

**Onley Town Council
Regular Monthly Meeting
Minutes of October 2, 2023
Onley Town Office, 25308 Lankford Highway, Onley, VA**

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

Council Members Absent: Kate Hill

Staff Present: Carl Bundick, Town Attorney
E. J. 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

In the absence of Councilwoman Hill, the invocation was given by Councilman Ferguson and the Pledge of Allegiance was led by Councilman Lang.

Adoption of Agenda

Motion: To adopt the agenda by Bill Ferguson and seconded by Brian Corbin. Roll Call Vote: Bloxom - yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

November 7, 2023, General Election Candidate(s)

Mayor Finney introduced Sammie Cooper, current Accomack County Clerk of Court, and his son, Cedric Cooper, candidate for Accomack County Clerk of Court. Sammie Cooper thanked everyone for their support during his many years serving in the position of Clerk of Court. Cedric Cooper said that he is running to fill his father’s position and asked everyone for their vote and thanked them for their time. Mayor Finney thanked Mr. Cooper for his many years of service to Accomack County. Mr. Cooper was given a round of applause by everyone in attendance.

Old Business

Chief Long told Council that the cost for a part-time fifth police officer will be \$35,256.00 for a 30-hour employee and \$37,606.40 for a 32-hour employee. He added that to outfit the new officer with uniforms and equipment, there will be an additional one-time cost of approximately \$4,000.00. He reported that there are no Ford patrol vehicles available at this time but there are two Dodge patrol vehicles available at a cost of \$43,000.00 each. He was also able to find a Chevy pick-up with a police package for \$49,000.00. Mr. Lang asked how much it will cost to outfit the vehicle on top of the purchase price. Chief Long stated he would have to further research that. Mayor Finney asked if the salary amount included FICA tax or additional employment coverage requirements. Chief Long said it does not. Mr. Lang asked if the amount of court fines cover the cost of police salaries. Ms. Salazar said that while it is close, it does not cover the whole amount. After much discussion about his matter,

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Council asked Chief Long to put together numbers from the last six months showing the increased activity and the need for a fifth officer. They also requested that he “put out feelers” to see if anyone may be interested in a part-time police position. Debbie Bliss offered to perform a free mathematical study on whether a fifth officer is needed.

Motion: To accept Debbie Bliss’ offer to perform a free mathematical comparison study on how many police officers the town needs by Brian Corbin and seconded by Woody Zember. Roll Call Vote:

Bloxom -no; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Chief Long presented Council with a quote for four E-Ticket Systems (one for each patrol vehicle) in the amount of \$41,946.40. Mayor Finney reminded Council that should we add a fifth officer, there will be an additional cost for this of about \$10,500.00. Chief Long stated that we will also need to get a monthly Verizon plan for the in-car computers.

Motion: To allocate (from ARPA Funds) \$41,946.40 for the purchase of E-Ticket equipment and assorted hardware for four patrol vehicles by Bill Ferguson and seconded by Daniel Bloxom. Roll Call

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

Mr. Corbin stated that while the office has been doing a good job on ordinance enforcement, he is concerned that it is not clear what steps we take when someone violates a town ordinance and refuses to comply. Mr. Bundick stated that the issue is sometimes with the magistrate because we often get various magistrates - some from other areas - and their requirements and interpretations may differ. He added that we are trying to scope out what our enforcement means are and have a process in place. He further added that we cannot implement penalties that exceed what the Commonwealth of Virginia allows.

Ms. Salazar stated that in response to our RFP for Auditing Services, we received a bid from Robinson Farmer Cox Associates. She opened the bid and read it aloud. The amount is \$9,500.00. She added that it was received in a timely and proper manner, and they do meet our GASB 34 requirements.

Motion: To accept the bid from Robinson Farmer Cox Associates in the amount of \$9,500.00 by Brian Corbin and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

New Business

Ms. Salazar said that she polled Council (individually) after last month’s meeting and asked to purchase a drum of Biomist in the amount of \$2,392.50 and everyone agreed verbally. She added that she would normally not have done this since it is not in keeping with our procurement policy, but we were very low, and she wasn’t made aware until several days after September’s meeting. She asked that Council ratify that decision with a motion for the record.

Motion: To purchase a 55-gallon drum of Biomist in the amount of \$2,392.50 by Brian Corbin and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Mr. Corbin thanked Ms. Salazar for providing Council with the information about the purchase of the Food Lion gift cards (in their folders tonight).

Motion: To proceed with the purchase of (225) \$75.00 Food Lion gift cards with alcohol and tobacco stops (exclude delinquent taxpayers, include Town employees that live in town) by Brian Corbin and seconded by Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Billye D. Custis said that she feels if it is tax relief, everyone should get something, even if it means taking something off their taxes. Ms. Salazar stated that we cannot suspend taxes for some and not others. She said that we have put a lot of effort into collecting delinquent taxes this year and rewarding

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delinquent taxpayers is counterproductive. She added that the gift card is essentially the Council giving residents part of their tax dollars back in relief and if you haven't paid taxes, there isn't anything to give back. She suggested that Council permit her to issue a gift card once all taxes are paid, if there are any left at that time. Council agreed.

Ms. Rillo asked Council to add Juneteenth and Election Day to our list of employee's paid holidays. Council agreed to add Juneteenth since it is a federal holiday but did not believe that Election Day is nationwide.

Motion: To add Juneteenth to our list of paid holidays for our town employees by Brian Corbin and seconded by Daniel Bloxom. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Commission/Committee Reports

Planning Commission – Ms. Bliss reported that after the last public hearing, they reviewed the information at the request of Council and devised a definition, rules, and a fee for a temporary sign. A copy will be attached to the minutes. They continue to work on the Comprehensive Plan that will include an Emergency Action Plan. They will get that to Council around December.

Motion: To send the temporary sign information presented (addition to Zoning Ordinance) to Public Hearing by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

At this time, Ms. Rillo asked Council to include in the Public Hearing for Zoning changes, the addition of definitions and rules for feather flags, pennants, and commercial real estate signs. She explained that it was originally added to Zoning back in November 2017 but when the latest Zoning Ordinance was adopted in May 2022, this information was inadvertently excluded.

Motion: To send the definitions and rules for feather flags, pennants, and commercial real estate signs to public hearing for addition to the Zoning Ordinance by Brian Corbin and Rodney Lang. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - abstain. MOTION PASSED

McMath Park Commission- Ms. Custis reported that the Commission voted Billye D. Custis as Chairman, Melissa Taylor as Vice-Chairman and Brandy Lang as Secretary. They discussed a Trunk or Treat event, Veterans Day event and a holiday event. They are proposing a Trunk or Treat event on land occupied by SPOTS. They have gotten SPOTS' permission. This event will be on October 31 from 5:00-8:00. They asked that the Town Council Members participate individually as well as the town itself by decorating a car and passing out candy. They have planned a Veterans Day event for November 11 from 11:00-3:00. Chief Long will cook hot dogs and hamburgers left from NNO. They may have some form of entertainment but are unsure at this time since it is short notice. They also discussed park rules, park hours, playground equipment, playground rules, cornhole boards, tree lighting, Santa at the park and decorating for the holidays. Their next meeting is October 6th at 10:00. She invited everyone to come to the meeting, noting they are open to the public. Council agreed to proceed with all the Commission's plans.

Lastly, Ms. Custis reminded Council that while they are spending ARPA funds, remember that \$70,000.00 was allocated for playground equipment at McMath Park.

Street Sweeper Committee – Mr. Corbin said that they have not had a meeting so there is nothing to report.

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Public Works Garage Committee – Ms. Rillo presented Council with two quotes for a metal building. The first from Millenium Builders in the amount of \$32,244.99 for a 30’x50’ building. The second is from Allen’s Factory Outlet in the amount of \$32,099.00. She is currently waiting for a third quote. Mayor Finney reported that we also need to do electrical wiring, plumbing for a bathroom, and concrete. There was also a discussion about heating. Mr. Lang reported that the existing garage needs to be demolished. There was a discussion among Council about the need for advertising and asking for bids. Ms. Salazar also told Council that we may need to amend the ARPA budget to let the public know that we plan to spend some of it on this project. Ms. Custis suggested the addition of a shower in the new facility. Ms. Rillo said that there are things that we are required to have since we do store chemicals. John Dennis told Council that there are septic lines that they need to consider as well as the setback from the property line. Council once again began to discuss the building, i.e., windows, doors, skylights etc. Mr. Corbin warned Council and the committee against “picking the building apart” and concentrating too much on small things like windows and doors, etc. He added that was the downfall of the town office project and one of the reasons that we didn’t make any progress. Ms. Rillo stated that the committee needs to meet and make decisions so that they are ready to present their recommendations at Council meetings as well as create a bid packet.

Motion: To have Ms. Rillo put a bid packet together and advertise in the newspaper (for this building): electric layout, concrete and plumbing by Rodney Lang and seconded by Brian Corbin. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - no. MOTION PASSED

Department Reports

Police Report

Chief Long gave Council his monthly report and stated that Ms. Rillo and Ms. Salazar have the November schedule, if Council would like to review it. He has completed the second week of the FBI/LEEDA training trilogy and graduated with a certificate. Officer Sacks will attend General Instructor’s school very soon. The speed reduction sign has been installed on Pennsylvania Avenue, but they are still waiting to install the others as well as waiting for the solar panels. All officers will be working on Halloween night, and he (Chief Long) will be participating in the Trunk or Treat event.

Treasurer’s Report

Ms. Salazar gave her Treasurer’s Report. A copy is available upon request. Ms. Salazar reported that of the four remaining delinquent taxpayers submitted to Mr. Elliott, one has paid in full, and another has requested a payment plan. Lastly, she told Council that she will no longer give Council a copy of the McMath Park budget since at this time, we cannot spend it since we have not properly appropriated the funds into the new fiscal year. We pay monthly park expenses from the operating budget.

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

Town Manager/Zoning Report

Ms. Rillo reported that she has created a town Facebook page. She is still working on the matter of the people living at the former Dr. Bundick’s office and she has instructed the police to start taking pictures for documentation. She issued one grass letter, and three inoperable vehicle letters. The pump and filter are up and running at the park fountain. We just need to build a box to cover it.

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Lastly, she told Council that she has received a letter from a property owner in Lakewood Development asking to be “grandfathered in” allowing the property owner to continue with short-term rentals since she purchased the property before the ordinance went into effect. The owner bought the property under a 1031 exchange which requires her to rent the property. Ms. Rillo suggested allowing short-term rentals in the residential district only, but with strict guidelines. She suggested requiring the following: a business license, an annual short-term zoning permit at a cost of \$200.00 per year, provide proof of liability insurance, pay transient tax, provide contact information for someone who can respond within 30 minutes, one parking space for each bedroom, two individuals per each bedroom, no outside amplified sound, must follow the town’s noise ordinance, and other suggestions that Council may have. Ms. Rillo opined that we are a tourist area, and she thinks if we don’t allow it, we will have ongoing issues. Mr. Corbin said that he has spoken with three of his neighbors that live near this property, and they are not in favor of allowing short-term rentals. He asked Ms. Rillo to provide the date the house was purchased, the date she went into business and the date of the ordinance. Ms. Rillo responded that the home was purchased February 2022, she went into business (started renting) November 2022, our ordinance went into effect May 2022. Mr. Bundick stated that when the property owner bought the house, short-term rentals were not a permitted use. He added that she did not check with the town about establishing a short-term rental and “grandfather” is a term that has been used over time, but he doesn’t feel she gets the benefit of it, in this case. Mr. Corbin stated that the property owner called the town office and asked if we allowed short-term rentals and Ms. Salazar told her that we do not allow them. Ms. Salazar confirmed that but added that she does not remember the date that she spoke with her and did not document the conversation. She further added that the property owner asked what is considered “short-term” and Ms. Salazar told her six months or less (based on a conversation with the previous Town Manager), only recently learning from Ms. Rillo that it is actually thirty days or less. Mr. Corbin once again stated that he is against allowing short-term rentals and gave his reasons why. Billye D. Custis agreed with Mr. Corbin stating that this is like so many other things, in that we decide about something and now we’re going to re-visit it again because one person isn’t happy about it. She said the Planning Commission spent months creating an ordinance for short-terms rentals and she believes that Council voted unanimously not to adopt the ordinance and to specifically exclude short-term rentals from our zoning ordinance. She added that everywhere that has short-term rentals has problems. She implored Council to vote against something that they wouldn’t want next door to them, so don’t do that to your neighbors. Mayor Finney asked how Council would like to proceed. Mr. Bloxom stated that this should have been advertised as an agenda item for discussion and action under New Business, not brought up in the Manager’s Report. He said he isn’t prepared to make a decision at this time and would like more information. Mr. Corbin agreed. Mr. Lang would like Ms. Hill to be in attendance so the full Council can make an informed decision. Council agreed and decided to table this matter for next month’s meeting.

Attorney’s Report

Mr. Bundick reported that he has worked with Ms. Rillo on some ordinance enforcement, short-term rentals, and tax collection.

Consideration of Minutes

Motion: To adopt the minutes of the September 6, 2023, Regular Meeting by Brian Corbin and seconded by Woody Zember. Roll Call Vote: Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

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Public Comments

Billye D. Custis signed up but stated that she no longer wished to speak at this time.

Council Comments

Mr. Corbin commended the town employees for working on the ordinances and the tax delinquencies. Mr. Lang cautioned Council to be careful with the ARPA funds, adding that we need to use them wisely. Mr. Bloxom said he is excited about the Trunk or Treat event and hopes that everyone will participate. Mr. Zember thanked everyone for coming to the meeting. He is very happy with the way the town is running. He agreed that we need to get some playground equipment for the park. Mr. Ferguson thanked everyone for their hard work. Mayor Finney said we must be doing something right because no one is coming to the meetings. He thanked everyone for doing a good job.

Adjourn

Motion: To adjourn (7:49pm) by Rodney Lang and seconded by Bill Ferguson. Roll Call Vote: Bloxom - yes; Corbin- yes; Ferguson- yes; Hill – absent; Lang– yes; Zember - yes. MOTION PASSED

Respectfully submitted,



Jamye Salazar, Clerk/Treasurer

Henry E. Finney, Mayor