

TOWN COUNCIL MEETING & PUBLIC HEARING
AUGUST 25, 2008
7:00 P.M.

TOWN COUNCIL MEMBERS PRESENT:

Kathyanne Runniger	Fletcher Fosque
Kris LaMontagne	George Miles
Travis Bradley	Maphis Oswald

OTHERS PRESENT:

Bruce Paone, Mayor	Karen Simpson, Adm. Asst..
Susan D. Scott, Town Mgr.	David Rowan, Town Atty.
Karen Agar & Lynne Lindsay, Hospice	Emory Hurst
Bill Bagwell	Ann Jones, OBCA
Harry Brough	Charlie Landis
Vera Bruton	Sandy Manter & Hayden Rochester, FOS
Helen Bunch	Anne Nock
Mike Carpenter	Bob Runniger
Cynthia Downing & Terry Swain, FOS	Cheryl Cashman
Valena Gibb	Sandra Fox

- I. Mayor Paone read the published Notice of Public Hearing into the record, which is to afford interested persons the opportunity to be heard concerning the leasing of a transmitting antenna site to a wireless telephone service provider. The antenna would be installed on a portion of the Town water tower.

Charlie Landis was advised that the lease would be \$2,500 a month for eleven months until the fifth year, when the escalation clause would kick in.

Mike Carpenter was advised there is room for more than one antenna, one of which will probably be leased to AT&T after the scheduled public hearing. Town Attorney Rowan advised that the Town is not liable for the effects of inclement weather on the antennas. The Town's only liability is if the Town damages their equipment in some manner.

Mayor Paone gaveled the public hearing closed.

II. Mayor Paone called the meeting to order, after which the Pledge of Allegiance and invocation were recited.

III. Consideration of July 28th Minutes. Councilman Miles made the motion to waive the reading of the July 28, 2008 minutes, Councilman Bradley seconded the motion, and it passed unanimously. Councilman LaMontagne noted a correction under Item VIII – the last sentence before the motion: Delete the sentence beginning “Onancock’s” and ending with “budget.”. Replace it with the following: “A request for grant preparation by the A-NPDC was discussed. The fee for the preparation of \$2,000-5,000 would have to come from the current budget.” Councilman Bradley noted a deletion under Item X on the 9th line – insert a period after the word lots and delete the rest of the sentence, “whether waterfront or not.”. Councilman Miles made the motion to approve the July 28, 2008 minutes, as corrected, Councilwoman Runniger seconded the motion, and it passed unanimously.

IV. Public Comment. Charlie Landis commended Chief Heaster for the initiatives to be undertaken for enforcement of the Town Leash Ordinance. He feels that it is better that he made his previous comments to prevent incidents of nuisance, menacing and aggressive behavior of dogs in Town.

Cheryl Cashman asked what the status was of the the water/sewer billing policy. The Town Attorney advised that he

has reviewed the ordinance, but has not given the Town his recommendation yet.

Ann Jones of the OBCA presented their new walking tour brochures. The tour is a great thing to do in Town. These brochures can be picked up in the front office.

Sandra Fox of the Inn and Garden Café mentioned the riding lawn mowers that traveled down Market Street past her B&B to the corner mart. This could become a problem. The Town Manager will ask the police to look into this matter.

V. Hospice Memorial Park. Lynne Lindsay and Karen Agar made a presentation of a concept for a memorial garden at Onancock Landing through a long-term lease of land at little cost to them. The purpose would be to offer the community a unique and peaceful garden habitat in which to enjoy a few moments of respite and reflection. They would need water and electricity. Funding would be by Hospice to be paid by selling bricks on a garden pathway, benches, trees, fountains, etc. to honor loved ones. Master gardeners would be part of the planning, planting and maintenance of the garden. Hospice volunteers would do the maintenance after initial startup. They would provide places to sit and eat and reflect. The garden will include a birding garden, a butterfly garden, native plants and water features. Joani Donohoe of GardenArt on King Street would develop an environmentally friendly plan. They would like at least a 30'x50' piece fronting Market Street. Individual council members felt that the new Wharf Committee should be involved in this plan and decision, as this project might inhibit the flexibility of the overall comprehensive plan for the wharf. How does this fit with the architectural vision of the wharf improvements? What is the bigger picture? If the land was leased by the Town, it would have to be put out for bid according to the state statute. The Tree Board also needs to be involved according to their By-Laws. Council should talk about this proposed project indifferent venue. The concept is O.K., as long as the legalities are surmountable. Other venues were

mentioned, including the old Onancock High School and the land where the "Ethel Lewis" is. FOS thinks this project would fit with their mission of a comprehensive facility for public use. Hospice should come back with other

options. The Town Attorney will look into the feasibility of this project. Anne Nock noted that even a small garden is extremely time-consuming.

VI. Assessment Update. Mr. Brenner, Asst. Commonwealth Attorney, talked to Councilman Bradley after he received the letter from the Town regarding the inconsistencies of the recent re-assessment by Tri-County Appraisals. Councilman Bradley was asked to testify at the August 12th hearing for the assessment appeal. Judge Tyler did not hear testimony because the code section under which the appeal was brought was not appropriate redress for this situation. The County Attorney admitted that the uniformity and assessment were poor. Councilman Bradley integrated some additional information into his report for Council. The Accomack County Board of Supervisors is considering legal action against Tri-County Appraisals. He thinks it might be appropriate for the Town to send a letter to them with proposed information urging them to live up to their constitutional obligations, as well as to fund the Assessor's Office in the future in order to conduct an annual assessment as the law requires, which should be uniform and at 100% of fair market value. The County has admitted that the re-assessment is not uniform, which clearly is in violation of the constitution. Councilman LaMontagne made a motion to send a letter to the Accomack County Board of Supervisors supporting them in living up to their constitutional obligations and urging them to fully fund the Accomack County Assessor's Office in a manner to conduct "in-house" assessments, Councilman Miles seconded the motion, and it passed unanimously. The County Administrator basically said he wants the County to get started on a new assessment. Wanda Thornton of Chincoteague is hosting a workshop in her district. The Town might want to do the same to promote awareness.

VII. Planning Commission Report. Councilman Fosque advised that the Commission is about two-thirds through reviewing the Town Plan. The Commission offers the proposed zoning amendment for the Onancock School. They discussed possible restrictions regarding lighting of athletic fields and tennis court. They decided not to put on any restrictions. Councilman Fosque made a motion to request Town Council to go out to public hearing for the rezoning of the Onancock School property, Councilman Miles seconded the motion, and it passed unanimously.

Councilman LaMontagne thought that there should be some “quiet time” for the nearby residents. Discussion followed regarding the lease stipulations and Town ordinance regarding noise and nuisance regulations. Cindy Downing advised that Sandy Manter had worded the language for the zoning ordinance amendment to mimic the language in their lease.

VIII. Mayor’s Report. i. Personnel Committee appointments: Mayor Paone opened the floor to nominations. Fletcher Fosque and Kris LaMontagne were nominated. Fletcher Fosque received six aye votes to be a member of the Personnel Committee and Kris LaMontagne received five aye votes, with one nay vote from Councilwoman Oswald; therefore, Councilmen Fosque and LaMontagne will be the new Personnel Committee appointees.

ii. Wharf Renovation Committee appointments: Mayor Paone read the Wharf Mission Statement and Policy into the record and appointed the following persons to the committee: Travis Bradley, Russell Jones, Duke Shannahan, Stephen Ramsey and Isaac Annis. Councilwoman Oswald took exception to an employee of the Town being a voting member of the committee and to being reimbursed for his time. The Mayor thinks that Mr. Annis is a very important member of the committee. Meetings would be not during the workday. He will speak with Mr. Annis regarding not being compensated and meetings scheduled after work hours. If not agreed to, he will appoint another person.

Mayor Paone applauded George N. McMath for writing his August 6th letter to the Accomack County Board of Supervisors regarding his non-acceptance to serve on the newly formed Utility Cost Committee instead of appointment to a PSA.

IX. Town Manager’s Report. i. Correspondence: letter from George N. McMath re resignation from Utility Cost Committee with the August 25th meeting agenda for this committee and a schedule of wastewater treating.

ii. Bids received for replacement/repair of heating/air conditioning unit for Town Hall. Dewey Borufsen, Street Foreman, recommended accepting the \$5,400 bid from Castagna. After discussion, Councilman Miles made a motion to accept the bid from Castagna for \$5,400 for the heating/air

conditioning unit, Councilman Fosque seconded the motion, and it passed unanimously.

iii. Councilman Miles made the motion to award the cellular phone contract to AT&T and authorize the Town Manager to execute the lease, pending final approval by the Town Attorney, Councilwoman Runniger seconded the motion, and it passed unanimously.

iv. At the last Council meeting, several resolutions were authorized on the wastewater project, and the Town Manager reminded Council that a public hearing was held in August 2007 regarding the authorization of the sale of bonds in the amount of \$12,200,000. Grants have been received for over \$7 million, therefore, we only have to go out for bonds in the amount of \$7,430,725. Included in the packet are certificates from bond counsel with minor changes, which the Town Manager delineated. Councilman Miles made a motion to adopt the Resolution authorizing and approving the issuance and sale of the Town of Onancock, VA general obligation wastewater bond, series 2008A (taxable) in the maximum principal amount of \$2,398,000 and providing for the form, details and

provisions for the payment and security thereof, and to authorize the Town Manager and Mayor to execute the necessary documents, Councilman LaMontagne seconded the motion, and it passed by a majority vote.

AYES: LaMontagne, Fosque, Runniger, Bradley and
Miles.

NAY: Oswald

v. Councilman Miles made a motion to adopt the Resolution authorizing and approving the issuance and sale of the Town of Onancock, VA general obligation wastewater bond, Series 2008B, in the maximum principal amount of \$5,032,725, and providing for the form, details and provisions for payment and security thereof, and to authorize the Town Manager and Mayor to execute the necessary documents, Councilman Bradley seconded the motion, and it passed by a majority vote.

AYES: LaMontagne, Fosque, Runniger, Bradley and
Miles

NAY: Oswald

vi. Activities for September 2008:

Sept. 1st – LABOR DAY - Town Office closed

Sept. 5th & 6th - HARBORFEST

Sept. 16th – Planning Commission meeting – 7 pm

Sept. 22nd – Town Council meeting & Public Hearing
on FOS rezoning – 7 pm

- X. Mayor and Council Comments. Councilman Miles requested that the basketball hoops be removed at the playground in the Northeast section of Town due to seriousness of the drug activity and shootings in the neighborhood by out-of-towners. The Police Dept. will be asked to step up patrols of the area and to work with the County. It was suggested that talking to the neighborhood leaders and preachers re taking down the hoops for a short while and scheduling a neighborhood meeting to address these issues.

Councilwoman Runninger reminded the gathering of the FOS picnic and Harborfest coming up.

Councilman LaMontagne fully supports the Hospice garden concept.

Councilman Fosque opined that Council needs to take into account the lost revenue from meals tax being down. We need to be careful with our expenditures. He also mentioned that 95 Market Street seems to have a constant yard sale in the yard. The Town Manager answered that a letter was mailed out to him today.

Councilman Miles made a motion to adjourn, Councilwoman Runninger seconded the motion, and all approved.

The meeting adjourned at 8:45 p.m.

Susan D. Scott
Town Manager

Bruce Paone
Mayor

Attached: Monthly Plant Report
Monthly Police Report
Check Register
2009 Statement of Revenue & Expenditures Report