

Town of Onancock
Town Council Meeting
February 22, 2021
7:00 p.m.

Call to Order and Roll Call:

Mayor Fosque called the virtual meeting to order at 6:59 pm and roll was called. Mayor Fletcher Fosque and Councilmembers Robert Bloxom, Joy Marino, Catherine Krause, Maphis Oswald, Ray Burger and Thelma Gillespie were present. All members were present, and a quorum was established.

The Pledge of Allegiance was recited.

Mayor Fosque shared that this meeting was being conducted virtually by the powers vested in the Commonwealth of Virginia and stated that if anyone would like the exact Virginia Code they should contact Town Manager, Matt Spuck.

Consideration and Approval of the Meeting Minutes from the January 25, 2021 Regular Town Council Meeting:

Mayor Fosque asked if council had any changes, additions or corrections to the minutes as submitted.

Councilmember Bloxom explained that on page four the word "garage" should be "garbage".

Councilmember Oswald asked a clarifying question from page three, "dictated by State Code", there is a difference between dictate and permit, should the minutes not say "allowed by" instead. Mr. Spuck stated that dictated was the appropriate word when referencing State Code.

Councilmember Oswald stated that on page three, her question about what residents get for their \$27.00 decal fee is incorrect. She stated that she said \$30.00 fee.

Councilmember Oswald stated that on page four - paragraph four, her comment about keeping the neighboring properties informed, her intent was that it would help keep the neighbors informed. Mayor Fosque stated that if the minutes reflect what was said that they should not be amended. Councilmember Oswald stated that the minutes are not a transcript and therefore should be corrected.

Councilmember Bloxom made a motion to accept the amended minutes. Councilmember Gillespie seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. Historic Onancock School – Annual Report Presentation: Ms. Joani Donohoe, Executive Director the Historic Onancock School (HOS), shared with council some highlights of their annual report. Ms. Donohoe stated that due to COVID-19 most of their 2020 plans were postponed. Ms. Donohoe shared that this summer they intend on starting a new strategic plan which will focus on building and open space improvements. During 2020, HOS had to cancel approximately 30 events due to COVID-19. HOS received a \$50,000 grant from the Eastern Shore Foundation last year to assist with the elevator installation which is in and operational. Some grant funds were also received from the United Way of the Eastern Shore for mulching and plantings. HOS was also awarded \$48,000 from a private group, to update the playground equipment. HOS lost two tenants during 2020 COVID-19 but those spaces have been filled already and they are current at

100% capacity. HOS also received \$18,000 in private donations/contributions. Ms. Donohoe also shared with council an upcoming 5k event they are planning called the Creekside Crawl which will be held on April 3, 2020. This is a family friendly outdoor event. Ms. Donohoe shared that HOS hopes to do a ribbon cutting in 2021 for the LOVE sign as well as the for the new elevator. Ms. Donohoe thanked council for their \$7,500 contribution towards the elevator as well as their continued support.

Councilmember Marino thanked Ms. Donohoe for her report and asked about the building beside the Home Economics building. Ms. Donohoe explained that the building is the old Shop Building which needs to come down. Mr. Spuck also shared that he plans on working with the Department of Emergency Management to secure grant funds to take the building down since it is a high risk building especially during high wind events.

- b. Public Hearing – Special Use Permit, 67 Market Street: Mayor Fosque opened the Public Hearing at 7:21 p.m. Mr. Spuck explained that the Onancock Baptist Church has placed a bid on the property at 67 Market Street and because churches are only allowed in the Business Downtown (B1) district via special use permit Town Council would need to grant them permission to own that property as a church. Mr. Spuck did state that once the church became the owner of the property that property could no longer be taxed by the town for real estate taxes which is approximately \$500 annually. Mr. Spuck shared that the church's intent is to use the back third of the building for a youth ministry and to rent out the front third to a business. The church's main goal in the property acquisition is the parking lot and they have told the town that the public may use the parking lot during non-church hours.

Councilmember Oswald asked about treating the front third differently in regard to real estate taxes since it would be rented out for a for-profit business. Mr. Spuck shared that while Mallard's at the Wharf is a for-profit business the Eastern Shore Historical Society does not pay real estate taxes on that property. Mr. Spuck explained that this is a muddy area because some non-profits pay real estate taxes in town and some do not. Councilmember Oswald stated that the town needs a consistent plan for these types of properties. Mr. Spuck shared that staff is currently working on an analysis to share with council on this matter. Councilmember Oswald stated that council should not act on this special use permit request until there is a clear policy in place. Mayor Fosque explained that this permit request is a zoning issue not a taxing issue. Councilmember Bloxom explained that this is a single parcel property and taxed as such, even if 1/3 of the property will be used for a for-profit business the parcel will be treated as a single parcel and not taxed.

Mayor Fosque asked if there was any public comment on this permit request. With none, he closed the public hearing at 7:31 p.m.

Mr. Spuck explained that this permit request was discussed at the Planning Commission meeting and the Commissioners thought the request was should be approved by Town Council.

Councilmember Bloxom made a motion to approve the properly filed special use permit application, SUP 02:21, made by the Onancock Baptist Church with the following request:

- *Onancock Baptist Church considers a formal agreement with the Town of Onancock to allow public parking during times when church activities are not in session.*
- *Onancock Baptist Church makes reasonable attempts to secure a tenant for the storefront that would enhance the vibrancy of the Onancock Downtown District.*

Councilmember Burger seconded the motion.

Councilmember Krause stated that she was unclear about having a for-profit business in a space that does not get taxed. Councilmember Oswald stated that this would encourage churches to get into the real estate business. Mr. Spuck explained that the purpose of the church buying the property is for the parking lot. Councilmember Krause stated that she is concerned with what is taxable versus what is not.

Councilmember Marino asked if the property has been sold. Mr. Spuck explained that the sale is contingent upon council's approval of the special use permit.

Councilmember Gillespie shared that churches tend to assist the community with their funds and that it seems like a big help that they would allow the public to use the parking lot during non-church hours.

Mayor Fosque explained that there is nothing in the approval of this permit that would exempt them from taxes. This issue is merely a zoning matter. Councilmember Oswald asked if this motion removed them from the tax roll. Mayor Fosque stated that it does not. It is just a zoning matter. Mr. Spuck explained that the property's removal from the tax roll is just a consequence of the permit approval.

With no further discussion a roll call vote was taken:

<i>Robert Bloxom</i>	<i>Yay</i>	<i>Ray Burger</i>	<i>Yay</i>
<i>Joy Marino</i>	<i>Yay</i>	<i>Maphis Oswald</i>	<i>Nay</i>
<i>Catherin Krause</i>	<i>Yay</i>	<i>Thelma Gillespie</i>	<i>Yay</i>

The motion passed five to one.

- c. Public Hearing – Town Code 36-19 to 36-29, Town Wharf: Mayor Fosque opened the public hearing at 7:45 p.m. Mr. Spuck shared that council that they have heard this proposed language changes twice. Mr. Spuck further explained that there is a motion in the packet should they decide to vote on this code change tonight. Mayor Fosque asked for public comment. With none, he closed the public hearing at 7:47 p.m.

Councilmember Oswald stated that in Section 36-23 (d) parking fees shall be assessed but it does not specially mention assessed at the marina. Councilmember Oswald stated that public streets and rights-of-way is too board of a description. Mr. Spuck explained that the reason is so broad is that it captures trailers that park on public property anywhere in town. Mr. Spuck

further explained that the fee is only assessed if they do not have an Accomack County trailer decal. Councilmember Oswald asked how the town plans on enforcing this policy. Mr. Spuck explained that it will be captured by the marina staff when the boater puts their boat in at our ramp.

Councilmember Marino stated that she can not find anywhere in the State Code where it is considered a Class 4 Misdemeanor which is a criminal offense and can carry a fine up to \$250.00. Mr. Spuck stated that this comes from Virginia Code and is promulgated by the County and Commonwealth. Mayor Fosque suggested that we get legal counsel to weigh in on this issue before adopting the change.

Councilmember Oswald asked about adding language regarding boaters using loud or obscene language, stating that this past season one boater flew a flag with obscene language on it. Mr. Spuck shared his concern with council infringing upon the First Amendment right of freedom of speech.

Councilmember Oswald asked about allowing people to enjoy alcoholic beverages when down at the marina. Mr. Spuck said he would look into but that there was probably ABC rules that would prohibit that activity.

- d. Public Hearing – Town Code REPEAL 26-71 and ADD 16-243 to 16-251, Vehicle License: Mayor Fosque opened the public hearing at 8:00 p.m. Mr. Spuck explained that the first item would repeal the vehicle decal requirement language and the second item would add the vehicle license fee to the personal property tax bills. Mr. Spuck stated that by doing this, it will help ensure that the town collects the fees. Currently, only a small fraction of the town purchases their decals. Mayor Fosque asked for public comment. With none, he closed the public hearing at 8:01 p.m.

Councilmember Marino asked that some of the grammar issues be reworded in Section 16-251. Councilmember Marino also asked about the DMV Stop program. Mrs. Lisa Fiege explained that it is an administrative program the town can utilize to go into DMV's mainframe to place stops on delinquent taxpayer's license and/or vehicle renewals.

Councilmember Oswald asked about the proration section. Mr. Spuck explained that the town will prorate for those individuals moving into but not those that move out of town. Councilmember Oswald asked for Section 16-249 to be re-worded because how can a taxpayer not pay. Mr. Spuck stated that he will work on the clarifying the language.

Mayor Fosque suggested that council vote on this ordinance change after Mr. Spuck finalizes the language. Mrs. Fiege shared that council that they were running out of time make a decision on this matter for this year. Decals are due on vehicles by April 15th and go on sale March 1st and they would need to be ordered before March 1st. Mr. Spuck recommended that council approve the code change but that he would still work on correcting the language as directed by council.

Councilmember Bloxom made a motion to repeal Sections 26-71 through 26-78 and add Section 16-243 through 16-251 as presented in Ordinance 2102 as provided in agenda item 4d. Councilmember Oswald seconded the motion.

With no further discussion a roll call vote was taken:

Robert Bloxom	Yay	Ray Burger	Yay
Joy Marino	Yay	Maphis Oswald	Yay
Catherin Krause	Yay	Thelma Gillespie	Yay

The motion passed six to zero.

- e. Public Hearing – Town Code 28-20, Trash: Mayor Fosque opened the public hearing at 8:09 p.m. Mr. Spuck explained that this code change requires that residents leave their garbage cans out no longer than 24 hours before or after collection day. This item was heard in the January meeting. The yard debris section that was also part of this language was removed based on council discussion in the January meeting. Fines will be assessed on a complaint basis. Mayor Fosque asked for public comment.

Mr. John Holdren, Mr. Prospect Avenue, spoke in favor of the ordinance.

With no additional comments, Mayor Fosque closed the public hearing at 8:10 p.m.

Councilmember Oswald stated that many residents leave their cans when out of town and they may forget to ask a neighbor to help them bring it up from the street. This ordinance would create a burden for those individuals. Councilmember Oswald shared that this ordinance seems overbearing, stating that we should be good neighbors and handle this without having to create a code. Councilmember Gillespie shared that she has a neighbor that leaves it out week after week and that she and her other neighbor gave up trying to bring it up to the house for them.

Councilmember Marino made a motion to repeal Sections 28-20 and replace it as presented in ordinance 2103 as provided in agenda item 4e. Councilmember Gillespie seconded the motion.

With no further discussion a roll call vote was taken:

Robert Bloxom	Yay	Ray Burger	Yay
Joy Marino	Yay	Maphis Oswald	Yay
Catherin Krause	Yay	Thelma Gillespie	Yay

The motion passed six to zero.

- f. Public Hearing – NE Project Planning Grant – DHCD Previous Use Funds: Mayor Fosque opened the public hearing at 8:15 p.m. Mr. Eric Luchansky from the Accomack-Northampton Planning District Commission (ANPDC), explained to council the reason for tonight’s public hearing. Per the grant requirement from DCHD for the NE Project Planning Grant the town is to hold two public hearings. The first public hearing is to disclose funding availability. This grant is the

planning grant which will lead to a larger grant which will benefit low to moderate income families. Grant fund availability for housing needs will be based on whether you own or live in the house. These projects can include water/sewer, drainage and lighting, to name a few. Mr. Luchansky shared that the second public hearing will take place at the next council meeting. Mr. Luchansky further explained that he is currently working on the project's draft application.

Mayor Fosque asked for public comment. With none, the public hearing was closed at 8:22 p.m.

Council Discussion:

- a. 2022 Town Budget: Mr. Spuck presented his budget narrative. Mr. Spuck explained that this is not the full budget but that he hopes it helps sparks the initial phases of council's budget conversation. Mr. Spuck explained that what he is presenting is a balanced budget with no tax increases and that it's a budget with a story to tell. The story is that Onancock is open for business and easy to work with. Part of Mr. Spuck's budget assumptions are that the sewage plant will no longer be an asset of the towns in FY2022. Some highlights were: removing the gross sales receipts requirement for business licenses, helping our low-volume water customers with their bills, helping our high-volume customers with their water bills, removing the credit card transactions fee, and that the town will be looking aggressively for non-tax revenue sources.

Mayor Fosque asked Mr. Spuck what he needs from council. Mr. Spuck explained that he is looking for council's guidance on strategic direction. What story does Town Council want to tell.

Councilmember Gillespie shared that this is her first budget presentation as a council member and that she is happy that initiatives can be funded without tax increases.

Councilmember Bloxom mimicked Councilmember's Gillespie's sentiment and added that he was excited to review the hard numbers.

Councilmember Marino said she was happy that there would be no tax increase but was concerned about the message being that the town was open for business. Councilmember Marino suggested that Mr. Spuck add something in the narrative about Onancock being a great place to live as well.

Councilmember Burger stated that it will be helpful to see the full budget to see what items were up/down over the year.

Mayor Fosque shared that he had been unhappy with the gross sales receipt's requirements for the business license tax. Mayor Fosque was also excited to see that the credit card fee would be removed and was happy to see a restricting for water rates for low and high-volume users.

Public Comment:

Mr. Haydon Rochester, King Street, asked that council continue to fund the Orchestra of the Eastern Shore through the Local Challenge Grant in the coming fiscal year budget.

Committee Reports:

HRSD, Robert Bloxom: Bob – Councilmember Bloxom stated that Mr. Spuck would be reviewing this matter in his Town Manager Report.

Waterfront Committee, Robert Bloxom: Councilmember Bloxom shared that there was no meeting.

Planning Commission, Robert Bloxom: Councilmember Bloxom shared that the Commission reviewed the special use permit heard by Town Council tonight. The Commission also set a timeline to complete the Comprehensive Plan, projecting its completion in early summer. Councilmember Bloxom also shared that the Commission has two openings and two interested parties. Councilmember Bloxom put forth Mr. Brandon Brockmeier to Town Council to be appointed to the Onancock Planning Commission.

Councilmember Bloxom made a motion to appoint Mr. Brockmeier to the Planning Commission. Councilmember Krause seconded the motion.

With no further discussion a roll call vote was taken:

Robert Bloxom	Yay	Ray Burger	Yay
Joy Marino	Yay	Maphis Oswald	Yay
Catherin Krause	Yay	Thelma Gillespie	Yay

The motion passed six to zero.

Strategic Planning, Fletcher Fosque: Mayor Fosque shared that the committee did not meet.

Mayor’s Report: Mayor Fosque shared that he would be conducting a straw poll among council members to see whether or not the board was interested in moving forward with the creation of a Town dog park.

Mayor Fosque asked if those council members requiring a hard copy of the Town Code had received their copy. If not, they were asked to contact Mrs. Fiege.

Mayor Fosque shared that he hopes to get back to in person meetings sometime in May 2020.

Mayor Fosque explained that staff have been working diligently to clean out upstairs at Town Hall. Mayor Fosque thanked Mr. Spuck for getting it accomplished.

Town Manager’s Report:

Office Health and Wellness: The office remains closed to the public and to any non-full-time employee. We do not have any way to manage access and maintain physical distancing in the entry way. As vaccinations become more broadly complete, we will open by appointment until we are able to fully manage the safety of employees and visitors

Budget 2022: Preliminary Budget process schedule:

- Internal first pass budget complete: 2/9 (completed)
- Town Council first meeting with strategic budget discussion: 2/22 (underway)
- Possible Town Council Budget Work Session (unscheduled): 3/15? (for Council consideration)
- First Public Hearing on 2022 Budget: 3/22
- Second Public Hearing on 2022 Budget: 4/26

- Town Council vote to adopt 2022 Budget:

5/24

CDBG Grant: We have received 5 completed applications for grants. 3 have been submitted for DHCD approval. Upon first level of approval, the town writes the businesses checks for the grant and waits for reimbursement. The 2 other applications have missing information and when received we will submit.

FEMA Grant: We received notification that the monies were appropriated, and funds will be disbursed to Onancock. A little over \$5,100. We also receive funds for administrative time in addition to the grant.

Boat Ramp: We have received the US Army Corps of Engineers permit. Murtech has been contacted and asked to put us on their calendar for the soonest available start date.

HRSD: First revision of agreement sent back to HRSD after town and town attorney prepared. A message was left for HRSD for update on status.

Carnival Grounds: First 5 parcels sold to developer. Zoning applications in hand. 911 addresses will be assigned tomorrow, then issued.

Online Payment: We began implementation of online payment system today (called Invoice Cloud). We expect to be live at the end of April with marketing and communication plans to notify.

Treasury Management: Engaged with VIP (Virginia Investment Pool) to begin treasury management with short and long-term funds.

VPA Application: Working on application and presentation to VPA for next funding possibility of the entire westward facing bulkhead. The presentation has been completed. This week Mr. Spuck will submit a request for carry-over and new project funding.

Upcoming Activities:

Infrastructure: Put a plan together for all town street projects (Jackson, Warren, King, Justis) to determine order of magnitude and funding requirements.

Dog Park: This has not been approved by Town Council. I am preparing a plan to share with Council to show the budget impact and timing of a potential dog park on the new property

Advertising: Preparing online and print media advertising for the Wharf and Town.

Collection: Going to begin a concerted effort to collect unpaid taxes and fees (collection calls, liens, and attorney).

New Business Licenses:

As Onancock attracts new businesses, I want to share with Council any newly approved business licenses: Fashion Splash Boutique, 25A Market St., Felita Land.

Mr. Spuck also confirmed with Town Council that they would be holding a Budget Work Session on March 15th at 5:30 p.m.

Council Comments:

Councilmember Krause thanked everyone for a great meeting as well as Mr. Phillips for sharing his insight on the County regulations regarding churches and real estate taxes.

Councilmember Marino shared that she is thrilled at the prospect of a dog park. She also expressed concern over the condition of Turner Street which was brought to her attention by a resident that is

currently working on upgrading her family's house on Turner Street. Lastly, Councilmember Marino thanked Mr. Spuck and Mrs. Fiege for all of their hard work.

Councilmember Oswald stated that she was pleased with the budget story and was looking forward to the Work Session. Councilmember Oswald urged Council to proceed with the Work Session in person as opposed to virtually.

Closed Session, if needed:

None was needed.

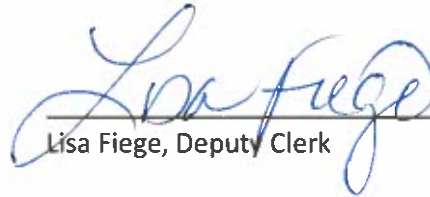
Adjourn:

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

The meeting adjourned at 9:24 p.m.



Fletcher Fosque, Mayor



Lisa Fiege, Deputy Clerk