

Town of Onancock
Town Council Meeting
May 21, 2018
7:00PM

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, T. Lee Byrd, Ray Burger, Joshua Bundick and Fletcher Fosque were present. Councilmember Catherine Krause was absent. A majority of members were present and a quorum was established.

The Pledge of Allegiance was recited.

Consideration and Approval of the Regular Town Council Minutes from the April 23, 2018:

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

With none, Councilmember Burger made a motion to approve the April 23, 2018 meeting minutes as submitted. Councilmember Bloxom seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. Public Hearing – Special Use Permit (Homestay), 13 Liberty Street, Ms. Linda Copper: Mayor Jones opened the Public Hearing at 7:02 PM. Mr. Kerbin shared with Council that based on his initial assessment of the requested permit, the deck did appear to be attached to both structures. Mr. Kerbin recommended to Council the approval of the special use permit.

Councilmember Fosque shared that the definition of attached does not include decking. Mayor Jones stated that the Town's Code does not address the definition of attached. Councilmember Fosque explained that if approved, then anyone could put a deck between the house and a garage and declare that it is attached. Even if the structure was declared attached by the deck then it would violate the Town's setbacks for primary structures. Councilmember Fosque shared that currently there is barely enough room to walk between the fence and the garage. Mrs. Nancy James, Weichert Mason-Davis Realtors, argued that the property is in the setback rules of zoning. Mrs. James shared that according to the property insurance carrier, the structures are attached by the deck. Mrs. James shared that the new homeowner, in good faith, purchased this property, applied for the permit and paid the fee with the expectation that this was a permitted use. Ms. Copper operates homestays to help supplement her income. She is only asking permission for two overnight guests on a short-term basis. She also lives full-time at this location. This use falls into the intent of the Town Code. Councilmember Fosque shared that he is sympathetic to her plight but shared his concern that approval would set the precedence. Ms. Copper shared that she came from a small Town in Arizona and also has an owner-occupied Airbnb which was useful not only for her but for the Town's economy as well. Ms. Copper explained that if she had even thought that this application would be denied she would never have purchased the home. Ms. Copper is from the Virginia Beach area and was looking forward to moving back to her hometown area. Ms. Copper also stressed that since she will live in the home year-round she would not be an absentee landlord. Councilmember Byrd asked Mr. Kerbin why he recommended to approve the application. Mr. Kerbin shared that he spoke with the Town Attorney, John Custis, who said that he was comfortable with Mr. Kerbin's

recommendation. Councilmember Fosque explained that Special Use Permits are not guaranteed and that some potential purchasers make the sale contingent upon the approval of the Special Use Permit. Councilmember Bundick conceded that if Council decided that the deck was attached then Council would need to accept the setback issue as well. Mayor Jones explained that Council has the authority to approve these permits on a case by case basis. Councilmember Bundick stated that he is in favor of this permit but that Council would need to deal with the setbacks.

Mrs. Janet Fosque, Market Street, expressed her concern that approval of this permit may be viewed as spot zoning and that it could open the Council up to litigation.

Councilmember Bloxom stated that since the deck is movable he does not believe that the deck makes the structures attached. Councilmember Bloxom shared that he feels for Ms. Copper's situation but that this clearly violates the Town's Zoning Code.

Councilmember Burger stated that the accessory building is a detached structure.

Mrs. James asked Council if Ms. Copper applied for a homestay for the main structure would she approved for that scenario. Councilmembers Bloxom, Byrd and Fosque stated that she would be but she would still need a Special Use Permit to operate a homestay in the main structure.

Mr. Rick Turner, Onancock Street, suggested that Council make a determination on this case and then toughen the rules up later. Councilmember Bloxom stated that the zoning is clear when it says that no one can live in a detached building.

Mayor Jones closed the Public Hearing at 7:25 PM.

Councilmember Bundick asked to see a survey of the lot to determine the setback issue. Councilmember Fosque stated that a roof would make the structures attached but that Ms. Copper would need to appeal to the Onancock Board of Appeals to work around the setback issue. Councilmember Fosque stated Ms. Copper has some possible workarounds if desired. Councilmember Bundick read a definition of attached he found on Goggle which acknowledges the deck as an attachment.

Town Council decided to table the vote for a later date. It was suggested that Mrs. James gather additional information to bring back to Council for the future vote.

- b. Verizon Cell Tower Presentation – Mr. Stephen Romine, Mr. Larry Bickings and Mr. Rui DaSilva: Mr. Romine presented a plan to Council for the construction of a new cellular tower in Town. Mr. Romine explained that this is necessary for improving the cellular service in Town. The plan will involve Verizon leasing the land from the Town as well as Council approval of a text amendment to the Town's Code. Once that has been obtained Verizon will need to secure a Special Use Permit from the Town for the placement of a new monopole telecommunications tower and accessory facility within the Town. The tower will be 220 feet tall and it will be a colocation site which means that other telecommunication groups may request space on the tower.

Councilmember Fosque asked what type of light will need to be on the tower. Mr. Romine shared that due to the tower's height the Federal Aviation Administration (FAA) requires that a white light during the day and a red strobe light at night.

Councilmember Bundick confirmed with Verizon that the tower would be omnidirectional for the benefit of surrounding areas.

Councilmember Bloxom asked Verizon what the timeline would be for completion of the project. Mr. Bickings shared that it would be at least 12-months.

Mr. Romine shared that the next steps would be to present the text amendment at a Planning Commission Public Hearing or Joint Public Hearing with Town Council and the Planning Commission.

Councilmember Fosque asked why Verizon was not putting an antenna on the Town's water tower. Mr. Romine explained that the water tower has too many antennas already on it which would create a shadowing issue for them.

Mrs. Janet Fosque, Market Street, asked how much the project would cost Verizon. Mr. Romine shared that the costs would be in the \$500,000 range.

Town Council thanked Mr. Romine, Mr. Larry Bickings and Mr. Rui DaSilva for their presentation.

- c. Adopt a Garden Program – Town Manager William Kerbin: Mr. Kerbin proposed to Council an Adopt a Garden Program. The idea being that an individual or group, upon approval, would become responsible for one of the Town's gardens. The Town would still purchase the plants and mulch. The Town could also step in to assist the with some garden maintenance if needed. The Town would also place a plaque in the garden with the sponsor's name. Mr. Kerbin feels that this program would create a great sense of community. Council will have final approval for all applicants. Mr. Kerbin shared that he and his wife have also volunteered to manage the garden in the Town parking lot behind Town Hall.

Councilmember Bundick made a motion to approve the Adopt a Garden/Tree Program including the policies presented at the May 21, 2018 Town Council Meeting. Councilmember Bloxom seconded the motion. The motion passed by unanimous voice vote.

- d. Re-Appointment of Mr. T. Lee Byrd as Chair of Waterfront Committee – Town Manager, William Kerbin: Mr. Kerbin explained to Council that Councilmember Byrd has agreed to stay on as the Chairman of the Waterfront Committee after his Council term expires June 30, 2018. Mr. Kerbin is putting his name forward for Council's approval.

Councilmember Fosque made a motion re-appoint T. Lee Byrd as the Chairman of the Town of Onancock Waterfront Committee. Councilmember Bloxom seconded the motion. The motion passed by unanimous voice vote.

- e. Appointment of Mr. Jeffrey Barrett – Town Manager William Kerbin: Mr. Kerbin shared that Mr. Jeffrey Barrett has requested an appointment to the Onancock Planning Commission.

Councilmember Fosque shared with Council that all candidates need to be considered before approving Mr. Barrett's appointment. Councilmember Fosque shared that he has been approached by a few other potential candidates for Planning Commission. Councilmember Fosque explained that there is currently one open chair on the Commission and as of July 1, 2018 there will be another one which will need to be filled by a Council Representative. Mr. Kerbin explained that Mr. Barrett is currently the only official applicant for the Planning Commission.

Councilmember Byrd asked about the timeline for filling the vacancy. Mayor Jones explained that it will remain open until filled.

Councilmember Bundick asked about Mr. Barrett's background. Councilmember Fosque shared that Mr. Barrett lives next door to Town Hall with Ms. Shirley Zamora and has been involved in the Town in the past. Councilmember Fosque stated the only other thing we knew about Mr. Barrett was that he has some rental properties in Washington, D.C.

Councilmember Fosque suggested that Council wait a bit more for other official requests. The vote was tabled for a future Council meeting.

- f. Discussion of Vehicle Decals – Mrs. Lisa Fiege: According to Mrs. Fiege, there have been several conversations over the past five years about doing away with vehicle decals and moving that fee to the Town tax bill. Mrs. Fiege recently spoke with County Administrator, Mike Mason, about the options available to the Town should Council approve the change. Three options were presented to Council two of which would require participation from other Accomack County localities. Option one, which only requires Onancock's participation, would mean that the County would include the Vehicle License Fee (VLF) on the Town's personal property tax spreadsheet. Once the VLF was included the Town would then need to print all of its tax bills in house which has never been done. Printing tax bills in house has both good and bad issues around them. On the positive side, all the new tax bills would also print with previous delinquencies. Currently, Town Staff take the time to write separate letters to those individuals. The tax bills that come from the County only show the current tax year's properties and charges. There are two drawbacks from this option; one-the staff time involved in generating all of the tax bills in house, and, two-this would mean that the Town would not be able to collect the VLF on the 2018 tax bills. Since the Town has already collected the decal fee for calendar year 2018 it would have to forego tax year 2018 and the revenue that was budgeted for fiscal year 2019 in the decal line item would not be collected. Those revenue dollars would completely skip FY 2019. Mrs. Fiege also shared that the Town of Chincoteague is also moving in this direction. Mrs. Fiege further explained that the reason why the other two options are less likely is because other than the Town of Chincoteague no other locality in Accomack County bills taxes from a software package. This would mean larger upfront costs to those other localities.

Councilmember Fosque asked what the current decal compliance rate was in Town. Mrs. Fiege stated that about only half of those registered in Town have a Town decal. Councilmember Fosque stated that this may be the best reason to move away from vehicle decals and towards the vehicle license fee so that the Town could capture those that are not purchasing their decals.

Mrs. Fiege shared that her recommendation would be for Council to move forward with option one.

Mayor Jones asked Mrs. Fiege to get the action items together in a timeline for Council's review.

- g. Department Goals and Updates – Town Manager, William Kerbin: Mr. Kerbin provided a status update of the department goals and accomplishments to Council. Mr. Kerbin stated that there has been a lot of progress Mr. Kerbin asked if there were any questions and concerns. There were none.

Public Comment:

Mr. Rick Turner, Onancock Street, shared that he has noticed a lot of yards in Town that need to be mowed. Mr. Turner explained that he has addressed some of these yard issues with Mrs. Fiege and a notice has been sent to the owners. Hopefully, these issues will be resolved soon. Mr. Turner suggested that the Town hire a private contractor to assist the Town with yard maintenance. Mrs. Fiege shared that the Public Works Director, Bryan Horton, has suggested that the Town raise the grass cutting fee which should alleviate some of these landowner's reliance on the Town handling their grass issues for them. Councilmember Fosque asked the Town Manager to move forward with the fee increase.

Planning Commission Report:

No meeting.

Waterfront Committee Report:

Councilmember Byrd shared that there have been many slip reservations being booked at the Wharf. Councilmember Byrd shared that the new Harbormaster, TK Fitchett, has been doing a wonderful job. Councilmember Byrd also shared that Marina was fully booked for the previous weekend but the Town lost all of those reservations due to the weather. The Town already has several reservations booked for June.

Personnel Committee Report:

No meeting.

Holiday Committee Report:

No report.

Mayor's Report:

Mayor Jones shared that the Town has been awarded another Virginia Port Authority grant (\$145,000) to work on resurfacing the Wharf parking lot.

Town Manager's Report:

Mr. Kerbin shared the following items with Council:

- The Infrastructure Summit Planning group will meet tomorrow, May 22, to move forward with the plans to submit a regional sewer project for federal infrastructure funding.

- Mr. Kerbin congratulated Councilmembers Joshua Bundick and Catherine Krause on being reelected to Town Council and to Joy Marino and Maphis Oswald for their election to Town Council as well. They will be sworn in at the June Town Council meeting.
- Mr. Kerbin attended a Chamber of Commerce breakfast on May 9 at Wallops Island which focused on legislative updates at both the state and county levels.
- Mr. Kerbin and the Police Department staff attended a Demonstrations and Crowd Control training in Richmond, Virginia on May 10, 2018. The training focused on the 1st Amendment and permitting issues related to demonstrations.
- Mr. Kerbin attended a joint meeting with the Town of Onley, Accomack County staff and Virginia Department of Transportation (VDOT) staff to discuss a bike and pedestrian path along Market Street from Onancock to Route 13. If approved, the path could be completed within two-years.
- Mr. Kerbin met with Mr. Chris Isdell, VDOT, to discuss proposed crosswalks in the downtown area and one at Jackson Street and Market Street. They will be installed in either the Summer of 2019 or 2020, it will depend on VDOT's paving schedule.
- Mr. Kerbin met with Mr. Robert Bridgham from the Eastern Shore Broadband Authority on May 16 to discuss additional hotspots to aid with Wi-Fi coverage and potentially extending the fiber lines.

Council Comments:

Councilmember Fosque mentioned that the 2019 Garden Tour will be held in Onancock. Mr. Kerbin confirmed the date, May 4, 2019.

Councilmember Bundick thanked the voters for his reelection. Councilmember Bundick shared that he is looking forward to the next four-years.

Councilmember Byrd thanked everyone for assisting the Wharf on its growing path. Councilmember Byrd also thanked Mr. Kerbin.

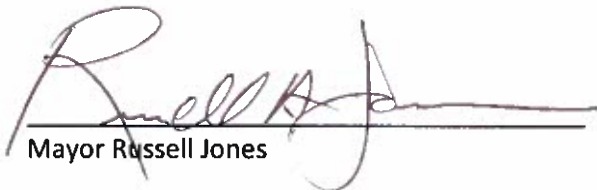
Closed Session, if needed:

None was needed.

Adjourn:

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

The meeting adjourned at 8:38 PM.



 Mayor Russell Jones



 Deputy Clerk Lisa Fiege