

Town of Onancock
Town Council
November 23rd, 2015

Call to Order and Roll Call:

Mayor Jones called the meeting to order and roll was called. Mayor Russell Jones and Councilmembers T. Lee Byrd, Catherine Krause, John Morgan, Sandra Fox, Joshua Bundick and Fletcher Fosque were present. All members were present and a quorum was established.

Consideration and Approval of the Minutes from the Regular Meeting on October 29th, 2015:

Mayor Jones asked if there were any changes, corrections or additions to the minutes as they were submitted.

Councilmember Bundick pointed out that his last name was misspelled on page one.

With no other corrections, Councilmember Byrd made a motion to approve the amended minutes. Councilmember Bundick seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. BZA Appointment: Mayor Jones explained that one of the members of the Board of Zoning Appeals has asked to be replaced due to health reasons. Mayor Jones shared that the Town has two interested candidates for the position; Mr. John Simpkins and Mr. Jim McGowan. Council will need to approve one name to go before the Accomack County Circuit Judge for approval.

Mayor Jones asked for dialogue on the candidates. Councilmember Krause shared that both candidates are more than qualified. Councilmember Byrd pointed out that Mr. Simpkins has served in previous years. Councilmember Fosque suggested that since Mr. Simpkins has already served once why not allow Mr. McGowan the opportunity this time.

Councilmember Fosque made a motion to recommend the appointment of Mr. Jim McGowan to the Board of Zoning Appeals to the Accomack County Circuit Court Judge. Councilmember Bundick seconded the motion. The motion passed by unanimous voice vote.

- b. Supplemental Appropriation: Mayor Jones explained that the Agenda highlights two supplemental appropriations that needed to be addressed this evening but the Tree Board item had already been addressed at a previous Council Meeting.

Mayor Jones went on to explain that some donations had been receipted by the Town for the purpose of purchasing certain Christmas Decorations. Approval of supplemental appropriations is the way in funds not previously budgeted can be acknowledged in the Town's Christmas Decorations budget line item.

Councilmember Bundick made a motion to approve the Christmas Committee's supplemental appropriation in the amount of \$1,100.00 (Revenue Line 103189.9001 and Expenditure Line 104001.5803). Councilmember Fox seconded the motion. The motion passed by unanimous voice vote.

- c. Unison Proposal – Mayor Jones explained that this issue has already been heard publicly twice and the terms have remained the same. The Town will receive a \$274,000 payment to take over any leases currently on the water tower as well as 60% of any future water tower leases. Mayor Jones continued on to explain that this lump sum would go a long way to helping the Town secure matching grant funds for future projects. Mr. Custis, Town Attorney, has also had an opportunity to review the proposal, finding the contract favorable.

Councilmember Krause explained that with the ever changing world of technology entities may not be looking for water tower rentals in the future. Councilmember Krause shared that the Town may want to move forward with Unison because in a few years there may be no water tower rental revenue to be had.

Mayor Jones explained that this motion is to allow Town Staff to move forward with formalizing an agreement with Unison.

Councilmember Byrd made a motion to direct staff to formalize an agreement between Unison, Inc. and the Town of Onancock. The terms of the deal shall not be less than \$274,000 for a 40 year lease. Councilmember Krause seconded motion. Mayor Jones asked for any public comments prior to the vote. With none, the motion passed by unanimous voice vote.

- d. Proposed Policy on participation on Town Committees, G. Cabell Lawton, IV Town Manager and Councilmember John Morgan – Mayor Jones shared that Councilmember Krause brought up some interesting questions about what constitutes a committee in the Town of Onancock. What are the formal policies that guide Town Committees? Mayor Jones explained that those questions prompt Council to take a step back to revisit the making of a committee.

Councilmember Krause shared that the Town is on the brink of additional growth and opportunity. In the previous years the Town was smaller and more consolidated and committee rules and guidelines were passed down the chain verbally. Over time committee structure and the rules governing that structure have faded. Councilmember Krause continued on to say that with the intended new growth the Town is looking endeavor upon comes the need for formal policies to govern the Town's Committees. Councilmember Krause shared that she has been researching other small town policies and procedures on committees to help create a foundation for Onancock to model a new policy after. Councilmember Krause put together a draft policy document to help start the conversation on how to structure the Town's policies and procedures regarding committees. Councilmember Krause stressed that a formal policy needs to be adopted so that there is no confusion in future on how committees are to be run and what their function is when bringing forward policy suggestions to Council. Councilmember Krause acknowledged that some committees have to be structured in accordance with Virginia State Code. Another aspect to consider is who can sit on a committee? Does a committee member have to be a landowner or tax payer?

Mr. Jay Davenport, Poplar Cove, shared that it was his understanding that if you were not a town resident than you could be a non-voting member on certain committees.

Ms. Ann Nock, Market Street, shared that there are several people who live in Onancock but not in the town limits that feel that they are still apart of the Town of Onancock. The Town should not discourage their willingness to participate on Town Committees.

Mayor Jones expressed his concern for non-town residents making recommendations about how Town tax money gets spent considering they did not contribute to those funds.

Mayor Jones asked committee chairs to review Councilmember Krause's draft policy proposal and come back to Council with thoughts on how to move forward with the policy changes.

Mr. Alan Silverman, Parker Street, thanked Councilmember Krause for taking her time to research this issue and put together a draft document. Mr. Silverman continued on to say that he is concerned that if the Town limits who can serve on a committee then the Town may be losing out on the opportunity to utilize non-town residents' talents.

Public Comment:

Mrs. Nancy Stephan, North Street, asked that brush and limb debris be picked up prior to the Onancock Christmas Homes Tour.

Mrs. Janet Fosque, Onancock Farmer's Market, shared that the Onancock Farmer's Market has achieved non-profit status. Mrs. Fosque asked if the Market will need to re-apply for the Special Use Permit due to the change in entity. Mrs. Fosque would also like to alter the terms of the permit by dropping the timeframe of operation. Currently, the Market can operate from May-October with one holiday market in November. Mrs. Fosque shared that they will be requesting that the timeframe restrictions on the permit be dropped.

Mrs. Janet Rochester, King Street, shared her concern with the Special Use Permit submitted by Mr. Gary Cochran and Mrs. Charlotte Heath. The Onancock Planning Commission heard the application in a Public Hearing November 17th, 2015 and voted to advise Council to approve it. Mrs. Rochester expressed her concern that the business should stay in the business district and not in the residential district. Mrs. Rochester is also concerned about the lack of support for the Special Use Permit by neighbors and business owners in Town. With several objecting why is permit being recommended for approval.

Councilmember Fosque explained that the scope of their application was changed in the Planning Commission meeting. They are now applying to operate a bed and breakfast at their home address which is allowed in the Residential-1A zone with a Special Use Permit. Councilmember Fosque further shared that the Planning Commission was surprised when it was discovered that they had already been using their home address as an extension of The Charlotte Hotel without the permit being in place. Councilmember Fosque expressed his concern for the amendment to the application, from rooms to rent at their home location as an extension to their business to an actual bed and breakfast, stating that they may need to reapply with that distinction before asking Council for approval.

Mrs. Heather Silverman, Parker Street, stressed that Mr. Cochran was not forth coming with the fact that they had already been operating out of their home location without the permit in place. Mrs. Silverman explained that it only came to light in the Planning Commission meeting because others brought it to the Town's attention.

Mrs. Dawn Erato, King Street, read aloud a letter from Mrs. Shirley Zamora. The letter expressed several concerns such as; operating without the permit in place and the applicants disregard for the rule of law.

The letter continued on to ask that this matter be addressed swiftly by Town Staff demanding Mr. Cochran to cease all unpermitted activities.

Mayor Jones shared that the Town is looking for recourse. A call has been made to Mr. John Custis asking for guidance on this matter.

Councilmember Fosque asked that the Public Hearing be set for the December Council Meeting.

Councilmember Fox asked that Council also begin to think about what direction the Town will move in when the discussion of Airbnbs comes up.

Mr. Alan Silverman, Parker Street, is concerned with the lack of enforcement the Town seems to have with issues such as these. Onancock Zoning Ordinance, article XV, 24-94 which clearly defines how the Town will proceed with violators of the ordinance. It states that the individual is guilty of a misdemeanor. Mr. Silverman feels that the language is straight forward and a good foundation for the Town base its next actions.

Mr. Vincent Erato, King Street, also stood up in opposition, citing concerns with the lack of egress and parking spaces.

Mr. Haydon Rochester, King Street, shared another zoning concern in Town. A company called Community Solar appears to have started operating a business in a residential area. Mr. Rochester contacted to the Town Office about this issue and Town Staff said they were not aware of this matter but that the Zoning Administrator would look into when he returned to the office. Mr. Rochester also shared his concern for the lack of brush and limb pick up in the Town. Also, non-residents were weeding Town property to help keep the town looking nice. Mr. Rochester expressed his deep concern for the Town and its apparent lack of interest in helping to ensure of the values and standards of the town remain intact.

Mr. Silverman, Parker Street, read his letter aloud which spoke to his concern about the nonconforming use of Community Solar in residential house on King Street.

Councilmember Morgan apologized for this over-sight with Community Solar. Councilmember Morgan explained that he is the listing real estate agent on that property and when the lease was initiated the understanding was that the tenant and his wife would move in on a shore term basis, through the end of November. The renter did mention the possibility of hosting a few meeting there. Councilmember Morgan continued on to say that in the spirit of enforcement the sign has come down and they have been asked to vacate the property no later than December 31st, 2015.

Mr. Gerald Stephan, North Street, asked if Council would consider having the Town Police Department phones manned 24 hours a day. Mr. Stephan continued on to explain that not all issues and concerns are 911 worthy but may still require assistance. Mr. Stephan also wanted Council to remember that there are individuals that rent homes in town so please keep those non-landowners in mind when drafting the new Town Committee policy.

Planning Commission:

Councilmember Fosque shared that the Planning Commission held a Public Hearing on November 17th, 2015 to hear Mr. Cochran's Special Use Permit Application. Councilmember Fosque asked Council to

schedule Mr. Cochran's Town Council Public Hearing for the next Town Council Meeting, December 28th, 2015. Councilmember Fosque asked Council members to let Town Staff know if they will be available to attend that meeting since it is directly following the Christmas holiday. If there is no quorum the Town will need to postpone Mr. Cochran's Special Use Permit Public Hearing until the January 2016 meeting.

Marketing Committee:

Councilmember Morgan shared that Mrs. Kathy Boyd brought a new member to the Marketing Committee, Mrs. Lovell.

Personnel Committee:

No meeting.

Waterfront Committee:

Councilmember Byrd shared that seasonal rentals were discussed at the last Waterfront Meeting. Councilmember Byrd also shared that it has been a slow start to the fishing season. There will be new transient rates for the coming year. Lastly, Harbormaster Charles Kelly will have Saturday hours from 8 am-12 pm through December for fuel sales.

Christmas Decorating Committee:

Councilmember Krause shared what an honor it was to serve on the committee this year and thanked all of the volunteers for their hard work.

Mrs. Fosque expressed for heartfelt gratitude for all the volunteers and their hard work. Accomack Northampton Electric Coop was also instrumental in the decorating efforts. Mrs. Fosque also shared that the committee was able to raise over \$2,000 in donations for additional decorations.

The Onancock Town Council also thanked the committee as well as the volunteers for their hard work in helping to make the Town sparkle this Christmas Season.

Town Manager's Report:

Town Manager Lawton was absent.

Mayor and Town Council Comments:

Mayor Jones shared that Town Manager Lawton has a serious illness which is being treated at MCV in Richmond. Mr. Lawton recently had a procedure that could potentially alleviate his symptoms for up to ten years. Town Council has approved a motion to bring on a part-time Town Manager to assist in the daily activities at the Town Hall while Mr. Lawton is recovering. Mr. Bill Whitley is a retired manager who will be coming in on a part-time basis for up to six months.

Mayor Jones also shared that Mr. Lawton will be moving to Accomac in the middle of December.

Council Comments:

Councilmember Fosque mentioned that Town Christmas Parade is coming up on December 13th, 2015 and would Councilmember Byrd's golf cart be available. Councilmember Byrd confirmed that it would be.

Councilmember Byrd thanked everyone who volunteered to help with the Town's Christmas decorations.

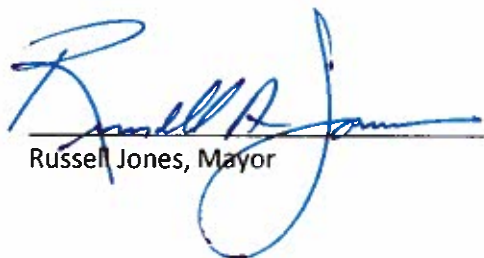
Closed Session, if necessary:

None was needed.

Adjourn:

Councilmember Byrd made a motion to adjourn. Councilmember Krause seconded the motion. The motion passed unanimous voice vote.

The meeting was adjourned at 8:44 PM.



Russell Jones, Mayor



Lisa Fiege, Deputy Clerk