

Town of Onancock
Virtual - Town Council Meeting
January 25, 2021
7:00 p.m.

Call to Order and Roll Call:

Mayor Fosque called the virtual meeting to order at 7:00 p.m. and roll was called. Mayor Fletcher Fosque and Councilmembers Robert Bloxom, Joy Marino, Catherine Krause, Thelma Gillespie and Maphis Oswald were present. A majority of members were present a quorum was established.

Councilmember Ray Burger joined at 7:03 p.m.

The Pledge of Allegiance was recited by Mayor Fosque.

Consideration and Approval of the Meeting Minutes from the December 21, 2021 Regular Town Council Meeting:

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

Councilmember Oswald stated that there was a typo on page four, it says "Ker Plan" instead of "Ker Place".

Councilmember Oswald made a motion to accept the minutes with the change. Councilmember Bloxom seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. Public Hearing – Special Use Permit, 37 King Street: Mayor Fosque open the public hearing at 7:02 p.m. Mr. Spuck explained that Mr. and Mrs. William Flynn are requesting a special use permit to operate a homestay at 37 King Street. They are in the process of purchasing this home and the sale is contingent upon council's approve of their permit. Mr. Spuck explained the conditions of the permit, no more than six overnight guests and that parking would be provided on the property. They will also be subject to the town's business licensing requirements as well as the transient occupancy tax collection requirement.

Mayor Fosque asked if Mr. Spuck received any written comments on their permit application. Mr. Spuck stated that he did not.

Councilmember Oswald asked a clarifying question about the conditional status of the home sale, if council approves the permit and the sale falls through what happens with the permit. Mr. Spuck explains that the permit becomes null and void.

Mayor Fosque asked for public comment. With none, the public hearing was closed at 7:08 p.m.

Mayor Fosque asked for council discussion.

With none, Councilmember Bloxom made a motion to approve SUP 01:21 with the following conditions:

- *No more than six homestay guests may occupy the premises at any one time.*

- *All homestay guests must use parking provided on the property*
- *Renovations are underway on the portion of the home available for Homestay use. When the renovations are complete, the applicant must secure a business license to operate the Homestay.*
- *The owner understand that it is their responsibility to collect and remit the town Transient Occupancy Tax on all Homestay revenue.*

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

- b. Resolution to Codify Town Code: Mr. Spuck explained that the town has been in the process of updating its Town Code with the correct State Code references and updated procedures. Municode, the company contracted to revise the code, took all code changes up to June 22, 2020 and placed them in the Town Code which was distributed to council for review prior to this meeting. Mr. Spuck explained that council now needs to approve the recodification process by adopting the Resolution that is in the Agenda Packet.

Councilmembers Marino and Oswald stressed their desire to have hard copies of the Town Code as opposed to electronic copies which had been provided. Mr. Spuck explained that keeping a hard copy is not the most efficient way to have the most up to date version of the code. Mr. Spuck continued by sharing that the code will be on the town's website and easily searchable once council approves the recodification.

Councilmember Oswald expressed concern that not all of the changes since 2008 have been included in the revision. Mrs. Fiege stated that during the recodification process, all meeting minutes were reviewed by staff and all approved codes and ordinances that were not in the Town Code were sent to Municode for inclusion.

Councilmember Krause made a motion to adopt the Resolution as written. Councilmember Gillespie seconded the motion. The motion passed six to zero.

- c. Motion to Accept Meeting Dates for Town Council Committees for 2021: Mayor Fosque explained that this is a perfunctory item that council does every year. Mr. Spuck explained that that the only committee not listed was the Strategic Planning Committee.

Mayor Fosque asked if council had any objections to the meeting dates as listed.

With none, Councilmember Gillespie made a motion to approve the meeting dates as presented. Councilmember Bloxom seconded the motion. The motion passed six to zero.

Council Discussion:

- a. Town Code 36-19 to 36-29, Town Wharf (Discuss 1/25, Public Hearing 2/22, Vote 2/22 or 3/22): Mr. Spuck explained that Accomack County is changing how boaters get access to their ramps. If someone has a boat listed on Accomack County's personal property rolls, then a permit will be

mailed to the owner which will grant them free parking. Mr. Spuck explained that he, in conjunction with the Waterfront Committee, are proposing that Onancock follow suit. This would allow all Accomack County residents free parking in town. The town would charge those non-residents a fee to park. This language also includes local access to our slips for up to four-hour periods of time which was previously been discussed by council. Mr. Spuck stated that these changes will make Onancock more boater friendly.

Councilmember Marino asked why the town would make parking without a permit a Class 4 misdemeanor. Mr. Spuck explained that the Class 4 misdemeanor classification is dictated by State Code.

Mayor Fosque reminded council that no vote would be taken on this matter tonight. Mr. Spuck explained that next month they would have a Public Hearing on the matter after which time, council can take executive action.

- b. Code Town REPEAL 26-71 to 26-78 and ADD 16-243 to 16-251 (Discuss 1/25, Public Hearing 2/22, Vote 2/22 or 3/22): Mr. Spuck explained that currently, vehicles garaged in town are required to have a decal affixed to their windshield. This code rewrite repeals the decal requirement and adds the "vehicle license fee" language to the Personal Property tax code. Mr. Spuck shared that the decals are not purchased by all residents and by adding the vehicle license fee to the tax bill the town will get more residents into compliance with paying the fee. This change does not change the town's requirement of a fee just how the fee is collected. Mr. Spuck further explained the decal requirement is arduous for Town Staff to implement, repealing the code will help free staff time up for other obligations.

Councilmember Oswald asked what residents get for the \$30.00 decal fee. Mr. Spuck explained that the answer will be discussed further when the budget is presented.

Councilmember Marino asked if the \$30.00 fee would be on the county tax bill. Mr. Spuck explained that the town would bill the residents directly.

- c. Town Code 28-20, Trash (Discuss 1/25, Public Hearing 2/22, Vote 2/22 or 3/22): Mr. Spuck explained that this code language was generated due to several complaints about neighbors leaving their trash collection barrels on the street or curb 24 hours a day seven days a week. Mr. Spuck also explained that language addresses people leaving yard debris out at the curb several weeks in advance. This code would limit the amount of time those items could be left at the curb.

Councilmember Oswald asked why yard debris was being included in this proposed code, stating that if a resident cut down a tree why would they gather the debris in one part of the yard to then later move it to the curb. Mr. Spuck explained that is why this is up for council discussion. Councilmember Marino asked about those individuals with lawn care service, those companies put the twigs at the curb when they are working which is not always the week of yard debris

pick up. Mayor Fosque shared that there should be some restrictions to leaving yard debris for a long time.

Mr. Larry Frey, Justis Street, stated that there are times he leaves his garbage can out for a week because he is traveling and when he returns, he retrieves it.

Mr. Spuck explained that the code would be enforced on a complaint basis.

Councilmember Oswald said that this code seems over kill for a minor problem.

Mr. John Holdren, Mt. Prospect Drive, thanked Mr. Spuck for drafting the language for the trash can time limit but expressed his concern over the yard debris time limit.

Public Comment: (This item was discussed prior to the Council Discussion section of the agenda)

Mr. Larry Frey, Justis Street, said that he was concerned over the pending development of the Carnival Grounds but that after he spoke with Town Manager, Spuck, he felt better about the situation.

Councilmember Marino stated that on behalf of the residents of this town she is expressing concern over the continued deterioration of town owned streets such as Warren Street which is a health hazard. Councilmember Marino also stated that Jefferson and Justis Street are nearly just as bad. Mr. Spuck shared that he has heard resident complaints over Jefferson Street. Mr. Spuck explained that the town can and will fix the bumpy condition of the street but that the width would not be changed. The goal is to bring some of the town owned streets to the Virginia Department of Transportation (VDOT) standards to be turned over to VDOT and per his conversation with VDOT the width will not change but that the state of the asphalt and compaction will change.

Councilmember Oswald asked Mr. Spuck about the 21 homes that are now slated to be developed at the Carnival Grounds, were the adjacent property owners notified that this would be happening. Councilmember Oswald continued by stating that the way the town was going about this was wrong. Councilmember Oswald suggested that council create a code that would give them more authority when large tracks of land are sold so that no one can build on them without council approval. That would help keep the neighboring properties informed.

Ms. Sandra Scher, Jefferson Street, thanked Councilmember Oswald for her comments, stating that she agrees with her sentiment. Ms. Scher said that it would be nice if the neighbors could speak with the builder before the homes went up instead of it all being done in secret.

Mayor Fosque explained that nothing has been done in secret. The lots were subdivided in the 1950's and therefore as long as what they plan on building meets the town's zoning requirements there is nothing for the town to weigh in on.

Councilmember Oswald asked why the purchaser gifted the town some of the land. Councilmember Oswald stated that she had not realized that council would not receive information on the development before they could begin. Councilmember Oswald stated that she has no problem with the development, her issue is with the process.

Mayor Fosque stated that they need to follow rules but that council could change the requirements for future projects and land sales in town.

Councilmember Bloxom mentioned that other property that required subdivision would have the full voice and approval of Council. Mayor Fosque mentioned two other properties in town that are large enough for development, but have no current plans for development would require approval by Council if they are proposed subdivisions, but again, if the homes are constructed on existing tax parcels and meet the zoning requirements, Town Council has no decision to make, but we would make every effort to communicate future projects like this more clearly.

Committee Reports:

- a. HRSD, Robert Bloxom: Councilmember Bloxom shared that the committee has reviewed the draft contract and has sent questions to Town Manager, Spuck. Councilmember Bloxom shared that this could move along fairly quickly.
- b. Waterfront Committee, Robert Bloxom: Councilmember Bloxom stated that there was no January meeting.
- c. Planning Commission, Robert Bloxom: Councilmember Bloxom stated that there was no January meeting. Mayor Fosque asked Town Manager Spuck about the vacancies on the commission. Mr. Spuck stated that Chairman Judith Grier currently has two interested individuals for the vacancy.
- d. Personnel Committee, Catherine Krause: Councilmember Krause stated that there was no January meeting.
- e. Strategic Planning, Fletcher Fosque: Mayor Fosque stated that there was no January meeting.

Mayor's Report:

None.

Town Manager's Report:

Mr. Spuck shared the following items with council:

- Town Hall remains closed because of COVID-19. This is due to the difficulty of being able to physically distance when customers/residents visit Town Hall.
- Mr. Spuck outlined the preliminary schedule for the FY2022 budget.
 - o February 9, 2021 – Staff will have initial draft of budget ready for council review.
 - o February 22, 2021 – Council will have its first review of the budget at its regular meeting.
 - o March 15, 2021 – Council work session.
 - o March 22, 2021 – Council will hold a Public Hearing on the budget its regular meeting.

- April 26, 2021 – Council will hold another Public Hearing at its regular meeting.
- May 24, 2021 – Council will adopt the budget
- Mr. Spuck shared with council that the town has already begun to receive applications from businesses for the Small Business Assistance Grant.
- Mr. Spuck shared that FEMA has approved his request for reimbursement and the town should be receiving the funds shortly.
- Mr. Spuck shared that the sale of the Justis Street property is moving forward.
- Mr. Spuck shared that the town is currently waiting for the Army Corp of Engineer's approval of the boat ramp permit.
- Mr. Spuck shared that Pender & Coward are currently preparing a response to the first draft of the HRSD contract on behalf of the town. Mr. Spuck shared that staff have also met with HRSD's billing coordinator and it looks like the town will be able to move forward with utilizing their robust billing system. HRSD engineers and electricians are slated to visit the plant this week to see what maintenance needs to be done. Town staff has also met with HRSD's Human Resources department and those staff members that will be leaving the town to work with HRSD will be in good hands.
- Mr. Spuck shared that the town just signed a contract a with a new online payment processor. This processor will integrate with the town's billing software better than the current vendor. And, as part of the coming budget, the town will begin absorbing the convenience fee.
- Mr. Spuck shared that he has been in contact with the town's investment group, VIP Investment Pool, and he is working with them to develop a standard investment protocol.
- Mr. Spuck shared that he is working on putting an infrastructure plan together for all town owned streets in order for council to understand the magnitude and funding requirements.
- Mr. Spuck shared that the town received a generous donation of undevelopable land. Some discussion has centered around possibly making it a dog park.
- Mr. Spuck shared that the town staff will begin working on decreasing the town's receivables.
- Lastly, Mr. Spuck shared with council the names of the new businesses in town.

Council Comments:

Councilmember Krause thanked Mr. Spuck for his report and for the names of the new businesses. Councilmember Krause stated that she would like to welcome them to town. Mr. Spuck asked if she would like to have their phone numbers. Councilmember Krause stated that she would.

Councilmember Oswald thanked Mr. Spuck for his report. Councilmember Oswald also stated that she would like to know about potential land development in advance of construction.

Closed Session, if needed:

Councilmember Oswald made a motion to enter into Closed Session of Town Council pursuant to §2.2-

3711 of Virginia Code to discuss the acquisition of real property. Councilmember Bloxom seconded the motion. The motion passed six to zero.

Closed session convened at 8:26 p.m.

Councilmember Oswald made a motion to end Closed Session of this regular meeting of the Onancock Town Council and certify by roll call vote that the item discussed in Closed Session align with the purpose stated in the motion made in Open Session. Councilmember Bloxom seconded the motion.

A roll call vote was taken:

Robert Bloxom	<input checked="" type="radio"/> YES <input type="radio"/> NO	Joy Marino	<input checked="" type="radio"/> YES <input type="radio"/> NO
Catherine Krause	<input checked="" type="radio"/> YES <input type="radio"/> NO	Ray Burger	<input checked="" type="radio"/> YES <input type="radio"/> NO
Thelma Gillespie	<input checked="" type="radio"/> YES <input type="radio"/> NO	Maphis Oswald	<input checked="" type="radio"/> YES <input type="radio"/> NO

Open session reconvened at 8:48 p.m.

Adjourn:

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

The meeting adjourned at 8:48 p.m.



 Fletcher Fosque, Mayor



 Lisa Fiege, Deputy Clerk