

Town of Onancock
Town Council Meeting
January 23, 2017
7:00 PM

Call to Order and Roll Call:

Mayor Jones called the meeting to order at 7:00 PM and roll was called. Mayor Russell Jones and Councilmembers Robert Bloxom, Catherine Krause, T. Lee Byrd, Ray Burger, Joshua Bundick and Fletcher Fosque were present. All members were present and a quorum was established.

The Pledge of Allegiance was recited.

Consideration of the Meeting Minutes from the November 28, 2016 Meeting:

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

With none, Councilmember Krause made a motion to adopt the minutes as submitted. Councilmember Byrd seconded the motion. The motion passed by unanimous voice vote.

Public Business:

(*Please note: item c. was discussed first due to the fact that the Planning Commission did not yet have a quorum.)

- a. Joint Public Hearing, Planning Commission and Town Council: Homestays Proposed Town Code Restrictions: Mayor Jones opened the joint public hearing at 7:26 PM.

Councilmember Fosque acknowledged that Planning Commission members Judith Grier, Scott Schreiber, and Ridgeway Dunton were present in addition to himself.

Councilmember Fosque read the proposed Planning Commission's Homestay Regulations aloud. The following are the proposed requirements:

- Homestays must apply for a town business license and are subject to quarterly transient occupancy tax submissions.
- Owner must apply for a special use permit and provide proof of permanent residence of the dwelling.
- Applicant must identify responsible party.
- The number of overnight guests will be determined by the zoning administrator and will be based on the number of bedrooms, size of house and lot size.
- Homestays shall comply with applicable town, county, state and federal statutes, regulations and ordinances.

Mr. Alan Silverman, Parker Street, explained that to establish one's permanent residence the owner must live at the dwelling for 185 days a year. Councilmember Krause confirmed that statement. Commissioner Grier also explained that it would be the residence in which the owner is allowed to vote.

Councilmember Krause asked for clarification on the owner-occupied rule. Councilmember Krause asked if you live at a residence for half of the year but you are not registered to vote there you would be ineligible, by this regulation, to rent your home as a Homestay in town. Mayor Jones stated if they are not registered to vote in town then it would preclude them from

renting out their home on a short-term basis. Councilmember Fosque confirmed that they would not be eligible to rent out the home on a short-term rental basis. Mayor Jones asked how council would be able to enforce the 185-day policy. Councilmember Fosque stated that it would be up to the zoning administrator.

Councilmember Krause asked if the owner had to be present while renting the Homestay. Councilmember Fosque explained that the owner would not need to be present. Councilmember Fosque continued on to state that the owner-occupied provision is a gray area.

Mayor Jones asked for Councilmember Fosque to explain the Planning Commission's rationale for the owner-occupied provision. Councilmember Fosque explained that the Planning Commission is concerned about absentee landlords buying up properties in town. Concerned about protecting the rights of those in the residential districts. This language would circumvent outside investors from buying up properties in town for this purpose. Councilmember Fosque clarified that those currently operating a Homestay in town would not be subject to these regulations but would be grandfathered in. Councilmember Burger asked why it was bad for investors to buy property. Councilmember Fosque stated that it would decrease property value in town. Councilmember Burger stated that he feels that if property was being purchased at a higher rate, that it would in turn automatically increase property values. Councilmember Byrd stated that residents in town want real people buying property in town. Councilmember Fosque stated that the Planning Commission wants permanent residents buying the property. Councilmember Fosque expressed his concern about the town potentially turning into Cape Charles, VA. He also explained that during the winter months no one is around because the homes are mostly used as summer vacation rentals. Commissioner Grier is concerned that this item is a sticking point, foreshadowing that certain parts of town may not be happy to learn that the house next to them now has different types of people rotating in and out. Commissioner Grier feels that the owner-occupied provision is a necessary component to the regulation, giving the town a modicum of control over these rentals.

Mr. Alan Silverman, Parker Street, shared that while the issue is valid what type of provisions are there in the code for enforcing the regulations on the violators. Councilmember Fosque agreed that enforcement in town has not been as rigid as he would like, stating that it would mostly be based on neighbor complaints.

Councilmember Bundick shared that the only item in the proposed language he is concerned about is the owner-occupied provision. Could council further empower the zoning administrator to review the variance? Councilmember Fosque stated that the town needs residents. Councilmember Bundick suggested that council move forward with regulating Homestays in smaller steps, stating that they could make further restrictions down the road.

Mayor Jones read aloud some discussion points that were given to him by a neighbor that currently operates a Homestay in town but was unable to be present. Mayor Jones shared that the neighbor purchased their home in Onancock as a second home, a future retirement home, they rent as a Homestay to assist them with the financial upkeep of a second home. Mayor Jones shared that since his neighbor has been doing these short-term rentals he has had no problems or concerns about the people his neighbor rents to. Those renters eat in town, shop in town, and spend their money in town. Councilmember Fosque asked why they were not present to have their issues with the proposed language heard.

Ms. Ann Nock, Market Street, expressed her concern that council and the zoning administrator will not be able to enforce their own regulations.

Mr. John Morrison, Mallard's at the Wharf, spoke on behalf of Mr. and Mrs. Scott Williams on King Street that also operate a Homestay. They were unable to attend the public hearing since they do not live in town full time. The Williams divide their time between Onancock and Woodbridge since they are still working full-time. They purchased their home on King Street after a huge fire in 2000 and then spent approximately eight years restoring the home to its original integrity and style. A few years ago the Williams' decided to rent their home out on a short-term basis to assist with the financial burden of owning two homes. Since the King Street home is where the Williams' plan on retiring to, they are extra cautious as to who they rent their home to. They acknowledge the town's need for some regulations in regards to Homestays in town, but not sure that what they are doing differs much from the town renting boat slips to transient boaters. The Williams' stated that to date they have yet to have one complaint from a neighbor about their Homestay guests.

Mrs. Janet Fosque, Market Street, is concerned when she hears council say, "there has not been any problems to date." Stating that this is a poor excuse for not being proactive with regulating the Homestays, Mrs. Fosque feels that there is no way to enforce all future Homestays to be exemplary without these types of provisions.

Councilmember Fosque explained that council does not need to vote on this issue at this time.

Commissioner Dunton shared that this issue has been growing across the county and has created a lot of issues for other localities, and in some cases taking viable housing options away from long-term renters or owners.

Councilmember Fosque asked if council was interested in taking out the owner-occupied language.

Mr. Rick Turner, Onancock Street, expressed his desire for council to adopt the regulation as it stands.

Councilmember Bloxom acknowledged that there are some very reasonable second home owners but that there is no guarantee that they will be cautious landlords; council runs the risk of being arbitrary with the passage of this language. Councilmember Bloxom suggested one owner one special use permit.

Councilmember Burger feels that there may be times when one person with more than one home in town would want more than one permit.

Councilmember Fosque asked council for directives to take back to Planning Commission. Is council okay with the proposed language minus item two?

Councilmember Bloxom suggested that the language acknowledge the rights of second homeowners. Councilmember Krause agreed that second home owner's rights are an important aspect of our community, an aspect we should want to maintain.

Mayor Jones closed the public hearing at 8:25 PM.

- b. Public Hearing, Wharf Restroom Policy: Mayor Jones opened the public hearing at 8:26 PM. Mr. Kerbin explained that this is a housekeeping item. Back in September, council adopted a wharf restroom policy for the town wharf. The public hearing this evening is to adopt the policy into the Town Code.

Mayor Jones asked council and the public if there was any discussion on the topic.

Mr. Rick Turner, Onancock Street, asked Councilmember Byrd to read the policy aloud since he did not have time to read it before the meeting. Councilmember Byrd read the policy aloud.

Mayor Jones closed the public hearing at 8:32 PM.

Councilmember Byrd made a motion to adopt the following ordinance for the wharf bathroom and shower use: Bathrooms are open to the public during hours that the Harbormaster facility is open but not showers:

The Harbormaster will adhere to the following protocol:

- a. *Designate up to two bathrooms for a particular event group, hence retaining separate bath houses for transient guests throughout the function. Signage will be used to segregate units. Showers will be closed and no fee will be charged for bathroom usage.*
- b. *In cases that the event planner chooses to have showers available for their participants (kayak races for instance), prior to the event, the organizers and the Harbormaster will determine the fee charged each person on the number total entries as well as how many showers to be designated.*

Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.

- c. Samuel Outlaw Building Project: Mr. Kerbin introduced Mr. Gerald Boyd, the Executive Director of Eastern Shore Training and Consulting Inc. Which is located in Exmore, Virginia. Mr. Boyd is working on creating a 501c3 organization that will assist the town with restoring the Samuel Outlaw Building as well as making it a historical destination on the Eastern Shore of Virginia. Mr. Boyd shared that Mr. Outlaw passed in 1994 at which point the progress to convert the old building into a museum stalled out. Now with Mr. Boyd's leadership and several other volunteers the project is back up and running. Accomack County Building and Zoning has assessed the building's structural integrity. Mr. Boyd is pleased to announce that the building is in good condition. Currently, volunteers are working on cataloging the contents of the building.

Mayor Jones asked for council's approval to appropriate \$1,000.00 from council's discretionary fund so that the Samuel Outlaw project can apply for the 501c3 distinction. Councilmember Byrd expressed his support for the project. Councilmember Bloxom feels that this would be a great drawing card for the town. Mayor Jones asked for a voice consensus. All agreed.

- d. 2016 Annual Police Department Report: Police Chief, Eric Williams, reviewed the Annual Police Department Report for council, stating that 2016 was a difficult year for the police department

with four people being shot and 13,186 total event initiated over the year. Events include foot patrols, house and business checks as well as dispatched calls. Traffic summons declined last year. Chief Williams also shared that there has been an increase of gang activity in town over the past year. The department has worked to curtail some of those activities in town via additional drive-bys as well as more light poles being activated in those areas.

Councilmember Burger asked why the "events initiated" increased so much over the past year. Chief Williams explained that previously only the chief logged calls that came in and now everything gets logged except radar.

Councilmember Byrd thanked Chief Williams and his staff for their hard work over the past year especially the additional wharf patrols that they conducted.

Councilmember Bloxom asked if the gang activity is originating outside of town or inside. Chief Williams explained that it is both. Councilmember Bloxom asked if the offenders are mostly juveniles. Chief Williams shared that it is mostly adults.

Mrs. Nancy James, Blarney Stone Pub, thanked Chief Williams and his staff for all their hard work helping to make the St. Patrick's Day Parade a successful event.

Ms. Terris Kennedy, Blarney Stone Pub, shared that from a business prospective it is great to see the note on their door stating that an officer had been by and the building was secured.

Councilmember Bundick shared that he has noticed more light poles in town in working condition. Chief Williams explained that light poles are checked every Sunday and a list of pole outages is given over to Mrs. Fiege so that a call can be placed into ANEC to repair the light.

- e. Proposed Jackson Street Opened for One-Way Traffic Only: Mr. Kerbin shared that this plan was initially discussed in the November Council Meeting. Mr. Kerbin explained that the purpose of making Jackson Street one-way was to reduce the amount of traffic on the road which should help slow down the road's rate of deterioration.

Councilmember Bundick asked how much the new signage will cost. Chief Williams estimated that it would cost a couple hundred dollars.

Chief Williams also suggested that council amend the current motion in front of them, asking that this change begin in 60 days. The delay will give the police department time to notify all affected parties as well as give the town's street crew time to obtain the new signage.

Councilmember Fosque made a motion to make Jackson Street one-way from Market Street to Kerr Street and require traffic enter from Market Street and exit onto Kerr Street.

Councilmember Bloxom seconded the motion. The motion passed by unanimous voice vote.

- f. Proposed Queen Street Opened for One-Way Traffic Only: Mr., Kerbin shared that this issue was also discussed in the November Council Meeting. Mr. Kerbin shared that several individuals expressed concerns about making Queen Street one-way at that meeting. One of the concerns was about the accessibility of driveways where larger vehicles are concerned.

Councilmember Fosque expressed some concern of the parking lot's accessibility during the Onancock Farmer's Market on Saturdays.

Mayor Jones wants traffic to be directed to that parking lot. Mayor Jones also shared that there are currently three different proposals for how to best structure this proposed change. Mayor Jones explained that the Queen Street exit/entrance is the only place on Market Street where there is parking on both sides of the street. Stating that this change would eliminate vehicles entering Market Street at that location.

- g. 2016 State of the Town: Mr. Kerbin highlighted some items of interest that the town initiated in over 2016.
- Awarded \$200,000.00 from the Virginia Port Authority to assist the town with replacing the fixed finger piers with floating docks.
 - Utilized grant funds from the Boating Infrastructure Grant and Virginia Port Authority to replace the bulkhead cap at the wharf.
 - Utilized grant funds from the Boating Infrastructure Grant to complete a study on the future of the wharf area in town.
 - Utilized grant funds from the Boating Infrastructure Grant to advertise the town's wharf through different boating magazines and boating resources such as the Waterway Guide.
 - Secured a grant from the Virginia Commission of Arts for the Local Challenge Grant which allows the town to donate funds to local groups such as The Orchestra of the Eastern Shore and the Accomack Community Band.
 - Water and Sewer billing moved to bi-monthly.
 - Active Facebook page.
 - Welcomed new town manager as well as two new councilmembers.
 - Eliminated a department head position which saved the town approximately \$64,000.00.
 - Real Estate taxes were increased \$.02/\$100.00 to cover the revenue short fall that was anticipated by the lowered assessments.
 - Delinquent real estate taxes were turned over to Mr. James Elliott for final collection.
 - Partnered with Mr. Gerald Boyd to rehabilitate the Samuel Outlaw building.
 - Holiday Committee implemented its decoration plan to bring a new Christmas tree to Custis Park.

Mr. Kerbin thanked Mrs. Fiege for assistance with compiling the list of town achievements.

- h. Town Council Meeting Schedule for CY2017: Mr. Kerbin explained that this is a yearly housekeeping item. This will set the meeting schedule for council for the current year. All council meetings will be on the fourth Monday of the month. Mr. Kerbin pointed out that the December meeting will need to be moved to the week before since Christmas will fall in the fourth Monday in December this year.

Mayor Jones reminded council the "rain date" for a council meeting will be Thursday following the fourth Monday of the month.

Councilmember Bundick made a motion to approve the 2017 calendar year meeting schedule with the acknowledgement of the Thursday "rain date". Councilmember Bloxom seconded the motion.

- i. 2017 Department Goals & Objectives: Mr. Kerbin shared that a list of the department goals for 2017 is included in the council's agenda packet. Mr. Kerbin asked if council had any questions about the goals. Mr. Kerbin shared that the goals were brought forth from the department heads. Mr. Kerbin shared that great things are outlined for the coming year.

Public Comment:

None.

Planning Commission Report:

Councilmember Fosque shared that the Planning Commissions next meeting would be Tuesday, January 24, 2017.

Waterfront Committee Report:

No meeting.

Personnel Committee Report:

No meeting.

Holiday Committee Report:

Councilmember Krause shared that through donations the expenditures did not exceed the original budgeted amount of \$8,000.00. Councilmember Krause thanked council's financial support as well as thanked town staff and volunteers that assisted with getting the decorations ready for the season.

Councilmember Fosque shared that some electrical work will need to be addressed for next season.

Mayor's Report:

No report.

Town Manager's Report:

Mr. Kerbin updated council on the following:

- Discussed the idea of the town holding a "Waterfront Festival" in spring 2018.
- Spoke with Mr. Chris Isdell with the Virginia Department of Transportation about the town transferring some roads over to them.
- Contacted Verizon regarding possible upgrades to the Town Hall phone system.
- Thanked the street crew team, Mr. Bruce Tapman and Mr. Terry Sargent, for their hard work plowing and shoveling the sidewalks after the winter storm.

Closed Session, if needed:

None.

Adjourn:

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

The meeting was adjourned at 8:57 PM.



Russell Jones, Mayor



Lisa Fiege, Deputy Clerk