

MINUTES OF THE JANUARY 7, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Joe Justice thanked Council for clearing the ditch behind his property. He also asked if there were plans for flood gates at the south end of the island.

Public Works Director Spurlock advised that there are no new developments at this time.

- Ms. Robin Rothschild thanked Council for allowing her at WCTG to serve the Island for the last 4 ½ years. She advised that it has been an experience. She stated that the station has been transferred to another company and wishes them the best. She added that she has loved serving and living in the community and hopes that she can put the Chincoteague name out to a larger audience as she is now working with the National Public Radio station. She again thanked Council.

Mayor Tarr thanked Ms. Rothschild for her committed service to the Town.

- Mr. Jim White asked Council about a study for the possibility of a traffic light at the Church Street, Chicken City Road and Ridge Road intersection.

Town Manager Ritter advised there has been no update as of yet. He stated that they were going to do another study after the intersection change.

Mr. White also asked about a “Golf Cart Ordinance”. He stated that Cape Charles allows the use of golf carts. He advised that he has researched different locality ordinances. He stated that

Virginia law doesn't allow the use of golf carts on public roads. However, it gives municipalities the authority to allow it. He stated that the most important use of the golf cart is safety. He gave Council a draft ordinance and registration along with a copy of the Virginia Code. He read an excerpt from the Code of Virginia that stated that a Town that has established its own Police Department may authorize the operation of golf carts within its boundaries. He feels that for environmental, traffic and safety reasons it is better for the community.

- Mr. David Landsberger, Chincoteague Island Arts Organization, gave an update to Council. He advised that they obtained their nonprofit status approximately a year ago. They have paid the down payment for the Island Roxy Theater. They have refurbished the front of the building and marquee. They have a grant for \$35,000 to install a new roof within the next several weeks. They are raising the money to put a new roof over the projection room also. They raised over \$30,000 to convert to digital projectors ordering a new projector. He stated that the money has been matched by the projection operator. This will give digital quality and surround sound. He stated that they had a movie after the Tree Lighting Ceremony and there have been 2 concerts that were a success.

Mr. Landsberger also stated that they plan to put in a new floor and seats in the spring. There have been major renovations and more on the way. He also added that the next step is to connect to the sewer. They will be opening up in the spring with the new digital system.

Councilman Howard stated they have done a lot of good work. He appreciated that they brought the theater back to its original name.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the monthly report is in the packet. He stated that there is a Planning Commission meeting tomorrow night and they want to continue a discussion about economic development. They will discuss whether the Town should be considered as a Virginia Main Street Community. They plan to start the process of reviewing ordinances for possible modification.

Town Planner Neville also advised that there is a Beach Access Committee meeting at the end of the month. He commented on the Prime Hook NWR CCP that is in the 30 day comment period in Delaware.

Police Department

Chief Lewis also advised that the monthly report has been included in the agenda packet. He had nothing further.

Public Works Department

Public Works Director Spurlock stated that his monthly report is also included in the agenda packet. He stated that they spent the majority of December cleaning up from Hurricane Sandy. He also stated that the debris collection is complete and they are at 80% complete with chipping. He discussed the reimbursement from FEMA.

Councilman Howard mentioned the chipping.

Councilman Taylor mentioned the flood gates.

Public Works Director Spurlock stated that it will take a great deal of money to continue with that study. He stated that when the tide gets high enough to cause damage to Fowling Gut it breaches the road as well. He stated that it will slow it down, but when the tide comes in it's all over the road and comes in on the south side of the island as well. He feels it would be a better investment to dredge Fowling Gut to store more water. He also suggested elevation surveys.

There was further discussion.

Mayor Tarr asked Public Works Director Spurlock over the next couple of months to look at Fowling Gut. He suggested looking into a flood gate figuring out the key components and costs associated with it.

Councilman Jester suggested looking into the drainage along Hallie Whealton Smith Drive.

Mayor Tarr discussed the reimbursement from FEMA. He asked if it were going back into the budget where the costs occurred.

Town Manager Ritter advised that there will be a budget amendment for review at the Workshop on January 17th, 2013.

General Government

Town Manager Ritter reported that in December the EMS responded to 60 emergency calls, 5 more than December of 2011. He stated that the EMS staff has received the final signature for the protocol for the medical hypothermia equipment on the ambulances.

Town Manager Ritter also stated that the Broadband Committee has received proposals from three wireless providers. They will review the proposals and conduct interviews negotiating the contract. He stated that after the negotiations the contract will be given to the Town's Attorney for his review. He also added that staff has been working on a 5-year budget.

Town Manager Ritter advised that at the next Council workshop they will discuss the budget revisions, go over grant tracking and review the LGIP. He stated that they will also discuss the car decals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of December 3, 2012.**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the minutes of the regular council meeting of December 3, 2012. Unanimously approved.

2. Public Hearing on the Request to Vacate a Lot Line in Oyster Bay II

Town Manager Ritter advised this is a lot line vacation and restructuring the lot with the common grounds in Oyster Bay II.

Mayor Tarr opened the Public Hearing.

Mr. Jeff Potts, Coldwell Banker and representing Mr. Phillip Ettinger, explained the reason for the lot line vacation, which is because of setbacks.

Mayor Tarr closed the Public Hearing.

Councilman Howard asked if it was an equal swap of properties.

Mr. Potts confirmed that it was an equal swap and explained the differences in the surveys from years ago to current. He added that the new surveys are done with a GPS which is more accurate.

Councilman Howard asked about the Oyster Bay Board agreement.

Mr. Potts stated that the Board consists of 9 members and they voted on December 6th, 2012. He advised that no one voted against it. He stated that Mr. Ettinger is on this Board and did not vote.

Councilman Howard asked if there was any irrevocable damage to adjoining property values there.

Mr. Potts advised there would be none.

Mayor Tarr asked if the Board has the power to dispose of property for the entire association.

Mr. Potts stated that the properties are governed by the Board of Directors and offered a copy of the community covenants.

Councilman Taylor asked about the setbacks for the sewage systems in the new survey.

Town Attorney Poulson sees no difficulty in this whatsoever.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the vacation of the lot line between parcels 031B1-12-230 and 031B1-12-231. Unanimously approved.

(See Town Council Agenda Packet for January 7, 2013 to review Ordinance Vacating a Part of a Subdivision Plat.)

3. Virginia Saltwater Recreational Fishing Development Fund Resolution

Town Manager Ritter advised that the discussed changes have been made. He stated that this also gives the Town Manager the authority to sign the contract for the grant.

There was brief discussion.

Town Attorney Poulson asked about “counsel” for legal counsel or “council” for Town Council.

Mrs. Kat Edwards, ANPDC, advised it means legal counsel.

Vice Mayor Leonard motioned, seconded by Councilman Taylor to approve the Virginia Saltwater Recreational Fishing Development Fund Authorizing Resolution. Unanimously approved.



**VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND
AUTHORIZING
RESOLUTION**

WHEREAS, under the provisions of the VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND, funding assistance is available to aid in financing the cost of development of saltwater fishing facilities; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to develop portions of the historic Chincoteague bridge structure as a recreational fishing pier;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town is committed to operate the facility for its intended purpose for 30 years;
2. The Town will be responsible for law enforcement and patrol of the facility;
3. The Town understands that it is responsible for maintenance and/or capital improvement of the facility and that a fee may be approved by the Recreational Fishing Advisory Board to offset the cost;
4. The Town understands that if a fee is to be charged, holders of Virginia Saltwater Recreational Fishing Licenses will receive a discount from facility fees;

5. The Town will abide by all construction, reporting, usage restrictions and maintenance requirements of the VMRC Facility Grant Provisions;

6. The Town Manager is authorized to sign the Virginia Saltwater Recreational Fishing Development Fund grant contract after counsel review.

This resolution was adopted by the Chincoteague Town Council during the meeting held January 8, 2013 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager

4. Update on the Schedule of the Downtown Project

Mrs. Kat Edwards reported that they did not make the same deadline as last year due to a series of events. She stated that VDOT advised the earliest to bid is February 17th and it requires advertising for 3 weeks. The bid opening would be the 2nd week in March and work would begin in mid-April, provided everything goes smoothly.

Mrs. Edwards stated that last year they had a contract schedule of 120 days. She explained that the other option is to bid it in early spring and start in early fall. The engineer feels that this would be a good strategy and if the contract schedule would be changed from 120 days to 150-180 days it could keep costs down. She asked Council for direction.

Councilman Jester asked the cause of the delay.

Mrs. Edwards stated that there were several things. However, they were not allowed to commit any funds until October 1st, 2012 and design changes were time consuming.

There were comments about how long it takes to be able to begin a project. There was also discussion about starting the project in the spring and it running through July which will cause an impact on the local businesses downtown.

Vice Mayor Leonard asked about doing part of the project before summer and finishing it in the fall.

Mrs. Edwards feels this could cause cost increases.

They discussed some specific changes and when to bid it out.

Mrs. Edwards suggested bidding this out later.

Councilman Howard feels that bidding it out later is the least disruptive.

Mrs. Edwards agreed.

Town Manager Ritter suggested bidding it out in August and start construction after the Poker Run.

Councilman Muth motioned, seconded by Councilman Howard to advertise the project for bid in August. Unanimously approved.

5. Possible Donation to the Following:

- **Eastern Shore Rural Health Dentistry Division**
- **The Chincoteague Elementary School Beta Club**

Mayor Tarr stated that both groups made a presentation at the last meeting.

Town Manager Ritter asked Finance Director Hipple to put a memo together informing Council of how much has been spent and what is left of donations. He advised that there is \$650.00 of uncommitted funds remaining in donations at this time. There was brief discussion.

Councilman Taylor motioned, seconded by Councilman Howard to give \$325.00 to each, the Eastern Shore Rural Health Dentistry Division and the Chincoteague Elementary School Beta Club. Unanimously approved.

Vice Mayor Leonard asked that Council consider giving more next year to the Eastern Shore Rural Health Dentistry Division.

Councilman Taylor agreed.

Councilman Howard feels that the community would benefit from the dental wing and the Town should donate. He also commended Finance Director Hipple for getting the information together to help Council make the appropriate decision.

6. Christmas Lights Judging Results

Town Manager Ritter advised of the winners of the 2012 Christmas decorated homes judging.

Judges Choice *

Mr. & Mrs. Billy W. Birch
7079 Bunting Road

Most Festive *

Mr. & Mrs. Ernest Dale Holston
7236 Olga Drive

Most Themed *

Mr. & Mrs. Alfred Johnson
3510 Ridge Road

Most Traditional *

Mr. & Mrs. Richard Betts
6317 Church Street

Honorable Mention

Mr. & Mrs. Homer Cherrix
6520 Church Street

Ms. Margaret Nichols
4471 Main Street

Mr. & Ms. Kenneth Barrett
6250 Circle Drive

Town Manager Ritter stated that each category winner (*) will receive a \$100 savings bond.

Mayor Tarr gave a special thank you to the judges.

7. Motion to Approve the Trolley Operating Funds, Grant Application Resolution

Town Manager Ritter explained the resolution and the obligation of the funds. He stated that this also gives the Town Manager the authority to apply for the grant to continue with the Trolley service.

There was discussion regarding the matching funds. He advised that approximately \$7,000 comes directly from the Town as the rest of the matching funds are rented space and services.

Vice Mayor Leonard motioned, seconded by Councilman Taylor to approve the resolution dated January 7, 2013 for the fiscal year ending on September 20, 2014 (FY14) authorizing Robert G. Ritter, Jr. to apply for a grant to the Virginia Department of Rail and Public Transportation for \$79,500 to defray operating cost for “the Pony Express”. The Town of Chincoteague will be responsible for matching funds of \$23,000. Unanimously approved.



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2014 beginning 10/1/2013**

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 \$79,500.00 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 Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of The Town of Chincoteague Inc., on the 7th day of January, 2013.

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

8. Downtown Restroom Force Main Connection

Public Works Director Spurlock advised that there is a proposal from Bundick Well and Pump in the amount of \$15,900 to connect the downtown restrooms to the force main that Sunset Bay Utility installed. He advised that it is costing approximately \$5,000 for pump and haul. He stated that the payback would be 3-4 years. Public Works Director Spurlock also added that they are charging \$10,000 per EDU to connect into their system. He added that in addition there's a \$4,000 connection fee that reimburses them for the cost of installing the force main. He advised that they are charging the \$4,000 and waiving the \$10,000 for the Town and the Fire Company. He added that Bundick Well and Pump are the only EDU certified installers and the only bidder.

There was discussion as to the benefits.

Town Manager Ritter stated that this will be discussed as a budget revision in the January 17th meeting also.

Mayor Tarr asked where the funds would come from.

Town Manager Ritter advised that it will come from General Fund Savings.

Public Works Director Spurlock reminded Council that this will reduce the spending for pump and haul for the remainder of the fiscal year also.

Councilman Howard motioned, seconded by Councilwoman Richardson to award the contract to Bundick Well and Pump in the amount of \$15,900 for the connection of the Downtown Restrooms to the force main. Unanimously approved.

Council directed Town Manager Ritter to draft a letter of appreciation to Mr. Burbage for waiving the fees.

9. Mayor & Council Announcements or Comments

Councilwoman Richardson advised that the next meeting of the Cemetery Committee will be January 22nd at 6:00 p.m. This is to review the draft Cemetery Plan.

Councilman Howard stated that they met with Mr. Robby Lewis with the Forestry Service. He advised that he has brought up the idea of a possible tree planting program in the community. He reminded Council of the number of trees lost due to the storms and the pine bark beetles. He stated that Mr. Lewis will try to get some saplings. Councilman Howard added that Mr. Lewis will have a display at the Mother Earth Day Festival in the spring.

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

• Probable Litigation

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

Unanimously approved.

Vice Mayor Leonard moved, seconded by Councilman Taylor to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Muth 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.

VOTE: Ayes- Jester, Taylor, Howard, Muth, Richardson, Leonard
Nays- None
Absent- None

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE FEBRUARY 4, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr presented Chincoteague Police Officer Cody Butler and State Police Officer Bryan Lewis with certificates.



**Certificate
of
Special Recognition**
presented to
Cody Butler

For exemplary service beyond the call of duty in the rescue of life and property during the early hours of January 13, 2013 within the Town of Chincoteague.

On behalf of Town Council and the citizens of Chincoteague, we extend our sincere appreciation for your unselfish dedication to duty and commend you for your heroic actions.

John H. Tarr, Mayor

Edward W. Lewis, Police Chief



**Certificate
of
Special Recognition**
presented to
Bryan Lewis

For exemplary service beyond the call of duty in the rescue of life and property during the early hours of January 13, 2013 within the Town of Chincoteague.

On behalf of Town Council and the citizens of Chincoteague, we extend our sincere appreciation for your unselfish dedication to duty and commend you for your heroic actions.

John H. Tarr, Mayor

Edward W. Lewis, Police Chief

Both officers received a round of applause.

Chief Lewis gave an account of the incident at 2:00 a.m. on January 13, 2013 when a gas stove was turned on and the officers went into the home to save the lives of those inside. They were transported to the hospital to be evaluated and were later released. He personally commended both officers for their heroic actions.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Candice Frese of Best Blooms Florist and Art Gallery spoke to Council regarding a sign. She explained that Mr. Conklin, the property owner, has all the signs allowed for this property. She asked why she wasn't entitled to a sign as her business is separate from his business.
- Mrs. Suzanne Taylor of the Chincoteague Chamber of Commerce thanked Council for their contribution. She informed Council of the Chamber's plans and added that they are working on a strategic plan. She also invited Council to the Business Afterhours scheduled for February 7th at the Baxter Group Insurance office.
- Mr. Todd Burbage informed Council that he was currently building the Fairfield Inn. He is also having similar problems with signage. He suggested more quality signs that look nice in the community. He stated that he has a good relationship with the Town and commended the

office staff for being so helpful and good stewards for the Town. He advised that he has lost approximately 28 days of work due to bad weather conditions. He asked if Council would be willing to allow him to work on Sundays and review the Ordinance regarding Noise. He stated that it doesn't only affect him but it affects the Town as well.

Mr. Burbage again thanked staff and Council for such a good working relationship.

Mayor Tarr asked Mr. Burbage if he has applied to the Town Manager for relief from the Noise Ordinance.

Mr. Burbage responded that he has not. He stated that it just recently became an issue with the recent weather. He advised that he approached Town Manager Ritter last week about working on Sundays. He was advised that this was the perfect opportunity to bring the matter before Council.

Councilman Howard stated that there is a provision in the Ordinance for certain situations.

Town Manager Ritter asked Councilman Howard if he wanted this item on the agenda for the next Ordinance Committee meeting.

Councilman Howard agreed that this should be on the agenda. He advised Mr. Burbage that they would review this.

- Mr. Jim White advised Council that his house backs up to the Fairfield Inn construction site. He stated that he and his wife are pleased that they are doing something with the old railway property. They don't have any problems with any of the noise to date and support Mr. Burbage as they look forward to the new building. He added that there are about 12 Sundays until Memorial Day and they are creating occupancy tax and employment for the Island. He requested that Council allow them to work on Sundays as it would benefit Chincoteague.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the monthly report is in the packet. He reminded Council of the next Planning Commission meeting, Tuesday, February 12th at 7:00 p.m. He advised that they will review possible updates on the Zoning Ordinance. He added that Building and Zoning Administrator Lewis has referred a few items for their review also. He also advised Council of the Beach Access Committee meeting on February 13th at 9:00 a.m.

Police Department

Chief Lewis stated that the monthly report has been included in the agenda packet. He also stated that the Police Department will hold the annual Senior Luncheon on March 7th at Maria's Restaurant.

Public Works Department

Public Works Director Spurlock stated that his monthly report is also included in the agenda packet. He added that they will resume work on Willow Street to replace water services. He announced that the Town has an overabundance of mulch at the Harbor.

There was discussion regarding the Willow Street project, paving and mulch at the Harbor.

General Government

Town Manager Ritter reported in addition to the monthly report that EMS responded to 71 calls. He stated that several staff members attended webEOC training last week. He also advised that he included a draft community event calendar in Council's packet. He stated that if Council had anything to add to the calendar to let him know.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda adding item 8, Wastewater Advisory Committee Update. Unanimously approved.

- 1. Consider Adoption of the Minutes**
 - **Regular Council Meeting of January 7, 2013**
 - **Council Budget Workshop of January 17, 2013**

Councilwoman Richardson asked to correct a statement in the Recreation and Community Enhancement Committee meeting minutes regarding the Donald Leonard Park. She advised that the people of Chincoteague bought the land and it was donated it to the School Board as part of the school property. She added that Mr. Leonard was a caregiver of that park.

Councilman Muth motioned, seconded by Councilwoman Richardson to adopt the minutes of the Regular Council Meeting of January 7, 2013 and the Council Budget Workshop of January 17, 2013. Unanimously approved.

2. Financial Report Presentation by Robinson, Farmer, Cox Associates

Town Manager Ritter introduced Mr. Aaron Hawkins and Mr. David Hughes with Robinson, Farmer, Cox Associates.

Mr. Hawkins reviewed and explained the Financial Report.

Mayor Tarr thanked Mr. Hawkins and Hughes for their hard work on the audit.

3. Public Hearing on a Possible Budget Amendment

Mayor Tarr opened the public hearing. He asked Town Manager Ritter to explain the amendment to the budget.

Town Manager Ritter read the Budget Amendment for FY' 13:

Name:	Type Acct.	Orig. Budget	Amended Budget
<u>General Fund 10</u>			
Transfer from General Fund Savings	Revenue	\$0	\$107,020
FEMA – Reimbursement	Revenue	\$0	\$150,359
A total revenue increase of: \$257,379			
Attorney/Legal Consultant	Expense	\$50,600	\$ 99,057
Public Restrooms	Expense	\$10,500	\$ 28,400
Storm Debris Contract	Expense	\$0	\$154,222

Transfer to Main Street Fund 20	Expense	\$0	\$ 36,800
A total expense increase of: \$257,379			

Main Street Fund 20

Transfer from General Fund	Revenue	\$0	\$ 36,800
DCR Outdoors Fund Grant	Revenue	\$0	\$ 25,000
A total revenue increase of: \$61,800			

Main Street Project	Expense	\$565,646	\$602,446
Robert Reed Park Extension (Dredging)	Expense	\$0	\$ 50,000
A total expense increase of: \$86,800			

Broadband Fund 25

CDBG Grant	Revenue	\$0	\$190,000
Construction	Expense	\$0	\$190,000

Mayor Tarr asked if the public had any question on the budget amendment. There were none and Mayor Tarr closed the public hearing.

Councilman Taylor asked about the Public Restroom difference.

Town Manager Ritter advised that the original budgeted amount was for pump-outs and supplies. He stated that the increase is to put in the new force main and pumps for sewage.

Councilman Howard also asked about the increase.

Councilman Muth asked about the CDBG Grant.

Town Manager Ritter stated that the \$190,000 will extend the broadband line down to the Harbor and bring the fiber line to Beebe Road in the Tom’s Cove Campground area to include cabinets. He stated they will have 2 more internet classes through the CDBG. He advised that there was approximately \$190,000 left of the grant but it wasn’t budgeted and it had to be included.

Councilman Howard motioned, seconded by Vice Mayor Leonard to approve the Budget Amendments as presented. Unanimously approved.

4. Accomack County Board of Supervisors Update

Supervisor Wanda Thornton advised that she spoke to Mr. Trent Dix, with **Harbor Inject**. She would like to invite him to come to Chincoteague for a workshop to inform the public about what it would entail and cost for injections to exterminate the pine bark beetles. She asked Mayor Tarr is it would be okay to have a workshop in Council Chambers.

Mayor Tarr approved.

Supervisor Thornton also advised that the free debris drop off at the landfill expired January 31st. She mentioned the Baylor property survey and that Mr. Ernie Bowden has been put on that committee as he has a good rapport. She stressed the importance of this survey to our community.

Supervisor Thornton also informed Council that the County has ordered an audit of all the fire companies. She feels this is for accountability and positive things that will come out. She stated that the County is spending too much money renting facilities for Public Works and Parks & Recreation. She would like them to invest in property they already own. She announced the groundbreaking for the new hospital to take place in the spring. She reported that the uninsured percentage from last year to this year went from 30% to 50%. They had to write-off \$6,000,000 for uninsured and they're still going to go forward with the new hospital.

Supervisor Thornton reported on the proposed reduction of the CBBT commuter toll. She advised that Mr. Chesser did not vote for this. She reported on the Tourism Commission. She stated that Mr. Steve Potts has been appointed to the Commission. She stated that there is currently a good variety of members.

There was further discussion regarding the pine bark beetles.

There was discussion of the impact on the Town of the Navy's touch and go training at NASA.

5. Public Works Committee Report of January 2, 2013

Councilwoman Richardson reviewed the report.

6. Recreation and Community Enhancement Committee Report of January 8, 2013

- **Boulder Request at Donald Leonard Park**

Councilman Jester reviewed the minutes from January 8th. He also mentioned a request to place a boulder at the Donald Leonard Park. He feels there should be some guidelines for doing something like this.

Councilman Howard agreed that there should be some guidelines or policy.

Vice Mayor Leonard explained how this request started. He stated that his mother, Mrs. Martha Leonard was his father's (Mr. Donald Leonard) rock. His father was a public figure and his mother was his support. He stated that the family and friends felt that there should be something in the Park representing his mother.

Councilman Howard suggested adding Mrs. Leonard to the Park name.

Vice Mayor Leonard suggested something as part of the landscaping and not place it as a memorial.

Councilman Jester again reiterated that there should be guidelines.

Mayor Tarr feels that this Park is different than the other parks and the Leonard's took care of this Park for many years. He feels that this request should be honored allowing Council to approve the design. He feels the request is different.

There was further discussion regarding placement and a plaque or engraving on the boulder.

Councilman Taylor motioned, seconded by Councilman Muth to approve the placement of a boulder with engraving at the Donald Leonard Park as a memorial for Mrs. Leonard. Unanimously approved.

7. Cemetery Committee Report of January 9, 2013

- **Possible Adoption of the Cemetery Preservation Plan**

Councilwoman Richardson reported that the Cemetery Preservation Plan was requested by the Mayor. She commended Town Planner Neville and staff for the work they did to create this Plan.

Town Planner Neville explained how the idea of the Cemetery Preservation Plan came up. He advised that what is in Council's report is a recommendation from the Committee to continue volunteer maintenance of the cemeteries. He added that this proposal also includes some of the cemeteries that the Town wasn't getting to.

There was discussion as to assistance from the Public Works Department.

Town Planner Neville also explained that the Plan outlines which cemeteries were being maintained by volunteers and which ones were not. He feels this is an effort that could continue. He added that this is a working document. The Cemetery Committee recommended the adoption of the Cemetery Preservation Plan.

Councilman Howard commented. Councilman Howard invited any and all comments, corrections and improvements to the Plan.

Councilwoman Richardson also commented feeling strongly that this Plan will help with donations and volunteers.

Discussion continued regarding the importance of the Public Works staff with their assistance in maintaining cemeteries.

Mayor Tarr commented.

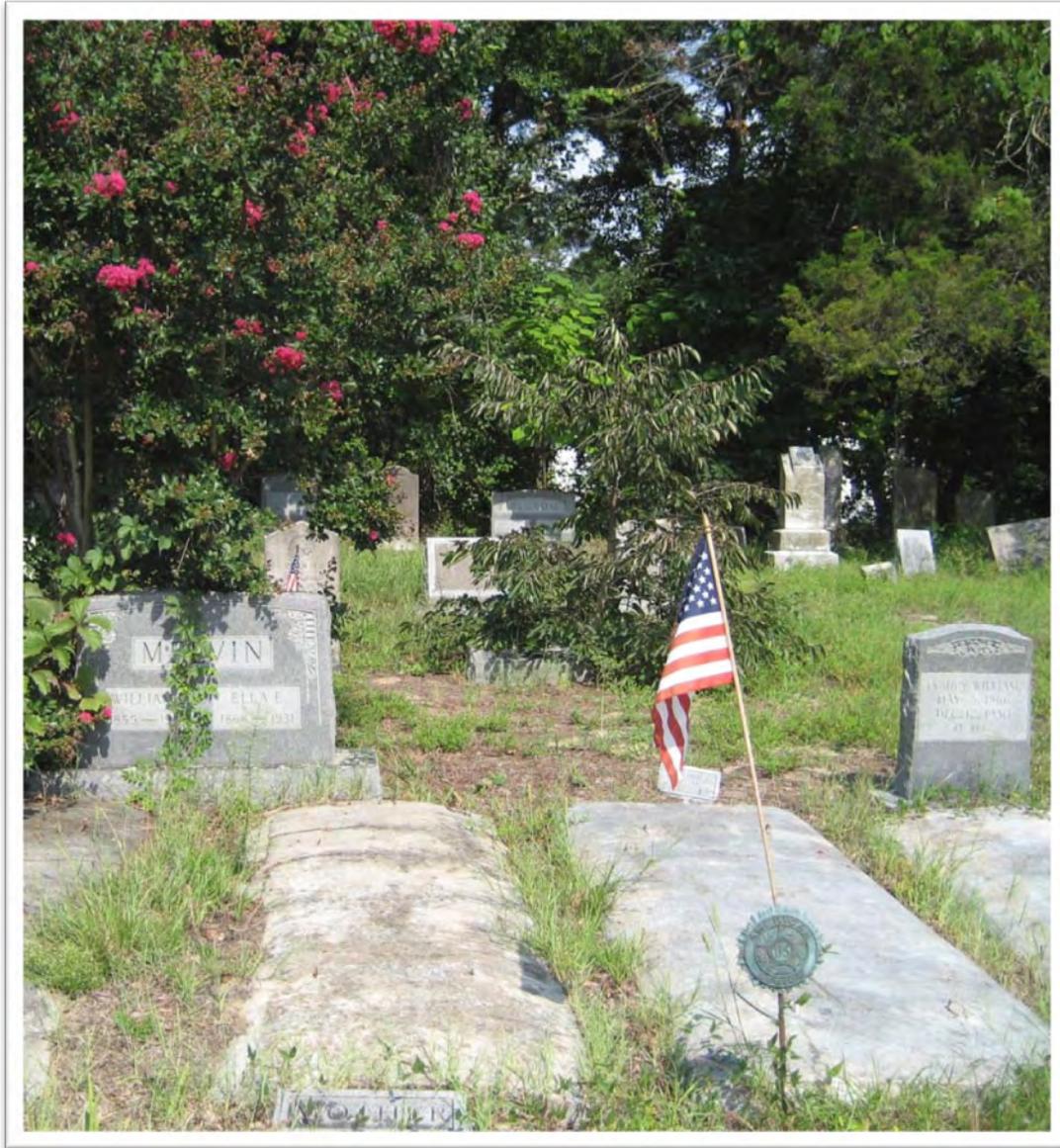
Town Manager Ritter advised that this is a work in progress and will be reviewed every 2 years.

Town Planner Neville explained that the creation of the Plan represents community support and feels that the Town is taking a leadership role by adopting the Plan. He contacted the state about funding and they suggested that they create a Commission or the creation of a Private Corporation. He feels that the Town should continue to work directly with the community.

Councilman Muth motioned, seconded by Councilman Taylor to adopt the Cemetery Preservation Plan as presented. Unanimously approved.



TOWN OF CHINCOTEAGUE DRAFT CEMETERY PRESERVATION PLAN 2013



Cemetery Preservation Plan for Chincoteague Island, Virginia

Cemetery Preservation Plan – a preservation plan identifies activities that help perpetuate and care for historic burial sites, including planning, maintenance, documentation and education.

Prepared by the Town Cemetery Committee:

Ellen Richardson, Chairwoman
Terry Howard, Councilman
Gary Turnquist

January 2013

Mission Statement

The mission of the Town Cemetery Committee is to oversee the maintenance of the 25 Town Cemeteries, and to ensure the integrity of each burial area. To those ends:

Creating community clean up opportunities through scheduling a community wide Cemetery Clean up Week, and by asking for assistance from local organizations on a specific clean up task;

Inspecting each cemetery on a regular basis for damage caused by weather or vandalism;

Ensuring the integrity of each Cemetery from encroachment by neighboring property owners, and establishing that any activity within a cemetery be undertaken in accordance with state law and local code;

Maintenance shall include scheduling of grass mowing according to the dictates of the weather, and within the structure of a yearly budget of voluntary donations from the community.

Preface

Historic cemeteries are important cultural, architectural and archaeological resources. They provide us with information on our community's history. Often a cemetery is the only remnant left from early settlements and families - as such it is a vital link with the past. They are an invaluable educational tool whether we seek to research genealogy, educate our youth or delve into local history. They provide quiet places to commemorate the deceased. Old cemeteries provide valuable information to those interested in their family histories, information that may not be available elsewhere. Sometimes they provide us with more than the bare facts of birth and death; they provide us with tender, tragic or humorous glimpses into the lives of earlier generations. They tell us about the struggle to survive childhood diseases, childbirth, wars and epidemics. But most of all they tell us about the recurring cycle of birth, life, and death and how we are all a part of that cycle.

“The thoughtful work and volunteer efforts of the Cemetery Committee are much appreciated by the community. Were it not for their efforts, it is likely that many final resting places would have been forgotten, overgrown or lost due to neglect.”

Chincoteague Citizen
October 2011

The **Town of Chincoteague Cemetery Committee** is thankful for all donations and the volunteer efforts of our community organizations, churches, businesses, families and individuals who have contributed their time and resources toward the care of our community cemeteries. This is an important responsibility that we willingly share.

The preparation of a **Cemetery Preservation Plan** is the latest effort to identify a lasting solution for the long-term care and maintenance of Chincoteague Island's cemeteries and burial grounds. Much of this work is built upon the research and documentation of James W. Carpenter Sr. who published the book *From Tears to Memories – A comprehensive look at Chincoteague Island Cemeteries* in 2007. Our community is fortunate to also have exhaustive documentation of the gravestones, shared on the website www.IslandBones.com.



A Cemetery Preservation Plan for Chincoteague Island

By collecting available information and checking on what others have done to plan for the care of historic cemeteries, the Town of Chincoteague hopes to move forward with a plan for the perpetual care and maintenance of over 3,600 recorded gravesites in 25 cemeteries on Chincoteague Island. Several quick **planning checklists** show that we are making progress:

Cemetery Preservation Preparations

1. Determine the ownership of the cemetery
2. Research the cemetery
3. Copy important information to the cemetery: maps/plats, marker inscriptions, family contacts, etc.
4. Survey the cemetery
5. Enlist a volunteer or organization to clean up the cemetery
6. Meet with the owner/trustees at the cemetery to discuss preservation of the markers/cemetery and to agree upon the clean-up process and scope
7. Establish a continual maintenance program for the cemetery
8. Educate the public about the cemetery

Preservation of historic cemeteries and burial sites in their original place and form is the preferred treatment option. Good cemetery maintenance strategies should incorporate the gentlest, most low-impact measures possible, and should address issues of long-term care (including the financial commitment necessary). Temporary or hasty solutions will only postpone a recurring problem and may inadvertently cause additional problems. Virginia's Department of Historic Resources (DHR) advocates innovative strategies for the long-term maintenance of historic cemeteries that are compatible with the cemetery's traditional form.

Planning Steps for Cemetery Preservation

- a) **Establish Ownership & Get Permission** – The first step prior to beginning any cemetery preservation project is to establish the ownership of the cemetery.
- b) **Safety** – Cemeteries, particularly abandoned or deteriorated sites, can pose a number of safety concerns. Take precautionary steps when visiting cemeteries.
- c) **Developing a Cemetery Preservation Plan** – It is critical to develop a written plan of action before beginning any preservation work in a cemetery.
- d) **Organization** – Community support from local residents is critical to cemetery preservation efforts. The support and input from churches, local organizations and residents ensures long-term preservation of the cemetery.

Regular maintenance is the best preservation procedure. When abandonment and neglect have resulted in severe damage to fences, landscape features, vegetation, markers, or monuments, responsible repairs should be undertaken as quickly as possible. No matter the level of repair or preservation necessary, there are a few essential rules that should be followed in planning a course of action:

- Do no harm: use the gentlest and least intrusive methods available.
- Do nothing that cannot be undone.
- Design all work to retain and preserve the historic character of the cemetery.
- Repair, rather than replace, damaged historic features.
- Quick or easy fixes are not always the best options.
- Assume unmarked graves exist and avoid ground disturbing activities
- When in doubt, consult a professional
- Document all changes.

What is involved in helping maintain and protect a cemetery?

To maintain or protect a cemetery, individuals or organizations should keep the cemetery free of weeds, tall grass, and brush; pick up trash; and report vandalism. Cemetery preservation entails maintaining the markers and cemetery as is. Markers are only cleaned with distilled water, trash is picked up, and possible threats to the markers like tree limbs and underbrush are removed.

- ✓ Contact the owners and get permission to clean up.
- ✓ Clear away brush and weeds by hand from around the gravestones and markers. (use care with weed whackers and pesticides near the markers as each can damage stone)
- ✓ Clean markers using soft toothbrushes and distilled water. This method removes algae and dirt. (to remove graffiti, you need to hire a professional conservator)
- ✓ If markers are toppled, leaning, or broken, you need to hire a professional
- ✓ Pick up trash
- ✓ Ask neighbors or organizations to accept the responsibility of maintaining the cemetery

The Town of Chincoteague Cemetery Committee has traditionally organized volunteer efforts to complete one or two major ‘clean-ups’ per year. The Committee created a cleanup fund several years ago to defray the expense of having key Island cemeteries mowed when volunteer help could no longer be found. This fund has been used to provide timely mowing to several other cemeteries when the need arose.

The Cemetery Committee reviewed an inventory map of the 25 private cemeteries and documented who has maintained each one over the last several years. A priority ranking was established on the attached cemetery key to identify priorities for maintenance. In addition, a citizen proposal to create an Authority or Non-Profit Foundation has been considered as a means to assure a sustainable solution for long term cemetery care and preservation.

Proposed Next Steps

The Committee created a cleanup fund several years ago to defray the expense of having key Island cemeteries mowed when volunteer help could no longer be found. This fund has been used to provide timely mowing to several cemeteries when the need arose. A summary of donations and expenses from 2005 to 2012 (July to June fiscal year) is presented to highlight the increased cost of maintenance.

	Donations	Expenses	Fund Balance
2005	2495	1600	2900
2006	1175	1700	2375
2007	1425	1950	1850
2008	970	1525	1295
2009	1835	2300	830
2010	2665	700	2795
2011	2020	2725	2090
2012	2745	4325	510

Several ideas have been discussed including a request for donations similar to the one used for the Cemetery Cleanup Fundraiser in 2008, or a request for new individuals or groups to volunteer for maintenance of an 'adopted cemetery'. The maps and priority ranking have been prepared by Town Staff with the idea that they may be used for fund raising, providing maintenance instructions, or competitive bidding.

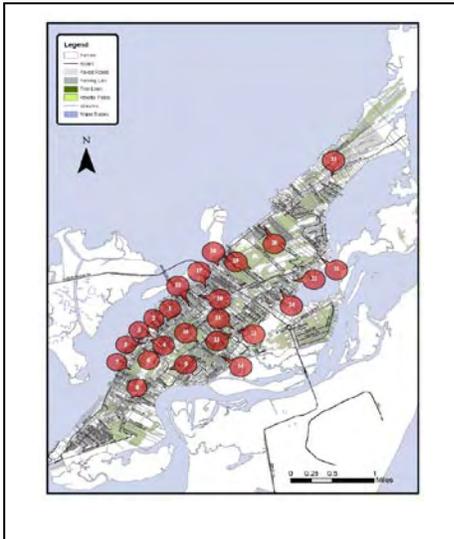
Long term strategies that have been considered by the Committee include:

- A.** Request an amendment to the Town Charter to specifically allow the creation of an Authority or Commission for long term maintenance of private cemeteries on Chincoteague Island
- B.** Prepare a Cemetery Preservation Plan, identify cemetery ownership, encourage the creation of a non-profit foundation to provide perpetual care
- C.** Continue the current Cemetery Committee and promote the separate dedicated donation fund that is managed by the Town Finance Department
- D.** Seek approval of Town Council to include cemetery maintenance and repair as a responsibility and budget line item for the Public Works Department.

Cemetery Committee Recommendation

To adopt a Cemetery Preservation Plan that will guide future efforts for perpetual care of community cemeteries, continue the current work of the Cemetery Committee with an expanded membership of two (2) additional people, actively promote voluntary donations to the separate dedicated cemetery 'clean-up fund' that is managed by the Town Finance Department, and include cemetery maintenance and repair as a responsibility for the Town of Chincoteague Public Works Department up to 40 hours per month for a trial period of 2 years.

Cemetery Inventory and Maintenance Priorities (refer to Staff Report dated February 4, 2013 for this information)



Cemetery Key Map – An overall map showing the location of all 25 existing cemeteries on Chincoteague Island was prepared to provide a quick reference document.

**TOWN OF CHINCOTEAGUE
CEMETERIES KEY**

KEY	NAME	GRAVESTES	PARCEL AREA (ACRES)	OPEN SPACE (ACRES)	MAINTAIN	PRIORITY
1	ARDELDTTS	63	0.28	306200	FAMILY	1
2	CHRIST UNION BAPTIST	31	0.43	143246	FAMILY/FRIENDS	1
3	ODD FELLOWS	55	0.45	674275	ISLAND BAPTIST MEN	3
4	BUNTING	222	0.37	65495	TOWN HIRSES	2
5	REGULAR	99	0.17	654150	UNION BAPTIST MEN	1
6	GREENWOOD	794	1.21	196479	TOWN HIRSES	2
7	ANDREWS & DASEY	65	1.2	804250	COAST GUARD PERRY CHINCASAS	3
8	DASEY	66	0.38	100410	FAMILY	3
9	THORNTON	153	0.46	1154185	FAMILY/FRIENDS	1
10	JONES	9	0.22	25475		1
11	MICHANICKS & BASKY MEMORIAL	1182	2.27	794219	TOWN HIRSES	2
12	REYNOLDS	38	0.07	754117	FAMILY	3
14	BIRCH FAMILY	8	0.42	354200		1
15	CLARK	15	0.24	25490	DANA CONKLIN	3
16	CATHOLIC CHURCH (BOSLEY)	14	0.08	80460	CATHOLIC CHURCH	3
17	TAYLOR (BRICH)	6	0.1	20460	JOSEPH HENRIMAM	1
18	RED WINE (MCDONALD)	628	0.95	954150	CHRIST UNITED METHODIST MEN	3
19	WHEAL TOW CLAYVILLE	10	0.12	80475	RUTH LANE	3
20	HOLY ROSE	231	1.47	80440	DOUG WARDONAL	1
21	CAPTAIN CHANDLER	3	0.19	20445	CHUCK WARD	3
22	REED	17	0.85	704180		1
23	HILL	17	0.15	50480	DONNY RAY THORNTON	3
24	CARTER	1	0.02		STEWART BAKER	3
25	BAPTIST CHURCH	3	3.53		CHURCH	3
TOTAL		987	13.29			

*Cemetery information based on Esplan Tiers to Memories - The Cemeteries of Chincoteague, by James W. Carpenter, Sr., revised August 2008 Edition

Priority 1 - Needs maintenance 385 sites 3.53 acres
 Priority 2 - Town hires out 232 sites 3.85 acres
 Priority 3 - Someone is maintaining 361 sites 7.91 acres

Cemeteries Key – A summary was prepared to identify priorities for which cemeteries are currently being cared for and which need regular maintenance

Chincoteague Cemetery Plan
Thornton
Tax Parcel 3043-A-249 Edge Road

- 0.46 Acres
- Family
- 151 Buried
- 44 Unmarked
- 1865

Cemetery Information Sheet
–Information for each cemetery site was collected, including: map location, aerial photo view, ground level photo view, street address, tax parcel I.D., size and acreage, number of gravesites and age of the oldest burial site.

8. Wastewater Advisory Committee Update

Chairman Papadopoulos stated that the Status Report is included in the agenda. He advised that they toured the wastewater treatment facility in Cape Charles. He made a correction to the Report as to the gallons per day that the Cape Charles WWTP processes. He stated it is not 250 gallons it's 250,000 gallons per day. He stated that it was a wonderful opportunity to tour and ask questions. He also stated the Committee is in the process of the putting a Report together for Council. He would like to have a work session with Town Council to go over the draft recommendations.

Chairman Papadopoulos stated the Committee is recommending that Council review the newsletter #2 for distribution.

Councilman Howard asked about one of the planned activities listed on the report to Council regarding funding for implementation.

Chairman Papadopoulos stated they are suggesting that the size of the wastewater treatment plant should be minimized to reduce the cost of the treatment plant and to conserve water use.

9. Mayor & Council Announcements or Comments

Councilman Taylor stated that there are a few small businesses off the main roads. He feels something can be done with the Sign Ordinance to help the small businesses in a minimal way.

There was further discussion. Council agreed to have Building and Zoning Administrator Lewis issue a report on those specific signage issues.

Councilman Jester advised that he requested that Harbormaster Merritt submit a list of recommendations for the Harbor for the next 5 years. He also feels that anyone over the age of 95 should be honored. He stated that Mrs. Liscum celebrated her 100th birthday today and should be honored.

Councilwoman Richardson asked about a letter sent to Council.

Mayor Tarr advised that he spoke with the Fire Chief and when all the facts were reviewed it will be brought before Council. He added that they will then meet with the Chief and President of the Fire Company with the proper documentation. He asked that the request regarding golf carts be referred to the next Ordinance Committee meeting.

Mayor Tarr announced the next Beach Committee meeting scheduled on February 13th. He stressed that Council stay aggressive in attending and fighting for the best CCP.

Town Planner Neville advised that he updated the website regarding the beach damages and repairs from Hurricane Sandy.

Mayor Tarr congratulated Chief Lewis for having his son as one of the recipients of the award issued earlier in the meeting. He added that the closed meeting scheduled for this evening has been cancelled.

Adjourn.

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

Mayor

Town Manager

**MINUTES OF THE FEBRUARY 4, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman

Council Members Absent:

Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr recognized the Junior Beta Club and invited them to come forward.

The Beta representative, Mrs. Michelle Merritt, thanked Council for their support over the years. She gave information about the Beta Club. She stated that because of the donations each child was able to attend the convention at no cost. She advised that the convention was the largest with 27 schools in attendance and over 1,500 attendees. Chincoteague took 30 students to the convention and came back with 10 ribbons. She added that every child that turned in a project or helped in some way upholding the standard that is set by the Beta Club and all are winners. She listed those who participated in the convention.

Mrs. Merritt listed those who brought back ribbons: 3rd place in quilting; Hope Abell, 3rd place in black and white photography; Lauren King, 2nd place recyclable art; Tyler Merritt, 2nd place woodworking; John Meckley, 2nd place watercolor; Cage Sheffield, 1st place pastel sketch; Collin Dendler, 1st place sculpture; Kaylee Thomas, 1st place banner; all the members of the Beta Club and 1st place in sweepstakes. She advised that sweepstakes was the most ribbons won in arts and crafts. Mrs. Merritt also stated they took 1st place in group talent; Logan Orlando, Alana Hall, Hope Abell, Stephanie Fosque, Delilah Florez, Kaylee Thomas, Sarah Winzel, Carrie Evans and Elise Bale. She again stated how proud they are of the students. She added that it was because of the Town's donation.

Mayor Tarr thanked the Beta Club for coming to Council and stated they have made the community proud.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation. There was none.

STAFF UPDATE

Planning Department

Town Planner Neville brought Council's attention to two items in the packet. He stated that the Planning Commission met last month to consider updates to the Zoning Ordinance. He also stated that they will consider wayside stands at the next meeting along with a round structured dwelling unit. He added that the Commission has followed up on a preliminary downtown parking study and expansion of the park. He advised of the recommendation from the Commission is that Council consider the parking use during their plans for the downtown project. Town Planner Neville also mentioned discussions with the engineer for the Safe Routes to Schools.

Councilman Jester asked if there were plans for a path from the School to the Center in the Safe Routes to Schools.

Town Planner Neville stated that it isn't on the top tier of things as there aren't enough funds.

Councilwoman Richardson asked if there was a time frame for completion.

Town Planner Neville advised that VDOT gave 3 years to use the grant. He stated that they should have the preliminary plans to VDOT for review by June and have the final bidding and plans over the summer. He added that they are a couple of months behind but should be okay.

Police Department

Chief Lewis reported that the Police Department will hold their annual Senior Luncheon at Maria's Restaurant on Thursday at 11:00 a.m.

Councilman Taylor thanked Chief Lewis for doing this for the senior citizens as they are the backbone of the island.

Public Works Department

Public Works Director Spurlock advised Council that the paving for Willow Street is scheduled for March 18th. He also stated that the new service connection to the Fairfield Motel was completed earlier today.

Mayor Tarr asked if the details have been worked out regarding the bike path.

Public Works Director Spurlock advised they will be meeting soon.

There was a brief discussion regarding the pumps on the traffic circle.

General Government

Town Manager Ritter reported in addition to the monthly report that the EMS responded to 62 calls. This was 1 more call than February of 2012. He also added that the old Misty trolley was sold for \$35,000 on GovDeals. He reported that staff has prepared and mailed 2nd notices for taxes. He added that the Town decals are in and staff is also working on the quarterly newsletter. He also added that the event calendar was put out last month.

Town Manager Ritter updated Council regarding grants. He stated that the TEA-21 Grant, Trails Grant and Safe Routes to Schools Grant have been combined into the MAP-21 program. He explained the discussions about extending the downtown revitalization project. He stated they want to have the go ahead to apply for the grant.

There was discussion regarding Bridge Street and the downtown project.

Town Manager Ritter stated he would get more information together and discuss this further at the workshop.

Councilman Jester asked about the newsletter and including the beach and beach parking repairs. He feels it's very important to advertise that the beach is open and ready for business.

There was brief discussion.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

1. Consider Adoption of the Minutes

• Regular Council Meeting of February 4, 2013

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adopt the minutes of February 4, 2013 regular Town Council meeting as presented. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

2. Resolution of Respect

Mayor Tarr read the Resolution of Respect for Past Mayor, Terrell E. Boothe who recently passed away.



**A RESOLUTION
OF THE
CHINCOTEAGUE TOWN COUNCIL**

WHEREAS, Terrell E. Boothe served the Town of Chincoteague well for many years in many capacities; and

WHEREAS, he served faithfully as Mayor in 1967 and again from 1978 to 1980, and played a vital role in the development of this community; and

WHEREAS, his commendable conduct and sense of fairness furthered the cause of better understanding and was an influence for good in the growth and progress of our community;

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of Mayor Terrell E. Boothe, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed tremendous service to the people of the Town of Chincoteague by his work; and

BE IT FURTHER RESOLVED, that this Resolution be spread upon the minutes of this meeting and a copy published in the Chincoteague Beacon.

IN TESTIMONY WHEREOF, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 4th day of March 2013.

ATTEST:

John H. Tarr, Mayor

Robert G. Ritter, Jr., Town Manager

3. Chincoteague Cultural Alliance Presentation and Grant Request

Ms. Jane Richstein approached Council regarding the Virginia Commission for the Arts Local Government Challenge Grant. She advised that the Town has applied for the funding over the past several years. She reviewed some of the programs the grant supports. She stated that the

grant is offered to Towns within the Commonwealth to help support arts in the communities. This is a grant up to \$5,000 to match the Town's \$5,000 commitment.

Ms. Richstein stated that with the creation of the Chincoteague Island Arts Organization there are two organizations that qualify for the grant. She explained the activities and supporting equipment purchased with the grant funds. She added that there are limited places for the CCA and working with CIAO they have more options including the theatre. She expressed the importance of Arts in the town and thanked Council for their continued support.

Mr. Seebolt, Chairman of CIAO, advised that they have been focused on renovating the theatre. He also added that they are going digital. He stated that they are looking forward to joining the CCA and asked that Council vote favorably on the grant.

Councilwoman Richardson motioned, seconded by Councilman Taylor to apply for the grant request. Motion Carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

4. Resolution on the VDOT Capital Project Program

Town Manager Ritter explained that this shows VDOT what the next capital improvement project will be. He informed Council that Maddox Boulevard from Deephole Road to the traffic circle is the next project.

Councilwoman Richardson stated that VDOT reviews this and then lets the Town know if they approve it.

Mayor Tarr explained that this is the urban money that's put in a fund for the next capital project on Chincoteague. He stated that the Town's outlay is 2% and the rest is funded through VDOT over a period of a few years.

Public Works Director Spurlock advised that this does include drainage and the traffic circle.

Mayor Tarr added that this includes bike lanes and sidewalks.

Councilman Jester motioned, seconded by Councilwoman Richardson to approve the Project Programming Resolution. Motion carried.

Ayes: Leonard, Jester, Muth, Richardson, Taylor

Nays: None

Absent: Howard



PROJECT PROGRAMMING RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council Resolution be made in order that the Department program an urban highway project in the Town of Chincoteague; now

THEREFORE BE IT RESOLVED, that the Council of the Town of Chincoteague, Virginia, request the Virginia Department of Transportation to establish an urban system highway project for the improvement of Maddox boulevard from Deep Hole Road east to the Maddox Boulevard traffic circle, inclusive, a distance of approximately four thousand (4,000) feet. Improvements shall consist of the addition of sidewalks, bicycle paths and drainage improvements.

BE IT FURTHER RESOLVED, that the Council of the Town of Chincoteague hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the town of Chincoteague subsequently elects to cancel this project, the Town of Chincoteague hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the department through the date the Department is notified of such cancellation.

Adopted this 4th day of March, 2013.
Town of Chincoteague, Virginia

ATTEST:

John H. Tarr, Mayor

Robert G. Ritter, Jr., Town Manager

5. Public Safety Committee Report of February 5, 2013

Mayor Tarr advised there is a COOP plan that all departments have had the opportunity to review and add.

6. Harbor Committee Report of February 7, 2013

- **Consider Changes to Ordinance, Chapter 70, Water Access Facilities for Adoption**

Vice Mayor Leonard stated that Harbormaster Merritt has compiled a list of things to be done. He advised that they are looking at putting a 24 hour ice vending machine there. He added that this is at no cost to the Town and the vendor is pursuing this further. He stated that some of the

fencing needs to be replaced. He also stated that the Harbor is getting more and more ocean swell causing the current to come in and deposit soil on the west side. They will need to dredge this. Vice Mayor Leonard also advised that they sent some changes to Chapter 70, which is included in the packet.

Town Manager Ritter advised that the Code with corrections were included in the packet. He reviewed the changes, deletions and corrections.

Town Attorney Poulson made some corrections. He stated that the significant change is that the Harbor Committee is changing to an Advisory Committee.

Councilman Jester motioned, seconded by Councilman Taylor to consider the changes as presented to Chapter 70, Water Access Facilities. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

Chapter 70

WATER ACCESS FACILITIES*

Article I. In General

Section. 70-1 - 70-25. Reserved.

Article II. WATER ACCESS FACILITIES

Division 1. Curtis Merritt Harbor Of Refuge

Subdivision 1. GENERALLY

Sec. 70-26. Definitions.

Sec. 70-27. Purpose and authority.

Sec. 70-28. Penalties.

Sec. 70-29. Damage to docks, wharves or launching ramps.

Sec. 70-30. Nondiscrimination.

Secs. 70-31—70-55. Reserved.

Division 2. Committee

Sec. 70-56. Established; general authority.

Sec. 70-57. Membership.

Sec. 70-58. Meetings.

Sec. 70-59. Quorum; majority rule.

Sec. 70-60. Vacancies.

- Sec. 70-61. Removal of members.
- ~~Sec. 70-62. Referrals for decision.~~
- Sec. 70-63. General authority.
- Secs. 70-64—70-90. Reserved.

Division 3. Use of Harbors, Wharves, Boat Slips, Land

- Sec. 70-91. ~~Leases, permits or licenses~~ **Mooring Permits** required for use or occupancy.
- Sec. 70-92. Permits required for erection of structures.
- Sec. 70-93. Damage to docks, wharves or launching ramps.
- Sec. 70-94. Dumping; disposal of wrecks.
- Sec. 70-95. Boat ramp and land area usage.
- Sec. 70-96. Designated loading and unloading areas.
- Sec. 70-97. Use of harbor for anchoring or mooring.
- Sec. 70-98. Speed limit.

***Charter reference**—Public wharves, harbors, etc., ch. 2, § 1(9).

Cross references—Buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; parks and recreation, ch. 42; vegetation, ch. 66; zoning, app. A; marina, commercial or club type, app. A, § 2.96; marina, private noncommercial, app. A, § 2.97.

State law references—Removal, repair, etc., of wharves, piers, etc., Code of Virginia, § 15.2-909; regulation of lakes, pools, etc., Code of Virginia, § 15.2-1110; local regulation of vessels, Code of Virginia, § 29.1-744 et seq.; port management, Code of Virginia, § 62.1-163.

- Sec. 70-99. Dock boxes.
- Sec. 70-100. Storage.
- Sec. 70-101. Fuel.
- Sec. 70-102. Oversized vessels.
- Sec. 70-103. Trespassing.
- Sec. 70-104. Prohibited conduct.
- Sec. 70-105. Other rules and regulations.
- Sec. 70-106. Abusive language.
- Secs. 70-107—70-109. Reserved.

Article III. Use of Other Town Water Related Facilities

Division 1. Generally

- Sec. 70-110. Definitions.
- Sec. 70-111. Purpose and authority.
- Sec. 70-112. Penalties.
- Sec. 70-113. Nondiscrimination.
- Sec. 70-114. Reserved.

Division 2. Provisions Regulating the Use of Such Other Facilities

- Sec. 70-115. General Authority.
- Sec. 70-116. General.
- Sec. 70-117. Required license.
- Sec. 70-118. Damage to docks, wharves or launching ramps.
- Sec. 70-119. Boat ramp and land area usage.
- Sec. 70-120. Dumping; disposal of wrecks.
- Sec. 70-121. Use of facility for anchoring or mooring.
- Sec. 70-122. Prohibited conduct.
- Sec. 70-123. Other rules and regulations.
- Sec. 70-124. Provisions regulating boat wakes in and adjacent to any such facility.
- Sec. 70-125. Abusive language.
- Sec. 70-126. Special provisions applicable to the town dock.

ARTICLE I. IN GENERAL

Secs. 70-1—70-25. Reserved.

ARTICLE II. CURTIS MERRITT HARBOR OF REFUGE

DIVISION 1. GENERALLY

Sec. 70-26. Definitions.

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

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Committee means the Curtis Merritt Harbor of Refuge Committee.

Federal project means a project for improvement of the harbor and the modification of harbor lines by the Department of the Army and in proximity thereto.

Harbor or Curtis Merritt Harbor means the Curtis Merritt Harbor of Refuge.
(Code 1977, §§ 9-2, 9-3)

***Working watermen* means anyone that earns fifty one percent (51%) of their gross annual income working on the water.**

Cross reference—Definitions generally, § 1-2.
(*Amended 08/07/06*)

Sec. 70-27. Purpose and authority.

The purpose of this article is ~~to provide for the operation and maintenance of the Curtis Merritt Harbor of Refuge owned by the town, including certain charges for the use thereof. to establish an advisory Committee for the Curtis Merritt Harbor of Refuge and establish provisions for the operation and maintenance of the Harbor to the Town of Chincoteague, Town Council.~~

(Code 1977, § 9-1) (*Amended 05/05/03, 08/07/06*)

Sec. 70-28. Penalties.

Any person violating any of the sections of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.

(Code 1977, § 9-7)

(*Amended 08/07/06*)

Sec. 70-29. Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone, intentionally or negligently, to damage the public docks, wharves or launching ramps owned by the town.

(Code 1977, § 9-4)
(Amended 08/07/06)

Sec. 70-30. Nondiscrimination.

There shall be no discrimination in the use of ~~an~~ **or** access to the benefits of all the harbor regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.

(Code 1977, § 9-6)
(Amended 08/07/06)

Secs. 70-31—70-55. Reserved.

DIVISION 2. COMMITTEE*

Sec. 70-56. Established; general authority.

~~There is established for the purposes of the supervision, operation and maintenance of the Curtis Merritt Harbor of Refuge and Boat Ramp enforcement of this article a committee to be known as the Curtis Merritt Harbor of Refuge Water Access Facilities Committee, which shall be charged with diligently conducting and enforcing the provisions of this article and any recommending rules, regulations and future projects adopted by the committee and approved by to the town council, from time to time for the best interest of the federal project and the public, bother whether commercial and / or recreational.~~

There is hereby established a committee to be known as the Curtis Merritt Harbor of Refuge Committee to act as an advisory committee to the Town Council as to the operation and maintenance of the Harbor and recommending rules, regulations, future projects, and other matters relative to the Harbor to the Town Council from time to time.

(Code 1977, § 9-2(1)) *Amended 05/05/03, 08/07/06*

Sec. 70-57. Membership.

(a) The committee shall consist of ~~five~~ **four** members, and all four members shall be residents of the town. ~~with the option of the mayor and council to waive the residence requirements of the harbor master.~~ The members shall be as follows:

- (1) Two shall be members of the town council.
- (2) One shall be a member of the working waterman's association.
- (3) One shall be a recreational fisherman.
- ~~(4) One shall be the harbor master.~~

(Amended 08/07/06)

(b) All members shall be appointed by the council, ~~except the harbor master. After the council has approved the first four members, those four will by a majority vote appoint the harbor master, upon the advice and consent of the town council.~~ All members shall be appointed

for a term of two years or until replaced by the town as herein provided. All members of the committee shall serve as such without compensation.

(Amended 08/07/06)

(c) The harbor master shall be a ~~nonvoting member~~ **secretary** of the committee. The ~~committee~~ **Council** shall elect a chairman **every other year following Council elections.** ~~and vice chairman and one of the town council members shall be the secretary/treasurer.~~

(Code 1977, § 9-2(2); Ord. of 10-21-1993) *(Amended 05/05/03, 08/07/06)*

***Cross reference**—Boards and commissions, § 2-106 et seq.

Sec. 70-58. Meetings.

The committee shall meet at least four times a year at a time and place of its choosing and shall maintain accurate records of the meeting's ~~proceedings and the financial resources of the harbor.~~

(Code 1977, § 9-2(3)) *(Amended 05/05/03, 08/07/06)*

Sec. 70-59. Quorum; majority rule.

Three voting members of the committee shall constitute a quorum for all meetings. All matters shall be decided by majority vote of those present and voting.

(Code 1977, § 9-2(4))

(Amended 08/07/06)

Sec. 70-60. Vacancies.

If a vacancy occurs in the term of any committee member, the town shall have the right to appoint a person to fill such vacancy, as described in this division, for the remainder of such unexpired term.

(Code 1977, § 9-2(5))

Sec. 70-61. Removal of members.

The town reserves the right to remove any committee member with or without cause.

(Code 1977, § 9-2(6))

(Amended 08/07/06)

~~Sec. 70-62. Referrals for decision.~~

~~—Matters which cannot be decided by the committee shall be referred to the town council for decision. Any such referral shall be in writing detailing the issues involved and why the committee is unable to make a determination.~~

~~(Code 1977, § 9-2(7)) (Amended 05/05/03, 08/07/06)~~

Sec. 70-63. General authority.

(a) The ~~committee's~~ **Harbor Master is the Town's** ~~duly~~ designated agent in the supervision of the harbor and the enforcement of this article ~~shall~~ **and** has the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the harbor facilities, including the parking area, ramp, dock, boat slips and water within the confines of the harbor. The ~~committee~~ **Harbor Master** shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The

failure of any person to reasonably submit to such direction and control shall constitute a violation hereof.

(Amended 08/07/06)

(b) Nothing contained in this section is intended to preclude the town police department or other police officers from enforcing federal, as applicable, state and local statutes, ordinances and regulations, including the provisions of this article within the harbor.

(Code 1977, § 9-5)

(Amended 08/07/06)

Secs. 70-64—70-90. Reserved.

DIVISION 3. USE OF HARBORS, WHARVES, BOAT SLIPS, LAND

Sec. 70-91. ~~Leases, permits or licenses~~ Mooring Permit required for use or occupancy.

(a) It shall be unlawful for any person to use, occupy or moor a boat to any part of the Curtis Merritt Harbor of Refuge without first having obtained a ~~lease, permit, license,~~ **Mooring Permit** or the authority of the harbor master as provided in this article, for such use, occupation docking, or mooring.

(Amended 08/07/06)

(b) All ~~leases, permits or licenses~~ **Mooring Permits** for the use or occupancy of boat slips, wharfage or land within the harbor shall be in writing on forms authorized by the town council and submitted to and approved ~~and executed~~ by the ~~committee's~~ **Harbor Master or his** designated representative ~~and the lessee, permittee, or licensee and preserved in the office of the committee.~~

(Amended 08/07/06)

(c) All fees for ~~leases, permits or licenses~~ **Mooring Permit** shall become due and payable on each ~~July~~ **June 1st** at the town office. All fees are non-refundable, except as may be provided for in the ~~lease~~ **Mooring Permit** agreement.

(Amended 08/07/06)

(d) No ~~lessee~~ **Mooring Permit (Holder)** shall assign ~~the Mooring Permit or~~ **the Mooring Permit** or ~~sublease a boat slip~~ to another person and any such assignment ~~or sublease~~ shall immediately terminate said ~~lease~~ **Mooring Permit**, without refund of any portion of the ~~lease~~ **Mooring Permit** payment. **Fees for such mooring permits shall be established by the Town Council from time to time.** *(Amended 08/07/06)*

(e) No boat shall be moored in any slip for a period in excess of 24 hours by any ~~lessee~~ **Holder** except such boat that is listed on the ~~lease~~ **Holder** agreement when executed or subsequently added thereto. No more than one (1) boat shall be so listed at any given time. The presence of any unlisted boat in any such slip for a period of ten (10) days shall ~~cause a rebuttable presumption~~ **result in a determination** that such slip ~~lease~~ **Holder** has been assigned or a ~~sublease~~ **unauthorized assignment** exists and such ~~lease~~ **Mooring Permit Holder** shall

terminate immediately, absent proof to the reasonable satisfaction of the ~~committee~~ **Harbor Master** that such assignment or sublease has not occurred.
(Amended 08/07/06)

(f) All fees charged for use and occupancy of boat slips, wharfage, and other uses of the harbor facilities shall be established by the town council from time to time and shall be posted in the office of the ~~harbor committee~~ **Harbor Master**, unless otherwise expressly provided for herein.
(Code 1977, § 9-3(A)) (Amended 05/05/03, 08/07/06)

(g) All fees and charges collected by the town from the use of the harbor shall be segregated or earmarked from the general fund and used for improvements, repairs and upkeep of the harbor and its facilities, upon recommendations made **to the Council** by the committee. ~~The committee shall file annually with the town a report on the status of the harbor facility.~~
(Amended 08/07/06)

(h) The following priorities shall control the ~~leasing~~ **Issuance of the Mooring Permit** of slips at the harbor:

- (1) Present **Mooring Permit** leaseholders that requested a smaller slip and ~~leased holds a~~ larger slip have the first opportunity to change to a smaller slip if available.
 - (2) Working watermen (100%) of the Islands District.
 - (3) Other boat owners of the Islands District.
 - (4) Working watermen (100%) of Accomack County.
 - (5) Accomack County residents.
 - (6) All others.
- (Amended 08/07/06)

Sec. 70-92. Permits required for erection of structures.

It shall be unlawful to erect any type of structure including mooring poles in the waters of the harbor or on the property within the harbor facility without first securing a permit from the ~~harbor committee~~ **Harbor Master**. All buildings, structures, docks, poles, walkways or projections in the harbor waters or facility, in conflict with and not conforming to specifications and requirements of the ~~harbor committee~~ **Harbor Master**, shall be removed at the ~~lessee's~~ **permit Holder's** expense. Any authorized structure or appurtenance shall be installed at the expense of the person causing the construction thereof. The structure or appurtenance shall, at the option of the ~~committee~~ **permit Holder's**, become the property of the town at the expiration of the ~~lessee's~~ **permit Holder's** lease ~~Mooring Permit~~, or the ~~committee~~ **Harbor Master** may require that any such structure be removed.
(Code 1977, § 9-3(B)) (Amended 08/07/06)

Sec. 70-93. Damage to docks, wharves or launching ramps.

It shall be unlawful for anyone intentionally or negligently, to damage the public docks, wharves, bulkheads, or launching ramps owned by the town situated at the harbor.

(Adopted 08/07/06)

Sec. 70-93. Dumping; disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of the harbor, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to the harbor, etc., any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the water in the harbor or that may diminish the depth thereof.

(Amended 08/07/06)

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of the harbor, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in the harbor. Whenever a boat is wrecked and/or sunk in any of the waters of the harbor, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the committee. The neglect or failure of the owner person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the ~~committee's~~ **Harbor Master's** designated removal period. Failure to do so shall constitute a violation hereof. Further, the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the ~~committee~~ **Harbor Master** shall constitute a material breach of any ~~lease~~ **Mooring Permit** with such person and authorize the ~~committee~~ **Harbor Master** to cancel such ~~lease~~ **Mooring Permit**. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the committee may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.

(Code 1977, § 9-3(C)) (Amended 08/07/06)

Sec. 70-95. Boat ramp and land area usage.

(a) The use of the boat ramps and adjacent parking areas of the harbor facility are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

(Amended 08/07/06)

(b) Overnight habitation of vessels, boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at the harbor facility, is prohibited except by special authority given by the harbor master for critical emergency situations.

(Code 1977, § 9-3(D)) (*Amended 05/05/03, 08/07/06*)

(c) Persons utilizing a boat ramp at the harbor shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of such ramp by other users.
(*Adopted 08/07/06*)

Sec. 70-96. Designated loading and unloading areas.

(a) ~~The committee~~**Harbor Master** shall designate a specified wharfage area for the loading and unloading of both commercial and pleasure boats which areas shall be designated and with appropriate signage.

(*Amended 08/07/06*)

(b) Except in an emergency, it shall be unlawful to use the loading and unloading wharfage area for the mooring of boats. In an emergency, the mooring shall be as approved by ~~the committee~~**Harbor Master** or ~~its~~ **his** designated agent.

(*Amended 10/03/05, 08/07/06*)

(c) Wharfage for inbound or outbound cargo placed on the loading and unloading area shall be limited to 24 hours without charge. Wharfage for all boats shall be limited to eight hours without charge.

(*Amended 05/05/03, 10/03/05, 08/07/06*)

(d) Under no circumstances shall any cargo remain on the loading and unloading area in excess of the free time, except on the express authorization of the harbor committee or harbor master. The loading and unloading area or any other upland area of the harbor facility shall not be utilized for storage purposes. Cargo equipment of whatever kind placed thereon shall remain thereon at the risk of the consignee or owner and shall be removed within a reasonable length of time, which shall not exceed 24 hours except on the express authorization of the harbor committee or harbor master.

(Code 1977, § 9-3(E)) (*Amended 08/07/06*)

Sec. 70-97. Use of harbor for anchoring or mooring.

(a) No boat shall be moored or anchored inside the harbor without the permission of ~~the committee~~ or harbor master, at such points as shall be designated.

(*Amended 08/07/06*)

(b) No boat shall operate or be moored or anchored in such a manner as to obstruct the passage, approaches, berthing offloading, or loading, or use of the launching ramp by other boats at the harbor.

(*Amended 08/07/06*)

(c) No person operating any boat shall utilize in any way any bulkhead, dock or slip space within the harbor except that portion which is ~~leased~~ **permitted** by ~~such person from the committee, or otherwise with the expressed permission of the harbor master or the committee.~~

(*Amended 08/07/06*)

(d) — Fees as determined by the town may shall be charged for anchoring or mooring in the harbor by the committee when authorized by the harbor master.

(Code 1977, § 9-3(F)) (*Amended 08/07/06*)

Sec. 70-98. Speed limit.

All boats entering, leaving, or navigating in the harbor shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading or utilizing the boat ramps at the harbor.

(Code 1977, § 9-3(G)) (*Amended 08/07/06*)

Sec. 70-99. Dock boxes.

Dock boxes may be provided and utilized by each **Mooring Permit Holder** at the harbor, provided that the design, materials, colors, and location are approved in writing by the harbor master.

(Code 1977, § 9-3(H)) (*Amended 08/07/06*)

Sec. 70-100. Storage.

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except area that may be designated by the harbor committee master. Boats shall not be stored on the docks, adjacent waterways or upland areas of the harbor.

(Code 1977, § 9-3(I)) (*Amended 08/07/06*)

Sec. 70-101. Fuel.

No fuel, either diesel or gasoline, shall be stored on the docks or upland areas of the harbor. Fuels shall only be sold at the harbor by licensed fuel dealers. Transportation of fuels by a lessee **Mooring Permit Holder** is permitted, providing the containers are safe and properly secured on the lessee's **holder's** vehicle. All such containers and vehicles must be approved by the harbor committee or the harbor master.

(Code 1977, § 9-3(J)) (*Amended 08/07/06*)

Sec. 70-102. Oversized vessels.

Boats longer than 15 percent of the length of the harbor slip requested will not be permitted unless special permission is granted by the committee.

(Code 1977, § 9-3(K)) (*Amended 08/07/06*)

Sec. 70-103. Trespassing.

No person shall enter the harbor between the hours of 10:00 p.m. and 6:00 a.m., except for leaseholders **Mooring Permit Holders** and their guests and other duly authorized persons. Any such entry shall constitute a criminal trespass.

(Code 1977, § 9-3(L)) (*Amended 08/07/06*)

Sec. 70-104. Prohibited conduct.

Within the harbor, the upland area adjacent thereto, and the spoil site, the following conduct is expressly prohibited:

- (a) crabbing

- (b) swimming
 - (c) fishing
 - (d) camping
 - (e) bathing
 - ~~(f) picnicking~~
 - (g) overhaul or repair of boats
 - (h) discharge of firearms
 - (i) reserved
- (j) parking, except as expressly permitted by appropriate signage or the harbor master
(Code 1977, § 9-3(M)) (*Amended 08/07/06*)

Sec. 70-105. Other rules and regulations.

In addition to all other rules or regulations pertaining to the use of the harbor, the following additional rules and regulations shall be in effect:

a. Overnight parking **is** prohibited without **a current** ramp user fee sticker **and then only if the vessel is under way.**

b. Two (2) hour parking if not under way on boat or vessel.
(*Adopted 08/07/06*)

Sec. 70-106. Abusive language.

While utilizing the harbor, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

(*Adopted 08/07/06*)

Sec. 70-107 to 109. Reserved.

ARTICLE III. USE OF OTHER TOWN WATER RELATED FACILITIES

DIVISION 1. GENERALLY

Sec. 70-110. Definitions.

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

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Person means any natural person, corporation, partnership, limited liability company, or other legal entity.

Town or Town Council means the governing body of the Town of Chincoteague.
(Adopted 08/07/06)

Sec. 70-111. Purpose and authority.

The purpose of this article is to provide for the operation of all other water related facilities owned or controlled by the Town of Chincoteague, specifically including but not limited to the town dock (excluding any leased portion thereof), Chincoteague Veterans Memorial Park, eastside boating facility, Fir Landing, and Robert N. Reed, Sr. Downtown Waterfront Park.
(Adopted 08/07/06)

Sec. 70-112. Penalties.

Any person violating any of the provisions of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.
(Adopted 08/07/06)

Sec. 70-113. Nondiscrimination.

There shall be no discrimination in the use of or access to the benefits of any such facility, regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.
(Adopted 08/07/06)

Sec. 70-114. Reserved.

DIVISION 2. PROVISIONS REGULATING THE USE OF SUCH OTHER FACILITIES

Sec. 70-115 General authority.

(a) The harbor master and his duly designated agents, in the supervision of the other town water related facilities and the enforcement of this article, shall have the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the other town water related facilities, including the parking area, ramp, dock, boat slips and waters within the confines of the other town water related facilities. The harbor master shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The failure of any person to reasonably submit to such directions and control shall constitute a violation hereof.
(Adopted 08/07/06)

(b) Nothing contained in this section is intended to preclude the police department or other police officers from enforcing federal, state and local statutes, ordinances and regulations, including the provisions of this article within the other town water related facilities.
(Adopted 08/07/06)

Sec. 70-116. General.

It shall be unlawful for any person to use, occupy, moor, load, offload, launch, or recover any boat except as permitted herein.

(Adopted 08/07/06)

Sec. 70-117. Required license.

No person shall use for the launching and/or recovery of any boat any ramp constituting a part of any such facility without having paid any required license fee as established by the town council from time to time.

(Adopted 08/07/06)

Sec. 70-118. Damage to docks, wharves or launching ramps.

It shall be unlawful for any person to intentionally or negligently damage any public dock, wharf, bulkhead, or launching ramp constituting a part of any such facility.

(Adopted 08/07/06)

Sec. 70-119. Boat ramp and land area usage.

(a) The use of the boat ramp and adjacent parking areas of any such facility, are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

(Adopted 08/07/06)

(b) Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility, is prohibited except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the town.

(Adopted 08/07/06)

(c) Persons utilizing a boat ramp at any such facility shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of any such ramp by other users.

(Adopted 08/07/06)

Sec. 70-120. Dumping disposal of wrecks.

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of any such facility, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to any such facility, any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or

vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the waters in any such facility or that may diminish the depth thereof.

(Adopted 08/07/06)

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of any such facility, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in any such facility. Whenever a boat is wrecked and/or sunk in any of the waters of any such facility, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and a lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the harbor master. The neglect or failure of the owner or person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the harbor master's designated removal period. Failure to do so shall constitute a violation hereof. Further the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the harbor master shall constitute a material breach of any lease, with such person and authorize the harbor master to cancel such license. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the harbor master may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.

(Adopted 08/07/06)

Sec. 70-121. Use of facility for anchoring or mooring.

(a) No boat shall be moored to or anchored inside any such facility without the permission of the harbor master and at such points as may be designated, or unless otherwise permitted.

(Adopted 08/07/06)

(b) No boat shall be operated or moored or anchored in such a manner as to obstruct the passage, approach, berthing, offloading, loading, launching or recovery of other boats at any such facility.

(Adopted 08/07/06)

(c) No person operating any boat shall utilize in any way any bulkhead, dock, or slip space within any such facility except that portion which is leased by such person from the town, where applicable, or without the express permission of the harbor master, or as otherwise permitted.

(Adopted 08/07/06)

Sec. 70-122. Prohibited conduct.

Within any such facility, and/or the upland area adjacent thereto, the following conduct is expressly prohibited:

- (a) swimming
- (b) camping
- (c) fireworks
- (d) overhaul of boats **except for the express written authority of the Harbor**

Master

- (e) discharge of firearms
- (f) parking, except as expressly permitted by appropriate signage.

In addition to any other rule or regulation pertaining to the use of the other town water related facilities, the following additional rules and regulations shall be in effect:

- (a) Overnight parking **is prohibited without a current ramp user fee sticker and then only if the vessel is under way.**
- (b) Two (2) hour parking if not under way on boat or vessel.

(Adopted 08/07/06)

Sec. 70-123. Other rules and regulations.

In addition to all other rules or regulations pertaining to the use of the other town water related facilities, excepting the town dock, the following additional rules and regulations shall be in effect:

- (a) The loading dock area may be used up to four (4) hours free of charge.
- (b) Beyond four (4) hours, boats may remain at the dock for reasons of mechanical failures, inclement weather or any other situation as deemed appropriate by the harbor master or his duly appointed agent.
- (c) The fee for said mooring shall be ~~seven (\$7) dollars per day~~ **set by Council each year.**

(Adopted 08/07/06)

Sec. 70-124. Provisions regulating boat wakes in and adjacent to any such facility.

All boats entering, leaving, or navigating in or within 100 feet of any such facility shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading, or utilizing the boat ramps at such facility.

(Adopted 08/07/06)

Sec. 70-125. Abusive language.

While utilizing any such facility, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

(Adopted 08/07/06)

Sec. 70-126. Special provisions applicable to the town dock.

(a) No commercial boat shall offload any cargo except that a boat less than 24 feet in length may offload seafood products providing that said offloading does not exceed ½ hour daily.

(Adopted 08/07/06)

(b) A boat may moor at the town dock between the hours of 8:00 a.m. to 12:00 noon to take on fuel and secure stores for a period not to exceed 1 hour daily and provided that there are no more than two such boats so moored at a time.

(Adopted 08/07/06)

(c) In the case of an emergency the United States Coast Guard may moor a boat at the town dock during the course of said emergency after contacting and securing the approval of the harbor master.

(Adopted 08/07/06)

(d) The harbor master may permit a boat to moor for an appropriate period of time to correct any mechanical problems.

(Adopted 08/07/06)

(e) In the case of inclement weather, the harbor master may moor up to two boats at the town dock during the period of such weather conditions.

(Adopted 08/07/06)

(f) Under no circumstances shall the use of the boat ramp at the town dock be impeded.

(Adopted 08/07/06)

7. Ordinance Committee Report of February 19, 2013

- **Consider Changes to Ordinance Chapter 22, Environment, Article II, Noise, Section 22-35 & Section 22-36**

- **Consider Changes to Ordinance Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Section 18-95 & Section 18-96**

Town Manager Ritter stated that the Ordinance Committee met. There were a couple of people that spoke during the public participation. He advised that Mr. Porter spoke against working on Sunday for the Fairfield Inn. He also stated that Mr. Hubb reported on the golf carts. He added they reviewed the possible changes to Chapter 22 referring to the Noise Ordinance and also to Chapter 18, Businesses Licenses.

Town Manager Ritter stated that there were lengthy conversations about low speed vehicles. The Committee agreed not to override the state requirements. He then read the Ordinance, Chapter 22, Environment, Article II, Noise, Section 22-35 & Section 22-36. He explained the reason behind the changes stating that the allowance of the grass cutting and construction noise will be after church hours on Sunday. He also informed Council that the Noise Ordinance for grass cutting went to court approximately 20 years ago and was thrown out. He added that the

Committee asked to forward this to Council. He advised that Councilman Howard feels that there are people abiding by the ordinance and giving a waiver wouldn't be right.

Mayor Tarr explained the proposed changes allowing the grass cutting noise and allowing construction noise after noon on Sundays within the decibel specified.

Councilman Taylor advised that the Chairman of the Committee did not vote for this. He feels the exterior noises are the issue. He stated that interior construction noises aren't that bad. He feels the Town should look out for the visitors and the residents. He would agree to the change for interior construction only but not exterior noises.

There was further discussion.

Councilwoman Richardson asked why Council would want to change something that has worked for many years.

Councilman Jester asked if the Police stop the grass cutting on Sundays.

Chief Lewis advised there have been no complaints.

Councilman Jester then asked why have ordinances you're not going to enforce. He doesn't feel it's a major problem.

Councilman Muth stated that grass cutting is a short term noise. He is in favor of allowing grass cutting. He also stated that he is also in favor of the construction noise between 12 noon and 7 p.m. He explained that not everyone takes Sunday off. He added that they work with the weather and work with the day that they can take off. He isn't sure this would be stopped anyway. He feels it's more responsible to enforce it with the 89 decibels as opposed to looking the other way.

Councilman Muth also feels it protects the renters that have paid a lot of money to come on vacation. He sympathizes with the contractor because they have to work around weather. He feels this addresses the issue on both sides.

Councilman Jester motioned, seconded by Councilman Muth to change the Grass Cutting Ordinance allowing grass cutting on Sundays from 12 noon – 7:00 p.m. Motion died.

Ayes: Jester, Muth

Nays: Leonard, Taylor, Richardson

Absent: Howard

Vice Mayor Leonard asked if there was already something on the books that they can request a special permit in extreme circumstances.

Mayor Tarr advised that there is something on the books for this. He quoted: “except when a permit is accepted by the Town Manager in a bonafide emergency to life or property where public health and safety will not be impaired by such work”.

Councilman Taylor stated that he would vote for this if it was just for interior construction.

There was brief discussion with a suggestion to add “for interior work only” to the proposed ordinance change.

Councilman Muth feels it should just be allowed. He stated that from a business standpoint other businesses have the right to be in business on Sundays.

Councilman Muth motioned, seconded by Councilman Jester to approve the changes to the Construction Noise Ordinance. Motion died.

Ayes: Muth, Jester

Nays: Leonard, Richardson, Taylor

Absent: Howard

Town Manager Ritter explained that this essentially changes the ordinance pertaining to Pony Penning Sales. He advised that they are proposing a Special Event License of \$60.00. He read the changes and explained that this is to close the loophole of purchasing a Business License verses a Special Event License. He stated that this specifies an established business which would cause those not qualifying as an established business to purchase a Special Event License. He continued to read the changes.

Mayor Tarr stated that there was an issue with the restaurants under Special Events having to pay a deposit of \$500 for Meals Tax reporting. He explained that it was waived for established businesses.

Town Attorney Poulson reviewed the changes and asked questions.

There was lengthy discussion regarding the zoning and uses permitted by right.

Mayor Tarr stated that on Pony Penning Day there are several vendors that conduct business on residential properties for that day only. He then stated that a Special Event License is being issued to conduct a special business event on a residential property.

Discussion continued.

Town Attorney Poulson stated that he agreed with Councilman Jester’s suggestion to add “or as otherwise permitted in zoning”.

They discussed zoning inspections and parking requirements or the waiver of parking requirements.

Town Attorney Poulson asked if there is a “Special Event License” in the current ordinance.

Town Planner Neville advised there was.

Mayor Tarr feels this should be sent back to the Ordinance Committee for review.

They also talked about the definition and making a determination whether they're going to permit the activity along with the zoning issue.

Council agreed to send this back to the Ordinance Committee.

8. Mayor & Council Announcements or Comments

Councilman Taylor requested life rings at all the water facilities and expressed the importance.

Mayor Tarr directed staff to report back to Council with costs and further information.

Vice Mayor Leonard congratulated the North Accomack Little League for their annual dinner/auction. They raised \$12,000 for the youth of Chincoteague to have another year of baseball and softball. He also added that the Ladies Auxiliary did a fine job with the food.

Mayor Tarr added that this was a huge and successful event.

Public Works Director Spurlock reminded Council of the Public Works Committee meeting Tuesday at 5:00 p.m.

9. Closed Meeting in Accordance with Section 2.2-371(A)(7) of the code of Virginia

- **Legal Matters**

Councilwoman Richardson moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss personnel matters. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

Councilman Jester moved, seconded by Councilman Muth to reconvene in regular session.

Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

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

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

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.

VOTE: Ayes- Leonard, Jester, Richardson, Muth, Taylor
Nays- None
Absent- Howard

Adjourn

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adjourn. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester
Nays: None
Absent: Howard

Mayor

Town Manager

MINUTES OF THE APRIL 1, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

J. Arthur Leonard, Vice Mayor

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

There was none.

STAFF UPDATE

Planning Department

Town Planner Neville stated that they received a letter from Mr. Joe McCauley with the U. S. Fish and Wildlife in response to the questions from Mayor Tarr. This was to inform Council of the CCP. The target date is in May. They advised, they would inform the public and address the points Council requested.

Town Planner Neville also encouraged Council to read through the FEMA fact sheet regarding the flood program. He feels there should be a larger public input meeting. He added that they appear to be targeting the non-primary homes first for the possible increase. He added that they will have to work for more credits to help the community.

Police Department

Chief Lewis advised that the monthly report was included in the agenda.

Public Works Department

Public Works Director Spurlock stated that the Sanitation Contract bid announcement will go out in Wednesday's paper and he should have something to report in May. He added that there are no major changes in the contract.

He also reported that the paving on Willow Street is dependent on the weather. He added that the street drain and conduit was installed at the museum earlier today.

There was discussion regarding the reservoir on Willow Street and how the backwash pit works along with the necessary repairs needed.

General Government

Town Manager Ritter reported that there were 55 EMS responses, which were 15 less than March of 2012. He reviewed the schedule for the Downtown Revitalization Project. He advised that the Town decals are on sale and the quarterly newsletter has been published.

There was discussion regarding the grants and the Town moving forward individually as they originally were without using one grant to help pay for the Town's percentage of another grant.

Town Manager Ritter advised that the Town wants to move forward with dredging.

Councilman Howard asked Town Planner Neville about an ordinance revision regarding wayside stands and yurts.

Town Planner Neville responded that there are a number of pictures in the staff report that describe a yurt. He explained the difference in a permanent dwelling unit type versus a temporary dwelling unit. He stated that the pictures and definitions are in the Planning Commission packet for review.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item #7a. Colocation Agreement. Motion carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

1. Consider Adoption of the Minutes

- **Regular Council Meeting of March 4, 2013**
- **Council Workshop of March 21, 2013**

Councilman Jester advised that he was absent during the March 21st Workshop.

Councilwoman Richardson motioned, seconded by Councilman Jester to approve the minutes as corrected. Motion carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

2. Information on NASA's Upcoming Launches

Mr. Bruce Underwood with NASA Flight Facility introduced Mr. Jeremy Agers who was with him to give Council an update on the upcoming events at NASA. He reviewed a PowerPoint presentation:

- Antares – there was a “hot-fire” test on February 22nd, the Launch vehicle is being prepared for rollout to the launch pad on April 4th and scheduled for launch April 17th – 19th in the late afternoon.
- LADEE - He explained that this is the largest vehicle to be launched at Wallops. It is a NASA satellite that will orbit the moon studying the lunar “exosphere” and influences of dust. This contains 3 science instruments and 1 technology experiment. This will be the 1st launch of the new Minotaur V rocket and the 1st deep-space launch from Wallops.
- Hurricane & Severe Storm Sentinel (HS-3) – This is a Global Hawk, which is an unmanned aircraft that returned to Wallops August-October. This is the 2nd year of a 3 year campaign. They will study the physical process that controls storm intensity.
- Navy Field Carrier Landing Practice (FCLP) – This is training for those pilots to practice landing as they would on an aircraft carrier. In mid-March the Navy and Fleet forces Command along with NASA signed an agreement supporting the FCLP operations. This provides critical Navy training flights with propeller aircraft only. The Navy will provide critical funding contributions for Wallops airfield maintenance. He reviewed the aerial photos of Wallops Island and advised they are actively replenishing the beach.
- Upcoming Wallops Launches :
 - April 17th – Antares 1st launch
 - June 4th – 10th – Black Brant XII (science)
 - June 20th – 21st – Rock-on (education)
 - June 24th – July 8th – Black Brant V/Terrior Orion (science)
 - July 1st – 3rd – Terrier-Malemute (technology)
 - August 12th – 16th – RockSat X (education)
 - August 12th – LADEE (Minotaur V)
 - Late September – ORS-3 (Minotaur I)

Mr. Underwood advised that Wallops is doing well during this challenging budget period. He stated that overall, Wallops remains very healthy as all programs are stable and growing along with more than \$200,000,000 in new infrastructure investments. He stated that the annual budget is \$215,000,000 adding that NASA and contractor workforce is at 1,100 with some limited hiring underway. He added that the research range is busy and there are new commercial rocket companies interested in setting up at Wallops.

Mr. Underwood also stated that sequestration is having an impact, but is manageable. He stated that support from the local communities and governments are critical and appreciated. They recognize their responsibility to be a good neighbor. He also added that there are a number of educational activities and would like to encourage everyone who has children or grandchildren to consider Wallops educational opportunities. He concluded that the social media will keep everyone up on the schedule changes and events.

There was discussion regarding the viewing areas for a launch and contacting the tourism agencies with information. They discussed proposals for educational programs.

Mayor Tarr thanked them for attending and advised that the Town plans to continue to support their cause.

3. Discussion on the Sign Ordinance & Multiple Businesses

Town Planner Neville advised that Council requested that the Planning Commission review this issue and report back. He stated that the Planning Commission has completed the review and given a report in the agenda packet. They included photos and an aerial view. He explained that one example was a larger property with the maximum amount on the sign. He asked Council if these were unique examples or felt they needed the Ordinance changed. He recommended that each case be addressed separately. He also gave options as opposed to changing the Ordinance. He stated that an ordinance revision is also an option.

Town Planner Neville reviewed both cases. He stated that in the first case the Planning Commission didn't recommend that a revision to the Sign Ordinance is necessary. They identified two solutions; one for the existing non-conforming sign could be repainted or another sign placement on top of this as long as it doesn't change in dimensions. The other recommendation is that the businesses are located on 3 different parcels and the section regarding free standing signs only limit the number of signs per lot. They feel this particular business may be on a separate lot that would be permitted its own sign.

Town Planner Neville also addressed the signage for the Fairfield Inn/Chincoteague Inn. The Commission, with the information provided, didn't feel there was a clear enough request to generate a change to the Ordinance at this time. He explained that this could be considered, however, there wasn't a specific proposal as there was no sign application. He stated that the ordinance allows the free standing sign for each lot. He added that these are unique conditions. They feel this could be a BZA appeal for a variance. The Commission didn't feel that changing the Ordinance was a solution and it could be resolved in another way. They are concerned that if this is changed and is used on another site in Town it could create more issues.

Councilman Jester asked if the owner has contacted the Town.

Town Planner Neville stated that a sign application has been recently submitted to Building and Zoning Administrator Lewis. Mr. Burbage was notified that they couldn't leave the nonconforming sign in place. He added that the Fairfield signage has now been approved and in place. He stated that Mr. Burbage was not willing to put any other signage under the Fairfield Inn logo. The Chincoteague Inn's signage permit application has been submitted by the restaurant owner not the property owner.

Town Attorney Poulson stated that a subdivision is not an option. He added that he doesn't like variances.

Town Planner Neville stated that it has to be determined that it is unique and if it changes the character of the neighborhood. He understands that this is seeking to restore what the Chincoteague Inn had before which does not meet the current Ordinance.

Mayor Tarr stated they are also looking at the individual pieces of property. He stated that if they consider it one building then only one sign is allowed. He gave an example.

Town Planner Neville asked if making an ordinance around an example was the way to write an ordinance.

Mayor Tarr responded that it's the wrong way to write an ordinance.

Town Planner Neville stated that the Planning Commission's main obligation is to support the ordinance that was adopted through the public process. They want to help the business through the ordinance the way it was written.

Councilman Jester feels they should do everything they can to work with the system.

Town Planner Neville stated that before opening day of the new motel the sign has to be removed and made conforming.

Discussion continued regarding the parking.

Chairman Rosenberger advised that they were some of the variables. He mentioned the house that was coming down to accommodate parking and didn't come near to what the requirements were between the restaurant itself and the motel.

Mayor Tarr disagreed. He stated that there is an approved plan with approved parking for both the motel and restaurant.

Chairman Rosenberger stated that it was the Commission's understanding, that part of the parking area was dependent on the building being demolished.

Mayor Tarr agreed and added that they were directed to take it down. He knows there is a lease for the house. He added that they have secured the lease on a property that has triple the parking that the house was going to be in. He added that it still doesn't meet the off-site parking requirement because they don't own that property.

Councilman Jester stated that they're so tight on the rules that common sense is lost. He stated that the Town says they would like to save the house but you have to tear it down for parking.

Councilman Howard feels as though the Planning Commission is on the right track. He feels that if Council changes an ordinance every time someone has a problem, what kind of ordinance is the Town going to end up with.

Councilman Jester doesn't want the Town to be in the situation again with the condos. He wants to be cooperative.

Planning Commission Chairman Rosenberger stated that on one case the properties are separate and they were going to look into that and come back. He wanted to know with the Fairfield Inn if the Marriott is going to lease or manage this property. He asked if the Fairfield Inn was going to be completely separated from the Chincoteague Inn or is it going to be co-managed by the corporation. He asked if it's going to be two separate businesses.

Town Attorney Poulson stated it is two separate businesses and Mr. Britton leases the Chincoteague Inn.

Chairman Rosenberger stated that the BZA granted him a variance on that sign in the very beginning in order to maintain the sign. He added that the variance at the time was that if it changed hands or the property was changed the sign was to come down. He stated that the Commission was looking at it as to what could be done now. He stated that the Fairfield Inn could indicate a restaurant on their sign. He added that the Commission did not address the Town wanting the structure there. They were told that the structure was coming down.

Councilman Jester would like to see all parties get together and find a solution.

Chairman Rosenberger stated that it is hard to fit everyone into one set of standards. He added that you can't address each individual's needs and wants by revising the ordinance.

Councilman Howard asked if there was any indication that Mr. Burbage requested to come before the Planning Commission regarding this.

Chairman Rosenberger advised he has not.

Town Planner Neville feels that the Planning Commission is probably not the place he should go. He stated that initially he put in the staff report the description of the conditional use process which can be granted by the Town. He feels that this may allow the Town Council to permit certain land uses and structures under the conditional use permit process. He isn't sure if this allows a sign in this particular situation. He asked Attorney Poulson if in the current ordinance this would allow Council to address this as a unique situation. He added that this involves a public hearing and certain conditions could be attached.

Mayor Tarr said that the process is more in-depth. He informed Town Planner Neville there is a \$1,500 fee to take it to the Planning Commission and would require stamped engineered drawings. He feels this is a very long process for a small flower shop sign or even a motel/restaurant to be in business in a couple of months.

Town Planner Neville stated that the BZA does have history reviewing cases pertaining to signs.

Chairman Rosenberger stated that there have been cases before them relative to the number, the height and location of the signs.

Mayor Tarr asked if these were the only two incidents regarding signage since the Sign Ordinance.

Chairman Rosenberger believes they are.

Mayor Tarr stated that all signs at all the older businesses are nonconforming. He stated that the owner shouldn't be chastised because his sign doesn't meet the Ordinance today the way it's

currently written. He added that the sign was conforming at some point or it wouldn't be in place. He stated that they wanted to change Mr. Britton's sign to a Fairfield Inn sign so it has to come down as it is now nonconforming. He feels it's a bigger issue as to a large parcel with multiple businesses.

Chairman Rosenberger stated that this was addressed because of the Grubstake.

Chairman Jester feels that something has to be done or there will be another pickup truck with a sign in the bed of it.

Councilman Howard agreed that this should have determined if the flower shop is on a separate lot or on the same lot.

Mayor Tarr advised that the property owner has discussed this with Building and Zoning Administrator Lewis.

Town Manager Ritter stated that the owner of that property came in and showed Building and Zoning Administrator Lewis where the property lines are.

Mayor Tarr felt this should have been reviewed and not assumed.

Councilman Howard said this should have been determined by looking at the plat before a denial was made.

Town Attorney Poulson asked how big the Fairfield sign was going to be.

Town Planner Neville advised it is within the 64 square feet allowance and 12 feet high which is allowed. He stated that the two separate driveways are the misleading factor that it's one parcel. He stated that the BZA could determine if it was considered a unique situation. He added that the Commission is trying to find a solution.

Chairman Rosenberger added that there may not be another way. He stated that the Commission will review this again. He feels the main issue is separate buildings on a single property.

Councilman Taylor stated that the Fairfield Inn will not want a Chincoteague Inn sign under it.

Chairman Rosenberger stated that they addressed this like the Grubstake by identifying the owner and all the individual businesses.

There were a few comments and further discussion.

Mayor Tarr asked if the Chincoteague Inn has applied to the BZA.

Town Planner Neville advised not as of yet. He stated that Building and Zoning Administrator Lewis has to send them the denial letter before a hearing can be set.

Mayor Tarr asked about the BZA ruling when the sign was originally placed. He stated that the business is still there and isn't changing.

There was discussion about when the vacation of the property line was done.

Chairman Rosenberger advised that the Planning Commission meets next week and will re-address this.

Councilman Jester expressed his concern to drag this out as Memorial Day is approaching and tourism season is underway.

Mayor Tarr stated that this should be viewed as multiple businesses on a lot. He added that it's the Planning Commission's job to look at the Town's Sign Ordinance and see if there is a real problem with multiple businesses on one property.

Chairman Rosenberger advised that they were approaching this with a different perspective. He stated that they will review this again knowing what Council wants.

Councilman Jester feels this will happen with the Landmark Property also.

Discussion continued reiterating Council's intent regarding multiple businesses on one parcel.

Councilman Taylor thinks that the Sign Ordinance is crazy in the fact that a sign cannot be put up on the corner of the lot they're going to use for parking because the business owner doesn't own that lot.

Chairman Rosenberger stated that the current Sign Ordinance does not provide for all the contingencies.

Councilman Taylor discussed off-premise signs. He stated that the same man owns both parcels but can't have a sign on the other lot because it would be considered off-premise.

Councilman Jester doesn't feel the Town should be so rigid.

Town Planner Neville invited Council to the Planning Commission's meeting next Tuesday to continue this discussion.

4. Proclamation Designating April 13-19 as Cemetery Cleanup Week

Councilwoman Richardson read the Proclamation Designating April 13-19 as Cemetery Cleanup Week.



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 13TH through 19TH, 2013, 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 1st day of April, 2013.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Town Manager Ritter advised that on April 13th from 9:00 a.m. to noon there will be a cemetery cleanup at the Holy Ridge Cemetery. He added that the Town will collect debris the following week.

Councilwoman Richardson stated that Mr. Gary Turnquist spoke with the Christ United Methodist Men and organized groups to clean up debris at the Redmen's Cemetery on Taylor Street, Island Baptist Church will clean the Bunting Cemetery and she'll be at the Holy Ridge Cemetery. She encouraged anyone who wants to organize a group to pick up debris and put it in a pile so the Town can pick it up

Mayor Tarr asked about new members for the Committee.

Town Manager Ritter stated that it was left as a discussion at the Committee meeting.

Mayor Tarr directed staff to advertise for the 2 vacancies on the Cemetery Committee with a brief description of what they do. He requested a written statement from those interested of why they would like to be considered and they will be reviewed by the Nominating Committee.

Councilwoman Richardson also advised the Cemetery Preservation Plan was included in the packet. She advised that Mr. Turnquist has put the information in the Beacon regarding where to meet to help with the cleanup.

Mayor Tarr also directed staff to put this on the Town's website also.

5. Public Works Committee Report of March 5, 2013

• Inundation Study Proposals from Clark Nexsen

Councilwoman Richardson advised that they want to bring to Council the Inundation Study Proposals presented by the engineering consultant Clark Nexsen.

Public Works Director Spurlock advised that there were two proposals. He stated that there was a study done to show the problems with flooding and the flood gates or event gate would reduce the flooding on the south end of the island looking for the low spots. He suspects that if they put a flood gate at the end of Fowling Gut the tide will then just come in on the back side of Bunker Hill Road.

Councilman Taylor discussed the problems with event gates.

Councilman Howard also discussed where the flooding is coming from.

Public Works Director Spurlock advised that the computer mapping system will show exactly where the flooding is coming in and to be able to slow it down would help.

There was discussion about the causes and what would help.

Councilman Howard is concerned in spending \$36,000 to figure out what's happening. He feels there needs to be a plan.

Mayor Tarr stated this is the first phase of that plan and the study had to be done to write the plan.

Discussion and comments continued.

Public Works Director Spurlock advised that the 2nd proposal will study Hallie Whealton Smith Drive. He stated that this is an evaluation study which is more extensive for the north end of the island.

Mayor Tarr asked Public Works Director Spurlock if Clark Nexsen could make initial contact with the Army Corps of Engineers. He would like to know that if the Town has to apply for a permit over the next few years the study can be used toward the permit. He asked for comments regarding the proposals.

Councilman Jester motioned, seconded by Councilman Muth to approve both projects with Clark Nexsen and the flood elevation projects. Motion carried.

Ayes: Jester, Muth, Richardson, Howard, Taylor

Nays: None
Absent: Leonard.

6. Recreation & Community Enhancement Committee Report of March 12, 2013

Councilman Jester explained that the primary discussion was regarding bicycles. They feel there is a need to update the Bike Plan and update the map. They would also like to educate and promote bicycle safety. He suggested that the Town mark the paths for bicycle use. They also discussed the donation policy for a donated bench in honor of a loved one for the park.

There was discussion regarding the benches and the draft policy.

7. Budget and Personnel Committee Report of March 14, 2013

Mayor Tarr advised there will be budget workshops on April 8th and 9th.

7a. Colocation Agreement

Town Manager Ritter stated that Town Attorney Poulson reviewed the Colocation Agreement and was able to make his recommendations. He stated that this is an agreement between the Town and Eastern Shore Communications. He advised there is a trial agreement that Council has reviewed with the Eastern Shore Broadband Authority and proposal submitted by Eastern Shore Communications. He explained that this is an agreement that Eastern Shore Communications will have a discounted amount to pay. He reviewed the percentages they would pay per year. Town Manager Ritter stated that this will basically allow them to utilize the tower behind the Town facilities, the water tower and a tower at the Curtis Merritt Harbor. This will allow the town free internet service for the SCADA system and free internet service for the Harbor.

Town Attorney Poulson reviewed the changes.

There was brief discussion.

Councilman Howard asked Town Manager Ritter to review the Town's benefits.

Town Manager Ritter again stated that this gives free internet service for the SCADA system (computerized water pump computer system) along with free internet service to the Harbor.

Councilman Howard motioned, seconded by Councilwoman Richardson to approve the Colocation Agreement. Motion Carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

COLOCATION AGREEMENT

This Colocation Agreement (“Agreement”) is entered into by and between Eastern Shore Communications (“ESC”), doing business in the Commonwealth of Virginia, with its address of post office box 615, Cape Charles, VA 23310 and the Town of Chincoteague, Virginia, a political subdivision of the Commonwealth of Virginia, with its principal place of business at 6150 Community Drive, Chincoteague, VA 23336 (“Owner or Town”), (each, a "Party"; collectively, the "Parties"), effective as of the latest date of execution set forth below (“Effective Date”). Capitalized terms shall have the meanings given them herein or in any Exhibit or Schedule attached hereto.

- 1) Background. Owner owns certain premises known as the “Water Tower and its Ground” located at, 3738 Willow Street, “Tower at the Town Complex” located at, 6150 Community Drive, and placement of a Tower located at 2246 Curtis Merritt Harbor Road, all on the Island of Chincoteague, VA (the “Premises”) in which ESC wishes to locate and operate its communications service equipment in connection with one or more of the ESC’s communication systems. For the initial term of this agreement, the Trial Agreement between the Town and Eastern Shore Broad Band Authority (**Exhibit A**) and the Proposal submitted by ESC’s to the Town of Chincoteague on December 21, 2012 (**Exhibit B**), are hereby incorporated (see attached). Accordingly, ESC wishes to obtain from Owner a license to use the Premises on the terms and conditions hereinafter set forth.
- 2) Consideration. The parties are entering into this Agreement, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.
- 3) Grant of License. Subject to the terms and conditions of this Agreement, Owner hereby grants to ESC a license to locate, install, maintain and operate its equipment at the agreed Premise. The Owner hereby grants ESC the right to install cable, connections and other communications equipment necessary to connect ESC’s equipment located at the Premises to and along the public rights-of-way. Any such cable or equipment shall be constructed and installed with Owner’s consent, which shall not be unreasonably withheld provided that the ESC constructs the equipment as described in the “Agreement for Broad Band Services Contract” executed by both Parties with an effective date of March 28, 2013.

- 4) Term and Renewal. This Agreement shall be in effect for a period of one (1) year (“Term”) from March 28, 2013 the (“Effective Date”) and shall automatically be renewed from year to year thereafter (each a “Renewal Term”), unless and until either the ESC notifies the Owner in writing at least one (1) month prior to the termination of the Initial Term or any subsequent Renewal Term that it does not desire to extend the Agreement beyond the then-current term. The Town reserves the right, after the initial term, to provide ESC with ninety (90) days notice of termination if it is necessary to temporarily or permanently relocate ESC equipment. Notwithstanding anything contained herein to the contrary, default or cessation of ownership shall be as provided for under paragraph 13 titled Events of Default; Termination.
- 5) Permitted Uses. ESC agrees to use the Premises for the purpose of operating its communication system(s). In using the Premises or in performing any work on the Premises, ESC shall at all time, observe and follow good engineering practices and industry standards. The premises will be installed in accordance with Town site approval and used as described and will not be used as a storage facility. ESC agrees to quickly repair any damage to Owners property caused by the installation or operation of the communication network.
- 6) Power Supply & Environmental Conditions.
 - a) The ESC shall be allowed to connect a dedicated 20 Amp AC power feed at its cost, with separate metering for billing purposes to ESC, from the existing electrical panel located in or on the premises. The ESC shall be allowed to install back-up power generator and any of its associated for the ESC’s Equipment.
 - b) The ESC shall be allowed to install HVAC and any other equipment that is necessary for its operations.
 - c) The ESC, in consultation with Owner and with consent of Owner, which consent shall not be unreasonably withheld, shall have the right to perform such cutting, installation, patching, repairing and modifications to the Premises as are reasonably necessary to install the power supply and HVAC called for in subparts 6(a) and (b), above. No alterations will commence without written consent by the Town of Chincoteague. Upon expiration or termination of the license, ESC shall restore all premises to their condition as they existed at the inception of the contract with reasonable wear and tear excepted.

7) Limitation and Reservation of Rights.

- a) No use of the Premises by ESC or payment of any charges required under this Agreement shall create or vest in ESC any easement or other Ownership or property right of any nature.
- b) Nothing contained in this Agreement shall be construed to limit Owner's right to maintain access and operate its own facilities located at the premises.

8) Compliance with Law. The parties shall at all times observe and comply with all laws, ordinances, rules and regulations applicable to the rights and obligations of the parties under this Agreement, and to the use and occupancy of the Premises.

9) Maintenance. ESC shall at its own cost and expense maintain ESC's Equipment and work area in a safe condition in compliance with Owner's requirements and in a manner that will not physically or electrically interfere with the facilities of Owner, nor with the equipment or provided services of any other entity presently utilizing such premises under any license or lease with the owner. Likewise, Owner shall not unreasonably interfere with the operations of ESC hereunder, however, the foregoing shall not be deemed to prevent the Owner from taking action in emergency situations as provided in Paragraph 10(b), below. The Town will provide ninety days (90) notice if a physical change to the ESC installed equipment is required for a maintenance period.

10) Access to Premises.

- a) ESC shall have access to their Equipment twenty-four hours per day, seven days per week, 365 days per year (24x7x365)
- b) In the event of any emergency involving Owner's equipment or operations, Owner's work shall take precedence over any and all operations of ESC on the Premises; and Owner may rearrange ESC's Equipment to the extent reasonably necessary to respond to the emergency.

11) Owner Inspection and Remedial Rights. Owner may make periodic inspections of any part of ESC's Equipment, and ESC shall be provided with at least 10 days prior written notice of such inspections and shall have the right to be represented during such inspections; provided however, that if in the sole judgment of Owner safety considerations require an inspection

without providing such notice, Owner may make such inspection immediately, but shall thereafter promptly provide notice to ESC of such inspection.

12) License Fees and Other Charges. In exchange for the rights granted to ESC under this Agreement, the ESC shall provide Owner five (5) Mb/s of Internet access (Service) at no cost to the Town. Town's internet service shall be supplied at the Harbor, located at 2246 Curtis Merritt Harbor Road, Chincoteague, VA 23336 and at the Water Tower, located 3738 Willow Street. These Services shall be supplied by ESC for the Term of the Agreement unless terminated prior to expiration thereof as provided for herein, and for as long after the expiration of the Term as the ESC or assigns continues to use the Premises. The ESC shall provide the Service at a demarcation point and shall be installed within sixty (60) days of network completion. The Owner shall provide the required path to install the ESC's fiber and equipment, including but not limited to, conduits, poles, chases, or core boring required to provision Service.

13) Events of Default; Termination. This Agreement may be terminated as a result of a final determination by any court of competent jurisdiction that the license granted herein is contrary to law or otherwise wholly void or unenforceable.

Further any of the following events shall constitute a default under this Agreement by ESC or Owner, as the case may be:

- a) The failure of ESC to provide the Service called for herein, provided that in the event of such failure, ESC shall be provided written notice of such failure and shall be afforded a period of thirty (30) days in which to effect cure of same. Notwithstanding the foregoing, minor or intermittent disruptions in the Internet access services to be provided hereunder shall not be considered an event of default of this Agreement, nor shall interruptions in service due to periodic scheduled maintenance or system upgrades be deemed an event of default.
- b) The failure of any Party to perform any non-monetary covenant or condition contained in this Agreement within thirty days after receipt of written notice from the other Party detailing such failure and requesting cure of same.

- c) The cessation of ESC's or its successors', ownership of the system shall terminate this Agreement.
- d) Upon the happening of any such default, as aforesaid agreement shall be deemed to be terminated and ESC shall remove its equipment within 30 days, restoring the premises to their respective condition as they existed at the inception of the contract with reasonable wear and tear accepted.

14) Insurance. ESC shall at its own expense procure and maintain throughout the Term, the following insurance coverage from one or more insurance companies:

- a) Commercial general liability insurance, including insurance against contractual liability and liability for personal injury or death, property damage or other loss in an amount of not less than \$500,000 combined single limit with respect to any occurrence and \$3,000,000 in the aggregate.
- b) Worker's compensation insurance, including employer's liability within standard limits.
- c) At Owner's request from time to time, ESC shall deliver to Owner a certificate of insurance evidencing all of the above insurance coverage and with Town of Chincoteague, Inc. listed as additional named insured.

15) Limitation of Liability. Except as otherwise expressly provided herein, neither Party shall be liable to the other Party for any indirect, consequential, punitive or incidental damages, including loss of revenue, loss of business, loss of goodwill or loss of profits, arising from this Agreement and the performance or nonperformance of any obligation hereunder. In no event shall Owner be liable to ESC for any damages, direct or indirect, to ESC's equipment, unless such damage is caused by Owner's negligence or intentional misconduct.

16) Force Majeure. Neither Party shall be liable to the other for any delay or failure to perform its obligations hereunder to the extent such delay or failure is due to causes beyond the control of said Party, including acts of God, acts of the public enemy, acts of any government or agency thereof having jurisdiction over the Parties or the activities set forth in this Agreement, materially adverse weather conditions, shortages of labor or materials, manufacturer delays, labor or transportation difficulties, cable cut, acts or omissions of transportation common carriers, strikes, or similar circumstances (each a "Force Majeure

Condition”). Notwithstanding the foregoing, neither Party hereto shall be deemed a “government or agency thereof” whose actions may constitute force majeure.

17) Severability. If any provision or part of a provision of this Agreement is finally declared to be invalid by any tribunal of competent jurisdiction, such part or provision shall be deemed automatically adjusted, if possible, to conform to the requirements for validity, but, if such adjustment is not possible, it shall be deemed deleted from this Agreement as though it had never been included herein. In either case, the balance of any such provision and of this Agreement shall remain in full force and effect.

18) Notices. All notices required or permitted under this Agreement shall be in writing and shall be deemed given to a Party either (a) when hand delivered to such Party against a receipt there for; (b) when deposited with a nationally-recognized delivery service with instructions to provide next-business-day delivery and proof of delivery to such Party; or (c) when sent to such Party by facsimile transmission to Owner's original address or ESC’s original address, as the case may be or to such other address of a Party as such Party may by written notice hereunder designate to the other Party.

If to Owner:

Town Manager
6150 Community Dr,
Chincoteague, VA 23336

If to the ESC:

Executive Director / President
Eastern Shore Communications
P. O. Box 615
Cape Charles, VA 23310

19) Miscellaneous.

- a) Entire Agreement. This Agreement contains the entire understanding of the parties on the subject matter hereof; shall not be amended except by written agreement of the parties signed by each of them; shall be binding upon and inure to the benefit of the parties and their successors and permitted assigns; and may be executed in one or more counterparts each of which shall be deemed an original hereof, but all of which shall constitute but one and the same agreement.
- b) Assignment. This Agreement shall not be assigned in whole or in part by ESC without the prior written consent of Owner, which consent shall not be unreasonably withheld or delayed. Notwithstanding any such consent by Owner, ESC shall nevertheless remain fully and primarily liable for all of ESC's obligations under this Agreement.
- c) Construction. The words "herein," "hereof," "hereunder," "hereby," "herewith" and words of similar import when used in this Agreement shall be construed to refer to this Agreement as a whole. The words "include" "includes" "including" and words of similar import shall mean considered as part of a larger group and not limited to any one or more enumerated items. "Shall" and "will" means, "is obligated to," and "may" means "is permitted to". The necessary grammatical changes required to make the provisions hereof apply either to corporations, partnerships or individuals, men or women, as the case may be, shall in all cases be assumed as though in each case fully expressed. Each provision of this Agreement shall be interpreted and enforced without the aid of any canon, custom or rule of law requiring or suggesting construction against the Party drafting or causing the drafting of such provision.
- d) The service provider shall recommend guidelines to prevent users from identity theft, hackers, fraud artists and viruses.
- e) The Town requires that State and Federal regulations govern for the protection of customer data.
- f) The service provider shall comply with all applicable local, state and federal laws and regulations
- g) Make a diligent effort to provide affordable wireless service to all areas of the Town.

- h) Provide a price schedule to the Town that is agreed upon by the two parties.
- i) Governing Law. This Agreement shall be governed by and construed in accordance with the domestic laws of the Commonwealth of Virginia.
- j) Authorization. The execution of this Agreement has been duly authorized by resolution of the governing bodies of the Owner and the ESC, and the signatories hereto have been duly authorized to execute this Agreement on behalf of their respective Parties.

IN WITNESS WHEREOF, the following signatures of the Parties by their duly authorized agents.

Town of Chincoteague

By: _____

Date: _____

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA, AT LARGE

CITY/COUNTY OF _____, to wit

I hereby certify that the foregoing document was executed by the said Derek S. Hurdle, in my presence who after being duly sworn made oath that the document is truthful.

Subscribed and sworn to before me this _____ day of _____, 2013

(SEAL)

Notary Public

My commission expires on _____

Eastern Shore Communications

By: _____

Date: _____

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA, AT LARGE

CITY/COUNTY OF _____, to wit

I hereby certify that the foregoing document was executed by the said Derek S. Hurdle, in my presence who after being duly sworn made oath that the document is truthful.

Subscribed and sworn to before me this _____ day of _____, 2013

(SEAL)

Notary Public

My commission expires on _____

See attached:

Exhibit A: Trial Agreement between the Town and Eastern Shore Broad Band Authority

Exhibit B: Proposal submitted by ESC to the Town of Chincoteague on December 21, 2012.

8. Mayor & Council Announcements or Comments

Councilman Howard commended the Planning Commission, Town Planner Neville and Town Manager Ritter as they do a wonderful job doing what is right for the community.

Councilman Jester also wanted to commend the Police, Fire Department and EMS personnel for their quick response and job well done for the seaman that was airlifted from Memorial Park. He added that it was all very professional.

Councilman Taylor commended the Police Department for their Senior Luncheon. He added that seniors are the backbone of our community and it was very well done.

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

• Legal Matters

Councilman Howard moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters. Motion carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

Councilman Muth moved, seconded by Councilman Jester to reconvene in regular session. Motion carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

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

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

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.

VOTE: Ayes- Jester, Howard, Richardson, Muth, Taylor

Nays- None

Absent- Leonard

Adjourn

Councilwoman Richardson motioned, seconded by Councilman Jester to adjourn. Motion carried.

Ayes: Howard, Richardson, Muth, Jester, Taylor

Nays: None

Absent: Leonard

Mayor

Town Manager

MINUTES OF THE MAY 6, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Student Government Councilwoman Yasmine Johnson offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr introduced the Student Government Mayor, Mr. Cole Chesser who introduced the other students and positions:

Mayor, Cole Chesser
Town Manager, Sarah Cathey
Chief of Police, Derek Clark
Public Works Director, Nick Chesnoski
Councilman, Zach Allen
Councilman, Josh Cabbage
Councilwoman, Yasmine Johnson
Councilwoman, Taylor Moltedo
Vice Mayor, Rebekah Reed
Councilwoman, Amber Sipe

Student Government Mayor Chesser addressed Council regarding some of the issues that were discussed in their meeting earlier. He advised of the issues with the drainage at the foot of the new bridge. They discussed possible solutions, who they should contact and the costs associated. He stated that they also discussed the Sign Ordinance, which was the majority of their meeting's discussion. They suggested raising the amount of signs per business per property as opposed to a large sign or going by square footage.

Student Government Mayor Chesser also advised that they discussed the Camper's Ranch property. They suggested that the Town purchase this property for parking for the Seafood Festival, 4th of July or Pony Penning and for fundraising events. They would like to see more

community events and to pay for this with the fees for parking. He stated that there aren't enough lights at Memorial Park for fishing off the pier.

Mayor Tarr thanked the Student Government attendees.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Nancy Lane and Mr. David Landsberger addressed Council on behalf of the Chincoteague Island Arts Organization. They invited Council to attend an update with their Directors at the Island Theatre on June 7th at 7:00 p.m. This is regarding transforming the interior of the theater for multiple uses. They would like the community and Council to be involved. They will also show a free movie at 8:00p.m.

- Mr. Raymond Britton stated that he has been a marine contractor on Chincoteague for over 40 years. He advised that in the past month the Town's Building Official has started requiring building permits for storm damaged piers. He stated that he has never had to obtain a permit for a storm damaged pier or bulkhead in the past. He added that the County Zoning Official, David Fluhart wrote a letter advising that they do not require a permit for repairs due to storm damage. He also added that Mr. Hank Badger with the VMRC along with the Army Corps of Engineers issued letters advising that they do not require permits for storm damage repairs.

Mr. Britton stated that he has a copy of the requirements from the Building Official about obtaining a demolition permit. He also stated that he didn't need a demolition permit as they were demolished by the storm. He wanted to know why this just recently came about. Mr. Britton made further comments.

Mayor Tarr asked Building and Zoning Administrator Lewis how long the Town has been requiring a building permit for repairs to a pier from storm damage.

Building and Zoning Administrator Lewis advised that minor repairs don't require permits. He added that Mr. Britton and his grandson have been completely rebuilding the projects. He stated that he has pictures of the "repairs".

Mr. Britton stated that this wasn't true and explained the actual repairs that would and wouldn't require a permit from the Army Corps of Engineers.

Mayor Tarr advised that the Town would look into this further and speak with the Town Attorney along with contacting other localities to see how they are handling these types of permits.

- Mr. Luke Britton also addressed Council regarding obtaining building permits for repairs to storm damaged piers and bulkheads. He advised that he spoke with the Town Manager and Building and Zoning Administrator Lewis about this issue. He was advised that the main concern with the piers were safety and the requirement for a permit for "safety". He agrees that it isn't safe for children to be on a storm damaged pier. He needs immediate action as he has

clients that need repairs to their piers. He added that because of this process it could take months adding that renters will be coming into town with children on the piers and he needs the permits to rebuild the dock. He doesn't mind having to obtain the permit. However, he minds the length of time it takes to get one. He asked Council if it was fair or safe to take a month or longer to obtain the permit for a repair to 20% of a pier.

- Mr. Steve Potts on behalf of the Chincoteague Center came before Council in opposition to the possible change in the Transient Occupancy Tax and flat lining the funding to the Center. He advised that in the beginning they received 25% of the Occupancy Tax. It was reduced to 17% and now 14%. He feels that this is the premier venue attracting patrons to local businesses. He advised that last year the Center hosted 38 "free" events. He stated that the value to the community of the "free events" was over \$34,000. He added that flat lining the funding will not help reduce the costs or increase the free community events. He compared the costs of the Center to other eastern shore facilities. He mentioned the Blueberry Festival. He urged Council to reconsider the decision to reduce the funding to the Center. He thanked Council for listening.

Mayor Tarr stated that in the packet there was a list of free events and asked for a list of the paid events also.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the Planning Report in the packet summarizes the events that led up to the discussion about the Sign Ordinance revision on the agenda this evening. He highlighted the public hearing originally scheduled for this evening adding that it will not take place as it wasn't publicized properly. It is on the agenda for additional discussion. He mentioned the Safe Routes to School Program. There is a pre-scoping meeting with the engineer on Wednesday where they will present the plans for VDOTs approval.

Town Planner Neville stated that the Joint Land Use Committee kicked off last week. He stated that this should accomplish two things; the Wallops military base will plan for the activities they want to hold inside the gates and Accomack County will plan for land uses and needed infrastructure surrounding the facility. It's an opportunity for Accomack County while working on their Comprehensive Plan to accommodate the rocket launches and restricted airport zones. He advised that this is just getting it all on the same map.

Town Planner Neville stated that he met with FEMA about the new Flood Plain Maps. He stated that the Chesapeake Bay is getting hit a little harder and the Island seems to be a little less. He also reported that they are working on getting the fishing pier at Bridge Street started. VDOT is finishing the deed with conveyance to the Town on May 10th. The design will then go out for bid and the project to start hopefully this summer.

Councilman Howard asked why there has been such a delay on this project on Bridge Street.

Town Planner Neville advised that the process has been based on the bridge project coming to a close and the Commissioner of VDOT ruling on an abandoned ruling. He advised that Bridge

Street is serving several properties on either side. He stated they want to make this part of the park with the Town having access and maintaining it.

Police Department

Chief Lewis advised that the monthly report was included in the agenda. He will have a personnel matter to be discussed in executive session. He stated that on May 11th the Police Department will hold a fundraiser at the Chincoteague Inn to benefit the Waterman's Memorial. He also reported that on May 18th there will be a bicycle rodeo for young adults.

Public Works Department

Public Works Director Spurlock stated that there is a report in the agenda packet. He added that the base coat has been put on Willow Street. They will be back in a couple of weeks to install the surface coat and striping will follow. He added that the bike path on Beach Road (Maddox Blvd. ext) will be paved then also.

General Government

Town Manager Ritter reported that there were 60 EMS responses for the month of April which is down 7 from April 2012. He advised that the Downtown Revitalization Project is on schedule to be put out on bids the end of June to obtain approval from VDOT and start construction in September. He stated that the Trolley service was started up for the Seafood Festival this past Saturday and will be running through the summer. He advised that Town Decals are still on sale and there has been collection of past due taxes in the amount of over \$42,000 because of the decal sale. He reported that Finance Director Hipple attended a course regarding bankruptcies. He stated that there will be a public hearing, June 3rd for the budget.

Councilman Jester asked if the broadband contract has been awarded.

Town Manager Ritter advised the contract has been signed with Eastern Shore Communications. They will be advertising and putting up regular equipment.

Councilman Howard mentioned the revenue increase in the Tangible Tax.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda adding items #5b, Water Distribution Capital Improvement Plan Update and #9b Resolution on Revenue Sharing on Recycling Collection Fees and the Spring and Fall Cleanup Projects. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 1, 2013**
- **Budget Workshop Meeting of April 8 & 9, 2013**
- **Council Workshop Meeting of April 18, 2013**

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

2. Public Hearing on the Request to Vacate a Subdivision Lot Line

Mayor Tarr asked Mr. David Landsberger to give a brief description of his plan to vacate a subdivided lot. He explained that by vacating the line and making it one lot the septic and building would be on one lot and the parking and restaurant would also be on one lot. As it stands they are nonconforming, however, grandfathered.

Mayor Tarr opened the public hearing. There were no comments. Mayor Tarr closed the public hearing.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the Vacation of a Subdivision Lot Lines in the name of Racing Moon, LLC, for Lot 1-X and Lot 2-X to show as Lot X. Unanimously approved.

AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT PURSUANT TO SECTION 15.2-2272.2

WHEREAS RACING MOON, LLC, a Maryland Limited Liability Company is the owner of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 1-X (Tax Map No. 031A00100X00000) and Lot 2-X (Tax Map No. 031A00100X00001), on a certain Plat of Survey entitled "Division of Land Into Lots X, Y, Z, For Wyle Maddox Piney Island, Chincoteague, Accomack Co., Va.," dated 3/28/70, made by R. L. Beebe, C.E. and revised May 10, 1972 to show Lot "X" divided into 3 lots, said Plat of Survey being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Deed k 317 at Page 353; and,

WHEREAS Racing Moon, LLC, has requested that the line shown on said Plat as N 79 degrees 36' 50" E, 151.70', dividing Lot 1-X and Lot 2-X, being a part of "X" 1.046 Ac. be vacated so that the two lots become one lot to be used for the existing commercial building known as The Chincoteague Diner, 7085 Maddox Blvd., Chincoteague, Virginia; and,

WHEREAS, all notice requirements of Section 15.2-2204 have been complied with; and,

WHEREAS, the governing body affirmatively finds that no owner of any lot shown on the aforesaid plat, or any adjacent or abutting property will be irreparably damaged by the said vacation of said line.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

That the line N 79 degrees 36' 50" E shown on the Plat entitled "Division of Land Into Lots X, Y, Z, For Wyle Maddox, Piney Island, Chincoteague, Accomack Co., VA.," dated 3/28/70, made by R. L. Beebe, C.E. and revised May 10, 1972 to show Lot "X" divided into 3 lots, said Plat of Survey being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Deed Book 317 at page 353 be vacated.

As a result of the said vacation of said lot line as shown on the aforesaid Plat, Lot 1-X and 2-X shall become one lot having a length on the westerly side of said lot of 200 feet on Maddox Blvd. and shall be known as 7085 Maddox Blvd, Chincoteague, Virginia.

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

Ayes:

Vice Mayor J. Arthur Leonard
Councilman Terry Howard

Nays:

STATE OF VIRGINIA
COUNTY OF ACCOMACK

Councilwoman Ellen W. Richardson
Councilman Gene W. Taylor
Councilman John N. Jester, Jr.
Councilman Eugene Trip Muth

Sworn to and subscribed before me by
John H. Tarr this 6th day of May 2013.

Notary Public

Reg. #

Approved as of May 6, 2013

3. Public Hearing on the Request to Vacate a Subdivision Lot Line

Mayor Tarr asked Mr. A. J. Bowden to explain the vacation of a subdivision lot line.

Mr. Bowden stated that the lot between his property and lot #14 along with the lot #15 to be moved to the middle vacating both lines on either side. He also added that he would like to vacate the lot line between his property and his mother's property. He stated it has been surveyed and ready just awaiting approval.

Mayor Tarr asked if this conforms with the current Zoning.

Building and Zoning Administrator Lewis advised it changes the property from non-conforming to conforming.

Mayor Tarr opened the public hearing. There were no comments. Mayor Tarr closed the public hearing.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the vacation of 3 subdivision lot lines adding one in the names of A. J. Bowden, Mary Bowden and John H. Howard Lot #14A. Unanimously approved.

AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT PURSUANT TO SECTION 15.2-2272.2

WHEREAS, Alfred J. Bowden is the owner of certain parcels of real estate situated in the Town of Chincoteague, Accomack County, Virginia, identified as Tax Map No. 30A5-A-649A on a certain deed dated June 19, 1984 between Mary E. Bowden and Alfred J. Bowden which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 474 and Deed Book 343 at page 167 and Tax map No. 30A5-22-A1 on a certain deed dated June 19, 1984 between Mary E. Bowden and Alfred J. Bowden which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 474 and Deed Book 343 at page 167; and

WHEREAS, John H. Howard is the owner of a certain parcel of real estate situated in the Town of Chincoteague identified as lot 16, Tax Parcel Tax Map No. 30A5-22-16, which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 343 at page 167; and

WHEREAS Mary E. Bowden is the owner of certain parcels of real estate situated in the Town of Chincoteague identified as lot 649, Tax Map No. 30A5-A-649, which deed is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Deed Book 222 at page 425 and Tax Map No. 30A5-22-A, which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 472; and

WHEREAS, the lots enumerated above are further shown on a Plat of Survey entitled "Boundary Line Adjustment Plat of Lot 15, Lot 16, Parcel "A" & Rodney Bowden parcel (Deed Book 343, Page 167) Tax Parcels #030A52200001500, #030A52200001600, #030A52200A00000, #030A52200A00001, #030A5A000064900 & #030A5A0000649A0 town of Chincoteague, Accomack County, Virginia for Alfred J. Bowden)" dated December 10, 2012 by Michael A. Starling, Land Surveyor, (the "Boundary Line Adjustment Plat") which Plat is attached hereto and made a part hereof; and

2. That as a result of the aforesaid vacation and relocation of the property line, Alfred J. Bowden and John H. Howard shall execute and record a deed of exchange conveying the necessary portions of each lot to each other so as to fully vest title to each party to their respective lot as contemplated hereby.

3. That the Ordinance shall have no legal affect until conveyance and recordation of said deed of exchange.

4. That the line at N 36°26' 49" E be vacated as shown on the Plat entitled

"Boundary Line Adjustment Plat of Lot 15, Lot 16, Parcel "A" & Rodney Bowden Parcel (Deed Book 343, Page 167) Tax Parcels #030A52200001500, #030A52200001600, #030A52200A00000, #030A52200A00001, #030A5A000064900 & #030A5A0000649A0 Town of Chincoteague, Accomack County, Virginia for Alfred J. Bowden)" dated December 10, 2012 by Michael A. Starling, Land Surveyor.

5. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of Accomack County, Virginia.

Ayes:

Vice Mayor J. Arthur Leonard
Councilman Terry Howard
Councilwoman Ellen W. Richardson
Councilman Gene W. Taylor
Councilman John N. Jester, Jr.
Councilman Eugene Trip Muth

Nays:

STATE OF VIRGINIA
COUNTY OF ACCOMACK

Sworn to and subscribed before me by
John H. Tarr this 6th day of May 2013.

Notary Public

Reg. #

Approved as of May 6, 2013.

4. Discuss the Zoning, Sign Ordinance, Section 7.13 Commercial Districts

Town Planner Neville explained the Planning Commission's recommendation for more study regarding freestanding signs. He stated that Town Attorney Poulson recommended a few minor changes to consider. He reviewed the dates that this can be re-advertised for the public hearing. He discussed the public hearing and advertisement.

Town Planner Neville also advised about the BZA variance application regarding signage.

Mayor Tarr asked about the interpretation and enforcement.

Building and Zoning Administrator Lewis advised that they are assuming that there is a situation where there are 2 freestanding buildings that each would have the right to have a 64 square foot sign for each building. He also mentioned the Landmark Plaza that would be able to have 3 freestanding signs.

Councilman Howard expressed his concern that a shed will have a 911 number and allowed to have a large sign also.

Building and Zoning Administrator Lewis stated that if a shed has a phone installed, it can have a 911 number. He also feels that it's all in the way it is worded and there should be a limit on freestanding signs. He stressed that this depends on the classification. He understands the intent. He suggested excluding wayside stands and accessory structures from being eligible for a freestanding sign.

Town Attorney Poulson explained that he attempted to point out potential problems. He asked about a building with 4 businesses and how the signage would be allocated. He reviewed the proposed Ordinance again and is more confused. He feels they are trying to amend within the existing language. He stated that there is nothing in the Ordinance referring to "free standing" buildings. Town Attorney Poulson suggested dealing with one business on one lot, then in another section, one building one lot with multiple businesses, and one lot with more than one free standing buildings.

There was further discussion.

Town Planner Neville feels there should be some further changes before bringing it back to Council.

Town Attorney Poulson advised that he will review and forward his suggestions to Town Planner Neville.

They discussed scheduling the public hearing with advertisements on May 22nd and 29th. The joint public hearing could be scheduled for June 3rd, 2013 at the regular Town Council meeting.

Discussion continued. The Planning Commission was requested to review Attorney Poulson's suggestions and provide additional recommendation to Council on May 16th.

5. Bid Award for a 5 Year Sanitation Collection Contract

Public Works Director Spurlock advised that there were 2 bids for the 5 year continuation of the Sanitation Collection Contract. He also stated that by awarding Davis Disposal the contract this saves the Town approximately \$250,000 for the duration of the contract. He stated that Davis Disposal's bid was \$1,802,082 and Waste Management's bid was \$1,829,205.80. He recommended a contract renewal with Davis Disposal as they were the low bidder.

Vice Mayor Leonard motioned, seconded by Councilman Howard to award the contract for a 5 year Sanitation Contract to Davis Disposal in the amount of \$1,802,082.00. Unanimously approved.

5b. Water Distribution Capital Improvement Plan Update

Public Works Director Spurlock reported that he received the proposal earlier in the afternoon from Whitman Requardt. He advised that this report was done 10 years ago and advised the total cost of \$19,500 would be needed for an update.

Mayor Tarr stated that this is the proposal to update the Town's water supply distribution model in the Town's Capital Improvement Plan for the water system. He stated that it is 10 years old and a lot of the ideas in the plan have been completed or should be done as it will give the Water Department a plan for the direction the Town should be going.

Councilman Howard motioned, seconded by Councilman Muth to adopt the Water Distribution Capital Improvement Plan. Unanimously approved.

6. Public Safety Committee Report of April 2, 2013

Mayor Tarr advised there is a report in the packet and asked for questions. There were none.

7. Ordinance Committee Report of April 11, 2013

- **Possible Revision to Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec 18-96, Pony Penning Sales**
- **Possible Revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy), Sec 54-262, Allocation of Funds**

Councilman Howard advised that the minutes are included in the packet. He stated that there two items to discuss this evening. One matter is Pony Penning Sales, Chapter 18, Sec. 18-96. The other is regarding the Transient Occupancy Tax increase change from last year.

Councilman Howard read and explained the changes and recommendations to Council regarding the Pony Penning Sales Permit.

Mayor Tarr asked staff if the Town is requiring vendors to obtain a permit 8 days prior to the Saturday preceding Pony Penning.

Town Manager Ritter explained they are asking to replace that verbiage to give staff time to review and process the license application. He added that Building and Zoning Administrator Lewis has to review, conduct a site visit and approve the application before it is processed and monies are collected.

Building and Zoning Administrator Lewis added that this also keeps those vendors from coming into town the day before Pony Penning and cutting out those regular Chincoteague businesses. He added that they have to be prepared to participate.

Councilman Howard added that it gives staff more time to check what these vendors are planning to do.

There was brief discussion.

Vice Mayor Leonard asked how this affects those participating in the Blueberry Festival.

Town Manager Ritter stated that those participating couldn't just come into Town and purchase a Business License. They would obtain this Pony Penning Sales Permit which used to be \$350 because of those coming into town to compete with the full time businesses. He added that with the loophole they would bypass the Permit and buy a regular Business License at a lesser cost. He advised that the Ordinance Committee felt they are coming into town to take away the local business. They felt it necessary to make their fee a little higher than the regular businesses.

Vice Mayor Leonard added that they also know ahead of time their plans to come into town.

Town Manager Ritter advised that staff contacts the vendors on the Blueberry Festival list making sure they're going to buy the permit prior to the deadline. He added that staff is accommodating, however, feel that they need 8 days for review and processing.

Councilman Howard stated that staff is very accommodating and does everything possible to assist. He also asked about charging the difference of \$10 to those who have already bought the permit.

Town Manager Ritter stated that those who already have their permits will not be charged more. They will charge the new fee from this point forward.

Councilman Jester motioned, seconded by Councilman Muth to approve the revision to Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec 18-96, Pony Penning Sales. Unanimously approved.

**Code
Chapter 18,
Businesses,
Article II, Licenses,
Division 2, Specific Businesses and Occupations**

Sec. 18-96 Pony Penning Sales

- (a) *Generally. Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event.
- (b) *Permit.* A permit is required for conducting Pony penning sales **within the town and must be secured eight days prior to the Saturday preceding Pony Penning.** The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.
- (c) *Permit fee.* The permit fee shall be ~~\$50.00~~**\$60.00.**
- (1) Anyone with ~~a valid~~ **an established** town business license is exempted from the permit fee, **but shall be required to obtain a permit. An established town business license shall mean a business that has a permanent location within the town limits and operates at a minimum of 90 days per year.**
- (2) Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit.
- The remaining balance of the deposit, if any, shall be refunded to the permittee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.
- (d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.
- (e) Yard sales are prohibited the Saturday preceding Pony Penning day, until the Saturday after the Pony Penning event.**

Councilman Howard explained the changes regarding the Transient Occupancy Tax change. He advised that when the idea of a civic center came about they visited other centers. He stated that they found one that was operating in the black. He understands that the majority of civic centers' don't make a lot of money and are supported by the communities.

Councilwoman Richardson asked Councilman Howard about the agreement establishing the percentage of Transient Occupancy Tax.

Town Manager Ritter advised that there was a set percentage. He stated that approximately 6 or 7 years ago Council went through the Ordinances and consolidated everything making it an amount set by Council each year. He added that in this case Council would be setting a rate each year. He explained the change in percentages over the past few years, which still allowed them to receive the same amount of money.

There was brief discussion.

Town Manager Ritter also explained that by setting a specific amount per month it helps out the Center, whereas during the winter months the Transient Occupancy revenue is substantially lower than in the summer months. He reminded Council that the Center also gets 5% of the Meals Tax revenue.

Discussion continued.

Mayor Tarr explained that part “a” is taking out a specific amount for an annual appropriation to the Center, which is approximately \$110,000 per year. He stated that every year Council expects the Center Authority to come and let them know if this amount is appropriate. He stated that the math has to be done on the old rate of what was actually collected.

Town Manager Ritter advised that there will be a clear amount in July when they report June’s gross receipts.

Mayor Tarr stated that the other change is the 25% to be allocated for Tourism and Recreation.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy) Sec 54-262, Allocation of Funds adding “(b) Beginning July 1, 2013, subject to annual appropriation, twenty-five (25) percent of the total amount collected shall be set aside for expenses and/or reserve for Recreation or Tourism purposes.” Unanimously approved.

There was further discussion and clarification of the second part of the vote.

Councilman Jester motioned, seconded by Councilman Muth to approve the revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy) Sec 54-262, Allocation of Funds adding the letter “(a)” and striking “at a rate”, establishing an amount set by Council each year. Unanimously approved.

CODE
CHAPTER 54
TAXATION
ARTICLE IV. EXCISE TAX (TRANSIENT OCCUPANCY)

Sec. 54-262. Allocation of funds.

(a) Beginning July 1, 2007, subject to annual appropriation, an amount ~~at a rate~~ established by council each year on all revenues collected by the Town in accordance with this article shall be distributed to the Chincoteague Recreation and Convention Center Authority for the operation and maintenance of a community center as long as it functions as such.
(Code 1977, § 6-29; Ord. of 10-19-2000) (*Amended 6-4-07*)

(b) Beginning July 1, 2013, subject to annual appropriation, twenty (25) percent of the total amount collected shall be set aside for expenses and/or reserve for Recreation or Tourism purposes.

8. Resolution on the Annual Spring Cleanup, Paint-up, Fix-up Week

Vice Mayor Leonard motioned, seconded by Councilman Howard to adopt the Resolution on the Annual Spring Cleanup, Paint-up, Fix-up Week for the week of May 11, 2013 through May 18, 2013. Unanimously approved.



RESOLUTION FOR SPRING CLEANUP, PAINT UP AND FIX UP WEEK

A RESOLUTION of the Town of Chincoteague Island, Virginia, to acknowledge the importance of Earth Day and support the community-wide activities and events that remind us of our Island's connection to the rest of the planet.

WHEREAS, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for conserving our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Town of Chincoteague Island and our citizens are committed, through the goals of the Comprehensive Plan, ordinances, policies and our actions, to the conservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 11, 2013; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

WHEREAS, during this celebration, we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, IN COUNCIL MET:

1. That the week of May 11th – May 18th, 2013 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Earth Day Celebration

2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.

3. All Spring Cleanup debris should be placed for pickup during the week of May 11 – May 18, 2013 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

John H. Tarr, Mayor

Attest: _____

Robert G. Ritter, Jr., Town Manager

9. Resolution on Designating Hurricane Awareness Week

Councilman Jester motioned, seconded by Councilman Howard to adopt the Resolution on Designating Hurricane Awareness Week from May 26, 2013 to June 1, 2013. Unanimously approved.



**RESOLUTION
Hurricane Preparedness Week 2013**

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 26-June 1, 2013 has been designated "Hurricane Preparedness Week"; and

Whereas, with the Town of Chincoteague being an Island, is vulnerable to the devastating effects a hurricane or tropical storm can cause. With the average land elevation of 3.5 feet above mean high tide could face loss of life and property if such a disaster occurs; and

Whereas, both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices. Such preventative action could save lives; and

Whereas, the Town of Chincoteague Emergency Management, the National Weather Service, and the Commonwealth of Virginia strongly suggest that all residents and visitors to the Town of Chincoteague be aware of the high winds, flooding and severe weather that may occur in conjunction with a tropical storm or hurricane.

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 26 -June 1, 2013 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

Attest: _____
Robert G. Ritter, Jr., Town Manager

9b. Resolution on Virginia Department of Transportation Revenue Sharing on Recycling Collection Fees, Spring and Fall Cleanup.

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adopt the Resolution on Revenue Sharing on Recycling Collection Fees, Spring and Fall Cleanup. Unanimously approved.



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2014, Revenue Sharing Program; and,

WHEREAS, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Cleanup Projects;

NOW, THEREFORE, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing project.

ADOPTED by unanimous vote of the Town Council on May 6, 2013.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

10. Proclamation for Safe Boating Week

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the Proclamation for Safe Boating Week from May 18, 2013 to May 24, 2013. Unanimously approved.



PROCLAMATION

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. But with this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits--especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drowning were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat.

WHEREAS, responsible boaters will learn the local boating regulations, master the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters.

WHEREAS, U. S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

WHEREAS, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, "Ready, Set, WEAR IT!"

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 18 through 24, 2013 as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 6th day of May, 2013

Mayor John H. Tarr
Town of Chincoteague, Inc.

Lieutenant James Erickson
U. S. Coast Guard
SFO-ES

Warren C. Peake
Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

11. Mayor & Council Announcements or Comments

Councilwoman Richardson mentioned the demolition of the Bernstein house on Main Street. She suggested doing something about saving some of the historical homes on the Island.

Vice Mayor Leonard thanked the Town and the Chamber for the Annual Seafood Festival. He felt it was well attended.

Mayor Tarr also stated that the Chamber deserves a pat on the back for all the hard work they do for this event.

Councilman Jester added that the annual event brings a lot of revenue to the Town. He also mentioned the rocket launch and the attendance. He feels there should be more coordination with Chincoteague. He stated that the next launch is scheduled for August. He feels the Town should be more proactive with the website showing where to park and locations of viewing.

Councilman Taylor was impressed with the Student Government and their suggestions and concerns. He also suggested keeping them in everyone's thoughts and prayers.

Councilman Howard expressed his concerns regarding the Pine Bark Beetle. He asked if using the mulch from grinding the affected trees will endanger the healthy trees. He would like this

checked into. He stated that this is devastating all over the island and needs to be addressed before the island is treeless. He reminded everyone of the trees given away during the Mother Earth Day celebration that are indigenous to the island. He suggested doing whatever needs to be done to plant more trees on the island.

Town Manager Ritter reminded Council of the Public Safety meeting, Tuesday, May 7th at 5:00 p.m. They will be discussing the Emergency Operations Plan. He announced that the Public Works Committee meeting has been cancelled.

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

- **Legal Matters**
- **Personnel Matters**

Councilman Howard moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1 & 7) of the Code of Virginia to discuss legal and personnel matters. Unanimously approved.

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

Vice Mayor Leonard moved, seconded by Councilman Muth 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 & 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.

VOTE: Ayes- Leonard, Jester, Howard, Richardson, Muth, Taylor
Nays- None
Absent- None

13. Town Manager's Contract

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JUNE 3, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman 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.

- Ms. Jillian Poole with CIAO, invited Council to attend their update meeting, Friday, June 7th at 7:00 p.m. She also announced that there will be a special showing of Ironman 3.

STAFF UPDATE

Planning Department

Town Planner Neville stated that the Planning Report is included in the packet and the Planning Commission will meet next Tuesday to discuss the Signage Ordinance. He reported on an upcoming meeting with the Joint Land Use Committee and that he will be presenting them with the Town's Emergency Operations Plan.

Town Planner Neville advised that the Town is the new owner of the Bridge Street bridge fender along with the Bridge Tender's house and land on Marsh Island. He thanked Town Attorney Poulson for his efforts to record the agreement. He also mentioned a small ANEC easement on the Marsh Island side. Town Staff is working on abandonment of Bridge Street so they can move forward with the next phase of Robert Reed Park.

Police Department

Chief Lewis advised that the monthly report was included in the agenda. He had nothing further.

Public Works Department

Public Works Director Spurllock advised that the monthly report has been included in the agenda packet. He also stated that the Circle Drive paving will continue and should be completed Tuesday or Wednesday.

There was discussion regarding specific sinkholes and having them addressed while the pavers are here.

General Government

Town Manager Ritter reported that there were 73 EMS responses for the month of May which is 13 less from May 2012. He advised that regarding the Downtown Main Street Revitalization Plan, Bowman has submitted 100% complete construction plans to VDOT and they provided final review comments. Bowman has responded to VDOT and is forwarding the appropriate requested information. He reported that staff attended a class for bankruptcies. He added that they have also requested use of the school buses for July 4th. Town Manager Ritter advised that the newsletter will be published in July.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Richardson motioned, seconded by Councilman Howard to adopt the agenda as presented. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of May 6, 2013**
- **Council Workshop Meeting of May 16, 2013**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the minutes of the Regular Council meeting of May 6, 2013 and the Council Workshop meeting of May 16, 2013 as presented. Unanimously approved.

2. Public Hearing for the Fiscal Year “2014” Budget, Consisting of:

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Water, & Gen Gov. Rate Sheets
- Total Main Street Fund Expenses

Town Manager Ritter stated that since the last Council meeting there was an approval of the Sanitation Contract which saved the Town \$54,718. He added that the Town is in need of a fuel system which will cost approximately \$10,000 and to replace a police car in the amount of \$25,000 with the remainder \$19,718 to be put into the 911 system.

Finance Director Hipple explained the budget in length. She reviewed all the different funds explaining where the expenditures and revenues were generated. She advised that the revenues and expenditures for each fund balances to the end total. She added there are no proposed increases in real estate taxes, personal property taxes, transient occupancy tax, meals tax, business licenses, or water rates. She also discussed the grants, bond payments, transfers to reserve and water projects. She also mentioned the audit report.

	FY'14 Budget		
	Revenues		
<u>Revenue Name</u>	<u>Number</u>		<u>Budgeted</u>
Fund 10 - General Government			
Real Estate Tax Levy	4001-0100	\$	615,000
Tangible Property Tax Levy	4001-0125	\$	192,474
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$	35,000
Meals Tax	4001-0500	\$	668,367
Bank Franchise Tax	4001-0600	\$	42,000
Sales Tax	4010-0100	\$	115,725
Business License	4010-0200	\$	125,000
Motor Vehicle License	4010-0300	\$	80,000
Utilities Tax	4010-0500	\$	180,000
Transient Occupancy Tax	4010-0600	\$	840,241
Fines	4015-0100	\$	45,000
Interest on Savings	4020-0100	\$	20,000
Banner Donations	4041-0100	\$	6,000
Cemetery Cleanup Donations	4041-0150	\$	1,000
User Fees	4041-0200	\$	25,000
Building Permits	4041-0500	\$	53,091
Zoning Advertisements	4041-0600	\$	2,000
Grants/Litter	4045-0100	\$	2,585
Sale of Capital Assets	4049-0100	\$	500
Health Insurance-Retirees Spouse	4051-0200	\$	7,500
VA Fire Programs	4051-0300	\$	11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$	6,400
Harbor Administration	4061-0105	\$	7,000
Rental Income - Trolley	4061-0106	\$	12,000
Tower Rent	4061.0107	\$	5,520
Communications Tax	4071-0100	\$	243,200
Personal Property Relief Act	4071-0200	\$	150,250
Mobile Home Sales Tax	4071-0300	\$	7,500
Recovered Cost from Water	4101-0200	\$	80,751
Public Works Miscellaneous	4201-0100	\$	10,000
Miscellaneous Income	4303-0100	\$	15,000
Solid Waste Collection Fee	4303-0400	\$	294,956
Law Enforcement Funds	4401-0100	\$	99,539
Police Miscellaneous	4401-0125	\$	1,000
Police Donations	4401-0150	\$	20,000
Police Grants	4401-0160	\$	10,000
USDA Grant	4401-0162	\$	25,000

911 Dispatch Revenue	4401-0200	\$	29,000
911 Local Tax (Wireless)	4401-0300	\$	-
VITA Grant 911 Equipment	4401-0400	\$	150,000
Transfer from 911 Equipment Reserve	4401-0450	\$	25,000
VDOT Maintenance Funds	4501-0100	\$	582,162
Road Permit Fees	4501-0101	\$	800
VA Commission for the Arts - Grant	4545-0140	\$	5,000
Safe Routes to Schools Grant	4545-0150	\$	205,840
Transfer from General Fund Savings	4701-1000	\$	141,412
Total Fund 10		\$	5,195,723

Fund 20 - Main Street Project

Program Income	4501-0100	\$	3,000
TEA-21 Grant	4501-0115	\$	565,000
VMRC Grant Fishing Pier	4501-0120	\$	129,083
Transfer from General Fund	4501-8900	\$	244,440
Total Fund 20		\$	941,523

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	150
Harbor Rent	4031-1000	\$	62,867
Subleases	4031-1002	\$	15,000
Dry/Winter Storage	4031-1003	\$	850
Loading Dock	4031-1004	\$	1,000
Fuel Revenue	4031-1058	\$	100,000
Total Fund 30		\$	179,867

Fund 70 - Trolley

Trolley Grants	4501-0100	\$	49,300
Program Income	4501-0110	\$	7,000
Transfer from General Fund	4501-8900	\$	23,200
Total Fund 70		\$	79,500

Fund 80 - Water

Water Rent	4101-0100	\$	1,023,352
Water Adjustments	4101-2200	\$	(2,500)
Waterline Extensions	4131-0100	\$	10,000
Service Connections	4131-0200	\$	10,500

Interest on Water Savings	4131-0300	\$	360
Miscellaneous	4131-0400	\$	500
Availability Fees	4131-0500	\$	22,914
Total Fund 80		\$	1,065,126
TOTAL ALL FUNDS		\$	7,461,739

<u>Expenditure Name</u>	<u>FY'14 Budget Expenditures Number</u>		<u>FY'14 Expenditures</u>
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FUND 10 - General Fund

Fund 10 - General Fund/Department 50 - General Government

Salaries

Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	430,540
Emergency Medical Staff	5010-1002	\$	263,680
Overtime	5010-1003	\$	30,000
Subtotal		\$	752,060

Benefits

Social Security	5010-2001	\$	52,530
Hospitalization	5010-2101	\$	68,688
Unemployment - All Employees	5010-2103	\$	5,000
Retirement	5010-2201	\$	82,400
Life Insurance	5010-2202	\$	2,000
Blood Bank	5020-2102	\$	100
Subtotal		\$	210,718

Expenses

Bank Charges	5030-3100	\$	3,000
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	14,388
Planning Commission	5030-3103	\$	40
Board of Zoning Appeals	5030-3104	\$	40
Building Permit Surcharge	5030-3105	\$	1,025

Board of Building Code Appeal	5030-3106	\$	25
Emergency Medical Clothing	5030-3107	\$	2,200
EMS Cell Allowance	5030-3108	\$	1,500
Insurance	5030-3401	\$	92,000
Auditing	5030-3501	\$	23,500
Donations	5030-3601	\$	6,600
Fire Department Donation	5030-3602	\$	20,141
Civic Center (TOTAX)	5030-3701	\$	110,000
Tourism - 5% Chamber & 5% Center	5030-3705	\$	66,837
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	10,250
Office Equipment/Software			
Maintenance	5030-4402	\$	21,000
Postage	5030-4403	\$	10,763
Tax Bills & Conversion	5030-4404	\$	1,750
Motor Vehicle License	5030-4501	\$	2,100
Travel & Training	5030-4801	\$	3,588
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	500
Town Manager's Expense	5030-4903	\$	250
Attorney/Legal Consultants	5030-5101	\$	20,000
Drug/Alcohol Testing	5030-5201	\$	2,000
Christmas Dinner	5030-5501	\$	2,300
Dues	5030-6101	\$	4,400
VML Conference	5030-6102	\$	1,000
Advertising & Website	5030-7101	\$	12,000
Building Maintenance	5030-7301	\$	6,000
Electricity	5030-7401	\$	14,863
Heating Oil	5030-7402	\$	4,000
VA Fire Programs/CVFC	5030-7601	\$	11,910
EOC Operations/Training	5030-7602	\$	1,500
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	6,200
Deer D-Pop Program	5030-7703	\$	1,000
Leonard Asst Fund	5030-8001	\$	-
Telephone Bills	5030-8202	\$	20,000
Health Insurance - Retirees	5030-8401	\$	20,000
Insurance-Retiree, Spouses & Others	5030-8402	\$	7,500
Transfer to Retiree Medication Reserve	5030-8403	\$	10,000
Retiree Perscription Drug Assistance	5030-8404	\$	3,400
Miscellaneous	5030-8501	\$	5,000

Cemetery Cleanup	5030-8600	\$	1,500
Va Commission for the Arts	5030-8700	\$	10,000
Transfer to Main St. Project	5030-8800	\$	141,412
Transfer to Trolley Fund	5030-8900	\$	23,200
VOLSAP For Volunteer Firemen	5030-8912	\$	2,640
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$	66,432
Beach/Recreation/Tourism Expense	5030-8914	\$	143,628
	<i>Subtotal</i>	\$	948,782

Capital Improvements

Office Equipment	5090-9709	\$	3,000
Bond - School Board Property	5090-9740	\$	77,554
Interest on Bond	5090-9741	\$	5,403
Software	5090-9760	\$	3,561
	<i>Subtotal</i>	\$	89,518

Subtotal Fund 10 Dept 50 \$ **2,001,078**

Fund 10 - General Fund/Department 60 - Public Works Administration

Salaries

Salaries	6010-1001	\$	108,380
Overtime	6010-1003	\$	541
	<i>Subtotal</i>	\$	108,921

Benefits

Social Security	6010-2001	\$	8,332
Hospitalization	6010-2101	\$	18,000
Retirement	6010-2201	\$	13,092
Life Insurance	6010-2202	\$	574
	<i>Subtotal</i>	\$	39,998

Expenses

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,100
Street Signs / 911	6030-4502	\$	3,000
Street Lights	6030-4503	\$	22,550
Gasoline/Diesel	6030-4701	\$	31,765
Oil/Grease	6030-4703	\$	2,756
Tools Shop	6030-4704	\$	2,750

Travel/Training	6030-4801	\$	1,250
Clothing / Uniforms	6030-5202	\$	800
Building Maintenance	6030-7301	\$	2,500
Equipment Repairs	6030-7302	\$	15,000
Safety	6030-7303	\$	1,250
Vehicle PMs	6030-7304	\$	1,350
Tires	6030-7305	\$	2,500
Garage Supplies	6030-7306	\$	3,000
Vehicle Repairs	6030-7307	\$	9,200
Electricity	6030-7401	\$	7,565
LP Gas	6030-7402	\$	2,000
Tipping Fees	6030-7501	\$	1,250
Sanitation Contract	6030-7502	\$	349,433
Miscellaneous	6030-8501	\$	1,700
	<i>Subtotal</i>	\$	463,219

Capital Improvements

Fuel System	6090-9201	\$	10,000
	<i>Subtotal</i>	\$	10,000

Subtotal Fund 10 Dept 60 \$ **622,138**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	34,844
Overtime	6110-1003	\$	1,000
	<i>Subtotal</i>	\$	35,844

Benefits

Social Security	6110-2001	\$	2,742
	<i>Subtotal</i>	\$	2,742

Expenses

Insurance	6130-3401	\$	8,100
Office Supplies	6130-4401	\$	200
Gasoline	6130-4701	\$	4,400
Tools & Small Equipment	6130-4704	\$	1,000
Chemicals	6130-4705	\$	47,775
Contract Spraying	6130-4706	\$	24,000
Travel/Training/Conference	6130-4801	\$	300

Uniforms	6130-5202	\$	225
Equipment Repairs/Maintenance	6130-7302	\$	1,950
Safety Equipment	6130-7303	\$	400
Vehicle Maintenance	6130-7304	\$	1,500
Sundry	6130-6101	\$	450
	<i>Subtotal</i>	\$	90,300

Capital Improvements

Drainage	6190-9125	\$	35,000
	<i>Subtotal</i>	\$	35,000

Subtotal Fund 10 Dept 61 **\$ 163,886**

*Fund 10 - General Fund/Department 63 - Public Works
Facilities*

Salaries

Salaries	6310-1001	\$	154,500
Overtime	6310-1003	\$	1,500
	<i>Subtotal</i>	\$	156,000

Benefits

Social Security	6310-2001	\$	11,934
Hospitalization	6310-2101	\$	39,000
Retirement	6310-2201	\$	18,664
Life Insurance	6310-2202	\$	819
	<i>Subtotal</i>	\$	70,417

Expenses

Seasonal Decorations & Banners	6330-4100	\$	8,000
Tools	6330-4704	\$	800
Uniforms	6330-5202	\$	3,000
Public Restroom Supplies	6330-6260	\$	3,200
Electricity	6330-7401	\$	3,700
Sundry	6330-8501	\$	200
Park & Recreation Expense	6330-8590	\$	12,500
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	22,000
Donald J Leonard Park	6330-8800	\$	500
Island Nature Trail	6330-8900	\$	1,500

Island Activity Center	6330-8950	\$	5,000
Subtotal		\$	62,400

Subtotal Fund 10 Dept 63 \$ **288,817**

Fund 10 - General Fund/Department 65 - Public Works Roads

Salaries

Salaries	6510-1001	\$	111,271
Overtime	6510-1003	\$	2,000
Subtotal		\$	113,271

Benefits

Social Security	6510-2001	\$	8,665
Hospitalization	6510-2101	\$	11,340
Retirement	6510-2201	\$	13,442
VRSR/Life Insurance	6510-2202	\$	590
Subtotal		\$	34,037

Expenses

Snow Removal	6530-4102	\$	1,000
Pavement Maintenance	6530-4150	\$	254,357
Sidewalks	6530-4201	\$	40,000
Traffic Control Operations	6530-4202	\$	20,000
Roadside Services	6530-4250	\$	3,000
Drainage Maintenance	6530-6250	\$	50,000
Traffic Control Devices	6530-7202	\$	1,500
Electricity	6530-7450	\$	60,000
Engineering	6530-8600	\$	5,000
Subtotal		\$	434,857

Subtotal Fund 10 Dept 65 \$ **582,165**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	507,790
Overtime	7010-1003	\$	8,500
Subtotal		\$	516,290

Benefits

Social Security	7010-2001	\$	39,449
Hospitalization	7010-2101	\$	36,000
Retirement	7010-2201	\$	58,607
Life Insurance	7010-2202	\$	2,490
	<i>Subtotal</i>	\$	136,546

Expenses

Gasoline	7030-4701	\$	22,660
Travel/Training	7030-4801	\$	5,000
Uniform Allowance (Officers)	7030-5201	\$	6,000
Uniforms - Town	7030-5202	\$	3,000
Office Supplies/Equipment Maintenance	7030-7300	\$	7,000
Equipment Repairs & Supplies	7030-7302	\$	3,500
Vehicle Maintenance	7030-7304	\$	8,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	3,800
Bicycle Patrol	7030-7904	\$	300
Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	5,000
Ammunition	7030-7907	\$	2,500
Cell Phone Allowance	7030-8203	\$	3,600
Sundry	7030-8501	\$	500
	<i>Subtotal</i>	\$	95,860

Capital Improvements

Patrol Vehicle	7090-9650	\$	25,000
Safe Routes to Schools Project	7090-9685	\$	205,840
	<i>Subtotal</i>	\$	230,840

Subtotal Fund 10 Dept 70 **\$** **979,536**

*Fund 10 - General Fund/Department 75 - Emergency
Dispatch*

Salaries

Salaries	7510-1001	\$	207,030
Overtime	7510-1003	\$	2,500
	<i>Subtotal</i>	\$	209,530

Benefits

Social Security	7510-2001	\$	14,935
Hospitalization	7510-2101	\$	18,540
Retirement	7510-2201	\$	13,905
Life Insurance	7510-2202	\$	590
	<i>Subtotal</i>	\$	47,970

Expenses

Travel/Training	7530-4801	\$	2,000
Uniform Allowance - Dispatchers	7530-5201	\$	1,600
Uniforms (Town for Dispatchers)	7530-5202	\$	500
Office Supplies/Equipment			
Maintenance	7530-7300	\$	24,000
E911 Line Fees	7530-8202	\$	6,000
911 Addressing	7530-8203	\$	600
Sundry	7530-8501	\$	150
	<i>Subtotal</i>	\$	34,850

Capital Improvements

911 Equipment Replacement	7590-9370	\$	260,753
Police & 911 Recorder	7590-9400	\$	5,000
	<i>Subtotal</i>	\$	265,753

Subtotal Fund 10 Dept 75 \$ **558,103**

Total Fund 10 \$ **5,195,723**

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$	1,000
Electricity	2030-7401	\$	2,000
	<i>Subtotal</i>	\$	3,000

Capital Improvements

Bridge Street Fishing Pier (VMRC)	2090-9713	\$	232,111
Main Street East Side Project	2090-9800	\$	706,412
	<i>Subtotal</i>	\$	938,523

Total Fund 20 \$ **941,523**

Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$	28,611
Overtime	8010-1003	\$	200
	<i>Subtotal</i>	\$	28,811

Benefits

Social Security	8010-2001	\$	2,189
Retirement	8010-2201	\$	3,457
Life Insurance	8010-2202	\$	100
	<i>Subtotal</i>	\$	5,746

Expenses

Administrative Expense - Town	8030-3100	\$	7,000
Operation/Maintenance/Etc.	8030-7300	\$	23,962
Driveway Stones	8030-7305	\$	1,000
Fuel Purchase	8030-7315	\$	90,000
Sundry	8030-8501	\$	1,000
	<i>Subtotal</i>	\$	122,962

Capital Improvements

Electrical Meter Station	8090-9128	\$	12,348
Fencing	8090-9134	\$	10,000
	<i>Subtotal</i>	\$	22,348

Total Fund 30 \$ 179,867

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	36,500
	<i>Subtotal</i>	\$	36,500

Benefits

Social Security	3010-2001	\$	2,900
	<i>Subtotal</i>	\$	2,900

Expenses

Insurance & Bonding	3030-3401	\$	4,000
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Communication Service	3030-4400	\$	600
Printing & Reproduction	3030-4401	\$	2,500
Advertising & Promotion	3030-4402	\$	1,000
Education & Training	3030-4403	\$	650
Cleaning Supplies	3030-4404	\$	250
Supplies & Materials (Other)	3030-4406	\$	500
Memberships and Dues	3030.4407	\$	125
Travel & Meals	3030-4408	\$	600
Fuel and Lubricants	3030-4701	\$	9,400
Tires & Tubes	3030.4702	\$	600
Uniforms	3030-4703	\$	225
Parts	3030-4704	\$	750
Drug and Alcohol Testing	3030-5201	\$	900
Equipment Repairs/Maintenance	3030-7302	\$	6,000
Rent	3030-8505	\$	12,000
	<i>Subtotal</i>	\$	40,100

Total Fund 70 \$ **79,500**

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	221,086
Overtime	6210-1003	\$	3,245
Pump Duty	6210-1004	\$	14,600
	<i>Subtotal</i>	\$	238,931

Benefits

Social Security	6210-2001	\$	18,278
Hospitalization	6210-2101	\$	39,917
Retirement	6210-2201	\$	29,998
Life Insurance	6210-2202	\$	1,172
	<i>Subtotal</i>	\$	89,365

Expenses

Office Supplies/Equipment			
Maintenance	6230-4401	\$	3,000
Postage	6230-4403	\$	3,400
Gasoline & Diesel	6230-4701	\$	4,300
Tools	6230-4704	\$	1,500
Chemicals	6230-4705	\$	13,250

Travel & Training	6230-4801	\$	2,500
Uniforms	6230-5202	\$	750
Dues/Licenses	6230-6101	\$	1,500
Building Maintenance/Rehab	6230-7301	\$	5,000
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	1,000
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	50,014
LP Gas	6230-7402	\$	550
Distribution & Repairs	6230-8101	\$	41,500
Supply Repairs	6230-8103	\$	16,550
Miss Utility	6230-8204	\$	900
Sundry	6230-8501	\$	200
Reimbursement to Fund 10	6230-8601	\$	80,751
Regulation Compliance	6230-8750	\$	4,000
State Groundwater Permits	6230-8770	\$	10,000
Transfer to Water Reserve	6230-8900	\$	50,121
Engineering	6230-9100	\$	5,000
	Subtotal	\$	296,786

Capital Improvements

Water Main Extensions	6290-9101	\$	10,000
Interest on Water Bond Supply Line	6290-9504	\$	18,055
Water Bond - Supply Line Main Street	6290-9505	\$	105,816
Water Bonds	6290-9506	\$	186,959
Interest on Water Bond	6290-9507	\$	54,714
Waterline Replacement	6290-9600	\$	12,000
Pitless Adapter Booster Station	6290-9700	\$	35,000
Vehicle	6290-9850	\$	17,500
	Subtotal	\$	440,044

Total Fund 80 \$ 1,065,126

TOTAL ALL FUNDS \$ 7,461,739

Mayor Tarr opened the public hearing for the Fiscal Year 2014 Budget at 8:06 p.m.

- Mr. Spiro Papadopoulos asked for clarification. He stated that in the General Fund Savings there is a transfer of over \$408,000. He wanted to know where that money was coming from. He also stated that the expenditures for General Government appears to be very high compared to other municipalities. He also added that they shouldn't compare with the expenses to that of Virginia Beach as they are larger and have more capabilities.

Town Manager Ritter explained that it includes the 10% in Meals Tax the Town gives for tourism along with the money the Town gives the Center.

Mr. Papadopoulos stated that there is revenue income and they are adding in the grant money. He wants everyone to understand that the grant money is tax monies already taken from the citizens. He stated that it's not really a grant it's a return of money already taken from the citizens. He asked what the General Fund Savings is and wanted to know why it isn't part of the budget.

Mayor Tarr stated that it is not part of the budget because it is a long-term savings. He advised that they monitor the revenues and make sure there is a specific amount of money in there according to the size of the Town should there be a disaster. He stated that Mr. Papadopoulos would receive a copy of the accounting report. He agreed that if they would take out the grants for true operating costs it would make more sense.

Councilman Jester advised that the budget hasn't really changed. He stated that this is a community population of 4,000 or less annually. They serve, during the course of the year, a greater population. This does require more services than a township that only has a year-round population of 4,000.

Someone asked if the Town made a profit on the fuel sold at the Harbor.

Mayor Tarr advised that there is a profit which is turned back into the Harbor Fund for operating expenses.

Town Manager Ritter advised that there is roughly a profit of \$10,000.

Mayor Tarr closed the public hearing at 8:14 p.m. He asked for questions from staff or Council.

Finance Director Hipple addressed the General Fund Savings question. She stated that it will not be on the budget report as that is for revenues and expenditures only. She stated that the General Fund Savings are bank accounts. The money is going into the savings accounts for the "rainy day" fund. She explained, for budget purposes, that the money earned was already taken in and reported as revenue. Sometimes the money has to be taken from savings to make a payment to show as revenue to expend it back out. She stated that the majority of the savings is in the Local Government Investment Pool. Unlike the Water Reserve that can only be used for Water purposes, the General Fund is unrestricted.

Finance Director Hipple stated that FEMA promised the Town money from the storm cleanup and still hasn't made the payment as of yet causing the savings to come into play. She stated that if there is a disaster or emergency situation the Town would have to rebuild and use the reserve because there would be no revenue from water or taxes. This is money for a continuation of government.

Councilman Jester stated that there is a budgeted amount of \$20,000 more in meals tax than was budgeted last year. He stated that from a planning standpoint he suggested the departments think

about where the cutbacks would be if the revenue is down. He also mentioned the money from FEMA. He suggested calling Congressman Rigell to contact FEMA to get them to send the money.

Mr. Papadopoulos explained that he is asking if the Town is saving money or draining money from the reserve.

Mayor Tarr stated they are balancing the budget by taking money out of the long-term savings. He also stated that there weren't any matching funds for a couple of the grants. He added that there was a deficit for the Main Street Project. He also added that they are putting money in the Water Reserve Fund and Council is aware of this and working to remedy this.

Councilman Howard commended Finance Director Hipple for her presentation of the Budget and added that she was at her best tonight.

Councilwoman Richardson asked about the flat-line of the Center's revenue and wanted to know if they would be receiving less this year.

Finance Director Hipple explained that the Center is getting the same dollar amount. There has been an adjustment in the percentage given to the Center at the time of the Town's tax increase.

There was discussion regarding the Center not bringing in business to be self-supporting.

Councilwoman Richardson does not want the taxpayers to have to pay for this building.

Councilman Jester advised that he requested a marketing plan and there was none. He also asked them for their goals and objectives for the upcoming year and there were none.

Town Manager Ritter advised that the amount is \$110,000 and will be divided into 12 giving them an equal amount every month all year. This is as opposed to the lower amounts during the off season giving them a better budget.

Finance Director Hipple stated that on top of the 14% of Transient Occupancy Tax revenue they are receiving they are also getting 5% of the of Meals Tax revenue with another 5% going to the Chamber of Commerce. She added that when the Meals Tax Ordinance was adopted, there was an agreement between the Town and the restaurant owners to put some of that money aside to promote tourism. She continued to explain the FY 2014 figures for tourism money.

Councilman Taylor stated that the Town is in line with the money to the Center.

There was brief discussion.

Councilman Howard stated that the events the Center has bring in Transient Occupancy and Meals Tax. He thanked Finance Director Hipple for her explanation of the percentages given to the Center.

There was further discussion regarding the Center's budgeted amount.

Mayor Tarr advised that the Town would revisit the error of giving the Center 14% and should have been giving them 17% of Transient Occupancy Tax in the current year.

Town Manager Ritter stated that the State Law requires the budget to set 10 days after the public hearing. He advised of the Special Council Meeting on June 20th at 7:00 p.m. to approve the budget.

Mayor Tarr advised that there will be some upcoming meetings with the Center Authority. He stated that they have requested some information which will give Council a better picture. He also stated that no one wants to see the Center fail. He would like to find a solution. He announced that the budget will be voted on June 20th.

3. Consider Adoption of the State Motor Vehicle Code

Mayor Tarr advised that this is an annual housekeeping item.

Town Attorney Poulson stated they will readopt Section 58.2. He stated that he is trying to catch it both ways. He advised that they do this every year to pick-up any amendments in the State Code so they become the Town's amendments making it up to date. He added that the Scoop Provision allows automatic adoption of any amendments unless specifically rejected by the Town.

Councilwoman Richardson motioned, seconded by Councilman Howard to adopt the State Motor Vehicle Code with the Scoop Provision, Section 58-2. Unanimously approved.

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.
(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, ~~2012~~ **2013**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by

their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

Amendments to the above adopted and incorporated provisions of the laws of the Commonwealth of Virginia hereafter adopted by the Commonwealth of Virginia shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the Town.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2012~~ **2013**. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, **6-17-10**)

Sec. 58-3. Display of state license plate with current decal.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town,

4. Public Safety Committee Report of May 14, 2013

- **Possible Adoption of the Updated Emergency Operation Plan (EOP)**
- **Possible Adoption of the Continuity of Operations Plan (COOP)**

Emergency Coordinator, Bryan Rush asked for any questions or corrections at this time.

Councilman Jester stated that Emergency Coordinator Rush has made a huge improvement to the COOP Plan.

Emergency Coordinator Rush stated that this covers any emergency event and considers it an "all hazards plan" that the Town would have. He stated that the basic plan can be shared with anyone and he will have this put on the website. He added that anything in the appendixes is for Council only. It's private and personal information that is not public knowledge. He requested a Resolution of Adoption of the Plan so it can be sent to VDEM. He added that it can be reviewed for yearly updates. However, the entire plan will have to be revised in 2017.

Councilwoman Richardson asked about page 9, regarding the reverse 911.

Emergency Coordinator Rush stated that should anything happen to the majority of the Town, the remaining 25% of those left would have to use the plan to get the Town back up and running.



AN ORDINANCE ADOPTING AND ENACTING A REVISED EMERGENCY OPERATIONS PLAN FOR THE TOWN OF CHINCOTEAGUE, VIRGINIA

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

Section 1. As required by the Code of Virginia, section 44-146.19(e), the Town of Chincoteague has revised and updated their Emergency Operations Plan.

Section 2. The Plan entitled “Town of Chincoteague, Incorporated Emergency Operations Plan” consisting of a basic plan dealing with an all hazards approach to emergencies and specific procedures for handling such emergencies.

Section 3. The Plan encompasses an emergency chain of command in accordance with the National Incident Management System.

Section 4. In addition, the Plan outlines incident specific tasks for operations of the Town of Chincoteague, before, during, and after such emergencies or disasters.

Section 5. This ordinance also repeals any prior emergency plans which may be in affect prior to adoption of this ordinance.

Section 6. This ordinance shall become effective upon its adoption on June 3, 2013.

At the Chincoteague Town Council meeting held on June 3rd, 2013, on a motion by Vice Mayor Leonard and seconded by Councilwoman Richardson, this ordinance was unanimously passed and adopted.

Ayes:

Nays:

None

Emergency Coordinator Rush asked Council, regarding the COOP Plan, what would happen if a major disaster happens. There will be no tax or water revenue. He asked how they would get the Town up and running. He stated that the Continuity of Operations Plan will do just that. He also added that this Plan is a "Top Secret" document. He stated that this is what is utilized to get the government up and running. He added that each task is outlined so that anyone can complete it in the employee's absence. He stated that if the building catches on fire, this explains duplication of reports, computer access and relocation information. He asked for a motion on the adoption of the COOP Plan. He reminded Council that this will require a constant revision as things change regularly.

Mayor Tarr asked staff to reconsider who should and shouldn't have a copy of the COOP Plan. He asked Council not to be offended if their copies of the Plan are collected to take out the sensitive material and information as not everyone needs to have all the information.

Councilman Howard motioned seconded by Councilwoman Richardson to adopt the Continuity of Operations Plan. Unanimously approved.

(Due to content of sensitive and private nature the Plan will not be published in the minutes in its entirety.)

Mayor Tarr commended Emergency Coordinator Rush and staff for doing their homework and putting this together. He added that it is very professionally done.

5. Recreation & Community Enhancement Committee Report of May 14, 2013

• Possible Adoption of the Updated Bicycle Plan

Councilman Jester advised that they have been working on the Bike Plan. He stated that Town Planner Neville has updated the Bike Plan along with the map. He advised that they will deliver copies of the map to the bike rental companies. He stated that they also addressed the Donation Policy. He would like a way to communicate that there is a bench donation program to the public. He also advised that there was an agreement by Council that there would be no more memorials at the Chincoteague Veteran's Memorial Park.

Councilman Jester reported that he found in doing the research that 3 families donated the land and the Committee feels there should something at the Park thanking those families for the generous donations of the land. He added that it's not a memorial but a plaque in honor of the donation.

Councilman Howard feels this is long overdue.

Mayor Tarr asked if VDOT includes the Bicycle Plan in their 2035 Plan.

Town Planner Neville advised that eventually it will be adopted into the 2035 Plan.

Councilman Jester advised that in doing grant research the Bike Plan needs to be updated.

Town Planner Neville also added that the Plan was approved in the VDOT format and states that it should be reviewed and updated by the Committee every 4 years. He stated that Council doesn't necessarily have to vote on it this evening, however, should get it on the record.

There was discussion regarding the origination and updates over the years.

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the Updated Bicycle Plan. Unanimously approved.

TOWN OF CHINCOTEAGUE BICYCLE PLAN
Approved September 8, 2009
Updated – May 2013

A. INTRODUCTION

In November 1994, the Chincoteague Town Council expressed interest in developing a bicycle plan as part of a state road improvement project. The Virginia Department of Transportation (VDOT) informed the Town that in order to be eligible for VDOT Funding for projects that involve bicycle facilities, the local government must have adopted a bicycle facilities plan.

In January 1995, the Town Council requested that the Accomack-Northampton Planning District Commission (A-NPDC) provide technical assistance in developing a bicycle plan. The Commission agreed to provide assistance to the Town under the A-NPDC Transportation Planning Technical Assistance Program. After adopting the plan on October 6, 1997 the Town recognized the need for a continuing planning effort with regards to bicycling needs and formed the Bicycling Advisory Committee in December 1999 to fulfill this function. The Bicycling Advisory Committee which is now called the Recreation and Community Enhancement Committee is responsible for updating the Town's Plan and providing advice on bicycling needs to the Chincoteague Town Council.

Purpose of Plan

The Chincoteague Bicycle Plan is intended to meet VDOT's Virginia Bicycle Facility Resource Guide requirements. In addition to transportation needs, the plan also identifies bicycling recreational needs.

According to The Virginia Bicycle Facility Resource Guide any bicycle plan should include the following:

goals and objectives

existing bicycle facilities and roadway network

planned bicycle and roadway improvements

significant attractions and destination points

routes and/or locations of proposed bicycle facilities, including ancillary facilities such as bike storage and rack

indication of preferred facility type, such as wide outside lane, bike lane, and shared use path

prioritization of projects (short-term versus long-term)

strategies for implementation including identifying potential funding sources,

developing conceptual maintenance plans, and assigning operational tasks to agencies

documentation of public involvement activities

definitions and acronyms

appendices and bibliography

Planning Process

The Town of Chincoteague Bicycle Plan was initially developed by the Bicycle Committee, with technical assistance from A-NPDC staff. The plan shall be reviewed, and if need be, updated every four years by the Town's Recreation and Community Enhancement Committee. The public will continue to be involved by the workshops sponsored by the committee.

B. BACKGROUND

The Town of Chincoteague is located on Chincoteague Island, which is part of the Eastern Shore of Virginia. Chincoteague Island is accessible from the mainland via Route 175, a primary state road. The Town is approximately 7 miles long by 1 ½ miles wide, and is approximately 12 square miles in area. The population of Chincoteague is approximately 4,000. The summer population is estimated to be 15,000.

The Town is well known as the home of the Chincoteague Ponies, which live at the nearby Chincoteague National Wildlife Refuge and Assateague National Seashore. The refuge and national seashore attract visitors year-round, and along with recreational boating and fishing, are the basis for Chincoteague's large tourism economy.

The U. S. Fish and Wildlife Service (FWS) and the National Park Service (NPS) maintain bicycle trails through the refuge and national seashore, providing access for wildlife observation and swimming at Assateague Beach. The Chincoteague National Wildlife

Refuge estimated 66,924 bicycles entering the refuge during the 2008 calendar year.

Bicycling on Chincoteague has become increasingly popular over the years, with visitors riding from their motels to the refuge, beach, stores, and other destinations on the island.

There are bicycle shops that rent bikes, as do several motels and stores. Bicycle clubs from Maryland and Virginia sponsor annual rides to Chincoteague. The development of bicycle paths on Chincoteague is supported by the following transportation goal in the 2010 Town of Chincoteague Comprehensive Plan (page 6-1):]

GOAL: Improve safety and convenience for pedestrians and bicyclists by planning and developing a community wide system of bike routes and pedestrian trails.

The Comprehensive Plan outlines several objectives in order to implement this goal.

Including the following:

OBJECTIVE: Provide a safe and comfortable system of pedestrian and bicycle pathways through several recommendations including:

Promote the continued open flow of pedestrian and vehicular traffic to existing facilities on Assateague Island;

Create bike paths in areas susceptible to heavy traffic;

Improve existing right of ways by widening roads to provide greater shoulder access and installing sidewalks, where appropriate.

Promote the Safe Routes to School program in the community

C. BICYCLE FACILITY PLANNING AND DEVELOPMENT

Because bicycles are considered vehicles in Virginia, they are permitted on all roads except for limited access highways. Unfortunately, most roads were not designed to safely accommodate motor vehicles and bicycles at the same time. As motor vehicles encounter bicycles on narrow roads, traffic slows down.

Drivers move into the oncoming lane to pass bicycles, posing a threat to themselves and oncoming traffic. Many bicyclists feel unsafe under these conditions and avoid riding.

The planning and development of proper bicycle facilities allows for the free flow of motor vehicles and safe bicycling. The design standards for a “proper” bicycle facility depend on the type of bicyclist, width of road, traffic volume, and average vehicle speed.

In order to plan proper bicycle facilities, standards have been developed to ensure the needs of the “design bicyclist” are met by the “facility design.” (See Appendix for more information)

D. EDUCATION AND SAFETY

One goal of the Recreational and Community Enhancement Committee and the Town is to promote bicycling safety by educating the bicycling public on rules of the road and hazard awareness. The Committee will regularly prepare, revise and distribute brochures and other literature towards this effort.

In November of 2008 the Town of Chincoteague completed a “School Travel Plan,” which was a requirement in order to be considered for funding through the Safe Routes to School Program. The “School Travel Plan” is aimed at promoting and finding solutions for children to walk or ride their bikes to school. The “School Travel Plan” and the Bicycle Plan have similar goals and objectives, although the Bicycle Plan is general in nature. The Town should continue to request funding for safety programs that will help teach children bicycle and pedestrian safety.

In 2004 the Town also had a professional video completed that highlighted bicycle safety on the Island. The Town should utilize this video to remind citizens about bicycle safety. Try to set a system of playing the video on local access Cable TV, or via the internet through the Town’s website. Show this video at least once a year preferably in the Spring or Summer when bike

ridership is high. Make sure the schools have a copy of the video to show children during school time.

E. EXISTING CONDITIONS

Trip Origins and Destinations

Mapping the locations of bicycle trip origins and destinations provides the basis for determining logical bicycle routes on Chincoteague. Trips originate where people live,

so the origins are spread throughout the island. Most concentrations of trip origins are the motels, as well as the campgrounds and bicycle rental shops. Destinations can be divided into recreation, businesses, and public services. The following locations of trip origins and destinations are shown on the attached map.

Trip Origins

Town Neighborhoods

Vacation Homes

Rental Homes

Motels/ Hotels

Bed and Breakfast Inns

Campgrounds

Bicycle Rental Shops

Trip Destinations

Assateague National Seashore

Chincoteague National Wildlife Refuge

Museum of Chincoteague

Tourist Information Center (Chamber of Commerce)

Island Businesses

Town Harbor/Mariners Point

Town Dock

Veterans Memorial Park

Schools

Elementary

High School

Churches

Stores

Post Office

Town Office (Municipal Complex)

Police (Municipal Complex)

Robert N. Reed Downtown Park

Carnival Grounds

Island Nature Trail (paved portion)

Donald Leonard Park

Existing Facilities

Most of the streets in town are not up to VDOT bicycling standard due to the narrow width and/or the presence of parking. The attached map delineates the existing facilities, including extended shoulders which bring relief to both vehicular and bicycle traffic.

Needs Assessment

An analysis of the trip origin and destination and the existing facilities shows that the major need for bicycle facilities is to get tourists from their lodgings to the refuge/beach and to the stores and

services on the Island. Based on this analysis, the following bicycle facility needs were identified:

Priority:

1. Maddox Boulevard – From Deep Hole Road to the Traffic Circle
2. Ocean Boulevard Extended from Pension Street to Chicken City Road
3. Maddox Boulevard – from Main Street to Deep Hole Road.
4. Hallie Whealton Smith Drive
5. Church Street – from Main Street to Chicken City Road / Ridge Road intersection.
6. Chicken City Road Extension.
7. Main Street – Hallie Whealton Smith Drive to Beebe Road.
8. Eastside Road
9. North Main Street – from Hallie Whealton Smith Drive to the turn circle.
10. South Main Street – from Bunting Road to Curtis Merritt Harbor
11. Bunting Road.
12. Beebe Road.

Solution:

1. *Establish an urban system highway project for the improvement of Maddox Boulevard from Deep Hole Road east to the Maddox Boulevard traffic circle, inclusive, a distance of approximately four thousand (4,000) feet. Improvements shall consist of the addition of sidewalks, bicycle paths and drainage improvements.*
2. Create bike path on public right-of-way. (scheduled for 2013)
3. Prohibit on street parking and provide new parking lots. Stripe a bike lane. Alternative: Stripe Ocean Boulevard, Taylor Street and Hallie Whealton Smith Drive for alternate routes.
4. Pave and stripe. Construct multi-use trail between the
5. Prohibit parking on Church Street or limit to 10 minute parking in front of the Opportunity Shop. (2012) also widen and stripe from Fowling Gut to the Chicken City Road / Ridge Road intersection.
6. Widen the road and pave shoulders.
7. Acquisition of property and constructing a bicycle path on Main Street along the water's edge and prohibit parking in the downtown area, striping bicycle lanes.
8. Widen and pave shoulders.
9. Widen and pave shoulders. Misty Meadows to turn circle.
10. Pave shoulders.
11. Widen and pave shoulders.
12. Widen and pave shoulders.

A continued concern is a project or area that because of current conditions is not seen as feasible. However, as conditions change it may be more feasible and should be placed back on the priority list. Another reason why a project or area would be placed on the continued concern list is it is scheduled to be completed.

Future Desires

1. Chicken City Road – Church Street to Maddox Boulevard

Possible Solution

1. Widen existing paving to allow bicycling on shoulders.

2. Path from Eastside Road to Maddox Boulevard via. Maddox Family Campground
3. Paths from Ocean Boulevard Extended
4. State Route 175 – Chincoteague Road

2. Acquire easements for the construction of a separate bicycle path to connect Eastside Road and Maddox Boulevard.
3. Acquire easements for the construction of a separate bicycle path along Coach’s Lane and between properties to Maddox Boulevard.
4. Widen Causeway section with shoulders for continuous bike land from Chincoteague island to the mainland.

F. GOALS AND OBJECTIVES

The following Goals and Objectives have been outlined to guide the development of bicycle facilities and programs on Chincoteague:

1. GOAL: Improve bicycling access

OBJECTIVES:

A. Continue to develop a comprehensive, island-wide system of bicycle routes.

Improve the marking and signage of existing and future bicycle facilities.
Add pavement markings to bike lanes and bike pathways.

Implement a review of bicycle facility needs with each capital road Project.

2. GOAL: Enhance bicycle safety.

OBJECTIVES: Decrease hazards confronting bicyclists and increase roadway capacity for motor vehicles.

Educate the traveling public on bicycling safety. Distribute the Town bike map and ‘rules of the road’ safety brochure (including scooter rules) to all bicycle rental businesses.

Implement a program of bicycle safety and enforcement. **Encourage no bicycling on the sidewalks (bicycles must yield to pedestrians).**

3. GOAL: Encourage bicycle facility development.

OBJECTIVES: Expand the island bicycle system as state road improvement project budgets allow.

Incorporate the implementation and maintenance of the island’s bicycle system into the Chincoteague public works program.

Seek grant funding to provide for bicycling transportation and

recreational needs. Continue to monitor where bike racks are needed.

4. GOAL: Improve and diversify the tourism economy by promoting, creating, enhancing, and extending current bicycle and bicycle-related facilities.

OBJECTIVES: Promote tourism by enhancing the awareness of bicycle accessibility to the island's natural and historic points of interest.

Promote recreational bicycling on Chincoteague.

Conduct one bicycle special event each year.

G. PROPOSED BICYCLE FACILITIES

The Map shows the bicycle facilities proposed for the Town of Chincoteague. The following narrative describes the proposed facilities, including Average Annual Daily Traffic (AADT), Average Speed, and Road Widths. The Average Annual Daily Traffic (AADT) information comes from the "2010 Virginia Department of Transportation Daily Traffic Volume Estimates Including Vehicle Classification Estimates."

Priority

1. Maddox Boulevard – from Main St. to Deep Hole Road.
AADT: 6,700 Average Speed: 30 (25 posted) Road Width: 25'
8,900 - from Deep Hole Road to Chicken City Road
2. Church St. – from Main St. to Chicken City Road / Ridge Road intersection.
AADT: 4,800 Average Speed: 30 (25 posted) Road Width: 20'
3. Main St. – Bunting Road to Beebe Road.
AADT: 2,800 Average Speed: 30 (25 posted) Road Width: 25'
4. Maddox Boulevard – Main Street to the Assateague Bridge.
AADT: 5,100 Average Speed: 30 (25 posted) Road Width: 25'
5. Chicken City Road Extension – Maddox Boulevard to Deep Hole Road.
AADT: 1,800 Average Speed: 25 Road Width: 20'
6. Main Street – from SR 175 Channel Bridge to Church Street.
AADT: 10,000 Average Speed: 30 (25 posted) Road Width: 20'
7. Main Street – from Bunting Road to Inlet View Campground
AADT: 870 Average Speed: 30 (25 posted) Road Width: 24'
8. Intersection of Bunting Road and Ridge Road
AADT: 1,700 Average Speed: 30 (25 posted) Road Width: 22'

9. Intersection of Beebe Road and Main Street.
AADT: 1,100 Average Speed: 25 Road Width: 20'

H. RECREATIONAL SECTION

The Map also shows the bicycle facilities proposed for the Town of Chincoteague for recreation.

A. Hallie Whealton Smith Drive

-A separate multi-use trail connecting from Deep Hole Road to North Main Street.

B. Main Street – from Hallie Whealton Smith Drive to Beebe Road

-A route comprised of a separate facility along the waterfront.

C. Maddox Boulevard

-A separate facility from East Side to Piney Island and connecting to Maddox Boulevard.

I. IMPLEMENTATION SECTION

Policies

The following Policies will guide the implementation of bicycle facility development on Chincoteague:

1. ADMINISTRATION of the Town's bicycle program, including distribution of information and planning of special events, shall be under the direction of the Town Manager.
2. COORDINATION of street/highway improvements and planned bicycle facilities with VDOT and other state and federal agencies shall be the responsibility of the Town Manager.
3. MAINTENANCE of the Town's bicycle system shall be the responsibility of the Public Works Director.
4. FINANCING of bicycle facilities shall be provided through VDOT's statewide transportation improvement program and various grant sources as applicable.
5. SAFETY EDUCATION AND LAW ENFORCEMENT for the Town's bicycling program shall be the responsibility of the Chief of Police. Continue to promote bike safety through the bike rodeo.

APPENDIX A DESIGN BICYCLIST

Engineers use the idea of a design bicyclist to determine the type of bicycle facility design needed. The following are from the Federal Highway Administration. There are three types of bicyclists: advanced, basic, and children, as follows:

Group A – Advanced Bicyclists: These are experienced riders who can operate under most traffic conditions and prefer direct access to destinations via the existing street and highway system. They should have enough road width to reduce the need for motor vehicles or bicycles to change position when passing.

Group B – Basic Bicyclist: These are casual or new adult and teenage riders who are less confident of their ability to operate in traffic without special provisions for bicycles, such as marked lanes. They need either low-speed, low-traffic streets or designated bicycle facilities.

Group C – Children: These are pre-teen riders whose roadway use is initially monitored by parents. Eventually they ride on their own to schools, parks, stores, and other neighborhoods. They need to ride on residential streets with low motor vehicle speeds and volumes: roads with well-defined separation of bicycles and motor vehicles; or on separate bike paths.

Because Group B and Group C have similar needs, engineers combine these in a design bicyclist model with two broad classes of bicyclists: Group A (advanced) and Group B/C (basic/children).

Bicycle facilities should be designed to meet the needs of the least skilled bicyclist expected to use the facility. Since schoolchildren and tourists with children are a major part of Chincoteague's bicycling activity, the Town's bicycle facilities should be designed for the Group B/C bicyclist.

6. Cemetery Committee Report of May 21, 2013

Councilwoman Richardson advised that there was a reply sent to Mr. Aydelotte regarding the family cemetery. Mr. Aydelotte will be in town next week. She also has a copy of his grandfather's will which designates the cemetery. She reported that the cleanup was April 13th at Holy Ridge Cemetery and was wonderful to have the young people show up to help. She also stated that there are 2 people who expressed interest to serve on the Cemetery Committee. She asked to put this matter on the next Council meeting's agenda for a vote. The next meeting is scheduled for September 17th. She also stated that the grass was cut in the Cemeteries for Memorial Day.

Councilman Howard expressed the importance of finding the actual name of the Holy Ridge Cemetery.

7. Discuss the Bids to Dredge the Curtis Merritt Harbor and Robert N. Reed, Sr. Downtown Waterfront Park

Town Manager Ritter advised that in January there was a budget revision for the dredging of Robert Reed Downtown Park from Bridge Street to the pavilion. He added that at the February Harbor Committee Meeting they discussed the need to dredge 4 to 6 slips at the Curtis Merritt harbor of Refuge. They have estimated the Harbor to be around 420 cubic yards and the Robert Reed Downtown Park to be around 1,000 cubic yards. They received 2 bids. Town Manager Ritter recommended that Council approve the quote from Fisher Marine Construction at \$50.00 per cubic yard.

They discussed the project funding.

Councilman Howard motioned, seconded by Vice Mayor Leonard to award the lowest priced responsive company, Fisher Marine Construction for \$50.00 per cubic yard, to complete the dredging for 4 slips at the Harbor and the Robert N. Reed, Sr. Downtown Waterfront Park area from Bridge Street to the pavilion. Unanimously approved.

8. Discuss the Engineering Design Proposal for the Fishing Pier for Downtown

Town Manager Ritter reported that there is a proposal from Clark Nexsen. He advised that Task #1 is the actual construction of the fishing pier and Task #2 is the electrical construction totaling \$24,947. The other 2 tasks are inspections. Town Manager Ritter advised that the recommendation is to go with Clark Nexsen with Task #1 and Task #2. He added that once they're approved they can put out for bids on the projects. He added that the funding is from the VMRC Fishing Pier money and the deed has been received and recorded.

Councilman Jester mentioned the underwater investigation.

There was brief discussion.

Vice Mayor Leonard motioned, seconded by Councilman Taylor to authorize Clark Nexsen to proceed with the work detailed in the proposal for Task #1. Unanimously approved.

9. Mayor & Council Announcements or Comments

Vice Mayor Leonard commended Emergency Coordinator Rush for the extensive work he put into the Plans. He also stated that since Chincoteague is a tourist town he does not like the first thing that our visitors see at the entranceway to the Island. There is a dilapidated building and a boat hull that has been cannibalized that are eyesores. He asked if there could be an inspection done on the building. He has received comments about how bad this property looks.

Mayor Tarr directed Town Manager Ritter to look into this further.

Councilman Taylor commended and thanked Finance Director Hipple for her hard work on the budget. He also thanked the Police Department for all they do.

Councilman Howard also commended Finance Director Hipple and Emergency Coordinator Rush.

Town Manager Ritter announced the Harbor Committee meeting scheduled for Thursday, June 6th at 5:00 p.m.

Mayor Tarr stated that there is a planning and interview team going to the Wildlife Refuge to look for a new Park Service superintendent and asked what criteria the Town would like in a new superintendent.

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

- **Legal Matters**
- **Personnel Matters**

Vice Mayor Leonard moved, seconded by Councilman Howard to convene a closed meeting under Section 2.2-3711(A)(1&7) of the Code of Virginia to discuss legal and personnel matters.

Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Leonard to reconvene in regular session.

Unanimously approved.

Councilman Muth moved, seconded by Vice Mayor Leonard 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&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.

VOTE: Ayes- Leonard, Jester, Howard, Richardson, Muth, Taylor

Nays- None

Absent- None

11. Town Manager's Contract

Councilman Muth motioned, seconded by Vice Mayor Leonard to adopt the Town Manager's Contract as written. Unanimously approved.

Adjourn

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adjourn.

Unanimously approved.

Mayor

Town Manager