

Onancock Town Council Meeting

AGENDA

May 23rd, 2016

7:00 p.m.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Consideration and Approval of Minutes from the Regular Meeting on April 25th, 2016.
4. Public Business
 - a. Approval of the New Town Manager Contract.
 - b. Approval of the Proposed FY2017 Budget
 - c. Approval of the Town's Freedom of Information Act Policy.
 - d. Discussion Bi-Monthly Utility Billing
4. Public Comment
6. Planning Commission Report – Fletcher Fosque
7. Marketing Committee Report – John E. Morgan
8. Personnel Committee Report
9. Waterfront Committee Report – T. Lee Byrd
10. Holiday Committee - Catherine Krause
11. Mayor's Report
12. Town Manager's Report
13. Mayor and Town Council Comments
14. Closed Session (if needed)
15. Adjourn

Town of Onancock
Town Council
April 25, 2016
7:00 PM

Call to Order and Roll Call:

Vice-Mayor Fosque called the meeting order at 7:01 PM and roll was called. Vice-Mayor Fletcher Fosque and Councilmember T. Lee Byrd, Catherine Krause and Joshua Bundick were present. Mayor Russell Jones and Councilmembers John Morgan and Sandra Fox were absent. A majority of members were present and quorum was established.

The Pledge of Allegiance was recited.

Consideration of the Minutes from the March 28th, 2016 Regular Meeting and the Minutes from the Special Meeting on April 18th, 2016:

Vice-Mayor Fosque asked if there were any additions, corrections or changes to the minutes as submitted.

With none, Councilmember Bundick made a motion to approve the March 28th, 2016 and April 18th, 2016 meeting minutes as submitted. Councilmember Byrd seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. Public Hearing, FY17 Proposed Budget: Interim-Town Manager William Whitley explained that this is the same budget that was heard at the March 28th, 2016 meeting and that the public hearing has been advertised as legally required by the Virginia State Code. Mr. Whitley went on to explain that this proposed budget does increase real estate taxes by two cents per 100 dollars of assessed value. Mr. Whitley shared that the need for this increase is due to the fact that the assessed value of properties in town have decreased this year. Mr. Whitley explained that there are no other proposed increases to support the coming year's budget.

Town employees will receive a three percent salary increase which will be effective July 1st, 2016. The proposed FY17 budget does recommend the reduction of one salaried position, street maintenance supervisor. Staff believes that work can continue without disruption with the proposed staff reduction.

Mr. Whitley explained that council needs to wait at least seven days after the public hearing to adopt the proposed budget and that currently the budget is scheduled for adoption at the May 2016 Town Council meeting.

Vice-Mayor Fosque opened the public hearing at 7:06 PM and asked for public comment.

Councilmember Krause asked if there would be an increase to the holiday decoration line item. Mr. Whitley said that it would appear in the final budget.

With no other comment, Vice-Mayor Fosque closed the public hearing at 7:07 PM.

- b. **Public Hearing, Proposed Amendments and Additions to Town Code, Chapter 13, Motor Vehicles, Article II. Stopping, Standing and Parking:** Vice-Mayor Fosque opened the public hearing at 7:07 PM.

Mr. Whitley thanked Mrs. Lisa Fiege for your assistance with drafting the proposed Town Code changes.

Police Chief, Eric Williams, shared that one of the issues that prompted the need for the policy changes was that some individuals were leaving vehicles parked on streets and road in town for long periods of time. The Code change only allows for vehicles to remain parked for a total of two days.

Vice-Mayor Fosque asked about homes that utilize the additional parking out on the town streets. Mr. Williams shared that as long as they are in and out there is not an issue. Mr. Williams shared that this policy is more specific to vehicles and trailers that are left for extended periods of time.

Mrs. Janet Fosque asked if this policy will affect Mallard's at the Wharf with respect to their catering vehicle. Mr. Williams explained that they will need to be contacted and that in his experience business owners usually comply with these types of regulations quickly.

- c. **Public Hearing, Proposed Creation of Chapter 23, Zoning, Article XXI:** Mr. Williams explained that this policy needed to be placed in the Town's Zoning Ordinances because the Zoning Administrator needs to enforce the community standard.

Without further discussion Vice-Mayor Fosque closed the public hearings on the parking amendments along with the hearing on the creation of Article XXI in the Zoning Ordinances at 7:23 PM.

Councilmember Krause made a motion to establish Sec. 13-12, relating to Vehicles, Trailers, and Campers parked on streets and parking lots, in the Town of Onancock's Town Code. Councilmember Bundick seconded the motion. The motion passed by unanimous voice vote.

Councilmember Byrd made a motion to amend previously number Sec. 13-12, relating to Violations, penalties; payment of uncontested parking citations; contested citations, in the Town of Onancock's Town Code. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.

Councilmember Bundick made a motion to establish Sec. 13-14, relating to the Authority of the Town Manager and Chief of Police, in the Town of Onancock's Town Code. Councilmember Byrd seconded the motion. The motion passed by unanimous voice vote.

Councilmember Krause made a motion to create Article XXI, relating to Inoperable Vehicles in the Town of Onancock's Zoning Ordinances. Councilmember Bundick seconded the motion. The motion passed by unanimous voice vote.

- d. **Contract with James Elliot, Attorney:** Mr. Whitley explained that contracting with Mr. Elliott will help to recover delinquent real estate taxes owed to the town. The Town Attorney, John Custis, has reviewed the contract and suggests that the town move forward with it. Mr. Elliott only gets paid when he recovers the lost revenue and his fee gets billed directly to the delinquent tax holder.

Vice-Mayor Fosque asked for additional discussion on the matter.

With none, Councilmember Byrd made a motion to approve the contract with Attorney James Elliott for the purposes of assisting the town with its delinquent real estate tax collections. Councilmember Bundick seconded the motion. The motion passed by unanimous voice vote.

- e. **Close the Town's Rehabilitation Fund bank account and transfer monies to the General Fund account:** Mr. Whitley explained that the town's auditors suggested that council move the monies from the Rehabilitation Fund into the General Ledger account for future use. The auditors explained that some monies had already been used out of the fund a few years ago.

Vice-Mayor Fosque asked if the town can spend the money on any project. Mr. Whitley confirmed that they can.

Councilmember Byrd expressed concern for the town moving the money and using it however. Councilmember Byrd share that he would not want the federal government coming to look for the money in the future and finding that the town had used it improperly.

Councilmember Fosque also expressed his concern for the same reason.

Mr. Whitley suggested that they do nothing at this point until they can feel secure in their decision.

- f. **Adopt the Resolution entitled, "Member Contributions by Salary Reduction for Counties, Cities, Towns and other Political Subdivisions":**
Mrs. Fiege explained that this is the last installment of the five percent increase to certain employee's salaries for the purposes of increasing those employee's personal contributions to the Virginia Retirement System.

Councilmember Bundick made a motion to adopt the Resolution entitled "Member Contributions by Salary Reduction for Counties, Cities, Towns and other Political Subdivisions". Councilmember Byrd seconded the motion. The motion passed by unanimous voice vote.

Public Comment:

Ms. Ann Nock, Market Street, asked why the name of the Christmas Decorating Committee was changed to the Holiday Committee. Mrs. Janet Fosque, Market Street, explained that it was in an effort to be all inclusive.

Mrs. Janet Fosque, Market Street, shared that the 5th Annual Onancock Farmers and Artisans Market will start its season May 7th.

Planning Commission:

Councilmember Fosque shared that the Planning Commission met last week and discussed the need for a Town Plan rewrite. Airbnb's were also discussed. The State of Virginia General Assembly passed a bill this past session restricting localities from passing regulations specific to Airbnbs until a study is completed.

Marketing Committee:

Councilmember Morgan shared the committee discussed its lack of accomplishing much over the past few years. The committee has decided to disband until a future need arises.

Personnel Committee:

Councilmember Krause shared that they have been interviewing potential town manager candidates and that with Mr. Whitley's help they are almost ready to complete the process. Councilmember Krause shared that they had several great candidates out of the 50 plus resumes that were received.

Waterfront Committee:

Councilmember Byrd announced that the town has hired a new Harbormaster, Ruth Melcher. She started a few weeks ago. The town has also brought back Harbormaster Assistants, Alana Pruitt and Emma Hollandsworth as well as hired two new Assistants, Ben Farlow and Jack Schreiber.

The Harbormaster has already been making reservations and selling fuel. The reservations for this year are well ahead of last year. Town staff has been working on updating the electric pedestals at the wharf as well as replacing warped boards along the dock. The wharf parking lot has been hot patched as well.

Councilmember Byrd encouraged the audience to stop by and meet the new Harbormaster.

The next Waterfront Meeting is scheduled for May 10th at 5:00 PM.

Mayor's Report:

Mayor Jones was absent.

Town Manager's Report:

Mr. Whitley shared that the proposed changes to the water and sewer billing code will be available for review in the May meeting.

Mr. Whitley shared that council is on track to have a new town manager in place by July 1st.

Mr. Whitley asked the audience to forward any pictures of the town that they may want to share so that town staff can utilize them on the town's Facebook page.

Mr. Whitley explained that the town has also applied to the Virginia Department of Environmental Equality for its groundwater withdrawal permit renewal.

Mayor and Council Comments:

Councilmember Byrd thanked the Personnel Committee for their hard work on finding the ideal town manager candidate.

Councilmember Krause thanked Mr. Whitley for his assistance with their town manager search.

Councilmember Bundick expressed his concern for the mosquito chemicals that are being sprayed twice a week first thing in the morning.



Closed Session:

Councilmember Bundick made a motion that Town Council convene a Closed Meeting for the purpose of holding, a discussion of the personnel, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia of 1950, as amended. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.

They entered closed session at 8:09 PM.

Councilmember Bundick made a motion that Town Council reconvene in Open Meeting, and that a roll call vote be taken and recorded on this motion so that each member who votes in favor shall, thereby, certify compliance with all of the matters identified in Section 2.2-3712(D) of the Code of Virginia of 1950, as amended. Councilmember Byrd seconded it.

T. Lee Byrd  No
Joshua Bundick  No

Catherine Krause  No
Fletcher Fosque  No

They reconvened open session at 8:22 PM.

Adjourn:

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

The meeting adjourned at 8:23 PM.

Fletcher Fosque, Vice-Mayor

Lisa Fiege, Deputy Clerk

Public Business Items – May 23, 2016 Meeting

William H. Whitley, Interim Town Manager

- a. As I write this to you, I fully expect that you will have a signed contract from your new town manager before you meet on the 23rd. If that is the case, you can approve the contract and vote to employ him at that meeting. I had hoped to have him here for the meeting, but that is not going to work out. I would suggest that you introduce him to the community at your June meeting or at another appropriate time before he begins work in July.
- b. I have enclosed the resolution for your consideration that approves the budget and sets the tax rates for the FY 2017 Fiscal Year. This needs to be approved at Monday's meeting. Once you vote on the budget and the tax rates, I will complete the final document for use by the town for the next fiscal year.
- c. Lisa has done a great job of determining what needs to be done to institute bi monthly utility billing on July 1st. It is going to require a public hearing and some fee changes. Our thought is that she will review this with you at the May 23rd meeting, answer your questions about what has been done and then we can have the public hearing at your June meeting. This will enable you to have everything in order for a July 1st start.
- d. The Virginia General Assembly adopted a law in their 2016 Session that requires localities with a population over 250 to designate a local Freedom of Information Act (FOIA) officer and place a link on our homepage to FOIA information. Lisa has prepared the enclosed policy that meets the intent of the act. I recommend that you review this information at your May 23rd meeting and then approve the enclosed motion accepting it and naming the town manager as the point of contact for all town FOIA requests. This action will meet the requirements of the new law.

If any of you should have a question concerning any of these items before the meeting, please let me know.

SUGGESTED MOTION: Mr. Mayor, I move to approve the contract for the new town manager.

AGENDA

TOWN COUNCIL

May 23rd, 2016

SUBJECT: Confirm the terms of the new town manager's employment with the town.

RECOMMENDATION: Staff recommends approval of the proposed action.

TIMING: Immediate.

DISCUSSION:

Staff: William Whitley
Interim-Town Manager

Attachment:

Copy:

RESOLUTION 02 - 2016
A RESOLUTION TO ADOPT THE FY17 OPERATIONS BUDGET, SET TAX RATES AND
APPROPRIATING FUNDS

WHEREAS, it is the responsibility of the Onancock Town Council to approve the Town's budget for the FY2017 Fiscal Year, and;

WHEREAS, the Town Council has received a recommended town budget from the Interim Town Manager, has reviewed it, and has held a duly advertised public hearing on April 25, 2016, concerning the recommended budget;

WHEREAS, after reviewing the proposed budget, the Onancock Town Council is prepared to act on its approval,

NOW, THEREFORE, BE IT RESOLVED by the Onancock Town Council this 23rd day of May, 2016, that the Town of Onancock budget totaling \$2,310,505 is adopted, the tax rates established and appropriations approved for the 2016- 2017 Fiscal year as follows:

ANTICIPATED REVENUES:	FY 2017
General Property Taxes	\$ 533,755.00
Other Local Taxes	\$460,000 .00
Permits, Fees & Licenses & Fines	\$ 102,000.00
Rev. Use of Money & Property	\$ 2,000.00
Charges for Services-Wharf	\$ 106,550.00
Miscellaneous & Recovered Costs	\$30,000.00
State Funds	\$ 62,800.00
Water & Sewer Charges	\$ 1,013,400.00
Total	\$2,310,505.00
ANTICIPATED EXPENDITURES:	FY 2017
Administration	\$334,435.00
Public Safety	\$373,828.00
Public Works	\$280,057.00
Wharf	\$92,341.00
Contingencies	\$39,662.00
General Fund Debt Service	\$37,082.00
Water & Sewer (incl. Debt Serv. & Transfer)	\$1,153,100.00
Total	\$2,310,505.00

2016 TAX LEVY:

Personal Property Tax & Machinery & Tools: \$2.00/hd value

Real Estate Tax: .27/\$100 value

Meals Tax: 4%

Transient Occupancy Tax: 4%

Trash Collection Fee: \$120.00/year per household

WATER RATES:

First 5,000 gallons \$35.22

Next 10,000 gallons \$7.60 per 1,000 gals Next 10,000 gallons \$14.01 per 1,000 gals

Over 15,000 gallons \$7.90 per 1,000 gals Over 15,000 gallons \$15.47 per 1,000 gals

SEWER RATES:

First 5,000 gallons - \$76.70

5,000-7,000 gallons of usage - \$18.01 per 1000 gallons

7,000-15,000 gallons of usage - \$17.50 per 1000 gallons

15,000 -30,000 gallons of usage - \$17.25 per 1000 gallons

30,000 -40,000 gallons of usage - \$17.00 per 1000 gallons

40,000- 90,000 gallons of usage - \$16.75 per 1000 gallons

90,000 -200,000 gallons of usage - \$16.00 per 1000 gallons

200,000 - 400,000 gallons of usage - \$15.75 per 1000 gallons

400,000 - 500,000 gallons of usage - \$15.00 per 1000 gallons

Over 500,000 gallons of usage - 14.57 per 1000 gallons

SUGGESTED MOTION: Mr. Mayor, I move to adopt the Town's Freedom of Information Act Policy as presented and to name the town manager as the point of contact for all FOIA requests.

AGENDA

TOWN COUNCIL

May 23rd, 2016

SUBJECT: HB 818 requires that all localities with a population of more than 250 designate a local FOIA officer and place a link on the localities homepage to FOIA information.

RECOMMENDATION: Staff recommends approval of the proposed action.

TIMING: Current, now required by all localities due to the passage of HB818.

DISCUSSION:

Staff: William Whitley
Interim-Town Manager

Attachment:

Copy:

Town of Onancock

Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA) is the state law governing access by citizens of Virginia, and representatives of the media, to public records and to meetings of public bodies, as defined by the act. Virginia FOIA provides that, with some specific exemptions and exceptions, all meetings of public bodies shall be open to the public and all public records open for public inspection.

The Town of Onancock complies with the state's Freedom of Information Act. There is no separate town policy that addresses FOIA.

Your Rights Under FOIA

The Virginia Freedom of Information Act guarantees access by citizens and members of the media to the meetings of public bodies such as the Town Council, and their public records.

The law says that, in general, these meetings and records should be open to citizen inspection, with some specific exceptions, and requires that those exceptions be narrowly construed.

Making a FOIA Request

It is recommended, though not required, that FOIA requests be made in writing. Requests can be made in person, by phone, by mail or electronically. It is not necessary to specify the reason for the request. However, you must provide your name and legal address.

- Members of the media making a request under the Virginia FOIA should contact the Town of Onancock, Town Manager at 15 North Street, Onancock, VA 23417 or call 757-787-3363.
- Members of the public making a Virginia FOIA request can also contact the Town of Onancock, Town Manager at 15 North Street, Onancock, VA 23417 or call 757-787-3363.
- Members of the public making a Virginia FOIA request regarding police matters please forward those requests to the Onancock Police Department, 15 North Street, Onancock, VA 23417 or call 757-787-8577.

Virginia FOIA requires that a request for public records must identify the requested records with "reasonable specificity".

A Virginia FOIA request may be made for any existing documents or reports; however, public bodies are not required under Virginia FOIA to create a new document that does not exist to satisfy a request. If a request requires a very large number of documents concerning the same issue, the public body may abstract or summarize the requested information being sought.

Fulfilling Virginia FOIA Requests

Within five (5) business days after a request is received, the public body must:

- Provide the requested records(s);
- Advise the requester that the record(s) are being withheld pursuant to Virginia FOIA or other applicable statute. This response must describe the subject matter of the records and identify the specific section of Virginia FOIA or the Code of Virginia that exempts the record from disclosure;
- In the case that only part of the record or only part of the records requested are exempt from disclosure, the town may remove the portion of the record(s) that is not public and provide the rest of the record, or remove the exempted record(s) and provide the rest of the record(s), along with an explanation of the subject matter of the information removed, and the specific portion of the Code of Virginia that exempts the portion of the record or the record(s) withheld;
- Inform the requestor that the requested records could not be found or do not exist. If the records are known to be held by another public body, the response must also include contact information for the other public body;
- Inform the requestor that the record(s) cannot be practically provided within five working days; in this an additional seven days is then provided, within which the public body must make the record(s) available.

The act does not require electronic delivery of requested documents, though they may be provided electronically if available.

Costs Associated with FOIA Requests

A public body is permitted to make reasonable charges not to exceed the actual cost incurred in accessing, duplicating, supplying or searching for the requested records. Public bodies are permitted to make reasonable charges only for the costs to access, search for, duplicate and supply requested records.

If asked for by the requestor, the public body must make an advance estimate of the charges, in any case where the public body determines in advance that the charges for producing the requested records will exceed \$200, the public body may, before continuing to process the request, require the requestor to agree to the payment of a deposit not to exceed the amount of the advance determination. The deposit will be credited toward the final cost of supplying the requested records. The time period for producing the records or making a response under FOIA is totaled for the amount of time that elapses between the notice of the advance determination and the response of the requestor.

Before processing a request for records, a public body may require the requestor to pay for any amounts owed to the public body for previous requests that remain unpaid for 30 more after billing.

FOIA and Public Meetings

All meetings of all public bodies, as defined in the Virginia FOIA, as well as any meetings of their committees or sub-committees, are generally required to be open meetings, subject to certain exceptions spelled out in the Act. An open meeting is a meeting open to the members of the public.

Under FOIA, for there to be a “meeting” subject to the Act, there must be at least three members of the body, or a quorum of the public body if less than three, present for the purposes of discussing or transacting public business. A gathering of public employees is not a meeting under the Act.

During the course of a public meeting, a public body may go into a closed meeting to discuss certain specific types of matters set forth in FOIA. In order to do so, the public body must follow the specific procedures set forth in FOIA to go into and come out of closed session.

Virginia FOIA permits members of the public to photograph or record (audio, visual or audio-visual) public meetings. It also permits public bodies to adopt reasonable rules concerning the use of cameras and recorders, designed to prevent disruption.

Sec. 21-45 Amendment to Water and Sewer Ordinance

- 1. This Ordinance shall be administrated by the Town Manager, who shall have the responsibility for superintending all of the water works and town sewage plant, including the maintenance of same.
- 2. The Water and Sewer Committee of the Town of Onancock shall consist of the Mayor, the Town Manager and one member of the Town Council appointed by the Mayor.

3. Water Rates:

First 2,500 gallons	\$23.48
Next 12,500 gallons by 1,000 increments	\$7.60
Over 15,000 gallons by 1,000 increments	\$7.90

4. Sewer Rates:

First 2,500 gallons	\$51.14
Next 2,500 – 7,000 gallons	\$18.01
Next 7,000 – 15,000 gallons	\$17.50
Next 15,000-30,000 gallons	\$17.25
Next 30,000 – 40,000 gallons	\$17.00
Next 40,000 – 90,000 gallons	\$16.75
Next 90,000 – 200,000 gallons	\$16.00
Next 200,000 – 400,000 gallons	\$15.75
Next 400,000 – 500,000 gallons	\$15.00
Over 500,000 gallons	\$14.57

In addition to the foregoing utility rates, each connection to the Town water system is hereby assessed the sum of \$.50 per billing cycle.

- 5. All trash collections fees are billed along with the water and sewer services. This service is not elective and will be billed at a rate of \$10.00 a month.
- 6. The property owner shall be considered the customer in every case and shall be billed bi-monthly. The property owner may allow a tenant to become the responsible party for the bi-monthly billing only after a Landlord/Renter Agreement has been signed by both parties and returned to the town manager’s office. Should a tenant refuse or neglect to pay the Town utility bill and it remains unpaid for a period of time in excess of thirty (30) days, the landlord shall be responsible and hereby agrees to pay the delinquent utility bill and any interest and penalty which accrued. If the Landlord refuses or neglects to pay the outstanding bill within ten (10) days of notification of Tenant’s failure to do so, then the Town shall proceed to record and enforce a lien against the real property described above without further notice to any party.

7. Water meters shall be read bi-monthly. Utility bills shall be mailed within the first seven days of the new month, and shall be delinquent thirty-one (31) days after the day the bill was printed. When bills are delinquent, the Town Manager's office shall mail a notice of pending service disconnection to the last known post office address as shown on the Town's records. Customers shall have 14 days from the date of the notice to appear before the Town Manager to present reasons why service should not be terminated on the "date of stop service." Appeal from an adverse decision by the Town Manager will be made to the Water Committee of the town by filing in writing with the Town Manager of the customer's intention to appeal at least 24 hours prior to the date of termination, in which case service shall not be terminated until after a hearing and decision by the Water Committee. The date of termination of service shall be 14 days after the mailing of said notice. No service involuntarily disconnected shall be reconnected without the payment of delinquent bills plus \$25.00 reconnection fee. Appeal from an adverse decision of the Water Committee shall be to the Circuit Court of Accomack County, which appeal shall be filed within 30 days after notice of decision is given by the town Water Committee.

ONANCOCK POLICE DEPARTMENT

Summary of Police Activities for April 2016

Events initiated:

April-	1,306
March-	992
February-	925

Traffic Enforcement:

Number of Summon(s) issued-	32
Number of Warning(s)-	8

Business / Citizen- (Complaints, assist, checks, and special patrols)	1,022
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Court:

Number of times attended-	Twice
Amount of fines-	\$994.00

Criminal Cases:

<u>Reportable Offenses:</u>	<u># of</u>
Trespassing-	3
Assault-	2
Domestic-	2
Robbery-	1
Disorderly-	1
Destruction of property-	3
Sodomy-	1
Counterfeiting-	1
Theft-	1