

Town of Onancock
Town Council Special Meeting
March 31, 2020
4:00 p.m.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Public Business
 - a. Adoption of an Emergency Ordinance on Continuity of Government – Mayor Fletcher Fosque
 - b. Adoption of a Resolution Adopting Procedures for Electronic Public Meetings and Public Hearings – Mayor Fletcher Fosque
 - c. Discussion of Extending the Business License Tax Due Date – Interim Town Manager Lisa Fiege
 - d. Discussion of Extending the Vehicle Decal Due Date – Interim Town Manager Lisa Fiege
 - e. Discussion of Meals Tax – Mayor Fletcher Fosque
4. Public Comment
5. Adjourn

Town Council Special Meeting Notes

- An Emergency Ordinance – This ordinance acknowledges the COVID-19 pandemic and the widespread concern about public gatherings. Due to the concerns of this pandemic – this ordinance sets up the guidelines for council to hold and vote at electronic meetings while further outlining the appropriate means of creating public access and participation. This will allow the continuity of town government for the coming months. This ordinance sunsets 60-days after the date of effectiveness.
- Resolution to Adopt the Procedures for An Electronic Meeting – This resolution authorizes and directs officers and staff to take reasonably necessary steps to implement continuity procedures and to develop any specific procedures applicable and appropriate for the Town of Onancock. This resolution remains in effect for the duration of the Emergency Ordinance.
- Resolution to Extend the Business License Due Date – This resolution allows town businesses to submit and pay the license fee by June 30, 2020. Per Town Code, business license fees are due to the town on or before April 30. This will supersede the Town Code for this license year.
- Resolution to Extend the Vehicle Decal Due Date – This resolution moves the decal due date to June 30, 2020. Per Town Code, decals are due on vehicles no later than April 15th. This resolution expires June 30, 2020.
- Meals Tax Discussion Items
 - o Resolution to Extend the Meals Tax Due Date – This resolution would allow restaurants to remit their meals tax to the town by June 30, 2020 for the following submission months; March, April & May. This resolution will expire June 30, 2020.
 - o Resolution to Suspend Meal Tax Collection – This resolution would suspend the collection of the meals tax. Restaurants would not be required to collect and remit the tax to the town for the following months; April and May 2020. This resolution expires May 31, 2020.



AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ONANCOCK TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by Accomack County Director of Emergency; and

WHEREAS, the Town Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 & 1102 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Town Council may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the

Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Onancock, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, the Planning Commission and Board of Zoning Appeals and all committees created by the Town Council or to which the Town Council appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413 & 1102, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
 - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
 - c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
 - d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
- f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that each incorporated town within the boundaries of the Commonwealth of Virginia are encouraged, authorized and/or directed to declare its own state of local emergency and disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government.

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Town Council in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the BOARD/COUNCIL or automatic expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:



RESOLUTION OF THE TOWN OF ONANCOCK

AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by the Accomack County Director of Emergency Services, specifically finding that the

COVID-19 Pandemic constitutes a “disaster” as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

WHEREAS, Virginia Code § 15.2-1413 & 1102 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, on March 31, 2020 , the governing body of the Town of Onancock Town Council, pursuant to Virginia Code § 15.2-1413 & 1102, adopted an Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster (“Emergency Ordinance”); and

WHEREAS, through its Emergency Ordinance, the Town Council specifically found that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code § 44-146.16 being a “communicable disease of public health threat” and

WHEREAS, through its Emergency Ordinance, the Town Council further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, the Planning Commission and all local commissions, committees and authorities created by the Town Council or to which the Town Council appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures; and

WHEREAS, through its Emergency Ordinance, the Town Council adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster (“Continuity Procedures”), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non-emergency public hearings and action items during the disaster; and

WHEREAS, the Planning Commission and Board of Zoning Appeals of the Town of Onancock, being a public body and whose members are appointed by the Council, are both Public Entities included within the scope of the Emergency Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Town of Onancock hereby incorporates by reference and adopts the Continuity Procedures prescribed in the Emergency Ordinance, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the Town of Onancock hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the Town of Onancock, provided that such specific procedures are consistent with the terms and conditions of the Emergency Ordinance; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Emergency Ordinance including for any applicable period upon the re-adoption of the Emergency Ordinance by Town Council.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:



RESOLUTION OF THE TOWN OF ONANCOCK

EMERGENCY ORDER TO EXTEND THE BUSINESS LICENSE TAX DUE DATE DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by the Accomack County Director of Emergency Services, specifically finding that the

COVID-19 Pandemic constitutes a "disaster" as defined in Virginia Code § 44-146.16, being a "communicable disease of public health threat"; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council, pursuant to Town Code § 12-3(c), License Requirement, adopted an Emergency Resolution to Extend the Business License Due Date During the COVID-19 Pandemic Disaster; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Onancock hereby extends the business license due date to June 30, 2020; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect through June 30, 2020.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:



RESOLUTION OF THE TOWN OF ONANCOCK

EMERGENCY ORDER TO EXTEND THE VEHICLE DECAL DUE DATE DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by the Accomack County Director of Emergency Services, specifically finding that the

COVID-19 Pandemic constitutes a “disaster” as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council, pursuant to Town Code § 13-16, License Year; when tax payable; proration of tax; adopted an Emergency Resolution to Extend the Business License Due Date During the COVID-19 Pandemic Disaster; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Onancock hereby extends the vehicle decal due date to June 30, 2020; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect through June 30, 2020.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:



RESOLUTION OF THE TOWN OF ONANCOCK

EMERGENCY ORDER TO EXTEND THE MEALS TAX DUE DATE DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by the Accomack County Director of Emergency Services, specifically finding that the

COVID-19 Pandemic constitutes a “disaster” as defined in Virginia Code § 44-146.16, being a “communicable disease of public health threat”; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council, pursuant to Town Code § 9.45, Payment and Collection of Tax, adopted an Emergency Resolution to Extend the Meals Tax Due Date During the COVID-19 Pandemic Disaster; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Onancock hereby extends the meals tax due to June 30, 2020 for the following months: March, April and May 2020; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect through June 30, 2020.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:



RESOLUTION OF THE TOWN OF ONANCOCK

EMERGENCY ORDER TO SUSPEND THE MEALS TAX COLLECTION DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council confirmed the declaration of local emergency made by the local director of emergency management on March 19, 2020 by the Accomack County Director of Emergency Services, specifically finding that the

COVID-19 Pandemic constitutes a "disaster" as defined in Virginia Code § 44-146.16, being a "communicable disease of public health threat"; and

WHEREAS, on March 31, 2020, the governing body of the Town of Onancock Town Council, pursuant to Town Code § 9.45, Payment and Collection of Tax, adopted an Emergency Resolution to Suspend Collections of the Meal Tax During the COVID-19 Pandemic Disaster; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Onancock hereby suspends the collection of the meals tax for the following months: April and May 2020; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect through May 31, 2020.

ADOPTED by the _____.

APPROVED

ATTEST:

APPROVED AS TO FORM:
