

**ONANCOCK TOWN COUNCIL MEETING
AND PUBLIC HEARING
SEPTEMBER 22, 2008
6:30 P.M.**

TOWN COUNCIL MEMBERS PRESENT:

Kris LaMontagne
Travis Bradley
George Miles

Kathyanne Runniger
Fletcher Fosquel
Maphis Oswald

PLANNING COMMISSIONERS PRESENT:

Mike Carpenter
Bill Bagwell
Shirley Zamora

Ben Kidd
Ridgway Dunton

OTHERS PRESENT:

Donna F. Belote
Vera Bruton
C. Serini Downing
Sandra Fox
Valena Gibb
Karin & Larry Lees
Sandy Manter

Eliza McBride
Anne Nock
Joan Northam
Janet Rochester
Clinton Strand
Terry Swain

- I. Mayor Paone called to order the Joint Public Hearing and read the hearing notice that was published in the newspaper:

“The Onancock Town Council and Planning Commission have scheduled a joint public hearing for Monday, September 22, 2008 at 6:30 p.m. in the Council Chambers to:
1) Create a new zoning district – Cultural, Recreational and Community Facilities Zoning District; 2) Consider rezoning the Onancock School Property located on College Avenue from Parks and Open Space to Cultural, Recreational and Community Facility Zoning District; and 3) Renumber sections of the zoning ordinance to incorporate new zoning district. Information regarding the proposed zoning district is on file for review at the Onancock Town Office during regular business hours.

The general usage under the proposed zoning amendment will be cultural, recreational, educational, social and community uses and events. Density of construction or improvements would be facilities for cultural, recreational, educational, social and community uses and administrative offices or facilities, if any, customarily associated with the permitted uses of the property. Under the current Town Plan, the property is designated

Parks and Open Space 'to provide adequate open spaces and recreational facilities to meet the needs of the residents and enhance the aesthetic appearance of the Town'. No particular usage or density range is set forth in the current Town Plan."

Terry Swain spoke for herself and her father, daughter and son-in-law in favor of the above ordinance change to speak with the Lease.

Lawrence Lees spoke for himself and his wife in favor of the same.

Joan Northam wondered what the side yard requirement(s) was if a building(s) was erected on the Onancock School property, as her yard abuts it. She only is interested in beautifying the property with attractive landscaping and buildings, and suggested selling off lots for an upscale residential neighborhood. Cindy Downing reminded the gathering that the whole idea is to preserve open space. Mrs. Northam asked to buy a few feet of the Town's property up the curbing adjacent to her property, and advised that she has replace numerous crepe myrtle trees and kept a portion of the property mowed. She offered to help the Town by caring for the area abutting her property. She was informed that the entire property was leased to FOS, therefore, no portion could be sold. Mrs. Northam then digressed to the lack of maintenance regarding the pipe/ditch along the property. The Town Manager will contact VDOT regarding a permanent easement to install a new pipe.

Commissioner Bagwell called the Planning Commission meeting to order. Commissioner Fosque made a motion to accept the creation of a new zoning district for the Onancock School Property called "Cultural, Recreational and Community Facilities Zoning District and amend the zoning ordinance to add a twenty-five foot (25 ft.) side yard setback requirement for the Northern boundary of the property. Discussion followed regarding adding a twenty-five Foot (25 Ft.) side yard setback. The Town Attorney advised that there may be a problem with adding the setback requirement, as it is a restriction, not an expansion of the public hearing notice. It was decided that the Planning Commission would visit this issue and follow through separate from this public hearing. Commissioner Bagwell seconded the motion, minus the addition of a 25 ft. side yard setback requirement, and it passed unanimously. The Planning Commission meeting was adjourned by Commissioner Bagwell.

- II. At 7:05 p.m. Mayor Paone called the regular Town Council meeting to order, after which the Pledge of Allegiance and invocation were recited.
- III. Consideration of August 25, 2008 Minutes. Councilman Miles made the motion to waive the reading of the minutes, Councilman Bradley seconded the motion, and it passed unanimously. Councilman Miles made the motion to accept the August 25, 2008 minutes, Councilman LaMontagne seconded the motion, and it passed unanimously.

- IV. Public Comment. Janet Rochester spoke of the misuse of motor vehicles in Town, i.e.; a scooter with driver holding a 2-year old child, a golf cart being driven by a 10-year old on King Street, a scooter being driven all over the Onancock School property (including the football field) and then on College Avenue and Market Street with no lights at dusk, and numerous unlicensed and unregistered vehicles. These incidents are horrible potential accidents. The misuse of vehicles needs to be restricted.

Sandra Fox asked for an update regarding the lawnmower she previously reported being driven on Market Street to Corner Mart. Chief Heaster had advised Councilwoman Oswald that there was no ordinance against this use, as long as the mower is being driven between yards being mowed. Some discussion followed. Mrs. Fox also asked why the loud siren at the fire station is used when the firemen all have pagers. The Town Manager will investigate siren use and will make Chief Heaster more aware of vehicle misuse. It was brought up that the fire department feels they still need the siren, as it is also a public alert that something wrong is happening. The County triggers the alarm, which is only set off for a fire, accident or an incident that needs a multitude of fire fighters' assistance. The Town Manager was asked to inquire of the Department of Public Safety exactly what the rules are. What is the alert for terrorism?

Vera Bruton asked for a pre-Christmas Parade meeting. She was asked to contact the Town Manager about it. Councilman Fosque offered to help with the Parade this year.

- V. Broadband Update. Kris LaMontagne presented the agenda for the Onancock/Onley meeting with DHCD's Deputy Director, Todd Christiansen, regarding grants for broadband on September 10, 2008, which included key questions and current answers. The purpose of the meeting was to ascertain the conditions that must be met for the towns to obtain grant funds for the distribution over the "last mile". The major grant criterion is to create jobs – the Town can obtain \$10,000 of grant funds for each job, up to 20 (\$200,000). 51% of these jobs must be Low-Moderate Income (LMI). Mr. Christiansen informed the attendees that the Towns had to show that they were serious and willing to commit funds, in addition to the grant for this project. The Broadband Authority, who will own the distribution network, will assume the Towns' debts after the Authority has accumulated assets from generating revenue. A "bridge loan" will be necessary for the Town to commit up to \$100,000 before the Authority refunds the money by September 30, 2008. It is estimated that the actual amount spent will be less than \$35,000.

The Town currently has the authority to obtain a loan from the Rehabilitation Fund, originally created by HUD, provided it is used to benefit LMI. It is the vehicle to be used to obtain the commitment and funding for this effort. The Town will be committed to taking a loan and paying the monthly payment until the Authority took over the debt. Councilwoman Oswald disagreed that the Rehabilitation Fund should be spent on broadband – it should be for housing. After discussion, she requested the Town Attorney to

research whether it is legal to use the Rehab funds for broadband. Discussion followed regarding procedural steps - 1) signing letter of intent committing up to \$100,000; 2) public hearing; 3) resolution accepting grant. Councilman Fosque made a motion to authorize the Town Manager to sign a Letter of Intent and application to apply through the Department of Housing & Community Development for a \$200,000 Innovations Grant on the broadband initiative for the Town, and commit the Town up to \$100,000 as a loan to the Broadband Authority from the Rehabilitation Fund, contingent upon review and approval by the Town Attorney, Councilman Miles seconded the motion, and it passed unanimously.

AYE votes: Councilmen Fosque, Bradley, LaMontagne and Miles and
Councilwomen Runniger and Oswald

NAY votes: NONE

- IV. Planning Commission Report. Councilman Fosque advised that the Commission will look at the last revision of the Town Plan at their next meeting, and will then ask Council to go out to public hearing. There are no substantial changes to the plan.

Councilman Miles made a motion to adopt the proposed amendments to the zoning ordinance and zoning map, since they serve the public necessity, welfare and general convenience of the citizens of the Town, Councilman Fosque seconded the motion, and it passed unanimously.

AYE votes: Councilmen Miles, Fosque, LaMontagne and Bradley and
Councilwomen Runniger and Oswald

NAY votes: NONE

- VII. Mayor's Report. Mayor Paone reported that Harborfest went off well. He received a memorandum from Leslie Mason, Administrative Assistant to A-NPDC regarding the required water supply plan. He advised of the Mayors' Association meeting October 2nd.

- VIII. Town Manager's Report i. Correspondence: a) Letter from Terry Swain and family members in support of the zoning change for the Onancock School property; b) Letter from Margaret Cox in the same regard; c) Letter to the County Administrator and the Asst. Commonwealth Attorney regarding the reassessment inconsistencies and discrepancies; d) Letter to each of the members of the Accomack County Board of Supervisors regarding the inequity of the reassessment and asking they fund the County Assessor's Office in a manner to conduct "in-house" assessments.

- ii. October 2008 activities: a. Oct. 21 – Planning Commission meeting @ 7 p.m.
b. Oct. 27 – Town Council meeting @ 7 p.m.
c. Oct. 31 – Halloween observed

- IX. Mayor and Council Comments. Councilman Fosque thought there was a good turnout for Harborfest and liked where the tent was positioned. He received lots of complaints about the ban on pets within the Harborfest fencing. He asked about commercial vendors

being allowed. He didn't feel that this was appropriate. He was advised that Galway Bay has been bringing in their equipment for the new wastewater plant and that we really need to get moving on Onancock Landing, even if we have to hire a new engineering/architect firm. The Town Manager will follow up, giving the current engineer sixty (60) days to "put up or shut up".

Councilwoman Oswald does not want us to walk away from Janet Rochester's previous comments regarding misuse of vehicles in Town. In answer to her question regarding update on our water/sewer ordinance, she was advised by the Town Attorney that the Virginia General Assembly starting overhauling the Code in 1997. Previously it was legal to sue the property owner for a tenant's unpaid bill, but now a judgment needs to be gotten against the tenant. If that fails, then the Town can go after the owner. There is a notification process to follow before the water can be turned off.

Councilman LaMontagne expressed that there is a wonderful quality of life here, and that we need to provide opportunities to the young people on the Shore. Providing infrastructure will help, such as water treatment. Broadband will help create jobs. They also need a good education.

Councilman Bradley noted that he was told the Harbormaster has been telling people to fuel up their boats elsewhere because fuel is more expensive at the Onancock wharf. The Town Manager will check into this allegation.

Councilwoman Runniger queried as to the legality of bobcats, gators and mules on Town streets. The ordinance included "golf carts" only. Individuals can attend Council meetings to ask what is specifically legal in the Town. She suggested we need to research what the State allows.

Councilman Miles supported Janet Rochester's comments and suggestion. He noted that the speeders on North Street have not slowed down. He was advised that yard sales are allowed on Sundays. Our ordinance allows four (4) yard sales a year per person. He noted the large hole on Market Street at Pennewell, which needs repair.

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

The meeting adjourned at 8:15 p.m.

Susan D. Scott
Town Manager

Bruce Paone
Mayor

Attachments: Police Report
 August Financial Report and Check Register
 Statement of Revenue and Expenditures-Budget to Actual
 Wharf Report
 Wastewater Plant Report