

Town of Onancock  
Town Council  
August 24, 2020  
7:00 p.m.

Call to Order and Roll Call:

Vice-Mayor Bloxom called the meeting to order at 7:01 p.m. and roll was called. Vice-Mayor Robert Bloxom and Councilmembers Catherine Krause, Maphis Oswald and Joy Marino were present. Mayor Fletcher Fosque and Councilmembers Ray Burger and Shyreka Riley were absent. A majority of members were present, and a quorum was established.

The Pledge of Allegiance was recited.

Motion to Amend Agenda:

Vice-Mayor Bloxom shared that there was a new addition to the agenda and that council would need to make a motion to amend the agenda.

*Councilmember Oswald made a motion to amend the agenda for this evening's meeting to add item 4.d; Resolution pertaining to the Virginia Tourism Commission to recognize Onancock as a Designated Marketing Organization. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.*

Consideration and Approval of the July 27, 2020 Meeting Minutes:

Vice-Mayor Bloxom asked if there were comments or changes to the minutes as presented. Councilmember Oswald pointed out that on page six it states that the Samuel D Outlaw Building is rented out to their 501 (c)(3) but they do not rent it from the town they get use of the property at no charge.

*Councilmember Oswald made a motion to approve the meeting minutes as amended. Councilmember Marino seconded the motion. The motion passed by unanimous voice vote.*

Public Business:

- a. Joint Town Council and Planning Commission Public Hearing – Rezone 18 Market Street from Business B-1 to Residential R-1A: Vice-Mayor Bloxom opened the joint public hearing at 7:05 p.m. and turned the meeting over to Planning Commission Chair, Judith Grier.

Chairman Grier called the Planning Commission to order at 7:05 p.m. and roll was called. Chairman Judith Grier and Commissioners Bill Bagwell, Larry Frey and Robert Bloxom were present. Commissioners Scott Schreiber and Ridgway Dunton were absent. A majority of members were, and a quorum was established. Chairman Grier opened the Planning Commission Public Hearing at 7:06 p.m.

Chairman Grier explained that the town has been asked to rezone the property located at 18 Market Street from Business Downtown (B1) to Residential (R1-A).

*Commissioner Frey made a motion to recommend to Onancock Town Council that the property located at 18 Market Street be rezoned from Business Downtown (B-1) to Residential, (R-1A).*

*Commissioner Bagwell seconded the motion. Chairman Grier asked for public comment. With none, the commissioners voted on the motion. The motion passed unanimously by voice vote.*

*Commissioner Bagwell made a motion to adjourn. Commissioner Frey seconded the motion. The motion passed by unanimous voice vote.*

The Planning Commission adjourned their meeting at 7:08 p.m.

Vice-Mayor Bloxom shared the scope of the application with Town Council. Councilmember Oswald asked for a point of order regarding the number of council members present at the meeting and was there enough in attendance to take a formal vote on this item. Vice-Mayor Bloxom shared that he is still a voting member of council even while sitting as the Vice-Mayor.

*Vice-Mayor Bloxom asked if there was any public comment on this matter. With none, Councilmember Marino made a motion that the Town of Onancock approve the recommendation made by the Planning Commission on August 24, 2020 to re-zone the property at 18 Market Street from Downtown Business (B1) to Residential (R1A). Councilmember Oswald seconded the motion. The motion passed by unanimous voice vote.*

- b. Resolution to Transfer East Street to VDOT - Matt Spuck, Town Manager: Mr. Spuck shared that the Resolution in council's packet is required to be read aloud and adopted by council by a formal motion. Mr. Spuck explained that this has already been recorded with the District Courts and all that is left is for council to formally adopt it. Mr. Spuck continued to state that this Resolution from VDOT allows the town to retain ownership of the road but for VDOT to take over its maintenance. This Resolution states that there are no encumbrances on the right-of-ways.

Vice-Mayor Bloxom read the Resolution aloud.

*Councilmember Oswald made a motion to adopt the resolution as follows to transfer East Street in Onancock to the Secondary Route for VDOT. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.*

- c. Adopt Town of Onancock Infectious Disease Preparedness and Response Plan – Matt Spuck, Town Manager: Mr. Spuck explained that the Governor has set out Emergency Temporary Standards for employers and employees in the world of COVID-19 and because we have a Police Department (which is considered High Exposure to COVID-19 risk) we are required to institute special standards for all employees whether they are in the high risk category or not. This plan needs to be adopted by August 25<sup>th</sup> and by September 25<sup>th</sup> all staff training must be completed. Mr. Spuck highlighted the fact that this policy will sunset when the Governor lifts or amends the State of Emergency.

Some council discussion centered around what classifies a department as high or medium risk as well as how the contingency plans are decided upon. Mr. Spuck shared that there will be pre-shift temperature checks as well as end of shift sanitizing efforts. Vice-Mayor Bloxom asked about enforcing the public's need to wear a mask while in Town Hall. Mr. Spuck explained that it is difficult to enforce but that the residents seem to be doing their part. If it becomes an issue,

then the town will need to move into the contingency plan guidelines by restricting public access to the building.

Councilmember Krause asked if other businesses are required to put these policies and procedures in place and if so, then could we share resources with them. Mr. Spuck said that he welcomes businesses to utilize the materials the town has already put together.

Councilmember Marino asked about the language on page 12 which talks about temperature checks and asked why it was not specific to Town Hall. Mr. Spuck explained that not everyone's workspace is in an office setting therefore it needs to be less specific.

Mr. Spuck explained for council the Family First Coronavirus Response Act (FFCRA) requirement that every employee gets 80-hours of paid time off for COVID-19 related issues which is at the expense of the town. Anyone requiring time off beyond the 80-hours will have to use their accrued paid time off.

*Councilmember Oswald made a motion to adopt the Onancock Infectious Disease Plan as presented and included in the materials for the Town Council meeting of August 24, 2020 and keep the practices contained in it in place until such as Virginia's Emergency Temporary Standard is lifted or expires. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.*

- d. Amended Item for DMO – Matt Spuck, Town Manager: Mr. Spuck explained that the Onancock Main Street Initiative has asked the town to become a Designated Marketing Organization (DMO) which allows the town to apply for grants and marketing programs only available to DMO's. Mr. Spuck shared that Main Street may have the resources in the future to take over this designation for the town.

Councilmember Oswald read the Resolution aloud.

*Councilmember Krause made a to adopt the Resolution that was read aloud in its entirety. Councilmember Oswald seconded the motion. The motion passed by unanimous voice vote.*

#### Council Discussion Items:

- a. Consider Onancock's Ability to Independently Declare a State of Emergency: Mr. Spuck explained to council that during the pandemic another local community was able to declare their own state of emergency which allowed them to make their own rules governing how their community would handle the pandemic and it also gave them the benefit of being able to apply for FEMA funding.

Mr. Spuck further explained that the "council discussion" section is for council to discuss potential policy changes but to not take any action on them. If so desired, council can ask that any item discussed in this section be moved to a future meeting for action.

Councilmember Marino stated that it seems extreme that any one member of the board can declare the state of emergency. Mr. Spuck clarified, explaining that one member of the board can make that declaration only after the full board is unable to do so.

Councilmember Oswald voiced her concern over the 45-days, stating that it should be sooner. Mr. Spuck explained that the 45-days had to do with the state of emergency beginning and ending.

Councilmember Marino asked if this is contingent upon the Governor declaring a state of emergency. Mr. Spuck explained that it is not. Mr. Spuck also stated that this would not trump the county's state of emergency plan. Accomack County has all of the services for emergencies such as hurricanes and at no time does the Town's state of emergency lessen the County's authority and responsibility.

Vice-Mayor Bloxom suggested that this item be discussed again when all members of the board were present.

- b. Consider the Ability to have Council Members and/or Mayor Participate in Meetings Remotely: Mr. Spuck explained that this item would allow a council member to attend up to two council meetings remotely. That member would not be a part of the quorum, but they would be able to participate and vote on items. The policy in the agenda packet is a sample for the Virginia Municipal League.

Councilmember Oswald stated that council could also decide that the council member's absence is unacceptable. Mr. Spuck stated that council could add language to that effect in their own policy.

Councilmember Krause shared that she thought that this policy was coming in front of them because of COVID-19 reasons. Mr. Spuck stated that this is above and beyond the any measures council has or will take due to the pandemic. Mr. Spuck shared that it is up to the Mayor and Council on how you choose to police their board members. Councilmember Krause asked that this item be moved to the code review section at a future meeting.

- c. Code Review:
  - i. Chapter 3 – Animals and Fowl
    - 1. Review Current Policy – Mr. Spuck shared that he is trying to create a work-flow process for council to follow for reviewing and updating Town Code. His goal was to start with two smaller chapters for council to review. After a chapter is reviewed then Mr. Spuck will get it together for council to hold a public hearing on and then the next meeting after the public hearing would be the final vote. This process is expected to take place over a three-month period.
    - 2. Review and Discuss Staff Recommendations – Councilmember Marino asked what the fine is for violating Section 3-4. Mr. Spuck stated that he plans on bringing a fee/fine schedule before council soon, sharing that we cannot be more restrictive than the State and the town is required to have certain codes in our Town Code, but does not necessarily need to replicate state code in its entirety.

Councilmember Marino shared that currently the town does not allow for more than three female chickens but that laying hens are not the same as peeps. Councilmember Marino also asked why residents cannot have more than three when you can only purchase them in six or 12-packs. She also asked why the coop setbacks are so stringent as is the square feet required for housing the chickens.

Councilmember Oswald asked what the rule is for having three adult dogs in a house, asking how we can expect to police this scenario. Councilmember Oswald stated that the Town Code is the town's map for navigating what is acceptable in our community and what is not.

Councilmember Marino expressed concern about the dangerous animal's section, stating that there should be more steps before the animal is euthanized. Councilmember Marino suggested that the animal's owner be more involved in this process. Councilmember Oswald shared that the pet's owners are not always readily available.

Councilmember Krause asked if Onancock really wants chickens in the town limits. Councilmember Marino said yes, we do. Councilmember Marino asked if Onancock really wants horses in town. Councilmember Oswald asked why not have them. Mr. Spuck shared that there is proposed space requirements for housing horses in town.

Some additional discussion centered around allowing dogs into government buildings in town as well as adding specific language for service animals.

Mr. Spuck explained to council that Municode finally has all of the staff's changes for the recodification and they expect to have it ready for council's review by the end of September.

ii. Chapter 4 – Bicycles

1. Review and Discuss Current Policy
2. Staff Recommendations Eliminating this Chapter and Adding the Limited and Required Language from Chapter 13: Motor Vehicles, Traffic, Bicycles, Golf Carts, and Other Utility Vehicles.

Councilmember Oswald stated that this section seems contradictory. Mr. Spuck explained that it is staff's recommendation that this section be eliminated. Councilmember Oswald also expressed concern that it states that no one can ride a bicycle on the sidewalks downtown. She stated that with the younger riders sometimes that is the safest place for them to ride.

Councilmember Marino asked why bicycles need to be registered with the town. Mr. Spuck shared that registering your bicycle is voluntary. Mr. Spuck also explained that this language is required via State Code and cannot be redacted. Councilmember Marino expressed her

concern over the Class 4-Misdemeanor penalty cited in Section 13-17, stating that it seemed harsh. Mr. Spuck stated that this fine was promulgated by the State not the town.

d. **Second COVID-19 Grant:** Mr. Spuck explained that the town will be given another round of CARES Act funding from the county. The same rules for spending the funds are in place and the town's allocation is the same as before. Mr. Spuck highlighted his proposed expenditures for council's review, they are as follows:

- Payroll reserve of \$25,000 which is required comply with the rules of the FFCRA.
- Personal Protective Equipment for town staff, businesses and residents.
- The purchase of touchless thermometers to help the town comply with the town's Infectious Disease Plan which council implemented at this evening's meeting.
- Technology improvements to assist with telecommuting.
- Building improvements to be able to offer the second floor of Town Hall as a distance learning space.
- Another small business grant which will look slightly different from the last one. This grant's criteria will change so that only businesses that are open are eligible and that the business must show a 15% reduction in sales. Mr. Spuck is asking that \$30,000 be allocated for this use.

Vice-Mayor Bloxom stated that the Mayor would like to use some of the town's allocation to reimburse businesses for their PPE expenses. Vice-Mayor Bloxom shared that \$5,000 seemed reasonable for this reimbursement.

Councilmember Oswald asked that a letter to the businesses goes out soon so that they are aware of the new small business grant that will be available shortly.

Councilmember Marino expressed her concern over the fact that Town Hall is not handicap accessible which will limit those that will be able to use the distance learning space.

**Public Comment:**

Ms. Heidi Bak, Minister of Market Street United Methodist Church, asked the town what the tentative plan for Halloween is for this year. She stressed wanting to be able to come with some type of event for the churches and businesses in town to participate in to help make this Halloween special for the children during the pandemic. Council agreed that this is something that they would like to support. Councilmember Oswald stated that she was concerned about candy being distributed but agreed that the kids already being deprived of special events and would love to see some alternative for them.

**Committee Reports:**

- HRSD – Councilmember Robert Bloxom: Bob – Vice-Mayor Bloxom shared that this committee has not met yet but that they Accomack County's petition is back on the court's docket for the first week in October.

- Waterfront Committee – Councilmember Robert Bloxom: Vice-Mayor Bloxom shared that the committee met on August 11<sup>th</sup>, the transient dockage is down 33% this year but the rest of the bookings for this season are strong. Vice-Mayor Bloxom also mentioned that they are looking into using the expanded version of Dockwa to help capture more sales as well as increase boater outreach. Lastly, Vice-Mayor Bloxom shared that the committee is working on drafting a new policy that would allow locals to tie up in our unused slips for free for short periods of time.
- Planning Commission – Councilmember Robert Bloxom: Vice-Mayor Bloxom shared that this evening's Joint Public Hearing was their meeting for the month.
- Personnel Committee – Councilmember Catherine Krause: Councilmember Krause shared that they met to review the Onancock Infectious Disease Plan which was discussed and approved by council at tonight's meeting.
- Strategic Planning – Mayor Fletcher Fosque: No report.

Mayor's Report:

No report.

Town Manager's Report:

Mr. Spuck highlighted the following items of his report:

- Wharf Ramp Project: The town has retained engineering services for this project. The first set of drawings have been created and the initial conversations about the anchoring system for the bulkhead centered around using a Platypus design which is a shorter anchoring system with plenty of strength. Using this design may limit the number of qualified contractors that will be able to bid on this project. This design is critical so that the town does not interfere with the storm drain during this project. The next steps are the permit drawings which will be sent to VMRC and the Army Corp of Engineers for approval. Their approval may take a while and could potentially slow the project down.
- Recodification – Municode is in receipt of all of the staffs suggested changes and should have a draft back to the town by the end of September.
- Town Council Email: FOIA requires that email correspondences become public record if FOIA'd. The town is looking into getting all members of council an email address with @onancock.com designation so that their private emails are not subject to the rules of FOIA.
- Internet Issues: The town has been experiencing internet issues over the past few weeks this also causes issues with our phone system. Town staff is working on improving its telecommunications services. Mr. Spuck asked that council and members of the public be patient with the Town Hall staff while they are working through these issues.
- Le Tour de Shore: This event will be taking place September 25<sup>th</sup>. Currently, the ESVA Chamber of Commerce has 235 riders signed up to participate. All riders will be observing physical distancing.

Council Comments:

Councilmember Krause thanked Mr. Spuck and Mrs. Fiege for all their hard work.

Councilmember Marino agreed with Councilmember Krause and stated that it is noticeable how much work is being accomplished at Town Hall.

Vice-Mayor Bloxom shared that in his conversations with residents in the Northeast section of town, it has come to his attention that they would appreciate more Christmas decorations being displayed on their end of town. Vice-Mayor Bloxom explained that he plans on starting a fund-raising campaign to help raise the funds necessary to increase the decorating efforts in the Northeast section of town. Councilmember Oswald asked about the budget for decorations and if that should be used for these efforts instead of fund raising. Councilmember Krause shared that the decorating committee used private donations to help fund some of the initial decorating purchases. Mr. Spuck commented on the town needing to be able to house more decorations and the future cost of caring for more decorations.

Closed Session, if needed:

None as needed.

Adjourn:

*Councilmember Marino made a motion to adjourn. Councilmember Krause seconded the motion. The motion passed by unanimous voice vote.*

The meeting adjourned at 8:52 p.m.

  
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Robert Bloxom, Vice-Mayor

  
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Lisa Fiege, Deputy Clerk