

**MINUTES OF THE JANUARY 3, 2012**  
**CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard 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.

**STAFF UPDATE**

**Planning Department**

Town Planner Neville reported that the Beach Access Committee met on December 21<sup>st</sup> with the Fish and Wildlife staff. He advised there has been a change due to the concerns raised by the public comment. They have made Alternative B comparable to Alternative A. The Committee is looking forward to working with the Fish and Wildlife staff in 2012.

Town Planner Neville also mentioned that the Zoning Map Amendment is scheduled to go before Council February 6<sup>th</sup>. He stated they have a workshop scheduled prior to this on January 19<sup>th</sup> to review the mapping changes. He advised that the Planning Commission will meet January 10<sup>th</sup>. They plan to finish the review of the Pony Penning Sales Permit. He also advised that they will be working closely with the Wastewater Advisory Committee.

**Police Department**

Chief Lewis gave Council a copy of the Police Department's yearly summary. He explained the increases and advised that crime has gone down. He also advised that the accreditation inspection was December 6<sup>th</sup> and they passed with flying colors. The award will be presented to the Police Department in February. He reported that the Police Department provided toys and food to 55 families on the Island and to 33 families in the Atlantic area.

Mayor Tarr congratulated Chief Lewis and staff for their work in the accreditation and their help with the needy families.

Councilman T. Howard stated that the Chincoteague Police Department will be the only Police Department that is accredited in the state of Virginia. He called for a round of applause.

### **Public Works Department**

Public Works Director Spurlock reported that they are in the final phase of the Eastside Road paving and repair. Striping is scheduled to be completed within the week. He reported on that status of the repairs to the Island Activity Center. The floor repairs, insulation installation and all minor items on the punch-list are complete. The Coast Guard will begin painting January 5<sup>th</sup>. He reported that the Ocean Boulevard Trail has been cleared from Chicken City Road to Fowling Gut. He advised that they will need \$10,000-\$12,000 to build a bridge across Fowling Gut, which will be included in the next fiscal year budget. He stated that the Ridge Road and Chicken City Road intersection project will begin in February and has a completion date in May.

Public Works Director Spurlock also reported on upcoming projects with the Water Department.

Councilman Jester commented that they have done a great job on the Island Activity Center.

### **General Government**

Town Manager Ritter reported that tax season has just ended and the second notices will go out in February. He stated that the contractors are working on the old jail site for Broadband. The pre-bid meeting for the Downtown Revitalization Project is next week. They are proceeding with the dredging permit through the Army Corps of Engineers for the downtown boat slips. He also advised that staff has been working on the 5-year budget to be reviewed at the January 24<sup>th</sup> workshop at which time they will discuss budget revisions.

Town Manager Ritter also advised that there is a financial matter between Mr. Jimmy Berry and Mr. Jimmy Adams regarding the demolition of the Mumford Street house.

Council discussed advertising the demolition job and billing Mr. Berry.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$579,974	\$561,459	(+)	\$ 18,515
Tangible Property Tax	\$155,730	\$152,742	(+)	\$ 2,988
Meals Tax	\$465,399	\$442,754	(+)	\$ 22,645
Transient Occupancy Tax	\$536,606	\$523,717	(+)	\$ 12,889
Sales Tax	\$ 57,362	\$ 60,042	(-)	\$ 2,680
Water Rent	\$524,418	\$397,977	(+)	\$126,441

Councilman Jester asked Town Manager Ritter to contact Richmond about the sales tax.

There were comments regarding sales tax revenue.

There were questions and comments regarding requirements to demolish the Mumford Street house.

Mayor Tarr directed staff to research this matter further.

Councilman Jester asked about a grant in the amount of \$15,000.

Chief Lewis advised it was for Selective Enforcement and a Police vehicle.

Council asked when Broadband would be available.

Town Manager Ritter advised that they have not indicated a date as of yet.

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

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

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

#### **▪ Regular Council Meeting of December 5, 2011**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the minutes of the December 5, 2011 meeting. Unanimously approved.

### **2. Wastewater Advisory Committee Update**

Chairman Papadopoulos reported that the Committee held an organizational meeting in July. He listed the members of the Committee, Mr. Mike Tolbert, Mr. Scott Chesson, Mr. Kelly Conklin, Mr. Tommy Clark and himself as chairman. He stated that they have been asked to review the Clark Nexen Wastewater Report, The Town's Comprehensive Plan and the Town's Water Master Plan. He advised that they have held 3 meetings. He advised that at the July, 2011 meeting they met with the Atlantic Group about the Town Center Wastewater Treatment project. He reported that in the October 2011 meeting they reviewed a presentation from Mr. Todd Burbage with the Blue Water Development Corp. about sewerage from Sunset Bay to the Landmark Plaza allowing all commercial businesses the opportunity to hook into. Chairman Papadopoulos stated that the Committee recommended that Council go into discussions with Blue Water Development Corp about the sewerage hookup for the commercial businesses from Sunset Bay to Landmark Plaza.

Chairman Papadopoulos also stated that in the December 2011 meeting they discussed the identifying issues that the Committee should focus on which are: review of the Wastewater studies, defining option, regulations, capacities of wastewater treatment plants, and various combinations. He advised Council of the other Committee activities to date, which include; Attendance at the Chesapeake Bay meeting at the Eastern Shore community College, attendance at the Accomack County Planning Commission to learn the status of the Atlantic Town Center Wastewater Treatment Facility C. U. P. application and Zoning Ordinance Text Amendment.

Chairman Papadopoulos reported the future plan of actions by the Committee; Research and review regulations applicable to wastewater systems for the Island. Schedule and meet with senior representatives of Virginia's appropriate agencies/departments to clarify applicable regulations and compliance with the Clean Water Act. Review actions by communities similar

to the Island and their solutions to the wastewater issues. He also announced the next meeting of January 5<sup>th</sup> at 9:00 a.m.

There was brief discussion.

### **3. Christmas Lights Judging Results**

Mayor Tarr thanked Ms. Laurie Walton and her group of judges this year.

Town Manager Ritter read the winners of the Christmas Decorations.

#### Judges Choice \*

Mr. & Mrs. Michael Jester  
5141 Fish Lane

#### Most Festive \*

Rev. & Mrs. William Gregory  
6126 Taylor Street

#### Most Themed \*

Mr. & Mrs. Raymond Rosenberger  
7297 Sunset Drive

#### Most Traditional \*

Mr. & Mrs. Ernest Dale Holston  
7236 Olga Drive

#### Honorable Mention

The Chincoteague Center  
6155 Community Drive

Alex Hubb  
3015 Ridge Road

Chuck & Tama Ward  
5375 Main Street

Each of the winners will receive a \$100 savings bond.

### **4. Motion to Approve the Trolley Operating Funds, Grant Application Resolution**

Town Manager Ritter advised that this is a housekeeping item that is done each year to continue with the Trolley Operating Funds and for the Grant Application Resolution.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to approve the Trolley Operating Funds and the Grant Application Resolution. Unanimously approved.



**Resolution Authorizing the Application for  
State Aid to Public Transportation for  
Fiscal Year 2013 beginning 10/1/2012**

**BE IT RESOLVED** by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,400.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, acting Town Manager of The Town of Chincoteague, Inc. adopted at a legally convened meeting of the Town Council held on the 3rd day of January, 2012.

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Robert G. Ritter, Jr., Town Manager  
Town of Chincoteague, Inc.

**5. Employee Handbook Review and Possible Adoption**

Town Manager Ritter advised that at the November 17<sup>th</sup> Council Workshop there were items that Council requested to be reviewed and amended.

Councilman Jester advised it has been a long 2-year process.

Town Manager Ritter explained one of the revisions regarding essential personnel.

There was discussion about the section pertaining to “mandatory evacuation”.

Mayor Tarr mentioned the Virginia Conflict of Interest Act and the 1<sup>st</sup> paragraph not coinciding with the 2<sup>nd</sup> paragraph.

Town Manager Ritter stated that they can change it to read in both paragraphs that they will adhere to the Virginia Conflict of Interest Act.

Mayor Tarr asked if the corrections have been made to the line chart and was advised they were.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the Employee Handbook with the stated changes. Motion Carried.

Ayes: Conklin, Jester, J. Howard, Muth

Nays: Richardson, T. Howard

Council requested a copy of the policy with the changes.

Vice Mayor Richardson feels they haven't had enough time to review all the changes.

Councilman T. Howard feels that this policy changes the lives of the employees and should be taken into more consideration.

#### **6. Mayor and Council Announcements or Comments**

Councilman J. Howard asked about dredging and the spoil site.

Councilman Jester commended Mr. Kevin Krome and Mr. Steve Potts on a wonderful job with the Christmas Light Program and the Christmas by the Sea Program.

Councilman Muth commended Chief Lewis for the tremendous feat of accreditation.

Councilwoman Conklin also commended those involved in the Christmas by the Sea Program. She advised that the Polar Plunge was well attended. She stated that the Island looks wonderful and she is proud of everyone.

Councilman T. Howard commended everyone; the Police Department, the Beach Access Committee, the Public Works Department, and the General Government staff. He asked Mayor Tarr about the closed session.

#### **7. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia.**

- **Personnel Matters**

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman T. Howard moved, seconded by Vice Mayor Richardson to reconvene in regular session. Unanimously approved.

Councilwoman Conklin moved, seconded by Councilman J. Howard to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

**Adjourn.**

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

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 19, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Jester motioned, seconded by Councilwoman Conklin to adopt the agenda as presented. Unanimously approved.

**1. Review of Comprehensive Zoning Map Amendments**

Town Planner Neville presented the Comprehensive Zoning Map amendments. He advised that this is to review a few of the last issues prior to the public hearing. He stated they had a double public hearing with the Planning Commission and organized the comments in 7 major issues. They tried to address those issues. He tracked the percentage of public comments and by addressing those, they have done a good job listening and making the requested changes.

He reviewed the recommended changes in each of the following sections: 1). R-4 Resort Residential. 2). C-4 Resort Commercial. 3). All Commercial Districts. 4). RC Resource Conservation. 5). R-3 Mixed Use Residential. 6). All permitted Uses. 7). C-3 Corridor Commercial.

During Town Planner Neville's review, he explained each issue and recommended changes based on the public concerns and the Comprehensive Plan.

Discussion continued about the intent during annexation along with what's in the Town Charter.

Town Planner Neville stated that 14% of the comments were regarding Resource Conservation. He explained that in the Comprehensive Plan they wanted to recognize conservation areas. The only places that they applied the Conservation District were the parcels that were public, federal or state owned. He explained the Mixed Use Residential which was to keep the use as it

currently is allowing townhouses and condominiums. He also mentioned “All Permitted Uses”, such as the waterfront seafood industries.

Town Planner Neville stated that the Comprehensive Plan suggested extending C3 Corridor Commercial on both sides of the road down Maddox Boulevard along with Deep Hole Road to Community Drive and there was a request to continue the zoning to the Chicken City Road intersection to include the new Fire Company property. He stated that the Residential Districts allow some commercial uses and the Commercial Districts allow residential uses.

Questions and discussion continued from Council.

Town Planner Neville thanked Council and stated that they’re ready to go to public hearing. He explained the process for comments from the public hearing.

There were questions about Marsh Island and the abandonment of the signage on the property on the south side of Marsh Island Road.

Town Planner Neville stated that the zoning is not the controlling factor of marshland.

Mr. Papadopoulos stated that the Planning Commission was driven by the Comprehensive Plan in the revisions to the Zoning Map.

## **2. Review and Approval of Beach Access Committee Recommendations on CCP Alternative Refinements**

Mayor Tarr reported on the Beach Access Committee on December 21<sup>st</sup>. He stated that since that time they felt the need to hold a meeting and respond to the slide presentation they saw at that meeting. He stated that they felt they should comment on the revisions to the alternatives.

Town Planner Neville explained the changes to the CCP refinements proposed by the Town. He stated that the Beach Committee met and wanted to refine the small issues. He advised he added a brief description as to why they were outstanding issues. He also stated that an option is to send the letter or send just the minor changes. He stated that Mr. Hinds will send out a newsletter as a public announcement.

Mayor Tarr stated that the U. S. Fish & Wildlife has made a lot of changes to 3 alternatives. He advised Council that a couple of days ago the U. S. Fish & Wildlife were approved for a grant in the amount of \$1.5 million to purchase property for the purpose of a park-and-ride.

There were questions and concerns.

Ms. Sylvia Parks with Congressman Rigell’s office advised that the U. S. Fish and Wildlife has been to the Campground and asked if they could purchase a portion of the property to use for parking. She stated that with the partial sale, the Maddox family can continue to operate the campground in the short term.

Council expressed their discord.

Councilman J. Howard feels that the working relationship between the Island and the U. S. Fish and Wildlife no longer exists. He stated that the Community is hurt because of this. He doesn't understand why Mr. Hinds isn't tackling the problems. He feels that he, along with many residents, has lost credibility and faith in Mr. Hinds. He also feels that Mr. Hinds has not been trying to help. He wants to see Council make a statement.

Town Planner Neville advised that the Committee has made it clear that they would like a meeting with Mr. Hinds' boss. They would like the confidence level of dealing with someone else on this matter.

Ms. Parks advised she would speak with the Congressman and he will set this meeting up.

Council decided that what they have been doing isn't working.

Mayor Tarr stated that there will be another meeting

Discussion continued.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Beach Access Committee's recommendations on the CCP Alternative refinements. Unanimously approved.

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

There were none.

### **Adjourn**

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

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 24, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

None

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

**1. Review of the Draft Fiscal Forecast of Budget Years 2013-2017**

Town Manager Ritter reviewed the current Statement of Expenditures. He advised that the second notices for delinquent taxes have been mailed. He also stated that Business License Renewals will be mailed in the next couple of weeks. They touched base on motor vehicle decals.

Finance Director Hipple explained the process of putting stops on the vehicles of unpaid taxes through the DMV. There was further discussion about collections of delinquent taxes. She recommended eliminating decals and adding the fee to the personal property tax bills.

Town Manager Ritter continued to review the current Statement of Revenues and Expenditures.

There were questions and discussion about specific line items.

There were concerns expressed about the County's proposed Fire Tax and plans to meet with the Fire Company to discuss this matter further.

There was discussion about the "Line of Duty" Program through VRS. Finance Director Hipple explained the program and benefits. She advised that Council has to make a decision prior to July 1<sup>st</sup>, 2012 if they would like to go with VRS or another carrier. She advised their decision will be set in stone and there is no going back if there is a change. She suggested that the Town

sets guidelines and recommended a switch from VRS. She doesn't feel they are equipped to handle the program for the Town.

The review continued. Questions were raised about the Fire Department donation. Council then discussed specific current budget line items from each department.

Council reviewed the projected revenues through FY 2017 expressing future plans of additional revenues and sources. They moved on to the projected expenditures through FY 2017.

There was a question about the Housing Rehab Fund. Finance Director Hipple explained the remaining balance and where it originated.

Council also discussed the new SCADA system and how it is benefiting the Town. They talked about routine building maintenance and allowing a little more in the budget for possible upgrades and upkeep. They also touched on capital improvements.

## **2. Review of the Local Government Investment Pool (LGIP) Savings**

Town Manager Ritter and Finance Director Hipple reviewed the Analysis Report. There were questions and discussions about transfers to and from LGIP for reserve or projects. Council agreed the line item for long-term replacement for the Harbor should be put back in the budget.

## **3. Review of a Possible Budget Amendment**

Council reviewed the list of proposed budget amendments. There was minor discussion.

## **4. Committee Member Comments**

Mayor Tarr stated he would like to see projections for 5 years for the LGIP.

Councilman J. Howard asked about cutting grass for the Little League fields.

Mayor Tarr instructed Public Works Director Spurlock to contact the Little League. He stated that there was previous discussion about reviewing Town Planner Neville's salary. He advised this will be discussed at the February meeting in closed session. He also asked Council's permission to get a plaque for the Police Department for their accreditation accomplishment along with a letter of recommendation in Chief Lewis' file for his work on this. Mayor Tarr instructed Town Manager Ritter that when the Team arrives in February to present Chief Lewis with the formal certification he would like the media invited.

## **Adjourn.**

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

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Mayor

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Town Manager

**MINUTES OF THE JANUARY 31, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
John H. Howard, Councilman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

Nancy B. Conklin, Councilwoman  
Ellen Richardson, Vice Mayor

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

There was no motion as there was no quorum at this time.

**5. Discuss Downtown Redevelopment & Transportation Enhancement Grant and Bid Proposal**

Mrs. Kat Edwards began by explaining the process and stated the Town pledging the funds that are needed. Because items couldn't be taken out of the contract they also can't negotiate changes in the contract.

Mr. Clay Massey stated that he feels that some of the bid items were underestimated. He explained that there were two bidders that they feel is competitive. He advised they went through each line item with the contractors and there were a few things that were underestimated such as storm drainage. He continued to review other underestimated items in the bid package. Mr. Massey stated he was personally confident that the two bidding companies were competent. He feels that they need to sit down and iron out the discrepancies.

Mayor Tarr mentioned a timeline for the approval from VDOT and for the contractors who will come in and set up to do the work.

Mr. Massey and Mrs. Edwards reviewed the timeline. They discussed the percentages that the bids were over. They also discussed the possibility of putting in a change order to bring the bid down.

Council asked about negotiating costs after the acceptance of the bid.

Mrs. Edwards advised that once the bid is awarded the Town can take out some items as long as it doesn't affect VDOT's priorities with the underground utility work.

Questions were raised about eliminating additional costs later.

Discussions continued about the utilities, the relocation of those utilities and associated costs giving percentages of the bid and budget.

Mayor Tarr expressed his concerns that VDOT will not approve change orders.

Mrs. Edwards tried to reassure Council. She added that the two bidders are very close and both very reputable.

Council was concerned because they were unable to vote as there wasn't a quorum as Mr. J. Howard was not in attendance at this point in the meeting.

Mayor Tarr asked if they could discuss the cost of the conduit system. He feels this is too expensive.

Council further discussed the system and awarding the contract.

Councilman J. Howard joined the meeting at 10:35 a.m.

Mrs. Edwards brought Councilman J. Howard up to speed. She advised that in order for the bids to be considered the Town would have to vote and write a letter pledging to commit the funds needed to complete the project. She stated, they are asking the Town to do this based on the fact that they know there are items they are planning to take out of the contract that would take those additional funds. She mentioned removing the part of the project putting all the utilities underground. She again stated that they are recommending the low bidder. The contractor is willing to discuss the underestimations and the Town's desire to move forward as quickly as possible. She added that the Town will agree to take items out of the contract that will not affect VDOT's approval.

Councilman J. Howard discussed moving the utilities. He mentioned a couple of ideas. He asked if every Town has to bear the burden of the funds.

Mrs. Edwards responded that every Town she has worked with is willing to do what they can.

Discussion continued and Councilman J. Howard asked about the 20 feet right-of-way through the Downtown Main Street area. He is concerned about the bump-outs and larger vehicles passing through.

Councilman Jester motioned, seconded by Councilman Muth to approve the funding to continue with the project at this time. Motion Carried.

Ayes: T. Howard, J. Howard, Muth, Jester

Nays: None

Absent: Conklin, Richardson,

There was further discussion regarding the change order to do away with the conduit system and other potential cost reductions.

Mayor Tarr asked for a contact person for the preconstruction meeting.

Mrs. Edwards thanked Council and advised she would arrange the preconstruction meeting.

**Adjourn**

Councilman T. Howard motioned, seconded by Councilman Muth to adjourn. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE FEBRUARY 6, 2012**  
**CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

Nancy B. Conklin, Councilwoman

**CALL TO ORDER**

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

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**PRESENTATION**

Mr. Gary Dillon of the Department of Criminal Justice Services presented a formal plaque from the Virginia Law Enforcement Professional Standards Commission that read; "Certificate of Accreditation, This document certifies that the Town of Chincoteague Police Department came before the Virginia Law Enforcement Professional Standards Commission on January 12, 2012, and has met the requirements set forth by the said commission, and is, therefore, certified as an Accredited Agency for a period of four years "Initial Award"."

Mayor Tarr presented a plaque to Chief Edward Lewis which stated:

"Award of Special Recognition; Presented to the Chincoteague Police Department; On The Occasion of Receiving Law Enforcement Accreditation. The Chincoteague Police Department has demonstrated their Commitment and Professionalism in attaining this Distinguished Achievement. On Behalf of the Town Council and The Citizens Of Chincoteague, I Award This Special Recognition to the Police Officers and Staff for Continued Dedication to this Community.

February 6, 2012"

Mayor Tarr also presented a letter of recognition to Chief Lewis for his effort in obtaining the accreditation and advised that this letter would go into his official personnel file.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Supervisor Wanda Thornton spoke on the County reassessment. She mentioned that the percentage of other parts of the County assessments would be going down more than the percentage of the Island. She stated that the taxes for everyone on the Island will be going up. She also stated that the County Board of Supervisors will be voting soon on the proposed fire tax

from the Fire Commission by adding 3 cents per hundred to the Real Estate Tax and 5 cents to personal property tax.

- Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, read a letter on behalf of the CVFC:

January 30, 2012

Accomack County  
Board of Supervisors  
Laura Bell Gordy  
Accomac, VA 23301

Dear Madam Chairwoman:

As we prepare to divulge the recent vote by the Accomack County Fire Commission to add a three (03) cent fire tax to Chincoteague and raise our personal property taxes by five (05) percent we thought it best to share with you some of the things this company has already done for our sister companies around the County: For starters we gave New Church two rescue trucks, Saxis, a fire truck and ambulance, to Atlantic, loaned one of our fire trucks and gave them a donation for working at our carnival. In the town of Bloxom, we started them off in the ambulance service business by giving them an ambulance. Parksley has been the biggest recipient of our generosity by having one of our fire trucks on loan for over a year and a half, two separate donations in 2011 totaling \$3,400.00 and for at least two years a \$15,000.00 donation for working the sticky apple & cotton candy stand at our carnival. We have never denied a request from a sister company of anything they have asked for.

We have been a contributor to the North Accomack Little League for over thirty years, sponsoring one of the teams and providing manpower to repair fields for play. We sponsor Accomack County Schools by sponsoring Chincoteague Elementary and High School Beta Clubs for their annual trip to Richmond. That is a donation of over \$3,600.00 each year. We sponsor the Chincoteague Youth Football Program that has the majority of its team being Accomack County residents' kids. Nothing the youth of the Island or County asks for is denied by our membership. We have a scholarship program that funds at least three graduates of Chincoteague High School each year for the first three years of their college. Each year at our annual auction we donate the cost of one of the colts to a charitable organization, i.e. The American Cancer Society, Hospice Care of the Eastern Shore, and Children's Hospital of the King's Daughters just to name a few. We are discussing at this time among the decision makers of the company to give back the \$20,000.00 we get from Accomack County and ask to give that money to Saxis to help with their shortfall.

In closing, we work hard for our money and because we are so blessed with support for our endeavors we are able to give something back. If we see we are going to come up short on a project, we roll up our sleeves and go work for it. With all this said, please understand that we are not in favor of taxing Chincoteague Island with a fire tax. We are still able to support our citizens without the burden of, yet, another tax. We ask you to vote NO to option 4, and not strap the citizens of Chincoteague with more financial responsibilities.

Respectfully,

The Officers and Members  
Chincoteague Volunteer Fire Company

- Deborah Ullmann of North Main Street, stated that Mr. Spiro Papadopoulos has done a good job with the Wastewater Advisory Committee. She also stated several reasons why it would not be a good idea to hook up folks with possible failing system in the downtown commercial area with a local developer.

### **STAFF UPDATE**

A Staff Report for January 2012 was presented to Council.

The Town Planner Neville presented Council with his report and asked if anyone had any questions. There were none.

Public Works Director Mr. Spurlock advised that the staff report was now being presented in a written format. He noted that most of the projects listed have been or was very near completion. The Public Works Department is gearing up for the summer season.

Mr. John Howard requested additional details on the Town's involvement in the VDOT, Church St. Realignment Project.

Public Works Director Spurlock provided the requested information.

Councilman T. Howard asked if there were plans to install a guardrail on Eastside Road near its intersection with Wayne Road.

Public Works Director Spurlock explained that the side had been evaluated by the guardrail company that had been working on the causeway. It was determined there was insufficient space to install a VDOT approved guardrail. VDOT's safety department has been contacted to determine if other options are available and/or required.

Town Manager Ritter advised that Emergency Medical Staff responded to 63 calls in the month of January, 14 more than January of 2011. Staff was been busy getting ready for the Trolley Audit required by DRPT. An auditor from Cherry, Bekaert & Holland, LLP, come today to audit the books for the Trolley funds. There were no findings. Town Manager Ritter advised that Transportation Manager Van Dame has done a great job.

Town Manager Ritter also reported that the Town recently received supplemental tax billing from the County and hope to mail them in a couple weeks. He reported on the ESVBA, Broadband update. He advised that the contractor has completed installation of the fiber on the Island except some terminal points. They still have to pull the fiber through the conduit for the Fish and Wildlife Service. He advised he will be going to the Virginia Local Government Managers Association (VLGMA) February 15, 16, & 17, 2012. The workshop for February has been canceled as there were no items for the agenda. The Town will work on the fiscal year

2013 budget to be handed out on or before April 1<sup>st</sup>. He also reported that staff has been working on the Business License renewals.

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

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Motion carried

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

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

- **Regular Council Meeting of January 3, 2012**
- **Council Workshop Meeting of January 19, 2012**
- **Council Special Budget Workshop of January 24, 2012**

Councilman T. Howard asked that the excerpt that Mr. Spiro Papadopoulos presented to council at the Regular meeting of January 3 be included in the final minutes.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes with the additional information to be included in the January 3, meeting minutes. Motion carried.

Ayes-Jester, T. Howard, J. Howard, Richardson, Muth

Nays-None

Absent- Conklin

#### **9. Eastern Shore Virginia Broadband Authority Update**

Mr. Nick Pascaretti gave Council an update on the Broadband project known as the Chincoteague Network Construction. He stated that 99% of the fiber has been placed. The remaining piece is to the Refuge. The contractor needs to bore from one side of the road to the other to reach the conduit that was placed by the Refuge and then the fiber can be installed. Fiber is being spliced now and that is approximately 90% complete. There are active customers on the network now being served by ESVBA and others. Fiber optic splicing work at the old jail is complete.

He reported that the ESVBA is serving Rural Health offices downtown and the ANEC substation. The schools are connected and the Town office has been installed and will be served by ESVBA. He added that ESVBA has received a request for information from a carrier regarding service to Associated Insurance on Maddox as well. They will also serve any customers who request their service. The ESVBA Internet product offering is for dedicated and symmetrical internet access. This service is comparable to Verizon's T1 service which typically costs approximately \$800 to \$1200 per month. However, the ESVBA service is not comparable to Verizon's DSL service, which is typically used by residential and small business customers.

#### **10. Financial Report Presentation by Robinson, Farmer, Cox Associates**

Mayor Tarr introduced Mr. Aaron Hawkins from Robinson, Farmer, Cox who presented an overview of the Town's Fiscal Year 2011 audit. Mr. Hawkins highlighted key areas in the audit and showed no discrepancies. The audit firm was grateful for the help from staff.

There were no questions from Council concerning the report.

Mayor Tarr thanked Mr. Hawkins.

### **11. Public Hearing on the Zoning Ordinance Amendment**

Mayor Tarr opened the public hearing and requested a brief presentation by Staff.

Town Planner Neville reviewed the planning process that led up to the public hearing including the recommendations of the Planning Commission and a summary of the public comments received to date. Comments received from the public prior to the hearing were provided to Council members in a handout. Additional public comments were given as follows:

- Bruce Hamilton, Unit #3 Fiddler Bay Townhomes, expressed concern over the proposed zoning of Salt Marsh to the C-4 Resort Commercial District.
- Peggy Thomas, Eastside Road, requested information to confirm that there would be no change to the C-1 Commercial and R-3 Residential zoning of her property.

Town Planner Neville stated that the zoning district boundaries would be the same and offered to meet her at the Town Office to answer any questions.

- Larry Whitlock, Owner of 'Island Village' subdivision on North Main Street, stated that his 17.5 acre property was 70% uplands. He asked if the Town Council would add a 'grandfather clause' to the zoning district regulations for existing subdivisions. He also requested that the proposed R-4 Resort Residential District would apply to his entire property including the existing lots that have frontage along Main Street (currently zoned R-2 Residential).
- Inga Veneziano, Piney Island resident, opposed the proposed C-4 Resort Commercial zoning of the marsh along both sides of Beach Road leading to the Refuge.
- Jim Rauth, Marsh Island resident and representative of Marsh Island property owners association, supports the proposed zoning change from C-1 Commercial to R-3 Mixed Use Residential. He requested that the Town Council consider changing the Public Piers and Boat Ramps use in the R-3 district from the permitted list to the special permit list. His concerns were for potential conflicts of parking, trailer storage and traffic conflicts on the new bridge spur if a commercial pier or marina was permitted without adequate review by the Town.
- Jane Turlington, Herbie's Lane resident, requested information regarding the proposed zoning of her property to make sure there was no change.

Town Planner Neville stated that the R-3 Mixed Use Residential zoning would be the same with a change to the district regulations making mobile homes and mobile home parks a special use approval rather than permitted by right.

Mayor Tarr asked if there were any other speakers wishing to be heard. There were none. The public hearing was closed, however the public record will be kept open as advertised for 25 days for the submission of additional written comments.

**12. Public Hearing on the Possible Budget Amendment**

Mayor Tarr opened the public hearing at 8:41 p.m.

There were no comments.

Mayor Tarr closed the public hearing at 8:42 p.m.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the budget amendment as presented. Motion Carried.

Ayes - Jester, T. Howard, J. Howard, Richardson, Muth

Nays - None

Absent – Conklin

**BUDGET AMENDMENT FY'12**

<b>NAME</b>	<b>TYPE ACCT</b>	<b>ORIGINAL BUDGET</b>	<b>AMENDED BUDGET</b>
<b><u>GENERAL FUND 10</u></b>			
TRANSFER FROM LGIP GENERAL FUND SAVINGS	REVENUE	14484	109670
SRTS GRANT	REVENUE	0	205840
ATTORNEY/LEG CONSULTANTS	EXPENSE	50600	81200
OLD ELEMENTARY SCHOOL GYM	EXPENSE	5000	33000
PARKS & RECREATION EXPENSE	EXPENSE	12375	36161
TRANSFER TO TROLLEY FUND	EXPENSE	23200	36000
SRTS PROGRAM PROJECTS	EXPENSE	0	205840
<b><u>MAIN STREET FUND 20</u></b>			
TEA-21 GRANT MAIN ST	REVENUE	197558	476558
MAIN STREET PROJECT	EXPENSE	231652	510652
<b><u>TROLLEY FUND 70</u></b>			
TROLLEY GRANTS	REVENUE	45200	352400
TRANSFER FROM GENERAL FUND	REVENUE	23200	36000
TROLLEY PURCHASE	EXPENSE	0	320000

**13. Public Works Committee Report of January 4, 2012**

Mayor Tarr presented Council with the Public Works Committee meeting report; at which time there were no comments.

#### **14. Recreation & Community Enhancement Committee Report of January 10, 2012**

Councilman Jester reviewed the work program of the Island Activity Center and discussed the draft rules and guidelines. He also reviewed the possibility of adding a member of the Garden Club to the Recreation & Community Enhancement Committee. He reported that there were two action items Council wanted to discuss, one being the Committee Appointments and the other being Rules and Guidelines of the Island Activity Center.

Councilman Jester motioned, seconded by Councilman Muth to add an additional member to the Recreation and Community Enhancement Committee. Motion Carried.

Ayes: Jester, Muth, T. Howard

Nays: J. Howard, Richardson

Absent: Conklin

Councilman T. Howard motioned, seconded by Councilman Jester to adopt two year term limits for the Recreation and Community Enhancement Committee. Motion Carried.

Ayes: Jester, Muth, T. Howard, J. Howard, Richardson

Nays: None

Absent: Conklin

Town Manager Ritter will review the two year terms with the Committee. This matter will be brought back to Council at the next regular meeting in March. The rules and guidelines were also discussed.

Vice Mayor Richardson requested something official allowing the Coast Guard to use the Island Activity Center three times per week in the mornings to show the Town's appreciation for the hard work that they put into helping renovate the Island Activity Center.

The rules and guidelines were discussed in great length with the major issue of whether to allow citizens to reserve to Island Activity Center for the purpose of running a business.

Town Manager Ritter advised that it would be a service to the Committee if self-defense was taught at the facility. He also mentioned that currently staff would like to keep the rules and guidelines fluent and should an issue arise that needs to be addressed changes can be made. This is currently the best way to run the facility, since we have never been in the business of having a gym.

Council agreed to allow staff to make the necessary changes, should an issue arise by calling them Rules and Guidelines.

#### **15. Ordinance Committee Report of January 12, 2012**

Councilman T. Howard gave Council a report of the recent Ordinance Committee meeting. He stated that the Committee reviewed the Town Charter and did not see anything that was significant to report back to Council. He advised that his original intent to review the Charter was to review what is declared a regular council meeting. He also stated that he does not feel that the Town should call two regular Council meetings per month unless the Ordinance is

changed. He advised that the next Ordinance Committee meeting will be February 21, 2012, at 5:00 p.m.

### **16. Possible approval of a Bid on the Demolition of Unsafe Structures on a Property**

Town Manager Ritter reported that on January 9, 2011 and January 16, 2011, staff advertised the notice for bids for the demolition of an unsafe structure belonging to James Berry on Mumford Street. He stated that on January 31, 2012, the Town received two.

The bids are as follows:

- |    |                                 |            |
|----|---------------------------------|------------|
| 1. | Allen Clark Construction        | \$3,995.00 |
| 2. | Adams General Contractors, Inc. | \$7,800.00 |

After reviewing the bids, staff made the recommendation to Council to accept the low bid of \$3,995.00 from Allen Clark Construction.

Councilman Muth motioned, seconded by Councilman Jester to approve the award to the lowest responsive bidder, Allen Clark Construction, for \$3,995.00 to complete the demolition of the dwelling and the garage of James Berry, located at 6306 Mumford Street. Motion carried.

Ayes: Muth, T. Howard, Richardson, Conklin, Jester

Nays: None

Abstain: J. Howard

Absent Conklin

### **17. Mayor's Ball Donation**

Mayor Tarr asked Vice Mayor Richardson to preside over the meeting so that he could excuse himself to make a donation to the Town from the Mayors Ball.

Mayor Tarr presented the Town with a donation in the amount of \$22,000 that was raised from the Mayor's Ball for the purpose of Beach Access and Replenishment. He requested that the money go into a fund for the Beach Access Committee to advise Council of the proper use of the funds.

### **18. Mayor & Council Announcements or Comments**

There were no comments from Council

### **19. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the code of Virginia**

#### **▪ Personnel Matters**

Councilman T. Howard moved, seconded by Councilman J. Howard to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Jester to reconvene in regular session. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None  
Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Muth to adopt a resolution of certification of the closed meeting. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth  
Nays- None  
Absent- Conklin

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Jester, T. Howard, J. Howard, Richardson, Muth  
Nays- None  
Absent- Conklin

**Adjourn**

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adjourn. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth  
Nays- None  
Absent- Conklin

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Mayor

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Town Manager

**MINUTES OF THE FEBRUARY 28, 2012**  
**CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

John H. Howard, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 9:00 a.m.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Motion carried.

Ayes: Conklin, Richardson, Muth, T. Howard, Jester

Nays: None

Absent: J. Howard

**1. Discuss the Department of Recreation and Conservation, Land and Water Conservation Fund (LWCF) Grant for the Downtown Newly Purchased Property.**

- **Possible determination of the design for the area.**
- **Possible motion to fund Land Studio Professional Corporation to design the Park area for the purpose of writing the grant.**

Mrs. Kat Edwards explained that the grant deadline of March 15<sup>th</sup> is the reason for the short notice of the Special Council meeting. She also explained that funding is available through Land and Water Conservation fund and the Town has used this fund before in the Robert N. Reed Downtown Waterfront Park along with the Veteran's Memorial Park. She advised that the sub-consultant, Land Studios, for the Streetscape Project met on the new lot last week and gave some possibilities.

Mayor Tarr stated that Council needs to decide whether they want to pursue this project and grant. He advised this is a 50/50 match and the maximum award is \$100,000, which means the maximum match could be \$100,000 minus any in-kind services that the Town provides. He also added that the Land Studios Services could come out of this fund also.

Mrs. Edwards added that this is a three-year reimbursement grant. She advised that the Town would have to budget the funds and could be done over the next three years. She also stated that

construction will not take three years but they will have three years to complete the project. She explained options such as engineering in the first year but will have three years to use the money.

There was discussion about Bridge Street and the potential project.

Town Manager Ritter showed Council pictures.

Mayor Tarr stated that first, Council needs to decide if they want to move forward with the grant and second, there will be a meeting Thursday with Land Studio to review and gather ideas.

Councilman Jester feels they should pursue the project as it is an asset to the community.

Councilman T. Howard feels they should go forward with the investment that's already been made.

Councilman Jester motioned, seconded by Councilwoman Conklin to move forward with the DCR Grant. Motion Carried.

Ayes: Jester, Conklin, T. Howard, Muth, Richardson

Nays: None

Absent: J. Howard

Mrs. Edwards asked if Council wanted her to come back March 5<sup>th</sup> with a blank resolution to move forward.

Mayor Tarr asked staff to review the resolution.

Mrs. Edwards explained that in Exhibit 1 the consultant explained that this is based on function and 2a is based on function plus form. She explained the plan to Bridge Street and utilizing the Kiwanis parking lot.

Mayor Tarr stated that he is a little confused after leaving the site because the parking lot has been included in all the drawings.

Town Manager Ritter stated that in Exhibit 2a it shows the potential for 7 cars within the radius along with a fire truck.

There was discussion about the parking lot, parking along Bridge Street and a kiosk.

Mr. Ron Halbert, with the Chincoteague Kiwanis stated that the Medical Center does not like the plan of ingress and egress to their parking lot. He stated that when there are events this parking lot and the Medical Center's parking lot are filled. He doesn't feel this is a good solution for the Medical Center. He discussed the landscaping, but reiterated the discord of using the parking lot for ingress and egress.

There was further discussion as to the placement of the kiosk and the turn radius along with parking placement.

Mayor Tarr announced the meeting Thursday to review the designs.

Council continued to review and discuss the designs with creative ideas and possible changes. Mrs. Edwards further added that the funds are for Park development and if Council wanted to broaden the project area into the existing Park it is allowed.

Councilman T. Howard asked about parking on Bridge Street.

Mayor Tarr and Mrs. Edwards explained Exhibit 1 and the parking plans.

Council discussed possible changes to Exhibit 1.

Mrs. Edwards reviewed the list of requested changes: 2-way traffic on Bridge Street, the Bridge Street entrance to the Kiwanis parking lot will be proposed to close off, run a sidewalk on the Kiwanis side all the way out to the pier, the bridge arm, cab and kiosk down toward the end, add something to close off the area, replace the Jersey barriers with the dropdown gate, leaving the Sundial Books area for emergency access and sidewalk to the parking lot, parking spaces on Bridge Street and parking spaces part way into the lot, add some grills and not necessarily a covered area and possibly another small covered area.

Town Planner Neville stated that he feels this was a very good discussion to make good use of Bridge Street. He would like to see a shared use with the Kiwanis lot.

Town Manager Ritter suggested a 1:30 p.m. meeting on Thursday to discuss the project ideas.

Mrs. Edwards asked if she should invite the stakeholders to the next meeting.

Mayor Tarr advised she should.

### **Adjourn**

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to recess the Special Council meeting until Thursday, March 1<sup>st</sup>, 2012 at 1:30 p.m. Motion carried.

Ayes: T. Howard, Richardson, Conklin, Muth, Jester

Nays: None

Absent: J. Howard

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Mayor

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Town Manager

**MINUTES OF THE MARCH 1, 2012**  
**CHINCOTEAGUE RECESSED TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
John H. Howard, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 1:30 p.m.

**RECONVENE**

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to reconvene.  
Unanimously approved

Mayor Tarr stated that the invocation and Pledge of Allegiance has been dispensed as this is a recessed meeting and these agenda items have been done on February 28, 2012.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda.  
Unanimously approved.

- 1. Discuss the Department of Recreation and conservation, Land and Water Conservation Fund (LWCF) Grant for the Downtown Newly Purchased Property**
  - **Possible determination of the design.**
  - **Possible motion to fund Land Studio Professional Corporation to design the Park area for the purpose of writing the grant.**
  - **Land and Water Conservation Fund Authority Resolution.**

Mrs. Edwards briefly explained the grant. She introduced Mr. Bill Spivey with Land Studio. She would like to get input from Council and the Stakeholders.

Mayor Tarr greeted Mr. Spivey and invited him to review the outcome of Tuesday's meeting with Council.

Mr. Spivey explained the proposed plans for the Bridge Street property that the Town recently acquired. He discussed the grade and suggestions. He invited feedback for the true intention of this property and what this property would serve.

Mayor Tarr opened the floor to the public for comments.

Town Manager Ritter discussed the slope and what would be most cost effective.

There was discussion and Mr. Spivey made suggestions and further explained the plans. Mr. Spivey also explained the importance of the project and deciding what the real needs are. He asked if they were catering to the community, transient or tourism standpoint.

Discussion continued regarding streetscape from the new bridge to Bridge Street and parking.

Mr. Spivey feels Council should step back and decide what the priorities are.

There was discussion about the adjoining properties and property owners along with parking, handicapped accessibility and emergency vehicle access.

Mr. Spivey mentioned the utilities and the substation entrance.

Council asked if once the grant was in place would there be a problem to make a change.

Mr. Spivey advised it was possible as long as the intent wasn't changed and it was a minor change.

Mrs. Edwards interjected that some modifications can be made with their approval.

Mr. Richard Vesley expressed his concern as a stakeholder regarding the use of the Island Theatre and the concept, balancing the community needs for additional parking which he feels is very necessary. He suggested reducing the pedestrian aspect as opposed to parking. He pointed out the additional property adjacent to the Town's property not owned by the Town. He also addressed emergency vehicular access.

There was lengthy discussion about easements, right-of-ways, the Kiwanis' parking lot, emergency and service access.

Mayor Tarr feels that the project should be designed based on Town owned property. He asked if agreed that the Kiwanis parking lot entrance on Bridge Street should be closed.

There was discussion about the streetscape project and the possibility of utilizing the TEA-21 Grant for the streetscape. There were questions about the parking spaces and the reason for adding infrastructure.

Councilman T. Howard feels it's more acceptable to the community to use Bridge Street for parking.

Mr. Spivey asked how many parking spaces Council would agree to and what they want in the corridor. He continued to explain the alternatives including points of access and the possibility of eliminating some parking.

There was further lengthy discussion and Council concurred to keep the improvements on the Bridge Street property only.

Mayor Tarr stated and Council agreed they would like to see 8 parking spaces on the Town owned property on Bridge Street. He strongly reiterated that the improvements can only be on the Town's property.

Mr. Spivey advised he will make the revisions.

Mrs. Edwards asked if Council also agrees to a small covered area and a grilling area near the northern property line along with open space.

Mayor Tarr asked to move on to the next part on the agenda which is to approve the funding.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to fund Land Studio Professional Corporation to design the Park area for the Purpose of writing the grant not to exceed the amount of \$5,600. Unanimously approved.

Vice Mayor Richardson and Councilman J. Howard left the meeting at this time for prior commitments.

Mrs. Edwards explained the resolution needed to move forward with the grant application.

Councilman Jester motioned, seconded by Councilman Muth to adopt the Land and Water Conservation fund Authorizing Resolution. Motion carried.

Ayes: Jester, Muth, Conklin, T. Howard

Nays: None

Absent: Richardson, J. Howard



## **LAND AND WATER CONSERVATION FUND AUTHORIZING RESOLUTION**

WHEREAS, under the provisions of the Land & Water Conservation Fund, federal funding assistance is requested to aid in financing the cost of land acquisition and or facility development; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to complete the land development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;

2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Robert N. Reed downtown waterfront park within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation are in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that no non-recreational uses may be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;
9. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held March 1, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

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Robert G. Ritter, Town Manager

Mayor Tarr thanked Town Planner Neville and Mrs. Edwards for their time and hard work.

Mrs. Edwards advised she would be attending Monday night's meeting for public comments as part of the process as stated in the resolution. She continued to review some of the positive ideas in the draft.

**Adjourn**

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MARCH 5, 2012**  
**CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

John H. Howard, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 7:07 p.m.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance

**PERSENTATION**

Mayor Tarr presented Mr. Fred Gers with a Certificate of Special Recognition.



***Certificate  
of Special Recognition***

*presented to*

***Mr. Fred Gers***

**Whereas**, congratulations and citations are in order for Mr. Fred Gers for heroically saving the life of a victim floating face down in Assateague Channel in August 2011; and

**Whereas**, a life was saved because of the skillful and caring response by Mr. Gers as the victim had fallen off another boat and was seconds from drowning; and

**Whereas**, this courageous action in averting what could have been a tragic loss to family, friends, and community was a act of heroism which deserves special recognition by the Town Council of the Town of Chincoteague;

**Now, Therefore**, I, John H. Tarr, Mayor, the Members of the Town Council and the citizens of Chincoteague, hereby extend to Mr. Fred Gers our sincere appreciation for his heroic action.

**Dated** this 5th day of March 2012.

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John H. Tarr, Mayor

Mr. Tommy Daisey thanked the Town for recognizing Mr. Gers and stated that he is very fortunate to have Mr. Gers sailing for him. He also expressed his appreciation to Mayor Tarr and Supervisor Thornton for going to Washington to defend the property owners of Chincoteague.

#### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public comment.

- Mrs. Kelly Jewett advised that she is part of the local group called Animal Rescue. She stated that they try to help relocate stray cats and occasionally dogs. She reported that they have had over 1,200 stray cats spayed or neutered and they just can't keep up. She then introduced Dr. Jeffery Newman with the Caring Hands Animal Hospital from Fairfax County.

Dr. Jeff Newman stated he is a co-owner of 4 hospitals in Northern Virginia. He explained that they as a group went to Tangier in May and September to trap, spay and neuter approximately 400 cats. He advised that he came to the Island and counted cats in a specific area and in one day counted 36 cats. He stated that this is their community service through the hospitals. He asked Council if they would allow them to come to Chincoteague for 4 or 5 days for this purpose. They would like to come Saturday, May 5<sup>th</sup> through Monday, May 8<sup>th</sup> to capture stray cats and have them spayed or neutered returning them back to the area they were captured. He gave Council brochures. He also advised Council that these cats carry diseases and feels this would be better for the environment.

Mayor Tarr stated that this sounds like a complete program for our community.

Dr. Newman stated that he will organize further and contact the Town in a couple of weeks.

Councilman T. Howard asked how many people he would be bringing.

Dr. Newman advised it was approximately 25. He also stated that they would also vaccinate the cats for rabies.

Mayor Tarr stated that this is a great service.

- Mr. Ray Rosenberger came before Council regarding the zoning issue. He stated that the Planning Commission started this process in April of 2010 and gave their recommendation to Council in September 2011. He advised that since this time there was a public hearing and they received 52 written recommendations from citizens receiving more comments after the meeting. He reviewed the packet with the zoning recommendations. He feels that spending a little more time reviewing the recommended changes is important and suggested postponing this matter until the workshop in the 15<sup>th</sup>.

- Mr. Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, stated that the property that the Fire Company just purchased is zoned R3. They feel and request that this property should be zoned as the downtown property of C2.

- Mrs. Wanda Thornton also approached Council regarding the zoning issue. She advised that she has serious issues with the innuendos in the document. She explained that they purchased 13 ½ acres of property in 1988 because it adjoined their property. She stated that at that time they couldn't put a campground there if they wanted to expand. She also stated that the parcel was originally going to be part of Misty Meadows Mobile Home Park. They later purchased the mobile home lot that joined that property, which is also a part of Misty Meadows. Although they have no intentions to expand they do not want that right taken away from them. They feel their property should have been zoned the same as the other 4 campgrounds. She added that the only other campground that has been in business longer than they have is Tom's Cove.

Mrs. Thornton asked what this parcel of land would realistically be used for. She stated that she has received misinformation that was handed out by Mrs. Flanigan and followers. She advised that Council changed this parcel last time to suit Mrs. Flanigan and she still isn't satisfied. Mrs. Thornton stated that she didn't complain at that time but she's complaining now. She also feels Mrs. Flanigan's ideas are too farfetched for anyone to look at them. She feels that if Mrs. Flanigan would do a cost analysis looking at the current laws that she would have a reasonable idea of what it would cost to do what she is suggesting. She advised that it cost \$3 per square foot to fill wetlands, which is \$44,000 per acre not including the fill. She stated that most of the land north of Mrs. Flanigan's property is considered wetlands.

Mrs. Thornton advised that if they were ever to expand the campground they would not enter through Misty Meadows as assumed. They would continue to enter through Deep Hole where the office is. She also stated that no one in their campground can attach a structure and must be ready to move as stated in their contracts. They do not sell their camper lots and they have never had any complaints. She advised that they have strong rules. She presented a list of questions to Mayor Tarr to be given to the Building and Zoning Administrator for response. She reviewed document.

Mrs. Thornton stated that a decision has to be made on what is right. She added that it doesn't have to suit her or suit Mrs. Flanigan it has to be based on what is right.

- Ms. Deborah Ullman, a Main Street resident, approached Council regarding zoning. She stated that she received a copy of the new zoning maps from Town Planner Neville. She mentioned the Redman's Cemetery behind her residence, which is zoned Commercial and doesn't feel this is a proper zoning classification. She is unsure if all the cemeteries are classified as Commercial and feels it's not kosher. . She then stated that her property is zoned Commercial, however, the 8 properties north of her are being changed from Residential to Commercial. She doesn't feel this is appropriate doesn't understand why they are expanding the Commercial District toward the high school. She stated that one of the problems the Town faces is getting permanent residents. She asked Council to preserve the residential character around the high school. Ms. Ullman suggested changing those commercially zoned on north of her property along Main Street to Residential.

## **STAFF UPDATE**

### **Police Department**

Major Mills advised that the monthly Police Report has been included in the packet. He reminded them that Thursday, May 8th at 11:00 a.m. is the annual Senior Luncheon at Maria's.

### **Public Works Department**

Public Works Director Spurlock also advised that the monthly Public Works Report has been included in the packet. He reported that the Chincoteague Cultural Alliance has presented him with some beautiful artwork for the new Street Banners Program for Maddox Boulevard. He invited Council to come review the artwork.

### **Planning Department**

Town Planner Neville reported that they have the details and activity of the zoning map before them. He stated that the Beach Access Committee was very busy last month and the Planning Commission took a break in February but will resume March 13<sup>th</sup> at 7:00 p.m. They will have a number of items to discuss along with the Wastewater Advisory activity. He also stated that on March 13<sup>th</sup> there will be a meeting regarding the regional plan for the rocket launches.

### **General Government**

Town Manager Ritter reported on the Downtown Rehabilitation Project which will begin next week. He advised they have advertised for the position of the Director of Transportation. He stated they have received 6 applications to date. They are still working on the DCR Grant application. The Eastern Shore Broadband Authority has connected to the fire station. They have put a 1/4 page ad in the Eastern Shore News regarding the fire tax issue. He reported that they went to Richmond about the 550 Senate Bill which will affect the seaside management plan, and later decided not to change. He stated that he attended the VLGMA. Town Manager Ritter also stated that he has been working on the budget and will present it to Council April 2nd.

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

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the revised agenda. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

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

- **Council workshop meeting of January 31, 2012**
- **Regular Council Meeting of February 6, 2012**
- **Special Council Meeting of February 28, 2012**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to approve the minutes as presented. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

### **2. Wastewater Advisory Committee Update**

Vice Chairman Mike Tolbert reported that they met March 1<sup>st</sup>, 2012. He advised that there were a few members from the DEQ Regional Office in attendance. They explained the regulations, permitting process and discussed methods of disposal with the Committee. The Committee is still in the process of reviewing the information. They will conduct a survey by phone and in person the businesses along Main Street and Maddox Boulevard. He also stated that they met with Mr. Burbage with Sunset Bay along with his sewer plant operator. Vice Chairman Tolbert advised Council that they have quite a bit of extra capacity in the Sunset Bay sewer plant. The Committee has been looking into using that extra capacity by determining interest of the businesses along Main Street that would like to be considered.

Vice Chairman Tolbert stated that the service area is very narrowly defined within the property of Sunset Bay, just south of the American Legion. He stated in order to allow the expansion of the service area to the downtown businesses Council would need to write a letter. He explained the area to be considered for expansion.

There was brief discussion.

Mayor Tarr stated that if Council decides to move forward the DEQ doesn't have any problems. He also stated to do this the Town would have to submit a letter.

Councilwoman Conklin motioned, seconded by Councilman Muth to write a letter supporting the expansion of the service area. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

### **3. Chincoteague Cultural Alliance Presentation and Grant Request**

Mr. Robert Behr came before Council regarding the yearly Local Government Challenge Grant Request. He stated that this is for the Virginia Commission for the Arts opportunity. He also reminded that this grant is a dollar for dollar match up to \$5,000, so with the Town's match would total up to \$10,000. He advised that the application deadline is April 2<sup>nd</sup> and they would receive the funds with the agreement from the Town.

Mr. Behr reviewed the past events and upcoming events and stated they would like to continue the services. He advised that they are a volunteer organization and every penny goes toward creating the events. He requested that Council approve to make application for this grant once again.

Councilman T. Howard mentioned Mother Earth Day and the events.

There were questions and comments about some of the upcoming events.

Councilwoman Conklin motioned, and seconded by Councilman T. Howard to approve the funds for the grant and move forward with the grant application in support of the Chincoteague Cultural Alliance. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

#### **4. Beach Access Committee Update**

Mayor Tarr reported that the Washington, DC trip was very successful. He thanked Mr. Scott Chesson, Supervisor Thornton along with Mr. and Mrs. John Jester for taking them. He stated that the afternoon session with Congressman Rigell and meeting with the Washington officials of the Wildlife Service was very successful. He stated that they called the Chief of the Wildlife Service from the northeast region to set up a meeting to discuss this issue. They have sent a document to Congressman Rigell's office with questions to be considered. He advised that Staff worked very hard prior to and afterwards to help get this together. He asked for a round of applause for all the hard work they did.

Councilwoman Conklin advised that those who watched online were very proud of those who spoke.

#### **5. Discuss the Additional Comments from the Zoning Amendment**

- **Possible Motion on Any Potential Changes to the Draft Zoning Amendment**
- **Possible Motion on the Draft Zoning Ordinance with Potential Changes Above**

Town Planner Neville reviewed the staff report summarizing the comments from February 6<sup>th</sup>. He advised that the public comment period was open for 25 days after the public hearing. He asked if Mayor Tarr felt he should close the public comment period.

Mayor Tarr officially closed the public hearing for the public comment period for the zoning amendments and changes.

Town Planner Neville stated that the additional 7 comments have been handed out this evening. He stated that it is important to look at the outstanding issues. Council had the Planning Commission's recommendations, which has been modified based on public comment. He stated that there are 4 outstanding issues to consider before adopting the entire packet. He listed 4 items are: 1. The zoning in the salt marsh areas surrounding the island. 2. R4 Resort Residential District permitted uses and there were alternative language. 3. The zoning district

boundaries along North Main Street. 4. Several small requests and suggestions that generally don't fit within this comprehensive update process.

Town Planner Neville stated that the main idea is identifying the 3 main issues and a few loose ones in the 4<sup>th</sup> topic. He stated that Council would have the opportunity to confirm which way they want to go.

He reviewed each comment:

**Public Comment 1:**

Town Planner Neville explained that there are 88 acres of marsh land currently zoned R-3 Residential and are reported under contract to the U.S. F&W Service. The proposed zoning Map was prepared to illustrate the C-4 Resort Commercial recommendation of the adopted 2010 Comprehensive Plan. He also stated that there are 20 acres of marsh land that's currently zoned C-1 Commercial. The proposed Zoning Map was prepared to illustrate the R-3 Mixed Use Residential recommendation of the adopted 2010 Comprehensive Plan.

The Planning Commission recommended forwarding this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing.

Staff recommended to maintain a consistent, 'comprehensive' approach that would propose to retain its existing R-3 residential zoning until or unless it is purchased by the U.S. F&W Service and to retain its existing C-1 commercial zoning while allowing the remainder of Marsh Island to be mapped as R-3 Mixed Use Residential based on its existing land use.

There was brief discussion.

**Public Comment 2:**

Town Planner Neville explained that there was concern for the possible expansion of commercial uses in the Resort Residential and Resort Commercial districts which was expressed by property owners in the north end of the Island. This led to a revised Zoning Map that reduced the size of the proposed C-4 Resort Commercial district. He advised that one property owner of an existing campground has requested that adjacent property currently under the same ownership should be allowed to develop as an expansion of the campground use without having to obtain a special use permit.

The Planning Commission recommended that within the proposed R-4 district, new Campground and Camper/Travel Trailer Park uses will continue to be permitted by Special Exception/Special Use Permit approval. Existing Campground uses may be expanded as a permitted use on a contiguous parcel.

He advised that additional public comment has been presented with a concern for the potential traffic impact to a subdivision off of North Main Street.

Staff recommended that the potential development of 80 acres as any one of the permitted uses in the R-4 district will have implications for the surrounding neighbors and public infrastructure. Campgrounds are supported by the Comprehensive Plan land use policies. Staff supports both.

Mayor Tarr explained that when the Comprehensive Plan was developed they picked out the campground property as the most developable property. They were the largest pieces of property and what was proposed. All the property was zoned resort C4 Commercial. He stated that if they intended for them all to be the same they should be put back. He doesn't know why they included the subdivision. He stated to fix it they would just change the subdivision. He feels they are treating all the campgrounds the same which was the intent of the Comprehensive Plan.

**Public Comment 3:**

Town Planner Neville explained that one property owner has proposed the amendment of both existing and commercial zoning districts along Main Street north of the Island Motor Inn to a residential district. There were five written comments have been received, both for and against the zoning of existing 'Island Village Subdivision' lots to the R-2 zoning.

The Planning Commission recommended maintaining the R-2 zoning along the Main Street frontage to a depth of approximately 125 feet and map the remainder of the 'Island Village' property to the R-4 district.

Staff supports accepting the proposed Zoning Map amendment or modifying the proposed zoning of the island Village subdivision so that all lots are included in the R-4 Resort Residential district.

Mayor Tarr stated that he would like to see cemeteries spelled out. He advised that they are currently drafting a map of all the cemeteries on the Island along with ownership.

Councilman T. Howard commented on the cemetery issue also. He asked what difference it would make.

Town Planner Neville stated that in a commercial district it would assume a profession and wouldn't be a good designation. However, each district should show cemeteries as a forbidden use. He doesn't feel it is a huge issue and can be readdressed in the future.

**Public Comment 4:**

Town Planner Neville stated that individual landowner requests and suggestions for changes to the proposed Zoning Map and Zoning Districts have been evaluated on whether they meet the intent of the comprehensive zoning amendment. Lot specific proposals were not generally encouraged at this time unless there was an error, or if the proposed change could improve on the implementation of the Comprehensive Plan. He stated there were several individual requests which are parcel specific.

The Planning Commission recommended that these issues were generally not considered by the Planning commission because they were parcel specific or because they have been submitted recently as a result of the Town Council public hearing.

Staff recommended maintaining a consistent, 'comprehensive' approach that implements the Comprehensive Plan and adopts the Zoning map as presented in the public hearing. There were two that could be accomplished as a 'correction' to the Zoning Map prior to adoption. Town Planner Neville asked if they wanted to discuss the individual requests or wait until the Workshop. He asked if they wanted to create the grandfathered clause.

Town Attorney Poulson referring to a nonconforming use stated that the state code states if it is abandoned for 2 years and the Town Code states abandoned for 5 years then the nonconforming use can no longer be allowed.

Town Planner Neville stated that these are the main topics and Council can confirm the Planning Commission's recommendations or the changes can be made.

Mayor Tarr stated that if Council has any comments or questions to see Town Planner Neville and this will be discussed further at the Workshop.

#### **6. Public Safety Committee Report of February 7, 2012**

Mayor Tarr advised that the report was included in the agenda and asked if there were any comments. There were none.

#### **7. Recreation and Community Enhancement Appointments**

Town Manager Ritter advised that at the last Council meeting, Council approved to add a 5<sup>th</sup> member to the Recreation and Community Enhancement Committee. They also approved a staggered 2 year term for this Committee. He contacted the Committee members asking if they were still interested in serving and on a 2-year term. He advised that Mr. VanDame, Mr. Conklin and Mr. Taylor expressed their interest to continue to serve on the Committee. However, Ms. Plant advised she was unable to continue to serve. He also added that Council also agreed that a member of the Garden Club should be added a member.

Town Manager Ritter advised that the Garden Club decided that Ms. Nancy Lane should be their representative. Council will have to vote on this member. He advised that Council will have to 1<sup>st</sup> motion to approve the staggered 2-year terms and 2<sup>nd</sup> Council will have to nominate Ms. Nancy Lane as the Garden Club's representative and 3<sup>rd</sup> Council would have to decide if they want to fill Mrs. Plant's vacant seat.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the staggered 2-year terms of Mr. VanDame, Mr. Conklin and Mr. Taylor as stated. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

Mayor Tarr opened the floor for nominations to fill the 4<sup>th</sup> seat on the Recreation and Community Enhancement Committee.

Councilman T. Howard nominated Ms. Nancy Lane as the Garden Club's representative on the Committee.

There were no further nominations and Mayor Tarr closed the floor for nominations.

All of Council present approved the nomination of Ms. Nancy Lane as a member of the Committee.

Staff was directed to advertise for the fifth position opening on the Committee.

**8. Mayor & Council Announcements or Comments**

Public Works Director Spurlock reminded Council of the Public Works Committee meeting Tuesday, March 6<sup>th</sup> at 5:00 p.m.

Mayor Tarr also reminded Council of the Board of Supervisors' meeting Wednesday, March 7<sup>th</sup> at 6:00 p.m. in the Board Chambers. He added that the Fire Tax will be discussed and expressed the importance of attendance.

**Adjourn**

Vice Mayor Richardson made a motion, seconded by Councilwoman Conklin to adjourn. Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

**MINUTES OF THE MARCH 15, 2012**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the agenda adding Public Comment to item #3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues and under Item #5. Closed Session adding Possible Litigation Concerning the Fire Tax. Unanimously approved.

**1. Town Decorative Banner Project - Update**

Public Works Director Spurlock updated Council on the Banner Project. He stated that with much needed input he was prepared to present the artwork for the 20 banners which could cost approximately \$85 each. He stated that there are several thoughts for the bottom verbiage on the banners. He asked Council their preference. He added that every picture selected will be on a banner.

Councilman Jester stated he would like to see the word “Ponies” on the bottom of a couple of the banners.

Councilman T. Howard feels that there should be one banner reflecting the Beebe Family.

There was further discussion about the verbiage at the bottom of the banners.

Mayor Tarr advised to contact Public Works Director Spurlock with further comments or suggestions within the next couple of days.

## **2. 911 Dispatch Equipment Update**

Chief Lewis reported that they were contacted by Verizon regarding an upgrade. He advised that the upgrade would cost \$80,000. He also stated that if they do not have the upgrade, Verizon will not give the Town a maintenance agreement. He added that with the \$80,000 the first year's maintenance is free and each year after that will cost \$15,000.

Mayor Tarr asked how much the Town was currently paying in maintenance and was advised \$14,000.

There was further discussion and comments.

Town Manager Ritter advised that there is a USDA Grant for this type of expense up to 75% of the \$80,000 cost. He asked Council to review this further and decide if they want the upgrade.

Chief Lewis advised he is waiting for the price and this was just an estimate.

Councilman J. Howard asked Chief Lewis what the shortfalls would be if the Town fell under Accomack's 911 Service.

Chief Lewis advised he doesn't see any shortfalls.

Councilman J. Howard feels they will have to make some cuts.

Chief Lewis believes they would lose 5 part-time dispatchers.

Mayor Tarr added that they would lose the cost for police dispatch.

Town Manager Ritter advised that they will review this matter further in the budget hearings.

There was further discussion and comments and Town Manager Ritter advised there is approximately \$25,000 in the LGIP for 911 dispatch.

Councilman Jester advised that our dispatchers are doing more than the County's dispatchers.

Mayor Tarr asked staff to run the numbers with and without 911 before the budget.

## **3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues**

### **• Public Comment**

Town Planner Neville reported that the Planning Commission wanted to give Council a clear recommendation on each of the issues. He reviewed the issues one at a time.

### **Issue:**

1. Commercial zoning of salt marsh areas.
  - A. Adjacent to Maddox Campground

Recommendation: No change – Maintain a consistent approach in both locations to implement the Comprehensive Plan land use or to retain the existing zoning consideration of public comment provided.

B. South end of Marsh Island

Recommendation: No change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

He explained the similarities and why the Commission decided no change. He feels that being consistent is the best way to go.

Mayor Tarr asked for clarification.

Town Planner Neville advised that the Commission felt they should stay with the original recommendation and maintaining the Residential District on Marsh Island in its entirety.

There was discussion regarding the boat slips and maintaining the current use.

Councilman T. Howard expressed his concern about changing from commercial to residential because of the restrictions on each use.

Planning Commission Chairman Rosenberger explained the only comments the Commission heard were from the residents of Marsh Island. He stated that Mr. Tull didn't comment until February 28<sup>th</sup>, during the public comment period.

Councilman T. Howard feels that people should be able to continue the current use of their property. He doesn't feel that the Town should take away an allowed use.

There was further discussion.

Chairman Rosenberger stated that all of the residents of Marsh Island that responded were unanimously requesting that Marsh Island be zoned R-3. He added that it seemed consistent with the Comprehensive Plan.

Town Planner Neville interjected that they spoke about safety and parking issues referring to Commercial Use. He stated that there was concern that there isn't enough land for parking on the commercial property and the commercial parking would be on their drain fields and in the roadway.

Council discussed the potential parking issues if this remained commercial.

Councilwoman Conklin asked about access to the commercial property of marshland.

Town Planner Neville asked if the change in zoning would change the land value.

Mayor Tarr advised it would be the same. He stated that the intent is to get the issues off the table. He asked for public input on issue #1.

- Mr. Eddie Tull addressed his 28 acres on the south side of Marsh Island. He advised he has had offers for this property and there are things that can be done. He addressed the land value. He informed Council he owns from the old drawbridge to Black Narrows Bridge, which is exactly 400 feet. He is currently having it surveyed. He also stated that his lawyer advised him that the law says you can't fill it but it doesn't say you can't build on it. He has owned it since 1969 and has always been commercial. He showed a picture of the property and requested that his property remain the same.

- Ms. Laurie Walton stated that she has owned a property on Marsh Island for approximately 9 years and is in favor of zoning it residential. She stated that in regards to Mr. Tull's property, the two billboards are in disrepair. She asked if more billboards could be put if it remains commercial. She mentioned sewerage and septic issues regarding the commercial use on marshland. She stated that the remains from the boat that burnt are still there after many years. She mentioned the potential traffic hazard also.

Town Planner Neville reviewed item 1 (A) and the recommendation from the Planning Commission.

There was discussion.

Council agreed to leave marshland zoning to Maddox Campground as it was advertised, as C-4 Resort Commercial as advertised in the Town Council public hearing.

Mayor Tarr asked to review item 1 (B).

There was discussion and comments.

Councilman T. Howard feels the southern side of Marsh Island should remain the same.

Councilman J. Howard concurs.

Councilman Muth disagrees as the Marsh Island area and use has changed with the new bridge. He explained that Mr. Tull's rights were not taken away and the value has been maintained.

Mayor Tarr asked the pleasure of Council.

Councilman T. Howard motioned, seconded by Councilman J. Howard to go with the alternative of leaving the southern side of Marsh Island as C-1 Commercial, changing the rest of Marsh Island to R-3 Mixed Use Residential. Motion carried.

Ayes: T. Howard, J. Howard, Conklin, Jester, Richardson

Nays: Muth

**Issue:**

2. Campground use expansion in the R-4 Resort Residential District

Recommendation: Revise proposed Sec. 3.10.25 – Adopt the proposed zoning map as advertised at the Town Council public hearing and modify the proposed R-4 District Regulations in response to public comment as follows:

*Sec. 3.10.25 – Campgrounds, camper/travel trailer parks.*

*Expansion area for campground or camper/travel trailer parks may be permitted if adjacent to an existing campground or camper/trailer park at the time of the adoption of this ordinance.*

Town Planner Neville explained that the R-4 District only allows Campgrounds by special use permits to expand. The Commission feels that language should be added to the R-4 district regarding expansion. He stated they were trying to stop the domino effect.

There was discussion and further explanation that if someone owns a campground and adjacent property, that the adjacent property could be converted by right to expand the campground. The way it is currently written it's allowed by a special use permit. Council also discussed the choices.

Town Planner Neville also explained Mr. Whitlock's property and zoning.

Mayor Tarr opened the discussion to the public.

Mr. Whitlock approached Council stating that he has to have all the property in the same zone. He stated that he has had an existing subdivision and this is a realistic assessment of what it could be.

Mrs. Wanda Thornton asked about the effects on the adjoining property. She advised that during the Comprehensive Plan, it showed all of her adjoining property as part of the campground. She stated that this doesn't affect Mr. Whitlock as his subdivision is not for camper lots. She advised she has researched this in Accomack. She stated that this means that he can build houses. She also stated this won't solve the problem.

Councilman T. Howard asked what would preclude someone from vacating the property line to utilize that parcel as a campground.

Mrs. Thornton stated that by making her property C-4 Resort Commercial would include the same land that Redman & Johnson recommended in the Comprehensive Plan. She asked why Pine Grove is treated different than any of the other campgrounds. She requested that her property be zone just as the Comprehensive Plan states, which is the same as the other campgrounds on the island.

Mrs. Flaningam stated that by keeping the area in question residential it will allow for many commercial uses. She stated that people are concerned of their property value regarding commercial development. She suggested finding another way to accommodate.

Mayor Tarr reminded Council that when family of the Maddox Campground came regarding the zoning of all their properties as C-4 as in all other campgrounds and one of their parcels wasn't adjacent either. Mayor Tarr then advised that he is comparing campgrounds and the allowances.

There was discussion of the verbiage of the alternative option and keeping that area of Main Street in the R-2 district for a buffer.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Comprehensive Plan recommendation, except for the properties which front on Main Street which will be zoned R-2. Unanimously approved.

**Issue:**

3. North Main Street zoning district boundaries

A. R-2 Residential zoning

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated that this is what was just decided continuing the Residential along Main Street.

Council agreed not to change what was advertised.

B. C-3 Commercial zoning proposed by Town Plan

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained that this item was referring to the recommendation from the Comprehensive Plan that an additional 6 or 7 properties from the back side of Redman's Cemetery from Taylor Street north toward Main Street be included in the C-3 district.

There was brief discussion.

Council decided not to change what was advertised.

C. C-3 Commercial to R-2 zoning

Recommendation: No change - Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the request to possibly change the existing commercial zoning on the east side of Main Street almost to the high school to Residential. He advised that the Planning Commission did not want to change those as this is a traditional value use.

Council decided not to change what was advertised.

**Issue:**

4. Landowner requests/suggestions

A. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special use permit approval.

Recommendation: No Change – Adopt the proposed R-3 Mixed use Residential zoning district as advertised at the Town Council public hearing

Town Planner Neville stated that the residents of Marsh Island would like to see the public piers and boat ramps still be permitted but under the special use permit category. He stated that the Planning Commission decided that by making this change would change other properties also.

Council decided not to change what was advertised.

B. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the island.

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing. Consider this suggestion as a possible update in the future after the Cemetery Committee has completed its mapping project.

Town Planner Neville stated that there was a request to change the zoning of all cemeteries. He advised that the Planning Commission decided not to address this issue at this point because of the remapping project.

Council discussed the matter further and decided not to change what was advertised at this time. They agreed to address it when the remapping project was completed.

C. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district.

Recommendation: Revise zoning map – Revise the proposed zoning map to include the existing fire house parcel in the C-2 Old Town Commercial zoning district.

Town Planner Neville stated that the property is currently zoned R-3 Residential. He stated that it works for the fire house today to be in a commercial district and the building is commercial. He stated that when they relocate, the property will be commercial.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to change the zoning of the fire house to “Old Town” Commercial. Unanimously approved.

D. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in the commercial zoning district.

Recommendation: No Change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the past use of one business parcel on Ridge Road and stated that there was a suggestion that this parcel remain the same which is commercial. He advised

that the lot across the street is C-1 Commercial. He stated that Council could review and issue a one-time special use permit.

Mayor Tarr asked why it wouldn't be grandfathered.

There was discussion about the current use.

Town Planner Neville advised that the Planning Commission recommended not changing what was advertised. It is currently zoned R-3 Residential.

Council decided not to change what was advertised.

- E. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District.  
Recommendation: Revise Zoning Map – Include the suggested change as a correction to the zoning map prior to adoption by the Town Council.

Town Planner Neville explained the area south of Ocean Breeze. He advised that they remain the same is in the proposed zoning. He added that the area would be down-zoned. He suggested the zoning reflecting the current use. He stated that the Planning Commission recommended that the lots should be corrected and included in the R-4 Residential Resort district.

Town Manager Ritter stated that the lots were not 99 year leases, they were individually owned properties.

There was discussion about part of this camper/mobile home park being commercial and the other part was residential and making the correction. The property is currently C-1 Commercial.

Mr. Tull explained the subdivision and stated it is a campground.

Council agreed not to change what was advertised.

- F. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.  
Recommendation: No change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated there are a few lots on the east end of Ocean Boulevard that are zoned Commercial. There was a suggestion to make all of Ocean Boulevard Residential. He stated that the Planning Commission recommended there be no change.

Council decided not to change what was advertised.

Town Planner Neville also reported that there was a question that had to do with the limits to the Town boundaries. He showed the map of the Town boundaries. He stated that there was an area

owned by the National Park Service next to the Maryland line which was covered in the Resource Conservation District. He stated that he was required to send a letter and notice to all adjacent jurisdictions. There was a question as to why part of this area would be zoned in the Chincoteague boundaries. He also advised that the Town limits go to the edge of Assateague Island.

Mr. Donald Thornton asked about the islands on the Chincoteague Bay.

Town Planner Neville stated some of them are considered Resource Conservation and others Aquaculture. He advised Council that based on their direction he will make corrections to the Zoning Map. He needs to make sure the map is correct and the motions to approve have all the wording that satisfies the State Code and the Town Attorney before final approval.

There was brief discussion regarding the RT 175 right-of-way boundaries also.

Mayor Tarr thanked Town Planner Neville and the Planning Commission for their hard work.

#### **4. Council Member Comments**

There were none.

#### **5. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia.**

- **Personnel Matters**
- **Possible Litigation Concerning the Fire Tax**

Councilman T. Howard moved, seconded by Councilman Muth to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters and possible litigation concerning the fire tax. Unanimously approved.

Councilwoman Conklin moved, seconded by Councilman T. Howard to reconvene in regular session. Ayes- , T. Howard, J. Howard, Jester, Muth, Conklin Absent: Richardson

Councilwoman Conklin moved, seconded by Councilman Jester to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- , T. Howard, J. Howard, Jester, Muth, Conklin  
Nays- None  
Absent- Richardson

Councilman T. Howard motioned, seconded by Councilman Muth to approve a change in the Employee Handbook, Position & Classification Table minimum salary range for the Director of planning position from \$45,510.40/yr to \$50,000/yr and the approximate 9 percent shift be the increase in the Director of Planning's salary. Motion carried.

Ayes: T. Howard, Muth, Jester, J. Howard, Conklin  
Nays:  
Absent- Richardson

**Adjourn**

Councilman T. Howard motioned, seconded by Councilman Jester to adjourn. Unanimously approved with Councilwoman Richardson Absent.

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Mayor

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Town Manager

**MINUTES OF THE APRIL 2, 2012**  
**CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

Mayor Tarr called the meeting to order at 7:05 p.m.

**INVOCATION**

Councilman T. Howard 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 comment.

- Ms. Deborah Ullmann, Main Street, expressed her concerns regarding the Wastewater Committee going into closed session to discuss the Sunset Bay sewage system. She feels this was not legal. She also expressed her concerns about the expansion of the wastewater service area and that no one from the Health Department has attended the Wastewater Advisory Committee meetings.
  
- Ms. Laurie Walton also approached Council regarding the Mother Earth Day and Paint up Fix up and Cleanup week. She mentioned that the hazardous waste will not be there this year. She informed Council of the Eastern Shore Household Hazardous Waste Collection scheduled for Saturday, April 28, 2012 from 10:00 a.m. to 2:00 p.m. in Eastville, Virginia.

**STAFF UPDATE**

**Police Department**

Chief Lewis issued the Police Department's monthly report to Council.

**Public Works Department**

Public Works Director Spurlock issued the Public Works' monthly report to Council.

**Planning Department**

Town Planner Neville added the Planning Department's monthly report to Council

## **General Government**

Town Manager Ritter gave the General Government monthly report to Council and added that the Town has hired Mr. Alex Hubb for the next Director of Public Transportation. Mr. Hubb was in the audience and stood for the introductions. Town Manager Ritter also stated that staff will be mailing the Town Survey in May. He added that the next quarterly news letter will go out in May and asked Council for input to be submitted as soon as possible.

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

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the agenda. Unanimously approved.

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

- **Recessed Council Meeting of March 1, 2012**
- **Special Council Meeting of March 1, 2012**
- **Regular Council Meeting of March 5, 2012**
- **Council Workshop Meeting of March 15, 2012**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the minutes as presented. Unanimously approved.

### **10. Presentation on the Chincoteague Island Arts Organization, Plans for the Island Theater**

Mr. David Landsberger reported to Council that the Chincoteague Island Arts Organization plans to purchase the Island Theater to use as a non-profit Community Center. He advised that they want to continue to use it as a movie theater, as well as for performances and other events. They plan to have live performances and community meetings along with movies and special events.

Mr. Landsberger also stated that each member contributed \$5,000 to go toward the down payment of the property. They have received their non-profit status. He also added that the deed is being signed by approximately 12 people. They are hoping to have an opening day of May 12<sup>th</sup>.

Mr. Landsberger explained the list of repairs and expenses. They asked for volunteers. He also stated that there are volunteer contractors to do the work also. He explained plans for the renovations and advised they will operate with volunteers. He advised there is an approximate \$200,000 mortgage on top of the down payment plus repairs. He thanked those who have helped and volunteered already.

Mr. Landsberger asked for help from the Town. He stated that the first live concert is scheduled for June 16<sup>th</sup>. He asked the Town to repair the sidewalk between the theater building and the public restrooms so that the water doesn't run inside the theatre.

Vice Mayor Richardson thanked them for what they are doing.

Councilman T. Howard asked about the name of the theatre. He would like to see the name stay as the Island Theater.

Mr. Landsberger advised that they agreed to name it Island Theater.

**11. Discuss a Possible Motion on the Draft Zoning Ordinance**

Town Planner Neville presented the completed official Zoning Map that is ready for approval. He stated they followed a thorough and complete process to prepare the zoning amendment with public input. He handed out a couple of minor changes of page numbers and typographical errors. He stated that he included a summary of the changes. He also referred to the Ordinance revisions.

Councilman T. Howard asked about the motion.

Councilman Jester thanked Town Planner Neville for his hard work.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the following Ordinance Amendment and Zoning Map with corrections as amended April 2, 2012 to Appendix A of the Town Code.

**AN ORDINANCE FOR ADDITIONS TO AND AMENDMENT OF APPENDIX A (ZONING ORDINANCE), OF THE TOWN OF CHINCOTEAGUE CODE AND COMPREHENSIVE AMENDMENT OF THE TOWN ZONING MAP**

WHEREAS, the Town of Chincoteague, Town Council has forwarded a comprehensive amendment of the Official Zoning Map and Zoning Districts, to the Planning commission to review and make recommendations to the town Council for changes that conform to recommended densities and policies of the Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010; and

WHEREAS, the Planning Commission has completed a thorough review which included the establishment of new zoning districts, and a comprehensive zoning map amendment; and

WHEREAS, The Planning Commission scheduled and conducted formal and duly advertised public hearings in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 5-1-1 (S. Papadopoulos absent, Chairman abstained) to forward a favorable recommendation to the Town Council to amend Appendix A of the Town Code (Zoning Ordinance) and the Official Town Zoning Map; and

WHEREAS this ordinance and zoning map amendment has been advertised for public hearing before the Town Council in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with the Code of Virginia, it is stated by the Town Council that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning practice in the Town of Chincoteague and that approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 2<sup>nd</sup> day of April, 2012, by the Town of Chincoteague Town Council, that Appendix A of the Town Code be amended to read as follows;

BE IT FURTHER RESOLVED this, the 2<sup>nd</sup> day of April, 2012 by the Town Council that the Town of Chincoteague official zoning map be amended to rezone all parcels as follows;

BE IT FURTHER RESOLVED, that the Town Manager be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

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John H. Tarr, Mayor

This Ordinance is effective immediately.

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Robert G. Ritter, Jr., Town Manager

<b>Council Members</b>	<b>Vote</b>
Ellen W. Richardson, Vice Mayor	Aye
John H. Howard, Councilman	Aye
Nancy B. Conklin, Councilwoman	Aye
John N. Jester, Jr., Councilman	Aye
Tripp Muth, Councilman	Aye
Terry Howard, Councilman	Aye

Unanimously approved.

## **12. Cemetery Committee Report of February 28, 2012**

- **Possible Motion on a Proclamation Designating April 9-14 as Cemetery Cleanup Week.**

Vice Mayor Richardson informed Council that the Cemetery Committee met February 28<sup>th</sup>. She stated that Town Planner Neville is creating a booklet of all the cemeteries on Chincoteague, the size and ownership. She stated that they discussed which cemeteries are in need of immediate care. She advised that the Cemetery Cleanup Week is scheduled for April 9-14, 2012. She stated that they need donations for maintenance.

There was discussion with Town Planner Neville regarding the Cemetery Map he is creating which includes acreage, location and ownership.

Vice Mayor Richardson mentioned ideas for raising funds for cemetery maintenance.

Councilman T. Howard stated that it is expensive to maintain the cemeteries but feels it needs to be done out of respect.



## 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 9<sup>TH</sup> through 14<sup>TH</sup>, 2012, 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 2<sup>nd</sup> day of April 2012.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation designating April 9-14, 2012 as Cemetery Cleanup Week. Unanimously approved.

### **13. Harbor Committee Report of March 1, 2012**

Councilman J. Howard reported that Wallops Island is getting 62 acres of new property created by a contractor as part of the shoreline restoration project. This is creating a lot of work at the Harbor. He advised there was a shoal blocking the Harbor and they have also opened this up for

boats. Extra lights have been installed for the camera system to improve safety and there are plans to install more.

#### **14. Public Works Committee Report of March 6, 2012**

- **Possible Motion on the Inclusion of the Storm Water Master Plan GIS Inventory**

Mayor Tarr reported that the Public Works Committee considered a modification to the service connection. They also looked at a proposal from Clark Nexsen regarding the GIS drainage system inventory.

Public Works Director Spurlock explained that they received a proposal from Clark Nexsen that was reviewed and approved by the Public Works Committee. He advised that the cost is \$18,772.

Mayor Tarr stated that the Public Works Committee recommended that this be approved.

Vice Mayor Richardson motioned, seconded by Councilman Jester to accept the agreement with Clark Nexsen to include the Storm Water Master Plan into the GIS Inventory. Unanimously approved.

#### **15. Budget & Personnel Committee Report of March 13, 2012**

Councilwoman Conklin advised that the recent meeting was conducted in closed session therefore has nothing to report.

#### **16. Pavement Contract Approval for Main Street and the Town Dock & Boat Ramp Area**

Public Works Director Spurlock explained that there was an amended paving contract. He stated that this is to modify the fall 2011 contract. This extends the pricing, period of performance and scope of work. He advised that the contract is being extended to include the streetscape project along Main Street from Maddox Boulevard to Bridge Street, which is limited to one travel lane and includes the Town Dock parking lot.

There was brief discussion about the grants for the Downtown Main Street Revitalization project.

Councilman T. Howard asked if the price included the driveway entrance into the Town Dock parking lot.

Public Works Director Spurlock advised that it does include the driveway. He also added that they contacted the American Legion to see if they wanted to have their parking area paved also and hasn't heard from them as of yet. He also stated that the funding is under the VDOT Urban Maintenance Funds.

Mayor Tarr also advised that East Side Road has been taken care of. He mentioned his concerns regarding the grant and the work that has already been done.

Councilman Jester motioned, seconded by Vice Mayor Richardson to approve the amended paving contract for Main Street from Maddox Boulevard to Bridge Street (one travel lane), the Town Dock parking lot. Unanimously approved.

**17. Recreational Trails Program Authorizing Resolution for a Potential Grant**

Town Manager Ritter informed Council of the Recreational Trails Program Grant. He stated that before them is a resolution to seek the grant to help pave the trails, specifically Ocean Boulevard Extension.

Public Works Director Spurlock also gave cost estimates of \$15,000.

Councilman J. Howard suggested looking into the possibility easement for an alternative bike path from Chicken City Road to the Traffic Circle on Maddox Boulevard.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the Resolution for the Recreational Trails Program for the purpose of a potential grant. Unanimously approved.



**RECREATIONAL TRAILS PROGRAM AUTHORIZING RESOLUTION**

**WHEREAS**, under the provisions of the Recreational Trails Program, federal funding assistance is requested to aid in financing the cost of trail development; and

**WHREAS**, the Town of Chincoteague considers it in the best public interest to complete the trail construction project described in the application;

**NOW, THEREFORE, BE IT RESOLVED** that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Ocean Blvd. Extended trail within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;

5. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;

6. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;

7. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held April 2nd, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

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Robert G. Ritter, Town Manager

**18. Recreation and Community Enhancement Committee Vacancy Appointment**

Town Manager Ritter advised that there was only one person that expressed interest in filling Mrs. Cathy Plant's vacant seat on the Recreation and Community Enhancement Committee.

Mayor Tarr opened the floor for nominations.

Ms. Judy Tye also expressed her interest in filling the seat.

Councilman Jester nominated Mr. David Johnson to fill the vacant seat.

Mayor Tarr closed the floor for nominations and called for a vote. The vote was unanimous appointing Mr. Johnson to fulfill Mrs. Plant's vacancy on the Recreation and Community Enhancement Committee.

**19. Mayor & Council Announcements or Comments**

Town Manager Ritter advised Council of the upcoming Budget Workshop, Wednesday, April 4, 2012.

Mayor Tarr wished Vice Mayor Richardson a happy birthday.

**20. Closed Meeting in Accordance with Section 2.2-3711(A)(7) of the Code of Virginia**

• **Probable Litigation**

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss probable litigation. Unanimously approved.

Councilman T. Howard moved, seconded by Councilman Jester to reconvene in regular session. Unanimously approved.

Councilman Jester moved, seconded by Vice Mayor Richardson to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin  
Nays- None  
Absent- None

**21. Potential Action for Fire Suppression in the Town of Chincoteague**

Vice Mayor Richardson motioned, seconded by Councilman T. Howard that the Town of Chincoteague enter into a certain proposed agreement dated April 2, 2012 with the Chincoteague Volunteer Fire Company, Inc., for the Company to provide fire protection and emergency service within the boundaries of the Town of Chincoteague with such agreement to be executed on behalf of the Mayor of the Town of Chincoteague, Inc.

**Adjourn**

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

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Mayor

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Town Manager