

**Onley Town Council**  
**Public Hearing & Regular Monthly Meeting**  
**Minutes of November 6, 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. 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**

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

**Adoption of Agenda**

Ms. Rillo asked to add under New Business, item I. Special Use Permit and under Presentation, item B. Ashley Thornes, Briarpatch Rentals.

**Motion: To adopt the agenda with the additions 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

**Public Hearing on Proposed Zoning Amendments**

Mayor Finney called to order the public hearing at 6:02pm and established that there is a quorum. Ms. Salazar read the rules for public participation. Ms. Rillo read the statement of facts on the proposed zoning amendments. A copy is available upon request.

Billye D. Custis commented that she still has issue with 32 square feet for a temporary sign when the town currently only allows 16 square feet for a real estate sign. She feels that 32 square feet is too big and there also needs to be some control as to where the sign should be placed.

Toni Nelson signed up but declined to speak.

Mayor Finney adjourned the public hearing at 6:09pm.

**Regular Meeting (cont'd)**

**Presentation – Onley Recreation Association**

Brook Duer from ORA gave a brief presentation. A copy is available upon request. She asked that (if possible) Council let them know before December if they want to continue with the donation/discount agreement for 2024.

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**Presentation – Briarpatch Rentals**

Ashley Thornes from Briarpatch Rentals gave a presentation. She asked that Council consider approving a Special Use Permit application allowing the replacement of a current mobile home with a manufactured home. A copy of her presentation is available upon request.

**Old Business**

In the matter of the proposed zoning amendments discussed earlier, Ms. Salazar instructed Council that they have several options: adopt the amendments, send the amendments back to Planning Commission for more review/changes or disregard the amendments altogether.

**Motion: To adopt the proposed Zoning Amendments and incorporate them into our existing Zoning Ordinance by Brian Corbin and seconded by Bill Ferguson. Roll Call Vote:** Bloxom -no; Corbin- yes; Ferguson- yes; Hill – yes; Lang– no; Zember - no. In the event of a tie on a motion, Mayor Finney will cast a vote. Mayor Finney - yes. MOTION PASSED

Chief Long presented Council with the costs (in writing) for a fifth part-time and full-time officer (provided to him by Ms. Salazar). A copy is available upon request. He also presented Council (verbally) with some figures that he provided to offset some of the costs based on court fine revenue for the current calendar month. Council asked Chief Long to provide a written copy of that information to them for review. Mayor Finney suggested that Chief Long excuse himself, prepare the information (in writing), and re-visit the subject under the Police Report.

**New Business**

Ms. Rillo presented Council with information outlining how Virginia Beach and Norfolk handle short-term rentals. She recommended a similar process for allowing short-term rentals, explaining that property owners would need to apply for a STR business license every two years, supply insurance information, collect transient tax, and have contact information for someone within a 30-minute time frame. Mr. Corbin spoke against allowing short-term rentals, adding that if we are not going to change the current ordinance, we should not make exceptions to it. Ms. Hill spoke in favor of short-term rentals. Mr. Lang stated that he is unsure, adding that he isn't sure he would want his close neighbors to do it. Ms. Rillo spoke about a particular property owner in town that was renting her property on a short-term basis. Mr. Bundick suggested that we send the issue to Planning Commission for consideration, adding that we do not want to start spot zoning. He also stated that the prior ordinance was silent to whether short-term rentals were permitted or not – it did not necessarily allow them.

**Motion: Per the recommendation of our attorney, I refer this issue back to the Planning Commission for further consideration and review regarding the short-term rental issue by Bill Ferguson and seconded by Rodney Lang. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

In the matter of donations to the ES Public Library and Onancock Fire Dept, Council asked Ms. Salazar to compile a list of everyone that has requested a donation, and they will re-visit at next month's meeting. Ms. Salazar stated that Carolyn Mitchell's term on the BZA will expire on December 31, 2023. Ms. Mitchell has agreed to continue serving if Council agrees.

**Motion: To re-appoint Carolyn Mitchell to the BZA by Rodney Lang and seconded by Daniel Bloxom. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

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**Motion: To write off the 2023 tax bills (\$2.00 or less) in the amount of \$33.02 by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Ms. Rillo reported that it has come to her attention that most of the residential lots (with structures) in our town do not meet the current zoning requirements of 100 feet wide and 20,000 square feet in area. The changes in the zoning ordinance have gradually been made over the years since our original ordinance, adopted February 3, 1970, allowed much smaller lot sizes. She said that she took this issue to the Planning Commission this month and they recommend that we “grandfather” the existing homeowners by adopting a resolution to that effect. A copy of the draft resolution is available upon request.

**Motion: To grandfather the current residential homeowners from existing zoning in reference to lot size, lot area, lot frontage and lot yard regulations 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

Ms. Salazar asked Council to clarify for the record if their intention is to adopt the resolution that Ms. Rillo presented.

**Motion: To rescind the above motion by Brian Corbin.** There was no second or vote.

**Motion: To send the draft Lot Size Regulation Resolution to public hearing by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

Mr. Corbin asked Council to consider holding monthly town clean-ups during the winter months, using the same restrictions as the yearly clean-ups. There was a small discussion about the costs associated with doing this and where the money will come from in the budget.

**Motion: To hold a monthly clean-up for the next four months 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

Ms. Rillo reported that we are at the end of our current contract with Davis Disposal, and they have proposed a three-year contract with a rate increase, which she has accepted. The contract allows for one waste can per residential household. We currently have several residents that have more than one can so Davis has started the process of removing additional cans. We recently had a resident who is upset about this and would like an additional can based on the number of lots that she owns. After a small discussion, Council agreed to continue the one can per household rule.

Ms. Rillo presented Council with a SUP application from Briarpatch Rentals (presented earlier in the night). She told Council that they would like a decision in December.

**Motion: To send the Briarpatch Rentals SUP application to a Public Hearing (joint with the Planning Commission) at the December meeting by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

### **Commission/Committee Reports**

**Planning Commission** – Mr. Corbin said there is nothing new to report other than what Ms. Rillo mentioned earlier in the night.

**McMath Park Commission-** Ms. Custis reported that they have scheduled three meetings this month and only had a quorum for one of those meetings. The Trunk or Treat was a huge success with all Commissioners taking part in the activities. They have started planning the Veterans Day Celebration on November 11<sup>th</sup> at 11:00am. The Commission expects all Council members and Mayor Finney to attend. The tree lighting event will be December 3<sup>rd</sup> at 5:30pm. The park decorating will begin at 12:00pm on November 18<sup>th</sup>. A couple of committees were formed and will start their tasks in January. There was a

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discussion of a specific meeting date and time for the Commission, but nothing was decided. Ms. Custis stated that she is feeling very frustrated because she spent too much time trying to find a meeting day and time so that the Commission would have a quorum for their meeting. She said that only two Council members participated in the Trunk or Treat, Mr. Lang, and Mr. Bloxom. She closed by stating that if the Commission does not have the support of the Council, then what are we doing wrong and how can we change it.

Mr. Lang said that he appreciates everything that the Commission has done and stated that the Trunk or Treat was a success. He added that Mayor Finney was there all night and Mr. Ferguson was there for a while.

**Street Sweeper Committee** – Ms. Rillo reported that the consensus of the committee is that we should not purchase a street sweeper at this time. We will have to rely on VDOT, and she has requested they come to town four times a year, although she cannot guarantee that will happen.

**Motion: To dissolve the Street Sweeper Committee 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

**Public Works Garage Committee** – Mr. Lang reported that he inspected the property along with John Dennis. He (Mr. Lang) would like to meet Mayor Finney at the property to get some measurements. He does not feel that we have enough room to get the building that we have been researching. He thinks we may need to make it smaller but longer. He also suggested that we renovate the current building with a new roof and siding. Ms. Rillo reported that there may be some issues with demolition of the current building and construction of a new one based on our zoning setback requirements. Mr. Corbin suggested that we build a garage on the lot next to the police station and eventually add a town office. As a follow-up from last month, Ms. Rillo presented a third quote for a metal building from US Patriot Steel in the amount of \$39,600.00.

## **Department Reports**

### **Police Report**

Chief Long presented his report to Council. He said that he has had one person contact him about the possibility of a vacant position. In the matter of the numbers discussed earlier in the night, Chief Long explained that some of the costs associated with a fifth officer are offset by the court fines collected. A copy of the report is available upon request. Mr. Ferguson asked for the results of Ms. Bliss's study. Ms. Rillo stated that Ms. Bliss notified her that because of Onley's size, there is not enough data to complete a study, but Ms. Bliss's opinion is that we need a fifth officer. Mayor Finney polled Council and asked if they wish to pursue a part-time or full-time officer: **Bloxom -full-time; Corbin- no officer; Ferguson- full-time; Hill – part-time; Lang– no officer; Zember – part-time.**

Mayor Finney asked if someone would like to make a motion to hire a part-time officer.

**Motion: To hire a part-time officer by Daniel Bloxom and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- no; Ferguson- yes; Hill – yes; Lang– no; Zember - yes. MOTION PASSED

Mr. Bloxom rescinded his previous motion and Ms. Hill agreed to rescind her second.

**Motion: To hire a part-time officer by Daniel Bloxom and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- no; Ferguson- yes; Hill – yes; Lang– no; Zember - yes. MOTION PASSED

Mr. Corbin asked how we are going to pay for this officer. Council asked Ms. Salazar to explain the process for amending the budget, which she did. Ms. Salazar also noted that Council may need to amend the ARPA budget.

**Motion: To set a date (at December meeting) for a budget amendment workshop in January 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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**Treasurer's Report**

Ms. Salazar gave her report. A copy will be available upon request. She also reported that the litter grant has been received in the amount of \$2,085.00. She has submitted for the ATL grant and we should expect those funds at the end of December. The annual real estate and personal property tax bills have been mailed. Lastly, she reported three businesses with delinquent meals tax.

**Motion: To pay the October 2023 payables by Kate Hill and seconded by Daniel Bloxom. 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 she has created a Town of Onley Facebook page. She issued one property maintenance violation letter, three inoperable vehicles letters, one roof permit, one deck permit and one fence permit. She has started the process of updating the town forms. The speed reduction sign on Pennsylvania Avenue has a glitch within the solar panel. She and Chief Long are working on that. VDOT has completed its second study on the placement of the additional signs and the results are the same. She has created a PD Technology Policy in anticipation of the in-car computer systems. She is waiting for the box cover to be built for the pond at the park, but Percy has cleaned, re-filled, and installed a net for leaves. She would like to erect a fence around the pond in the future. Simpson's Tree Service will be installing the lights, banners and tree lights the week of Thanksgiving.

**Attorney's Report**

Mr. Bundick reported that he has worked with Ms. Rillo on some zoning issues. He has reviewed the Davis Disposal contract. He worked with Ms. Rillo on grandfathering the lot size issues. There was a discovery request made of the Police Department that was not proper so a letter was sent back stating that we would not respond.

**Consideration of Minutes**

**Motion: To adopt the minutes of the October 2, 2023, Regular Meeting 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

**Public Comments**

Billye D. Custis thanked Mr. Bundick for what he said about the short-term rental ordinance. She agreed that short-term rentals were not allowed just because they weren't mentioned. She said that in the past, the Planning Commission presented the previous Council with an in-depth Short Term Rental Ordinance, it covered everything, but was never adopted. She said that someone was re-appointed (to the BZA) tonight that has never attended a BZA meeting, although they rarely meet. The 1970 zoning about trailers was to keep her grandparents from putting a single-wide trailer on a lot when their house burned. She agreed with Council's decision on trash cans, adding that she has 3.5 lots, she does not expect 3.5 trash cans. She owns a trailer in town and was told that they could not remove and replace it, so they remodeled it. She pointed out that some of the trailers in Rice's trailer park have been remodeled so it can be done. She is concerned about setting precedents when changing things. In the matter of ARPA funds, she reminded Council that the money for the public works garage needs to come from the remaining balance and she feels that the money that was promised to the park should remain, or at least some of it. She agreed with Ms. Rillo that fencing is needed at the park pond.

Toni Nelson signed up to speak but did not wish to at this time.

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John Dennis stated that on Chincoteague, when you remove a trailer from a non-conforming lot, you must replace it with a larger trailer. He also cautioned about the well and septic on the property.

**Council Comments**

Mr. Corbin had no comment.

Mr. Lang thanked everyone for coming and supporting the Council.

Mr. Bloxom thanked everyone for coming to the meeting. He thanked everyone that helped with the Trunk or Treat.

Ms. Hill thanked everyone for coming to the meeting. She stated that while she often has opposing views on things, she enjoys having civil conversations and seeing other's side of things.

Mr. Zember thanked everyone.

Mr. Ferguson thanked everyone for coming and showing interest. He thanked Ms. Taylor and others for their rejuvenated interest in the park. He thanked the town employees.

Mayor Finney thanked everyone.

**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 Onley Police Department, specifically related to the employee evaluation of Chief E.J. Long due to the end of his extended three-month probationary period; and discussion or consideration of personnel matters pertaining to General Government, specifically related to the employee evaluation of Susan Rillo due to the end of her six-month probationary period 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

**Open Session & Certification of Closed Session**

**Motion: To return to Open Session (8:38pm) 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

A roll call vote was taken after reconvening in Open Session, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session: **Roll Call Vote:** Finney – yes; Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes.

**Motion: To remove Chief E.J. Long from probationary status by Bill Ferguson and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- no; Ferguson- yes; Hill – yes; Lang– no; Zember - yes. MOTION PASSED

**Motion: To remove Susan Rillo from probationary status by Brian Corbin and seconded by Kate Hill. Roll Call Vote:** Bloxom -yes; Corbin- yes; Ferguson- yes; Hill – yes; Lang– yes; Zember - yes. MOTION PASSED

**Adjourn**

**Motion: To adjourn (8:39pm) 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

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Respectfully submitted,



Jamie Salazar, Clerk/Treasurer



Henry E. Finney, Mayor