

TOWN COUNCIL MEETING
JULY 28, 2008
7:00 P.M.

AMENDED

TOWN COUNCIL MEMBERS PRESENT:

Kris LaMontagne
Kathyanne Runniger
Fletcher Fosque

Travis Bradley
George Miles
Maphis Oswald

OTHERS PRESENT:

Bruce Paone, Mayor
Susan D. Scott, Town Mgr.
David Rowan, Town Atty.
Bill Bagwell
Idena & Gregory Bailey
Donna Bozza, Tourism Comm.
Harry Brough
Vera Bruton
Helen Bunch
Cheryl Cashman
Sandra Fox
Eula Johnson
Lisa LaMontagne, Tourism Comm.

Karen Simpson, Admin. Asst.
Bryon Heaster, Police Chief
Bryan Horton, Plant Operator
Charles Landis
Patrick Mitchell
Anne Nock
Janet Rochester
Bob Runniger
Duke Shannahan
Roland Stahl
Toni Trepanier
Shirley Zamora

- I. The Mayor called the meeting to order at 7:00 p.m., after which the Pledge of of Allegiance and invocation were recited.
- II. Consideration of June 23, 2008 Minutes. Councilman Miles made the motion to waive the reading of the minutes, Councilwoman Runniger seconded the motion, and it passed unanimously. Councilman Miles made the motion to approve the minutes, Councilman LaMontagne seconded the motion, and it passed unanimously.

- III. Public Comment. Charlie Landis commended Travis Bradley for his reassessment memorandum. He reiterated his comments made at the June Council meeting regarding enforcement of the town leash ordinance, including fines and encouraging citizens to report incidents to the proper parties on a designated form.

Duke Shannahan noted that Mike Carpenter and the Town Manager have been putting the minutes on the internet since he left Council. He has given each Council member a compilation of all of the newsletters he and Chuck Wheat handed out. Eastern Shore Printing can print the same in a batch of ten (10) for the cost of \$115, if anybody is interested.

Helen Bunch noted that VDOT had installed several "No Parking" signs on King Street, but that one had already been knocked down. She thanked the Council for their support.

Greg Bailey brought up the subject of sidewalk construction at the eastern end of Kerr Street, preferably on both sides of the street, and wanted to stimulate Council's thoughts toward following through with this project. The Town Manager advised that Clinton Strand will make sure every resident on that section of Kerr Street is aware of this project. Once approval is received from each landowner on the portion of Kerr Street between Pine Street and Boundary Avenue, VDOT will be contacted about doing the engineering for this project gratis. This project, of course, depends upon funding.

Shirley Zamora asked if the water billing cycle had changed, as she received a 5-week bill. The Town Manager suggested that she call Karen Simpson to clarify this issue. She also asked if the Town has funding for the construction of the new wastewater plant. She was answered "yes" by the Town Manager.

- IV. Board of Zoning Appeals Presentation. Roland Stahl, Chairman of the Board of Zoning Appeals, reported that the Board has met three (3) times in the past twelve (12) months to consider two (2) cases. They did not detect any reason to recommend any changes to Onancock ordinances/procedures. There are no residual issues. He thanked Town Council, the Town Manager and the Town Attorney for their excellent support.

- V. Tourism Commission Presentation. Lisa LaMontagne, Tourism Commissioner, thanked Town Council for their vision and support toward a 1% raise in the transient occupancy tax dedicated to the Commission. She presented a Power Point progress report. Accomack County reported \$401,000 in transient occupancy tax in 2006 and \$447,600 in 2007. 2007 garnered \$110.2 million in actual money spent in Accomack County. The Commission's mission is to attract visitors, stimulate economic development and protect the region's unspoiled ecosystems and local communities. The Commission is working on getting the word out to travel to the Eastern Shore via "branding", reaching out to the media, signage and supporting new Southern Gateway Welcome Center at the Chesapeake Bay Bridge/Tunnel coming the summer of 2009. A video, "A Day on the Eastern Shore of Virginia" (produced by Ward & Associates) was shown capturing the wonderful attributes of the whole Eastern Shore.
- VI. Planning Commission Report. Commissioner Fosque advised that the Commission continues to review the Town Plan - reformatting it to make it more readable and updating statistics. As there has not been much public input so far, he again invited the public to attend Planning Commission meetings and voice opinions. Regarding rezoning the Onancock School property, the big question seems to be how much commercial business will be allowed there. The draft offered by the Town Manager needs to be discussed with the Town Attorney. Any thoughts can be presented to the Chairman, Ben Kidd. The Commission is more interested in a cultural and arts theme, rather than "business". After speaking with Cynthia Downing, Shirley Zamora extracted a draft more cultural/arts oriented from the internet, which is more consistent with the Lease, and gave it to the FOS. The Commission wants to support the FOS mission.
- VII. Cell Tower Lease Agreement. David Rowan, the Town Manager and AT&T representatives have had negotiations regarding the cell phone service transmitter to be installed on the new water tower. They are close to finalizing an agreement, which can then go to public hearing at the regular August Town Council meeting. Several years ago the Atlantic Group was hired (\$2,500) to assist in negotiations and the maintenance lease at \$2,500/month for eleven

(11) months. Councilman Miles made a motion to go to public hearing on August 25, 2008 on the cell tower lease agreement, Councilman Bradley seconded the motion, and it passed unanimously.

VIII. Broadband Update. Kris LaMontagne presented an update by Cheryl Tyson, Project Manager, including the mission of the Eastern Shore of Virginia Broadband Authority (ESVBA): *The mission of the Eastern Shore of Virginia Broadband Authority (ESVBA) is to be responsible for providing the affordable, cost-effective and technologically up-to-date (presently and in the future) Broadband Internet service possible for all residents, businesses and institutions within the Eastern Shore of Virginia.* Rather than installing the cable down Route 13, it has been decided to run it along the railroad tracks. Mid Atlantic will use NASA \$1.77M to get cable over the Chesapeake Bay Bridge/Tunnel and close to Cape Charles. \$8.0M will be used for the run from near Cape Charles to Wallops, including Parksley and Cape Charles. The last mile (connecting Towns and businesses to the cable) will be discussed at a meeting August 13th at Accomack Airport. A request for grant preparation by the A-NPDC was discussed. The fee for the preparation of \$2000-5000 would have to come from the current budget. ~~Onancock's contribution of \$2-5,000 would have to come out of the current budget.~~ Councilman Miles made a motion to adopt Resolution 2008-11 to apply for a \$200,000 grant in Community Development Innovation Funds to the Department of Housing and Community Development for economic enhancement, being the "last mile" of broadband applications, and to authorize the Town Manager to sign and submit appropriate documents for the preparation of an application to the Accomack-Northampton Planning District Commission at a cost not to exceed \$5,000, Councilman Fosque seconded the motion, and after discussion, it passed unanimously.

AYES: 6

NAYS: 0

IX. Mayor's Comments. Mayor Paone advised of Certificates of Appreciation from Onancock Bay Challenge and Star Transit.

i. Mayor Paone read the draft mission statement and policy of the previously suggested Wharf Renovations Committee. The Mayor is working on appointments to this committee, and will have his choices for the August meeting. Stephen Ramsey's name was suggested. The Town Manager will write a news release stating that neither Onancock

Landing" nor the wharf grounds are owned by Accomack County, as previously published in the newspaper.

- ii. Committee appointments: Vice Mayor: The floor was opened for nominations. Fletcher Fosque was nominated. Nominations were closed. Councilwoman Oswald made a motion that Fletcher Fosque be appointed Vice Mayor, Councilman Miles seconded the motion, and it passed unanimously.

Personnel Committee: Appointments will be made at the August meeting.

Water/Sewer Committee: The floor was opened for nominations. George Miles and Maphis Oswald were nominated. Nominations were closed. A hand vote was taken to fill the sole committee seat, and Maphis Oswald won by a vote of 4-2. Voting for Oswald: LaMontagne, Fosque, Oswald and Bradley. Voting for Miles: Runniger and Miles. Friends of Onancock School: The question of whether one (1) or two (2) Council members shall serve on their board will be investigated.

- X. Town Manager's Report. i. Correspondence: a) Turner Sculpture clarification request re copper limitations. When the Town Manager called Dr. Turner regarding the letter, he hung up on her after stating the Town could answer in court; b) Quote from Noyes Microsystems, Inc. for entry level solution to provide wireless coverage at the Wharf. Less expensive options will be researched by the Town Manager; c) Extensive Onancock reassessment examination from Travis Bradley regarding the gross inconsistencies that have a substantial impact on Onancock citizens. \$35,000 seems to be the average assessment set on many lots. ~~whether waterfront or not~~. Some were assessed at far over what they actually sold for and vice versa. Not many are close to the 100% fair market value. The County Assessors are supposed to be doing the reassessing, not an outside firm. The entire reassessment is under appeal, but no decision has been rendered yet. Councilman LaMontagne suggested crafting a letter stating the Town's great concern about the inconsistencies. Toni Trepanier advised of an August 12th hearing before Glen Tyler on this matter. She suggested contacting the Commonwealth Attorney about the unfairness and that Onancock should attend the hearing. The Town Manager will see that a letter is written to the Asst. Commonwealth Attorney and the

County Administrator appending Mr. Travis' report. Councilman Fosque said we need to make it clear that this problem not happen again.

Regarding the dog laws issue, Chief Heaster has come up with a plan that seems to agree with everyone. He will pass on to Council and the Town Manager suggestions on changing some wording in the ordinance and sending a letter before actually fining. A complaint form will be formulated and available at the Town Office front desk. If the Town Police cannot handle the problem, Animal Control will be called. There have been ten (10) complaints during the first half of this year, and only four (4) were dogs. The Town Police have the form and leash to drop off dogs/cats at SPCA. Fines will be at the discretion of the Town Police.

- ii. Water project update and water tower warranty. Phoenix Fabricators & Erectors, Inc. bought out Pittsburg Tank Co. Phoenix has offered a six-year warranty in lieu of the \$52,500 liquidated damages, which the Plant Manager and the Town Manager suggest Council approve. Councilman Fosque made a motion to accept Phoenix Fabricators' six-year warranty, including annual inspections, written technical reports, and two interior wash downs (year 3 and 6), after the original one-year warranty, Councilman Miles seconded the motion, and it passed unanimously. Sydnor Hydro has completed their portion of the water tower contract, and are still owed \$49,690.75. Hill Construction has completed their contract. They are still due \$196,922.27. Rural Development will do a final inspection July 30th, and should be wrapped up in 30-45 days. The water meters for Crockett, Marsh and Bizotto's have been moved out to King Street.
- iii. Virginia Retirement Resolution. Councilman Miles made the motion to accept Resolution 2008-5 affirming authorization to pick up the employees' contribution to VRS for Town of Onancock under Sec. 414(h) of the Internal Revenue Code, Councilman LaMontagne seconded the motion, and it passed unanimously.

AYES: 6

NAYS: 0

- iv. Rural Development police vehicles. Councilman Miles made the motion to accept Resolution 2008-6 to submit an application with Rural Utilities Service to purchase two fully equipped police vehicles and requesting grant/loan funds (\$26,560 @ 4.375% for 120 months for the

loan and a grant of \$34,549), Councilman Fosque seconded the motion, and it passed unanimously.

AYES: 6

NAYS: 0

- v. Council chambers heating/ AC unit. After several years of problems, the compressor recently froze up in the system and gave out. An entire new system is necessary. Sydney Sherwood offered a price of \$11,800, provided Town staff laid the slab, cut the hole in the building for duct work, eliminate the old air handler in the ceiling and the electrical work. Building maintenance is only budgeted for \$2,500, and concrete and electrical alone will cost \$1,200-1,500. The Town Manager was requested to get three more bids for this project.

- vi. Wastewater plant bid award. The Town Manager asked Town Council to award the bid to Galway Bay, the lowest bidder at \$11,989,000, as CDM researched their references favorably and the Plant Manager and Town Manager did an on-site inspection of a plant upgrade done by Galway Bay in Elkton, MD, which was very satisfactory. We have received over \$7M in grants so far, and this project will be using less than \$7.4M. Councilman Fosque asked for revenues from new users – the Town Manager advised that Bojangles will be \$23,631 annually and Walmart would be \$41,642 annually. She is looking at adding Redwood Gables and Cheers. We still need \$130,000 a year. Larry Forbes, Director of Economic Development, is interested in creating a parallel contract because EDA (formerly IDA) is uncomfortable going over their 50,000 gal. limit. Councilman Miles made a motion to adopt Resolution 2008-7 to request a grant from Rural Utilities Service for \$1.7M and loan funds of \$2.4M @ 2.75% interest for 40 years for the new wastewater plant, Councilman LaMontagne seconded the motion, and it passed by a majority vote.

AYES: 5 Fosque, LaMontagne, Runniger, Miles & Bradley

NAYS: 1 Oswald

Councilman Fosque noted that the Town Manager had done an excellent job in getting grants to pay for the new system. Councilman Miles made

a motion to adopt Resolution 2008-8 requesting a loan of \$4,910,385 @ 0% for 20 years from the Department of Environmental Quality Loan Fund Program for the wastewater plant, Councilman Fosque seconded the motion, and it passed by a majority vote.

AYES: 5 LaMontagne, Runniger, Bradley, Fosque, Miles
NAYS: 1 Oswald

Councilman Miles made a motion to adopt Resolution 2008-9 to request a grant of \$4,632,570 from Department of Environmental Quality for the wastewater plant, Councilwoman Runniger seconded the motion, and it passed by a majority vote.

Miles
AYES: 5 Runniger, LaMontagne, Fosque, Bradley,
NAYS: 1 Oswald

- vii. August 2008 activities: Aug. 19th - Planning Commission Meeting @ 7 p.m.
Aug. 25th - Town Council Meeting @ 7 p.m.
Aug. 29th - FOS Annual Picnic

XI. Mayor and Council Comments. Councilman Fosque asked for a ferry update. The Town Manager advised that there was a meeting coming up with Tom Northam, Lyn Lewis and the Town. The Town Manager advised that there has been no response to the letter regarding liability of the "Ethel Lewis" and that there have not been any bites on selling the Town's lot. Councilman suggested following up on the "Ethel Lewis", as it is a liability, and that we need to broaden our horizons. Shirley Zamora suggested putting the lot on "Craig's List" for free. It can also be put on the MLS for a straight fee of about \$200. We also need to put a "for sale" sign on it.

Councilman Miles noted that the tree limbs hanging in the electric wires need to be trimmed in the Northeast section of Town. The Town Manager said a letter would be mailed to Vernon Brinkley of ANEC requesting that this be done. The bushes at the corner of Watson and Pine Streets also need to be trimmed. The Town Manager advised that the balance of funds from the Onancock Landing project will be applied to the Kerr Street sidewalk project.

We will probably have to wait until winter before VDOT can do the engineering for it.

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

The meeting adjourned at 9:15 p.m.

Susan D. Scott
Town Manager

Bruce Paone
Mayor

Attached: Plant Monthly Report
Check Register
Police Report

