

# REGULAR COUNCIL MEETING A G E N D A

TOWN OF CHINCOTEAGUE

April 6, 2015 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ELLIS

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Consider Adoption of the Minutes
  - Regular Council Meeting of March 2, 2015 (Page 2 of 64)
  - Council Workshop Meeting of March 19, 2015 (Page 6 of 64)
2. Public Hearing, Ordinance to Vacate Subdivision Lot Lines in Oyster Bay II (Rory & Christina Smith) (Page 18 of 64)
3. Public Hearing, Ordinance to Vacate Subdivision Lot Lines on Grace Street (Christopher Birch) (Page 25 of 64)
4. Discuss Possible Adoption of the Revised Flood Ordinance Ch. 30 of the Town Code (Page 33 of 64)
5. Cemetery Committee Report of February 24, 2015 (Councilwoman Richardson) (Page 38 of 64)  
*The following may require a motion:*
  - Proclamation designating April 11 – 17 as Cemetery Clean-up Week (Page 39 of 64)
6. Public Works Committee Report of March 3, 2015 (Mayor Tarr) (Page 40 of 64)
7. Harbor Committee Report of March 5, 2014 (Councilman Leonard) (Page 42 of 64)  
*The following may require a motion:*
  - Transient Mooring Permit Curtis Merritt Harbor (Page 44 of 64)
  - Transient Mooring Permit Robert Reed Park & Town Dock (Page 46 of 64)
8. Recreation and Community Enhance Committee Report of March 12, 2015 (Councilman Jester) (Page 48 of 64)  
*The following action by the Committee occurred and will need to be acted upon:*
  - Discuss Possible Purchase of Playground Equipment (Page 51 of 64)
9. Ordinance Committee Report of March 12, 2015 (Councilman Leonard) (Page 56 of 64)  
*The following action by the Committee occurred and will need to be acted upon:*
  - Discuss Changes to Chapter 62, Utilities, Division 2., Rates, Charges, and Billing, Section 62-59, Water Bill Adjustments, (a) (2) (Page 58 of 64)
  - Discuss Changes to Chapter 26, Fire Prevention and Protection, Article III, False Alarms (Page 59 of 64)
10. Possible Revision to Sec 2.24 of the Zoning Ord., Building Height, Result of Freeboard (Page 62 of 64)
11. Mayor & Council Announcements or Comments

ADJOURN:

**MINUTES OF THE MARCH 2, 2015  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
John N. Jester, Jr., Councilman  
James T. Frese, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 7:00 p.m.

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Ray Rosenberger stated that the Town has done so much with so little in clearing the roads of snow. He thanked the Public Works Employees for a great job.

**STAFF UPDATE**

**Planning Department**

Town Planner Neville advised that the report is included in the packet. He also advised that later in the meeting they will focus on the Flood Maps.

**Police Department**

Sargent Fisher stated that the monthly report has been included in Council's packet. He reminded Council of the Senior Luncheon March 11<sup>th</sup> at 11:30a.m. at Don's Seafood Restaurant. He stated that if anyone needs a ride to contact the Police Department by Tuesday so they can make arrangements.

**Public Works Department**

Public Works Director Spurlock stated that in addition to his report the Hallie Whealton Smith Drive drainage project will be discussed at the Public Works Committee meeting tomorrow night.

Vice Mayor Richardson also complimented and thanked the Public Works Employees for the great job of snow removal.

Councilman Taylor mentioned the two businesses on the traffic circle having issues with stormwater drainage and the pump.

Public Works Director Spurlock explained that there were failed pumps in the system and the repairs were supposed to have started two weeks ago.

Councilman Frese commended the Water Works and Public Works Department on the tremendous number of leaks they have found and taken care of.

Public Works Director Spurlock advised that they were up to 119 services turned off because of leaks. He reported that last Sunday they pumped over 1.2 million gallons of water within a 24 hour period.

### **General Government**

Town Manager Ritter reported that EMS responses for February were 57 which were 2 less than February of 2014, ALS response was 28, BLS 15 and all others were 14. He also reported that there was a pre-bid meeting for the Robert N. Reed, Sr. Waterfront Park Project. He stated that the bids are due March 13<sup>th</sup>. He also stated that the Business License Renewals have been mailed and the Meals & Transient Occupancy has been closed out for the year. He also mentioned the upcoming newsletter for April and event calendar.

Vice Mayor Richardson asked about the weather briefings. She stated that she hasn't received one for over a year.

Town Manager Ritter advised that he would have Coordinator Rush email the emergency briefings to Council.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Frese motioned, seconded by Councilman Ellis to adopt the agenda as presented. Unanimously approved

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of February 2, 2015**

Councilman Ellis motioned, seconded by Councilman Taylor to adopt the minutes of the February 2, 2015, Regular Council Meeting. Unanimously approved.

#### **2. Public Hearing and Possible Adoption of the FEMA Flood Maps**

Town Planner Neville advised that the public hearing has been advertised for this evening. He stated that they are hoping for adoption of the proposed FEMA Flood Maps and minor changes to the Flood Plain Ordinance. He stated that the advertisement was placed for 2 weeks in the Eastern Shore News and the Chincoteague Beacon along with the Town's website. He added that this satisfies FEMA's requirements. Town Planner Neville stated that according to the State Code the Town is required to send first class notice to every property owner in the Town of the change. He stated that this will be the last step in the process.

Town Planner Neville then reviewed the history of the Flood Maps, the minimum standards with FEMA and gave an update on those already participating in the program. He stated that the Town qualifies under the Community Rating System for a 10% discount on flood insurance. He reviewed the changes. He stated that the base flood level over the entire island is going down based on the new FEMA study.

Town Planner Neville advised that the recommendation of adopting the Flood Study is a simple business item to satisfy FEMA. He stated that the staff report has split the recommendation for Council to possibly move forward with the adoption of the maps and study today. He added that the maps have to be adopted or the Town will be dropped from the discount flood insurance program. He stated that there is a benefit for everyone on Chincoteague. He stated that the next recommendation is for amendments to the Town floodplain management regulations. He stated that the new maps go into effect May 18<sup>th</sup>.

Mayor Tarr stated that he would like to recess the public hearing until March 19<sup>th</sup> at 5:00 p.m. to finish discussing the Town's Ordinance with FEMA.

Mayor Tarr opened the public hearing on the possible adoption of the FEMA Flood Maps and revised Flood Ordinance, Ch. 30 of the Town Code. He invited public comment at this time.

Planning Commission Chairman Rosenberger concurred with the Staff recommendation. He stated that a lot of work has gone into this. There was no other public comment.

Councilman Frese motioned, seconded by Councilman Jester recess the public hearing until Thursday, March 19<sup>th</sup> at 5:00 p.m. Unanimously approved.

Councilman Frese motioned, seconded by Councilman Ellis to adopt the modified Flood Insurance Rate Maps and a Flood Insurance Study for the town of Chincoteague with an effective date of May 18, 2015 as provided by the Federal Emergency Management Agency. Unanimously approved.

There was discussion regarding the changes in the FEMA Flood Maps and the credits for the discounted flood insurance rates along with specific Flood Map changes.

### **3. Public Hearing and Possible Adoption of the Revised Flood Ordinance Ch. 30 of the Town Code.**

Mayor Tarr advised that this agenda item was advertised with item #2 and in the same public hearing.

### **4. Chincoteague Hometown Heroes Military Banner Program**

Mayor Tarr advised of a proposed plan from the American Legion Auxiliary Post 159 regarding a Hometown Heroes Military Banner Program. He stated that they have met with Public Works Director Spurlock.

Public Works Director Spurlock advised it is the same sort of banner that the Town uses but will have the picture and name of the Chincoteague Hometown Hero.

There was further discussion.

Councilman Ellis motioned, seconded by Councilman Frese to approve the banners for the Hometown Heroes Banner Program and the Town to be responsible to install the banners. Unanimously approved.

**5. Public Safety Committee Report of February 3, 2015.**

Mayor Tarr stated that the report is in the agenda packet. He reported that they discussed the false alarms with the Fire Company which will be sent to the Ordinance Committee for further review.

**6. Budget and Personnel Committee Report of February 10, 2015**

- **Discuss Possibly Refunding the Decal Money to Electric Low Speed Vehicles for 2014.**

Mayor Tarr stated that the report is in the agenda packet. He also stated that Town Manager Ritter and Councilman Ellis are working on the evaluation documents. He mentioned that the Police Department is helping by showing the software to all of the department heads. He stated that there is one action item to refund the 2014 decal money paid for the electric low speed vehicles. He added that when this program was first initiated some vehicles had decals and some didn't. He advised there were 23 who purchased decals and it is the recommendation of the Budget and Personnel Committee to refund those 23 decal fees.

There was further discussion.

Councilman Frese motioned, seconded by Councilman Jester to refund the 23 decal fees for the electric low speed vehicles from 2014. Unanimously approved.

**7. Mayor and Council Announcements or Comments**

Councilman Jester commented on his call about the water issue.

Councilman Ellis complimented the Public Works Department on the snow removal. He stated that the Island is in much better shape than the mainland.

Councilman Taylor suggested holding a Council meeting without an agenda. He added that everyone is welcome to come. He stated that staff doesn't have to come but can as a citizen. He feels that they can work together to get things done.

There were a couple of comments regarding Councilman Taylor's suggestion.

**Adjourn**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adjourn. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MARCH 19, 2015**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Ben Ellis, Councilman  
Gene W. Taylor, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 5:00 p.m.

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced Mr. Rob Catron who came with an update of the Virginia General Assembly session and to answer questions.

Mr. Catron submitted a memo updating Council on the Richmond legislative session. He discussed the revenue projections which were increased twice. Education and transportation funding was also discussed. He mentioned the state budget that increases salary to the local and state employees. Mr. Catron also discussed the reinstatement of police funding. He spoke about the new Ethics Bill and explained the new laws about receiving gifts. He read “there is a cap of \$100 on tangible and intangible gifts from a lobbyist a company employing the lobbyist or an entity that is doing or attempting to do business with the locality”. He explained that if someone is doing business with the Town and takes the Town representative to lunch at a value of less than \$50 it doesn’t have to be reported. However, if it is over \$50 but less than \$100 the company who bought lunch will have to send a note with the value of the lunch for that person to use in their Statement of Economic Interest, which is to be issued twice per year.

Mr. Catron also explained the exception to the gift cap. He stated that if someone from the Town attends an event with over 25 people (a widely attended event) it does not have to be reported. He added that if it’s an individual long-time friend giving a Christmas gift it doesn’t have to be reported. He also stated that gifts from personal friends such as a lobbyist, a company employing a lobbyist or a company attempting to do business with this locality who is already a friend it doesn’t have to be reported. Mr. Catron stated that travel paid for by 3<sup>rd</sup> parties have to be reported. He also read that elected officials do not have to report expenses paid for by the locality as long as it is official business within the Commonwealth. He added that out-of-state travel paid for by the locality must be reported. He discussed some other changes.

He further discussed another issue at the federal level of Water Resources Reform and Development Act (WRRDA) which is the bill that authorizes the Corps of Engineers to do water projects. He added that the Herb Bateman Center was an earmark for this. He stated that the new WRRDA bill changes the process to earmark the projects. He added that the Chincoteague Island Feasibility Study was 1 of 40 projects on the list to be funded. He mentioned other projects such

as Federal Lands Access Program of widening the Causeway for a separate bike path to NASA. He also stated that the new CCP is supposed to be out by May but anticipates it in August. He suspects there won't be much notice to get the federal officials involved.

Mayor Tarr thanked Mr. Catron and stated that he works with staff quite a bit.

Vice Mayor Richardson commented on a recent visit from Senator Tim Kane and the need for the bike path on the Causeway.

There were further comments.

## **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Unanimously approved.

### **1. Discuss Possible Revisions to the Flood Ordinance**

Town Planner Neville advised of the question of Freeboard. He stated that this is a safety factor issue. He also stated that the FEMA Flood Maps were adopted and will go into effect May 18<sup>th</sup>. He added that it benefits all the property owners on the island. He explained that the base flood elevation for the 100 year storm event is lowering all over the island. He added that this helps when purchasing flood insurance. Town Planner Neville also stated that this helps existing structures to qualify for lower rates. He stated that what they are considering with the freeboard standards are that the Town has the opportunity to adopt an Ordinance in addition to the minimum FEMA requirement. He stated that the minimum requirement is that the lowest floor should be built above the base flood elevation. Town Planner Neville also stated that the Town could adopt an additional standard to the community of 2' or 3' as a possible local standard as a safety factor to help with the community's discount flood insurance program.

Town Planner Neville stated that the reason other communities don't typically adopt more than 3' freeboard is that the potential discount in flood insurance rates does not increase after this point. He continued that the current Flood Maps established a base flood elevation of 8 feet above sea level. He reviewed the chart and explained the base elevations. He also explained the FEMA model showing about a 3' freeboard would also raise new construction above the 500 year storm flood elevations. He added that anything more than a 3' freeboard isn't considered a significant improvement in safety. He stated that the Building Permit application would have to include the base flood elevation if adopted.

Town Planner Neville described his review of an alternative to adopt a variable freeboard elevation for each new flood zone on the island so that new construction would be elevated to the equivalent base flood elevation 8 from the old maps.

Vice Mayor Richardson asked if there was already a freeboard.

Building and Zoning Administrator Lewis responded that it isn't called that. He explained that the reason that some of the homes are built higher than the base flood elevation is because State Building Code requires that the ductwork has to be at or above the base flood elevation. He continued that if the ductwork is under the house then the house would have to be typically 18" higher.

Mayor Tarr advised that this wasn't spelled out in the Ordinance.

Councilman Frese stated that years ago it had to be level with the first floor and now any mechanical or ductwork has to be at the base elevation.

Town Planner Neville stated that a number of communities have adopted 1.5' freeboard and the 18" from Building Code is consistent with that standard.

Mayor Tarr commented that the County had a 1' freeboard.

Town Planner Neville also stated that from a staff perspective it would make sense to have a 3' freeboard because it does a number of things. He explained it provides that safety standard and helps the community discount program review in May which benefits the entire community if the Town adopts the standard. He added that adopting a freeboard standard is recommended by FEMA and compensates for any errors in the FEMA model. He asked for direction of what seems to make sense from Council so that final Ordinance language may be presented at the April 6<sup>th</sup> meeting for a final decision.

Mayor Tarr stated that the public hearing was recessed from the last Council meeting. He would like to reconvene the public hearing.

Councilman Leonard motioned, seconded by Councilman Ellis to reconvene the public hearing. Unanimously approved.

Mayor Tarr declared the public hearing open and asked for public comments or questions.

Mr. Steve Engle with Vista Design, Inc. advised that they have been in contact with Town Planner Neville and agree with the freeboard recommendation for public safety, the Building Code, grading and stormwater. He feels it keeps the properties safe.

Mayor Tarr stated that there is a difference between a freeboard elevation and the FEMA base flood elevation for insurance rating purposes.

Town Planner Neville added that freeboard is a construction standard, the insurance standard is strictly related to the base flood elevation established by FEMA. He advised that he spoke with Mr. Charlie Banks, the State Floodplain Coordinator who works directly with FEMA, and he stated that if he ever hears an insurance agent is measuring from the freeboard elevation to let him know. He added that Mr. Banks will notify Philadelphia because that's not the way the regulation is written.

Town Planner Neville stated that another reason that the Town has been working with Mr. Banks is to make sure that the freeboard standard is written as a requirement from the day of adoption forward. He added that FEMA is fine with that.

Councilman Taylor stated that if the 18" freeboard is adopted then they will get an additional discount on the flood insurance.

Councilman Frese asked how Building and Zoning Administrator Lewis will be inspecting the freeboard level from the base flood elevation or the ductwork.

Building and Zoning Administrator Lewis advised that it is his understanding that FEMA pulls the elevation from the subfloor. He stated that any freeboard should be from the subfloor. He added that Town Planner Neville will have to find out.



Councilman Frese asked that this be defined.

There were multiple comments.

Mayor Tarr stated that if an 18" freeboard is adopted then it'll be an additional 18".

Mr. Engle stated that generally the ductwork is below the freeboard.

Mayor Tarr stated that the Building Code states "base flood elevation".

Building and Zoning Administrator Lewis advised that the premiums have been unreal this past year. He added that now they can add on the house without having to jack the house up.

Councilman Taylor talked about measuring from the slab. He stated that for commercial with stormwater management the higher the structure will go and the crazier it gets. He stated that if you go up high it's tougher and you lose a lot of stuff. He personally believes that 18" on residential and 1" on commercial is sufficient.

There were brief comments.

Councilman Taylor doesn't feel commercial slabs need 18".

Building and Zoning Administrator Lewis talked about the slope for the commercial concrete slab.

Councilman Taylor asked if they even need 18".

Town Planner Neville suggested that they go back and review the Anchor Inn site as an example where the new Flood Map establishes Base Flood Elevation 4 on the land and 5 in the channel. He mentioned the Fairfield Inn building that was constructed at Elevation 7. He stated that if they don't require the freeboard of at least 2', he feels that Building and Zoning Administrator Lewis will be in a position to approve a building permit that meets the regulation but potentially exposes people to flood risk. He added that he is referring to property next to the channel. He feels they need to get close to the old standard with a freeboard requirement.

Building and Zoning Administrator Lewis advised that he spoke with some of the builders who stated they weren't going to build at the new flood elevation, they would build higher.

Councilman Taylor added that they are given that choice to build higher.

Building and Zoning Administrator Lewis stated that the inner part of the island isn't too bad. He added that the outer edge of the island is mostly commercial.

Councilman Frese stated that they have established that the 2' is reasonable. He feels that if anyone wants to go above it then its good.

Town Planner Neville stated that there is the logic that the more people who adopt the same standard, the more defensible it is in the future.

Councilman Taylor stated that in talking to the engineer for the new Fire Station site every time they go higher there is a total different ballgame. He added that when you raise it you're changing

the dynamics with the fill on the neighbors. He added that if stormwater management wasn't part of this it would change everything. He continued commenting on the 2'. He stated again that it has to do with stormwater management.

Vice Mayor Richardson talked about the properties on Deep Hole Road and Chicken City Road intersection.

A gentleman in the audience stated that the building height limits should be factored into this also.

Mayor Tarr stated that it was done for a reason to stick with 3 stories. He feels it should be worded in such a way that there are no loopholes. He added that staff is currently reviewing this.

Councilman Frese suggested adding that once the freeboard elevation is added there is a maximum of 3 stories.

Mayor Tarr stated that staff has to review this.

Building and Zoning Administrator Lewis responded that staff has reviewed this. He added that other ordinances have a tendency to measure from the mid-roof system and not the peak roof system.

Councilman Frese suggested that a disclaimer could be put in the Ordinance not to exceed 3 stories.

Building and Zoning Administrator Lewis stated that in the Building Code it explains how to measure a 3 story house. He would like to look into this further.

Town Planner Neville stated that FEMA doesn't care about the change in building height and Council can look into this ordinance change at a later time.

Building and Zoning Administrator Lewis stated that if it is the intent of Council to add the freeboard height to the building height then it can say that until it goes through the process.

Councilman Taylor asked a gentleman in the audience if the 18" commercial freeboard is adopted how high a motel would be built.

The gentleman in the audience responded that for safety sake it would be up to the owners.

Councilman Taylor mentioned stormwater management.

The gentleman in the audience commented on the challenge of meeting stormwater management requirements and the need to raise site elevations for positive drainage.

There were no more public comments.

Mayor Tarr closed the public comments. He asked if there were any further questions for Town Planner Neville. He stated that there are 2 options of freeboarding and a chart that ties freeboarding into each zone. He asked for Council's direction.

Councilman Ellis feels it would be much easier on the administration of it to have a single freeboard requirement.

Mayor Tarr stated that it seems to be what other communities are doing.

Town Planner Neville stated that if Council still feels there is a risk factor at the north end of the Island they can adopt a voluntary freeboard which would be advisory. He feels this would be a wise thing to do to protect the Town Government and citizens of the Town.

Building and Zoning Administrator Lewis added that if they see that it isn't high enough during the year that it can be changed higher.

Town Planner Neville agreed.

Mayor Tarr doesn't feel it's that simple with FEMA. He stated that they could adopt a voluntary freeboard.

Town Planner Neville stated that there could be a brochure for a voluntary freeboard program at the north end to compensate for the possible error in the FEMA flood study.

Councilman Ellis recommended being consistent with other localities in Virginia and adopting a 2' freeboard standard so that the Town of Chincoteague would match Accomack County's ordinance.

Councilman Taylor expressed his concerns with commercial businesses and the 2' freeboard affecting the neighbors. He commented further about it being a matter of common sense. He agrees that it should be 18" for residential but feels it should be 1' for commercial.

Mayor Tarr stated that this is talking about stormwater management. He added that FEMA is talking about what is going to happen in a 100 year storm.

Councilman Leonard added that 6" more site elevation goes a long way.

Mayor Tarr added that there are 2 things to consider not just building and getting rid of the water in a normal day. He stated that for those who have lived here all our lives we know those areas that flood on a regular basis along with those areas that don't. He stated that if we're confident of what FEMA has done then freeboarding isn't necessary. He advised that he isn't confident.

Building and Zoning Administrator Lewis explained further that the deductible in a claim would end up being the value of the ductwork. He added that by making the ductwork go up it resolves the problem.

Councilman Taylor feels that 18" is a no-brainer.

Councilman Frese and Councilman Ellis asked how much will actually be saved on insurance.

Councilman Taylor explained a scenario of someone purchasing a house and paying flood insurance premiums. He stated that if they wanted cheaper rates they could lower them by installing flood vents.

Mayor Tarr stated that most of the insurance companies don't offer information about the discount in the beginning while the house is being built.

Building and Zoning Administrator Lewis added that there are a lot of non-Chincoteague people who purchase properties here and don't know about hurricane or flood tides.

Town Planner Neville stated that the other scenario would be that Assateague is no longer one island and there is a new inlet with water rushing in. He feels erring on the side of caution is wise.

Mayor Tarr commented.

Councilman Leonard feels that they should keep it consistent with the County.

Town Planner Neville reviewed the wording to the Ordinance regarding freeboard. He discussed the paragraphs in the Ordinance written for residential construction, non-residential construction, elevated structures, recreational vehicles and mobile homes. He mentioned the scenario of Inlet View Campground and asked what standard would apply and would the freeboard standard apply for elevating a mobile home. He doesn't believe that it should affect mobile homes but Council should discuss this.

Building and Zoning Administrator Lewis advised that FEMA came in and established that an existing mobile home park they can make the pier system 36" or at base flood elevation. He added that if they choose to go at flood elevation the freeboard should apply but adding it to a 36" pier could be a problem. He feels they need to figure it out as far as safety.

Councilman Ellis asked if the mobile homes are on wheels.

Building and Zoning Administrator Lewis stated that typically on a mobile home they will take the axels off. He added that it has a still frame. He also stated that there are some put way up there and when a storm hits the only thing standing would be the steel frame and the floor system. He stated that they have to comply with FEMA but they have to decide what is safe.

Councilman Ellis asked if FEMA says it can be either or.

Building and Zoning Administrator Lewis advised that he was correct.

Mayor Tarr thought that a mobile home was categorized different.

Building and Zoning Administrator Lewis stated there was a different standard in an existing mobile home park.

Mayor Tarr stated that it's anywhere unless it's on a permanent foundation and you apply to have it switched from personal property to real estate. He asked how FEMA addresses this.

Building and Zoning Administrator Lewis stated that until they do those steps they are considered personal property and a mobile home. He added that until they remove the axels and put it on a permanent foundation and then put in to change it from personal property to real estate and the County converts it.

Mayor Tarr asked if FEMA addressed those differently.

Building and Zoning Administrator Lewis advised that they don't if it's in a mobile home park. He added that if it's not in a mobile home park it would be addressed as real estate. He stated that FEMA addresses it in a mobile home park.

Vice Mayor Richardson asked Building and Zoning Administrator Lewis that in a mobile home park it is 3’.

Building and Zoning Administrator Lewis advised that in a mobile home park the pier system can either be 3’ or at flood elevation. He explained that there is one home in Ocean Breeze that went 1’ higher than flood elevation. He added that the higher it is the more strappings and securing there is.

Town Planner Neville asked Council if they wanted to initiate the building height matter with the Planning Commission.

Building and Zoning Administrator Lewis advised that referring to the height the Building Code goes by midpoint but the Zoning Ordinance goes by the maximum height in feet.

Council concurred to send the height matter to the Planning Commission. They also discussed the freeboard matter briefly. They also mentioned the pitch of the roof on the 3 story building with the freeboard.

Councilman Frese asked how much would be needed for a motel between each floor for utilities.

A gentleman from the audience advised a 10’ space is sufficient for each floor. He added that they like a ceiling height of 9’.

Mayor Tarr stated that staff will work on this further and bring it back to Council at the April meeting.

Town Planner Neville also stated that in comparison to other communities in Virginia, according to the new maps the Island’s ridgeline is no longer within the 100 year floodplain. He added that potentially they’re still exposed to some risk of flooding and drainage issues. He stated that if they remove the requirements of the Floodplain Ordinance from the land that’s coming out, then the Town should encourage people to plan for good positive drainage. He added that one way of dealing with that is to have a standard in the Flood Ordinance or some other ordinance to encourage a minimum standard to raise the lowest floor above the surrounding grade. He asked Council if they want to put a minimum elevation standard in the Flood Ordinance for land outside of the special flood hazard area.

Mayor Tarr asked what the Building Code has regarding this.

Building and Zoning Administrator Lewis stated that the Building Code wants to have drainage 6’ off the building and slope it out so they’re not getting water under the building.

Town Planner Neville stated that it’s something they need to be aware of once they adopt the new maps. He also stated that there will be certain properties on the island that will be able to build on a slab on grade and they will come to a Council meeting with concerns about flooding.

There was brief discussion about having your property removed from the flood zone.

Town Planner Neville stated he knows that Council has concerns about FEMA’s over-reach and control of properties outside of the special flood hazard area shouldn’t necessarily be in the Flood Ordinance. He added that there is a section in the Town Code that deals with drainage and could

be built up a little. He stated that by doing this they could manage the flood risk for the entire Town. He will look into finding an ultimate solution.

Mayor Tarr asked if there was a gain by FEMA if it's put into this Ordinance.

Town Planner Neville stated that the Town would get credit for adopting higher standards outside of the flood zones.

There was discussion about freeboarding and the areas that are not in the flood zones.

## **2. Award of the Robert N. Reed, Sr. Waterfront Park Annex Bid Proposal**

Town Manager Ritter explained that this is a portion of the Park annex that was purchased from Mr. Vesley. He stated that the project is through a DCR 50/50 grant that has been bid out with pre-bid meetings. He advised that there were 2 bidders; Branscome and Conrad Brothers. He stated that the bids came in over the budget and staff has done some costs cuts with Branscome. Town Manager Ritter stated that the Town can do the storm drainage work in-house to save \$10,000. He also stated that the furnishings were brand specific and didn't have to be which saves approximately \$15,000 a total saving of \$25,000. He stated they are recommending and asking for a motion from Council to award Branscome, the lowest responsive bidder, the Robert N. Reed, Sr. Waterfront Park Annex improvement project not to exceed the amount of \$155,137. He added that the alternate bid was for the kiosk and the Town will be doing this in-house also.

Mayor Tarr asked if they were able to compare to see where the higher bids were.

Town Manager Ritter stated that the bids were a lump sum bid.

There were comments.

Councilman Ellis asked if the furnishings would be ordered by the Town or Branscome.

Town Manager Ritter advised that Branscome will order the furnishings.

Mayor Tarr reviewed the savings. He asked if the cost of the kiosk that the Town is building going against the matching funds.

Town Manager Ritter advised it could along with in-kind services. He advised that they heard back from DCR.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to award Branscome the lowest responsive bidder the Robert N. Reed, Sr. Waterfront Park Annex improvement project for an amount not to exceed \$155,000. Unanimously approved.

## **3. Committee Member Comments**

Mayor Tarr thanked Building and Zoning Administrator Lewis for attending.

Councilman Taylor asked about the 2' freeboard.

Mayor Tarr stated that until Council votes April 6<sup>th</sup> he can't positively say.

Councilman Taylor asked what the consensus of Council was.

Town Manager Ritter asked if this was about the ductwork.

Mayor Tarr responded that it is about a concrete slab.

Councilman Taylor advised that this is no conflict of interest as he isn't getting paid to do this.

Mayor Tarr stated that anyone who is going to get a building or build a building should wait until the decision is made. He suggested not spending someone's money without knowing what the outcome will be.

Councilman Taylor stated that he has the consensus and that's all he needs.

Councilman Ellis asked if the Town was going to do anything for Chief Lewis.

Town Manager Ritter advised it is April 2<sup>nd</sup> at 5:00 p.m.

Councilman Ellis mentioned the Landmark Plaza. He stated that when Building and Zoning Administrator Lewis receives a zoning request he basis it on Zoning and Building Codes. He stated that in the Comprehensive Plan there's constant reference to maintaining the character of the Town. He asked Council's pleasure regarding the Planning Commission. He asked if the Planning Commission should have a role in the review of the development plans to see that those plans are consistent with the Comprehensive Plan.

Vice Mayor Richardson thought this normally goes to the Planning Commission.

Building and Zoning Administrator Lewis stated that if it is a use permitted by right and they are meeting all the regulations then there is no point.

They discussed a couple of past plans that were sent to the Planning Commission.

Mayor Tarr stated that the Town would have to change the Ordinance that everything came in under a special or conditional use so that the Planning Commission would review the plans.

Town Planner Neville stated that he believes that the Planning Commission is discussing a sketch plan review which is non-binding and advisory. He added that this would give advice other than what the regulations are in the spirit of the community. He stated that there is a section in the subdivision land development regulations that say there is a (voluntary) sketch plan review process and that Building and Zoning Administrator Lewis does this regularly during office hours. He suggested that there is a line item in the Subdivision Ordinance to add which would be anything over a certain size would go to the Commission for review.

Mayor Tarr stated that they have to know this is a voluntary review. He added that most developers come and get hit with these proffers.

Planning Commission Chairman Rosenberger stated that Building and Zoning Administrator Lewis has nailed down the specifics of the subdivision.

Building and Zoning Administrator Lewis stated that it gets complicated. He added that the citizens could agree with the Planning Commission and there could end up with turmoil because it is ultimately approved by the Building and Zoning Department.

There was brief discussion about an upcoming development.

Mayor Tarr suggested the Planning Commission discussing this and having Building and Zoning Administrator Lewis attend the meeting for input and to work it out.

Vice Mayor Richardson discussed a message she received about the Crab House property.

Building and Zoning Administrator Lewis advised that according to the Burbages everything will be demolished except the yellow building.

Mayor Tarr added that there will be minor improvements for about a year. He added that they started demolition without a wetlands permit. He stated that the day Mr. Hank Badger was here felt everything would be fine. He added that they are arguing about the bottom, underneath where the Crab House was built. He stated that the tide didn't go out that far where there used to be pilings. He also added that the VMRC didn't follow through with their agreement.

Mayor Tarr stated that Mr. Burbage was trying to honor the Town's request to clean up the property. He also stated that the boat may stay and demolition may stop in the process until the permitting process has been done. He advised that he will contact Mr. Badger. He mentioned a neighbor having a problem with the drainage and easement. He stated that they have to put a project on the property in order to get the permit. He is certain they don't want another motel.

Councilman Leonard asked if they were going to bulkhead the slip to make it a continuous bulkhead.

There was discussion regarding the deck and bulkhead.

Mayor Tarr stated that they scaled the bulkhead back to appease the VMRC. He added that it actually changes it like it was originally. He again stated that he would contact Mr. Badger but was hoping it would be cleaned up before season. He advised that it was deemed unsafe.

Building and Zoning Administrator Lewis advised that the pilings were unsafe.

Vice Mayor Richardson asked when it would be done.

Building and Zoning Administrator Lewis discussed what was demolished.

Vice Mayor Richardson asked about the drainage easement alongside of Mr. Harry Deitch.

Mayor Tarr stated that it was a drainage ditch put in years ago from the previous owner to alleviate the flooding on Maddox Blvd.

Building and Zoning Administrator Lewis added that it was upgraded with the townhouse project.

Mayor Tarr added that it is the Town's drainage pipe.

Town Planner Neville asked if there was a performance schedule as to when the demolition would be done.



Mayor Tarr stated that VMRC has certain guidelines to approve or disapprove a permit. He stated that this was non-usable property underneath a building that the kitchen drained on for 30 years. He added that they were cleaning it up.

Councilman Frese mentioned that in part of the permit was an agreement for the owner to put the neighbors in a motel while the area was being cleaned out.

Mayor Tarr interjected that this was during the original permit and they wouldn't honor the original permit.

**Adjourn**

Councilman Frese motioned, seconded by Councilman Leonard to adjourn. Unanimously approved.

---

Mayor

---

Town Manager

ANITA C. JOHNSON

*A Professional Limited Liability Company*

Attorney At Law

✉ [acj.pllc.law@verizon.net](mailto:acj.pllc.law@verizon.net)

☎ (757) 787-8743 ☎ FAX (757) 787-3570

23405 Front Street

P.O. Box 877

Accomac, Virginia 23301

March 19, 2015

Town Council

Town of Chincoteague

6150 Community Drive

Chincoteague, Virginia 23336

### APPLICATION

This Application is made on behalf of Rory A. Smith and Christina C. Smith, joint owners of those two (2) lots designated as Lots 295 and 295A, on a certain Plat prepared by Richard H. Bartlett & Associates, dated March 16, 1972, revised May 2, 1972, entitled "Oyster Bay Community, Section II, Subdivision B," recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Deed Book 318 at Page 483 (hereinafter the "Survey"), request that the Survey be corrected by ordinance to vacate the property line separating the herein referenced Lots 295 and 295A as shown on the Survey and the sketch of the proposed line vacation attached hereto. This Application to Vacate is made pursuant to §15.2-2272(2) of the *Code of Virginia*, 1950, as amended.

Rory A. Smith and Christina C. Smith



By: Anita C. Johnson of counsel

## NOTICE OF PUBLIC HEARING

The Chincoteague Town Council will hold a Public Hearing commencing at \_\_\_\_\_ on \_\_\_\_\_, in the Council Chambers of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia, to afford interested parties the opportunity to be heard or present written comments concerning the following proposed Ordinance to vacate and relocate a property line of a recorded plat of subdivision in the Town Of Chincoteague, Accomack County, Virginia.

AN ORDINANCE TO VACATE A PART OF A RECORDED PLAT OF  
SUBDDIVISION IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY,  
VIRGINIA.

**WHEREAS**, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to §15.2-2272(2) of the *Code of Virginia*, 1950, as amended; and,

**WHEREAS**, an Application has been filed by Rory A. Smith and Christina C. Smith to vacate a part of a recorded plat of a subdivision in the Town of Chincoteague, prepared by Richard H. Bartlett & Associates, dated March 16, 1972, revised May 2, 1972, entitled “Oyster Bay Community, Section II, Subdivision B”, which Plat is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318, Page 483, et seq.; and,

**WHEREAS**, the basis of said vacation is that:

1. The property line between Lots 295 and 295A, Section II, is a property line between two lots both owned by the applicants, Rory A. Smith and Christina C. Smith.
2. That the said Rory A. Smith and Christina C. Smith desire to remove the boundary line between the two lots to result in one parcel of land.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
CHINCOTEAGUE:

1. That the part of the Plat, prepared by Richard H. Bartlett & Associates, dated March 16, 1972, revised May 2, 1972, entitled "Oyster Bay Community, Section II, Subdivision B, Chincoteague, Virginia" recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318, Page 483, et seq, showing a property line, as hereinabove described, between Lots 295 and 295A, be and is hereby vacated.
2. That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.
3. That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Handicapped assistance available by calling 757-336-6519.

Robert G. Ritter  
Town Manager  
Town of Chincoteague

**AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT  
PURSUANT TO §15.2-2272.2**

**WHEREAS**, Rory A. Smith and Christina C. Smith own two lots designated as Lots 295 and 295A on a certain Plat prepared by Richard H. Bartlett & Associates, entitled “Oyster Bay Community, Section II, Subdivision B”, recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318 at Page 483, within the Town of Chincoteague, Tax Map Numbers 031B103000295A0 and 031B10300029500; and,

**WHEREAS**, one or more lots within the Subdivision have been sold; and,

**WHEREAS**, the said Rory A. Smith and Christina C. Smith have requested that the division or property line between said two parcels be vacated so that they become one parcel; and,

**WHEREAS**, the notice requirement of §15.2-2272.2 has been complied with; and,

**WHEREAS**, the governing body affirmatively finds that no owner of any lot shown on said Plat will be irreparably damaged by the said vacation of said line.

**NOT THEREFORE BE IT ORDAINED AS FOLLOWS:**

1. That the division or property line between Lots 295 and 295A on a certain Plat prepared by Richard H. Bartlett & Associates, entitled “Oyster Bay Community, Section II, Subdivision B”, recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318 at Page 483, within the Town of Chincoteague, Tax Map Numbers 031B103000295A0 and 031B10300029500, be and is hereby vacated.
2. That as the result of said vacation former Lots 295 and 295A shall result in one parcel of land.
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has

expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Accomack County.

4. That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

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APPROVED as of \_\_\_\_\_, 2015

\_\_\_\_\_  
MAYOR

State of Virginia  
County of Accomack

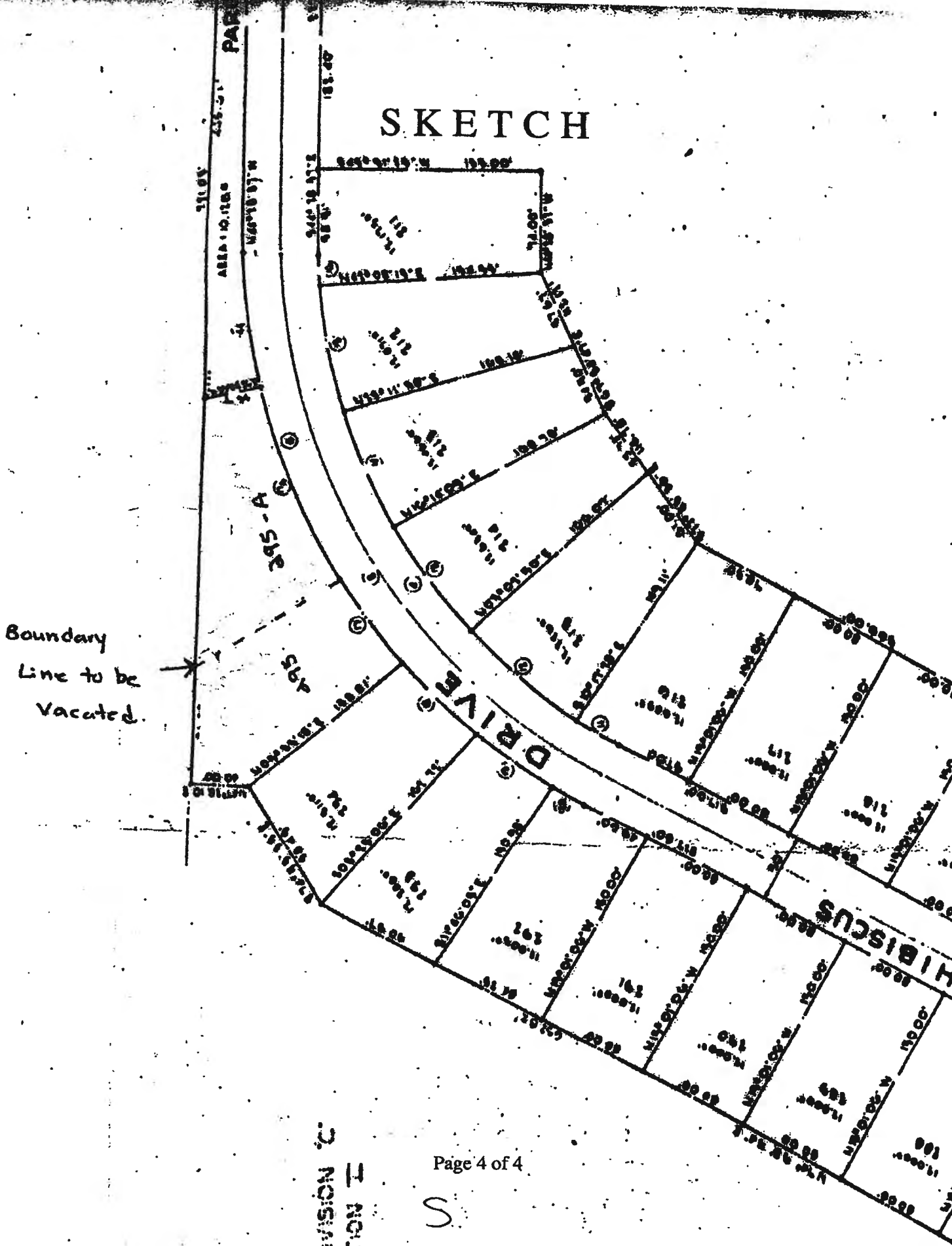
The foregoing Ordinance was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2015, by \_\_\_\_\_, Mayor, in my jurisdiction aforesaid.

\_\_\_\_\_  
Notary Public

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# SKETCH



ister with and must present a bid deposit which may be held during the sale by the trustee. The bid deposit must be certified funds and/or cash, but no more than \$10,000.00 of cash will be accepted. The successful bidder's deposit will be retained at the sale and applied to the sale price. If held by the trustee, all other bid deposits will be returned to the unsuccessful bidders. Settlement is to be made within 15 days. The successful bidder will be responsible for obtaining possession of the property, and for all costs and fees related to recording the Trustee's Deed, including the grantors tax. The successful bidder will be required to execute a Memorandum of Trustee's Sale, available for review on the Foreclosure Sales page of [www.glasserlaw.com](http://www.glasserlaw.com), outlining additional terms of sale and settlement. A Trustee's Deed will be prepared by Trustee's attorney at high bidder's expense. This is a communication from a debt collector. Glasser and Glasser, P.L.C. on behalf of Atlantic Trustee Services, L.L.C., Substitute Trustee, Crown Center Building, Suite 600, 580 East Main Street, Norfolk, VA 23510, File No. 203763-1, Tel: (757) 321-6465, between 10:00 a.m. & 12:00 noon only.

phy 3/25, 4/1, 8, 15, '15

## Ten & Marshall

### Single Estate Auction

to offer the Estate of Deanna P. Birch

### 28th @ 9:33 AM

at Bloxom, VA

**NO MINIMUM AND NO RESERVE!!**

Antiques, Racing Go-Carts, Selection of Furniture, Primitives, Glassware, Qty. of Lamps & more! VA Auction Co. Website!

## State - Westover, MD

Antiques and Consigners @ The Old Post Building!!

**April 1st at 4 PM**  
**Road, Westover, MD**

**NO MINIMUM & NO RESERVE!!**

Antiques & Floral Merchandise, Tools, Baskets & more! VA Auction Co. Website!

Road, Parsonsburg, MD. Exquisite Single Margaret A. Taylor! Exquisite Selection of Antiques, Furniture, Tools, Adv. Items, Vintage

Chickadee Road, Bivalve, MD. On-Site Single Argo Conquest 8x8 w/ only 137hrs, Massey 7 Roto Hog, Advertising, Tools & more!

Road, Parsonsburg, MD - Large Public Multi-eth Cannon Jr. of Neavett, MD, Francis E. Explorer Limited 4x4, Primitives, Antique and more!

101 Adkins Place, Pocomoke City, MD. Furniture, Primitives, Stoneware & More!

19th & Friday July 31st, 2015 at 8000 Burg, MD. Our next Auction at our Westover on Friday May 22nd. We will be accepting

Information. Terms & Pictures!

terms and conditions of the permit with suggested revisions. A public hearing may be held, including another comment period, if public response is significant, based on individual requests for a public hearing, and there are substantial, disputed issues relevant to the permit.

CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION: Deanna Austin DEQ Tidewater Regional Office, 5636 Southern Blvd. Va. Beach 23462. Tel: 757-518-2008; Fax: 757-518-2009 E-mail: [deanna.austin@deq.virginia.gov](mailto:deanna.austin@deq.virginia.gov).

phy 3/25, 4/1, '15

### TRUSTEE'S SALE OF PROPERTY

12151 Bethel Church Road, Hallwood, Virginia 23359  
(Tax Map No. 054-00-A0-00-0209-B0)

In execution of a deed of trust recorded in the Clerk's Office of the Circuit Court for the County of Accomack, Virginia, as Instrument No. 200508195, the undersigned, Steven L. Higgs, P.C., Substitute Trustee (Instrument No. 150000014), will offer for sale at public auction at the front door of the Courthouse for the Circuit Court of Accomack County, Virginia, on the 3rd day of April, 2015, at 12:00 o'clock noon, certain property described in said deed of trust lying in the County of Accomack, Virginia, known as 12151 Bethel Church Road, Hallwood, Virginia 23359, and more particularly described in the aforementioned deed of trust.

TERMS: Cash. A bidder's deposit of up to 10% of the bid amount may be required in cash at the time of the sale. Additional terms and conditions may be announced at the sale. Closing shall occur at the office of the Trustee within 10 days of the date of the sale, at which time the balance of the purchase price will be due and payable in cash. The property will be sold "AS IS" and will be conveyed by Special Warranty deed, subject to all liens, objections, rights, reservations, leases, covenants, conditions, easements and restrictions superior to the lien of the deed of trust as they may lawfully affect the property. Neither the Substitute Trustee nor the holder of the note secured by the deed of trust will deliver possession of the property to the successful bidder. The purchaser at the sale will be required to pay all closing costs except the grantor's tax. Real estate and valorem taxes will be prorated as of the date of closing.

STEVEN L. HIGGS, P.C.,  
Substitute Trustee

By: \_\_\_\_\_  
Steven L. Higgs, President  
9 Franklin Road, S.W.  
Roanoke, Virginia 24011-2403  
(540) 400-7990

phy 3/18, 25, '15

### Public Notice

The Northampton County Planning Commission will meet on April 7, 2015, at 7:00 p.m. in the Board Chambers located at 16404 Courthouse Road in Eastville, VA., for the purpose of conducting public hearings on the following matters.

- Special Use Permit 2015-03:** Thomas W. Edmonds has applied to locate an Accessory Single Family Detached Dwelling Unit, Manufactured, Single-Wide H.U.D inspected on property located at 6558 Bayside Road in the Hare Valley area. The property, described as Tax Map 15, double circle A, parcel 12A, is zoned V-2, Village-Two District and contains approximately 1 acre of land.
- Special Use Permit 2015-04:** Sugar Run, LLC has applied operate a Conference/retreat center up to 10 guest rooms, with accessory goods/services on property located at 20031 Oakland Farm Road, near Cheriton. The property, described as Tax Map 76, double circle 4, parcel B, is zoned A/RB, Agricultural/Rural Business and contains 17.16 acres of land.
- Special Use Permit 2015-05:** Cherrystone I, LLC has applied to operate a Restaurant, including waterfront service, less than 2500 square feet, no drive-thru service on property located at 6499 Sunnyside Road in Oyster. The property, described as Tax Map 85A, double circle 3, parcel 6 and Tax Map 85A, double circle 3, parcel R, and is zoned WV-WC, Waterfront Village Waterfront Commercial.

The Northampton County Board of Supervisors will conduct public hearings on the above items on Tuesday, April 14, 2015

County of Accomack as Document No. 200201750. (Identified for real estate taxation purposes and none other as Tax Map #68-A-225.)

AND further described in the above Deed of Trust. (Tax Map No. 68-A-225)

THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

TERMS OF SALE: ALL CASH. A bidder's deposit of \$15,000.00 or 10% of the sale price, whichever is lower, will be required in cash, certified or cashier's check. Settlement within fifteen (15) days of sale, otherwise Trustees may forfeit deposit. Additional terms to be announced at sale. Loan type: FHA. Reference Number 15-247531.

PROFESSIONAL FORECLOSURE CORPORATION OF VIRGINIA, Substitute Trustees, C/O SHAPIRO & BROWN, LLP, 10021 Balls Ford Road, Suite 200, Manassas, Virginia 20109 (703) 449-5800.

phy 3/25, 4/1, '15

### NOTICE OF PUBLIC HEARING

The Chincoteague Town Council will hold a Public Hearing commencing at 7:00pm on April 6, 2015 in the Council Chambers of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia, to afford interested parties the opportunity to be heard or present written comments concerning the following proposed Ordinance to vacate and relocate a property line of a recorded plat of subdivision in the Town Of Chincoteague, Accomack County, Virginia.

AN ORDINANCE TO VACATE A PART OF A RECORDED PLAT OF SUBDIVISION IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA.

WHEREAS, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to §15.2-2272(2) of the Code of Virginia, 1950, as amended; and,

WHEREAS, an Application has been filed by **Rory A. Smith and Christina C. Smith** to vacate a part of a recorded plat of a subdivision in the Town of Chincoteague, prepared by Richard H. Bartlett & Associates, dated March 16, 1972, revised May 2, 1972, entitled "Oyster Bay Community, Section II, Subdivision B", which Plat is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318, Page 483, et seq.; and,

WHEREAS, the basis of said vacation is that:

- The property line between Lots 295 and 295A, Section II, is a property line between two lots both owned by the applicants, Rory A. Smith and Christina C. Smith.
- That the said Rory A. Smith and Christina C. Smith desire to remove the boundary line between the two lots to result in one parcel of land.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE:

- That the part of the Plat, prepared by Richard H. Bartlett & Associates, dated March 16, 1972, revised May 2, 1972, entitled "Oyster Bay Community, Section II, Subdivision B, Chincoteague, Virginia" recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed Book 318, Page 483, et seq. showing a property line, as hereinabove described, between Lots 295 and 295A, be and is hereby vacated.
- That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.
- That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Handicapped assistance available by calling 757-336-6519.

Robert G. Ritter, Town Manager  
Town of Chincoteague

phy 3/25, 4/1, '15

## Legal Advertising

in





# MEMORANDUM

To: Robert Ritter, Town Manager  
From: Kenny L. Lewis, Zoning Administrator  
Date: March 4, 2015  
Subject: Request to Vacate Subdivision Lot Line  
Christopher & Sierra Birch

---

Mr. Gerald West, Attorney at Law has submitted a request to vacate a property line between parcel 31 & 32 on Grace Street.

The lot line to be vacated is identified on attached proposed plat.

I have reviewed the attachments and have found no violations of current zoning.

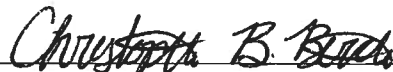
Per your instruction, I have advised Mr. West to advertise as needed to meet the April 6, 2015 Council meeting.


March 4, 2015

To: The Town Council of the  
Town of Chincoteague  
Chincoteague, VA 23336

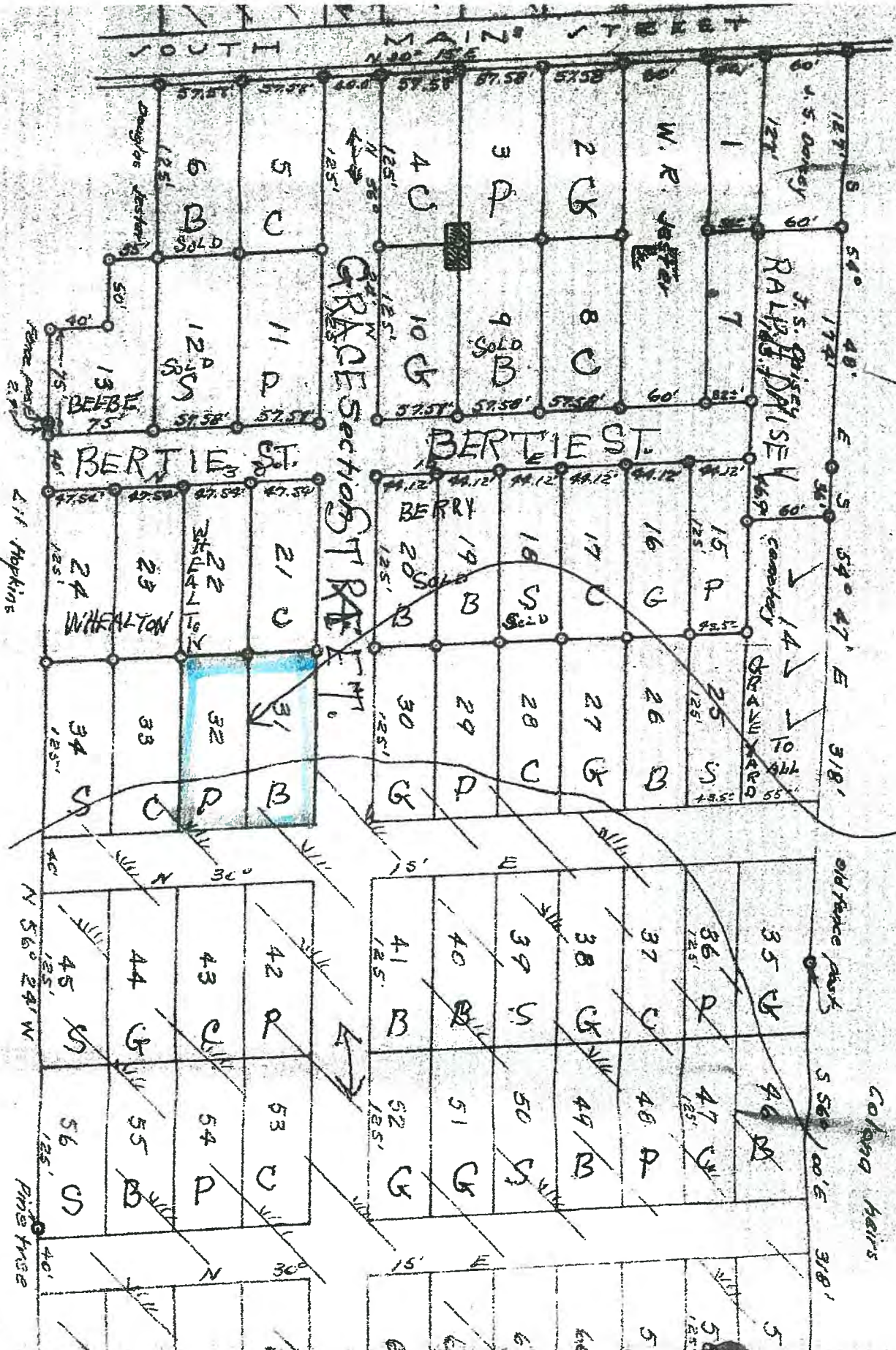
APPLICATION

Application of Christopher B. Birch and Sierra N. Birch, owners of two lots designated as Lots 31 and 32, Section A, on a certain plat entitled "Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia", dated November 9, 1948, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 7, page 77, request that the survey entitled "Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia" be by ordinance corrected so as to vacate the property line, as shown on said plat, which separates Lots 31 and 32. This Application to Vacate said property line is pursuant to Section 15.2-2272(2) of the 1950 Code of Virginia, as amended.

  
\_\_\_\_\_  
Christopher B. Birch

  
\_\_\_\_\_  
Sierra N. Birch

Boundary Line To Be Vacated



NOTE: All property lines on this plat were shown

**NOTICE OF PUBLIC HEARING**

The Chincoteague Town Council will hold a Public Hearing commencing at 7:00PM on April 6, 2015, in the Council Chambers of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia, to afford interested parties the opportunity to be heard or present written comments concerning the following proposed Ordinance to vacate and relocate a property line of a recorded plat of subdivision in the Town of Chincoteague, Accomack County, Virginia.

AN ORDINANCE TO VACATE A PART OF A RECORDED PLAT OF SUBDIVISION  
IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA.

**WHEREAS**, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to Section 15.2-2272 (2) of the Code of Virginia of 1950, as amended; and,

**WHEREAS**, an Application has been filed by Christopher B. Birch and Sierra N. Birch to vacate a part of a recorded plat of a subdivision in the Town of Chincoteague entitled “Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia”, which plat is dated November 9, 1948, and recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Plat Book 7, page 77.

**WHEREAS**, the basis of said vacation is that:

1. The property line between Lots 31 and 32, Section A, is a property line between two lots both owned by the Applicant, Christopher B. Birch and Sierra N. Birch.
2. That the said Christopher B. Birch and Sierra N. Birch desire to remove the boundary line between the two lots to result in one parcel of land.

THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
CHINCOTEAGUE:

1. That the part of the plat entitled "Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia" dated November 9, 1948, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, at Plat Book 7, page 77, showing a property line, as hereinabove described, between Lots 31 and 32, Section A, be and is hereby vacated.

2. That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.

3. That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Handicapped assistance available by calling 336-6519.

Robert G. Ritter  
Town Manager  
Town of Chincoteague

**AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT PURSUANT TO  
SECTION 15.2-2272.2**

**WHEREAS**, Christopher B. Birch and Sierra N. Birch, own two lots designated as Lots 31 and 32, Section A, on a certain plat entitled “Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia”, dated November 9, 1948, and recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Plat Book 7, page 77 within the Town of Chincoteague, Tax Map Number 030A201A0003100 and 030A201A0003200; and,

**WHEREAS**, one or more lots within the Subdivision have been sold; and,

**WHEREAS**, the said Christopher B. Birch and Sierra N. Birch have requested that the division or property line between said two parcels be vacated so that they become one parcel; and,

**WHEREAS**, the notice requirement of Section 15.2-2272.2 has been complied with; and,

**WHEREAS**, the governing body affirmatively finds that no owner of any lot shown on said Plat will be irreparably damaged by the said vacation of said line.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

1. That the division or property line between Lots 31 and 32, Section A, on a certain plat entitled “Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia”, dated November 9, 1948, and recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Plat Book 7, page 77 , be and is hereby vacated.
2. That as the result of said vacation former Lots 31 and 32, Section A shall result in one (1) parcel of land.

3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Accomack County.
4. That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Ayes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Nays: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Approved as of \_\_\_\_\_, 2015

\_\_\_\_\_  
 Mayor

State of Virginia  
 County of Accomack

The foregoing Ordinance was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015,  
 by \_\_\_\_\_, Mayor, in my jurisdiction aforesaid.

\_\_\_\_\_  
 Notary Public

Commission Expires: \_\_\_\_\_

# Legal Advertising

**NOTICE OF PUBLIC HEARING**

The Chincoteague Town Council will hold a Public Hearing commencing at 7:00PM on April 6, 2015, in the Council Chambers of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia, to afford interested parties the opportunity to be heard or present written comments concerning the following proposed Ordinance to vacate and relocate a property line of a recorded plat of subdivision in the Town of Chincoteague, Accomack County, Virginia.

**AN ORDINANCE TO VACATE A PART OF A RECORDED PLAT OF SUBDIVISION IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA.**

WHEREAS, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to Section 15.2-2272 (2) of the Code of Virginia of 1950, as amended; and,

WHEREAS, an Application has been filed by Christopher B. Birch and Sierra N. Birch to vacate a part of a recorded plat of a subdivision in the Town of Chincoteague entitled "Subdivision of O. H. Jester (heirs) Property, Chincoteague, Virginia", which plat is dated November 9, 1948, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 7, page 77.

WHEREAS, the basis of said vacation is that:  
1. The property line between Lots 31 and 32, Section A, is a property line between two lots both owned by the Applicant, Christopher B. Birch and Sierra N. Birch.

2. That the said Christopher B. Birch and Sierra N. Birch desire to remove the boundary line between the two lots to result in one parcel of land.

**THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE:**

1. That the part of the plat entitled "Subdivision of O.

H. Jester (heirs) Property, Chincoteague, Virginia" dated November 9, 1948, and recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, at Plat Book 7, page 77, showing a property line, as hereinabove described, between Lots 31 and 32, Section A, be and is hereby vacated.

2. That a certified copy of this Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.

3. That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Handicapped assistance available by calling 336-6519.

Robert G. Ritter  
Town Manager  
Town of Chincoteague

**NOTICE OF SUBSTITUTE TRUSTEE'S SALE**  
Lots 6 & 7, 27322 & 27328 Martin Rd., Harborton, VA 23389  
TAX MAP ID #s. 090B00100000400, 090B00100000500,  
090B00100000600, 090B00100000700,  
090B00100001100, 090B001000011C0

In execution of a certain Deed of Trust dated August 27, 2007, recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia ("Clerk's Office") as Instrument No. 200704861, securing the original principal amount of \$445,000.00 from Vincent Joseph McKnight and Kelly D. McKnight to Henry P. Custis, Jr., et al. Trustees (the "Deed of Trust"), for whom Pender & Coward, P. C., Substitute Trustee (the "Substitute Trustee"), has been duly substituted pursuant to a Deed of Appointment of Substitute Trustee, dated February 11, 2015, and default having occurred in the payment of the debts secured by the Deed of Trust, and at the request and direction of the holder of the note evidencing such debt (the "Lender"), the Substitute Trustee will sell the following described property at public auction to the highest bidder for cash at 10:00 a.m. on the 7th day of April, 2015, on the front steps of the Circuit Court of Accomack County, Virginia, 23316 Courthouse Ave., Accomack, VA 23301, to-wit:

Parcel 1: All that certain lot or parcel of land situated near the Village of Harborton, Accomack County, Virginia, designated as Lot No. Four (4) on a certain plat entitled, "Survey and Subdivision of Property Located near Harborton, Accomack County, owned by Donald J. And Rosalie S. Shanklin", dated November 2, 1961, made by J.B. Gibb, C.L.S., which plat is attached and made a part of a certain deed dated July 5, 1962, from Donald J. Shanklin and Rosalie S., his wife, to Theophilus B. Larrimore and wife, which deed is recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, in Deed Book 244, at Page 417.

Parcel 2: All those certain lots or parcels of land situated near the Village of Harborton, Accomack County, Virginia, designated as Lot Nos. 5, 6, & 7 on the aforesaid plat. These said lots, pieces or parcels of real estate are bounded in general on the North, by the aforesaid Lot No. 4, as shown on said plat, now or formerly owned by James L. Dendy; on the West, by Parcel 2B, as described below; on the South, by Lot No. 8, as shown on said plat, now or formerly owned by Wallace L. Selbert and Jane A. Selbert; and on the East, by Virginia State Route 630.

Parcel 2B: All that certain lot or parcel of land situated near the Village of Harborton, Accomack County, Virginia, bounded in general on the South, by the lands now or formerly owned by Wallace L. Selbert and Jane A. Selbert for a distance of approximately Seventy Feet (70 ft.); on the West, by the lands now or formerly owned

by Donald J. Shanklin and Rosalie S. Shanklin for a distance of approximately Three Hundred Seventy and Twenty-six Hundredths Feet (370.26 ft.); on the North, by the lands now or formerly owned by James L. Dendy and Robbie M. Dendy for a distance of approximately Seventy Feet (70 ft.); and on the East, by Parcel 2 hereinabove described for a distance of approximately Three Hundred Seventy and Twenty-six Hundredths Feet (370.26 ft.).

Parcel 3: All that certain lot or parcel of land situated near the Village of Harborton, Accomack County, Virginia, bounded in general on the South, by the lands now or formerly of Donald J. Shanklin and Rosalie S. Shanklin, being conveyed to John M. Forcum and Diana D. Forcum for a distance of approximately Seventy Feet (70 ft.) on the West, by other lands now or formerly of Donald J. Shanklin and Rosalie S. Shanklin for a distance of approximately One Hundred Twenty-one and Six Hundredths Feet (121.06 ft.); on the North, by a certain Fifteen Foot (15 ft.) right-of-way; and on the East, by the lands now or formerly of James L. Dendy and Robbie M. Dendy for a distance of approximately One Hundred Twenty-one and Six Hundredths Feet (121.06 ft.).

TOGETHER WITH all rights, easements, buildings, privileges and appurtenances thereunto belonging or in anywise appertaining.

The above described real property is hereinafter collectively referred to as the "Property".

**TERMS OF SALE: CASH OR CASH EQUIVALENT.**

A deposit of ten percent (10 %) of the successful bid price, payable in cash or by certified or cashier's check to the undersigned will be required at the time of sale from the successful bidder. The balance shall be paid in cash, certified or cashier's check at settlement. Settlement shall be held within ten (10) days from the date of the sale (or at such other time as may be acceptable to the Substitute Trustee) at the office of the Substitute Trustee, Pender & Coward, P. C., 222 Central Park Avenue, Ste. 400, Virginia Beach, VA 23462, TIME BEING OF THE ESSENCE. The Substitute Trustee reserves the right to waive the deposit requirement as to any bidder; withdraw the Property from sale at any time before the termination of bidding, keep the bidding open for any length of time, and reject any and all bids. In the event the successful bidder fails to complete settlement as required, the deposit shall be retained and applied to the costs of the sale, including Substitute Trustee's fees, with the remaining balance delivered to the Lender to be applied against amounts secured by the Deed of Trust, and the Property shall be re-sold at the risk and expense of the defaulting bidder. Such retention of deposit shall not limit any rights or remedies of the Substitute

Trustee or the Lender with respect to such default. All closing costs, including but not limited to the payment for preparation of the Substitute Trustee's Deed by the Substitute Trustee's attorney and payment of the grantor's tax, shall be borne by the successful bidder. Real estate taxes shall be pro-rated as of the date of sale.

The risk of loss or damage to the Property by condemnation, fire or other casualty shall be borne by the successful bidder from and after the date and time of the sale. The Substitute Trustee is not obligated to deliver possession of the Property to the successful bidder; obtaining possession of the Property shall be the responsibility of the successful bidder.

The successful bidder shall be required to execute a Memorandum of Sale concerning the purchase of the Property by the successful bidder; a copy of which will be available immediately prior to announcing the sale.

The Property shall be conveyed with no warranties and by special warranty deed. The sale of the Property shall be subject to the right, if any, of parties in possession, and the Property shall be sold "AS IS" and "WITH ALL FAULTS", without representation or warranty of any kind including, without limitation, warranty relating to the zoning, structural integrity, physical condition, extent of construction, construction, workmanship, materials, habitability or environmental condition, fitness for a particular purpose or merchantability of all or any part of the Property, and SUBJECT TO conditions, restrictions, rights-of-way, easements, reservations, agreements and other conditions contained in the chain of title thereto, and all other matters of record taking priority over the Deed of Trust, if any.

The Memorandum of Sale will contain the following provision: "Purchaser waives and releases the Substitute Trustee, the Lender, and their respective agents, successors, and assigns from any and all claims the Purchaser or its successors and assigns may have now or in the future relating to the "AS IS" condition of the Property, which was a negotiated part of the Memorandum of Sale and serves as an essential component of consideration for the same. The parties specifically acknowledge and agree that this clause bars all claims by the Purchaser arising from the condition of the Property pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and all other actions pursuant to state or local laws, ordinances or regulations of any environmental condition of the Property."

Announcements made at auction time take precedence over any print, electronic, or verbal information.

**FOR INFORMATION CONTACT:**  
Pender & Coward, P. C.  
222 Central Park Avenue, 4th Floor  
Virginia Beach, VA 23462  
(757) 490-6261





## STAFF REPORT

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To: Mayor Tarr and Town Council Members  
Through: Robert Ritter, Town Manger  
From: Bill Neville, Director of Planning  
Date: April 6, 2015  
Subject: Floodplain Ordinance Revision (Town Code Section 30 – Floods)

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❖ **Possible adoption of amendments to the Town floodplain management regulations to incorporate the new FEMA Flood Insurance Study, Flood Insurance Rate Maps, and amendments including a local ‘freeboard’ standard**

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On March 2, 2015 Town Council held a public hearing regarding the new FEMA Flood Insurance Study, Flood Insurance Rate Maps and minor amendments to the Town Floodplain Ordinance.

Mayor Tarr opened the public hearing on the possible adoption of the FEMA Flood Maps, Flood Study and revised Flood Ordinance (Ch. 30 of the Town Code). He invited public comment at this time. Planning Commission Chairman Rosenberger concurred with the staff recommendation to adopt the new FEMA maps and consider the possibility of freeboard as a local standard. No other members of the public provided comment. Councilman Frese motioned to recess the public hearing until Thursday, March 19<sup>th</sup> at 7:00 p.m., seconded by Councilman Jester. This motion was unanimously approved.

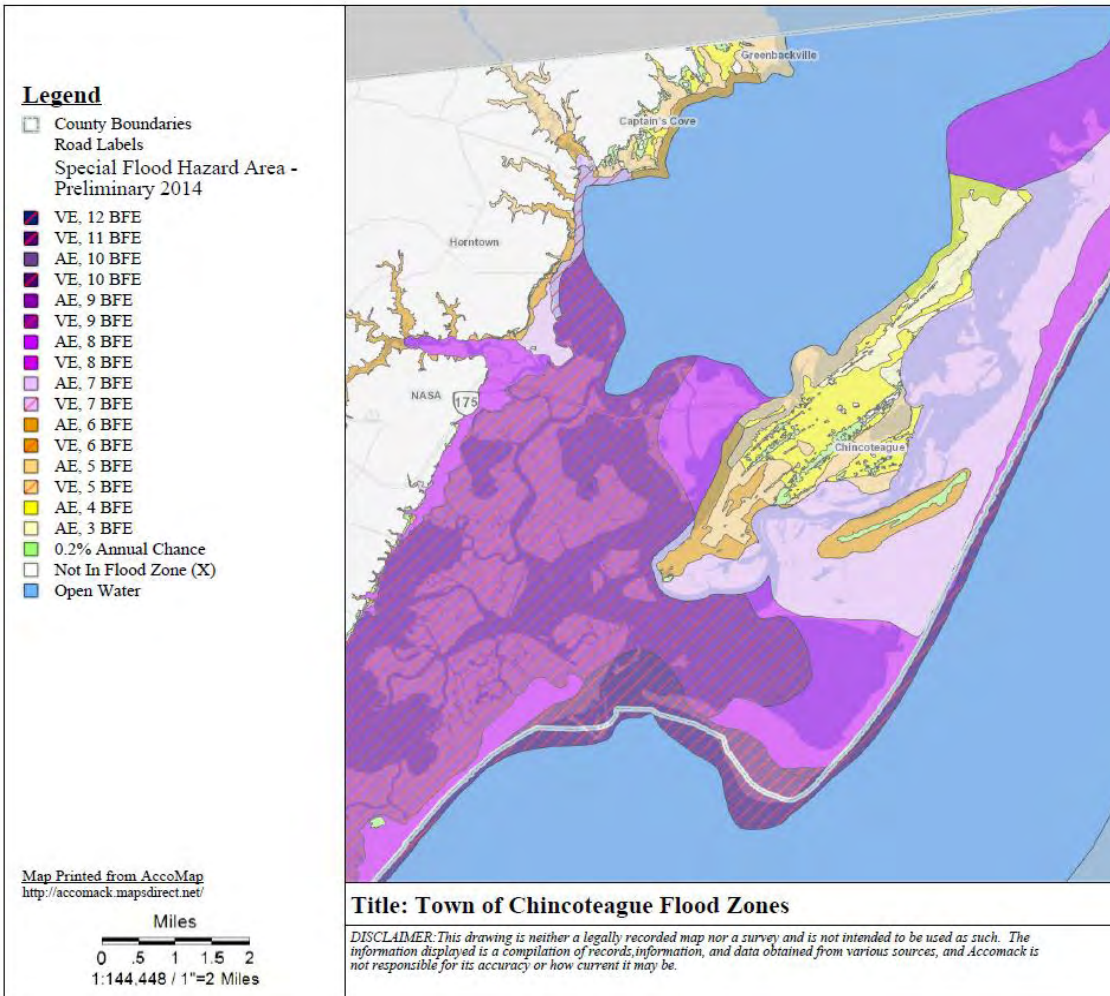
Councilman Frese also motioned, seconded by Councilman Ellis to adopt the modified Flood Insurance Rate Maps and Flood Insurance Study for the Town of Chincoteague as provided by the Federal Emergency Management Agency with an effective date of May 18, 2015. This motion was unanimously approved.

The public hearing and record was kept open in order to allow for consideration of additional amendments to the Town Floodplain Ordinance, specifically a ‘freeboard’ standard. Town Council held a workshop meeting on March 19<sup>th</sup> to consider a local standard for new or substantially improved structures that would require the lowest floor to be built above the base flood elevation established by FEMA.

Mayor Tarr closed the public hearing following public comment at the workshop. After discussing the item, Council members directed Town Staff to prepare the appropriate ordinance amendments for possible action on April 6<sup>th</sup> for a 2 foot freeboard standard within the mapped special flood hazard area.

## Flood Insurance Rate Map Changes (FIRM)

During previous meetings, Town Council reviewed the FIRM changes which lower base flood elevations for every property on Chincoteague Island, allowing certain properties on higher ground to be removed from the 1% chance (100 year) floodplain, and all properties to benefit from a lower base flood elevation.



(Source: AccoMap - <http://accomack.mapsdirect.net/#>)

### Town Floodplain Ordinance

In order to continue participation in the National Flood Insurance Program, the Town of Chincoteague is required to adopt the new Flood Study, Risk Maps, and amendments to the Floodplain Ordinance which may include local standards such as freeboard. FEMA encourages communities to adopt a freeboard standard for elevating new construction or substantially improved structures higher than the minimum base flood elevation necessary for compliance with the National Flood Insurance Program.

*Freeboard is an additional height requirement for the lowest floor elevated above the base flood elevation (BFE) that provides a margin of safety against extraordinary or unknown risks. This reduces the damage from flooding and makes the structure eligible for a lower flood insurance rate. (Guidance for Local Floodplain Ordinances in VA, October 2011)*

**Town Council considered the following reasons in supporting a recommendation to adopt a 2 foot freeboard standard in addition to other required amendments:**

- Provides an added measure of safety against flooding from storms greater than the 1% annual chance (100 year storm)
- Ductwork, piping, wiring, etc. must be installed above the BFE by Building Code – often this results in the lowest floor being elevated 12 to 18 inches even without freeboard
- Results in significantly lower flood insurance rates due to lower flood risk
- Qualifies all property owners in the community for additional discounts in flood insurance rates under the Community Rating System (CRS) program
- Accounts for future flood increases due to physical and federal management changes on Assateague Island, variability in storm magnitude, and uncertainties in the flood hazard computer model used by FEMA

## **Staff Recommendation**

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### **Adopt amendments to Town Code – Section 30 Floods**

The following amendments incorporate a reference to the new Flood Insurance Rate Maps and Flood Insurance Study Report (effective May 18, 2015) along with other minor corrections requested in the VA NFIP Coordinator’s review, and including adoption of a local freeboard standard as follows:

*Sec. 30-7. Definitions.*

*Existing construction, means structures for which the “start of construction” commenced before March 1, 1977~~the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date within the former Town limits prior to annexation, and June 1, 1984 within the areas annexed from Accomack County.~~ “Existing construction” may also be referred to as “existing structures.”*

*New construction means for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after 3/1/March 1, 1977 ~~within the former Town limits prior to annexation, and June 1, 1984 within the areas annexed from Accomack County,~~ and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after ~~the~~ June 1, 1984 within areas annexed from Accomack County and on or after February 2, 1989 for area within the former Town limits prior to annexation, 2/2/1989 and includes any subsequent improvements to such structures.*

*Post-FIRM structures, means a structure for which construction or substantial improvement occurred after March 1, 1977 within the former Town limits prior to annexation, and June 1, 1984 within the areas annexed from Accomack County~~February 2, 1989.~~*

*Pre-FIRM structures, means a structure for which construction or substantial improvement occurred on or before March 1, 1977 within the former Town limits*

prior to annexation, and June 1, 1984 within the areas annexed from Accomack County February 2, 1989.

*Repetitive Loss Structure*, means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions within a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Sec. 30-9. Description of districts.

(a) Basis of Districts - The various floodplain districts shall include special flood hazard areas subject to a one (1%) percent or greater chance of being flooded in any given year. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for the Town of Chincoteague (Community number 510002) prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 16, 2009 May 18, 2015, and any subsequent revisions or amendments thereto.

Sec. 30-10. Official floodplain map.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map panels 51001C0065G, 51001C0070G, 51001C0260G, 51001C0270G, 51001C0280G, 51001C0285G, 51001C0290G, 51001C0485G, and 51001C0505G which ~~is~~ are declared to be a part of this ordinance and which shall be kept on file at the town offices.

Sec. 30-14. Permit and application requirements.

(d) Site Plans and Permit Applications

(3) The elevation of the one (1) percent chance ~~in~~ or 100 year flood.

Sec. 30-15. General standards.

In all special flood hazard areas the following provisions shall apply:

(a) New construction ~~and/or~~ substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(d) New construction ~~and/or~~ substantial improvements shall be constructed by methods and practices that minimize flood damage.

Sec. 30-16. Specific standards.

In all special flood hazard areas the following provisions shall apply:

(a) Residential Construction – New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than base flood elevation. All new construction or substantial improvement of any residential structure (including manufactured homes) after May 18, 2015 shall have the lowest floor, including basement, elevated no lower than base flood elevation plus two feet of freeboard.

(b) Non-Residential Construction – New construction or substantial improvement of any commercial, industrial, or non-residential building (~~or manufactured home~~) shall have the lowest floor, including basement, elevated to no lower than base flood elevation. All new construction or substantial improvement of any commercial, industrial, or non-residential building after May 18, 2015 shall have the lowest floor, including basement, elevated to no lower than base flood elevation plus two feet of freeboard. Non-residential construction may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus ~~one foot~~two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the Zoning Administrator

(c) Elevated Buildings - Enclosed areas, of new construction or substantially improved structures, which are below the lowest floor elevation shall:

(3) in the Coastal High Hazard District, follow the standards for elevation outlined in Article IV, Section 30-198.

#### ARTICLE VII. ENACTMENT

This ordinance shall become effective upon passage on April 7, 2014. Amended April 6, 2015.

**MINUTES OF THE FEBRUARY 24, 2015  
TOWN OF CHINCOTEAGUE  
CEMETERY COMMITTEE**

**Members Present**

Ellen Richardson, Chairwoman  
Ben Ellis, Councilman  
Gary Turnquist  
Amanda Betts (absent)  
Ken Webb

**Others Present**

Robert Ritter, Jr., Town Manager

**Call to Order**

Chairwoman Richardson called the meeting to order at 6:08 p.m.

**Roll Call**

Four committee members were present.

**Open Forum/Public Participation**

There was no public participation.

**Agenda Adoption**

Mr. Ken Webb motioned, seconded by Mr. Gary Turnquist to adopt the agenda.

**1. Schedule Spring Clean-Up**

**a. Review proclamation**

The committee agreed to have April 11-17 as Cemetery Clean-Up Week with April 11<sup>th</sup> being the clean-up day.

All present agreed to take the Proclamation to Council for their approval.

**b. Select cemetery project**

The committee agreed to have Greenwood Cemetery as their project. There are some tree limbs that need to be removed.

**2. Discuss Cemetery Maintenance and Fund Raising**

**a. Report on revenue and expenditures**

Town Manager Ritter reported there is \$4,305.00 in the cemetery fund.

**b. Sample donation letter**

The committee reviewed the letter and agreed to leave it as is for now.

**3. Committee Member Comments**

Gary Turnquist stated that Louisa Flaningam and Paul Brzozowski were concerned about the Hill Cemetery. He explained that Mr. Donnie Thornton has been maintaining that for some years.

Chairwoman Richardson mentioned some type of wall to help hold the headstones in place at Mechanics Cemetery. She will inquire with Mr. Billy McGee to see what costs may be involved.

**ADJOURN:** Mr. Gary Turnquist motioned, seconded by Mr. Ken Webb to adjourn the meeting.



## PROCLAMATION

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of April 11<sup>TH</sup> through 17<sup>TH</sup>, 2015, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 6<sup>th</sup> day of April, 2015.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

## Public Works Committee Meeting

March 04, 2015

### MINUTES

#### Members Present:

Hon. Ellen Richardson, Chairwoman  
Hon. James Frese, Councilman  
Hon. John Tarr, Mayor

#### Also Present:

Hon. John Jester  
Hon. Ben Ellis, Councilman  
Mr. Robert Ritter, Councilman  
Mr. Harvey Spurlock  
Mr. and Mrs. Ray Rosenberger

Chairwoman Richardson called the meeting to order at 5:00 pm.

#### Public Participation

None

#### Agenda Adoption

Mayor Tarr motioned the agenda be adopted. Councilman Frese seconded the motion. The agenda was unanimously adopted.

#### 1. Hallie Whealton Smith Drainage Project Update

Mr. Spurlock explained the primary benefit of increasing pipe capacity at the point the Hallie Whealton Smith ditch discharges into Chincoteague Bay would be to accelerate drainage of this basin after a storm event. Mr. Spurlock further explained closing the proposed sluice gates prior to a storm event would be somewhat beneficial as it would increase storm water storage capacity.

As a construction cost saving measure Mr. Spurlock suggested replacing the existing eighteen inch diameter concrete pipe with a thirty inch diameter ABS pipe. This concrete pipe is separating at its joints. Sluice gates would be installed on both pipes as permitted by the USACOE. Mr. Spurlock further explained additional piping could be installed subsequent to this improvement should it be required. The bulk of the thirty inch pipe would be installed by the Public Works labor force with the gates and end treatments being installed by contract. Mr. Spurlock estimated this design could be constructed for approximately seventy-thousand dollars however the exact cost could not be established without soliciting contract bids. Mr. Spurlock will prepare a solicitation for this construction and present bids to the committee for consideration.



## **2. Review Water Billing Adjustment/Conservation Ordinances**

Mr. Spurlock informed the committee an estimated 4.5 million gallons of potable water had been lost due to ruptured pipes caused by the recent extreme low temperatures. Mr. Spurlock suggested the committee revisit the water billing adjustment ordinance as most of this loss would qualify for billing adjustment. Mr. Frese observed it is not reasonable to expect those property owners who had adequately protected their systems to bear the financial burden of those who had not.

Chairwoman Richardson suggested modifying the ordinance such that leaks which occurred due to ruptured pipes in unoccupied properties would not qualify for an adjustment. The committee, along with Councilmen Ellis and Jester, agreed with this change as it would give property owners an incentive to secure their water systems when the property was unoccupied. Mr. Jester emphasized the importance of educating property owners regarding proper methods, and the importance of, securing water systems.

Following discussion by the committee Mr. Spurlock suggested he draft a change to the existing ordinance and present it to the committee for comment. The committee unanimously agreed.

## **3. Questions/Comments**

Mayor Tarr emphasized the importance of locating any overlooked water system leaks. Mr. Spurlock agreed and stated every possible effort would be made to locate all leaks. Inspection of every system meter would be done if required.

Mayor Tarr also noted increased enforcement of the Town's water conservation ordinance is required. Mr. Spurlock concurred.

Mayor Tarr motioned to adjourn the meeting at 5:40 pm. The motion was seconded by Mr. Frese and unanimously approved.

**MINUTES OF THE MARCH 5, 2015  
HARBOR COMMITTEE**

**Members Present:**

J. Arthur Leonard, Chairman  
Ernie Bowden  
Mike Handforth

**Others Present:**

Robert Ritter, Town Manager  
Wayne Merritt, Harbormaster  
Harvey Spurlock, Public Works Director  
Ray Rosenberger  
Barry Fisher  
Chris Walker

**Call to Order**

Chairman J. Arthur Leonard called the meeting to order at 5:00 p.m.

**Open Forum/Public Participation**

Chris Walker stated on two occasions that a vessel broke loose and posed a threat to the other vessels in the Harbor. He and others secured the vessel. He was also concerned with the way in which the dock near that vessel had been left in disarray.

**Agenda Adoption**

Mr. Ernie Bowden motioned, seconded by Councilman Jester to adopt the agenda as presented. Unanimously approved.

**1. Harbormasters Update**

**A. Winter Activity**

Harbormaster Merritt stated that due to the weather the activity at the Harbor had been slow.

**B. Tortuga Vessel**

Harbormaster Merritt stated he received a call from Chris Walker concerning the Vessel Tortuga which at the time was taking on water and in a short time was sitting on the bottom of the Harbor. On Sunday the boat was afloat. After much investigating there was no know reason why the vessel had sunk. Mr. Giacobbe has taken precautions so it doesn't happen again. Mr. Giacobbe has since contacted someone to destroy and remove the boat.

**C. Relentless Vessel**

The vessel was discussed in agenda number 2.

**D. Questions**

There were no questions.

**2. Discuss Letter to be sent out on abandoned vessel**

Chairman Leonard asked about the letter to be sent to Mr. Kenny Wayne Rhodes in reference to the vessel Relentless. Councilman Jester believes there should be some documentation referring to the issues with the vessel and clean-up of the area at the Harbor in the event of a legal matter. The letter will give him thirty days to pay what he owes and have the boat fully operational. Mr. Ernie Bowden would like a procedure in place in case this ever happens again. Town Manager Ritter stated the letter will have some additional wording and will be delivered by personal service by a Chincoteague Police Officer.

Town Manager stated that he will be creating a new transient mooring permit and would e-mail out the document for all members to comment on, before sending it to the April 6, 2015, Council Meeting. Chairman Leonard asked about wording in the mooring permit concerning insurance. Councilman Jester asked to have the rules included on the new mooring permit.

### **3. Discuss Revenue and Expenditures**

Town Manager Ritter discussed the revenues and expenditures.

#### **B. Discuss application for Mooring Permit**

Harbormaster Merritt has been asked to purge the current Harbor waiting list. Town Manager Ritter and Harbormaster Merritt have written up a new Mooring Permit to be sent to all the addresses on the current waiting list. If contact is not made by the current information that is on file that person will be removed from the list.

Harbormaster Merritt asked for the committee's advice with the forms that have untruths on them.

Town Manager Ritter will add a note to the mooring permit stating the person's responsibility to keep the forms updated. A postcard will be sent out every three years for the verification of information.

### **4. Committee Member Comments**

There were no other comments.

#### **Adjourn:**

Councilman Jester motioned, seconded by Mr. Ernie Bowden to adjourn the meeting.



# TOWN OF CHINCOTEAGUE, INC.

## TRANSIENT MOORING PERMIT CURTIS MERRITT HARBOR OF REFUGE

(PLEASE PRINT)

- NAME OF APPLICANT \_\_\_\_\_
- MAILING ADDRESS \_\_\_\_\_
- CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_
- TELEPHONE NUMBER: CELL \_\_\_\_\_ HOME \_\_\_\_\_
- BOAT NAME, IF ANY \_\_\_\_\_
- VESSEL REGISTRATION NUMBER \_\_\_\_\_ STATE \_\_\_\_\_
- LENGTH \_\_\_\_\_ BEAM \_\_\_\_\_ DRAFT \_\_\_\_\_
- ARE YOU APPLYING FOR THIS TRANSIENT MOORING PERMIT FOR:  
COMMERCIAL USE OR PLEASURE / RECREATIONAL USE (PLEASE CIRCLE ONE)
- DO YOU REQUIRE HANDICAP ACCESS TO YOUR BOAT? YES \_\_\_\_\_ NO \_\_\_\_\_
- EMERGENCY CONTACT NAME \_\_\_\_\_
- TELEPHONE NUMBER: CELL \_\_\_\_\_ HOME \_\_\_\_\_

\*\*\*\*\*

THE RATE SHALL BE:      COMMERCIAL:      \$4.50 / DAY, **NOTE: DOCUMENTATION REQUIRED**  
    RECREATIONAL:      \$15.00 / DAY WITH A \$30.00 MINIMUM CHARGE  
    \$55.00 / WEEK (7 days) OR \$220 / MONTH (30 days)

DATES REQUESTING:

FROM: \_\_\_\_\_, TO: \_\_\_\_\_

TOTAL DAYS \_\_\_\_\_ FEE \$ \_\_\_\_\_ TOTAL DUE \$ \_\_\_\_\_ COLLECTED \$ \_\_\_\_\_

\*\*\*\*\*

THIS TEMPORARY MOORING PERMIT, issued this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Town of Chincoteague Inc. or its designated agent for the Harbor, herein called **ISSUER**, and \_\_\_\_\_, hereinafter called **HOLDER**. In consideration of the mutual promises herein contained, the parties agree as follows:

### SECTION ONE

#### GRANT OF TRANSIENT MOORING PERMIT; DESCRIPTION OF BERTH

**ISSUER** hereby grants to **HOLDER** the privilege to temporarily moor a boat, subject to all the terms and conditions hereof, at Curtis Merritt Harbor, at the following described berth: number \_\_\_\_\_. **HOLDER** shall further have the right and privilege to use, incident to said berth, all necessary docks, piers or catwalks as a means of ingress and egress to said berth.

**SECTION TWO**  
**LIMITATION TO DESCRIBED PURPOSE**

The above-described berth is to be used solely for the purpose of mooring a single boat or other watercraft that is currently state registered or Coast Guard documented; **HOLDER** shall restrict his or her use for such purpose and shall not use or permit the use of said berth for any other purpose without the express written consent of **ISSUER**.

No decommissioned or unseaworthy watercraft shall be permitted to be moored.

No cargo shall be unloaded except at the designated areas of said Harbor. All parking for automobiles and other vehicles shall be at such places as may be prescribed by **ISSUER**.

**SECTION THREE**  
**TRANSIENT PERMIT**

**HOLDER** shall pay to **ISSUER** a Temporary Mooring Permit fee for said berth of \$\_\_\_\_\_ in advance to the Harbor Master based on the expected utilization of the slip. If anyone violates this section, shall upon conviction, be guilty of a Class 2 misdemeanor.

**SECTION FOUR**  
**CONDITION OF BERTH; REPAIRS AND MAINTENANCE**

**HOLDER** shall at all times during the term of this transient mooring permit maintain said berth, docks, piers and catwalks adjacent thereto, in a clean orderly and safe condition. **HOLDER** shall not dump refuse, trash or litter in said Harbor. **HOLDER** further agrees to deliver up said berth, docks, piers and catwalks adjacent thereto, at the termination of said permit in as good condition as received, reasonable wear and tear accepted.

**HOLDER** further agrees to be responsible for any repairs, at his/her or its expense, to said berth, docks, piers and catwalks adjacent thereto, necessitated by the neglect, negligence, waste, or intentional acts of **HOLDER**, his, her, or its agents, servants, invitee, or guests. Any such repairs shall be initiated by the Harbor Master to guarantee conformity with the existing design of the Harbor.

**SECTION FIVE**  
**RULES AND REGULATIONS**

The use of said berth and the Curtis Merritt Harbor shall further be subject to the Curtis Merritt Harbor Ordinance adopted by the Town of Chincoteague on August 7, 2006, as amended [Town of Chincoteague Code, Chapter 70] and all Federal, State and County statues that apply to navigable waters and such rules and regulations currently in effect or that may be promulgated from time to time during the period of said Transient Mooring Permit by the Harbor Master, and said **HOLDER** agrees to fully comply with same.

**SECTION SIX**  
**INSURANCE**

**HOLDER** shall be responsible for maintaining adequate liability, hull, fire and theft insurance on this boat and its contents, and if not maintained, the **HOLDER** assumes such risks, and the said **HOLDER** hereby holds the **ISSUER** harmless from any liability that might occur to himself, his family, his passengers, his guests or his or their property or to the property of others arising from **HOLDER'S** use or occupancy hereunder during the term of this permit and further the **HOLDER** shall be responsible for the care, maintenance, custody and control of the their boat at all times during the term of this mooring permit, and further, the **HOLDER** hereby assumes sole responsibility for the safety and wellbeing of any person or persons he shall invite or bring to the **ISSUER'S** property at Curtis Merritt Harbor of Refuge.

**IN WITNESS WHEREOF**, the Town of Chincoteague Inc., has caused this Transient Mooring Permit to be duly executed by its authorized representative, and \_\_\_\_\_ has duly executed same.

(print name of Holder above)  
Harbor Master

DATE: \_\_\_\_\_

SIGNATURE OF HOLDER

Wayne Merritt

By: \_\_\_\_\_ Witness \_\_\_\_\_  
Page 45 of 64



**SECTION TWO**  
**LIMITATION TO DESCRIBED PURPOSE**

The above-described berth is to be used solely for the purpose of mooring a single boat or other watercraft that is currently state registered or Coast Guard documented; **HOLDER** shall restrict his or her use for such purpose and shall not use or permit the use of said berth for any other purpose without the express written consent of **ISSUER**.

No decommissioned or unseaworthy watercraft shall be permitted to be moored.

No cargo shall be unloaded except at the designated areas of said Robert N. Reed Park. All parking for automobiles and other vehicles shall be at such places as may be prescribed by **ISSUER**.

**SECTION THREE**  
**TRANSIENT PERMIT**

**HOLDER** shall pay to **ISSUER** a Temporary Mooring Permit fee for said berth of \$\_\_\_\_\_ in advance to the Harbor Master based on the expected utilization of the slip. If anyone violates this section, shall upon conviction, be guilty of a Class 2 misdemeanor.

**SECTION FOUR**  
**CONDITION OF BERTH; REPAIRS AND MAINTENANCE**

**HOLDER** shall at all times during the term of this transient mooring permit maintain said berth, docks, piers and catwalks adjacent thereto, in a clean orderly and safe condition. **HOLDER** shall not dump refuse, trash or litter in said Robert N. Reed Park. **HOLDER** further agrees to deliver up said berth, docks, piers and catwalks adjacent thereto, at the termination of said permit in as good condition as received, reasonable wear and tear accepted.

**HOLDER** further agrees to be responsible for any repairs, at his/her or its expense, to said berth, docks, piers and catwalks adjacent thereto, necessitated by the neglect, negligence, waste, or intentional acts of **HOLDER**, his, her, or its agents, servants, invitee, or guests. Any such repairs shall be initiated by the Harbor Master to guarantee conformity with the existing design of the Robert N. Reed Park or Town Dock.

**SECTION FIVE**  
**RULES AND REGULATIONS**

The use of said berth and the Curtis Merritt Harbor shall further be subject to the Water Access Facilities Ordinance adopted by the Town of Chincoteague on March 3, 2014, as amended [Town of Chincoteague Code, Chapter 70] and all Federal, State and County statues that apply to navigable waters and such rules and regulations currently in effect or that may be promulgated from time to time during the period of said Transient Mooring Permit by the Harbor Master, and said **HOLDER** agrees to fully comply with same.

**SECTION SIX**  
**INSURANCE**

**HOLDER** shall be responsible for maintaining adequate liability, hull, fire and theft insurance on this boat and its contents, and if not maintained, the **HOLDER** assumes such risks, and the said **HOLDER** hereby holds the **ISSUER** harmless from any liability that might occur to himself, his family, his passengers, his guests or his or their property or to the property of others arising from **HOLDER'S** use or occupancy hereunder during the term of this permit and further the **HOLDER** shall be responsible for the care, maintenance, custody and control of the their boat at all times during the term of this mooring permit, and further, the **HOLDER** hereby assumes sole responsibility for the safety and wellbeing of any person or persons he shall invite or bring to the **ISSUER'S** property at Robert N. Reed Park or Town Dock.

**IN WITNESS WHEREOF**, the Town of Chincoteague Inc., has caused this Transient Mooring Permit to be duly executed by its authorized representative, and \_\_\_\_\_ has duly executed same.

(print name of Holder above)  
Harbor Master

DATE: \_\_\_\_\_

SIGNATUERE OF HOLDER

Wayne Merritt

By: \_\_\_\_\_ Witness \_\_\_\_\_  
Page 47 of 64

**Recreation and Community Enhancement  
Committee Meeting Minutes  
March 10, 2015**

**Committee Members Present:**

John Jester, Chairman  
Arthur Leonard, Councilman  
Gene Wayne Taylor, Councilman  
Bob Conklin  
David Johnson  
Jack VanDame

**Staff Present:**

Robert G. Ritter, Town Manager  
William Neville, Town Planner

**Committee Members Absent:**

Linda Ryan

**Call to Order**

Chairman Jester called the meeting to order at 5:00 PM

**Public Participation**

Donna Leonard reported that Island Grocery would like to assist with playground improvement fundraising again this year. She indicated that Mike Lewis will be willing to donate the printing costs for another project like 'name that pony'. Chairman Jester thanked all involved and encouraged this effort.

Ms. Leonard informed the Committee that plans for Donald Leonard Park are changing away from building a dock for kayak launches, to creating more of a beach area. Approximately \$4,000 is available to make improvements.

Facebook conversations about creating a dog park on Chincoteague Island were also identified by Ms. Leonard as a possible item for consideration by the Committee. She suggested looking into 'dogs on leash' rules for Robert N. Reed Waterfront Park to accommodate downtown residents and visitors. Pickup bag dispensers have been installed at the Nature Park and at Donald Leonard Park where pets are permitted.

Pete Lawler, owner of the playground company ThirdLittlePig, introduced himself to the Committee.

**Agenda Adoption**

Mr. Bob Conklin motioned, seconded by Councilman Arthur Leonard to adopt the agenda. Unanimously approved.

1. Chincoteague Veterans Memorial Park



- Playground Equipment for Phase II

Town Planner Neville presented updated pricing and playground information in a revised staff report with four options for the 5 to 12 age group. Option 1 is the original concept for a rocket ship, Option 2 is an alternate rocket theme structure, Option 3 to enhance the existing blue structure was not recommended, and Option 4 is a multi-function overstock closeout structure that would match the recent installation for 2-5 year olds. He stated that the only problem with Option 4 is that a rocket theme is not available to follow through on the fundraising expectations.

Cost comparisons were reviewed by the Committee. Chairman Jester commented on the large number of play activities available with Option 4 and asked if the estimates included all of the other site preparation materials. Staff will provide a breakdown of the final costs for installation of the previous equipment including installation assistance from the manufacturer's representative and a final proposal for Option 4. Committee members discussed several questions about color scheme, warranty and location for the new structure.

Replacement options for the geo-dome and other older equipment was considered. Mr. Van Dame motioned to recommend to Town Council Option 4 – Play & Park Structures for the Phase 2 playground improvements at Chincoteague Veterans Memorial Park, seconded by Mr. Johnson. The motion was approved unanimously.

Councilman Leonard requested additional information at the next meeting for examples of the new styles of play equipment which may be selected to replace the geo-dome or other smaller pieces of play equipment.

2. DCR Trail Paving Grant

Town Manager Ritter reported that the Town has received a \$43,000 grant from Virginia DCR for re-paving of the Nature Trail. Matching funds are required from the Town which can be provided with in-kind services and replacement plantings. Mayor Tarr has requested that this work be bid out and completed as soon as possible.

3. Project Updates

Mr. Ritter advised the Committee that a request for construction bids has been advertised for the Robert N. Reed Waterfront Park Annex area near Bridge Street. This will provide additional picnic areas, benches and a shelter between the Library and the Fishing Pier.

Chairman Jester suggested that the Lekites Park proposal presented by Ruth Lane at the last meeting is a project that could be completed with volunteers or as a Boy Scout Project.

Various projects at Mariners Point were discussed. The interpretive sign/kiosk is being finalized and the Committee debated whether the content should be approved by Town Council since any improvements will become the Town's responsibility when installed. Chairman Jester suggested that making a more inviting entrance to Mariners Point was still a priority for the future.

Town Planner Neville described the current effort to continue improving bicycle access to the National Wildlife Refuge by applying for a FLAP Grant to make safety improvements to the shoulders along the Route 175 Causeway, and possibly extend the shoulder widening along Maddox Boulevard for bike lanes from the Traffic Circle to Eel Creek.

Staff confirmed that the Safe Routes to School Trail project is scheduled for 100% plan review with VDOT and advertising for construction within the next 3 months.

Committee members asked about paving the Ocean Boulevard Trail and making safety improvements around the Traffic Circle by

#### 4. Committee Member Comments

Councilman Taylor added his concern for bicycle safety along Maddox Boulevard particularly between the Chicken City Road and Main Street intersections.

#### **Adjourn:**

Mr. Jack VanDame motioned, seconded by Mr. David Johnson to adjourn the meeting.

The next meeting will be scheduled for May 12, 2015.



## STAFF REPORT

To: Mayor Tarr and Town Council  
Through: Robert G. Ritter, Town Manager  
From: William Neville, Planning Director  
Date: April 6, 2015  
Subject: Chincoteague Veterans Memorial Park  
Phase 2 Playground Improvement

- ❖ Consider Recreation and Community Enhancement Committee recommendation for Phase Two Playground Improvements (Ages 6-12)



The Town Recreation and Enhancement Committee met on March 10, 2015 and reviewed four proposals to replace or improve phase two playground equipment for possible installation this Spring. A rocket tower for the 6-12 age group was considered as a free standing structure, however the Committee recommends a Play & Park unit which matches the recently installed structure and provides more play activities for the price. The existing blue playground may either be replaced or retained.

#### Option #4 – Third Little Pig – Play & Park Structures

Equipment Price: Discounted structure for the 5 to 12 age group  
\$28,379.39 including freight  
\$11,502.66 benches (3), border, safety mats, assisted install  
**\$39,882.05** plus site preparation, mulch, labor/equipment

The combined balance of the playground reserve fund and the playground improvement budget is currently \$42,368.19.

**THIRD LITTLE PIG  
PLAYSYSTEMS CO., LLC  
P. O. Box 321  
Douglassville PA 19518  
800.796.8148 FAX 610.898.0747**

March 26, 2015

**Project: Veteran's Park  
QUOTE # TLP 032615-1**

Town of Chincoteague  
c/o William Neville  
6150 Community Drive  
Chincoteague Island VA 23336

e-mail: wneville@chincoteague-va.gov  
Phone: 757.336.1965

## Quotation #1

**Equipment: Ultra Site**

~ 3 each #940S-V6 Benches with back, 6', In-Ground, Extra Heavy Duty Color: <b>Blue</b> , Diamond Pattern, Thermal Plastic coated, Frame <b>Black</b>	\$ 455 each = \$ 1,365.00
(less 10% discount) =	(\$ 136.50)
<b>Sub-Total Equipment</b>	<b>\$ 1,228.50</b>

**Ancillary Equipment:**

~ 20 each #APS 12" x 4' Plas, Timbers, (\$29.99 – 20% = \$ 23.95 each)	<b>\$ 479.00</b>
~ 1 each #APS ADA Half-Ramp	<b>\$ 385.00</b>
~ 6 each #APS Slide Safety Mats (40" x 40" x 1.5") 64 lbs. each	<b>\$ 570.00</b>

**Labor:** Assemble and Install structure and benches per manufacturer's guidelines under 'volunteer assist' in which Buyer provides sufficient workforce and concrete to install structures and is responsible for provision of electric and water access. Buyer to spread stone, geotex, mulch and install border. **\$ 8,387.00**

**Freight :** Freight charge for Ancillary equipment and Benches delivered to Town Hall site. **\$ 453.16**

**Total \$ 11,502.66**

Page one of two pages

Quotation # TLP 032615-1 continued...

- ~ Please allow 3 weeks for product delivery upon order placement.
- ~ Buyer is to provide level dirt site, free of underground obstacles.
- ~ Buyer is responsible to do all site work prior to installation.
- ~ Buyer is responsible for disposal of refuse/garbage.
- ~ Buyer is responsible for removal of any existing equipment /obstacles prior to installation.
- ~ Quoted price assumes NO overhead (13'-6" or lower) or underground (within 3'-6" of surface)obstacles
- ~ Charges for permits are not included. Appropriate amounts will be added, if applicable.

All material is guaranteed to be as specified. Should installation be included, all work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be done only upon a written change order. The costs will become an extra charge over and above the Quotation.

All elements of this agreement are contingent upon strikes, accidents, or delays beyond our control. The Quotation does not include material price increases, or additional labor and materials, which may be required should unforeseen problems arise, such as, but not limited to, encountering bedrock, shale, buried debris or underground springs when, or after, work has started.

All cancellations must be done in writing. However, cancellation of play or recreational equipment, once ordered, may only be cancelled with the written permission of the manufacturer. Freight and restocking fees will be charged to the Buyer for items returned.

WE PROPOSE hereby to furnish material and/or labor, complete, in accordance with the above specifications, for the sum of: **\$ 11,502.66.**

**TERMS: Balance due upon completion.**

\_\_\_\_\_  
Authorized Signature    THIRD LITTLE PIG PLAYSYSTEMS CO., LLC

**Acceptance of Proposal:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Page two of two Pages



Third Little Pig PlaySystems Co,  
 LLC  
 PO Box 321  
 Douglasville, Pennsylvania,  
 19518  
 Phone: 800-796-8148  
 Fax: 610-898-0747  
 Email:  
 thirdlittlepig@3rdLILPIG.com  
 Contact: Pete Lawler

Veteran's Park

Chincoteague Island  
 Attn: William W Neville  
 6150 Community Drive  
 Chincoteague Island, VA 23336  
 Phone: 757-336-6519  
 wneville@chincoteague-va.gov

Quote Number: 684-87625  
 Quote Date: 3/26/2015

Stock ID	Description	Quantity	Weight	Unit Price	Amount
71692	SPIRAL SUMMIT	1	4755	\$50,486.00	\$50,486.00

Total Weight: 4755  
 SubTotal: \$50,486.00  
 Discount: \$25,243.00  
 Freight: \$3,136.39  
 Total Amount: \$28,379.39

TCPN Contract # R5203

THIS QUOTATION IS SUBJECT TO POLICES IN THE CURRENT PLAY & PARK STRUCTURES CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO PLAY & PARK STRUCTURES, C/O Third Little Pig PlaySystems Co, LLC.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Shipment: order shall ship within 30-45 days after Play & Park Structures's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

Freight charges: Prepaid & added

Installation: shall be by a Certified Play & Park Structures Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs.

Submittals: our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. Play & Park Structures designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

Acceptance of quotation:

Accepted By (printed): \_\_\_\_\_

P.O. No: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Purchase Amount: \$28,379.39

Facsimilie \_\_\_\_\_

Order Information

Bill to:

Company: \_\_\_\_\_

Company: \_\_\_\_\_

Attn: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Billing Contact: \_\_\_\_\_

Jobsite Contact: \_\_\_\_\_

Billing Phone: \_\_\_\_\_

Jobsite Phone: \_\_\_\_\_

Billing Fax: \_\_\_\_\_

Jobsite Fax: \_\_\_\_\_

Enter desired color palette name: \_\_\_\_\_

OR

Enter desired color: Uprights ( \_\_\_\_\_ )

Decks ( \_\_\_\_\_ )

Accents ( \_\_\_\_\_ ) Roofs/Tubes ( \_\_\_\_\_ )

Slides/Panels ( \_\_\_\_\_ )

Third Little Pig PlaySystems Co, LLC

By: \_\_\_\_\_

Salesperson's signature

\_\_\_\_\_  
Salesman's Signature

\_\_\_\_\_  
Customer's Signature



**ORDINANCE COMMITTEE  
TOWN OF CHINCOTEAGUE  
March 12, 2015 Meeting Minutes**

**Committee Members Present**

J. Arthur Leonard, Chairman  
Ellen Richardson, Vice Mayor  
Gene Wayne Taylor, Councilman

**Staff Present**

Robert G. Ritter, Jr., Town Manager  
Harvey Spurlock, Public Works Director  
Bryan Rush, Emergency Services Coordinator

**Others Present**

Ray Rosenberger  
Ben Ellis, Councilman  
Patrick Hendrickson

**Call to Order**

Chairman Leonard called the meeting to order at 5:00 p.m.

**Open Forum/Public Participation**

Mr. Patrick Henderson asked the committee to consider an ordinance on drones. He gave several examples of incidents concerning drones.

The committee wanted to contact NASA and US Fish and Wildlife to check their regulations on drones.

Vice Mayor Richardson asked to have Town Attorney Cela Burge look into the matter.

**Agenda Adoption**

Councilman Taylor motioned, seconded by Vice Mayor Richardson to adopt the agenda. The motion passed unanimously.

**1. Discuss Changes to Chapter 62, Utilities, Division 2, Rates, Charges, and Billing Section 62-59, Water Bill Adjustments,(a) (2)**

- (2) Generally, adjustments shall be granted for all plumbing systems and material types. Leaks which occur ~~in plastic threaded fittings or in insert type fittings~~ as the result of ruptured pipes at unoccupied properties ~~with pressurized water systems~~ shall not qualify for adjustment. Unoccupied for purposes of this provision shall be defined as having had no person present for greater than seventy-two hours.

Public Works Director Spurlock advised the committee about the recent freeze and the waste of 5 million gallons of water mostly on unoccupied properties.

The intent of the ordinance is to encourage people to winterize their properties.

Vice Mayor Richardson made a recommendation to send the proposed ordinance to the Council, seconded by Councilman Taylor.

**2. Discuss Changes to Chapter 26, Fire Prevention and Protection, Article III, False Alarms**



Town Manger Ritter stated the State Code allows the Town to regulate alarm systems. Mr. Rush spoke about the recent spike in false alarms in the Town mostly due to unmaintained systems. He researched laws in several localities in Virginia and used that information to design the proposed ordinance.

The chief officer at the call will be the one who determines whether it is a billable false alarm. Vice Mayor Richardson asked where the fine monies will go, to the Town or Fire Company.

Mr. Rush stated that in the City of Suffolk the money goes to the City. He suggested it go to the Emergency Management Fund.

Every response will receive a false alarm response report within five days of the incident.

Mr. Rush reiterated that the purpose of this ordinance is to make owners responsible for their systems and have them properly maintained

Vice Mayor Richardson made a motion to send the ordinance to the Council with the corrections for approval, seconded by Councilman Taylor.

### **3. Committee Member Comments**

There were no comments.

### **Adjourn:**

Councilman Taylor motioned, seconded by Vice Mayor Richardson to adjourn the meeting.



**MEMORANDUM**  
Town of Chincoteague, Inc.

Date: March 10, 2015  
To: Mayor and Town Council Members  
Via: Robert Ritter, Town Manager  
From: Harvey Spurlock, Public Works Director  
Subject: Ordinance on Ruptured Pipes

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The Ordinance Committee met on March 12, 2015, and unanimously agreed to forward to the full Council an amendment to Chapter 62, Utilities, Article II, Division 2. Rates, Charges, and Billing, Section 62-59, Water Bill Adjustments, (a) (2), to read as follows:

Sec. 62-59. Water bill adjustments.

(a) Adjustments to correct inaccurate readings. Adjustments to water bills to correct inaccurate readings shall be made in accordance with the following:

- (1) Adjustments to water bills may be applied by the town to correct inaccurate reading of meters or incorrect readings caused by faulty meters. During the reading cycle, the town will automatically check anomalous readings to ensure accuracy.
- (2) Generally, adjustments shall be granted for all plumbing systems and material types. Leaks which occur ~~in plastic threaded fittings or in insert type fittings~~ as the result of ruptured pipes at unoccupied properties shall not qualify for adjustment. Unoccupied for purposes of this provision shall be defined as having had no person present for greater than seventy-two hours.

Staff recommends a motion that could read:

**Motion to** “Amend Chapter 62, Utilities, Article II, Division 2. Rates, Charges, and Billing, Section 62-59, Water Bill Adjustments, (a) (2) of the Town of Chincoteague, Virginia, as hereby presented.”



**MEMORANDUM**  
Town of Chincoteague, Inc.

Date: March 10, 2015  
To: Mayor and Town Council Members  
Via: Robert Ritter, Town Manager  
From: Bryan Rush, EMS Supervisor  
Subject: Ordinance on Fire Alarms

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The Ordinance Committee met on March 12, 2015, and unanimously agreed to forward to the full Council an amendment to Chapter 26, Fire Prevention and Protection, Article III, False Alarms, Sec. 26-40. - Purpose. Sec. 26-41. - Definitions. Sec. 26-42. - Penalty. Sec. 26-43. Training of persons using system; maintenance of system. Sec. 26-44. - Automatic dialing devices. Sec. 26-45. - Deliberate false alarms. Sec. 26-46. - Service fee for false alarms. Sec. 26-47 – Exceptions. Sec. 26-48. – Billing; interest on unpaid charges.

**Article III. - False Alarms.**

For state law as to authority of the Town to regulate alarm systems, see Code of Va., §§ 15.2-911.

Sec. 26-40. - Purpose. Sec. 26-41. - Definitions. Sec. 26-42. - Penalty. Sec. 26-43. Training of persons using system; maintenance of system. Sec. 26-44. - Automatic dialing devices. Sec. 26-45. - Deliberate false alarms. Sec. 26-46. - Service fee for false alarms. Sec. 26-47 – Exceptions. Sec. 26-48. – Billing; interest on unpaid charges.

**Sec. 26-40. - Purpose.**

The purpose of this article is to minimize unnecessary use of the Town's emergency services (Volunteer Fire Company and Emergency Medical Services Division) by reducing the number of false alarms and regulating the installation and maintenance of alarm systems.

**Sec 26-41. - Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them herein, except where the context clearly indicates a different meaning:

Alarm system\means any device or system that transmits a signal that indicates a hazard or occurrence requiring an emergency response. The term "alarm system" shall not include a personal, direct telephonic call requesting emergency services.

Alarm user and user\mean the occupant of premises protected by an alarm system.

Answering service means a telephone answering service that receives emergency signals from alarm systems and informs the Eastern Shore of Virginia 911 Communications Center.

Automatic dialing service\means a device interconnected to a telephone line and programmed to indicate a need for emergency response.

Chief means any one of the volunteer fire department fire chiefs or their designee.

Commercial means any building/business required to have a Town Business License (Sec. 18-36)

False alarm\means any alarm signal received by the Eastern Shore of Virginia 911 Communications Center which is not in response to an actual or possible emergency. False alarms include negligently activated signals, signals due to faulty, malfunctioning or improperly installed or maintained equipment, and signals purposely activated to summon fire, rescue and/or law enforcement personnel in non-emergency situations. False alarms do not include signals activated by unusually severe weather conditions, utility conditions or other causes which the chief determines were beyond the user's control.

Indirect alarm transmittal\ means any alarm system which causes a third party or answering service to notify the Eastern Shore of Virginia 911 Communications Center of an alarm activation.

Installer\ means any person who installs, services, monitors, sells or leases any alarm system.

Interconnect\ means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, to transmit an emergency message upon the activation of the alarm system.

Negligently activated signals\ means signals transmitted due to carelessness or negligence in installation, maintenance or operation of an alarm system.

Non-emergency situations\ means situations where an immediate response by fire personnel is not necessary to protect life or property.

**Sec. 26-42. - Penalty.**

Violations of Sections 26-43, 26-44, 26-45 and 26-48 shall be punishable as a Class 1 misdemeanor.

**Sec 26-43. - Training of persons using system; maintenance of system.**

It shall be the responsibility of alarm system users to provide training to employees, tenants or other persons about activation of the alarm system in emergency situations and about proper operation of the alarm system, including setting, activating and resetting the alarm. All instructions about alarm systems and procedures shall be in writing and shall be available for inspection by the appropriate Town employees or agents of the Town here in being the chief of the Chincoteague Volunteer Fire Company. The user shall also be responsible for maintaining the alarm system in proper working order.

**Sec 26-44. - Automatic dialing devices.**

It shall be unlawful for any person to install, sell, lease, use or cause or allow to be installed, sold, leased or used, within the Town, automatic dialing devices or systems which are set or programmed to directly contact the Eastern Shore of Virginia 911 Communications Center without the prior approval of the Eastern Shore of Virginia 911 Communications Center and the Town's Building and Zoning Department.

**Sec 26-45. - Deliberate false alarms.**

It shall be unlawful for any person to knowingly activate or cause to be activated an alarm system in a non-emergency situation without just cause. This shall not prohibit periodic testing

of direct transmittal systems when the Eastern Shore of Virginia 911 Emergency Communications Center has been notified in advance.

**Sec 26-46. - Service fee for false alarms.**

Response by fire and/or rescue personnel to a false alarm shall result in fees in the following amount being assessed against alarm system users for false alarms resulting in response by fire and/or rescue personnel and occurring during any period of ninety successive days.

Alarm system users shall pay such service fee for false alarms within thirty days of billing.

A. Commercial

1. First false alarm No charge
2. Second false alarm No charge
3. Third false alarm No charge
4. Fourth false alarm \$100.00
5. Fifth false alarm \$200.00
6. Sixth and subsequent false alarms \$300.00 each additional false alarm

B. Residential

1. First false alarm No charge
2. Second false alarm No charge
3. Third false alarm No charge
4. Fourth false alarm \$50.00
5. Fifth false alarm \$100.00
6. Sixth and subsequent false alarms \$200.00 each additional false alarm

**26-47. - Exceptions.**

Service fees shall not be charged for false alarms from alarm systems in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity. However, all other requirements of this article shall apply to such systems.

**26-48. - Billing; interest on unpaid charges.**

The chief shall notify the Town's Emergency Management Coordinator of each false alarm to which they respond by submitting the designated report form (EMFA-Form 1) and such information shall be retained and maintained by the Emergency Management Coordinator. At the end of each month, the Emergency Management Coordinator shall notify the Town Manager of the Town of Chincoteague of service fee assessments for false alarms by submitting form EMFA-Form 2. The form shall provide the name of the alarm system user, the address of the false alarm, and the amount due for the false alarm. The Town of Chincoteague Town Manager shall bill the user. Any account more than thirty days in arrears shall be subject to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than thirty days in arrears. All monies collected as a result of this ordinance shall be placed in a line item revenue for Emergency Management (EOC Operations/Training).

Staff recommends a motion that could read:

**Motion to** "Amend by adding Chapter 26, Fire Prevention and Protection, Article III, False Alarms, in its entirety to the Town Code, as hereby presented."



## STAFF REPORT

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To: Mayor Tarr and Town Council Members  
Through: Robert Ritter, Town Manger  
From: Bill Neville, Director of Planning  
Date: April 6, 2015  
Subject: Zoning Ordinance Revision (Section 2.24 – Building Height)

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❖ **Consider possible revisions to the Town zoning ordinance as a result of adopting a local ‘freeboard’ standard**

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Amendments to the Town of Chincoteague floodplain management regulations currently under consideration by the Town Council will be included in Town Code Chapter 30-Floods. If a freeboard standard is adopted to require new construction or substantially improved structures to raise the lowest floor above the Base Flood Elevation, this could affect permitted building height based on the current definition found in Town Code Appendix A – Zoning (Section 2.24).

***Article II. Definitions - Sec. 2.24. Building Height***

*The vertical distance measured from base flood elevation at the site of the structure to the highest point of any roof.*

In addition within each of the Town zoning districts (R1, R2, R3, R4, A, C1, C2, C3, C4, PSP, POS, RC) there is a maximum building height regulation as follows:

***Height Regulations***

- (1) Buildings may be erected up to 36 feet in height above base flood elevation. No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.*
- (2) No accessory building shall be more than 25 feet in height.*
- (3) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.*
- (4) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).*

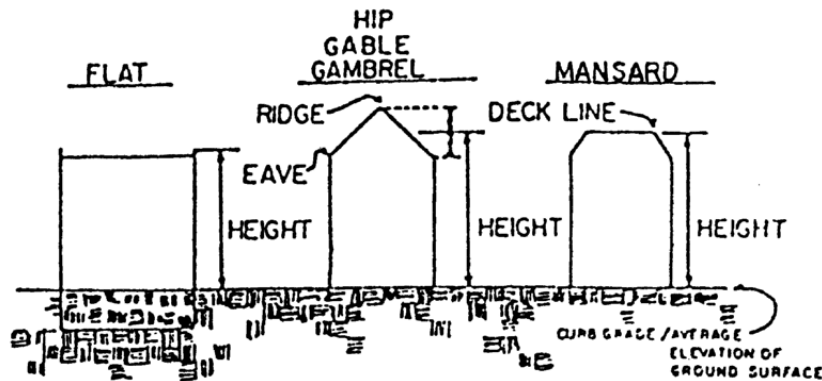
Based on the current zoning regulations which measure building height from ‘base flood elevation’, any freeboard requirement for new construction or substantial improvements would

cause a corresponding reduction in permitted height. Other communities have proposed to solve this limitation by either:

- Increasing the permitted height by the amount of freeboard required (Example – increase from 36 feet maximum height to 38 feet based on a 2 foot freeboard standard), or
- Revise the method of calculating height to be measured from ‘base flood elevation at the site of the structure’ to ‘base flood elevation **plus freeboard** at the site of the structure’ in the Definitions and in each zoning district.

During the Town Council workshop meeting on March 19<sup>th</sup> public comment regarding a proposed new commercial structure also raised a concern regarding the definition of ‘building height’ which currently limits a three story structure to having a flat roof. Council directed staff to provide alternative methods of measuring building height that would allow reasonable construction of various roofs and parapet walls that may exceed the current maximum height of 36 feet.

In general, most zoning ordinances in surrounding communities adopt a standard definition of building height based on the following method of measurement. Several other examples as shown from coastal areas where development occurs in special flood hazard areas and building height is calculated from flood elevation.



- **Height of building.** The vertical distance measured from the established grade to the highest point of the roof surface for low sloped roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for shed, gable, hip and gambrel roofs. (Source: Chesapeake, VA)
- **Building height** means the vertical distance between the base flood elevation, or ground level if the structure is not in a flood hazard area as defined by the Federal Emergency Management Agency (FEMA), and:
  - (1) The average height level between the eaves and ridge line of a gable, hip or gambrel roof;
  - (2) The highest point of a mansard roof; or
  - (3) The highest point of the coping of a flat roof.
 (Source: Kiawah Island SC)
- **Building height:** The vertical distance measured from the design flood elevation as indicated on the FIRM to the highest point of the roof.  
**Design flood elevation (DFE):** The regulatory flood elevation adopted by the Town of Pawleys Island which is three feet above the base flood elevation (BFE).  
 (Source: Pawleys Island, SC)

Other considerations in reviewing the definition of building height would be to allow an exception for parapet walls that do not extend above a flat roof by more than X feet to encourage screening of rooftop mechanical equipment, and to restrict the use or conversion of any area for human occupancy within a roof area extending above the maximum building height.

### Staff Recommendation

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Revisions to the method of calculating building height would be accomplished by amending the Zoning Ordinance through a process which may include a recommendation from the Planning Commission and an advertised public hearing.

Town Staff recommends the consideration of a revised definition of building height, modified from the Kiawah Island, SC example, prior to the effective date of the new Flood Insurance Rate Maps on May 18, 2015.

**Building height** ~~means~~, the vertical distance measured at the site of the structure between the base flood elevation plus freeboard, or ground level if the structure is not in a special flood hazard area as defined by the Federal Emergency Management Agency (FEMA), and:

- (1) The average height level between the eaves and ridge line of a gable, hip or gambrel roof;
- (2) The highest point of a mansard roof; or
- (3) The highest point of the coping of a flat roof.