

Town Council Meeting - June 28, 2021

Town of Onancock
Town Council Meeting
June 28, 2021
7:00 p.m.

Call to Order and Roll Call:

Mayor Fosque called the meeting to order at 7:00 p.m. and roll was called. Mayor Fletcher Fosque and Councilmembers Robert Bloxom, Joy Marino, Maphis Oswald, Ray Burger and Thelma Gillespie were present. All members were present, and a quorum was established.

The Pledge of Allegiance was recited.

Consideration of the May 24, 2021 Regular Town Council Meeting Minutes and the June 7, 2021 Town Council Public Hearing and Town Hall Meeting Minutes:

Mayor Fosque asked for corrections, additions, or changes to the minutes from the May 24, 2021 Town Council meeting. Councilmember Bloxom asked that some language be added to page four regarding Ms. Nock's statement about the dust having carcinogens in it. Councilmember Bloxom stated that there is not absolute proof of that statement therefore asked that the minutes be rewritten to state that there is silica in the dust which may be a carcinogen.

Mayor Fosque shared that the minutes should reflect what was said whether the statements made at the council meetings were true or not.

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

Mayor Fosque asked for any changes, corrections, or additions to meeting minutes from June 7, 2021.

With none, Councilmember Bloxom made a motion to approve the minutes as submitted. Councilmember Marino seconded the motion. The motion passed by unanimous voice vote.

Public Business:

- a. Onancock Main Street – Annual Presentation: Mrs. Janet Fosque gave Town Council an update on Onancock Main Street. Main Street is happy to report that their branding campaign, in partnership with the Town of Onancock, is completed. They have also designed and printed several rack cards which will promote their new website, www.experienceonancock.org. Main Street is working with ESVA Chamber of Commerce to provide an enhanced events calendar for the middle Shore. Mrs. Fosque also shared that they are looking into an information kiosk which would be a landscaped spot with a bench, possibly by the movie theatre.

Councilmember Oswald stated that she thought that would also be a great spot for public restrooms.

Councilmember Marino asked what it means to do a placemaking project. Mrs. Fosque explained that this project would mean creating a well-lit path to the parking lot along with increasing the accessibility of Custis Park. Mrs. Fosque shared that the scope of this project was largely put together through community engagement.

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- b. Meet new Police Officer, Dalton Wood: Police Chief Eric Williams introduced Dalton Wood to Town Council. Police Chief Williams explained that Officer Wood would be attending the Police Academy at the end of summer. Town Council welcomed Officer Wood to the team.
- c. Public Hearing, Town Code 2-27, Election Dates and Terms: Mayor Fosque opened the public hearing at 7:15 p.m. Mayor Fosque explained that the Virginia General Assembly decided to require that all elections, including local elections, will be held on the same day annually. The Town's current code requires that Town Council elections to be held in May with a term start date of July 1st. The general assembly is now requiring that our elections be held on the first Tuesday in November. This code rewrite would put us in compliance with State Code.

Mayor Fosque asked for public comment. With none, the public hearing was closed at 7:16 p.m.

Councilmember Oswald shared that there is a cost saving benefit with this change. Mayor Fosque concurred with Councilmember Oswald but also explained that the downside will be that there will no longer be any elections held at Town Hall.

- d. Public Hearing, 9 Market Street, Homestay: Mayor Fosque opened the public hearing at 7:18 p.m. Mr. Spuck shared that applicant, Lisa Cuba, has applied to operate a homestay at their house located at 8 Market Street. There is enough off-street parking for three cars, and it has been determined that they can have up to eight guests at their house at any one-time, the determination is based on the number of bedrooms and bathrooms. Mr. Spuck recommended approval of the application.

Mayor Fosque read a letter of dissent from a neighboring property owner, Sharon and John Snead on King Street. They cited concerns of potential noise at night and the devaluation of their property.

Mayor Fosque asked for public comment.

Mrs. Kathy Boyd, Market Street, shared that she and her husband, Steve, oppose both homestay applications. Mrs. Boyd explained that they support a moratorium on homestay approvals so that Town Council can put a more comprehensive plan together on how best to deal with this type of use. Mrs. Boyd continued by stating that they are concerned about the density of two homestays in their section of Town. Mrs. Boyd stated that they would rather have full time residents for neighbors.

Ms. Sarah Nock, Market Street, shared that she agrees with Mr. and Mrs. Boyd. Ms. Nock further stated that while the two homestay applications are for homes on two different streets, the homes are actually next to each other. Ms. Nock encouraged Council to not make a decision tonight but to wait until the policy can be reviewed by the Planning Commission.

Mr. Robert Spoth, Market Street, urged Council to place a moratorium on homestays until Planning Commission can complete their analysis of the Town's current policy and potential rewrite of the policy. Mr. Spoth stated that the Town should have a better plan for these uses and that the current plan is haphazard. Town Council needs to think about what the Town wants to be, how to grow, and where commercial activity belongs.

Mr. John Simpkins, King Street, shared that calling this use commercial activity is fairly accurate. The property becomes investment property once this type of use is in place. Homes are primarily residential, a shelter. Once it becomes an investment property it is more discretionary. The market becomes more volatile because they are no longer needed to shelter the owner. Allowing this use in residential areas may affect the market in unintended ways.

Ms. Lisa Cuba, Applicant for 8 Market Street, shared that they are moving to a home ten minutes away, so they will be able to check on the property and their renters at any time. Ms. Cuba stressed that they also do not want to have renters that would cause the Town or their neighbors any hardship. Ms. Cuba explained that when she travels with her family and children they also stay at homestays. They find it is a nice way to travel. Ms. Cuba stated that they will manage the homestay personally and that they hope it will help support the Town's economy.

Mayor Fosque closed the public hearing at 7:27 p.m.

Councilmember Oswald stated that the application meets the Town's current minimum requirements. Councilmember Oswald suggested that Council consider a moratorium for future applications but as of now both applications for a homestay meet the Town's current rules and guidelines. Councilmember Oswald questioned where tourists will stay while visiting the Town we have been promoting, stating that Airbnb is a great alternative to traditional lodging for travelers. Councilmember Oswald stated that it was unlikely that the Town would get rowdy guests since Onancock does not have a beach. Councilmember Oswald urged Council to follow through with the applications that are currently on the table.

- e. Public Hearing, 6 King Street, Homestay: Mayor Fosque opened the public hearing at 7:30 p.m. Mr. Spuck shared that this property is currently operating as a homestay and is under contract for sale. The purchaser would like to continue this use.

Mrs. Kathi Williams, Current Owner of 6 King Street, stated that she appreciates everyone's concerns. Mrs. Williams shared that she opened her home on 6 King Street as a homestay eight years ago and has never had a complaint regarding her transient guests. Mrs. Williams also shared that the complaint about the applicant's property being too close seems moot when you consider the many yacht clubs that visit Onancock's marina annually. Mrs. Williams also shared that the purchaser, and applicant, stayed at 6 King Street as a guest and fell in love with the Town. This is what prompted them to want to purchase a home in Town even though they will be unable to live there full time just yet.

Mrs. Kathy Boyd, Market Street, asked if the sale of the property was contingent upon Town Council's approval of the special use permit. Mrs. Williams stated that it was. Mrs. Boyd stated that should be public information.

Mr. Jeff Vernimb, King Street, urged Town Council to place a moratorium of homestay permits, stating that the housing market is very hot right now.

Mr. Karl Smith, Applicant, shared with the public that this home is not being purchased as an investment property. Mr. Smith stated that they fell in love with Onancock and while they plan on visiting as much as possible, they are unable to move here full time just yet. Mr. Smith shared that they will be using the same property management group that the Williams have been. Mr. Smith also shared that they too want to protect the value of the property. Mr. Smith also asked that they be kept apprised of any concerns about their transient guests.

Mr. Brandon Brockmeier, King Street, urged Council to think about these uses sensibility. Does Onancock want to be empty in the winter like Cape Charles.

Mrs. Janet Fosque, Market Street, spoke against the applications but stressed that she was not speaking on behalf of the Onancock Main Street organization. Mrs. Fosque state her concern for the downtown businesses. For instance, if Onancock had been a seasonal Town, how would our restaurants have survived COVID-19. Mrs. Fosque also stated that just because a property has been operating as a homestay does not mean that with the property transfer the use should continue. Mrs. Fosque suggested that Council put additional stipulations on approval of the special use permit, maybe give them conditional approval to be re-evaluated in a year. At the year-end review, then decide on longer term approval which could be based on the lack of complaints at the property. Mrs. Fosque stressed that Town Council have been elected to be the stewards of the Town residents.

Mr. Kent Sudman, Meadville Drive, asked a technical question regarding the requirement for who can apply for a special use permit. Should it not be the owner of the property? Councilmember Marino stated that our code does not address this issue, but that Council should work to address this matter for the future.

Mayor Fosque closed the public hearing at 7:71 p.m.

Mr. Spuck shared that he also endorses a moratorium on special use permits for this use but that it should take effect after this evening's permits are voted on. Mr. Spuck reiterated that the Planning Commission is actively discussing the matter and will get something ready for Council's review shortly.

Mayor Fosque stated that just because the applications meet all of the Town's requirements does not mean that it is automatically approved by Council. Their neighbors get a chance to weigh in and their opinions matter. Town Council has denied applications in the past which has set precedence.

Councilmember Bloxom shared that he endorses the Planning Commissions review of this matter. Councilmember Bloxom also shared that he agrees with Councilmember Oswald, to date, Onancock has not had any issues with short-term rentals. Councilmember Bloxom stated that he did not feel that Onancock will have the same issues Cape Charles has had with its short-term rentals. The people staying at Onancock's Airbnbs are the type of people the Town wants to attract.

Councilmember Marino shared that Council denied a special use permit for a homestay on Ames Street a few months back and there were only two neighbors speaking out against that application. Councilmember Marino stated that she was elected as a public servant and therefore wants to act in accordance with public will. Councilmember Marino continued by saying she likes her neighbors and living in a neighborhood and therefore wants to make sure that characteristic is preserved. Councilmember Marino spoke in favor of a moratorium on homestay applications, stating that she believes the applicants will be great but that before Council approves anymore homestays the policy should be reviewed by the Planning Commission. Councilmember Bloxom shared that the homestay application on Ames Street was denied because the landlord had a history of property neglect. Councilmember Bloxom felt these applicants are not on par with the Ames Street applicant's scenario.

Councilmember Oswald shared that Onancock has a lot to offer, especially its desire to be welcoming. Councilmember Oswald explained that when they stay at Airbnbs in other areas, the neighbors come over and introduce themselves and she hopes that Onancock would do the same. Councilmember Oswald stated that it seems odd to want tourism but not offer sufficient lodging to the tourists. Councilmember Oswald urged residents to not be afraid to embrace something that she feels has a place in Onancock. Councilmember Oswald continued by stating that there is already language in the code which states if a homestay gets three or more complaints its special use status can be revoked.

Councilmember Gillespie choose to abstain from the conversation.

Councilmember Burger shared that he feels that Council should follow the rules as they are currently written. That will help take the subjectivity out of this discussion. Councilmember Burger also urged Town staff and the Planning Commission to study this matter further before suggesting a moratorium.

Mayor Fosque expressed his concern that Council was ignoring the various neighbors that had spoken out against these applications.

Mr. Spuck shared that he could put an administrative moratorium on the special use permit applications.

Councilmember Bloxom made a motion to approve SUP 10:21 to allow 9 Market Street to operate as a Homestay as allowed and detailed in Town Ordinance 38-77 with the following requirements:

- *All guests must park in the off-street spaces provided.*
- *The owner agrees with the Transient Occupancy Tax code as detailed in sections 16-72 through 16-81.*
- *The owner agrees to pay all water, sewer and garbage bills and no Landlord/Renter Agreement will be allowed for the Homestay property.*

Councilmember Oswald seconded the motion.

Councilmembers Bloxom, Oswald and Burger voted for the motion. Councilmember Marino voted against the motion. Councilmember Gillespie abstained from the vote. The motion passed three to one.

Councilmember Bloxom made a motion to approve SUP 7:21 to allow 6 King Street to operate as a Homestay as allowed and detailed in Town Ordinance 38-77 with the following requirements:

- *All guests must park in the off-street spaces provided.*
- *The owner agrees with the Transient Occupancy Tax code as detailed in sections 16-72 through 16-81.*
- *The owner agrees to pay all water, sewer and garbage bills and no Landlord/Renter Agreement will be allowed for the Homestay property.*

Councilmember Oswald seconded the motion.

Councilmembers Bloxom, Oswald and Burger voted for the motion. Councilmember Marino voted against the motion. Councilmember Gillespie abstained from the vote. The motion passed three to one.

- f. **Public Hearing, Add Ordinance 34-11, Sale of Certain Municipal Property:** Mayor Fosque opened the public hearing at 8:01 p.m. Mr. Spuck explained that the Town must have an ordinance in place in order to sell and/or transfer municipal property to another entity. Mr. Spuck read the proposed ordinance aloud.

Mayor Fosque asked for public comment. With none, Mayor Fosque closed the public hearing at 8:02 p.m.

Councilmember Bloxom made a motion to approve adding ordinance 34-11, Authorizing to Sell or Transfer Operation of Certain Municipal Property. Councilmember Oswald seconded the motion. The motion passed by unanimous voice vote.

- g. **Motion to Adopt Resolution Authorizing Sales of Certain Municipal Property, #85-2-5:** Mr. Spuck explained that this Resolution will allow for the transfer of the Town's sewer plant to the Hampton Roads Sanitation District.

Councilmember Burger made a motion to adopt the following Resolution. Councilmember Burger read the Resolution aloud. Councilmember Gillespie seconded the motion. The motion passed by unanimous voice vote.

- h. Motion to Adopt 2022 FY Budget: Mr. Spuck explained that this is the same budget that Council was been previously presented, there have been no changes.

Councilmember Bloxom explained that Town Council and the taxpayers of Onancock have reviewed and thoroughly discussed the budget for fiscal year 2022 and he moved that Town Council approve the Government Activities, Special Revenue, Water and Amended Sewer budgets for fiscal year 2022 as presented this evening. Councilmember Gillespie seconded the motion. The motion passed by unanimous voice vote for both budgets.

- i. Motion to Adopt 2022 FY Budget Amendment (Sewer): Please see above motion.
- j. Motion to Adopt Resolution for Worker's Compensation Insurance: Mr. Spuck explained that there are certain times when the Town's Police Department is under resourced. During those times, our Department can take advantage of certified officers not directly employed by the Town. These officers are considered auxiliary officers and would work for the Town compensation free. This Resolution would allow those auxiliary officers to be treated as employees in case of on the job injury.

Councilmember Oswald clarified that this benefit would only apply to the auxiliary officer while working on behalf of the Town. Mr. Spuck confirmed her statement.

Councilmember Burger made a motion to adopt the following Resolution which he then read aloud. Councilmember Marino seconded the motion. The motion passed by unanimous voice vote.

- k. Appoint T. Lee Byrd to Planning Commission: Mayor Fosque asked for a motion to appoint Ms. Carol Tunstall and Mr. T. Lee Byrd to the Onancock Planning Commission.

Councilmember Bloxom made a motion to appoint Mr. T. Lee Byrd and Ms. Carol Tunstall to the Town of Onancock Planning Commission effective immediately. Councilmember Marino seconded the motion. The motion passed by unanimous voice vote.

- l. Appoint Carol Tunstall to Planning Commission: Please see the above motion.
- m. Appoint Person to Fill Vacant Seat on Town Council: Mayor Fosque shared that with the absence of Catherine Krause, came the opening of a Town Council seat. Mayor Fosque explained that until recently there was no interest for the public in filling that position, approximately two weeks ago three individuals expressed their interest in filling the vacant seat. Mayor Fosque explained that the Town Council had the opportunity to call and speak to the candidates one on one.

Councilmember Oswald made a motion that Town Council appoint Ms. Sarah Nock to the Town of Onancock Town Council effective immediately with the understanding that this appointment term is June 28, 2021 through December 31, 2022. Councilmember Gillespie seconded the motion. The motion passed by unanimous voice vote.

Town Council welcomed Ms. Nock aboard.

Public Comment:

Mr. Steve Johnsen, Ames Street, explained that he serves on the Commonwealth Transportation Board and as a member reviewed several Smart Scale applications from across the Commonwealth. Mr. Johnsen shared with Town Council that the Town's application, in partnership with Accomack County, for the Road Diet has been approved. Mr. Johnsen continued by stating that the program is part of a six-year improvement program and that VDOT will cover 100% of the cost of this program. Town Council thanked Mr. Johnsen for his hard work with helping to get the application approved.

Mrs. Kathy Boyd, Market Street, shared her disappointment with Town Council's approval of the special use permits for homestays. Mrs. Boyd expressed her concern that there are nine homestays in a Town with approximately 700 homes and now two of them are right next to her. Mrs. Boyd stated that it did not seem right that Council would help protect the sale of the Williams' home by granting this special use permit which will benefit someone (the purchaser) the Town does not even know. Mrs. Boyd said Council did Mr. Boyd and her a disservice by approving this application for a homestay.

Mr. Robert Spoth, Market Street, also expressed his disappointment that Town Council voted for haphazard growth by approving the special use permits for homestays.

Mrs. Priscilla Hart, Market Street, shared her concern that individuals that do not own the property are allowed to apply for special use permits.

Committee Reports:

- HRSD, Robert Bloxom: Councilmember Bloxom stated that Town Council took the first big step tonight by approving the Resolution to sell the Wastewater Treatment Plant. The bond documents have been sent to HRSD's legal counsel so that they can pay off the debt. Councilmember Bloxom estimated that it will be six-months before everything is transferred to HRSD.

Councilmember Marino asked if the installation of the smart meter was part of the deal. Mr. Spuck stated that it would be done in phase two, which is when the collection system is transferred to HRSD.

- Waterfront Committee, Robert Bloxom: Councilmember Bloxom shared that the slip reservations are far ahead of the previous year. The golf carts and courtesy car have been well received by our transient guests. Councilmember Bloxom shared that the Virginia Port Authority (VPA) has approved the Town's grant to redo the bulkhead. Councilmember Bloxom explained that T&W Block has agreed to put a well in on the property to help curtail the dust

issue at the marina which will take about 30-45 days to be fully installed. T&W Block has also agreed to not work on Sundays once they overcome their labor shortages.

Councilmember Oswald asked about runoff from the water off the dust into the creek. Mr. Spuck explained that the watering of the dust will not be over saturated so the runoff should be minimal, but that T&W Block was also checking in with the Department of Environmental Quality on this issue.

- Planning Commission, Robert Bloxom: Councilmember Bloxom deferred to Mr. Spuck. Mr. Spuck explained that the Commission did not have a quorum but that several members discussed the homestay issue. This topic will be part of the July Planning Commission's meeting.
- Personnel Committee: No meeting.

Mayor's Report:

Mayor Fosque announced that Main Street will be having a new logo kickoff event this coming Second Friday. Mayor Fosque also stressed that Council should be scheduling a strategic planning session in the near future, possibly September.

Town Manager's Report:

Mr. Spuck highlighted the following items from his State of the Town report:

- Mr. Spuck is pleased with Town Staff and all of their hard work this past fiscal year.
- Mr. Spuck shared all of his research efforts on the American Rescue Plan Act funds the Town will be receiving. He is currently working on getting a budget together for Council's review which will show Town Staff projects, local stakeholder's requests along with Town Council's requests for how to use the funds.
- Mr. Spuck shared that the Comprehensive Plan is almost complete and ready for Town Council review. All Planning Commission member edits have been received. Mr. Spuck will schedule a joint public hearing with Town Council and Planning Commission for final adoption of the Plan.
- The boat ramp repair is in its final stages, they will be pouring the concrete this week and in all likelihood the ramp will be ready for use in approximately ten days.
- Mr. Spuck also shared that he has been working diligently with HRSD to make the Wastewater Treatment Plant transfer as smooth as it can be.

Council Comments:

Councilmember Oswald shared that she felt sorry to disappoint those that spoke against the special use permits that evening but that she felt that Town Council did the right thing for the right reasons.

Closed Session, if needed:

Councilmember Bloxom made a motion that Town Council convene a closed session for the purpose of holding a discussion of the personnel issue, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia of 1950, as amended. Councilmember Oswald seconded the motion. The motion passed by unanimous voice vote.

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Closed session convened at 8:43 p.m.

Councilmember Bloxom made a motion that Town Council reconvene open session and that a roll call vote be taken and recorded on this motion so that each member who votes in favor shall thereby certify compliance with all of the matters identified in Section 2.2-3712 (D) of the Code of Virginia of 1950, as amended. Councilmember Gillespie 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
Maphis Oswald	<input checked="" type="radio"/> YES <input type="radio"/> NO	Thelma Gillespie	<input checked="" type="radio"/> YES <input type="radio"/> NO
Ray Burger	<input checked="" type="radio"/> YES <input type="radio"/> NO		

Open session reconvened at 9:27 p.m.

Adjourn:

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

The meeting adjourned at 9:28 p.m.



Fletcher Fosque, Mayor



Lisa Fiege, Deputy Clerk