

TOWN COUNCIL MINUTES & PUBLIC HEARINGS  
FEBRUARY 25, 2008  
6:00 P.M.

TOWN COUNCIL MEMBERS PRESENT:

Duke Shannahan  
Kathyanne Runninger  
Kay Wescott

Fletcher Fosque  
George Miles  
Maphis Oswald

OTHERS PRESENT:

Bruce Paone, Mayor  
Susan D. Scott, Town Mgr.  
Buck Walters, Plan. Comm.  
Mike Carpenter, Plan. Comm.  
Ben Kidd, Plan. Comm.  
Bill Bagwell, Plan. Comm.  
Shirley Zamora, Plan. Comm.  
Harry Brough  
Vera Bruton  
I. Crockett

Karen Simpson, Admin. Asst.  
David Rowan, Town Atty.  
Lynne & Caleb Fowler  
Sandra Fox  
Valena Gibb  
Linda Nicola  
Anne B. Nock  
Linda & Thom Nolan  
Stella Rhode  
Bob Runninger

I. Public Hearings:

1. **Golf Cart Ordinance Amendments** to Ordinance 2007-1 pertaining to a golf cart and utility vehicle transportation plan within the Town of Onancock. The amendments pertain to the following, except typographical errors and renumbering: a) Section 2 – Findings: remove “utilizing” and insert “operating”; b) Section 5 – Golf Carts and Utility Vehicle Design Criteria: remove the “windshield” section in its entirety and remove “car” and insert “golf cart and/or utility vehicles” in its place; c) Section 9 - Safety Inspection: Remove the words “once a year”.

As there was no public comment, this public hearing was closed at 6:03 p.m.

2. **Sale Portion(s) of BB&T Bank Property** identified as Tax Map Nos. 085A2A000007800, 085A2A0000079000, 085A2A000008000 & a portion of 085A2A000008100, known generally as the BB&T bank building located at 44 Market Street in Onancock, VA, being a portion of the property conveyed to the Town by Deed recorded as Instrument No. 200705948 in the Circuit Court Clerk's Office of Accomack County, VA.

Mayor Paone read the following into the record: Pursuant to Sec. 2.2-3110 of the Code of Virginia, this is to state for the public record that Kathyanne Runniger has not participated in any way as a member of the Town Council in deliberations or decisions by the Council in the sale of the property which is the subject of this public hearing. By a unanimous show of hands, Council agreed with this statement.

The gathering was informed that Robert and Kathyanne Runniger have entered a bid for purchase of the BB&T property, including the bank building, a strip of land where the handicapped ramp is and a portion of the drive-through, for \$385,000.00. The parking lot is not included in this sale.

As there was no public comment, this hearing was closed at 6:07 p.m.

3. **Special Use Permit Language Amendment** to amend the Zoning Ordinance to add the verbiage under Statement of Intent and Sec. 24-16 Special Exceptions - (a) Each dwelling unit shall be permitted not more than one apartment, which shall be contained within the dwelling unit itself. **It shall be a condition of issuance of a Special Use Permit that the owner of the dwelling within which the apartment is located actually reside within the dwelling itself.** The Planning Commission opened up their portion of the public meeting.

As there was no public comment, Mayor Paone closed the hearing at 6:09 p.m.

Commissioner Kidd closed the public hearing portion of the Planning Commission.

- II. Mayor Paone called the regular Town Council meeting to order at 6:09 p.m., after which the Pledge of Allegiance and invocation were recited.
- III. Consideration of January 28, 2008 Minutes. Councilman Miles made the motion to approve the January 28, 2008 minutes, Councilman Shannahan seconded the motion, and it passed unanimously.
- IV. Public Comment. Vera Bruton asked if the hole at the end of Division Street could be filled as big trucks were not going through there anymore. The Town Manager advised her that Hill Construction is not yet through with the project.

Linda Nicola, proprietor of Colonial Manor, spoke of her great concern regarding the loss of the Capt. Eulice ferry. She felt this to be an emergency situation regarding loss of business at Town B&B's and restaurants. Bill Bagwell, a member of the Historical Society committee, offered some information regarding this – the Capt. Eulice has moved to Hilton Head, NC for the time being, has not renewed its lease for the boat slip with the Town and the Historical Society, and that no one has expressed an interest in taking its place. Councilwoman Oswald mentioned that Donna Boza of the Tourism Board wants to put a meeting together regarding this situation. Ms. Nicola emphasized that it is imperative to find a replacement(s) as soon as possible. Town B&B's lost a lot of business last year when the ferry stopped running early. She strongly felt the Town should solicit for a replacement. The Town Manager will e-mail the communication from Ms. Boza to OBCA members, and will ask her to update the latest information to everyone and to set meetings as soon as possible, and will also contact State Senator Northam and Delegate Lewis.

The costs of renting the slip were discussed, including rent to both the Town (\$1,000 in 6 installments May-Oct.) and the Historical Society (\$2,000, which they are not willing to cut) and the passenger tax (\$0.50 per head) to the Town. The Town Manager will contact Tangier's mayor

regarding their end of the situation. The Town is open to discussion re changing the current fees. The Historical Society can put in a finger pier and charge \$2,400 annually, but they are not willing to make any concessions. In the discussion that followed, it was mentioned that Tangier Freight Co. has boats – are they interested? The Tangier run could be only a few days a week, rather than every day. Linda Nolan of The Spinning Wheel reiterated concern about loss of ferry and the detrimental affect on business.

Mike Carpenter gave a report on the current status of the broadband initiative. Accomack County is still reviewing bids to put in the backbone underground in the median strip of Route 13 up to T's Corner. They are also looking at using A&N power poles, a less expensive alternative. The end of the line will be changed to the new water tower site, rather than the intersection of Holly and Market Streets. Parksley and Onley have been contacted regarding working together in gathering vendor information. A meeting will be set up with a grant writer.

V. Disposition of Public Hearings.

i. Golf Cart Ordinance Amendment: Councilman Miles made a motion to adopt the amendments to the Golf Cart Ordinance and Councilwoman Runniger seconded the motion. After discussion, the motion passed unanimously.

ii. Sale portions of BB&T Bank property: Councilwoman Runniger left the podium and joined the audience. The Mayor read Resolution 2008-2, the resolution authorizing the sale of certain property known generally as the BB&T Bank building to Robert L. and Kathyanne Runniger for \$385,000. Councilman Miles made the motion to adopt Resolution 2008-2 and Councilman Shannahan seconded the motion. This sale has been discussed at length on several occasions. Councilman Shannahan complimented the Town Attorney for his crafting of all documents regarding the sale. The motion passed unanimously. Councilwoman Runniger recused herself from the vote.

AYE votes: George Miles, Duke Shannahan, Kay Wescott,  
Fletcher Fosque and Maphis Oswald

NAY votes: NONE

RECUSAL: Kathyanne Runniger

iii. Special Use Permit Language Amendment: The Planning Commission was gaveled to order by Chairman Kidd. Commissioner Zamora made a motion to recommend adoption of the special use permit language amendment to the Onancock Town Council, Commissioner Walters seconded the motion, and it passed unanimously.

Councilman Miles made the motion to adopt the special use permit language amendment as presented for the entire residential district, Councilman Fosque seconded the motion, and it passed unanimously.

AYE votes: George Miles, Duke Shannahan, Kathyanne

Runniger, Kay Wescott, Fletcher Fosque and  
Maphis Oswald

NAY votes: NONE

- VI. Legal Counsel Update. Town Attorney, David Rowan, reported on the following: i. Mutual Aid Agreement: The VML insurance adviser suggested that both Onancock and Onley operate under two different insurance policies. Mr. Rowan circulated the agreement with all changes to Onley and their attorney, but has not heard anything back yet. He will contact Cela Burge. The agreement formalizes assistance from one Town to the other for an incident and it clarifies how each Town is responsible for the acts of its officers and the care and feeding of its equipment. The agreement also clarifies that officers operating outside of their own jurisdiction are covered by their own Town's insurance policy.
- ii. Personnel Manual Amendment. A Town employee cannot be a Town Council member or Mayor and work for the Town, and vice versa. Councilman Miles made a motion to add the following amendment under Section 10 – Political Activities of the Personnel Manual:

“WHEREAS, it is provided that any eligible resident of the Town of Onancock can run for election to serve as an official of the governing body, which includes Town Council and Mayor; and

WHEREAS, there are or may be eligible residents of the Town who are employed by the Town, either on an hourly or salaried basis; and

WHEREAS, in the event an employee of the Town simultaneously serves as employee and Council Member or Mayor, there may arise conflicts of authority between the positions of Council Member or Mayor and employee which

are not in the best interests of the Town; and

WHEREAS, it is in the best interests of the Town, its residents and employees to establish reasonable restrictions on simultaneously serving as Council Member or Mayor and Town employee.

NOW, THEREFORE, BE IT RESOLVED:

Any employee of the Town who is a resident of the Town may run for elective office; however, no person may simultaneously be a member of the Town Council or Mayor and a full or part-time employee of the Town. In the event an employee is elected to Council, the employee shall, prior to taking any oath of office, elect between continuing as an employee or serving on the Town Council or as Mayor. Likewise, if a sitting member of Town Council elects to accept employment with the Town of Onancock, the Council Member shall resign from her/his position on Town Council or as Mayor prior to commencing employment with the Town.

The provisions of this Ordinance shall be incorporated into the Town

Councilman Fosque seconded the motion, and it passed unanimously.

- VII. Planning Commission Report. The Planning Commission requests Town Council to go out to public hearing for the special use permit application of Peter Dundon for an upstairs apartment at 41 King Street. Councilman Miles made a motion to go out for public hearing on the special use permit application of Peter Dundon, Councilman Fosque seconded the motion, and it passed unanimously.

The Planning Commission is currently reviewing the Town Plan, and will eventually have a public work session.

The terms of Buck Walters and Bill Bagwell are expiring. As both of them have expressed an interest in continuing as Commissioners, Councilman Fosque made a motion to reappoint Buck Walters and Bill Bagwell to the Planning Commission for 4-year terms, Councilman Miles seconded the motion, and it passed unanimously.

- VIII. Mayor’s Report. Encouraged everyone to take a walk behind the Onancock School – the Friends are doing a wonderful job of cleaning up the creek bank. Scott Landreth has completed the barbeque project. A “thank you” letter has been sent to him. He will be invited to a Town Council meeting for a presentation in a month or two.

- IX. Town Manager’s Report. i. Correspondence: letter from Lynwood Lewis re House Bill 663/Enforcement of Overcrowding Ordinances in residential areas, which is awaiting passage by the Senate.
- ii. Councilman Miles made a motion to abate the 2002 personal property taxes in the amount of \$2,109.96, Councilman Shannahan seconded the motion, and it passed unanimously. State law requires abatement of personal property taxes over five (5) years which are on a Town’s receivables list.
- iii. The next Personnel Committee meeting is scheduled for March 10<sup>th</sup> at 6:30 p.m.
- iv. Wharf improvements input public meetings with Kat Edwards start in April. Council members were requested to bring their calendars to the next Council meeting to schedule specific meeting dates.
- v. The first FY 08-09 budget session was scheduled for March 10<sup>th</sup> at 7:30 p.m.

vi. A release was given to the news media advising that the new water tower system will be going online on February 27<sup>th</sup>. Demolition of the old water tower will start the same day and continue for two weeks.

X. Town Council and Mayor Comments. Councilman Fosque asked about Pittsburg Tank's inaction, and was advised by the Town Manager that the Town has instituted a \$500-a-day penalty, which will help pay for the \$26,000 electric transformer. We are currently under budget. The Town Manager will be able to give a full report to Council next month. We expect to stay on or under budget after completely paying off contracts. Regarding Onancock Landing, the Town Manager advised the engineer's response was sending a one-half of the engineering bid documents. The original engineer has left the firm. She will follow up on this. She is also applying for three different stag grants through Congresswoman Drake, and Senators Webb & Warner for the wastewater system. About a zoning issue regarding worship services held downtown, Councilman Fosque will get information on the matter. A discussion followed regarding the Personnel Committee making a recommendation for a bonus for the Town Manager for the FY 08-09 budget and money allotted for Town employee bonuses for the same budget to be used at the discretion of the Town Manager. Councilman Fosque still has a tree in his yard that needs

planting at Onancock School, which he has cared for over several months. The Friends will be asked where they would like it planted.

Councilman Shannahan brought up the memorial to Chuck Wheat again – a plaque on a tree or the side of the monument, which plaque he will pay for. Councilwoman Runniger suggested installing a bench. This subject will be put under advisement. He asked Council to consider using the old “ticket office” to the right of Mallards at the Wharf for a welcome center/museum, using the \$4500 donated from the Jamestown 2007 Committee. Negotiations can be made with the Historical Society re rent (\$600 a month is what Richard Cole paid when he rented the building). Councilman Shannahan will negotiate with the Society for a lower rent. Maybe the Town paying for the insurance will help. He also felt that David Steelman should be honored when a presentation is made to Mr. Landreth.

Councilwoman Oswald feels that we need to correct the Onancock School zoning. The Town Manager answered that we are currently legal. The Planning Commission is pursuing language regarding cultural zoning from

Cindy Downing. A report will be given to Council after meeting with Mrs. Downing.

Councilwoman Runniger advised that the goal of the Master Naturalist working on the trail behind the Onancock School is to make it handicapped accessible and hard surfaced. The five current tenants are a dog obedience school, Accomack CommUNITY Band, Eastern Shore Orchestra, the Eastern Shore Art League and the ping pong league. Two of three offices have been renovated, and a third is near completion. The next picnic is scheduled for August 30<sup>th</sup>. The furnace has been repaired, and they are working on the mud intrusion in the North corner. The Friends have submitted grant packages to the Eastern Shore and Norfolk Foundations. All locks have been changed. There will be a dedication ceremony for the Eagle Scout barbeque project. They are still looking for a firm to do the asbestos survey. There will be a closed Board meeting on February 28<sup>th</sup> at 7:00 p.m. at the school.

Councilwoman Wescott asked for help in getting purple martin houses. She asked that the Town Crew take down the current martin house, which will be cleaned out. She also asked that a request be published in the newspaper asking for martin house donations. This request can also be put in Joanie Donohoe's "Onancock News". Joanie will be asked if she can order the houses/poles at wholesale prices.

Councilman Fosque suggested putting a pedestal clock across from the post office. It would be a long-term fund-raising project for the Tree Board and Park Committee.

Councilman Miles made a motion to adjourn, Councilwoman Wescott seconded the motion, and it passed unanimously.

The meeting adjourned at 7:50 p.m.

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Susan D. Scott  
Town Manager

Bruce Paone  
Mayor

Attachments:

Financial Report  
Check Register  
Wastewater Plant Report  
Water Project Progress Meeting Notes  
Police Report