- Ms. Custis reported that the playground rules are missing from the park, and they need to be replaced immediately. She would like to create by-laws and duties for the Park Commission. She suggested that Council review the Planning Commission by-laws as an example and make suggestions. She listed some examples of duties and possible events to have at the park.

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**Department Reports**

**Police Report**

Chief Long reported that he has not heard back from the e-ticket system representative but after speaking with some ACSO employees, he is hesitant to move forward with that company. He has reached out to Southern Software to inquire if they have anything that may work for us, he is waiting for a reply. The National Night Out will be August 1<sup>st</sup>. It will be similar to what we did last year. Mr. Lang asked Chief Long what his plan is to address the complaint on Pennsylvania Avenue that was mentioned earlier. Chief Long reported that he will reinforce the speed enforcement on all side streets. Mr. Lang suggested that each officer spend 30 minutes per shift on various streets. Chief Long said that's basically what they are already doing. He added that they continually talk about this matter in order to always have a good plan of action because they understand that things are always changing. Mayor Finney requested that Ms. Rillo review the logs and video from the camera system and let the complainant know that the officers are performing their duties. Chief Long reported that they are now enforcing the fire lane parking ordinance – warnings and/or summons depending on circumstances. In the matter of the speed reduction signs, VDOT has informed us that the speed study does not support placing the signs along Coastal Blvd. or East & West Main Street. Mayor Finney reported that the Town of Onancock may be interested in purchasing two of our speed enforcement signs.

**Motion: To have the Town Administration and Town Attorney draw up a resolution for placement of the three extra speed signs on East Main Street, West Main Street, and Badger Lane by Bill Ferguson and seconded by Brian Corbin. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

**Treasurer's Report**

Ms. Salazar gave her report. A copy is available upon request. She noted that we have received the two delinquent bank franchise tax payments that were reported at last month's meeting. She gave Council a revised deposit detail report, cash on hand report and budget versus actual report to reflect the large bank franchise tax payment that was received on June 30<sup>th</sup> (after the packets were distributed). She reported that the 2021-2022 audit was completed earlier in the month and they told her verbally that everything went well. They should be back to present in late August. They may also be able to perform the 2022-2023 audit at that time. Lastly, she reported that we have two restaurants that are one month delinquent on meals tax and one hotel that is one month delinquent paying transient occupancy taxes.

**Motion: To pay the June 2023 payables by Bill Ferguson and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

**Town Manager/Zoning Report**

Ms. Rillo reported that Percy Smith is once again working for the town in the Public Works Department. She has completed her grant writing course and is looking for another since it is lengthy and complicated. She has completed a FOIA class. She issued the following: five zoning permits, two grass violation letters, and two short-term rental violation letters. She attended the Planning Commission meeting and made the recommendation for the temporary sign changes. She has reviewed random daily PD logs. She reported that the safe from the police department is no longer needed and said there is an employee that wishes to purchase it. Council requested that she sell it via our sealed bid process.

**Motion: To sell the PD safe (via sealed bid) to the public by Bill Ferguson and seconded by Woody Zember. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

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She reported that two new pet waste stations have been installed in town. Adam Simpson has agreed to install the filtration system at the park fountain. She continues to research OSHA training for Percy Smith. The mosquito sprayer has been out of service but was fixed today. It just needs to be recalibrated for spraying to begin. Mr. Corbin said he recommends that when the mosquito sprayer is out of service, its repair be made a priority. The signs for the new truck are ready, they just need to be installed. Council requested that the cab on the new truck be removed.

Ms. Salazar asked Council for a motion to send the remaining balance of the ARPA budget to public hearing (for re-appropriation into the current fiscal year's budget) at next month's meeting.

**Motion: To send the ARPA budget balance (\$249,353.38) to public hearing for inclusion in the budget by Bill Ferguson and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Mr. Lang asked if we should purchase a new sprayer. Mr. Corbin said we do not need to do that – it's an excellent sprayer and doesn't have many hours on it. Mr. Corbin asked about the status of the holiday lights. Council does not want holiday lights to fall under the Park Commission duties. Ms. Salazar said that Mr. Maggard counted 10 poles that need lights and electric, however, she does not know which poles. Council asked that Ms. Rillo reach out to ANEC to see if we will continue to be able to place decorations on poles and if so, proceed with getting pole locations.

#### **Attorney's Report**

Mr. Bundick worked on an employment contract, the contract with James Elliott, tax issues, ordinance enforcement and issues relating to AIRBNB's.

Ms. Rillo reported that we have a property owner in Lakewood Development that has been notified to cease short-term rentals immediately and she has not complied. The owner has asked for time to finish the rentals that she has already booked. Ms. Rillo denied her request. Ms. Rillo stated that we may be heading to court over this matter. Ms. Salazar warned that if there is possible litigation in the future, we should stop talking about this matter in open session.

#### **Consideration of Minutes**

**Motion: To adopt the minutes of the June 5, 2023, Regular Meeting by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – abstain; Lang– yes; Zember - abstain. MOTION PASSED

**Motion: To adopt the minutes of the June 12, 2023, Emergency Meeting by Brian Corbin and seconded by Rodney Lang. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – abstain; Lang– yes; Zember - yes. MOTION PASSED

#### **Public Comments**

Ms. Custis asked why the new public works truck doesn't have government tags. Ms. Salazar said they are the ones that were sent to us from the dealership. Mayor Finney said he didn't think about it, but we can get it resolved.

#### **Council Comments**

Mr. Corbin asked that Council consider building a storage facility that would hold the trucks and equipment and serve as a workspace for Public Works. Mayor Finney suggested that Council consider the property next to the Ag building. Mr. Corbin suggested appointing a committee.

Mr. Lang wished everyone a Happy July 4<sup>th</sup>.

Ms. Hill wished everyone a Happy July 4<sup>th</sup>.

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Mr. Zember agreed that a Public Works storage facility is a good idea, but he would like the Council to remember that we need a town office. He added that this place is great but it's not ours. Mr. Ferguson thanked everyone for coming. He also thanked the town employees. He agreed with Mr. Zember and added that he feels (with the current Town Council) we can get a town office built. Mayor Finney thanked Ms. Rillo, Chief Long, and his fellow Council Members.

**Adjourn**

**Motion: To adjourn (8:26pm) by Kate Hill and seconded by Bill Ferguson. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Respectfully Submitted,



Jamye Salazar, Clerk/Treasurer



Henry E. Finney, Mayor