

MINUTES OF THE JANUARY 3, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Nancy B. Conklin, Councilwoman
Tripp Muth, Councilman
John H. Howard, Councilman
Terry Howard, Councilman

Council Members Absent:

Ellen W. Richardson, Vice Mayor
John N. Jester, Jr., Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Laurie Walton thanked the homeowners for the Holiday House Tours. She advised that they presented the Food Bank with a check in the amount of \$2,500.

STAFF UPDATE

Police Department

Chief Lewis presented Council with the monthly and yearly report. He reported that crime overall is down. He also added that domestic and drug arrests have gone up. The citations and summons are down by about 250.

Public Works Department

Public Works Director Spurlock reported: Clark*Nexen is progressing with the Waste Water Master Plan. The citations from OSHA's inspection in November have been corrected. DEQ issued a Draft Ground Water Withdraw Permit. The original application was filed in 2001 and should be final in approximately 60 days.

The Public Works Department conducted snow removal along with assisting VDOT near the pump houses and wells during the recent snowstorm. He commended the Public Works staff for their long hours and efforts. Winterization of the sprinkler system and water supply has been completed at the Harbor. The Deer Depopulation Program is underway. There was shoreline stabilization at Memorial Park. Maintenance continued to the work that was completed on Wagner Lane and Lekites Drive. They relocated the meters on Oak Ridge and repaired a leak in the main on Ridge Road. They completed a reconfiguration of the pipe for the 16" main to keep the flow and not freeze up during the colder temperatures. Routine Water Works operations continue. They plan to complete the drainage work on Margaret's Lane. Branscome will be

paving Wayne Road, Maddox Boulevard and Pension Street. They will continue to complete the replacement of meters as required by DEQ. A new Maintenance Specialist has been hired and will begin rehab work on the well houses.

Councilman T. Howard asked about the salting during snow plowing.

Public Works Director Spurlock advised that they sand and salt the main intersections and the main roads. He stated that the minor roads were just plowed because of the shortage of salt.

Council Members T. Howard, Cunklin and J. Howard commended the Public Works Department on a great job of plowing and removal.

Councilman T. Howard asked how long the Deer Depopulation Program lasts.

Chief Lewis advised that the permit is good until March.

General Government

Town Manager Ritter reported: Town Attorney Poulson has prepared the contract for the acquisition of the property adjacent to the Robert N. Reed, Sr. Downtown Waterfront Park and Bridge Street and as of last Thursday, December 30, 2010 the Town now owns the property. Next week Town Manager Ritter and Public Works Director Spurlock will attend the AS400 class. The Draft Personnel Policy changes have been completed and forwarded to Ms. Anne Sullivan to review.

Town Manager Ritter reminded Council that the Conflict of Interest filing deadline is January 18th. There was a meeting with the Main Street Merchants regarding the grant application for the Down Town revitalization. They will execute the fuel tank specs for the Harbor and should be out for bid in January. There have been no comments for the new website which is currently under the news and announcements on the old website. The new website should be up and running within the next 2 weeks as they are working out some things with the creator Mr. Eric Schuster. County Supervisor Thornton along with Councilman Jester, Mr. Rob Catron and Town Manager Ritter met on to Assateague. There will be a letter to the Department of Interior regarding the beach access issue.

Town Manager Ritter reported the revenues for the month of December:

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate Tax	\$558,223	\$581,012	(down)\$ 22,790
Tangible Property Tax	\$150,728	\$149,350	(up) \$ 1,378
Meals Tax	\$442,754	\$350,876	(up) \$ 91,878
Transient Occupancy	\$523,717	\$490,417	(up) \$ 33,300
Sales Tax	\$ 60,042	\$ 52,404	(up) \$ 7,638
Solid Waste Collection Fee	\$105,413	\$ 95,576	(up) \$ 9,837
Water Rent	\$581,948	\$503,830	(up) \$ 78,118

Councilman T. Howard asked about the closing costs of the purchase of the downtown property.

Planning Department

Town Planner Neville reported that the Planning Commission did not meet in December. However, they will resume the zoning map updates along with the review of the Sign Ordinance relative to the banners and flags. The Beach Access Committee meeting went well. There will be a letter asking that the Refuge and the Department of Interior work together. He also mentioned a letter along with phone calls regarding the use of Christmas trees for dune replenishment. Town Planner Neville advised the Town hasn't heard from Mr. Hinds as of yet.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

• Regular Council Meeting of December 6, 2010

Councilwoman Conklin motioned, seconded by Councilman J. Howard to approve the minutes of the Regular Council Meeting of December 6, 2010. Unanimously approved.

2. Committee/Commission Appointments and Recommendations

• Building Code Board of Appeals

Mayor Tarr stated that the Building Code Board of Appeals term for Mr. Ernest Holston has expired. Mr. Holston has expressed interest to remain on the Board. Mayor Tarr opened the floor for nominations.

Councilman T. Howard nominated Mr. Ernest Holston for reappointment for a new term on the Building Code Board of Appeals. All were in favor.

Mayor Tarr asked Town Manager Ritter to notify Mr. Holston that he has been reappointed for a term of 5 years.

• Curtis Merritt Harbor Committee

Mayor Tarr stated that the Curtis Merritt Harbor Committee term for Mr. Ernest Bowden has expired. Mr. Bowden has expressed interest to remain on the Committee. Mayor Tarr opened the floor for nominations.

Councilman J. Howard nominated Mr. Ernest Bowden for reappointment for a new term on the Curtis Merritt Harbor Committee. All were in favor.

• Chincoteague Recreation & Civic Center Authority

Mayor Tarr advised that Mr. Bill Fallon has resigned from the Chincoteague Recreation & Convention Center Authority. His term will expire December 4, 2011. The position has been advertised to fill the vacancy. Mr. J. W. Jeffries, Mrs. Laurie Walton and Mr. Michael Dendler all have expressed their interest to fill the vacancy. Mayor Tarr opened the floor for nominations.

Councilwoman Conklin nominated Mr. J. W. Jeffries.

Councilman J. Howard nominated Mrs. Laurie Walton.

Councilman T. Howard nominated Mr. Michael Dendler.

Mayor Tarr closed the nominations. He called for a vote for the nomination of Mr. J. W. Jeffries. Voting for: Conklin.

Mayor Tarr called for a vote for the nomination of Mrs. Laurie Walton. Voting for: J. Howard, T. Howard, Muth. Mrs. Walton, with the majority vote, will fulfill the term of the Chincoteague Recreation & Civic Center Authority to expire December 4, 2011.

3. Director of Transportation Annual Report

Director VanDame reviewed the annual Trolley Operation Report. He explained the report regarding the revenues and expenditures along with the ridership. He also discussed the Federal grant monies along with the State's and Town's contributions. He stated that there is a resolution in the packet which is done every year.

Councilman J. Howard asked if the \$32,000 was for both trolleys that the Town will pay.

Director VanDame advised this was correct. He stated that the current trolleys are mechanical nightmares with many problems. He also stated that the wheelchair lifts have had significant problems. He advised that in 2003 the ADA mandated that certain safety devices be installed on the lifts. He informed Council that the Town has 2 of the first units after the change. He explained the plans to possibly receive financial assistance because of the condition of the trolleys. Director VanDame added that the current trolleys were roughly \$230,000 for both of them and they were demos with low mileage.

There was brief discussion about the sale of the current trolleys.

Director VanDame continued to explain the grant and ideas for more funding. He stated that under another trial grant 1 time per week they could travel to the Four Corner Plaza area for a couple of hours. He stated that the state allows 95% for a feasibility study. He advised that they plan to contact the WalMart about a possible \$1,000 donation. He stated that they would be driven during the winter months and it could help the citizens for transportation. He would have to schedule a public hearing for this capitol grant. He advised Council of the 3 grant proposals which are on a list in the packet.

Mayor Tarr asked if the drivers' salaries along with fuel and maintenance would be taken out of the demonstration grant.

Director VanDame advised they would and stated that there would be 5 or 6 trips. He believes that the first trip would be with two trolleys and there would be only one trolley per trip after that.

There was further discussion of the details of the costs and grant monies.

Director VanDame stated that if they feel that it is feasible then they would possibly implement the route regularly. His concern is that the merchants wouldn't want the Town's tax dollars to take people off the Island. He reminded Council that there will be a public hearing. He feels that the same people would be going to WalMart anyway but they normally go out of state and this would keep them in the state.

Mayor Tarr asked if it would only have to go to the Four Corners area. He suggested possibly doing a hospital run and waiting 2 or 3 hours and returning or doing a 2nd run in the afternoon for doctor visits or whatever.

Director VanDame stated that this is a possibility.

Councilman J. Howard stated that there will have to be a budget cut next year because of the economy. He wants to know why the Trolley Service is important.

Director VanDame responded that the Council approved this system. He stated that it is up to the Council to justify it. He added that every community that deals with tourism has a Trolley Service. He advised that the ridership last year is averaged at 12 people per hour. He also stated that July ridership is twice as much as August. However, it is a service to the Island visitors. He feels it is generally a good service.

Councilwoman Conklin stated that the Town is out \$3,400 for the service last year and feels that this is a small sum for this community. She also advised that the Senior Citizens' bus goes to Salisbury once a month. She suggested providing some services to the community.

Director VanDame feels this is a modest fee.

Mayor Tarr added that this service also has the 4 History tours a week and the 2nd Saturday Art Stroll utilizes the service along with the Oyster Festival weekend. He also feels that \$3,400 isn't much.

Director VanDame explained that there is a budget of \$19,000 and \$15,600 is revenue is returned to the Town during the season. He also touched on the ridership and income of the History Tour.

Councilman J. Howard expressed his concerns with the expenses.

Councilman Muth feels that the Town could utilize the Demonstration Grant to see if it would be feasible. He feels this is a great opportunity.

Councilman T. Howard feels that it would be a good idea to be in touch with the Downtown Merchants and the Chamber on this.

Discussion continued about the grant and percentages. Director VanDame again reviewed the budgeted amounts, expenditures, and revenues along with the capitol grant and the money from the sale of the trolleys. He added that this is for FY12 and they won't be requesting the grant

until FY13. He suggested the Town apply again the next 2 years for the demonstration grant to keep the money coming.

- **Motion to Approve an Operating Funds Grant Application Resolution**

Councilwoman Conklin motioned, seconded by Councilman T. Howard to approve the accompanying resolution dated January 3rd 2011 for the fiscal year ending on September 30, 2012 (FY12) authorizing Robert G. Ritter to apply for a grant to the Department of Rail and Public Transportation for \$75,400.00 to defray operating cost for “the Pony Express”. The Town of Chincoteague will be responsible for matching funds of \$23,000.00. Unanimously approved.

**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2012 beginning 10/1/2011**

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

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, acting Town Manager of The Town of Chincoteague, Inc. adopted at a legally convened meeting of the Town Council held on the 4th day of January, 2011.

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

- **Motion to approve a Demonstration Grant Application**

Councilman Muth motioned, seconded by Councilwoman Conklin to authorize Robert G. Ritter to apply for a Demonstration Grant for \$5,000.00 to determine the need and test the ridership acceptance of periodic trolley trips to the Onley area monthly from November to April. The

Town of Chincoteague will be responsible for matching funds of \$250.00. A public hearing and final Council approval in April or May will be required. Unanimously approved.

- **Motion to Approve a Capital Grant Application**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to authorize Robert G. Ritter to apply for a Capital Grant to purchase two new trolleys to replace the 2005 and 2006 trolleys in our fleet. Grant request of \$320,000.00 would consist of 80% federal funding; 10% state funding and 10% town funding of \$32,000.00. Proceeds from sale of existent trolleys (Approx. \$20,000 - \$28,000) would be used as part of our matching funds. Unanimously approved.

4. Christmas Home Decoration Results

Mayor Tarr read the list of winners of the 2010 Annual Christmas Decorations:

Judges Choice *

Lisa & Scott Chesson

Most Festive *

Bill & Ginger Birch

Most Themed *

Dino Johnson

Most Traditional *

Russell & Joan Fish

Mayor Tarr stated that each category winner will receive a \$100 savings bond.

Honorable Mention

Arlene & Dill Wilgus

Nancy & Ray Rosenberger

Carlene Bloxom

Chuck & Tama Ward

Mayor Tarr thanked those who participated and entered along with the judges.

5. Water System SCADA Design/Installation RFQ Proposal

Public Works Director Spurlock explained that the Town released a request for qualifications for the design and installation of a potable water SCADA system. He advised that the only response received was from Shorite Controls of Princess Anne, MD. He recommended that the Town conclude negotiations and enter into a contract with Shorit Controls. He added that the total cost shall not exceed \$113,408, and added that all products and services shall be in accord with Shorite's response and the terms and conditions of the RFQ.

Public Works Director Spurlock stated that the current budget includes a line item in the amount of \$55,000 for the SCADA installation. He added that the balance will be funded from the \$92,700 in availability fees received from the U. S. F & W Service for the upgrade in their water system.

Public Works Director Spurlock explained the SCADA system which is a high-tech radio controlled system for the high rise and ground water storage tanks. He stated that it would report the levels of water in each tank and remotely turn the wells on or off. He feels that it would be a tremendous improvement in efficiency. He added that the main control would be on Willow Street but could be controlled by a computer.

Mayor Tarr stated that it compiles a lot of accurate data that we wouldn't otherwise have.

Public Works Director Spurlock also added that it would alarm and page a Water Works Technician that the water levels are high or low.

Councilwoman Conklin motioned, seconded by Councilman Muth to approve the award of contract to Shorite Controls for the design and installation of a SCADA system for the Town's potable water system not to exceed \$113,408. Unanimously approved.

6. Mayor & Council Announcements or Comments

Councilwoman Conklin stated that there were good comments about the New Year's Horseshoe Drop in the Downtown Park and the number of those in attendance.

Councilman Muth wished everyone a Happy New Year.

Councilman J. Howard stated that he would like to see Christmas decorations in the Town Office next year.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE JANUARY 20, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

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

Council Members Absent:

Tripp Muth, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda adding item 3) A Closed Meeting to discuss land acquisition and discussion of a contract concerning Springstead. Unanimously approved.

1. Discussion on the Current and Future Project Priorities

Town Manager Ritter stated that they would like to review the list of projects that were discussed previously in 2008 and 2009. He stated that Staff would like to present and review the current work list and project priorities identified for this calendar year. He added they would also like to present the list for potential funding needs of projects and assign Council's priority to each project. He also mentioned the review and possible implementation of the Draft Personnel Policy Handbook. Town Manager Ritter updated Council on the old bridge artifacts and gates.

There was discussion regarding plans for the artifacts from the old bridge.

Town Manager Ritter stated the only problem he sees with the demolition of the old bridge is that VDOT wants to cut the piles off above the water line rather than at the mud line. He added that ANEC has requested that they cut them off at the mud line as opposed to pulling them out. He informed Council that VDOT stated they would be high enough to put finger piers there. He added that the DEQ has contacted the Town stating that there would be a full environmental study.

Discussion continued.

Town Manager Ritter continued to review the Action List from 2008-2009. He mentioned working on the Capital Water Plan. He also added that they have been reviewing the Draft Drainage Management Plan and the event gates for storms are being installed along with retrofit outfalls. He stated that the SCADA system contract has been awarded. He explained where they are with the FEMA mitigation money.

Council discussed the possibility of a helicopter pad.

Town Manager Ritter advised that the Atlantic Town Center is planning to put a sewage treatment plant on an ancient sand dune and the study should be out soon. The Public Works Department just purchased a new backhoe with an extended hoe and will include in the next budget a walk behind grinder. They are currently still researching the ownership, size and lengths of private roads. Town Manager Ritter advised that he spoke with County Assessor, Brent Hurdle about obtaining this information. It would take a lot of staff time for each road to find out who the owner is by researching the deed.

Discussion continued about ownership and the research of specific roads. Council was informed that Accomack and Cropper Streets have been added into the State system. They further discussed the idea of the Town maintaining private roads.

Councilman J. Howard explained that when Howard Drive was paved the property owners put their money together to have it brought up to state specifications. He asked if there was anyone who actually wanted to help themselves.

They continued to confer about the criteria for the Town to help maintain private roads.

Council also discussed a plan for a permanent site for hazardous waste and possibly including money in FY12 Budget to help with this matter. Council expressed the desire for a hazardous drop off location especially for paint. They suggested contacting Waste Management for a dumpster for this purpose.

Town Manager Ritter stated that there will be discussion at the next Harbor Committee meeting about aquaculture and the promotion through the website and newsletter. He added that the new website is up and running. The Chincoteague Museum promotes aquaculture also.

Council asked for an update with the Downtown Park.

Town Manager Ritter advised that he spoke with Mr. Clay Massey and the plan is to have it done before summer.

Councilman Jester stated he would like Council to have a plan and ask them to do it. He feels it could save the Town money. Discussion continued.

Councilman J. Howard suggested sending a letter of appreciation to PRMC regarding the new doctor. He advised that the doctor has been doing a good job helping the people in our community.

Councilman Jester suggested an email blast to be able to get important information out to the public. He feels this would be great communication to the residents and property owners of the Island. He also asked where the Town was on the software issue.

Town Manager Ritter advised that the Harris issue has been resolved and they are currently giving support again. He also advised that the Tax program with Southern Software was operational.

Council discussed sending some of the Public Works staff to a class for pruning trees properly.

Councilman J. Howard also feels that the grass cutting by the Public Works staff was insufficient. He would like to see them take pride in the yard work. He also mentioned the right-hand turn onto the Island in front of the Lott's house. He stated that because there was some tire damage on this curb he asked if there was something that could be done. He asked about the quarterly newsletter.

Town Manager Ritter reviewed a list and completion dates of upcoming project goals and objectives: Paving, landscaping at the bridge, a Kayak Launch Policy, Donald Leonard Park enhancements, zoning map updates. Beach Access Committee update: Request from the Corps of Engineers for beach replenishment study and funding. Recreation & Community Enhancement Committee updates: Create a Draft Park Master Plan and Operations Manual, Kayak Launch Policy, Park Donation and Naming Policy, fishing pier at the old drawbridge site, Development Review: Land development applications, LiDAR elevation mapping, Wastewater Preliminary Engineering Report, Water Supply Plan, Hazard Mitigation Plan, Main Street Revitalization in perspective to the bridge landscaping. Grants: The USDA police vehicle laptops, FEMA Hazard Mitigation, Alcalde & Faye are also researching grants, CZM Planning and Mapping, assigning staff to committees. Assign staff: ANPDC groundwater alternate, coastal and broadband committees, Other items: Harbor fuel system, broadband loop installation, quarterly newsletter, and town maps for business directories.

Council discussed some of the details of the project goals and objectives.

2. Committee Member Comments

Mayor Tarr mentioned a meeting with the company that will be managing the Star Transit. They discussed the Blue Route. They have applied for special money known as the New Freedom Grant. This grant is 95% with a 5% match of approximately \$4,000. He feels this would be an investment for the County. Mayor Tarr added that this would help with the new route for the Trolley Service off the Island.

Transportation Director VanDame explained in more detail the new trolley route. He stated that the grant has to be applied for within the next couple of weeks. Discussion continued about the costs. He added that this is a long-term plan.

Mayor Tarr also discussed beach access and the possibility of the Town accruing savings to help put back the parking lots at the beach. Discussion continued. Mayor Tarr suggested that Council review this matter further.

Town Manager Ritter also stated that Council should have a wish list for grants, such as BIG/DCR for the downtown fishing pier. He asked Council to prioritize their project and wish list.

Council talked about the drainage plans on School, Smith and Sharpley Streets. There was a suggestion for a pump station.

Mayor Tarr feels the streetscape should take priority in the Main Street Revitalization.

Town Manager Ritter advised that he met with the Health insurance agent and according to the trends there will be an increase by 12%. There was further discussion as to possibly cutting the percentage or capping the insurance premium per employee.

Councilman J. Howard also questioned on the Town's Holiday Schedule.

- Ms. Laurie Walton stated that the Main Street Merchants held their meeting and would like to suggest adding information regarding Marguerite Henry on the downtown bulletin board.

Mayor Tarr stated they would look into the matter further.

3. Closed Meeting in Accordance with Section 2.2-3711(A) (3) & (30) of the Code of Virginia.

- **Discussion of Acquisition of Real Property**
- **Discussion of a Contract with Springstead**

Councilman T. Howard moved, seconded by Councilwoman Conklin to convene a closed meeting under Section 2.2-3711(A) (3) & (30) of the Code of Virginia to discuss acquisition of real property and consultation with legal counsel pertaining to a possible contract. Unanimously approved.

Councilman J. Howard moved, seconded by Councilwoman Conklin to reconvene in regular session. Unanimously approved.

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

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

WHEREAS, Section 2.2-3711(A)(3) & (30) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

- Nays- None
- Absent- Muth

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE FEBRUARY 7, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

Nancy B. Conklin, Councilwoman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Census Update

Supervisor Thornton addressed Council regarding the recent census report. She advised that Accomack County had a major decrease in population. She contacted the Voter Registration regarding registered voters and school enrollment for Chincoteague. She advised that the census data is not accurate. She feels that this should be corrected. Supervisor Thornton also stated there are errors in other districts in the County and the figures are not feasible. She also added that she is gathering more data and asked Council for their help to get this corrected.

Councilman J. Howard asked if this was done through a contract.

Supervisor Thornton advised she was unsure. She stated that this is devastating to the Island financially. She added that they are going to have to conduct their own count in a manner that proves what they are doing.

Town Attorney Poulson stated that it can be corrected.

Supervisor Thornton stated that the last Census over assessed Chincoteague and was corrected at that time through the appeals process. She is also concerned about reassessments.

Town Attorney Poulson asked how many sets of records that could be personalized to Chincoteague for proof.

Supervisor Thornton stated that she will supply the Town with all the data she collects. She further explained that the process the census takers used to collect the count.

Town Manager Ritter explained the census percentages of occupied homes versus unoccupied homes.

Discussion continued. Supervisor Thornton stated that the population affects the money the County receives from the State.

OPEN FORUM/PUBLIC PARTICIPATION

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

- Mr. Spiro Papadopoulos stated that he and his wife were not counted in the Census at all. He also commented on the Code regarding the anchoring of fuel tanks. He expressed his concerns as to the ownership of the tank and the recipient of the fine if this isn't completed by the deadline. He asked Council if the property owner or the owner of the tank would be fined. He suggested addressing this issue.

Mayor Tarr directed Town Manager Ritter to take this matter to the Ordinance Committee.

There was further discussion.

- Mrs. Peggy Thomas asked about paying for a handicap ramp.

Councilman J. Howard feels the fee should be removed all together.

Mrs. Thomas feels that everyone isn't treated the same. She advised that her handicap ramp permit cost her \$81.65.

Councilman J. Howard also suggested obtaining a permit without a fee.

Mrs. Thomas was upset that someone else didn't have to pay for their handicap ramp and she did. There was further discussion.

Town Manager Ritter interjected that the difference in this situation is whether the ramp is a temporary, less than a year, or permanent structure, more than a year. He advised that it requires building inspections.

Mrs. Thomas asked if there was a fee or not.

Councilman Jester explained that if it is a permanent structure there would be a fee.

Mayor Tarr stated that the problem is that the Building Code Official decides if it's going to be permanent or temporary. He is unsure how the Official would know if it's going to be there over a year. He stated that it's always been in the Building Code.

Mrs. Thomas stated that eventually they're all going to need one.

Mayor Tarr stated that it's a situation that they should look into. He asked Town Manager Ritter if this was an Ordinance. He advised Mrs. Thomas that they would look into the matter further and contact her with the outcome.

STAFF UPDATE

Public Works

Public Works Director Spurlock reported the following:

- SCADA – there is a frequency conflict with the neighboring property owners but should be completed May 12th.
- The half pipes at the Skate Park have been removed because of rust. They're still under warranty and the manufacturer has agreed to replace them.
- They have received the final drawings for the Main and Maddox intersection. They will drop back to two lanes and move the stop bars back about 30 feet which will improve the traffic flow. They're also going to install the sidewalk at the NW corner of the bridge intersection.

Councilman T. Howard asked about moving the utility poles.

Public Works Director Spurlock advised that once the intersection has been reconfigured they should be less of an issue. He advised that A & N has given a quote of \$18,000 to remove the poles and feels that they should wait to see if the reconfiguration makes a difference before they incur that expense. .

- The Town has received the final drawings of the Chicken City Road and Ridge Road intersection.
- Roads & Facilities: Along with routine operations and maintenance the Christmas decorations have been removed. They're conducting routine drainage maintenance. They've prepared for the annual FEMA drainage inspection. They have also repaired potholes.
- Water Works: Also along with routine operations and maintenance, they have installed a water main extension on Horseshoe Drive,. They have repaired a water main leak on North Main and Lewis Street and relocated the water meters for Oak Ridge. Well-6 pump has been raised and they've hired a Water Works Technician.

Public Works Director Spurlock added that the upcoming paving projects are the Main and Maddox intersection and Cropper Street. They will be finalizing the ditching along Wayne Road. He also stated that there will be some ditching along Hallie Whealton Smith. He advised that with the DEQ requirements they are looking into adding wireless water meters. He stated that as soon as the materials arrive the new half pipes will be installed at the Park.

General Government

Town Manager Ritter reported on the following:

Broadband; the bid opening for materials and man hours will be due February 17th at 3:00 p.m. at the Airport. The fuel system for the Curtis Merritt Harbor pre bid meeting is February 15th, at 10:00 a.m. and the bids are due February 25th at 2:00 p.m. They will be bringing their recommendation to the next Council meeting. He mentioned the display cabinets at the Robert N. Reed, Sr. Downtown Waterfront Park. The newsletter will go out in the next week or two.

He mentioned the sidewalk at the NW side of the Maddox and Main Street intersection. He advised that obtaining the easements have this project on hold. They have received a preliminary engineering report on Phase 1 of the Wastewater System and paid through the Southern Rivers Grant. The next step is to identify grants.

Town Manager Ritter reported the revenues for the month of December:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$599,485	\$586,846	(up)	\$ 12,639
Tangible Property Tax	\$161,483	\$152,452	(up)	\$ 9,031
Meals Tax	\$464,007	\$366,282	(up)	\$ 97,725
Transient Occupancy	\$533,908	\$499,854	(up)	\$ 34,054
Water Rent	\$756,884	\$565,298	(up)	\$191,586

He added that \$90,000 of the water rent included the availability fee and has been transferred, but Water Rent is still up \$100,000. He advised that the Planning Commission would like to go over the rezoning at the next workshop. He reminded Council that the Recreation and Community Enhancement Committee will be meeting tomorrow night at 5:00 p.m. He stated that the Personnel Policy Handbook has been sent to Attorney Ann Sullivan for review and they haven't heard anything as of yet.

Planning Department

Town Planner Neville reported that the Planning Commission has been meeting regularly to complete the rezoning districts. He stated that January was a big month for the Beach Access Committee. They turned in the second comment letter to the U.S.F. & W. He took part in the workshop at the Refuge and has included the notes in the packet. He advised that he participated in the scoping meeting in Snow Hill. Town Planner Neville also advised that FEMA will be visiting on the 16th to make sure that the flood certifications are being completed properly along with the community assistance team review.

Mayor Tarr asked if the newsletter was completed.

Town Manager Ritter advised that they were waiting on one article.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested that they add item 6a to the agenda for a request from the Chincoteague Volunteer Fire Company to use the Donald Leonard Park for parking for an antique car show and assist in securing the high school parking lot for the show.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the agenda adding item 6a for the request from the Chincoteague Volunteer Fire Company. Unanimously approved.

1. **Consider Adoption of the Minutes**
 - **Regular Council Meeting of January 3, 2011**
 - **Council workshop Meeting of January 20, 2011**

Councilman T. Howard explained a correction regarding the resolution about the Trolley Service. He feels the last paragraph does not read correctly especially the date.

Councilman Jester asked for a correction regarding the money collected from the Holiday Home Tour was for the Food Bank and not the Chamber.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the minutes with the requested changes. Unanimously approved.

2. Public Hearing on the Grant for Two New Trolleys

Mayor Tarr opened the public hearing.

Transportation Supervisor Van Dame explained the grant request, which is to purchase 2 new trolleys. He informed Council that the current trolleys have had numerous mechanical repairs, and expressed the need for new trolleys.

Council discussed this matter.

There was no public input.

Mayor Tarr closed the public hearing.

Vice Mayor Richardson motioned, seconded by Councilman Jester to authorize Town Manager Ritter to apply for a Capital Grant to purchase two new trolleys to replace the 2005 and 2006 trolleys in the Town's fleet. The Grant request of \$320,000 would consist of 80% federal funding; 10% state funding and 10% Town funding of \$32,000 and the proceeds from the sale of the existing trolleys would be used as part of the Town's matching funds. Unanimously approved.

3. Public Hearing on a Budget Revision

Mrs. Karen Hipple explained the budget revision in detail. She stated that several items came up this fiscal year that were not in the budget. She listed the property acquisition costing \$328,141, the lobbyist which cost \$40,800, engineering fees for VDOT Chicken City and Ridge Roads capital improvement project in the amount of \$5,000, the Christmas decorations of \$1,000, Ocean Boulevard Trail at the cost of \$4,000 as the unbudgeted items and amounts. She advised that the revenue source will be from the LGIP savings in the amount of \$278,941.

Mrs. Hipple also stated that in the Water Fund there was unbudgeted revenue of \$92,000 for availability fees. However, the SCADA project cost came in at \$60,000 which was over budget and will be used from the availability fee revenue. She stated that the balance of \$4,700 from the availability fee will go to the Water Reserves.

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

Councilman J. Howard motioned, seconded by Councilman T. Howard to adopt the budget revisions as presented by Mrs. Hipple. Unanimously approved.

4. Wireless Water Meter Replacement Project Financial Option

Mr. Tom Hickman and Mr. Greg Miller with Johnson Controls approached Council regarding a wireless water meter replacement project. Mr. Hickman explained the savings of money and water by upgrading to a wireless system. He explained that they would conduct a water system analysis to help with this information. He also stated they can arrange financing and guarantee the results.

Mr. Miller explained the energy, water losses and expenses by the current metering system. He stated they will complete the water audit and return with some options.

Councilman T. Howard expressed his concern with the wireless meters in the area. He is curious about the efficiency, the cost and what it will take to get this into our system.

Mr. Hickman stated that there was a community in the valley with approximately 3,000 meters. They met with their Council and Town Manager. He advised after their audit, they found that they are saving approximately \$214,000 per year and the cost of the project was approximately \$1.1 million.

Councilman T. Howard stated that he would have to see both sides of this before they can commit.

They discussed having to replace all the meters to make the system more efficient.

Councilman Jester asked what powers the meters.

Mr. Hickman advised there is a 10-20 year battery.

Councilman T. Howard asked what the life expectancy is of a meter.

Mr. Miller advised that it is approximately 20+ years, but it depends on the system. He added that they are more accurate and efficient than the older meters.

Councilman J. Howard asked how they would know if a battery is low.

Mr. Hickman advised that during the collection of meter readings the signal will be low and the data may not come back as accurate to know to change it. They will return with the information from the audit.

5. Public Works Committee Report of February 1, 2011

Mayor Tarr reviewed the Public Works Committee report.

6. Public Radio News and Announcements

Councilman J. Howard advised that NASA has 2 radio reports per week and Pocomoke reports weekly about the things going on. He feels that it would be beneficial to the public if the Town staff would go to the radio station weekly to give a report or update to the public.

Council concurred.

Town Manager Ritter was directed to contact the radio station to set up a time slot and day.

Town Manager Ritter advised that 85% of what the Town does is repetitive. He asked for direction as to the information to take to the public.

Councilman J. Howard stated that it can be something as simple as an update on the Chicken City Road intersection project.

They discussed the possibility of receiving questions ahead of time from the public and have an answer period for those questions.

Mayor Tarr asked Town Manager Ritter to contact the local radio station to see what they require.

6a. CVFC Antique Car Show at Donald Leonard Park

Mayor Tarr advised he received a letter from the Chincoteague Volunteer Fire Company requesting to use the Donald Leonard Park on May 14th for an antique car show. He advised that the Park would be used for parking. He also added that they have requested the Town's assistance in obtaining permission to use the School's parking lot for the actual car show.

Council concurred to allow the parking at the Donald Leonard Park and send a letter supporting the use of the School's parking lot for the car show.

7. Mayor & Council Announcements or Comments

Councilman T. Howard asked Council about the Theatre. He would like to see the theatre name changed back from Island Roxy to Island Theatre along with the replacement of the horse on the marquee. He feels that this would maintain the Town's culture.

There was brief discussion. Council was in agreement to see the Island culture preserved.

Councilman Jester asked how the Town could encourage the local business owners preserve the Island culture.

Town Manager Ritter was asked to contact the current manager to discuss this matter.

Councilman J. Howard stated that this is a two-way street. He feels there are more important things the Town needs to work on.

Councilman J. Howard mentioned the Census takers.

Vice Mayor Richardson stated that Councilman Jester is now the chairman of the Oyster Museum and suggested visiting youtube to see the work being done. She announced that the grand-opening will be in April.

Adjournment

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

Mayor

Attest: Town Manager

**MINUTES OF THE FEBRUARY 17, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked Council to add a closed session for the acquisition of property.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda adding a closed session for the purpose of discussing acquisition of property. Unanimously approved.

1. Joint Meeting with the Planning Commission for a Progress Report on the Updated Zoning Map and Zoning Districts Project.

Planning Commission Chairman, Mr. Ray Rosenberger explained the information in the packet. He advised that they took the direction of the Comprehensive Plan and Zoning Ordinance to

create the zoning districts. He added that their plan was to minimize the impact of the change. He asked Town Planner Neville to review the map and changes

Town Planner Neville reviewed the proposed Zoning Map and changes. He also explained that they made the changes based on the Comprehensive Plan recommendations and that this process was consistent with the Code of Virginia. They took deliberate steps of reviewing the existing 6 zoning districts and ended up with 12 zoning districts. He explained the packet information along with the grouping of the 12 districts. He added that the new districts separate out public uses.

Town Planner Neville continued that the process was to refer to the Comprehensive Plan then to check with Zoning, making sure the use conforms along with deciding if it was good change or development for the Town. He explained policy questions. He also felt that Council review was necessary prior to getting community input. He suggested posting the maps in the hallway and in the newspapers for comments.

Town Planner Neville stated that he included a spread sheet regarding permitted uses. He added that the Planning Commission referred to this to make sure that the proposals were compliant. He asked for questions and comments from Council.

2. Council and Committee Member Comments.

Councilman J. Howard feels that sooner or later the Town would end up with property on Marsh Island. He asked what the Town could do if it's listed as residential.

There was discussion regarding the VDOT property on Marsh Island.

Town Planner Neville explained the reason for some of the districts.

Councilman T. Howard asked if the Town comes into ownership of any property, is there a state code that pertains to that regarding becoming public or semi-public.

Town Planner Neville stated that if the Town acquires property they would have to initiate changing the zoning for that property.

There was discussion about some of the split zoning areas and provision for Special Use Permits.

Chairman Rosenberger stated that at some point the changes have to be made. He added that not all people are going to like it.

Councilman J. Howard asked about the agricultural district.

Town Planner Neville again explained the process, which is to get through a simple version of updating the Zoning Map and receiving Council's then public input.

Chairman Rosenberger understands the challenge to introducing change.

Councilman Jester feels that it's now a matter of fine tuning what they currently have.

Councilman T. Howard stated that they are putting the appropriate title for each district.

The Committee and Council continued discussion.

Town Planner Neville stated that they are ready to address the smaller, finer points. He suggested that after they address Council's issues they should go to the public. He asked if someone comes to the public hearing asking to have their property rezoned would Council be willing to allow it at that point.

Council concurred that they wouldn't know until they receive public input.

Mayor Tarr stated that the public should be pleased if this is explained. He asked what they propose to do about grandfathering. He suggested looking at 1) Has the Planning Commission and staff visited and reviewed the districts to see if what is required and proposed in the district? 2) Have they looked to see if there were any other pristine areas that should be left or changed to RC

Town Planner Neville stated what they should do is review the Comprehensive Plan first and look at the Zoning. He recommended testing any proposed land use change in the future.

Mayor Tarr stated he is pleased with the process and looks forward to the public input. He mentioned conservation and stated that in the map they included the marshy areas in some sections but left out of others. He asked if they should pick and choose or include all marshy areas. He stated that the current zoning being designated not only by map but by writing. He asked if they were going to attempt to continue this.

Town Planner Neville stated that this would be a monumental effort to get the written descriptions.

Mayor Tarr asked Council if they were happy with the direction of the proposed zoning changes.

Councilman T. Howard feels that once the public reviews the changes, there won't be any problems.

Mayor Tarr suggested making a different color block for every proposed change in the chart.

Town Planner advised he would work on this.

Discussion continued.

Mayor Tarr thanked the Planning Commission.

Councilman T. Howard stated that the Planning Commission and staff has done a good job.

3. Closed Meeting in Accordance with Sec. 2.2-3711(3) of the Code of Virginia for the Discussion of Acquisition of Property.

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(3) of the Code of Virginia to discuss acquisition of property. Unanimously approved.

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

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

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

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

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

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

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE MARCH 7, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Tripp Muth, Councilman
John H. Howard, Councilman
Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced Miss Jessica Fernandez, with the Chincoteague High School Hi-Y.

Miss Fernandez stated that she is the president of the Hi-Y at the High School. She advised that they have been a community service group for the last 4 years and have helped with the cemetery cleanup and at the carnival. They will be attending the MGA this year, which is the model general assembly. They have written 2 bills; 1 bill is to prohibit smoking while driving and the other bill is for those women deciding to get an abortion be required to take a class to know fully the decision they're getting ready to make.

Miss Fernandez advised that the cost to attend the MGA is \$350 per student. Therefore, several students are unable to attend. They currently have 11 students going and would like to request a donation to assist in the expenses. She stated that they do community service activities throughout the year. She stated that they would help with the Chincoteague Volunteer Fireman's Carnival and they are willing to set up any other community service.

Mayor Tarr asked when the MGA is and the deadline for money.

Miss Fernandez stated the dates are April 14th, 15th, and 16th.

Mayor Tarr advised that he would put this matter on the agenda for the workshop meeting on the 17th and would let her know what they decide.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Mr. Ben Ellis and his wife Dawn advised they are new residents on the Island. He stated they came from Montgomery County, Maryland. He stated that Montgomery is the County with the most rules and regulations. He wanted Council to know, they are very impressed with the local government here. They are also impressed with the maintenance of the Island. Mr. Ellis also stated they are proud to be citizens of this community and complimented the Town and staff and appreciate all that they do.

STAFF UPDATE

Police Department

Chief Lewis stated he included a copy of the monthly report in the agenda. He advised that he has 2 personnel matters for executive session.

Planning Department

Town Planner Neville thanked Council for hearing the Planning Commission's changes to the zoning map at the last workshop. He stated that they will consider the input from the workshop at the next Planning Commission meeting. He will be finalizing a Broadband Marketing Plan. They recently received the update for the GIS mapping system. He and Public Works Director Spurlock are reviewing the draft Storm Water Drainage Plan.

Public Works

Town Manager Ritter reported for the Public Works Department. The paving for Maddox and Main intersection and Maddox Boulevard to Deep Hole Road intersection along with Cropper Street will begin March 14th. Notices have been issued to all residents and businesses regarding paving. The SCADA project has been pushed back to May 14th. They received the draft Storm Water Master Plan, which will be reviewed at the workshop. There has been new siding and roofing at pump house #4. The new half pipe should be here tomorrow for the Skate Park.

General Government

Town Manager Ritter reported that the quarterly newsletter went out about a week ago. The next newsletter should go out the end of May. Town Manager Ritter will be on the air at WCTG 96.5 on Friday, April 1st at 3:00 p.m. to review the agenda and Town Government events. They are working on the Census and preparing to send out a mass-mailing with a postcard to be filled out and returned to the Town. The collections have increased with the Business License along with Vehicle and Boat decals. They are still working on the easements for the sidewalk on the west side of Main Street, north of the new bridge. They would like to have the work completed before June. Clark/Nexsen will be at the next workshop to go over the Storm Water Report. Regarding the Downtown Revitalization Project, they're still working on the easements to move forward. Town Manager Ritter reported the revenues for the month of February:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$601,974	\$594,777	(up)	\$ 7,197
Tangible Property Tax	\$163,415	\$155,354	(up)	\$ 8,061
Meals Tax	\$477,211	\$376,358	(up)	\$ 100,853
Sales Tax	\$76,279	\$66,480	(up)	\$ 9,799
Transient Occupancy	\$545,206	\$508,260	(up)	\$ 36,946
Water Rent	\$717,724	\$627,094	(up)	\$ 90,630

Town Manager Ritter announced a couple of the upcoming committee meetings.

Councilman J. Howard had questions about paving and moving utility lines.

Councilman T. Howard commented on the increases in revenues, which speaks highly for the economy in our community.

There was discussion as to setting deadlines for the easements so that the sidewalk project north of the new bridge wouldn't be delayed any further.

Mayor Tarr asked for a meeting to discuss the Downtown Revitalization plans.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of February 7, 2011**
- **Council Workshop Meeting of February 17, 2011**

Councilwoman Conklin advised she was not at the February 7, 2011 meeting and the minutes should reflect the correction.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the February 7 and 17, 2011 meetings with the requested change. Unanimously approved.

2. Public Hearing on the Vacation of a Lot Line Request for Mr. Ted Daisey

Mr. Ted Daisey stated that his request is to vacate a lot line on Bertie Street, so he can build a single family home.

Mayor Tarr opened the public hearing at 7:30 p.m.

There were no comments from the public.

Mayor Tarr read the Ordinance Vacating a Property Line of a Subdivision Plat Pursuant to Section 15.2-2272.2

Mayor Tarr closed the public hearing at 7:31 p.m.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt an ordinance vacating a lot line between lots #030A201A0003500 and #030A201A0003600 on Bertie Street. Unanimously approved.

3. Chincoteague Cultural Alliance Presentation and Grant Request

Mr. Bob Behr with the Chincoteague Cultural Alliance read a thank you letter he wrote to the Editor in December. He then gave his annual presentation, thanking Council for their continued support. He requested that the Town apply for the Virginia Commission for the Arts Local Government Grant. Mr. Behr advised that they have 32 events planned and stressed the importance of the grant. He also asked for support of the matching funds in the amount of \$5,000 from the Town for the Grant totaling \$10,000.

Mr. Behr presented Council with a slide show of the past events.

Councilman T. Howard thanked Mr. Behr for the efforts of the Cultural Alliance as he has enjoyed a few of the events. He mentioned Mother Earth Day with the hazardous waste collection and feels that this is a wonderful idea.

Mayor Tarr asked what the deadline was for submission of the grant.

Mr. Behr advised that the deadline is April 1st, 2011 at 5:00 p.m. He offered his assistance.

Councilman J. Howard stated that when Town Manager Ritter goes on the radio he should also promote the schools and events like these.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to apply for the \$5,000 grant and Town's match of \$5,000 totaling \$10,000. Unanimously approved.

4. Wounded Warrior Walking Tour Presentation

Town Manager Ritter advised that Mr. Patrick Black couldn't attend this evening. He explained the walking tour, which is to begin at the Chincoteague Chamber of Commerce will be going over to Assateague.

Chief Lewis stated that this is a walk or run through the trails on Assateague on June 18th, 2011. He added that they have permission to park in the Church of God parking lot.

Mayor Tarr asked if the Police would be working with them regarding traffic control.

Chief Lewis advised they would.

5. Recreational and Community Enhancement Committee Report of February 8, 2011

• Donald Leonard Park Landscape Plan and Water Line Extension

Councilman Jester stated that they spoke with Mrs. Jane Wolffe who submitted a landscape plan for the Donald Leonard Park. They feel it will enhance the park. He stated that the BETA club at the High School planted 575 daffodils. They requested that the Town supply water access. Public Works Director Spurlock advised the Committee that water access wasn't a problem. They also would like to put in a driveway apron. The Committee feels this would be beneficial to the Town.

Councilman Jester also stated that the Committee has received a request from Mrs. Donna Mason to rename the Veterans' Memorial Park to the Lee Savage Veterans' Memorial Park. He advised that following the meeting, Town Manager Ritter advised that there were 3 families that donated land or transferred the land for \$1. He feels that all the people who donated land there should be honored. He suggested putting some history boards there in their honor.

Councilman Jester stated that they also discussed the possibilities of kayak launches. He also informed Council that there are volunteers to help with the gardening of the Watson Park.

Council discussed the request from Mrs. Wolffe for water at the Donald Leonard Park.

Councilman T. Howard feels this is a practical matter and there should be a faucet at both ends of the Park.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to approve the bore and installation of water service to the Donald Leonard Park and support the landscaping plan presented by Mrs. Wolffe on behalf of the Leonard Family. Unanimously approved.

6. Policy on ADA Handicap Wheel Chair Ramps

Building and Zoning Administrator Lewis advised that typically, last year there were 3 applications for residential ADA handicap ramps. He advised that the ramps were built because of the need and when the need no longer exists the ramps are to be removed. He advised that they will need a permit because state Building Code requires inspections.

Mayor Tarr asked if it was ADA compliant for wheelchair access.

Building and Zoning Administrator Lewis explained that whenever a ramp changes direction, they are required to have a 60' turn.

Vice Mayor Richardson suggested refunding those residential applicants.

Councilman J. Howard stated he doesn't want to go back and refund everything. He suggested paying it himself.

Town Attorney Poulson stated that Council has been there before and he suggested not going there again.

They further discussed refunding.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson that residential ADA ramps charges be \$0, and commercial ADA ramps charge be \$80.00 and approve the ADA Handicap Ramp Policy. Unanimously approved.

Town of Chincoteague, Inc.
ADA Handicap Ramp Policy
Effective Date March 7, 2011

PURPOSE

It is the purpose of this policy to establish internal guidelines for new residential construction to install ADA handicap ramps. The policy will facilitate working with the Town residents who will build an ADA handicap ramp.

REQUIREMENT

All new residential construction to install an ADA handicap ramp shall be required to have a permit issued by the Town of Chincoteague. This will be required to enforce the state building code on all handicap ramps and to have a representative of the Town to inspect such construction of said handicap ramp as required by the building code.

FEE REQUIREMENT

All new residential construction to install an ADA handicap ramp shall not be charged a fee for the new residential construction permit issued by the Town of Chincoteague.

NOTE

For the purpose of this policy any entrance landing/platform greater than 5' x 5' shall be considered a deck and shall be required to pay the fee for new residential construction.

Building and Zoning Administrator Lewis advised that the current state Building Code states that a shed 150 square feet or less does not require a building permit they only require a zoning permit. However, the new Building Code changed it from 150 square feet to 200 square feet. He advised that currently for the shed permits less than 150 square feet the zoning fee is \$47.40 and fees for sheds over 150 square feet are \$80. He stated that with the proposed change the sheds less than 200 square feet would be \$47.50.

There was further discussion about the change and reroof permits and fees.

Councilman Muth motioned, seconded by Councilman Jester to approve the shed square footage change from the state Building Code from 150 square feet at no charge to 200 square feet at no charge. Unanimously approved.

7. Curtis Merritt Harbor Fuel System, Contract #1-CMH-10 Bids

Town Manager Ritter advised that the Curtis Merritt Harbor budget for the fiscal year 2011 is \$179,850 to install a fuel system. The funding sources will consist of Virginia Port Authority grant in the amount of \$106,029, Boating Infrastructure Grant in the amount of \$46,977 and the remaining \$26,844 from the Harbor Long-Term Replacement Funds. The advertisement for bid was published in the Eastern Shore News from February 2-12, 2011. There was a pre-bid meeting, February 15th and the Town received bids February 25th. There was 1 bid for the Harbor Fuel System from Oil Equipment Sales and Services Co., Inc. from Chesapeake, VA. They completed the work for the Cape Charles Fuel System. The bid was \$178,568.

Town Manager Ritter advised that the bid came in just under the budgeted amount.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to award the Curtis Merritt Harbor Fuel System, Contract #1-CMH-10 bid to Oil Equipment Sales and Services Co., Inc., in the amount of \$178,568. Unanimously approved.

8. Mayor & Council Announcements or Comments

Councilman J. Howard advised he spoke with staff and it didn't work out about the breaks in Public Works. He doesn't like to see the equipment with the waste of fuel and time for the employees to come back to the shop for their break. He asked Council to discuss this at the next meeting.

Mayor Tarr directed Town Manager Ritter to put this matter on the agenda for April.

Councilman J. Howard also mentioned the Main and Maddox intersection. He stated that the Town should be looking into the possibility of acquisition of some of that land there to make the intersection better.

Councilman Jester stated he would like Council to send a letter commending the EMS both paid and volunteer for their service. He stated that they put a lot of time in answering calls and helping our small community. He wants to say thank you for all they do.

9. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia
• Personnel Matters

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

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

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

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

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

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

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

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE MARCH 17, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the agenda adding a closed session for the purpose of discussing acquisition of property. Unanimously approved.

4. Introduction – Virginia Tourism Corporation/Tourism Specialist Lynne Lochen

Mayor Tarr invited Donna Bozza, Director of Eastern Shore of Virginia Tourism Commission to address the Council and make an introduction. Ms. Bozza began by providing a brief report on the successful ESVA Welcome Center near the Bay Bridge/Tunnel that has seen 160,000 visitors since its opening and over 11,000 since the beginning of the year. Chincoteague businesses and the Chamber have a presence at the Center and in the Visitor Travel Guide. A new website is available at www.esvatourism.org with links to area businesses available for free. Media tours are a regular part of the work of the Tourism Commission, and this year Chincoteague and the Eastern Shore will be highlighted in Washingtonian and Coastal Living magazines. Steve Potts handed out brochures and a video.

Ms. Bozza informed the Town Council about budget concerns for this year and stated that the proposed Transient Occupancy Tax in Accomack County will provide approximately \$30,000 needed to operate the Visitor Center. She asked if the Town of Chincoteague would consider writing a letter of support to Accomack County for the allocation of TOT funds toward the Virginia Tourism Corporation. Additional funds are needed to support an ongoing marketing budget. Cape Charles and Onancock currently contribute to ESVTC in addition to County budget allocations and Chincoteague was requested to consider it as well.

Lynne Lochen, Tourism Development Specialist with Virginia Tourism Corporation, was introduced as the newest partner in an overall effort to market the Eastern Shore of Virginia. Her experience over 30 years has included the Norfolk Convention & Visitors Bureau, Orange County, and Portsmouth Destination Marketing Organization. The tourism specialist position was recently created by Governor McDonnell to enhance economic development and job creation through tourism in 4 geographic areas of Virginia. Tourism in Virginia is a \$17 billion dollar industry. The Governor is particularly interested in 'space tourism' on the Eastern Shore.

Ms. Lochen described her approach to marketing a region without boundaries as the best way to attract tourists. Her role will be to help with expert advice and direction primarily through the ESVTC. She hoped that this outreach by the Governor would be matched by support at the local level for tourism efforts and asked if there were any questions.

Councilman J. Howard commented that during the annexation between Accomack County and the Town of Chincoteague, it was agreed that 2% transient occupancy tax would be collected for the County. He asked how much was received by the Tourism Commission. Ms. Bozza responded by saying that the monies go to the Accomack County general fund and they currently receive \$64,000. Approximately \$110,000 is received from Northampton County because there it is a dedicated fund for tourism. Councilman Jester noted that Accomack County receives around \$400,000 from the Town's occupancy tax collections.

Steve Potts added that a significant effort has been necessary in recent years just to maintain level funding for the Tourism Commission. He reported that Virginia's Governor is promoting tourism with an advertising campaign in surrounding States that will reach over 15 million people. Mr. Potts commented that the transition in Chincoteague's economy over the years from farming to chicken houses to seafood to tourism has increased the need to work together for marketing and promotion. Financial support for the Tourism Commission was requested from the Town of Chincoteague. Councilman J. Howard stated his disappointment in Accomack County for not providing adequate tourism funding from the money collected in Chincoteague.

Ms. Lochen added that Tourism funding, and the Welcome Center in particular, may be considered for cuts in the current budget process. This should be considered an important investment in the hard work of marketing and sales that brings tourism dollars to the local economy. Mr. T. Howard noted that it pays to advertise.

5. Presentation – Sanitary Sewer System/Preliminary Engineering Report

Public Works Director Harvey Spurlock introduced Dave Parker and Scott Turner of Clark/Nexsen Architecture & Engineering to present the Preliminary Engineering Report (PER) for a Phase 1 Sanitary Sewer System to serve Chincoteague Island. The study was prepared with assistance from a Virginia Department of Housing and Community Development 'Southern Rivers' Grant, which also included a separate sewer feasibility review of the Northern Accomack County seaside watershed.

Mr. Parker reviewed a brief history of previous studies for a central sewer system in 1977, 1988, and 2007. The current report is the result of a grant administered through the A-NPDC to take a regional look at providing sewer service, and to consider the opportunity presented by the

proposed Atlantic Town Center development to build a treatment facility that may eventually serve existing communities and the Wallops Research Park. The main purpose of this effort was to compile previous work and some new ideas in a PER format that is required by USDA Rural Development in order to apply for grants or low interest loans. The engineering report is one piece of an application package that will also require an additional environmental report and economic analysis. Mr. Parker summarized the sections of the report, noting that:

- Previous studies are included in the back of the notebook
- Planning area included the entire island
- Surrounding environmental resources will be an important consideration
- Growth projections and development potential of about 13% over the next 20 years was taken from the Town Water Supply Plan
- Existing limited treatment facilities are privately owned
- Need for the project is supported by current use of aging septic systems, high water tables, need for septic tank pump and haul for non-functioning systems, concern for protection of VDH Shellfish Zones surrounding Island
- Previous studies have reviewed options for wastewater treatment on the Island and on the Mainland
- This report proposes a collection system and pump station on Chincoteague with a force main to the Mainland for advanced treatment and recharge of the groundwater source.
- This option has environmental benefits, however the main reason to consider wastewater treatment on the Mainland is a specific opportunity to accomplish a partnership and regional solution.

Mr. Parker continued with a presentation of the proposed Phase 1 service area outlined in red on aerial view maps. The initial public sewer service area would include properties fronting along Main Street from the High School to just south of the Coast Guard station, and along Maddox Boulevard from the new Route 175 Bridge to McDonalds. The idea would be to first encourage connection of commercial and institutional properties including restaurants, hotels, businesses, and other large quantity water customers that would be necessary to operate the system. Other areas of Town would be connected in later phases. He noted that State approval of a public centralized sewer system would ultimately require that individual treatment plants be removed to reduce discharges in the Bay.

The collection system will consist of a small diameter force main, 2" to 4" pvc pipe, and each house or business would have a small individual pump to connect. The sewer lines would go to a central collection point and large central pump station that would send the flow to the Mainland within a larger force main to be installed along the Causeway. The location of the central pump station has not been selected, however, for the purpose of this study it was shown on a vacant parcel near Smith Street and School Street.

Councilman J. Howard asked whether it would be difficult to obtain permits for directional boring under the Chincoteague Channel and attaching the force main under the bridges along the Causeway. He also pointed out that a connection from South Main Street across the Bay to Wright's Seafood would be the most direct route. Mr. Parker responded that the alignment proposed along the Causeway would be the most feasible and would allow for construction in

segments. Councilman T. Howard confirmed that the directional bore would generally run parallel to the existing water line.

Mr. Parker answered several questions about the small grinder pump wells that would be located on every property served by public sewer. He stated that the large pump station would be sized for expansion to ultimately serve the entire island. Councilman T. Howard asked about the proposed alignment of the force main through the sensitive environmental areas on either side of Route 175 and whether there was the potential for additional shellfish area condemnation by the Virginia Department of Health. Mr. Parker stated that the impact of the pipeline construction would not create a problem and once the pipe is buried there should not be an impact. Mayor Tarr added that the 16" waterline bore was able to avoid Marsh Island and other environmental impacts.

Preliminary cost estimates contained in the report were summarized by Mr. Parker for a total of almost \$25 million. Mr. Parker stated that the size and design of the project will likely be modified based on the amount of grant or loan funding that is available. At this time, a high percentage of grant funding would be necessary to make the project feasible because the estimated costs could not be supported by the customer base available. The purpose of this report is to assist the analysis that USDA performs in order to determine the need for grant monies.

Mayor Tarr commented that the preliminary cost estimate was based on the use of ductile iron pipe which is not a durable material in this location. There may be a cost savings by using HTP pipe instead. He also suggested that trenching in the shoulder of Route 175 would be better than saw-cutting the pavement as proposed in the report. Mr. Parker noted that the study was prepared to cover some 'worst case' situations from a cost estimating standpoint.

Councilman J. Howard asked about the distance directly across to Wright's Seafood from the Town Dock and the potential to bore under the marsh. It was agreed that it may be possible.

Councilman Jester supported the plan to serve the needs of hotels and restaurants. He was concerned about the statement in the report that current wastewater treatment methods may cause a potential pollution issue for shellfish beds and fishing. It was noted that the narrow band of condemnation areas surrounding the Island has been a matter of standard cautionary practice by the State for decades. A simple comment about potential impacts could have a devastating effect on marketing the Chincoteague seafood industry. Routine water quality testing by VDH confirms that there is not a problem. He requested that Mr. Parker be careful about what he states in this report. Mayor Tarr agreed that the benefit of excellent water quality surrounding Chincoteague does alleviate the need to solve septic system problems or provide for public sewer service.

Mr. Parker concluded with a review of 'where do we go from here?' Application to USDA for grant funding would generally be the next step along with additional work to prepare an environmental report and economic analysis. Another important step will be to make presentations to the public and gain necessary support for the project. An advisory committee may be a good way to keep momentum in the process. Coordination with Accomack County and the private developer of Atlantic Town Center is recommended.

Councilman J. Howard asked if this project was a ‘Cadillac’ plan and whether now was a good time to ask for help to finance it with grants. He noted that “we’ve got a type of person we are trying to save here – just like the piping plover – we are trying to save the Chincoteague”. He agrees with the project and wants the Chincoteague to stay...”you know I don’t want to disturb his nest a whole lot” stated Mr. Howard. The only way the Town will be able to consider this project is with a whole lot of help.

Mr. Parker stated that there is federal money available along with a lot of competition. “It needs to happen sometime, so get in line” was his advice. The Town may want to get the ball rolling and see what happens.

Councilman T. Howard commented that the Town is already in the position of wishing we had gotten the ball rolling. After reviewing the figures, very few people on a limited income will be able to survive if they are required to pay for the full cost of the project. Councilwoman Conklin agreed, however, the costs will always go up so the Town should at least try to make this work. Councilman T. Howard stated that while we are trying, the Council should be cognizant that people are already struggling with the situation as it is, and to make that part of the focus.

An in depth funding search would include sources other than just USDA such as DEQ or STAG funding. Mayor Tarr asked if the USDA funding would be all grants. Mr. Parker responded that it would likely include a combination of grants and low interest loans. He is familiar with larger amounts of grant funding available for ‘special situations’ and Chincoteague should qualify based on unique conditions of the island community. Preliminary design may proceed when other funding is available.

Councilman T. Howard returned to the discussion of Councilman Jester’s concern and asked how the Town would be able to convince the funding agencies that this is a project worthy of consideration. Particularly if the potential threat of pollution to the sensitive environment is not presented. This cannot be overlooked just because the Atlantic Ocean flushes twice a day and provides clean water. It was agreed the message should focus on action required to prevent any potential impact to water quality surrounding Chincoteague.

Councilman J. Howard reminded the Council that Chincoteague has some of the cleanest water in Virginia and suggested that State Officials should not keep requiring improvements unless they are willing to help pay for it. He agreed with Councilman Jester that wording in this report should not “rock the boat when there are no waves”.

Councilman Jester continued to clarify his request for accurate reporting of water quality so that the shellfish industry is not affected by poorly phrased information in the engineering report. He repeated his support for providing centralized sewer service in the high demand commercial areas where it is needed for restaurants, hotels and recreational uses. Mayor Tarr added that the cost for individual septic systems for a commercial use can cost \$40,000 to \$50,000 for each installation, and many buildings can only be leased to t-shirt shops because the Health Department will not approve a change of use without a new sewer permit.

Councilman T. Howard recognized the existing costs of pump and haul is a burden today, but the long term health impacts to residents is a concern as well that should be used to support the project. Mr. Parker suggested that the wastewater needs of rural and coastal communities are a problem that is familiar to State agencies, so the case can be made for approval of a grant application without describing a potential crisis situation.

Discussion returned to the individual elements of the proposed sewer with questions about the location and ownership of grinder pumps, power supply, effect of groundwater elevation, potential flood protection, and individual versus shared ownership.

Mr. Jim Frese provided public comment from the audience to ask about the existing package treatment plants currently located along Main Street that have excess capacity today. This excess capacity could be purchased by the Town and used to solve current problems with structures on Main Street in the short term. The proposed study would describe a longer term scenario. Use of the systems in place today to their full extent would give the Town “more bang for the buck”. If the individual pumps are installed in residential areas, it should be done as a part of the tax system for services to average the cost over all residents.

Mr. Papadopoulos asked about the expected lifespan of the proposed individual pumps. He commented on the limited yards available for placement of the pumps in some areas of the Town. Mr. Parker responded that the pumps would need to be replaced every 10 years on average.

Public Works Director Spurlock concluded the presentation by offering that full copies of the report were available for viewing in the Town Office. Mayor Tarr stated that even though the numbers are shocking, and sewer is a four-letter word, the Town should move forward with this idea. The Mayor will work on a plan to move forward and will present it to Council in the next few weeks.

6. Action Items from previous Council Meeting – Possible support for Hi-Y Expenses
Mayor Tarr reviewed the request from Chincoteague High School students for financial support. Past support has paid for 1 to 3 students at \$350.00 each to attend the Model General Assembly field trip. Councilman T. Howard moved to fund three students at \$350.00 each, seconded by Vice Mayor Richardson. The motion passed unanimously.

7. *Closed Meeting in Accordance with Sec. 2.2-3711(A)(1) of the Code of Virginia for the Discussion of Personnel Matters*

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

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

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

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

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

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

VOTE: Ayes- Richardson, Jester, Muth, J. Howard, Conklin
Nays- T. Howard (other items were discussed such as acquisition of property that were not named prior to the start of the closed session)
Absent- None

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE APRIL 4, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr asked for a moment of silence for the victims and their families involved in the terrible head-on car accident on the Causeway a couple of hours ago.

OPEN FORUM/PUBLIC PARTICIPATION

- Ms. Lisa Canon, Circle Drive, approached Council regarding the gardening plan for Watson Park. She advised that she and Ms. Heather Jorgensen are Master Gardeners and has submitted a plan to Town Planner Neville for budget preparations.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr suggested adding another item, 3a for the Resolution to acknowledge that the Town of Chincoteague 2010 Census numbers are erroneous. He explained that they will need this document for Wednesday night's redistricting meeting.

Vice Mayor Richardson motioned, seconded by Councilman Jester to adopt the agenda adding item 3a. Resolution of the Census. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of March 7, 2011**
- **Council Workshop Meeting of March 17, 2011**

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

2. Request for Proposal on Professional Auditing Services

Finance Director Hipple explained that the auditing services contract expired in 2010. An RFP was put out and the bids came in lower than the past couple of years. The reason for the lower bid is because of the recent Census population count, the Town is no longer required to report to the Auditor of Public Accounts. She advised that Robinson, Farmer Cox was the low bidder: FY2011 - \$22,000 and \$2,775 for the Authority; FY2012 - \$22,500; FY2013 - \$23,000; FY2014 - \$23,500; FY2015 - \$24,000. She advised that the Town has been working with Robinson, Farmer Cox for the last several years.

Councilman Jester asked if it was a 5 year fixed or 1 year option.

Finance Director Hipple advised this is a 1 year renewable option.

Councilman T. Howard asked if the Census population numbers were deemed erroneous would this mean that there would have to be a report to the Auditor of Public Accounts and the figures for the bid would increase.

Finance Director Hipple advised that they would not have to report to the Auditor of Public Accounts unless or until the new population figures or corrections are published through the Census reports, and the count would have to be above 3,500.

Councilwoman Conklin motioned, seconded by Councilman J. Howard to award the auditing services to Robinson, Farmer Cox through the year 2015. Unanimously approved.

3. Accomack County Board of Supervisors Update

Supervisor Thornton presented the Town with a check from the County in the amount of \$8,000 for drainage. She thanked staff for their hard work on the Census mail-out and recount. She also stated that they reviewed the population projections from the Weldon-Cooper Center.

Supervisor Thornton mentioned that several people in the community stated that they feel they were never counted. She stated that the proxy counting was not completed correctly either. She advised that there are 3 majority-minority districts and they have to get the voting age minority. She appreciates the Town approving the resolution to help with the numbers. She stated that the whole problem with the population is the result in the redistricting issues. She stated that both of the representatives will have the majority of the population represented from across-the-bay.

Supervisor Thornton also added that District 2 will lose approximately 1,000 people.

There was further discussion regarding the Census and redistricting.

Supervisor Thornton again thanked Mayor Tarr and staff for their hard work. She then addressed the new hospital proposal. She advised there will be a meeting and stated that the resolution will be needed ahead of time to show support for the new hospital.

Supervisor Thornton stated that she is on the Star Transit Board. The County will pick up the funding for Star Transit that will restore service to Chincoteague and will start back October 1st. She is also working on getting the old gym either turned over to the Town or fixed up. They met with contractors and will return with the costs to bring it to standard as it is temporarily closed until repairs can be done. There will be a public hearing at the meeting on April 20th at 7:30p.m. She recommended that the Chincoteague people attend. She asked Mr. David Fluhart to inspect the building and made a list of the corrections that have to be made before it can be reopened.

Supervisor Thornton advised Public Works Director Spurlock that Tangier just put a floodgate in by the Army Corps of Engineers. She suggested contacting them for the particulars. She also advised that legislation has just passed that tourism can receive 3% of Transient Occupancy from the County. Supervisor Thornton informed Council of the Transient Occupancy totals for the County: Budgeted amount for tourism - \$64,053, from the Town of Chincoteague the County collected - \$402,300 and from the remainder of the County they collected - \$17,103 and all goes to the general fund. There was further discussion about the figures.

Supervisor Thornton mentioned the District Fund. She read from FY2007 budget, what the District Fund is to be used for. She advised it was to purchase plywood for the old gym. She

also added that volunteers put it up and painted it. She also read the rest of the disbursements. She stated that if the Town encompasses the entire district then the Town will receive the funds.

Supervisor Thornton also stated that the Fish & Wildlife Refuge is conducting an economic study. The last study was done in 2006 and revised in 2009 regarding recreational visits, jobs and economic growth. She stated that the only other matter was regarding the FEMA meeting which will have a serious impact on flood insurance premiums.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Planning Commission took action at last night's meeting to propose minor amendments to the ordinance for flags, banners and pennants. This matter will go to public hearing Tuesday, April 12th at 7:00 p.m. He also stated they reviewed the ordinance regarding building mounted signage and the maximum requirements for height. He stated that the main effort for the Planning Commission has been reviewing the zoning maps. They plan to have an open house for public review prior to the public hearing on May 10th. He mentioned the biologist report and advised he will be attending a vision meeting on the Refuge.

Police Department

Chief Lewis presented Council with the monthly arrest report. He advised that the Police Department would be holding a luncheon for Island residents. He also reported that they received the grant for police car computers and should be installed tomorrow.

Public Works

Public Works Director Spurlock reported: The SCADA system is 60% complete. Main Street intersection at the new bridge is paved and the basecoat on Maddox is being laid. The Wayne Road drainage layout is complete with the crossover pipes installed. The new water service has been installed at the Donald Leonard Park. He has finally received the approved ground water withdraw permit. They need to install new meters and a test well near Well 8 approximately 400 feet deep. They have also scheduled cleanup around the nature trails. Public Works Director Spurlock announced that the Public Works Committee meeting will be tomorrow at 4:00 p.m.

There was discussion about the SCADA system.

Councilman T. Howard asked about the Main Street Corridor project and paving.

Public Works Director Spurlock advised that there are plans for paving near the Misty statue on Main St.

Mayor Tarr asked if the Town would brush the parking lots along Maddox after the paving.

General Government

Town Manager Ritter reported there was a mass mail-out of the postcards for the Census population recount. He advised there is a resolution later in the meeting. He asked Council if they have any information to put in the quarterly newsletter to let him know. Currently, staff is working on and collecting Business License renewals, motor vehicle decals and boat ramp user fees. Clark-Nexen will be at the April 21st meeting to discuss Storm Water Master Plan and

drainage projects. Town Manager Ritter had a teleconference with Attorney Ann Sullivan regarding the Personnel Policy. They are also meeting with Mr. Preston Smith who is in charge of the infrastructure grant to discuss a fishing pier. The fuel system at the Harbor is underway and should be installed by Memorial Day. The first radio broadcast was last Friday on WCTG.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate Tax	\$604,240	\$605,786	(down) \$ 1,545
Tangible Property Tax	\$165,904	\$159,220	(up) \$ 6,684
Meals Tax	\$491,389	\$387,194	(up) \$104,195
Transient Occupancy	\$554,295	\$515,665	(up) \$ 38,630
Sales Tax	\$ 83,446	\$ 73,651	(up) \$ 9,795
Water Rent	\$784,539	\$688,070	(up) \$ 96,468

Town Manager Ritter reminded Council of the Budget Workshop scheduled for Wednesday, April 6th.

Councilman T. Howard commented that the revenues over the last two months have increased.

PRESENTATION

Mayor Tarr presented Mr. Chester Jackson a Certificate of Recognition. Mayor Tarr recognized Mr. Jackson for his countless hours of time offering his services to our community as an auctioneer. He then read:



CERTIFICATE OF RECOGNITION

presented to

MR. CHESTER JACKSON

WHEREAS, Mr. Chester Jackson has rendered his service throughout this community and deserves special recognition; and

WHEREAS, Mr. Jackson has given of his time and talents as an auctioneer to many organizations within this community; and

WHEREAS, his dedication and zeal in helping organizations in this community raise money for the betterment of all has earned him the respect and affection of the citizens of Chincoteague Island;

NOW, THEREFORE, on behalf of the Town Council of the Town of Chincoteague and all our citizens and organizations, I am pleased to tender this Certificate of Recognition to Mr. Chester Jackson, with our sincere thanks for his dedicated service to the welfare of Chincoteague Island.

DATED this 4th day of April, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

Mayor Tarr listed several different organizations that Mr. Jackson donated his auctioneering services for and to.

Mr. Jackson advised he has done this for approximately 32 years.

The audience applauded Mr. Jackson for his years of service to the community.

Town Attorney Poulson interjected that Mr. Jackson hasn't only donated his services to Chincoteague organizations but, to many organizations throughout the County.

3a. Resolution of the Census.

Mayor Tarr explained that the Town is looking at the Census numbers in several different ways and he asked Council to pass the following Resolution in support.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the Resolution. Unanimously approved.



RESOLUTION
To acknowledge that the Town of Chincoteague

2010 CENSUS NUMBERS ARE ERRONEOUS

WHEREAS, the 2010 Census for the Town of Chincoteague, Virginia indicates a reduction in total population from 4,324 people in the year 2000 Census to 2,941 people in 2010; and

WHEREAS, the US Census Bureau, Population Division has consistently estimated a minimum of 3,568 to more than 4,300 residents over the last 20 years; and

WHEREAS, this loss of 1,383 people in 10 years may be due, all or in part, to errors in the Census survey techniques used in our ‘hard to count’ community; and

WHEREAS, sufficient uncertainty exists to support the use of alternate methods to estimate population for the purpose of redistricting;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague supports the estimated population associated with voter registration records, school attendance records, and un-registered residents 18 years and older as a method that is consistent with a stable community; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague agrees with the stated method that estimates a total resident population in the Town of Chincoteague of approximately 3,666.

ADOPTED on this 4th Day of April, 2011.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Council of Town of Chincoteague on April 4, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

4. Resolution of Support for the New Hospital Location in Accomack County.

Mayor Tarr announced there will be a public hearing on April 14th, at 11:00 a.m. at the Eastern Shore Community College regarding the location of the new hospital.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution. Unanimously approved.



RESOLUTION
To support an Accomack County location for
RIVERSIDE SHORE MEMORIAL HOSPITAL

WHEREAS, Riverside Shore Memorial Hospital has applied for a Certificate of Public Need to relocate and replace its existing facilities in Accomack County; and

WHEREAS, The proposed location would be at least 18 miles closer to the Town of Chincoteague making inpatient care more accessible to the Eastern Shore's largest community; and

WHEREAS, The Town of Chincoteague has a continuing need for health care services for our resident and summer visitor populations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague hereby supports the proposed location of Riverside Shore Memorial Hospital in Accomack County.

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague agrees with the stated goal of a physician recruiting effort for the Eastern Shore and the provision of expanded local outpatient services.

ADOPTED on this 4th Day of April, 2011.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Town of Chincoteague on April 4, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

Mayor Tarr requested community support at the meeting.

5. Public Safety Committee Report of March 3, 2011

Mayor Tarr asked for questions regarding the report which has been included in the packet.

6. Harbor Committee Report of March 3, 2011

Councilman J. Howard stated that the fuel grant has been awarded and they're hoping to have this facility ready soon. He also added that they're working on trying to make other improvements at the Harbor.

Mayor Tarr asked about additional parking.

Councilman J. Howard advised they are looking into extending the parking lot just south of the Harbor Master's office.

There was further discussion about paving and extending the parking.

7. Cemetery Committee Report of March 3, 2011

• Proclamation for Cemetery Cleanup Week

Vice Mayor Richardson stated they discussed the clean-up week which will be April 9th through the 15th. She also announced they will be working on the Reed Cemetery off of Deep Hole Road.

Councilman J. Howard motioned, seconded by Councilman T. Howard to adopt the proclamation for Cemetery Cleanup Week. Unanimously approved.



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 9TH through 15TH, 2011, 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 4th day of April, 2011.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

8. Ordinance Committee Report on March 10, 2011

- **Possible Change in Chapter 30, Floods, Article IV, District Provisions, Sec. 30-19 Anchoring Fuel Tanks, Paragraph (e) Violations. Consider revision to identify who will be responsible for a violation and the impact of a \$250 ‘per day’ fine for violations**

Councilman T. Howard reported that they reconsidered the violation provision for the oil tank strapping. He read and explained the changes:

Sec. 30-19. Anchoring fuel tanks.

*(a) **The owner of any** All new, replaced, or existing oil, and propane tanks must ~~be anchored~~ **fuel tanks** against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.*

(b) All new, replaced, or existing oil tanks shall have their vent pipe extended at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.

(c) All new, replaced, or existing oil tanks must all be fitted with a fill tube screw-on tight-fit cap with gasket.

(d) The installation requirements for strapping and anchoring fuel tanks shall follow FEMA recommended guidelines.

(e) If ownership of fuel tank is unknown, the property owner shall be responsible.

*(f) This section shall be effective November 5, 2012 for existing or replaced fuel tanks.
(Amended 4/7/08)*

*(g) Any ~~person~~ **property owner or Company** violating the provision of this section shall, upon conviction, be guilty of a class 4 misdemeanor and be punished by a fine of not more than two hundred and fifty dollars (\$250.00). ~~Each day in violation shall constitute a separate offense.~~
(Adopted 11/5/07)*

There was discussion regarding the changes.

Town Attorney Poulson suggested provisions: 1) *(e) If ownership of fuel tank is unknown, the property owner shall be responsible.* He feels that it should read “If ownership of a fuel tank is unknown or unclaimed, the property owner shall be responsible.” 2) *(g) Any ~~person~~ **property owner or Company** violating the provision of this section shall, upon conviction, be guilty of a class 4 misdemeanor and be punished by a fine of not more than two hundred and fifty dollars (\$250.00). ~~Each day in violation shall constitute a separate offense.~~* He feels the first part should read “If any person or legal entity violating...” He stated that he has an issue with striking “Each day in violation shall constitute a separate offense.” He feels that some company may pay the minimum fine and the Town may not be able to go back to court after they are charged and fined. He feels that it needs to be clear so that the violators shouldn’t be able to just pay the fine one time and not have to comply with the ordinance.

There was further discussion regarding the enforcement and fines. There was a suggestion that staff review this again.

Mayor Tarr advised that staff is planning to do an advertisement campaign.

Council concurred that if a fuel company relinquishes ownership to the tank it should be in writing.

Councilman J. Howard suggested having Town Attorney Poulson write letters to the companies.

Mayor Tarr disagrees. He would rather invite them to a meeting to discuss this in order to keep the rapport.

Building and Zoning Administrator Lewis stated that typically when a warrant is obtained, there is not another warrant until a judge rules them guilty. He added that they usually do a week at a time.

Sec. 30-19. Anchoring fuel tanks.

*(a) **The owner of any** All new, replaced, or existing oil, and propane tanks must ~~be anchored~~ **fuel tanks** against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.*

(b) All new, replaced, or existing oil tanks shall have their vent pipe extended at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.

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(Amended 4/7/08)*

*(g) Any ~~person~~ **property owner or Company person or legal entity** violating the provision of this section shall, upon conviction, be guilty of a class 4 misdemeanor and be punished by a fine of not more than two hundred and fifty dollars (\$250.00). Each day in violation shall constitute a separate offense-
(Adopted 11/5/07)*

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the changes as presented and suggested by Town Attorney Poulson. Unanimously approved.

9. Discussion on Breaks for Public Works Staff

Councilman J. Howard stated he has no problem with a 15 minute break. His problem is that they are leaving the worksite and traveling back to the shop for the break and then back to the worksite. He advised that he as a Councilmember is trying to make appropriate business decisions for the Town. He feels this is costly and would like to see the traveling back and forth stop. He added that he is not trying to stop the break.

Public Works Director Spurlock stated that the Public Works Department does take a 15 minute break. They don't always take a break and it is usually for the restroom facilities. He added that from 7:00 a.m. to noon is a long time without a restroom break.

Councilman J. Howard advised that there are public restrooms throughout the Island.

Public Works Director Spurlock advised that this is one piece. He stated that a lot of times this is used to refuel, pick up tools and supplies to complete the job. He added that if the guys are working a water outage, they voluntarily forfeit their break and sometimes their lunch.

Councilman J. Howard stated that he's seen this quite a bit. He explained that if he was going to do a job they would put the materials in the truck he needed. He suggested that instead of taking 10 minutes to do something it's actually taking 25 minutes to leave and return to the job. He suggested that most people don't normally leave the worksite.

Councilwoman Conklin stated the Town has a lot of dedicated employees. She added that she doesn't know any job in the world that doesn't take a break. She doesn't believe they're killing time. She also added that if they take a break at the worksite or on the tailgate of a truck someone will always complain they're not doing their work.

Councilman J. Howard stated that he doesn't feel this is good business practice.

Councilman Muth asked that if there is a problem with production with Public Works or if they're losing money, it should be addressed. He asked if this is the general feeling on Council or is this Councilman J. Howard's feeling.

Councilman Jester feels that Council shouldn't be involved with this and the supervisor should handle it.

Councilman J. Howard asked if contractors would have to come in on break too.

Public Works Director Spurlock stated that many years ago they took the break on the jobsite. However, they were ridiculed for that.

Councilwoman Conklin advised that she witnessed Branscome workers napping on a machine and sitting along the side of the road waiting for another asphalt truck to come. She asked what else were they supposed to do, but thought she was glad they didn't work for the Town.

Councilman J. Howard motioned that the Town continue a 15 minute break on the jobsite for Public Works Staff to save gas and time daily. There was no second and the motion died.

Mayor Tarr thanked Public Works Director Spurlock and asked him to continue to monitor.

10. Mayor & Council Announcements or Comments

Councilman Jester stated that FEMA recognized the Town of Chincoteague for their efforts on flooding issues in the VML Magazine. He also announced that tomorrow night is the Government night for the museum and invited Council to attend.

Vice Mayor Richardson asked about the low area on Eastside Road.

There was lengthy discussion as to the correction or plan to build this up.

Building and Zoning Administrator Lewis advised that the Building Code changed March 1, 2011. He hasn't received a copy of the new book. He plans to hold a meeting with the local builders to review the changes.

Mr. Chester Jackson thanked Council and all present for the Certificate. He stated that he doesn't do this for a certificate. He does this to give back to the community what they've given to him over the years.

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

• Personnel Matters

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

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

Vice Mayor Richardson 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) 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, Muth, T. Howard, J. Howard, Richardson, Conklin
Nays- None
Absent- None

12. Town Manager’s Contract Extension

Councilwoman Conklin motioned, seconded by Councilman Jester, accepting Town Attorney’s approved changes and to extend Town Manager Ritter’s contract another 2 years. Motion Carried.

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

Adjourn.

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

Mayor

Attest: Town Manager

MINUTES OF THE APRIL 21, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

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

Council Members Absent:

Tripp Muth, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested an addition to the Agenda for Item #3 – Watson Park and Item #4 – Council Member Comments to allow comments from Planning Commission Chairman Ray Rosenberger and Town Planner Neville regarding the Zoning Update process with no action items. Vice Mayor Richardson motioned, seconded by Councilman Jester to adopt the agenda as amended. Unanimously approved.

1. Presentation – Wireless Water Meter Replacement Project Financial Option

Tom Hickman from Johnson Controls presented the results of a preliminary Water System Audit completed by his firm. 10 existing meters (5/8 inch residential) were sent to Kentucky for testing to determine their accuracy at different rates of flow. Low flow rates were generally less accurate than high flow rates in measuring the amount of water delivered.

The purpose of this study was to determine whether there would be a benefit to the Town if all of the water meters were replaced. Based on the test results, Mr. Hickman estimated that accuracy of meter reading could be improved by at least 5% which could generate \$31,000 annually. In addition, operation and maintenance savings were estimated at \$77,000 with reduced labor costs and lower repair and replacement cost for old meters.

The estimate for replacing all of the meters along with a leak detection system would be in the range of \$1.25 million. In order to finance the installation, the time to pay off the loan based on the estimated annual savings would be approximately 14 years.

Councilwoman Conklin asked how the meters will last and whether all the meters would need to be replaced at once. Mr. Hickman estimated a 20 year lifespan before replacements would need to occur, and discussed warranty coverage. Public Works Director Spurlock compared this with the current system that includes some meters that have been in place for over 75 years. Mr. Hickman clarified that his firm would be responsible for getting the meters installed with guaranteed results, and Chris with Neptune Meters would be able to provide more information regarding the lifespan and warranty of the equipment.

Council members asked about the battery power source that allows remote reading of the meters. Mr. Hickman informed the Council that information is collected from each meter every 15 minutes (almost 100 times per day), it is stored until a Town employee drives by with a laptop computer that automatically gathers the data from meters that are within 1 mile. The data is downloaded to a program that will generate billing, reports or alerts of water use.

Mr. Hickman suggested that if the Town wished to explore the next step, Johnson Controls would complete a more detailed analysis and model with cost estimates. The cost of this work would not be billed if the savings did not support the cost of the project. If the Council decides not to authorize the project after the study is completed, the Town would agree to pay for just the cost of the study. If the project moves forward, the cost of the study would be wrapped into the total cost of installation. Johnson Controls guarantees the installation of the system, accuracy and results at the end.

Councilman J. Howard and Councilman T. Howard commented on the 14 year payback period versus the estimated 20 year lifespan of the meters. Additional information was requested regarding the effect of standing water in most meter wells on the meters and the electronics of the automated system. Mr. Hickman discussed financing options.

Mayor Tarr requested that a proposal for the next study be prepared with detailed information about the actual meters that would be installed including the lifespan of batteries, the meters and other parts of the system. Councilman Jester requested that Mr. Spurlock contact Crisfield MD or other communities to find out about their experience with this type of meter system. Mr. Hickman will gather information on other locations that have installed the Neptune meters as well as other communities that have followed the Johnson Controls business model.

2. Presentation – Storm Water Master Plan Phase 1

Town engineering consultant Clark/Nexsen presented the Storm Water Master Plan - Phase I. John Herzke introduced his team including Rob Sherman and John Parkinson.

The Master Plan provides a useful tool that identifies all the key components of the Town drainage system so that the Town can be better protected from storm water impacts.

Work completed includes:

- Preliminary mapping of drainage system
- Assessment of drainage areas and system capacity
- Identification of current flooding issues
- Conceptual solutions

Mr. Herzke identified the 3 major watershed areas of Chincoteague Island and presented extensive mapping of the existing drainage inlets, pipes and discharge locations for each watershed area. Evaluation of the capacity of pipes, ditches and storage basins was determined to be adequate for common rainfall events with intensities less than 1.0 inch/hour under normal tidal conditions. Any extremes of rainfall, higher tides or storm generated waves tend to overwhelm the drainage system.

The study organizes known flooding problems into areas that may be solved by a single drainage project and ranked them by potential damage to structures, roadways or property. Mr. Herzke recommended that as development continues to occur on the Island, the size of drainage pipes and ditches must get larger to compensate for the loss of natural storage areas.

Clark/Nexsen has proposed several projects that could be completed in a Phase 2 design study and recommends the preparation of design standards and specifications that would accommodate a 10-year storm event.

Councilwoman Conklin asked about Fowling Gut and additional storage capacity that could be provided in the central areas of the Island to prevent flooding problems. Mr. Sherman and Mr. Herzke responded that this should be a priority for the next phase including an evaluation of the need to elevate some structures in the future. Councilman T. Howard led a discussion of the history of manmade changes to Fowling Gut and the permitting requirements to dredge the channel today. The control of tidal effects on drainage was reviewed and Mr. Herzke concluded that the best improvement that may be possible is to provide the quickest possible drainage after the tide elevation goes down.

Councilman Jester commented that FEMA standards may require additional changes in the future to meet Flood Insurance standards. Councilman J. Howard identified a specific project to review the change in drainage patterns along Maddox Boulevard. Discussion continued on the need for storm water design standards that would be required for individual private development projects so that larger Town projects would be more cost effective.

Mayor Tarr asked about the benefits of larger ditches and ponds for storage. The discussion returned to planning for an overall drainage system similar to other coastal communities and developments in Florida. Councilman T. Howard described the change in vegetation along drainage channels as an indicator of fill that has occurred to block the tidal flow and discharge of storm water.

Mr. Herzke concluded with a recommendation that any comprehensive effort to accomplish drainage projects and provide increased protection for all property owners is to establish a 'drainage utility'. Similar to providing water or sewer utility service to all residents, a fee for storm water utility service would provide the Town with a dedicated revenue stream that would support bonding/financing for needed drainage improvements. Council members asked questions about the storm water fee concept. Mr. Herzke offered practical advice based on his years of experience.

Mayor Tarr requested Public Works Director Spurlock to provide Council with a proposal for Phase 2 that would include individual steps and what the Town would receive for each step.

3. Watson Park – Master Gardener Project

Town Planner Neville presented a report from the Recreation and Community Enhancement Committee with an expense request for the purchase of plant materials to be installed at Watson Park. Master Gardeners Lisa Cannon and Heather Jorgenson have volunteered their labor to complete a beautification project in the existing landscape area along Cleveland Street.

The plan was reviewed by Council members with several questions about the need for shade on the sunny street corner surrounded by buildings. Councilman T. Howard advised that the Bradford Pear trees should be replaced with another variety of tree if they are ever damaged and removed. Vice Mayor Richardson raised the question of park benches and the remaining obligation to place a memorial plaque on the existing bench. It was agreed that any new structures or benches need to be approved by the Recreation Committee and a standard design established for different areas of Town.

Mayor Tarr requested a motion to approve the project at a cost not to exceed \$1,000. The motion was made by Vice Mayor Richardson, seconded by Councilman T. Howard and unanimously approved.

4. Council Member Comments

Planning Commission Chairman Rosenberger presented the status of work to update the Zoning Ordinance and adopt a new Zoning Map that will help to implement the recommendations of the 2010 Comprehensive Plan.

The proposed schedule for two public hearings on May 10th and June 14th will be held and the public record will be kept open for written public comment. Notices will be mailed to all Town property owners and placed in the local newspaper prior to the meetings.

A map of current zoning and a map of proposed zoning have been prepared and will be available for public review at the Town Office and on the website.

Vice Mayor Richardson commented on vehicle safety concerns at the Main Street/Maddox Boulevard intersection. Drivers turning right on red are in danger of hitting cars turning left across the intersection. Due to the tight turning radius along the east side of Main Street, VDOT should consider establishing ‘no right turn on red’ restrictions at the most dangerous corners, especially where visibility is restricted. Staff was directed to coordinate with VDOT to determine if ‘no right turn on red’ signs may be added at this intersection.

Councilman Jester and Councilman T. Howard reported on the County Board meeting and the agreement to convey the Gymnasium building to the Town of Chincoteague. Mayor Tarr discussed with the Council the next steps to completing an agreement with the County and organizing groups to assist with the necessary repairs.

Mayor Tarr commented on several items

- Request to Staff for purchase of door stops
- Fowling Gut cleanup is necessary to remove debris
- Standard bench design has been selected (see Karen Hipple) to order the plaque for Watson Park
- Following meeting with Rob Catron, Staff is requested to produce list of activities completed by political consultant. Mr. Catron will produce a list of grant opportunities and political contacts that he has made. Meeting with Congressman Rigell's aide was positive.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE MAY 2, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr invited Student Government Mayor Jessica Proctor to introduce the Student Government Council, Town Manager, Police Chief and Public Works Director.

Student Government Mayor Proctor introduced the following for the Student Government Day:

- Town Manager: Danielle Pitts
- Chief of Police: Mason Karafa
- Public Works Director: Paul Proctor

Town Council: Johnny Tarr, Lauren Fisher, McKenzie Halpin, Alexis Mullen, Jeannie Patton, and Kaitlyn Birch.

Student Government Mayor Proctor explained some of the issues they discussed in their Mock Council meeting earlier that day. 1). They would like to see central sewerage in the commercial area is very important as it will bring in more business. 2). They suggested street lights on Maddox Boulevard from Deep Hole Road to the Traffic Circle. They feel this would make it safer for pedestrians and bicyclists. 3). They also suggested 15-minute parking for Maddox Boulevard. They suggested off-street parking for Church Street 15-minute parking in front of the Opportunity Shop. They also feel that Cleveland Street should be off-street parking from Main Street to the parking lot of Fresh Pride. They feel this would make the streets safer. 4). They would like to see the shrubs cut back for the right turn lane at the new bridge intersection. 5). They also feel that regarding bicycles and mopeds the age limit for helmets should be 12 years and under.

Mayor Tarr thanked them and allowed them to take their respected positions at the Council Table for pictures.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Tommy Daisey, owner of Dove Winds, with due respect, expressed his opposition of the Transient Occupancy Tax increase. He mentioned that there are rental homes not paying taxes at all. He feels that it will cause the moderate- income family clientele to stop coming to the Island altogether. He also stated that with the economy, there shouldn't be any kind of tax increase. He doesn't feel that the Town has a tax problem it has a spending problem. He suggested tightening the belt. He advised that he voted for the Council to be conservatives and asked they don't become liberal spenders.

- Mr. Richard Conklin, owner of Anchor Inn, also disagrees with the Transient Occupancy Tax increase. He also expressed his concerns of the trash fee assessed on the water bills a few years ago. He asked about the Assateague Reserve Fund.

Mayor Tarr explained that this money will be put into a reserve for parking replenishment when the next storm comes. He stated that if a storm hits, the Town would have to have money to run some type of transportation system to bus people to and from the beach.

Mr. Conklin feels it isn't fair to collect this from the motels. He suggested that it should be spread out equally or to look at other areas.

- Mr. Tommy Mason, owner of Waterside Motor Inn, stated that the economy is down and the Town shouldn't be raising taxes for anything. He also mentioned that the U. S. Fish & Wildlife is buying Maddox Campground for \$7.5 million. He also stated that this is a done deal and the government is waiting for the money. He feels that if the government has that kind of money to buy property then they can put parking back themselves. He told Council of a discussion he had with Mr. Lou Hinds. He told Mr. Hinds stating that if the beach washes over it could wash the southern end of Chincoteague away. Mr. Hinds advised Mr. Mason that this is

Mayor Tarr and the Town Council's problem. Mr. Mason suggested going to the Congressmen and Senators to get it done.

- Mrs. Peggy Thomas asked why the Town sticker went up to \$33.00 and the County only charges \$27.

Mayor Tarr advised this was voted on last year. He stated that this was discussed at Council level that the County proposed to raise the decal fee and at that last minute took it out.

Mrs. Thomas also asked if there were any other increases planned in the budget.

Mayor Tarr advised there were none.

Mrs. Thomas feels that with the exception of PASSS, After Prom Party, Council should do away with the donations and tighten the belt.

- Ms. Debbie Ullmann, resident for 2 years, approached Council regarding installation of public sewage. She stated she is against public sewage because it will unleash over development, crowding and change the character of the Town. She suggested a referendum. She came here for the nature of the Town. Ms. Ullmann suggested a fund to help repair failing systems. She mentioned the environmental impact. She asked Council to consider a referendum before investing any more money and time in public sewage.

- Mr. Mike Tolbert, owner of Sunrise Motor Inn, agreed with Mr. Daisey. He is concerned about those rental homes not paying taxes. He stated that he receives various comments year to year about the taxes he has to charge. He has a smaller motel and wouldn't want the Town to price them out of that small business.

- Mrs. Donna Mason, also owner of Waterside Motor Inn, doesn't feel the economic times could support another 1% on anything. She would rather see this matter tabled for another year. She suggested waiting to see if there is any economic recovery due to the capture and death of Bin Laden. She suggested checking to see if the U. S. Fish & Wildlife will accept the Town's help.

Mayor Tarr stated that every year, before, during and after Business License Renewals, staff researches rental websites and makes sure that rental properties are paying the Business Licenses and taxes associated with that rental. He stated they are also checking the number of rooms based on the Business License allowance.

STAFF UPDATE

Planning Department

Town Planner Neville reported that they have been busy getting ready for the Planning Commission's Public Hearing for the proposed Zoning Maps and Zoning Ordinance Changes. The 1st Public Hearing will be May 10th, there will be an Open House Friday, May 6th during regular office hours for anyone to come in and ask questions and review the proposed changes. The School Travel Plan was submitted to VDOT for an infrastructure grant to possibly build a

structured trail between the schools along Hallie Whealton Smith Dr. The deadline for this grant is June 3rd.

Town Planner Neville also reported that there is a meeting this week regarding the Hazard Mitigation Plan, which has to be reviewed every 5 years. He has been attending the Transportation Committee meetings at the ANPDC and working on a Transportation Plan, and there will be a Public Hearing Wednesday, May 4th from 4:00 p.m. – 6:00 p.m.

Police Department

Sgt. Mills gave Council a copy of the monthly report for April.

Public Works Department

Public Works Director Spurlock reported that the SKADA system is currently up and running and training is scheduled for Monday. The half pipes at the Skate Park are installed. The paving on Maddox and Main is complete. The drainage project on Wayne Road is also complete. The conditions set for the Ground Water Withdraw Permit of installing 4 meters is almost complete as 3 have been installed. The removal of the tree at Watson Park will be done as soon as the locate is complete. He stated that they are working on routine spring maintenance.

There was discussion regarding the new asphalt on Cropper Street, which is higher in places than the sidewalk.

Public Works Director Spurlock advised that they are waiting for a rain to see where the problem areas are to be able to address them.

General Government

Town Manager Ritter reported: that staff is working on the mass mail out for the zoning map changes. The 3rd “Tump Talk” Radio Show was broadcasted last week. Mrs. Chesser and Mrs. Hooper attended a seminar for Building Emotional Intelligence in Virginia Beach in April. He met with Rob Catron on April 21st. Mayor Tarr asked for an action list with Alcalde & Faye. He has been working with Anne Sullivan on the Draft Personnel Policy Handbook. He will bring it to the next Budget and Personnel Committee meeting, next Tuesday at 5:00 p.m.

Town Manager Ritter also mentioned some of the upcoming meetings including the meeting tomorrow night at 6:00 p.m. with Mr. Linwood Lewis at the Community Center.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate Tax	\$609,498	\$610,675	(down)\$ 1,217
Tangible Property Tax	\$174,366	\$170,162	(up) \$ 4,204
Meals Tax	\$514,216	\$405,064	(up) \$109,152
Sales Tax	\$ 83,446	\$ 79,724	(up) \$ 3,722
Business License	\$ 85,373	\$ 84,544	(up) \$ 829
Transient Occupancy	\$573,015	\$531,490	(up) \$ 41,525
Water Rent	\$849,899	\$752,563	(up) \$ 97,336

Councilman T. Howard asked Town Manager Ritter to repeat the difference in the Meals Tax from last year to this year.

Town Manager Ritter advised it was \$109,152. He reminded Council there was an increase of 1% last year.

Councilman T. Howard stated that for the economy, the Island is blessed because all revenues are on the plus side.

Councilwoman Conklin complimented staff for being diligent in collecting the taxes.

Councilman T. Howard stated that staff is on top of things.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested that item 8a be added for the purpose of a Proposed Letter to Send to Accomack County in Support of a Wastewater Treatment Plant in the Atlantic area.

Councilman T. Howard motioned, seconded by Councilman Jester to approve the agenda with the addition of item 8a Proposed Letter to Send to Accomack County in Support of a Wastewater Treatment Plant. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 4, 2011**
- **Special Council Budget Workshops of April 6, 13 and 18, 2011**
- **Council Workshop Meeting of April 21, 2011**

Councilwoman Conklin asked that a correction be made to the minutes of April 6, 2011, under item #6, paragraph 7. She stated that the amount is supposed to be \$103,000 instead of \$100,000.

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

2. Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week

Councilman J. Howard stated that the landfill will allow 14 tires per person at the landfill.

Mayor Tarr reminded the public to have items collected you would have to call to be put on the list.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the Resolution for the Annual Spring Clean-up, Paint-up, Fix-up Week. Unanimously approved.



Resolution for Spring Clean up, 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 7, 2011; 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 7 – May 13, 2011 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 7 –May 13, 2011 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

3. Resolution on Designating Hurricane Preparedness Week

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution on designating Hurricane Preparedness Week.

Town Manager Ritter advised that during this week it is a tax-free shopping week for the state of Virginia for Hurricane Preparedness type of items. He also added there is a website that gives a list of the items that qualify.



RESOLUTION
Hurricane Preparedness Week 2011

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 22-28, 2011 has been designated "Hurricane Preparedness Week"; and

Whereas, with the Town of Chincoteague being an Island, it 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 the Town 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 22-28, 2011 as "Hurricane Preparedness Week" in the Town of Chincoteague.

John H. Tarr, Mayor

Attest: Town Manager

4. Proclamation for Safe Boating Week

Councilman T. Howard motioned, seconded by Councilman J. Howard to adopt a Proclamation for Safe Boating Week.



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 drownings 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, “Life Jackets. They Float. You Don’t.”

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 21 through 27, 2011 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 2nd, day of May, 2011

Mayor John H. Tarr
Town of Chincoteague, Inc.

Chief Petty Officer A. Mark Kannan
U. S. Coast Guard
Station Chincoteague

Frederick A. Gilman
Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

5. Setting the Date for a Public Hearing for a Fiscal Year 2012 Budget and Fee & Rate Schedules

Town Manager Ritter advised that the complete budget document will be ready for the public this week. He advised that there are no fee or rate increases with the exception of the proposed Transient Occupancy Tax increase of 1%. He advised that the Public Hearing will be June 6th and the Council Meeting on June 16th at which time they will vote on the new FY2012 Budget.

Councilman T. Howard asked if there was an increase in the water rate schedule.

Town Manager Ritter advised that there is no change and it will remain the same.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to set June 6th as the date for the Public Hearings on FY2012 Budget. Unanimously approved.

6. Setting the Date for a Public Hearing on the Transient Occupancy Rate

Councilman Jester motioned, seconded by Councilwoman Conklin to set June 6th as the date for the Public Hearing on the Transient Occupancy Rate increase of 1%. Motion Carried.

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

Nays: J. Howard

Councilman T. Howard expressed his support of the Public Hearing and not necessarily the tax increase. He is hoping more people will attend the Public Hearing so that Council can make a more educated decision.

Vice Mayor Richardson agrees with Councilman T. Howard.

Mayor Tarr stated that the draft budget should be ready by the end of the week to view online or at the Town Office.

7. Public Works Committee Report of April 5, 2011

Council reviewed the report.

Mayor Tarr asked Public Works Director Spurlock about the discussion of the water bill adjustments. He stated that in the Adjustment Policy it states to come to the Public Works Committee or their designee and they would like the Public Works Director as the designee and the Public Works Committee to review for an appeal of his decision. He asked if they were working on the wording or was that already in effect.

Public Works Director Spurlock advised he has to review this and make the changes.

Mayor Tarr asked for this to be put on the next Council agenda for their review.

8. Recreational & Community Enhancement Committee Report of April 12, 2011

Councilman Jester advised that they discussed the plans to rejuvenate Watson Park. He stated that they also discussed the name change request from Mrs. Donna Mason for the Veteran's Memorial Park. He added that they received a letter from the Veterans asking to leave the name.

He informed Council that the Park was composed of 3 different parcels owned by different people who donated the property for this purpose. Councilman Jester stated that the Committee suggested putting a plaque about the donation of the property along with a historical plaque about Mr. Savage and his service in WWII flying off the coast looking for submarines.

Councilman Jester stated that a Veteran mentioned that in talking about the Park it should be referred to as “Veterans” Memorial Park, which was in honor of the Veterans who served our Country from this community.

Councilman T. Howard agreed that every time we refer to this property we should be diligent in calling it by its full name.

8a. Proposed Letter to Send to Accomack County in Support of a Wastewater Treatment Plant

Mayor Tarr requested that the Town send a letter in support of a wastewater treatment plant in the Atlantic area. This letter of support is for a conditional use permit for the Atlantic Group.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to send a letter in support of a conditional use permit for a wastewater treatment plant in the Atlantic area. Unanimously approved.

9. Mayor & Council Announcements or Comments

Councilman J. Howard stated that in the Budget Meetings, he felt it was a good idea to put money aside for Assateague. He expressed that he changed his mind and was not in favor of additional fees to create this fund and is not in favor of putting on extra charges for this purpose.

Councilman Muth agreed with Councilman J. Howard. He feels this isn't the time to raise any type of tax.

Councilman T. Howard stated that the Veterans Memorial Park was done in appreciation of the Veterans and we should make an effort to call each Park by its full name. He would also like to add everyone should make the effort to call all the Parks by the full name. They were named in honor of the people of the community for the things they have done. He also stated that for the Student Government Day there should be 2 meals, lunch and dinner, for the young people as it was before. He added that the young people care enough and are interested in the government of the Town and should be honored by the 2 meals each year.

Councilman J. Howard addressed the earlier discussion regarding donations. He feels that it is the responsibility of the Town to support the youth and youth programs on the Island.

Mayor Tarr stated they had important decisions in the budget process and have employees that want cost of living raises. He added that when everyone else's costs go up, so does the Town of Chincoteague's costs and expenses. He stated that he would get a list of donations to Mrs. Thomas. He added that the Town's budgeted donations have stayed at the same dollar amount for the past 5 or 6 years.

Mayor Tarr reminded the public there is a Public Safety meeting tomorrow night at 5:00 p.m. He stated that Mr. Linwood Lewis will be here at 6:00 p.m. He also announced that Wednesday evening is the USF&W and National Park Service Annual Community meeting at the Community Center at 7:00 p.m. He stated that Thursday, May 5th is the bulk trash collection and the Harbor Committee Meeting at 5:00 p.m. He also reminded everyone that Saturday, May 7th is the Annual Seafood Festival and Mother Earth Day, and the International Migratory Bird Festival.

Mr. Tommy Daisey thanked the Town for their diligent work on the drainage. He mentioned the problem with the drainage on the traffic circle causing his office to flood.

Mayor Tarr asked that Mr. Daisey meet with Public Works Director Spurlock regarding the drainage study and project list. He also advised that the traffic circle is at the top of the list.

Town Manager Ritter announced that Public Works Director Spurlock tested and passed the Class 3 Water Treatment Operators test.

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE MAY 19, 2011
CHINCOTEAGUE WORKSHOP TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

13. Presentation/Discussion – Draft Hazard Mitigation Plan/Management

Town Manager Ritter advised that this is a requirement from FEMA to go through the review process. He stated that Council needs to decide which direction they want to go with this.

Town Planner Neville explained the process taken to date. He stated that the Town's section should be updated next week and a public hearing should be in the August 1st time frame. He suggested considering a few items to add into the plan. He advised that he has listed those items. He stated that the general idea is to detect the community hazards and rate which is most likely to occur. FEMA has encouraged Council to look at critical infrastructure.

Town Planner Neville would like to focus on the new concepts and conditions. He recommended Council that the barrier island of protection should be built into the Town's document. He mentioned the state's study that is done to identify critical infrastructure states that a category 1 hurricane could flood the entire island.

There was further discussion of the identifiable critical infrastructures such as specific areas, buildings, water service, drainage and the substation. They also discussed public hearings.

Town Planner Neville stated that the Town has to have a new project list and it has to be on an adopted Hazard Mitigation Plan in order to qualify for the grants. He feels this fresh effort is the right thing to do.

Councilman Jester stated that the Town won an award according to the VML magazine regarding this.

Councilman T. Howard questioned that if there is no project would they be eligible for that grant.

Town Planner Neville stated that he believes that it qualifies communities some disaster assistance after a disaster occurs. He sent a letter to VDEM thanking them for the information and included the completed pre-applications for a couple of projects. He requested a grant for drainage, informing them that the Town was working on a Master Drainage Plan. He stated the second request was a proposal to update the pump at the traffic circle and replace the ditches and pipes at that location as a specific drainage project. He received a response to gather more specific information for flood damages, business loss days of service. He advised that the deadline is May 31st. He added that every dollar of FEMA money is offset by the expenses that occurred. He has a list of the repetitive loss properties. He has also called Mr. Daisey of Dove Winds for specific costs for his flooding problem.

Councilman T. Howard asked how far back does FEMA want the Town to go with this information.

Town Planner Neville advised 50 years. He stated that it pertains to those homes that are repetitive loss properties.

Discussion continued. Town Planner Neville will be presenting the Draft Plan next week.

14. Discuss Establishing a Committee to Look into Issues for Public Wastewater

Mayor Tarr stated that they have been discussing the matter of public sewage to be pumped into the Atlantic area. They have met with Chris Carbaugh who is with Atlantic Group. He advised his wastewater treatment plant is still going forward. He has applied to DEQ and has a 2 year time frame and would like for Chincoteague to help. Mayor Tarr would like for the Committee and staff to go out and review the waste water work (study) done in the past and then meet with Chris Carbaugh. He added that once the Committee decides, then this Committee would have goals to start the process and be advisory to Council.

Town Manager Ritter suggested calling the new committee the Wastewater Advisory Committee. He asked how many members should be on this committee.

Mayor Tarr feels it should be 6 or 7 people. He asked Council for ideas. He spoke with a few owners who live along Main and Maddox and a few of them would be interested in serving on this committee. He suggested; Mr. Kelly Conklin, Mr. Scott Chesson, Mr. Mike Tolbert and Mr. Spiro Papadopoulos who has no ownership interest in that corridor but has a wealth of knowledge regarding the engineering aspects. He also advised that Mr. Conklin was a member on Accomack County's Committee.

Mayor Tarr stated that they would have to conduct public hearings.

Councilman Jester stated that the key is, if the County Supervisors approve this project.

Mayor Tarr advised that the County is reviewing separate applications for the sewer plant and the planned development.

There was discussion as to the different entities that could possibly be interested in this also.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to move forward in the establishment of an advisory committee regarding public wastewater. Unanimously approved.

15. Discuss the State of Virginia, Line of Duty Act

Town Manager Ritter explained that this is basically offsetting what the state already has. He stated that the County recommends the Towns fire department to go into the LODA with them and the County would pay the cost. He advised that he had a meeting with Mrs. Hipple, Mr. Rush and Mr. Lappin regarding this matter. They expressed their concerns about the possibility of the County assessing a fire tax if they go in with them. Town Manager Ritter asked Council if they were heading in the right direction.

There was discussion about their concerns of going in with the County. Council feels they should pay their own way.

Town Manager Ritter asked if they would rather go with VML Insurance Plans or go with the state of Virginia and the funds would be vested through VRS. He explained that VML looks out for the Town's best interest. He also explained the costs associated with this program.

Council discussed what the coverage is for.

Councilman T. Howard asked what happens if the Town opts out of the state's Line of Duty Act insurance program.

Town Manager Ritter stated that the Town would have to pick up the VML program. He doesn't think the County knows which way they will go as of yet.

Mayor Tarr suggested looking at all the options before making any decisions.

Councilman Jester suggested creating guidelines.

Councilman T. Howard was concerned about the dates.

Discussion continued and Council decided to review this matter further with a VRS representative.

16. Discuss Cemetery Grass Cutting

Vice Mayor Richardson stated that in Chapter 11, Section 37 of the Charter, the Town is responsible to make sure that the cemeteries are clear. She listed the cemeteries that are in need of cleaning. She asked if the Public Works employees could cut the grass when needed as there was no bid for the Grass Cutting Contract.

Discussion continued regarding who is actually responsible for perpetual care according to the Charter and the account balance from donations.

Vice Mayor Richardson also stated that there is a grave in Redmen's Cemetery that is cracked and needs to be taken care of.

They further discussed the financial aspect of perpetual care and options. .

Vice Mayor Richardson asked for direction from Council.

Mayor Tarr stated that they have the money and should ask Mr. Taylor to cut them.

Council discussed the possibility of finding the owners of each cemetery and asking the owners to maintain them.

Mayor Tarr suggested expanding the Committee and getting more community involvement. He suggested having those cemeteries cut with the money in the fund. He also requested that they find others who would be interested in serving on the Cemetery Committee.

17. Discuss a Letter to VDOT for the Town to Maintain the Landscape Easement of the New Bridge

Vice Mayor Richardson motioned, seconded by Councilman Jester to approve a letter to VDOT to give the Town the authority to maintain the landscape easement of the new bridge. Unanimously approved.

18. Council Member Comments

- Councilman Muth feels that piers and docks are out of control along South Main Street. He mentioned losing the view to longer piers. He also understands that it's up to VMRC and the owner is adding to the value of their property.

Councilman T. Howard agreed that it doesn't add to the aesthetics.

Mayor Tarr stated that there were changes about a year or so ago.

- Councilwoman Conklin has a certificate of appreciation to the Town from the Senior Citizens of the Accomack County Parks and Recreation. She advised that Public Works Director Spurlock helped them set up and take down the Center for their Senior Prom and they were very grateful.

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE JUNE 6, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

• Ms. Laurie Walton addressed Council regarding the Marsh Island spur. She stated that vehicles are turning onto the new spur not realizing that this is only access to Marsh Island. She requested the “No Outlet” sign be moved to the corner of the spur so that motorists see it before they turn.

• Mr. Jim White stated that he asked Mr. Papadopoulos about the fines for the propane tank anchor violations.

Mayor Tarr stated that there were changes to the ordinance. Discussion continued that the ordinance was specific as to who is responsible.

• Mr. John Wilson Smith stated he sent a request to Council some time ago and has not received a response.

Mayor Tarr stated that Town Manager Ritter should have sent that response and asked if it was sent.

Town Manager Ritter advised that he was still waiting for Mr. J. Howard’s signature.

Mayor Tarr advised that it will be mailed tomorrow.

STAFF UPDATE:

General Government

Town Manager Ritter reported:

Delmarva Power will be removing the dolphin pilings at Black Narrows and should be completed within 30-60 days. The mass mail-out for water compliance, emergency preparedness and flood protection program information went out in May. The Comprehensive Plan Zoning Changes mass mail-out also went out in May. The 2nd notices for Business Licenses also went out in May. The Safe Routes to School grant application has been sent. The fuel system for the Curtis Merritt Harbor has been installed but having some problems.

Town Manager Ritter mentioned the Port Authority draw downs and is hoping the Town receives the grant money before the end of this fiscal year. He would like to work on a joint permit application to have the downtown boat slips dredged. He also reported on the Broadband Project. They are hoping to complete the loop throughout the Town by September. They will be using the old jail for the electrical equipment hut. The USFWS is milling and working on the shoulders along Maddox Boulevard extended (beyond the traffic circle). This project should be complete within a couple of weeks.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$619,481	\$612,446	(up)	\$ 6,735
Tangible Property Tax	\$175,564	\$172,326	(up)	\$ 3,238

Meals Tax	\$551,453	\$436,438	(up)	\$115,015
Sales Tax	\$ 91,538	\$ 87,724	(up)	\$ 3,814
Transient Occupancy	\$606,034	\$558,872	(up)	\$ 47,162
Water Rent	\$915,500	\$817,530	(up)	\$ 97,970

Public Works Department

Public Works Director Spurlock reported there was significant effort in cleaning up and preparing for Memorial Day. They have conducted routine maintenance for the parks and other facilities. They are waiting for final verification from VDOT for the Town to take over the maintenance at the foot of the new bridge. They have completed the spring cleanup and bulk collection. The Master Gardeners have done a beautiful job with the Watson Park. The Donald Leonard Park also looks good. The SCADA system is fully operational. The water department is transitioning from gas chlorine to liquid chlorine. The Town is still working with the U. S. Army Corps of Engineers and hoping to begin the Ocean Boulevard extended project in the fall. They have also completed repairs to the old jail.

Public Works Director Spurlock also stated that they are planning to resurface the tennis courts.

Councilman T. Howard asked if the Town was still having issues at Veterans Memorial Park.

Public Works Director Spurlock advised they were still having vandalism issues and planning to install video surveillance. He also reported that the Town is waiting on A & N for installation of lights on the new bridge

Police Department

Sgt. Mills gave Council a copy of the report for May.

There were no questions or comments.

Planning Department

Town Planner Neville reported that there has been interest in the new Zoning Maps and process for adopting the new districts. The public hearing will be June 14th at 7:00 p.m. He stated that an error in the draft Ordinance regarding the campground uses in the C4 district had been fixed. He also mentioned the public concern about the R4 district that will be addressed on the 14th and the excess Commercial uses will be addressed by the Planning Commission. The Beach Access Committee met a couple of weeks ago. Congressman Scott Rigell met with Senior Officials of the FWS and was providing assistance to the Town. Mr. Neville has also been working on the Refuge economic impact study.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested to add item 1(a) to the agenda for fireworks display permit.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda adding item 1(a) Fireworks Display Permit. Unanimously approved.

10. Consider Adoption of the Minutes

- **Regular Council Meeting of May 2, 2011**
- **Special Council Budget Workshops of May 19, 2011**

Councilman Jester motioned, seconded by Councilman Muth to adopt the minutes as presented. Unanimously approved.

1a. Fireworks Display Permit

Mayor Tarr advised that he received a request from the Chincoteague Volunteer Fire Company regarding a Fireworks Display Permit. He advised that the State Fire Marshall has created new codes regarding fireworks displays and permits, which went into effect March 31, 2011. He stated that for the Fire Company to receive a temporary permit they would have to have 6 shots and training classes which start in September. Chief Lappin spoke with the Fire Marshall's office and was advised that if the Town adopted an ordinance allowing the local government to approve and provide the permit they would allow them to continue. Mayor Tarr stated that this will be considered their 1st shot. Members of the Fire Company are scheduled to attend an upcoming class.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the permit for the Chincoteague Volunteer Fire Company allowing a fireworks display on July 4th, 2011. Unanimously approved.

11. Public Hearing for the Fiscal year "2012" Budget, Consisting of:

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

Mayor Tarr opened the public hearing for the FY 2012 Budget.

Finance Director Hipple reviewed each line item. She began by reviewing the funds. She advised that the total budget is \$6,380,515. She explained the grant funded projects and other funds along with expenditures and revenues. She also explained the project funds and reserves.

Mayor Tarr stated that there is an increase in the retirement fund. He added that there are no increases in the fees and there is no money going into long-term savings for the Harbor or Water.

- Mrs. Wanda Thornton came before Council as a citizen and taxpayer. She asked about the agenda and the Transient Occupancy Tax Ordinance change.

Mrs. Thornton commented on the budget. She stated that there are things in the budget that are lumped together and shouldn't be. She would like to see the LGIP savings information listed in the monthly reports. She stated that the GFOA recommends that 5-15% is what should be in the reserves. Mrs. Thornton also expressed her disapproval of the decal increase of \$6 last year. She would like Council to consider that \$11,000 was not worth it. She feels that the Town designates a considerable amount for donations.

Mrs. Thornton also commented on the Transient Occupancy Tax rate increase proposal. She feels it is unnecessary with the current economy. She stated that the Business License increase did not generate more revenue. She also added that she has received many complaints on the tax increase. She mentioned the increase in occupancy tax revenue from last June. She suggested designating the excess of revenue funds to be put into a Beach Storm Event fund, not in the general fund. She also suggested another category titled Beach Recreation & Tourism. Mrs. Thornton feels that the Town should be prepared to help with the parking situation on Assateague in case there is a storm. She expressed that she does not want Council to approve the increase in the Transient Occupancy Tax.

Councilwoman Conklin asked about the 3% increase from the County's Transient Occupancy Tax increase.

Mrs. Thornton advised that it increase is strictly for tourism, forever.

Councilman Jester is concerned that originally the money from the County's Transient Occupancy Tax was supposed to go toward tourism and it ended up in the general fund.

Mrs. Thornton agreed and reassured him this would not go into the general fund.

Discussion continued.

Mrs. Thornton stated that it hasn't been that long since the last increase. She feels that because of the struggling businesses and economy it should be left alone.

Finance Director Hipple added that one of the things in the fax from last year was about the vehicle decal increase. She stated that in that fax it states that the other incorporated towns are not proposing to increase their decal fees. However, some of them did raise the real estate tax rate. She reiterated that other townships in the County raised real estate tax rates but, the Town chose to only raise vehicle decal fees.

- Mrs. Donna Mason complimented Finance Director Hipple on her presentation. She addressed the Transient Occupancy Tax increase. She stated that other areas are offering incentives for visitors to come. She feels that the Town is not reaching out to tourism. She also read a couple of articles from 1978 regarding Beach Issues.
- Mr. Tommy Daisey expressed his concern for the economy. He feels that people are trying to cut back and can't afford any increases. He asked how many people on the Island benefit from tourism. He is for the Town employees, raises and benefits but, is concerned that there won't be enough money coming in to keep employing them. He fears that people will lose jobs because of this.
- Mr. Richard Conklin, Mrs. Susie Cole, Ms. Nancy Lane, Mr. Richard Vesley, and Mr. Jim Frese, Island residents and business owners, all agreed and expressed their disapproval of the 1% Transient Occupancy Tax increase due to the current economy.

Mr. John Smith, a Hallwood property owner, inquired about the bond for the School Board Property. He asked if the Town owned the schools on the Island.

Finance Director Hipple advised that the Town owns the land between the High School and the Elementary School along with the land across the street from the High school. She stated that the bond was for the loan to purchase those properties.

Mr. Smith directed Council to reduce the debt.

Mayor Tarr closed the public hearing.

Councilman Jester stated that for the last couple of years the Town has been concerned about the beach. He agreed with Mrs. Thornton that there should be a plan if a storm wipes out a portion of the parking. He suggested thinking ahead and prepare financially.

Mayor Tarr stated that he Councilman Jester has spent a lot of time on this. He stated that they were trying to be proactive by having a plan and money.

Councilman Muth agrees that the Town should be proactive. However, he is against raising a tourism tax. He suggested possibly raising another tax rate in the next couple of years so that everyone will contribute instead of a few single businesses.

Vice Mayor Richardson agrees that this is a bad time financially and there should be a plan.

Councilman T. Howard feels it is a good idea to be proactive to be prepared. He stated that the question is how to fund this or how to find resources to fund this. He agrees with Mrs. Thornton's idea to use the excess revenue for this purpose.

12. Public Hearing on the Transient Occupancy Tax Rate

Mayor Tarr stated that it is clear that the general consensus of Council is to do away with the 1% increase. He advised that on page 21 of the agenda to remove from the budget the expenditure item "Transfer to Beach/Recreation/Tourism Reserve" in the amount of \$40,936.

Town Manager Ritter mentioned proposing a flat budget for the Community Center. He advised this amount is based on meals tax and explained that currently they receive a percentage. He recommended that there be a set amount instead of a percentage. He read the changes to the ordinance.

Sec. 54-306 Disposition of Revenue.

~~(a) A minimum of ten percent of the tax levied under this article shall be used to promote tourism. The first year's ten percent will be spent to repair the town dock and Veterans Memorial Park. In May of 1990, the mayor will create a committee composed of island residents, one each from the Restaurant Association, Chamber of Commerce and town council to recommend expenditures to the town council of revenues collected after January 1, 1991.~~

An amount established by council each year, shall be distributed evenly to the Town's Chamber of Commerce and the Chincoteague Recreation and Convention Center Authority for tourism.

Councilwoman Conklin explained the monthly expenses along with some of the maintenance problems at the Center. She also talked about the different pro bono events. She added that they would like to continue to serve the community. However, they need the money to fund it.

Mayor Tarr explained that as the Town's Transient Occupancy Tax revenue goes up, so does the Center's and the Chamber's budget. He stated that out of their budget of \$174,000 last year \$133,000 came from the Town's Transient Occupancy and Meals Tax money.

Councilwoman Conklin stated that she reported how much revenue they're bringing into Chincoteague.

Mayor Tarr stated that there is a proposal to allocate \$30,000 for each the Chamber and the Center.

Councilman T. Howard asked for the dollar amount difference for the Center.

Town Manager Ritter explained the percentage of the Meals Tax for the Center and Chamber is actually \$63,000 which leaves a difference of \$3,000 plus that the difference of the percentage from the Transient Tax for the Center and Chamber is \$4,100 totaling \$7,100 under "other" of the line item for Tourism.

Finance Director Hipple also explained the ordinance pertaining to Transient Occupancy and Meals Tax and the funds. She added that the 5% tourism budgeted was \$60,000 for FY11 and year to date, at the end of May, the Town has collected \$56,174.90. She reported that the Transient Occupancy Tax budgeted was \$102,000 and year to date, at the end of May the Town has collected \$105,247.31.

Mayor Tarr stated that the \$7,100 is Meals Tax money and what's left from the Transient Occupancy Tax money. He stated that this does not mean they are stuck in that specific amount and added that it would be reviewed by Council every year.

Vice Mayor Richardson asked if this is flat-lined would it give any incentive to increase programs and use or would it be less.

Mayor Tarr stated that the Center is doing an excellent job. He stated that with agencies and departments they should be able to present their budget. They don't do that now, they assume they will get 17% and if there was a storm they may wish we had flat lined it. He asked what the Pleasure of Council was.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to leave the Transient Occupancy Tax the same. Motion Carried.

Ayes: Richardson, Conklin, T. Howard

Nays: Muth, Jester

Mayor Tarr stated that the changes in the budget will be made and voted on June 16th.

~~**13. Possible Change in Chapter 54 Taxation, Article VI Excise Tax (Transient Occupancy), Section 54-262. Allocation of Funds.**~~

~~**14. Possible Change in Chapter 54 Taxation, Article V Excise Tax (Meals), Section, 54-306(A), Disposition of Revenue.**~~

15. Consider Adoption of the State Motor Vehicle Code

Town Manager Ritter advised that this is a yearly adoption for the state vehicle code to make it affective July 1, 2011.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the State Motor Vehicle Code. Unanimously approved.

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, ~~2010~~ **2011**, 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.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2010~~ **2011**. 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**)

16. Possible Change in Chapter 62 Utilities, Article, II, Water, Sec. 62-59., Water Bill Adjustment

Public Works Director Spurlock reported that this is to consider a motion to designate the Public Works Director as the Town Official responsible for deciding whether a water bill adjustment request satisfies the established criteria.

Councilman T. Howard asked if it would still come before the Public Works Committee.

Public Works Director Spurlock advised it would if appealed.

Mayor Tarr stated that there have been numerous adjustment requests that meet the requirements. This causes staff to come before the Committee.

Sec. 62-59. Water bill adjustments.

(b) *Adjustments for water leaks.* Adjustments for water leaks may be made in accordance with the following:

(1) In some cases, adjustments to a water bill may be granted for leaks in a property owner's water lines. The following minimum requirements shall be met to qualify for consideration of adjustment:

- a. Underground pipe shall be buried a minimum of 18 inches in suitable material. Plastic pipe materials shall not be buried in shells, aggregate, or debris which may be abrasive to the pipe.
- b. Generally, adjustments shall be granted for all plumbing systems and material types. Leaks which occur in plastic threaded fittings or in insert type fittings shall not qualify for adjustment.
- c. Water bills must be paid in full, prior to being considered for an adjustment.

(2) To qualify for adjustment, the property owner shall contact the town upon discovery of the leak and request an inspection of the leak and subsequent repair work by water department personnel. In lieu of such inspection, the property owner shall submit a repair bill from a qualified plumber with a notarized statement describing the repair.

(3) The property owner's request and supporting documentation shall be provided to the public works ~~committee of the town council~~ **Director or their its designee** for a decision.

(4) The property owner will be notified in writing of the committee's decision. If the committee decides to grant an adjustment, the owner will be given a refund or credit on the next bill. The committee's pending decision in no way relieves the owner of full payment of the current bill.

(5) Adjustments are made through the date that the repairs are made and inspected by the town to that of the corresponding quarter of the previous year.

(6) Once an adjustment has been made, no further adjustment shall be considered for the same system for a period of five years. A system is defined as one meter or account number.

(Code 1977, § 15-3; Ord. of 4-5-1999, § 15-3) (*Amended 02/01/10*)

Vice Mayor Richardson motioned, seconded by Councilman Muth to approve the change to Sec. 62-59. Water bill adjustments allowing the Public Works Director to make adjustment decisions. Unanimously approved.

17. Possible Adoption of a Resolution for the FY 2012 Litter Grant Program

Mayor Tarr advised this was a yearly housekeeping item to receive the Litter Grant.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution for the FY 2012 Litter Grant Program. 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 2012, 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 June 6, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

18. Possible Adoption of an amendment to the Hazard Mitigation Plan

Town Planner Neville advised that the Town received a request through the ANPDC. He advised that there was one severe repetitive loss property, which was Michelle Mardis' home. The ANPDC is helping process the application. He stated that the adoption of a specific strategy for 'mitigation reconstruction' is necessary with in current Hazard Mitigation plan to qualify for funding.

- Mitigation of flood prone properties (to include, but not limited to acquisition, elevation, relocation, dry and wet flood proofing of flood prone structures, mitigation reconstruction for NFIP defined Severe Repetitive Loss (SRL) properties only), and drainage infrastructure improvements.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the amendment to the Hazard Mitigation Plan. Unanimously approved.

19. Public Safety Committee Report of May 3, 2011

Mayor Tarr reviewed the report.

Councilman T. Howard stated that this Committee is very proactive.

Councilman Jester advised that Mr. Rush mailed a letter to Congressman Rigell regarding a tide gauge for the Harbor.

Mayor Tarr suggested sending a letter to Rob Catron.

There was discussion about a tide gauge at the Harbor and the associated cost.

20. Budget and Personnel Committee Report of May 10, 2011

Councilwoman Conklin reviewed the report. She advised that they received helpful comments on the Draft Personnel Policy Handbook. She asked where they stood at this time.

Town Manager Ritter advised that he and Mayor Tarr would review the responses and make those changes before bringing it back to the Committee.

21. Mayor & Council Announcements or Comments

Councilman T. Howard expressed his concern regarding the property on the corner of Lekites and Bunting Road. He stated that it doesn't make sense to have to live next door to a place with overgrowth of weeds. He feels it is a health matter and there has to be an answer to this type of situation.

Town Manager Ritter stated that according to Building and Zoning Administrator Lewis, this Ordinance was removed from the Statewide Building Code. He advised that the only way to eliminate the overgrowth of weeds would be to have the State add the Town of Chincoteague to a part of the State Code that would give us permission to enforce.

Town Attorney Poulson offered that the problem is whether it applies to developed, occupied or unoccupied property. He added that the Code wasn't doing what they wanted it to do and he isn't sure that it would apply. He believes that if it is occupied nothing can be done about it.

Town Manager Ritter stated that if they wanted to write to legislature they could address it at the workshop meeting.

Mayor Tarr stated that the specific property in question may be covered under the State Code. He also added that with legislature it could take some time. He feels the Town should go both routes.

Discussion continued. Town Attorney Poulson will review this further.

Councilman Muth stated that there was talk about how hard it is. He feels they could keep their head up and keep trying to do something to change things.

Councilman Jester suggested a letter to the Master Gardeners about the great job they did at the Watson Park. He also suggested possibly planting a tree or putting in mulch. He thanked the Public Works staff for their hard work also.

Vice Mayor Richardson thanked Public Works Director Spurlock for putting the plaque on the bench at the Watson Park.

Mayor Tarr announced the Public Works Committee meeting has been cancelled. He also added that the Planning Commission will be meeting Tuesday the 14th at 7:00 p.m.

Adjourn.

Vice Mayor Richardson motioned, seconded by Councilman Jester to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

**MINUTES OF THE JUNE 16, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Spiro Papadopoulos asked Council to reconsider reducing the decal fee by the increased amount of \$6 that was approved in last year's budget. He also suggested that Council review the percentage of staff payroll over the entire budget. He then asked Council to consider a plan to have the budget reviewed in a 5-year and more report.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested to add item #1a for a Proclamation Operation Dry Water June 24th-26th, 2011.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda adding item 1a for a Proclamation Operation Dry Water June 24th-26th, 2011. Unanimously approved.

22. Possible Adoption of the Fiscal year "2012" Budget, Consisting of:

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

Town Manager Ritter advised that the requested changes have been completed: The 1st on page 1 of 9 (or 5 of 18) of the agenda, changing the flat lined amount for Transient Occupancy Tax back to the original percentages. There was discussion about the agreement for the donation of 17% of Transient Occupancy Tax to the Community Center. They also discussed the origination of Occupancy Tax.

Town Manager Ritter explained that the amount is based on the projected Transient Occupancy Tax income.

Councilman T. Howard feels that the Town should help the Community Center because it's an asset to the Community and brings revenue to the Island.

Town Manager Ritter explained another change on page 2 of 9 (or 6 of 18) (above Capital Improvements) the item titled "Transfer to Beach/Recreation/Tourism Reserve". He advised that he has taken the amount away because there will be no increase in the Transient Occupancy Tax. He recapped the budget and stated that there are no increases.

Councilman T. Howard commented on the increase from last year's budget in the decal fee. He feels it is a small amount compared to the budget.

Councilman Jester asked about the tower rent.

Town Manager Ritter advised it's a fixed fee. He advised they have offered to purchase the property also.

Mayor Tarr disagreed and advised he believes there is supposed to be a percent increase every 5 years.

Town Manager Ritter also added that if they purchased the property and did away with the tower at a later date it would revert back to the Town. He asked if Council agrees to reduce the decal fee would they want him to increase the budgeted expenditure "TRF from General Fund Savings" on page 1 of 2 (or 3 of 18) to reflect the difference. This would be taking \$17,000 more from savings.

There was further discussion as to reducing the decal fee and what the offset would be.

Councilman J. Howard feels that the increase was necessary and all the citizens on the Island would like to live here for free.

Councilman T. Howard stated that this couldn't happen because the Town has to pay the bills.

Councilwoman Conklin advised that taxes haven't been raised in the last 6 years. She would rather pay a small amount up front for a decal than raise taxes.

Councilman T. Howard asked when the taxpayers ever get a break.

Councilman Jester suggested that with the economy and the tourism questionable this may not be the time to reduce it as opposed to maybe next year. He stated that he is opposed to taking money from savings. He suggested that one storm could cut the Town's revenues tremendously.

Councilman T. Howard stated that revenues have been good according to the monthly revenue report.

Mayor Tarr interjected that the increase in revenue was because of the increase in the rates last fiscal year.

There was further discussion regarding the circumstances surrounding the vote on the increase in decal fees.

Councilman Muth feels this appears to be a good budget. He stated that in a time of stability there are some savings and minimal risks. He reminded Council that this is a time where even though costs are increasing they don't have to raise taxes.

Councilman J. Howard reminded that there are no increases to taxes or fees and he is thankful that they don't have to do this.

Councilman T. Howard feels this is a good opportunity to show good faith and they have a good budget without that money, regarding the decal fee increase from last year

Councilman J. Howard asked how the Town has a savings with a high debt in the water department.

Mayor Tarr suggested going back to the budget and voting on it. He also suggested reviewing the budget in 6 months and a budget amendment could be made to take the decal increase out. He asked why they don't have a 5-year budget for review. He directed Town Manager Ritter to have a 5-year budget with capital improvements ready for review in January. He feels that something has to happen before the budget multiplies.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the budget for the fiscal year 2012 including the real estate tax rate of \$0.06/100 of assessed value, tangible property tax rate of \$0.85/100, tangible property tax relief of \$0.63/100, excise tax (meals) at 5%, excise tax (transient occupancy) at 3%, including the General Government, Harbor & Water fee schedules and appropriate the funds for disbursement. Motion carried.

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

Nays: T. Howard

<u>Revenue Name</u>	<u>Number</u>	<u>FY'12 Budget Revenues</u> <u>Budgeted</u>
Fund 10 - General Government		
Real Estate Tax Levy	4001-0100	\$609,965
Tangible Property Tax Levy	4001-0125	\$185,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$40,000
Meals Tax	4001-0500	\$630,000
Bank Franchise Tax	4001-0600	\$45,000
Sales Tax	4010-0100	\$110,000
Business License	4010-0200	\$125,000
Motor Vehicle License	4010-0300	\$95,000
Utilities Tax	4010-0500	\$135,000
Transient Occupancy Tax	4010-0600	\$630,000
Fines	4015-0100	\$45,000
Interest on Savings	4020-0100	\$ 47,000
Banner Donations	4041-0100	\$ 3,000
Cemetery Cleanup Donations	4041-0150	\$1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$42,000
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	\$ 20,796
VA Fire Programs	4051-0300	\$ 11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$ 4,200
Harbor Administration	4061-0105	\$ 7,000
Rental Income - Trolley	4061-0106	\$ 12,000
Tower Rent	4061.0107	\$ 4,800
Communications Tax	4071-0100	\$ 212,855
Personal Property Relief Act	4071-0200	\$ 150,250
Mobile Home Sales Tax	4071-0300	\$ 6,700
Recovered Cost from Water	4101-0200	\$ 123,720
Public Works Miscellaneous	4201-0100	\$ 10,000
Miscellaneous Income	4303-0100	\$ 15,000
Solid Waste Collection Fee	4303-0400	\$ 290,498
Law Enforcement Funds	4401-0100	\$ 97,587
Police Miscellaneous	4401-0125	\$ 1,000
Police Donations	4401-0150	\$ 20,000
Police Grants	4401-0160	\$ 5,000
911 Dispatch Revenue	4401-0200	\$ 29,000
911 Local Tax (Wireless)	4401-0300	\$ 30,345
VDOT Maintenance Funds	4501-0100	\$ 547,798
Road Permit Fees	4501-0101	\$ 800
VA Commission for the Arts - Grant	4545-0140	\$ 5,000
TRF. From Ramp Repair Reserve	4701-0400	\$ 17,000
TRF. From Drainage Savings	4701-0600	\$ 35,600
TRF From General Fund Savings	4701-1000	\$ 14,484
Total Fund 10		\$ 4,446,393

Fund 20 - Main Street Project

Program Income	4501-0100	\$ 1,000.00
TEA-21 Grant	4501-0115	\$ 197,558.00
Loan Repayment	4501-0200	\$ 3,920.00
Transfer from General Fund	4501-8900	\$ 34,094.00
Total Fund 20		\$ 236,572.00

Fund 25 - Broadband Project

Broadband Proj.-CDBG Grant	4501-0110	\$ 462,695
Total Fund 25		\$ 462,695

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$ 1,500
Harbor Rent	4031-1000	\$ 59,258
Subleases	4031-1002	\$ 17,560
Dry/Winter Storage	4031-1003	\$ 750
Loading Dock	4031-1004	\$ 2,520
Fuel Revenue	4031-1058	\$ 64,501
Total Fund 30		\$ 146,089

Fund 70 - Trolley

Trolley Grants	4501-0100	\$ 45,200
Program Income	4501-0110	\$ 7,000
Transfer from General Fund	4501-8900	\$ 23,200
Total Fund 70		\$ 75,400

Fund 80 - Water

Water Rent	4101-0100	\$ 922,395
Water Adjustments	4101-2200	\$ (2,500)
Waterline Extensions	4131-0100	\$ 10,000
Service Connections	4131-0200	\$ 18,760
Interest on Water Savings	4131-0300	\$ 360
Miscellaneous	4131-0400	\$ 500
Availability Fees	4131-0500	\$ 22,915
Total Fund 80		\$ 972,430

TOTAL ALL FUNDS **\$ 6,339,579**

Expenditure Name

Number

FY'12 Expenditures

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	\$ 373,200
Emergency Medical Staff	5010-1002	\$ 234,976
Overtime	5010-1003	\$ 28,000
Subtotal		\$ 664,016

Benefits

Social Security	5020-2001	\$ 49,895
Hospitalization	5020-2101	\$ 60,764
Blood Bank	5020-2102	\$ 75
Unemployment - All Employees	5020-2103	\$ 4,000
Retirement	5020-2201	\$ 78,154
Life Insurance	5020-2202	\$ 2,695
Line of Duty Trust	5030-2300	\$ 18,076
<i>Subtotal</i>		\$ 213,659

Expenses

Bank Charges	5030-3100	\$ 3,300
Building Administrator Expense	5030-3101	\$ 100
Cleaning	5030-3102	\$ 13,000
Planning Commission	5030-3103	\$ 40
Board of Zoning Appeals	5030-3104	\$ 40
Building Permit Surcharge	5030-3105	\$ 1,000
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	\$ 105,500
Auditing	5030-3501	\$ 22,000
Donations	5030-3601	\$ 6,600
Fire Department Donation	5030-3602	\$ 19,650
Civic Center (TOTAX 17%)	5030-3701	\$ 107,100
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$ 63,000
ANPDC Membership	5030-4030	\$ 7,000
Scholarship	5030-4301	\$ 1,000
Office Supplies/Publications	5030-4401	\$ 10,000
Office Equipment/Software Maintenance	5030-4402	\$ 21,000
Postage	5030-4403	\$ 10,500
Tax Bills & Conversion	5030-4404	\$ 1,750
Motor Vehicle License	5030-4501	\$ 2,100
Travel & Training	5030-4801	\$ 3,500
Mayor's Expense	5030-4901	\$ 300
Council's Expense	5030-4902	\$ 500
Town Manager's Expense	5030-4903	\$ 250
Attorney/Legal Consultants	5030-5101	\$ 50,600
Drug/Alcohol Testing	5030-5201	\$ 2,000
Christmas Dinner	5030-5501	\$ 2,000
Dues	5030-6101	\$ 4,400

VML Conference	5030-6102	\$ 900
Advertising & Website	5030-7101	\$ 11,500
Building Maintenance	5030-7301	\$ 5,500
Electricity	5030-7401	\$ 14,500
Heating Oil	5030-7402	\$ 3,500
VA Fire Programs/CVFC	5030-7601	\$ 10,500
EOC Operations/Training	5030-7602	\$ 1,500
Special Projects	5030-7701	\$ 7,000
Pony Penning Expense	5030-7702	\$ 5,000
Deer D-Pop Program	5030-7703	\$ 1,000
Leonard Asst Fund	5030-8001	\$ -
Telephone Bills	5030-8202	\$ 19,000
Health Insurance - Retirees	5030-8401	\$ 20,000
Transfer to Medicare (Doughnut Hole)	5030-8403	\$ 20,000
Insurance-Retiree, Spouses & Others	5030-8402	\$ 20,796
Miscellaneous	5030-8501	\$ 5,000
Cemetery Cleanup	5030-8600	\$ 1,500
Va Commission for the Arts	5030-8700	\$ 10,000
Transfer to Main Street Project	5030-8800	\$ 34,094
Transfer to Trolley Fund	5030-8900	\$ 23,200
VOLSAP For Volunteer Firemen	5030-8912	\$ 2,640
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$ -
	Subtotal	\$ 679,085

Capital Improvements

Office Equipment	5090-9709	\$ 6,000
Bond - School Board Property	5090-9740	\$ 72,174
Interest on Bond	5090-9741	\$ 10,782
	Subtotal	\$ 88,956

Subtotal Fund 10 Dept 50 **\$ 1,645,716**

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

Salaries

Salaries	6010-1001	\$ 113,805
Overtime	6010-1003	\$ 500
	Subtotal	\$ 114,305

Benefits

Social Security	6020-2001	\$ 8,744
Hospitalization	6020-2101	\$ 18,000
Retirement	6020-2201	\$ 15,363
Life Insurance	6020-2202	\$ 319
	Subtotal	\$ 42,426

Expenses

Office Supplies & Equipment	6030-4401	\$ 500
Street Maintenance	6030-4501	\$ 1,000
Street Signs / 911	6030-4502	\$ 3,000
Street Lights	6030-4503	\$ 21,000
Gasoline/Diesel	6030-4701	\$ 26,306
Oil/Grease	6030-4703	\$ 2,500
Tools Shop	6030-4704	\$ 2,500
Travel/Training	6030-4801	\$ 1,250
Clothing / Uniforms	6030-5202	\$ 3,900
Building Maintenance	6030-7301	\$ 1,500
Equipment Repairs	6030-7302	\$ 12,500
Safety	6030-7303	\$ 1,250
Vehicle PMs	6030-7304	\$ 1,250
Tires	6030-7305	\$ 2,000
Garage Supplies	6030-7306	\$ 2,500
Vehicle Repairs	6030-7307	\$ 8,000
Electricity	6030-7401	\$ 7,200
LP Gas	6030-7402	\$ 2,000
Tipping Fees	6030-7501	\$ 1,200
Sanitation Contract	6030-7501	\$ 384,677
Miscellaneous	6030-8501	\$ 1,500
	Subtotal	\$ 487,533

Capital Improvements

Church/Ridge/Chicken City	6030-9200	\$ 12,000
Vehicle	6090-9101	\$ 25,000
Consultant	6030-9531	\$ 48,857
	Subtotal	\$ 73,857

Subtotal Fund 10 Dept 60 **\$ 718,121**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$ 32,685
Overtime	6110-1003	\$ 10,000
	Subtotal	\$ 42,685

Benefits

Social Security	6120-2001	\$ 765
Hospitalization	6120-2101	\$ -
Retirement	6120-2201	\$ -
Life Insurance	6120-2202	\$ -
	Subtotal	\$ 765

Expenses

Insurance	6130-3401	\$ 8,100
Office Supplies	6130-4401	\$ 200
Gasoline	6130-4701	\$ 4,000
Tools & Small Equipment	6130-4704	\$ 1,000
Chemicals	6130-4705	\$ 44,805
Contract Spraying	6130-4706	\$ 23,700
Travel/Training/Conference	6130-4801	\$ 300
Uniforms	6130-5202	\$ 750
Equipment Repairs/Maintenance	6130-7302	\$ 1,500
Safety Equipment	6130-7303	\$ 400
Vehicle Maintenance	6130-7304	\$ 1,250
Sundry	6130-6101	\$ 200
	Subtotal	\$ 86,205

Capital Improvements

Equipment	6190-9124	\$ 10,000
Drainage	6190-9125	\$ 38,278
	Subtotal	\$ 48,278

Subtotal Fund 10 Dept 61 **\$ 177,933**

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

Salaries

Salaries	6310-1001	\$ 181,627
Overtime	6310-1003	\$ 1,000
	Subtotal	\$ 182,627

Benefits

Social Security	6320-2001	\$ 13,971
Hospitalization	6320-2101	\$ 39,000
Retirement	6320-2201	\$ 24,545
Life Insurance	6320-2202	\$ 509
<i>Subtotal</i>		\$ 78,025

Expenses

Seasonal Decorations & Banners	6330-4100	\$ 8,000
Tools	6330-4704	\$ 750
Uniforms	6330-5202	\$ 3,000
Public Restroom Supplies	6330-6260	\$ 10,500
Electricity	6330-7401	\$ 3,500
Sundry	6330-8501	\$ 200
Park & Recreation Expense	6330-8590	\$ 12,375
Vandalism Repairs	6330-8600	\$ 2,000
Boat Ramp Expense	6330-8700	\$ 42,000
Donald J Leonard Park	6330-8800	\$ 750
Island Nature Trail	6330-8900	\$ 1,000
Old Elementary School Gym	6330-8950	\$ 5,000
<i>Subtotal</i>		\$ 89,075

Capital Improvements

Ocean Blvd Trail	6390-9400	\$ 5,000
<i>Subtotal</i>		\$ 5,000

Subtotal Fund 10 Dept 63 **\$ 354,727**

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

Salaries

Salaries	6510-1001	\$ 55,844
Overtime	6510-1003	\$ 2,000
<i>Subtotal</i>		\$ 57,844

Benefits

Social Security	6520-2001	\$ 4,425
Hospitalization	6520-2101	\$ 10,500
Retirement	6520-2201	\$ 7,505
VSRS/Life Insurance	6520-2202	\$ 162

Subtotal \$ 22,592

Expenses

Snow Removal	6530-4102	\$ 1,000
Pavement Maintenance	6530-4150	\$ 267,862
Sidewalks	6530-4201	\$ 50,000
Roadside Services	6530-4250	\$ 3,000
Drainage Maintenance	6530-6250	\$ 50,000
Traffic Control Devices	6530-7201	\$ 20,000
Traffic Control Operations	6530-7201	\$ 1,500
Electricity	6530-7450	\$ 49,000
Engineering	6530-8600	\$ 25,000

Subtotal \$ 467,362

Subtotal Fund 10 Dept 65 \$ 547,798

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$ 453,684
Overtime	7010-1003	\$ 8,500

Subtotal \$ 462,184

Benefits

Social Security	7020-2001	\$ 35,057
Hospitalization	7020-2101	\$ 36,000
Retirement	7020-2201	\$ 58,600
Life Insurance	7020-2202	\$ 1,975

Subtotal \$ 131,632

Expenses

Gasoline	7030-4701	\$ 19,500
Travel/Training	7030-4801	\$ 11,000
Uniform Allowance (Officers)	7030-5201	\$ 6,000
Uniforms - Town	7030-5202	\$ 2,000
Office Supplies/Equipment Maintenance	7030-7300	\$ 7,000
Equipment Repairs & Supplies	7030-7302	\$ 3,500
Vehicle Maintenance	7030-7304	\$ 5,000
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	\$ 1,500
	Subtotal	\$ 95,700

Capital Improvements

Patrol Vehicle	7090-9650	\$ 27,800
Storage Building	7090-9690	\$ 25,000
	Subtotal	\$ 52,800

Subtotal Fund 10 Dept 70 **\$ 742,316**

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$ 178,067
Overtime	7510-1003	\$ 2,500
	Subtotal	\$ 180,567

Benefits

Social Security	7520-2001	\$ 13,699
Hospitalization	7520-2101	\$ 18,000
Retirement	7520-2201	\$ 12,846
Life Insurance	7520-2202	\$ 470
	Subtotal	\$ 45,015

Expenses

Travel/Training	7530-4801	\$ 2,000
Uniform Allowance - Dispatchers	7530-5201	\$ 1,400
Uniforms (Town for Dispatchers)	7530-5202	\$ 500
Office Supplies/Equipment Maintenance	7530-7300	\$ 24,000
E911 Line Fees	7530-8202	\$ 5,600
911 Addressing	7530-8203	\$ 600
Sundry	7530-8501	\$ 100
	Subtotal	\$ 34,200

Subtotal Fund 10 Dept 75 **\$ 259,782**

Total
Fund 10 **\$ 4,446,393**

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$ 2,920
Electricity	2030-7401	\$ 2,000
	<i>Subtotal</i>	\$ 4,920

Capital Improvements

Main Street Project	2090-9711	\$ 231,652
	<i>Subtotal</i>	\$ 231,652

Total
Fund 20 **\$ 236,572**

Fund 25 - Broadband Project

Expenses

Legal Matters (Easements)	5255-5101	\$ 3,000
Administration - ANPDC	5255-5200	\$ 47,745
Business Technology Training	5255-5300	\$ 6,000
	<i>Subtotal</i>	\$ 56,745

Capital Improvements

Construction	5259-9000	\$ 274,500
Electronics	5259-9010	\$ 105,000
Inspection/Construction Management	5259-9020	\$ 19,000
Architect/Engineer/Design	5259-9030	\$ 7,450
	<i>Subtotal</i>	\$ 405,950

Total
Fund 25 **\$ 462,695**

Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$ 23,655
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Overtime	8010-1003	\$ 200
	Subtotal	\$ 23,855

Benefits

Social Security	8030-2001	\$ 1,810
Retirement	8020-2201	\$ 2,585
Life Insurance	8030-2202	\$ 105
	Subtotal	\$ 4,500

Expenses

Administrative Expense - Town	8030-3100	\$ 7,000
Operation/Maintenance/Etc.	8030-7300	\$ 21,734
Driveway Stones	8030-7305	\$ 4,000
Fuel Purchase	8030-7315	\$ 60,000
Sundry	8030-8501	\$ 4,000
	Subtotal	\$ 96,734

Capital Improvements

Electrical Meter Station	8090-9128	\$ 21,000
	Subtotal	\$ 21,000

Total
Fund 30 **\$ 146,089**

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$ 31,000
	Subtotal	\$ 31,000

Benefits

Social Security	3020-2001	\$ 2,400
	Subtotal	\$ 2,400

Expenses

Insurance & Bonding	3030-3401	\$ 3,200
Communication Service	3030-4400	\$ 750
Printing & Reproduction	3030-4401	\$ 3,500
Advertising & Promotion	3030-4402	\$ 900
Education & Training	3030-4403	\$ 625
Cleaning Supplies	3030-4404	\$ 250

Supplies & Materials (Other)	3030-4406	\$ 550
Travel & Meals	3030-4408	\$ 350
Fuel and Lubricants	3030-4701	\$ 8,400
Tires & Tubes	3030.4702	\$ 500
Parts	3030-4704	\$ 750
Drug and Alcohol Testing	3030-5201	\$ 1,225
Equipment Repairs/Maintenance	3030-7302	\$ 9,000
Rent	3030-8505	\$ 12,000
	<i>Subtotal</i>	\$ 42,000

Total
Fund 70 **\$ 75,400**

Fund 80 - Water

Salaries

Salaries	6210-1001	\$ 204,426
Overtime	6210-1003	\$ 3,000
Pump Duty	6210-1004	\$ 13,500
	<i>Subtotal</i>	\$ 220,926

Benefits

Social Security	6220-2001	\$ 15,639
Hospitalization	6220-2101	\$ 36,960
Retirement	6220-2201	\$ 27,475
Life Insurance	6220-2202	\$ 572
	<i>Subtotal</i>	\$ 80,646

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$ 2,500
Postage	6230-4403	\$ 3,300
Gasoline & Diesel	6230-4701	\$ 3,000
Tools	6230-4704	\$ 1,000
Chemicals	6230-4705	\$ 12,000
Travel & Training	6230-4801	\$ 2,500
Uniforms	6230-5202	\$ 1,500
Dues/Licenses	6230-6101	\$ 1,200
Building Maintenance/Rehab	6230-7301	\$ 5,000
Safety	6230-7303	\$ 500
Vehicle Maintenance	6230-7304	\$ 1,000
Raw Water Purchase (NASA)	6230-7400	\$ 500

Demolition of Structure: Residential	\$30.00	\$30.00
Demolition of Structure: Commercial	\$30.00	\$30.00
Removal/Installation fule tanks:		
1000-3000 gallon capacity	\$115.00	\$115.00
Each additional 1000 gallon capacity	\$25.00	\$25.00
Installation of radio or communication tower:		
Up to 100 feet	\$115.00	\$115.00
Each additional 100 feet	\$45.00	\$45.00
Each Additional Attachement		
Piers or Bulkheads:		
Up to 300 linear feet	\$90.00	\$90.00
Each additional 100 linear feet	\$11.00	\$11.00
New Docks: per sq ft	\$0.18	\$0.18
Boat ramps & groins	\$115.00	\$115.00
Swimming Pools:		
Above-ground	\$60.00	\$60.00
In-ground	\$80.00	\$80.00
Commercial	\$80.00	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00	\$45.00
Installing New Sheathing-Residential while re-roofing		
Installing New Sheathing-Commercial while re-roofing		
Re-siding	\$45.00	\$45.00
Moved Buildings	\$80.00	\$80.00
For other work not listed:		
Residential	\$60.00	\$60.00
Commercial	\$90.00	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a	n/a
No inspection required	\$30.00	\$30.00
Inspection required:		
Per sq ft	\$0.13	\$0.13
Minimum fee	\$60.00	\$60.00
Appeals to the Board of Appeals	\$450.00	\$450.00
Administrative Fees:		
Lost permit (reissue)	\$30.00	\$30.00
Permit amendment (reissue)	\$30.00	\$30.00
Change of use	\$50.00	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00	\$30.00
For beginning constr. prior to obtaining BP:		
First offense	\$50.00	\$50.00
Each offense thereafter	\$200.00	\$200.00
Re-inspection fee	\$40.00	\$40.00
State Code Academy Surcharge	1.75%	1.75%
Refunds: (% of amount paid)		
Permit issued, no inspections	75%	75%
Foundation inspection completed	75%	75%
Framing & foundation inspection completed	25%	25%

Subdivision Review Fees (per each submitted plat):

Up to 10 lots:		
Base fee	\$200.00	\$200.00
Each lot (in addition to base fee)	\$10.00	\$10.00
Over 10 lots or required new road construction:		
Base fee	\$500.00	\$500.00
Each lot (in addition to base fee)	\$20.00	\$20.00
Zoning Fees:		
Zoning inspections	\$0.00	\$0.00
Special use permit	\$450.00	\$450.00
Conditional use permit	\$1,500.00	\$1,500.00
Conditional use permit for Wind Mills	\$450.00	\$450.00
Variance application	\$450.00	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00	\$540.00
Appeal decision of Zoning Administrator	\$450.00	\$450.00
Proposed rezoning change	\$730.00	\$730.00
Amendment to the zoning ordinance	\$330.00	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00	\$30.00
Site evaluation (subdivision)	\$100.00	\$100.00
Travel Trailer Park Fees:		
Up to 25 trailers	\$500.00	\$500.00
26-49 trailers	\$1,000.00	\$1,000.00
50 or more trailers	\$2,000.00	\$2,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
Sign Permit Fees:		
Less than or equal to 25 square feet	\$45.00	\$45.00
Each sq ft in excess of 25 sq ft	\$1.00	\$1.00
Mobile Home Park Fees:		
4-25 mobile homes	\$1,000.00	\$1,000.00
26-40 mobile homes	\$2,000.00	\$2,000.00
41 or more mobile homes	\$5,000.00	\$5,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
Transcript Fees (per page)	\$12.00	\$12.00
Document Fees:		
Comprehensive Plan	\$20.00	\$20.00
Zoning Ordinance	n/a	n/a
Subdivision Ordinance	n/a	n/a
Complete ordinances, incl zoning & subdivision	\$35.00	\$35.00
Excerpts from Ordinances & Other Town Documents:		
per page and/or double sided per page	\$0.10	\$0.10
Maps 36" x 44"	\$55.00	\$55.00
Contractors List (Class A & B)	\$0.00	\$0.00
New Address Fee	\$25.00	\$25.00
New Road Fee (at cost per MSAG)	cost	cost
Elevators/Escalators/Lifts	\$60.00	\$60.00

Mobile Offices/Pre-manufactured Units	\$60.00	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00	\$80.00
Carport or Garage: per sq ft	\$0.18	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00	\$45.00
Deck: per sq ft	\$0.18	\$0.18
Fence (> 8 linear ft. Total)	\$45.00	\$45.00
Fireplace	\$0.00	\$0.00
Foundation	\$60.00	\$60.00

General Government Taxes and Fees

Real Estate Tax (\$.06/100)	\$0.06	\$0.06
Tangible Property Tax (\$/100)	\$0.85	\$0.85
Tangible Property Tax Relief (percent)	63%	63%
Excise Tax; Meals (percent)	5%	5%
Excise Tax; Transient Occupancy (percent)	3%	4%
Vehicle Decals (annual)	\$33.00	\$33.00
Road Suvdivision Review Fee	\$250.00	\$250.00
Side Walk Administrative Fee Maximum of \$200 or 25%	25%	25%
Solid Waste Collection Fee (Residential per week)	\$1.50	\$1.50
Solid Waste Collection Fee (Commercial/Business per week)	\$1.50	\$1.50
Drainage Administrative Fee	25%	25%
Robert Reed Park, Fishing Vessels (per Day mon - fri)	\$15.00	\$15.00
Robert Reed Park, Fishing Vessels (per Day sat & sun)	\$30.00	\$30.00
Robert Reed Park, Recreational Vessels (\$ per ft. per Day)	\$1.00	\$1.00
Business License Minimum/Maximum	\$50/\$500	\$50/\$500
Retail, Repair, Personal, Business, Construction (\$0.13/\$100)	\$0.13	\$0.13
Wholesale (\$0.05/\$100)	\$0.05	\$0.05

WATER RATES, CHARGES AND BILLING FOR FY 12

A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$28 residential	6,000	\$4.23
	\$45 commercial	6,000	\$5.01
1	\$111	15,000	\$5.01
1.5	\$221	30,000	\$5.01
2	\$354	48,000	\$5.01
3	\$705	96,000	\$5.01
4*	\$1,102	150,000	\$5.01

6	\$2,205	300,000	\$5.01
8	\$3,528	480,000	\$5.01

*One meter currently in the system is to be charged \$6.33 per 1000 gallons over the allowed usage.

Connection Fees

New connections to the water system shall be charged at the rate below plus all additional related costs incurred by the town:

\$670 for a 5/8" or 3/4" Meter connecting pipe

\$1,176 for a 1" connecting pipe

\$1,570 for a 2" connecting pipe

Availability Fee Schedule

Meter Size (inches)	Availability Fee
5/8 & 3/4	\$3,708
1	\$9,270
1.5	\$18,540
2	\$29,664
3	\$59,328
4	\$92,700
6	\$185,400
8	\$296,640

Condominiums are charged an availability fee of \$3,819 per living unit but supplied by a master meter with the minimum billing based on the size of the meter. **Billing and other charges**

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town for purposes other than plumbing repairs, shall be charged a fee of \$75.00.
- A change of ownership fee of \$50.00
- A twenty-five percent administrative fee will be applied to all Water main extensions, by the Town

Water bill adjustments

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

FISCAL YEAR 2012
Rate Schedule
Curtis Merritt Harbor
(July 1, 2011 – June 30, 2012)

25 ft Slip \$	407.00
30 ft Slip \$	459.00
40 ft Slip \$	691.00
50 ft Slip	\$1,006.00
Slip at head of Collector Pier \$1,105.00	

Loading Dock fees are \$7.00 per day after 4 hours for commercial vessels and \$10.00 a day for recreational vessels with a \$25.00 minimum.

Sublease rate for Commercial Vessels: \$3.50 per day or any portion of a day.

Sublease rate for recreational vessels: \$10.00 per day or any portion of a Day with a \$25.00 minimum or \$50.00 a Week (7 days) or \$200.00 a Month (30 days) any size slip.

Nets or other items left on dockside for storage over 3 days will be charged a \$10.00 fee per day.

Boat repair area for Harbor lessee is \$10.00 per day after 7 days per season haul out.

For Non Harbor Lessee there will be \$10.00 a day charge after the first 8 hours.

Fees or Penalties for leaving the work area not cleaned \$50.00 one time penalty per haul out. If payment is not received all Harbor and Town Property privileges will be prohibited.

Trailer parking with Harbormasters permission, short term (less than Two weeks) \$5.00 per day. Trailer must have a tag and a user fee sticker.

1a. Possible Adoption of a Proclamation Operation Dry Water, June 24- 26, 2011

Mayor Tarr explained the fact sheet regarding the proclamation.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation Operation Dry Water, June 24-26, 2011. Unanimously approved.



PROCLAMATION
OPERATION DRY WATER
JUNE 24-26, 2011

Whereas, alcohol use is the leading contributing factor in fatal boating accidents; and

Whereas, alcohol use is one of the leading contributing factors in all boating accidents; and

Whereas, alcohol affects judgment, vision, balance and coordination for both boat operators and passengers; and

Whereas, a boater is likely to become impaired more quickly than the driver of an automobile, because the motion, vibration, engine noise, sun, wind and spray common in the marine environment intensify the effects of alcohol; and

Whereas, “Operation Dry Water” was created by the National Association of State Boating Law Administrators and its partners to address this public health, safety and law enforcement issue; and

Whereas, “Operation Dry Water” is a coordinated national weekend of ‘boating under the influence’ detection and enforcement to detect, deter and educate all boaters, aimed at reducing injuries and fatalities resulting from ‘boating under the influence’; and

Whereas, the Town of Chincoteague considers it a duty of the highest importance to protect all citizens from death or injury as a result of recreational boating accidents caused by alcohol use.

Now, Therefore, I, John H. Tarr, Mayor of the Town of Chincoteague, Inc., do hereby proclaim June 24-26,2011 as “**Operation Dry Water**” in the Town of Chincoteague and do hereby call upon the citizens, government agencies and public and private institutions in the Town of Chincoteague to promote awareness of the dangers of boating while under the influence of alcohol and/or drugs, to support programs and policies to reduce the incidence of impaired boating, to promote safer and healthier behavior regarding the use of alcohol and other drugs and to provide opportunities for all to participate in safe and enjoyable recreational boating this season.

DATED this 16th, day of June, 2011

John H. Tarr, Mayor of the Town of Chincoteague, Inc.

23. Mayor and Council Announcements or Comments

Councilman Jester stated that the Recreation and Community Enhancement Committee has been discussing the future plans for an overlook at the Curtis Merritt Harbor. He advised that Mr. Conklin suggested naming this “Mariners’ Point”. He presented photos and spoke of the trash pile there. He feels that this should be cleaned up to keep others from dumping there also. Councilman Jester added that Mr. Barry Abell has been suggesting for years a Mariners’ Memorial monument. He suggested making this area more presentable to the public.

Councilman J. Howard made the point that if the Town doesn't use this facility as a hauling point to burn brush and to store concrete it would be hauled to the landfill. He advised that this would be costly for the Town.

There was lengthy discussion about the use and cleanliness at the Harbor.

Councilman T. Howard asked if the Town has heard from Town Attorney Poulson regarding the abandoned homes. He referred to the homes on Mumford Street and Bunting Road. He requested to be notified so that they could address it at the Committee level.

Councilwoman Conklin feels that the Mumford Street house is a health hazard.

Councilman Muth asked Council to review the Staff Report regarding the Sign Ordinance. He mentioned the joint public hearing on the proposed changes.

Town Manager Ritter advised that the next Council meeting is July 11th because of the holiday on the 4th and the fireworks rain date on the 5th. He added that they would include the joint public hearing for the Sign Ordinance changes on the July 11th agenda.

Councilman J. Howard would like the Town to send Mr. Mason Karafa, a recent Chincoteague High School graduate, a letter congratulating him for taking 1st place in the state for welding.

Vice Mayor Richardson announced that the cemeteries have been cleaned and look very nice. She stated that without donations they could not afford to maintain the cemeteries.

Mayor Tarr mentioned that staff was going to create a map of all the cemeteries on the Island and note who was taking care of each to have a plan for cleanup.

Town Manager Ritter thanked Supervisor Thornton for revisiting the Supervisor's stipulations for the old Elementary School gym. He advised that the Board of Supervisors voted to withdraw all stipulations and turn the property over to the Town.

Mayor Tarr announced that the Supervisor/Mayor quarterly meeting is scheduled for Monday, June 20th at 7:00 p.m. in the Council Chambers.

Adjourn.

Councilman J. Howard motioned, seconded by Councilman T. Howard to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE JULY 11, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

None

For the Joint Public Hearing:

Planning Commission

Members Present:

Mr. Ray Rosenberger, Chairman
Mr. Tripp Muth, Councilman
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Jeff Potts
Mr. Spiro Papadopoulos
Mr. Steve Katsetos

Members Absent:

Mr. Gene Taylor

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Fred Ficken advised Council that he received a call from Sharp Energy regarding the anchoring of fuel tanks. He asked Council if it was his responsibility because Sharp was advising him that it was. He also asked if this was something that the Town adopted from FEMA.

He was advised that the Town has adopted this and should be completed by November 2012.

Mayor Tarr advised that the Ordinance states the owner of the tank is responsible.

Mr. Ficken also asked about the taxes imposed on the electric bills. He gave the tax amount and percentage billed on the electric bills. He advised that the lower the billing the higher percentage in tax.

Mayor Tarr stated that they would look into this.

- Mr. John Smith of Hallwood approached Council regarding the Business License Ordinance. He stated that he is also concerned about the “No Trespassing” notice he received regarding Chincoteague. He requested under the Freedom of Information Act a copy of the list of the individuals given notice not to trespass on Chincoteague. He advised that he has been given a notice not to trespass from the Town. He requested the parameters and wants to know what constitutes the notice not to trespass.
- Mrs. Peggy Thomas asked Council which members were in favor of the proposed sewage disposal system in Atlantic.

Mayor Tarr advised that Council has not had the opportunity to discuss the plans for the system. He stated that they have been given the opportunity to set up a 5 or 6 member sewer advisory committee to review all the options.

Mrs. Thomas again asked which members of Council are for this. She advised that she has 3 daughters that live in that district and they can't afford this. She feels that it should be at the company own expense.

Councilman T. Howard stated that the reason there is any interest in this project is because of the possibility of central sewage on Chincoteague.

Mrs. Thomas asked if they know how many people on Chincoteague can't afford this. She advised that she is against this.

Mayor Tarr stated that Council has looked at Phase I, which is Maddox Boulevard and part of Main Street, mainly the commercial, C-1 district. He stated that the commercial businesses are having sewage problems. He also stated that they can't change the use without going through a full blown health permit. He added that they can't get sewage for a restaurant or office building.

Mrs. Thomas feels that everyone shouldn't have to suffer for their problems.

Councilman T. Howard advised that the Town has just completed a Feasibility Study. He stated that after that this company came in and talked about the possibility. He feels that this could be an option for the Town with the possibility of Phase I.

Mrs. Thomas stated that at Atlantic's last meeting the citizens were advised that they will be required to have their septic pumped every so often. She added that at that time they could find something wrong with it and condemn it.

Councilman Jester stated that the meeting held in Atlantic was a lot of bad-mouthing of Chincoteague. He stated that there wasn't a lot of information about the system. He added that false information was given at that time also.

Mrs. Thomas advised that at least 75% of the people here couldn't afford this.

Mayor Tarr stated that the Committee will research all the studies and possibilities and come up with options.

Councilman J. Howard asked if a letter could be sent to Mr. Ron Wolff asking him not to discuss Chincoteague without someone present to verify. He advised that this is the second time he has upset the citizens on the Island. He doesn't understand where Mr. Wolff gets his information.

Mayor Tarr advised that in northern Accomack County, Atlantic is considered a prime growth area. He stated that there is an opportunity for Orbital Science Corporation and this is one of the first things they are going to request; the location of the water and sewage.

STAFF UPDATE

Planning Department

Town Planner Neville reported on the public hearings regarding the Zoning Map changes and amendments. He stated that between the 2 public hearings there were 44 speakers and over 60 comments. He advised that there will be a work session tomorrow, July 12, 2011 at 5:00 p.m. to discuss the comments. He has tried to condense the comments creating 7 points. He reminded Council of the joint public hearing regarding height in Section 7 of the Sign Ordinance.

Town Planner Neville reported on the Town Beach Access Committee meeting. He attended a meeting at the Community Center about the forums to start in August for the alternatives that Refuge staff are considering. He also summarized the Committee's discussion on the Baseline Economic Impact Study. He would like to provide Council with additional information at the next workshop.

Town Planner Neville was invited to attend a Maryland Coastal Bays Foundation meeting. He stated that half of the meeting was dedicated to their concerns of the water quality of the Chincoteague Bay. They have an interest in finding ways to improve water quality. He also received a request from Transportation Supervisor Van Dame about the Trolley Transit System. The Virginia Department of Rail and Public Transportation identified a requirement that every public transit operator receiving state funding to prepare and adopt a Transit Development Plan. The state has hired a consultant to help with this. It has to be adopted by Council by December and updated yearly. The consultant will be here July 21st at 10:00 a.m. They have asked that the Town identify a handful of trolley riders for interviews and will complete a questionnaire while tourist season is at its peak.

Police Department

Chief Lewis gave Council a copy of the monthly report for June. He advised that the scheduled mock assessment, for the Police Department accreditation, has been postponed for September.

Public Works Department

Public Works Director Spurlock reported: Along with routine summer operations the new roof is completed on the old jail, the 2nd tennis court has been resurfaced at the Veteran's Memorial Park. They have been cleaning and doing fill work and reshaping at "Mariner's Point" which is the unofficial name of the observation area at the Curtis Merritt Harbor. They wanted to have it done for the launch. There was a lot of cleanup for the 4th of July holiday weekend. In the

Water Department they are in the process of converting from gas to liquid chlorine. Mr. Matt Butler passed his water test and is now a certified operator. The fall paving contract will tentatively consist of Anderton Avenue, some repairs on Eastside Road and Poplar Street.

Councilwoman Conklin commended the Public Works Department on a wonderful job at Mariner’s Point.

There was discussion regarding Anderton Avenue.

Vice Mayor Richardson asked if there could be posted “no trucks” because of the narrow width along Anderton Avenue.

Public Works Director Spurlock advised he would look into this matter.

General Government

Town Manager Ritter reported: The June Trolley ridership was up 73%. In 2011 there were 2,290 riders versus 2010 there were 1,319. The July 4th shuttle busses managed to transport all the people before the heavy rains as the fireworks display was a little early. The total July 4th ridership was 720.

Town Manager Ritter also reported: The office staff is busy with Pony Penning Sales Permits which are due by Friday, July 15th. This includes the Blueberry Festival. On June 15th, the Commonwealth Transportation Board approved a grant for \$279,000 for the enhancement of downtown Main Street. Staff has been working on the fiscal year closeout and preparing for the audit on August 29th. They have been working on the Co-location Agreement with the Eastern Shore Broadband Authority. He stated that Town Attorney Poulson recommended breaking it down into two agreements, one for the wastewater treatment plant and one for the jail. He advised that construction will begin soon, possibly October or November. There will be a meeting this week. He stated that there is a copy of the letter in the packet to Mrs. Kat Edwards about the \$279,000 grant. There is also an activity update from Mr. Rob Catron.

Town Manager Ritter reported on the revenues for FY2011.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$ 630,222	\$ 617,562	(up)	\$ 12,660
Tangible Property Tax	\$ 182,760	\$ 174,219	(up)	\$ 8,541
Meals Tax	\$ 670,353	\$ 422,434	(up)	\$ 255,919 (with 1%)
Meals Tax	\$ 542,682	\$422,434	(up)	\$ 120,248 (without 1%)
Sales Tax	\$ 104,671	\$ 89,770	(up)	\$ 14,901
Transient Occupancy	\$ 733,132	\$ 524,514	(up)	\$ 208,619
Water Rent	\$1,021,235	\$ 890,594	(up)	\$ 130,641

Councilman T. Howard stated that all revenues are up and Town Manager Ritter was commended.

Councilwoman Conklin stated that employees are diligent in collecting taxes, which are at 98% as opposed to the County.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of June 6, 2011**
- **Regular Council Meeting of June 16, 2011**

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

2. Joint Public Hearing on Sign Ordinance Amendment

Town Planner Neville explained the proposed changes. He explained how this matter came before the Commission. The proposed change is in Section 7.11 of the Zoning Ordinance. He explained the proposed criteria for the determination of wall sign height: The height of the wall sign may exceed 12' in height if (1.) The sign remains below the eaves of the roof. (2.) Does not exceed the permitted building height.

Councilman T. Howard asked if it has to remain completely below the eaves how it would exceed the building height.

Town Planner Neville stated that the wall sign could extend beyond the main roof line of a single story structure on a dormer or upper level structure and still be below the maximum height limit in the zoning district. He stated that the Planning Commission has considered the need for some flexibility while not wanting to change the characteristics of the Town. He advised that there was a concern that the BZA may not be the best organization to make that decision. He added that going to the BZA requires the owner to demonstrate a hardship.

Chairman Rosenberger also explained the pedestrian height of signs and view line.

Town Planner Neville continued to explain the reason for the changes. He stated that the sign should follow the architecture of the building and should be located above the entrance. There was also concern of the view with the entrance to Town on the new bridge.

Mayor Tarr opened the joint public hearing with the Planning Commission at 7:59pm for the change to the Sign Ordinance.

There were no public comments.

Mayor Tarr closed the joint public hearing at 8:00 p.m.

Chairman Rosenberger asked for the Commissions' pleasure as one member was absent.

Commissioner Cherrix motioned, seconded by Commissioner Papadopoulos to send the Sign Ordinance back to the next Planning Commission meeting. Motion carried.

Ayes: Cherrix, Papadopoulos, Potts

Nays: Muth, Katsetos

Mayor Tarr stated that if they discuss and make any changes at the next Planning Commission meeting another public hearing would be required.

Chairman Rosenberger advised that the only change would be to reduce the requirement.

Mayor Tarr stated that the Planning Commission has been working on this for 6 months.

Chairman Rosenberger stated that this was not originally sent to them by Council.

Councilwoman Conklin stated that she understands other signs in Town exceed the 12' limit and look good. She added that as long as it doesn't pass the roof line it should be allowed.

Councilman T. Howard asked Town Attorney Poulson if Council could vote on this.

Town Attorney Poulson advised that he believes that it doesn't matter what the Planning Commission decides to do that Council can still vote on it.

Councilman T. Howard asked the Planning Commission members what the reasoning was that they opposed this.

Commissioner Potts stated that he feels differently now than he did before.

Councilman T. Howard concurs with Councilwoman Conklin. He is concerned with those members of the Planning Commission who opposes this change.

Chairman Rosenberger stated that he did not vote. He explained the reason to vote for it, which is for economics. He stated the reason to oppose it, which is to keep the Town a different place than Ocean City.

Councilman T. Howard stated that with home occupations and the number of signs, it does not keep in the characteristics of the neighborhood.

Mayor Tarr advised that there is no increase in square footage in any district.

Discussion continued.

Town Planner Neville gave another option for the sign height to only apply in commercial districts.

Town Attorney Poulson suggested adding another section with specific instructions.

Councilman T. Howard stated that he cares about the character of the community. He keeps hearing that people don't want to see this area looking like Ocean City.

Councilwoman Conklin stated that they're not talking about home occupations; they're talking about signs in a commercial district.

Councilman T. Howard felt that they were talking about home occupations.

There was further discussion.

Mayor Tarr stated that Council has the decision if they want to vote on this now or wait until the Planning Commission reviews this. He advised that 3 years ago they addressed the height of signs. He reminded Council that for 30 years before that there was no sign height limits.

Councilman T. Howard expressed his concerns of the home occupations with this change.

Councilman Jester stated that if they added the verbiage “does not apply to home occupations” then it would resolve the issue.

Discussion continued.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to send the wall sign height changes back to the Planning Commission for further review at the August 2011 meeting. Unanimously approved.

3. Accomack County Board of Supervisors Update

Supervisor Thornton reported: She congratulated Councilman Jester on his appointment on the Wallops Space Flight Authority. She stated that Ms. Kathy Philips has continued to lead people to believe that the water quality in the Chincoteague Bay is poor. She advised that it is the Maryland end that is poor. Supervisor Thornton advised that she has reviewed the water quality reports and assured the residents that the water quality here is good. She advised that with the rolling tides and no poultry run-off that there is a good flushing system. She stated that shellfish sanitation continues to check the water quality. She stated that the results are online for review.

The US Department of Justice has approved the redistricting plan. She asked about the draft of the deed for the old elementary school. She will check into this as it was to be done as soon as possible with no strings attached. A notice was sent to Mr. Mason to cut a check for \$985 from the drainage fund for the year. There is a meeting scheduled Wednesday with the Army Corps of Engineers with the Town, County and VDOT about the issues of maintaining ditches. The County is preparing to hire a new Community Development Planner. The Board of Supervisors is planning to put the agenda in the paper. She has suggested streaming the County’s Planning Commission meetings. The County still doesn’t have a judge. The law changed this year that an alternate can be named for the Equalization Board.

There are issues about the Fire Companies in Accomack County. The Town and County supports the efforts of the Wallops Research Park. She was disappointed that the County cut the lobbyist. She has not been to any meetings regarding central sewerage and has only heard what went on in the meetings. She feels this was blown out of proportion.

Councilman J. Howard stated that the Federal money just isn’t there for sewer grants.

Supervisor Thornton stated that the plans haven't made it to the Accomack Planning Commission and she asked where the money would come from.

There was further discussion.

4. Construction Update on the Alignment of Chicken City Road

Town Manager Ritter gave a presentation regarding the Chicken City Road Alignment Project. He advised that the VDOT representative in Suffolk was unable to make the meeting to give the presentation himself. He reported that the project will improve the Chicken City Road and Ridge Road intersection. He reviewed the slides through Power Point. He stated that the plans are close to completion and they are close to putting the project out for bid. He advised that the anticipated completion date is May 2012. He stated that they plan to close the intersection with detours.

Vice Mayor Richardson asked about the road closure and the school bus routes.

Town Manager Ritter stated he will look into that.

Mr. Fred Ficken asked if there would be any traffic control signs or signals at the intersection.

Town Manager Ritter stated that Church Street will be the throughway and Ridge and Chicken City Roads will have stop signs as they currently do. He added that after a year VDOT will conduct another traffic study to review the need for a traffic light.

5. Recreation and Community Enhancement Committee Report of June 14, 2011

Councilman Jester reviewed the minutes from the June meeting. He again thanked Mrs. Canon and Mrs. Jorgensen with their improvements to Watson Park. He also mentioned the preliminary naming of the overlook at the Curtis Merritt Harbor, which he calls "Mariner Point". He commended the Public Works Department for the cleanup there.

Councilman T. Howard commended the Committee for showing gratitude to all the people for donating land to make the Veterans Memorial Park possible.

6. Mayor & Council Announcements or Comments

Councilman J. Howard asked Town Manager Ritter to contact VDOT to put a "maintain speed limit" sign on the Causeway. He feels that mosquito control is a major issue and the Town needs to do a better job.

Councilman T. Howard discussed the mosquito control issues also. He doesn't feel the plane has the same effect as it used to. He stated that with one rain after another there will be one hatching after another. He asked Public Works Director Spurlock for information.

Public Works Director Spurlock advised that with the recent rain and high tides it has created more hatching. He stated that the last aerial spraying was effective and the mosquito count has gone down. He advised that the plane only kills adult mosquitoes. He stated that the count earlier today was down.

Councilman T. Howard asked how the count is done. He asked if they count how many mosquitoes pitch on the individual taking the count.

Public Works Director Spurlock advised that was correct.

Councilman J. Howard understands that the faster the truck moves the more spray comes out. He stated that everyone feels that because they're moving fast they're not getting the sufficient spraying in their area.

Supervisor Thornton asked if the Town was larvaciding and where.

Public Works Director Spurlock advised they go anywhere they can get access.

Supervisor Thornton asked if they were using Dibrum in the plane.

Public Works Director Spurlock stated they were using Trumpet.

Supervisor Thornton asked if they banned Dibrum.

Public Works Director Spurlock advised they have.

Mayor Tarr stated that they quit using Dibrum approximately 10 years ago because of a complaint that it was killing more than mosquitoes. He believes that the Town has been using the same chemical for the past 5 or 6 years. He stated that the larvaciding should be done in the spring.

Supervisor Thornton agreed with Councilman J. Howard that the plane should fly any day during the week not just on the weekend.

Discussion continued.

Mayor Tarr announced that they are getting ready to advertise for a couple of mosquito sprayers.

Mr. Dean Orseno commended the sprayers for working diligently.

Councilwoman Conklin reminded the homeowners to walk around their property and look for standing water and overgrowth.

Vice Mayor Richardson stated that the grass needs cutting at the old elementary school gym. She asked if Smith Street extended was the responsibility of the Town because of large holes in the roadway.

Public Works Director Spurlock advised that it is a private road.

Councilman Jester feels that the Town should contact VDOT regarding the response time of 2 hours when there is a problem with the bridge.

Public Works Director Spurlock advised that electricians will be onsite during Pony Penning.

Mr. Jester also stated that he is the County representative for the Virginia Space Flight Authority. He feels this is a great for the economy. He stated they are concerned with the support on the Research Park.

Councilman T. Howard talked about the replenishment of the beach. He asked if Congressman Rigell discussed beach replenishment at his latest visit.

Supervisor Thornton stated that she and Mayor Tarr informed Congressman Rigell of this matter. She stated that it is going to be a long exhausting battle with the U. S. Fish and Wildlife. She advised that Congressman Rigell is working with those higher up in the U.S. Fish and Wildlife. She believes that everyone is waiting for them to come out with their alternative so that they can comment. She feels that the citizens should unite and speak with one voice selecting the alternative that would be best for the health, welfare and the economy of this community.

Councilman T. Howard stated that they are more concerned with the endangered wildlife than they are endangering our homes and life on the Island.

Discussion continued.

Councilman T. Howard concluded that if the beach goes the Island goes.

Councilman Jester stated he saw Mr. Rob Catron in action. He added that the Town is fortunate with hiring someone who knows what they're doing. He feels that the County made a grave error by discontinuing the lobbyist.

Mayor Tarr stated that there is a monthly report from Mr. Catron. He asked about the Verizon DSL line.

Councilman J. Howard advised that the equipment is in place and shouldn't be too much longer. He advised that he went through the State Corporate Commission and they contacted Verizon on his behalf. He was told it would be done the last quarter.

Mayor Tarr congratulated Public Works Director Spurlock for obtaining his Water Works License also.

Mayor Tarr asked Mr. Ficken to bring his electric bills to the Town Office staff.

Mr. Ficken also asked about the signs on the Causeway. He suggested signage stating "Marsh Island Only" because of all the vehicles turning on the spur to get to Chincoteague.

Mayor Tarr asked Town Attorney Poulson to address Mr. John Smith's Freedom of Information request of the "notice of not to proceed".

Councilman T. Howard announced that the Ordinance Committee will meet Thursday at 5:00 p.m. He advised that overgrowth on properties will be addressed.

Adjourn.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

**MINUTES OF THE AUGUST 1, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Ray Rosenberger advised that he volunteered at the Chincoteague Volunteer Fireman's Carnival. He stated that people open up and share good and bad experiences. He stated that for the most part they love the Town and return. He added that the visitors advised that the restrooms in the downtown area were closed because of septic issues. Mr. Rosenberger suggested that they should have been ready for this particular week. He then mentioned the propane and gas tank anchoring requirements. He feels that some of the businesses that promised they would anchor the tanks are not following through.

- Mr. John Smith, of Hallwood, approached Council about a request from a previous meeting.

Town Manager Ritter advised that the Town has sent two letters about his request.

Town Attorney Poulson advised that he sent a letter about the FOIA request. He also drafted a letter that he should have in the very near future. He stated that about a year ago he addressed the same issue.

Town Attorney Poulson advised Mr. Smith that he would receive a letter within the next few days.

- Mrs. Jane Wolffe spoke about the proposed Sign Ordinance changes. She referred to the comments from the survey. She stated that the majority felt that there should be more restrictions. She asks Council to think about the identity of the Town. She feels that it's a good time to think about the Island's commercial district as a whole. She suggested that Council table the matter and form a committee to review the proposed Ordinance changes.
- Mrs. Helen Merritt thanked and complimented all those involved in making this year's Pony Penning a huge success. She also asked where the Pony Penning flags were.

Public Works Director Spurlock stated that the Pony Penning flags were in bad shape and the Town was unable to replace them at this time.

There was discussion about the flags.

Mrs. Merritt also complimented the Cemetery Committee on a good job of maintaining the cemeteries.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

7. **Consider Adoption of the Minutes**
 - **Regular Council Meeting of June 6, 2011**
 - **Regular Council Meeting of June 16, 2011**

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the minutes. Unanimously approved.

8. **Presentation on Wallops Command and Data Acquisition Station NOAA**

Mr. Larry James with NOAA introduced himself and his colleagues; Mr. Doug Crawford, Station Manager, Mrs. Lynda James, Construction Manager and Mr. George Mears, USACE Project Manager. He stated that they were there to inform Council of the upcoming upgrades to the Station.

Mr. Doug Crawford, Station Manager, briefed Council on the upcoming projects for the Station.

Mr. George Mears, USACE Project Manager, also briefed Council on the project milestones, start and completion dates.

Mrs. Lynda James, Construction Manager, described the project construction plans regarding the new ground antenna along with the proposed sites.

Mr. James stated that this will stimulate economic growth because of the construction. They will need personnel for systems installation and integration along with full time site personnel.

There was further plan review and discussion.

Mayor Tarr thanked them for bringing the Town good news about the Station upgrades.

Planning Department

Town Planner Neville reported that the Planning Commission held a workshop. He was primarily working on some items from the workshop including the adoption of the Zoning Map. He stated that they are hoping to adopt the Hazard Mitigation Plan and Economic Study this fall. He received a copy of the National Park Service Alternatives for their Master Plan

Police Department

Assistant Chief Mills gave Council a copy of the monthly report for July.

Councilman T. Howard asked if the report was available for the public.

Assistant Chief Mills advised that this is not normally available for the public.

Councilman Jester commented on the number of cellular calls.

There was further discussion.

Mayor Tarr commended Assistant Chief Mills and the Police Department for their efforts during Pony Penning.

Public Works Department

Public Works Director Spurlock reported in addition to the routine summer maintenance the Public Works Staff has been preparing for Pony Penning operations and cleanup. They have completed the drainage at the eastern end of Maddox Boulevard. They installed a net in the ceiling of the pavilion in the Robert N. Reed, Sr. Downtown Waterfront Park. They have done more maintenance at the Curtis Merritt Harbor and the area at the foot of the new bridge. He is in the final stage of preparing the bid package for the fall paving project. There will be sidewalk replacement on Anderton Avenue along with water service replacement. He advised there could be brief water outages during this time. They are planning to do rehab work to the downtown restrooms.

Councilman T. Howard commented on the availability of the downtown restrooms. He suggested that the Town do everything they can to prevent closures.

General Government

Town Manager Ritter reported that staff has been working on the August quarterly newsletter. He advised that staff was working on the Pony Penning Sales and Blueberry Festival Permits. Staff has also been working hard to prepare for and work the Pony Penning Shuttle. Town Manager Ritter formally thanked staff and all the volunteers for their hard work to make it a fantastic and successful year. He stated that broadband will be putting up the final fiber line this month. He advised that staff is preparing for the auditors at the end of the month. He reported on the ridership for the Trolley Service.

Town Manager Ritter reported on the revenues for FY2012.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Meals Tax	\$ 56,735	\$ 64,640	(down)\$ 7,905
Transient Occupancy	\$ 75,931	\$ 80,535	(down)\$ 4,604
Water Rent	\$109,798	\$ 108,173	(up) \$ 1,625

Councilman J. Howard suggested sending a letter of thanks for all the volunteers for Pony Penning. He stated that there are so many hours of work that goes into this and without everyone this wouldn't happen.

Councilman T. Howard stated that Mr. Gene Wayne Taylor is very good at his job as the Traffic Control Officer.

Mayor Tarr stated that all the volunteers will receive a letter.

9. Planning Commission's Recommendation on the Sign Ordinance Amendment

Town Planner Neville explained the Sign Ordinance Amendment. He stated that he included a background report in the packet. He stated that in light of the comments and concerns Council made, the Planning Commission proposed a simple language change regarding maximum height restrictions. He also explained that another change regarding a possible increase in height would be limited to the Commercial District. He advised that the Commission also recommended that the flexibility to 12 feet was for primary structures. He added that another criteria is to remain below the eaves of the roof.

Mayor Tarr asked Council to review the pictures in the packet. He explained the changes. He stated that their intent is to not add anymore square footage.

Councilman T. Howard asked Town Planner Neville to reiterate why the issue as raised.

Town Planner Neville stated that the Town has received 4 or 5 specific requests from existing businesses in Town to install a wall sign that would exceed the existing height requirement. He advised that they were denied because the Sign Ordinance wouldn't permit it. He advised that Building and Zoning Administrator Lewis suggested they come to the Planning Commission to have them review that aspect of the Ordinance. He feels that this wasn't an effort to make the Town look like Ocean City. It was to make the new businesses look like Chincoteague today.

Councilwoman Conklin stated she would rather see a 12' wall mounted sign than a 12' free standing sign.

Town Attorney Poulson advised he reviewed the verbiage and explained the change in language.

Mayor Tarr asked Planning Commission Chairman Rosenberger for his comments.

Mr. Rosenberger also explained the changes and why. He mentioned the designs staying in accordance with the Chincoteague-style homes and businesses.

There was further discussion.

Town Planner Neville explained that they should keep the language as simple as possible so there isn't a question when it comes to enforcement.

Councilman Muth asked Town Attorney Poulson if the wording would give a current business owner the right to relocate their sign.

Councilman T. Howard feels they should be careful where they're headed. He advised that this type of change could turn people away.

Councilman Jester motioned, seconded by Councilman J. Howard to adopt the amendment to the Sign Ordinance,

7.11.2. Determination of sign height generally. The height of a sign shall not exceed 12 feet in height. The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. Roof signs shall be excluded from Section 7.11.2.

7.11.2.1 Determination of sign height for wall signs. The height of a wall sign, as defined herein, in Commercial District C-1 and Commercial District C-2 may exceed 12 feet in height measured from grade level or base flood elevation, whichever is greater, provided such sign is affixed as hereinafter provided to the primary structure on such premises and remains below the eaves of the roof of such main structure. Any such sign shall comply with all applicable square footage and other requirements as are otherwise provided in Article VII.

7.11.3. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.4. Sign Illumination.

Motion carried.

Ayes: Jester, J. Howard, Conklin, Muth

Nays: Richardson, T. Howard

10. Resolution on the Request for a Minimum Speed on the Causeway Study by VDOT

Public Works Director Spurlock advised that the resolution is the result of Councilman J. Howard's request of posting a minimum speed limit sign on the Causeway.

Discussion continued.

Public Works Director Spurlock advised that this is the process to have VDOT conduct a traffic study for the need of a minimum speed limit sign. He stated that Mr. Chris Isdell of VDOT stated that this will get the study done and if the study shows the need, they will post the minimum speed limit sign.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution on the Request for a Minimum speed on the Causeway Study by VDOT. Motion carried.

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

Nays: T. Howard



**RESOLUTION
BY THE TOWN COUNCIL TOWN OF CHINCOTEAGUE, INC.
CHINCOTEAGUE CAUSEWAY MINIMUM SPEED
EASTERN SHORE DISTRICT
VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, motor vehicles traversing that portion of Virginia State Route 175 known as the Chincoteague Causeway at speeds much less than the posted maximum are considered a hazard; and

WHEREAS, the Town of Chincoteague agrees to procure, install and maintain the resultant signs utilizing Urban Maintenance funds;

NOW, THEREFORE, BE IT RESOLVED, by the Chincoteague Town Council this 1st day of August 2011, that the Virginia Department of Transportation be, and is hereby, requested to perform a traffic study to ascertain whether the posting and enforcement of minimum speeds on the Chincoteague Causeway is warranted and; be it

RESOLVED FINALLY, a certified copy of this resolution shall be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

Attest:

Hon. John H. Tarr, Mayor

Robert G. Ritter, Town Manager

11. Ordinance Committee Report of July 14, 2011

- **To possibly send a letter to the Honorable Lynwood Lewis and the Honorable Ralph Northam to include the Town of Chincoteague in the State Code 15.2-901 (3) to be a jurisdiction that will be allowed to enforce occupied properties to cut the grass, weeds and other foreign growth therein.**

Councilman T. Howard reported that the Committee discussed the State Code 15.2-901(3) regarding overgrowth of weeds, grass and vines. The Committee has recommended that the Town send a letter to ask that the Town of Chincoteague be included on the list of jurisdictions that will be allowed to enforce occupied properties to cut the grass, weeds and the other overgrowth from their properties. He advised that there are primary residences on the Island that have overgrowth that needs attention.

Town Attorney Poulson advised he has already sent the letter.

There was discussion about “occupied” properties and dwellings versus “unoccupied”.

Town Attorney Poulson advised that Delegate Lewis will be going to the General Assembly soon.

12. Wastewater Advisory Committee Report of July 15th & 21st, 2011

Town Manager Ritter reviewed the minutes and stated that this was an organizational meeting. He advised that Chairman Papadopoulos is out of the country for a couple of weeks and they will meet again when he returns.

13. Mayor & Council Announcements or Comments

Councilman Muth also commended everyone who worked on the Pony Shuttle.

Councilman Jester commended the Police, EMS, Fire and volunteers for all their hard work.

Vice Mayor Richardson asked about the Trolley’s History Tour picking up in the downtown area.

Transportation Director Van Dame explained that because of the demand and parking they decided to start the tour from the Town’s complex.

Vice Mayor Richardson stated that she thought it would be good for the businesses downtown to have the people wait there and visit the shops before going on the History Tour.

There was discussion.

Councilman Jester suggested that once Bridge Street is completely cleared and is converted to parking it would be worth looking into for the future.

Vice Mayor Richardson also mentioned the Pony Penning flags.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE AUGUST 18, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Presentation-Riverside Memorial Hospital

a) Presentation by Joseph P Zager, Administrator

Mr. Joseph P. Zager, administrator of Riverside Shore Memorial Hospital, gave a brief update of the progress of the new hospital. He advised Council that the Commissioner approved the permits so that the hospital could be relocated to Onley. However, she did not approve leaving the MRI scanner at the Nassawadox site. They are hoping to break ground within 9-24 months

and within 36 months have the hospital ready for patients. He also added that several new doctors would be joining their staff.

Vice Mayor Richardson questioned if the doctors offices would remain in Nassawadox.

Mr. Zager advised they would.

Vice Mayor Richardson also asked about the cancer and radiation center.

Mr. Zager stated that has not been decided as of yet.

Mr. Jack Van Dame asked about the hospital's discussions with Shore Transit and was informed that those discussions are ongoing and will continue after the hospital is built.

2. Hazard Mitigation Plan Update.

Town Planner Neville advised that they would like to have the first complete draft of the Hazard Mitigation Plan Update by the end of the month which comes from the ANPDC. He stated that they are checking to see if the Town should adopt this separately as was done 5 years ago. He reviewed chapter 9 suggesting that Council review the table on page 15 along with page 17.

Town Manager Ritter asked Council if they had any questions or changes.

Discussion continued and Town Planner Neville stated that the deadline to apply for Hazard Mitigation Grant Program funds during the annual cycle to receive grant money is October 16th.

3. FWS Economic Impact Study

a) Staff Review

b) Strategy for Cooperation

Town Planner Neville stated that the Beach Committee has been considering the alternatives in the Comprehensive Plans for the Refuge. Several comment letters have been sent to Council for endorsement. He advised that the Town's comments were incorporated in the summary of the FWS Newsletter sent in May. He stated that the draft Comprehensive Conservation Plan will have a point-by-point response to the comments provided by the Town and the Public. He also stated that at the first of the year Mr. Hinds hired an Economist that works for the Fish and Wildlife Service in Arlington to complete an economic impact analysis.

Town Planner Neville discussed the draft economic impact report from Fish and Wildlife. He feels that the problem is that the report only looks at visitor spending from the Refuge and not the entire town or county economy. He stated that he has a meeting scheduled with Mr. Hinds and the economist. He asked if anyone else wanted to participate to talk about the comments and flaws of the basic report.

Discussion continued.

Town Planner Neville advised that he would like to accomplish a couple of things at the meeting on Monday. He stated that one is asking how Mr. Hinds was going to use the study. He feels

that Mr. Hinds will do the Economic Study for the 4 alternatives and decide if there is a high or low average of economic impact without specific figures. He described another Economic Study regarding the Kennedy Space Center. He also explained some of the census numbers that are available regarding job creation. Town Planner Neville has submitted a request for more information to the Virginia Employment Commission which should be ready by Monday.

Town Planner Neville also stated that he has contacted the gentleman who prepared the Wallops Island Economic Study. He stated that there is a certain percentage of economic benefit from Wallops that comes back to Chincoteague with the restaurants and motels. He doesn't want the Fish & Wildlife to say all the benefit comes from the Refuge. He would like them to merge their results with the Study from Wallops.

Town Planner Neville stated that there's a North Carolina Recreational Beach Use Study that evaluated the impact of the beach loss due to erosion.

Mayor Tarr stated that Mr. Hinds did an interview with WCTG and is scheduled to be replayed on Saturday regarding the Refuge. He stated that Mr. Hinds also talked about refuge job loss in one of his alternatives.

Town Planner Neville stated that when Mr. Hinds completes his Economic Study tool, he'll use it his own way. USFWS has prepared a number of reports that calculate the economic benefit of everything to do with the Wildlife Refuge. He stated that one document goes back to 2000 and has a paragraph regarding the Chincoteague National Wildlife Refuge that describes adding a transit program by shuttling people back and forth to the beach. It was presented that the addition of transit would serve an additional 24,000 visitors and would add \$1.2 in visitor spending per year, creating 47 new jobs. Town Planner Neville feels that any potential impact to the Town's economy may not be recorded because Mr. Hinds will be able to cover it up with new spending at the Refuge. He will ask for a copy of the IMPLAN model for the Town to use when it is completed.

There was discussion regarding the Demographic Analysis and the Environment Impact Statement.

Town Planner Neville stated that the requested job information from the Virginia Employment Commission has to remain confidential as it will have specific information regarding businesses.

Mayor Tarr reminded Council of the meeting at the Community Center on Monday at 5:00 p.m. which is the Presentation of the Alternative Plans by FWS. He stated that Council needs to make comments on the alternatives. He advised that in the alternative plans there are not many details. He asked Town Manager Ritter to ask WCTG for a copy of the interview with Mr. Hinds for Council.

4. Council Member Comments

Vice Mayor Richardson mentioned tree branches leaning over a resident's home. She asked if Building and Zoning Administrator Lewis could send a letter to the property owner. She stated

she took pictures and the branch is very high. She asked Town Planner Neville if he would discuss this matter with Building and Zoning Administrator Lewis.

Mayor Tarr feels this isn't a public safety issue but is a private property issue.

There was further discussion about the replenishment of Wallops Beach and the alternatives in the Fish and Wildlife's Plan.

Mayor Tarr suggested talking with Mr. Rob Catron.

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE SEPTEMBER 6TH, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr asked Town Planner Neville to give a synopsis of the Fish and Wildlife's Beach Access Plan and time line.

Town Planner Neville reported that they feel it is important to focus on economics. He stated that the U. S. Fish and Wildlife has hired an economist. He advised that he is the Town's representative for the meetings. He has been the only attendee that is not a wildlife biologist and

is conveying the Town's position. He stated that the next step is to comment on the two newsletters. The National Park Service's newsletter response deadline is September 17th. The U. S. Fish and Wildlife's newsletter response deadline is by October 1st. He advised that a full draft of the Conservation Plan may be a year from now. He recommended giving as many thoughts and ideas to Mr. Hinds within the next few months.

Town Planner Neville suggested a Town Alternative, which is an idea to convey the pieces of the proposed alternatives that the Town likes hoping that this would be selected for a preferred option for beach access. He stated that a proposal was to have a community meeting at the beach on September 24th or 25th. He'll check to see if this is possible.

Mayor Tarr recommended that the Council Workshop be moved from the 15th to the 22nd and the meeting will be dedicated for public comment. He also stated that starting Monday the 19th, the Town would like for everyone to go to the beach for a tour and review all the alternatives. He stated that on the 20th he would like to have a Beach Access Committee meeting with Mr. Lou Hinds to ask all the questions the Town has regarding the alternatives. He then stated that on the 21st, the Beach Committee will meet to start working on the proposals.

Council agreed to change the Workshop Meeting from the 3rd Thursday to the 4th Thursday which is September 22nd, 2011.

- Mrs. Dawn Ellis, of Misty Meadows, commended the Town Council and Staff for informing the public before, during and after the hurricane. She stated that even though the Lord blessed the Island Saturday night, she appreciates the efforts to keep the visitors and residents safe especially with the internet and reverse 911 calls. She also mentioned the professionalism and dedication of the Police Department, Fire Department and all the Town Employees during this situation.

The audience applauded.

Mayor Tarr advised that Mr. Rush is the Coordinator, Chief Lewis, Mr. Spurlock in Public Works and Mr. Ritter all put together a team. He stated that Council appreciates all they did.

- Mrs. Donna Mason, of Waterside Motor Inn, advised that they have a lot of information to share with anyone who is interested. She announced that they will have a meeting Thursday night at her motel and invited anyone who wanted to attend. She stated that they have been looking at the alternatives and trying to come up with some ideas. She feels that Alternative 1 has been working for the last 20 years, but, beach replenishment should be added. She feels that this should be checked into.

Mrs. Mason read a letter she wrote to Mr. Hinds and his response.

- Mr. Dean Orsino, Lt. with the Chincoteague Volunteer Fire Department, requested approval of Council for street closure from Church Street to Bridge Street for the September 11th celebration. He also mentioned the total cost for light towers and has been seeking business donations. He asked Council for a donation and advised that if they receive further business

donations they will refund the Town's donation. He also announced that light refreshments will be served at the Firehouse.

Mayor Tarr stated he would add the request to the agenda.

- Ms. Denise Bowden, with the Chincoteague Volunteer Fire Department, stated she believes that they should submit the items that they want to the Beach. She also suggested getting as much media involved as possible to cover this issue. She mentioned the coverage of WBOC at the beach after the storm. She believes that there aren't enough people outside of the Island that know what's going on with the beach.
- Ms. Donna Leonard, Refuge Inn, feels that as the people they are never going to win with the Fish and Wildlife Service. She stated that they are not people oriented and the Park Service believes they could manage Assateague Island by themselves. She would like to see the town people and Council explore this. She stated that when she questioned Mr. Hinds about the need to do away with our Beach Road as we know it now, she was informed that they couldn't manage two recreational beaches. She added that in looking at the Maryland side they have 11 miles of recreational beach and if they can do it there it can be done here. Ms. Leonard believes they will be told "no public access beyond this point" instead of building trails and making it people friendly.

Councilman J. Howard commented about the wildlife along Beach Road. He is surprised that the government is allowing them to get like they are.

- Mrs. Christine Murphy Richardson, Assateague Inn Condo owner, advised she currently lives in Onancock, Virginia. She commented about her concerns of the wetlands in the Town. She requested that the Town take another look at writing something in Zoning for protection of those wetland resources.
- Mrs. Nancy Kupelian, resident, stated that the Town means so much to her. She advised that she did enjoy sunbathing but now takes rides on her horse on the beach. She feels this is a huge privilege and advised that in 2 of the proposals this wouldn't be possible any longer as she would take up too much parking with her vehicle and horse trailer. She advised that the horseback riders are a small portion of visitors to the beach. She advised that she has seen a lot of wildlife in the area that they ride their horses and strongly urged Council, citizens and visitors to unite and work toward a common goal.
- Mrs. Dana Conklin, Sea Shell Motel, stated that she is unsure if anyone has thought about hiring a P. R. firm. She suggested getting it out in the news is important because people really don't know what's on the agenda. She stated that she read the alternatives and there are so many gray areas. She also stated she spoke with Supervisor Thornton who suggested that the public would rally around the ponies with donations for this P. R. firm. She also suggested asking the citizens for donations to help pay for the firm.
- Ms. Maureen Freeman, resident of Accomack County, is also a horse rider. She hopes somehow that they will be able to continue.

- Ms. Denise Bowden returned to the podium. She stated that one of the economic interests is the horses. She stated that anything that could cause the herd to be reduced could mean not being able to auction them and not being able to purchase Fire apparatus and ambulances. She advised that the grazing permit they renew every year is specific for 150 ponies. She would like to keep it at that number. She also stated that the Fire Company plays a big role in the Town and would not like to see a reduction in the herd.

Mayor Tarr stated that he spoke with Mr. Harry Thornton and they would get together as Council needs an answer before the 19th.

- Mr. Spyder Fleming, of Main Street, also commended the Emergency Operations and the reverse 911. He suggested having a web link or address that all the businesses could attach to their websites to inform the public of what's going on with the beach.
- Ms. Lori Walton, of Main Street, stated that when you hear Mr. Hinds speak he does not consider the ponies native although they have been there long before him. She would like to petition to have the ponies of Assateague registered as native. Councilman J. Howard stated that Mr. Hinds is like a puppet and saying what he is told to say.
- Mrs. Joan Dietrick, former Chincoteague resident, stated that she had no idea until looking on Facebook that this was going on. She doesn't have access to internet and doesn't have any information and would like to see this information getting out there through the media.
- Mr. Orsino approached the podium again about the Park Service relocating their boundaries. He added that this is detrimental to the economy.

Mayor Tarr responded about the boundaries.

STAFF UPDATE

General Government

Town Manager Ritter reported for the month of August: The Broadband trucks are currently working on stringing the wires on the telephone poles. The Town has all the numbers for the new jobs that were created to be able to reclaim the money the Town put up as collateral. The Town just completed another audit. The Auditors didn't find anything wrong and they said that staff had done a good job. He commended the Finance Crew on an outstanding job. He gave the trolley ridership and advised they had a 19% increase from 2010 to 2011. The Town is close to bidding out the Downtown Rehab Project.

Town Manager Ritter commended the General Government Staff, Public Works, Police Department, 911 Dispatchers and the Emergency Medical Technicians along with the Mayor and Council for an outstanding job during the storm.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$220,616	\$196,816	(up)	\$ 23,800

Sales Tax	\$16,427	\$ 18,473	(down)\$ 2,000
Transient Occupancy	\$273,228	\$240,928	(up) \$ 32,000
Water Rent	\$218,305	\$208,895	(up) \$ 9,410

Councilman T. Howard asked about everything going up but sales tax.

Town Manager Ritter responded that the visitors are coming to the Island, but they aren't spending as much.

Councilwoman Conklin asked about the next phase in the rehab project.

Town Manager Ritter explained the next couple of steps to be taken and mentioned obtaining the appropriate deeds.

Public Works Department

Public Works Director Spurlock stated that along with preparing for the storm the Public Works Staff are now collecting storm debris. He advised that staff is still collecting names until the close of the day on Friday. He added that the list has been very large.

Public Works Director Spurlock reported for the month of August: There has been some work at the old gymnasium and they have removed the chain linked fence. They installed the gates at the Harbor's observation deck. There has been renovation work on the Downtown Restrooms. They've installed a split rail fence at Memorial Park. The fall paving bid package is out and due by Friday, September 9th. He stated that most of the Anderton Avenue sidewalks have been repaired. He reported that they are monitoring the mosquito counts and planning to have an aerial spray later this week.

Police Department

Chief Lewis gave Council a copy of the monthly report. He reminded Council of the 7th Annual Motorcycle Ride-For-Kids. He invited everyone to come out and enjoy the auction and street dance.

Planning Department

Town Planner Neville reported that the Planning Commission is recommending changes to the sign ordinance. They have forwarded to Council tonight their recommended changes to the Zoning Map and Zoning Ordinance. He suggested sending the recommendations to the next Workshop.

Town Planner Neville thanked Council for allowing him to go to training on Coastal Inundation Mapping. He also stated that they are almost finished with the Hazard Mitigation Plan.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the agenda adding item 1a for a donation to the Fire Company for the Volunteer 911 event. Unanimously approved.

14. Consider Adoption of the Minutes

- **Regular Council Meeting of August 1, 2011**
- **Regular Council Meeting of August 18, 2011**

Councilman T. Howard mentioned a few corrections and questioned the word “enforce” referring to adding Chincoteague to the State Code for Weed Control.

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adopt the minutes as corrected. Unanimously approved.

1a. Consider Donation for the Fire Company for Volunteer 911 Event.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to give a donation of up to \$550 to the Fire Company for the 911 event. Unanimously approved.

Mr. Orsino again explained the lighting and costs of the event.

15. Planning Commission Recommendation on the Sign Ordinance Amendment

Town Planner Neville explained the Planning Commission’s recommended amendment to the Sign Ordinance. He stated that the Planning Commission is requesting a public hearing. He stated that there was a question regarding the Residential District and the allowance of specific signage. He advised that the new language will clarify the signage allowance. He also stated that the Commissioners voted not to allow any signs or banners in a Residential District with a couple of exceptions related to Pony Penning Signage, American Flags or other flags that does not promote business. He added that 32 square feet was a standard size for banners.

Town Planner Neville also discussed time limits for banner uses along with materials. They discussed not allowing pennants in a Residential District and restricted the use in a Commercial District. He advised that the Commission discussed the allowance of banners by the square footage of property. He continued to explain the discussions of the changes along with trying to keep the Residential Districts residential.

Discussion continued about damaged signs and size allowance in the Residential Districts.

Councilman J. Howard asked about grandfathered signs.

Councilman T. Howard expressed his concern about voting on this matter.

Town Manager Ritter advised that the recommendations are in the packet to go to a public hearing.

Councilman T. Howard asked for the Commission’s recommendations in the form of a proposal after the public hearing.

Mayor Tarr had a few questions. He discussed the definition of banners and feels that a banner on a wooden frame becomes a sign and asked why it isn’t specific.

Town Planner Neville stated he can add this to the definition.

Discussion continued and Town Planner Neville will revise the recommendations prior to the public hearing.

Mayor Tarr advised that this will not make the next workshop meeting as that meeting is designated for the discussion of the alternatives for the beach.

Town Attorney Poulson gave Council his recommended changes also.

Town Planner Neville added that they discussed the political signage also. He advised that the Commission proposed that political signs be allowed up to 32 square feet. He asked if Council wanted to include this matter in the public hearing.

Town Attorney Poulson stated he would rather leave that alone at this time.

Councilman Muth motioned, seconded by Councilman T. Howard to take the revised version of the Planning Commission's recommendations with the noted changes to public hearing.

Unanimously approved.

16. National Park Service General Management Plan Newsletter #2 Comments

Mayor Tarr stated that Town Planner Neville has drafted two responses to the Park Service's newsletter for Council's review.

Town Planner Neville stated that he took the newsletter from the Park Service, reviewed the 4 alternatives and responded with two letters. He explained the responses. He also explained the new ideas, for example: the Marine Research Reserve. He mentioned the map and their plans to claim the Chincoteague Bay. He added that there are some things that aren't listed in the newsletter that needs to be made public.

Town Planner Neville advised that in version 1 he took the areas of interest in the newsletter. He stated that version 2 is an attempt to be a little clearer of where the Town stands.

There was lengthy discussion with some suggestions.

Town Attorney Poulson made a couple of suggestions.

Councilman T. Howard motioned, seconded by Councilman Jester to approve version 2 of the letters responding to the Assateague Island National Seashore Newsletter #2.

Town Planner Neville advised that the Senator and Governor have been updated on this matter.

There were comments from Council.

Town Planner Neville feels the response letter is something that should be done.

Mayor Tarr urged Council to take the tour on Assateague on the 19th and suggested reviewing the comments asking Mr. Hinds any question they have at that time.

17. Proclamation on the Declaration of a Local Emergency

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the Proclamation on the Declaration of a Local Emergency. Unanimously approved.



**PROCLAMATION
DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Town Council of the Town of Chincoteague does hereby find that:

1. Due to the heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from Hurricane Irene; and
2. A condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that at 11:00 hours on August 26, 2011, an emergency now exists throughout said Town of Chincoteague; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the Town of Chincoteague shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

Dated: September 6, 2011

Town Council of the Town of Chincoteague

Terry Howard

Nancy Conklin

Eugene "Tripp" Muth

John N. Jester

John H. Howard

Ellen Richardson

Attest: _____
Clerk of the Town of Chincoteague, Inc.

18. Public Works Committee Report of August 2, 2011

Mayor Tarr reviewed the minutes of the Public Works Committee meeting. He advised that they have researched the banners and are now asking for money.

Public Works Director Spurlock reported that he is in the process of scheduling a meeting with the planning consultants.

19. Harbor Committee Report of August 4, 2011

Councilman J. Howard suggested that Council visit the Harbor. He feels that the suggestion from the Recreation Committee to install a lookout area would be a nice addition. He advised that the gas pumps are working well and they are trying to increase the lighting for more protection. He added that the Harbor is very impressive.

20. Recreation & Community Enhancement Committee Report of August 9, 2011

Councilman Jester reiterated the suggestion for an overlook that they're preliminarily calling Mariner's Point. He stated that the Public Works Department has done a good job cleaning out the area. He advised they also discussed the placement of benches along with the addition of a Mariner's Memorial. He stated they also discussed the gymnasium. Councilman Jester feels they should make decisions on the work that needs to be done because there are local groups that need to use it soon. He also suggested that the gym be used for and named the "Community Activity Center". He asked if the deed was completed.

Town Attorney Poulson advised he has not received the deed as of yet.

There was discussion as to the needed repairs.

21. Mayor & Council Announcements or Comments

Councilman T. Howard mentioned weed control on a property on Cleveland Street. He is hoping that weed issue will be resolved soon. He asked about dissolving the agreement with the Fish and Wildlife for the goose depopulation program.

Town Manager Ritter stated that there has been some extraction activity on Town property.

Mayor Tarr advised that all the properties that have had geese extraction from were authorized by the property owners.

Councilman T. Howard stated that he was unaware of this program. He requested that all of Council be notified so that they can be informed when the public asks about it. He also added that some people don't want the geese harmed and others just want them gone. He feels he should be aware.

Mayor Tarr stated that this is the 2nd or 3rd year of this program.

Councilman T. Howard stated that when it comes to the Town and the Governing Body, he wants to know and hear it from the Town office.

Mayor Tarr also advised that they were used to feed the hungry.

Councilwoman Conklin commended and thanked the Emergency Management Personnel for doing a great job during the hurricane.

Councilman Muth urged Council to unify as one voice and to nail down the agenda on the Beach issue. He would like to get support from the higher level of government.

Councilman Jester suggested sending a letter to the Commonwealth for sending the National Guard for mutual aid during the storm.

Mayor Tarr advised that staff mailed a letter to the State Police for their help during the hurricane. He stated that it was a good feeling knowing they were here and there was support.

Vice Mayor Richardson stated that during the storm everyone was very professional and pulled together as a team. She advised that the public was very pleased to be notified on the event. She also asked about the owner who had the tree fall through her mobile home. She stated that the owner of the mobile home was advised by the property owner that because it was an "Act of God" she is responsible to remove the tree. This is costing her about \$2,000. Vice Mayor Richardson asked if there was anything the Town could do to help this citizen as she is handicapped and her husband has been ill.

Town Attorney Poulson believes this law changed and it is the responsibility of the property owner. He advised that this is a civil matter to take to Small Claims Court.

Town Manager Ritter reminded Council of the upcoming meetings.

Councilman T. Howard asked what they had to discuss at the Ordinance Committee.

Town Manager Ritter stated that it has to do with the Pony Penning Sales Permit and the Meals Tax payment deadline. He advised that this was discussed at the staff level and should be addressed by Council.

Mayor Tarr asked about charging an "Event" Fee rather than individual Business Licenses.

Councilman T. Howard asked about licenses for the Farmers Market.

Town Manager Ritter referred to the Code and stated that when you grow and sell your own produce you're not required to have a Business License.

There was further discussion.

Chief Lewis advised he has applied for the Deer Control Permit to take place on the Town's property.

Mayor Tarr asked Chief Lewis if he would advertise earlier this year for those who want to give permission to hunt on their property. He also reminded Council that the 19th is the Assateague tour. He also advised that they will meet at the Bateman Center.

Adjourn.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

**MINUTES OF THE SEPTEMBER 22nd, 2011
CHINCOTEAGUE TOWN COUNCIL MEETING/WORKSHOP**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr explained the primary purpose of the workshop, which is to have public input regarding the alternatives proposed from the U.S. Fish & Wildlife and National Park Service. He also informed those in attendance of the recent chain-of-events in preparation of the Town’s response to the alternatives.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

- 1. Presentation – Chincoteague to Assateague Beach Access Committee**
 - a.) Draft Town Response to FWS, August 2011 Newsletter Alternatives**

Town Planner Neville briefly reviewed the draft letter and comments. He stated that the most important thing is that the Town has made an attempt at putting their position on paper anticipating the public’s comments. He further stated that the letter was reflecting a clear direction which included bullet points.

Mayor Tarr added that Council will not be voting on their position this evening. They prefer reviewing the public comments and ideas before making any decisions.

Town Planner Neville also gave the percentage of comments from the survey conducted. He stated they were reaching out to a very broad group across the country.

2. Public Comment Period Regarding the Chincoteague National Wildlife Refuge CCP Newsletter and Preliminary Alternatives

- Mrs. Jane Wolffe asked how many local jobs would be threatened by 82% of the people not coming back to vacation here. She feels that numbers make an impact.

Town Planner Neville stated that for the short-term, the only information available is the Virginia Employment Commission report of the number of jobs that was given to them. He added that it doesn't cover those single owners that do not report the jobs.

Mayor Tarr stated that Town Planner Neville is working with the Fish and Wildlife Economic Group to develop what the loss of jobs would be on Chincoteague with the loss of visitation.

Town Planner Neville added there was a comparison study done verses Cape Canaveral as they are a similar area.

- Mr. Bret Schoeberl also mentioned the 82% of visitors not returning and the loss of millions of dollars from our community.

Mayor Tarr responded that this has been brought up.

Mr. Shoeberl feels they need to know the economics for Chincoteague. He also stated that if they want to let nature take its course then why not go back to 1991 when they removed the dunes. He feels they should have to put the dunes back.

There was discussion regarding the dunes.

- Mr. James Frese doesn't like what he has read and heard. He stated that they are doing everything to expand their area of the Seashore, denying people of making a living. He stated that visitors won't come and that the land values will continue to decline. He also stated that the tax income will significantly drop off. He asked why don't they just fence the beach and leave the rest to nature. He also asked, why would they need all those federal employees if they did this. Mr. Frese mentioned all the years he could take his family to the "Hook" and today he is restricted from doing so. He added that they never talk about human beings or children in their plans. He feels the Town is being too nice and needs to fight.

- Mr. Dan Davis, of Captain Dan's Tours, advised that he was reading through the Plan. He stated that because of the National Wildlife System Improvement Act in 1997 and keeping with the National Park Service Management Policies, he hasn't read that you can't have replenishment.

Mayor Tarr responded that they were told it was their “policy”.

Mr. Davis stated that after reading the U. S. Code and Virginia State Code he found that with the support of Virginia, the Town could do a lot. He also stated that if it’s underwater, the state can claim it but if it piles back up whether it’s dredged, spoiled or what, it becomes the Government’s property.

Mayor Tarr stated that the Town saw in the National Park Service’s Regulations and Code was, if they’re allowed to by the U. S. Fish and Wildlife Service, they can protect the infrastructure and beach do replenishment.

- Mr. Bret Schoeberl stated that the National Seashore does replenish their beaches everywhere except here.

Mayor Tarr stated that there is an interagency agreement between the National Park Service and U. S. Fish and Wildlife. The Town has recommended that they should be a part of this process.

Mr. Schoeberl stated that because of the lack of replenishment the south end of Chincoteague gets flooded. He expressed his concern for the future of Tom’s Cove.

Councilman J. Howard stated that he doesn’t believe they understand how much the Inlet has widened.

Mr. Schoeberl added that according to his GPS the Town has lost another 800 feet at the point.

Mayor Tarr advised that the Town has contacted the Army Corps of Engineers and FEMA and plan to talk with them more in-depth.

- Mr. Dean Orsino thanked Council and the Beach Access Committee for their work to protect the beach. He reviewed the timeline for the review of the alternatives, responses, review responses, and redraft. He asked when the final redraft would be adopted.

Mayor Tarr stated they believe they will take until November or December for another proposal. He added that there should be another News Letter done of the final proposal and then there should be another public comment period of that proposal. He stated it is about a 2-year process. He also added that they think the process is flawed. He added that the Town will try to push to keep informed of the progress.

Mr. Orsino fears they will come back next October and start from zero again.

Councilman J. Howard feels they are trying to sneak things into the Plan and added they will cover a lot of this up.

- Ms. Tina Zoller really appreciates the letter. She feels it touches on everything. She advised she originally came to the Island by accident as a vacationer. She thought that it was the most spectacular place and now calls the Town as her home. She stated that the Refuge has

something unique. She grew up near the New Jersey Shore where they planted grass, dune grass and built jetties. She feels that if the Refuge would build dikes and levees to raise and lower the water to accommodate migrating species now, this wouldn't be any different than planting dune grass and accommodating human beings who want a beach.

Ms. Zoller doesn't understand why they are lumping in other things that doesn't have anything to do with parking. She added that she doesn't have a problem with shuttling as a supplement to parking. She concluded by thanking Council for their efforts.

Mayor Tarr added to keep in mind that this is just a draft.

- Mr. David Johnson feels that people are very interested at what point the Town will start publicizing this issue.

Mayor Tarr advised that this has been a struggle for the Beach Committee, the Community and for Council to get behind something that is in one direction. He also stated that they didn't feel like they could go out to the press until they came to this point. He added that Mr. Hines put a lot of time into moving everything north. He advised that after touring the beach and in reality of spending \$7 million on a shuttle system and another \$6 or \$7 million to move the beach to the north wouldn't be feasible. He also added they would be cutting down all the trees, building new roads to the north and what they would have to go through financially to make this happen. He personally doesn't feel that the north parking area should be forgotten. However, there are too many what if scenarios. He stated that he agrees that as supplement shuttling is fine, but, there are no guarantees. He added that the beach experience wouldn't be what we have today. He also stated that they would still have to fight to get dunes back for the protection over on Assateague. Council hopes that they have the community support. He stated that hopefully within a week there will be a decision and they will unify as much as possible.

Mayor Tarr stated they have personally talked with Governor McDonnell a couple of times. He also stated that the Town's Consultant in Washington, DC, Mr. Rob Catron, went to Richmond to the Department of Natural Resources to discuss specifics in the Plan such as aquaculture and taking property from Virginia. He announced that Delegate Linwood Lewis was able to arrange a conference call with the Town, Senator Webb and Senator Warner regarding the Town's position. He announced that they are behind us 100%. He also stated that they had a conference call with Congressman Rigell and discussed all 4 alternatives. He is getting hundreds of calls and is also ready. He has submitted a bill to Congress about spending money in this economy.

Mayor Tarr stated that he spoke with the Washington Post and they will be visiting the Town for information. He agreed with Councilman J. Howard that the Park Service's General Management Plan does more to the working waterman and the captains than what's happening with the Fish & Wildlife. He feels that they are trying to vaguely get it into the Plan now so they can develop on it later.

Councilman Jester suggested writing letters as communication is vital.

Councilman J. Howard feels that the Town doesn't only need the local media and suggested putting this out to other areas like in the Washington Pilot. He also stated he has nothing against a supplemental shuttle service to help with parking issues. He talked about their plans to move parking approximately 300 yards beyond the service road.

There was also a suggestion to send emails out as they are much faster.

- Mr. Alex Hubb stated that they are looking for an answer to give to the Federal Government that they will go along with. He also stated that there is a major election in the next 13 months and the public needs reassurances to know that this will be carried out before the major changes causing them to forget about this issue.

Councilman Jester stated that what they are proposing is allowed by law. He added that they are not creating this Plan because they want to. They are doing it by law.

Mayor Tarr stated that the General Management Plan is based on looking out at a 40-year block of time and the Fish and Wildlife is based on looking out at a 100-year block of time for the Comprehensive Conservation Plan. The plans are only good for 15 years and should only be looking out into the future for that block of time.

Discussion continued about possible changes in the sea level.

- Mr. Ray Davis stated that he is puzzled as to how the National Park Service is going to expand in as much as the deeded jurisdiction. He informed Council that he mailed a letter to the Governor and was responded by the Attorney General's office about the Deed of Concurrent Jurisdiction. He stated that there is a provision in a paragraph that can make the Deed of Concurrent Jurisdiction null and void. He advised that the Commonwealth of Virginia has to lease the underwater property which is currently within the Park boundaries, to a private corporation or individual. He urged that the Town of Chincoteague lease from the Commonwealth of Virginia that property with certain provisions.

Councilman Jester agreed that this is an issue that should be dealt with. He stated that they are duplicating regulations. He added that the Federal Government shouldn't infringe on State's Rights.

Councilman J. Howard stated that the U. S. Fish and Wildlife told the Town that they had contacted the Virginia Marine Resource Commission about leasing the property.

Mr. Davis advised that it has to be a private individual or a corporation and there are no other provisions.

Mayor Tarr requested a copy of the deed, letter and response that Mr. Davis was referring to.

- Mrs. Donna Mason expressed her experiences as a child at the Assateague beach. She feels that when she took the tour, this beach was not the beach of her youth. She stated that she was very disappointed. She also described their "hay-ride" tour. They were told that in the area before the Tom's Cove Visitor Center was where they would be cutting off the road going to the

beach. She feels this would create a whole new avenue where everything would be washed out completely and our barrier island would be gone. Mrs. Mason was adamant that this was not an option and beach replenishment was very necessary. She stated that they could do this as cheaply as possible by pushing sand. She feels that it is important to get behind the Mayor and Town Council.

Councilman Jester stated that back in the 60's the U. S. Fish and Wildlife Service approved legislation regarding the National Seashore and they gave up that exclusive right. He believes they just can't get over it.

Vice Mayor Richardson also gave her opinion of the tour. She was disturbed about the relocation of the parking areas. She stated that someone asked if boats would be allowed to come in by Tom's Cove and they were told they could. She advised that this was wrong. She stated that if they did come in by boat and walked out onto the beach they would be arrested. She also stated that it doesn't just affect Chincoteague it affects the entire Eastern Shore. She added that if the revenue gets cut from Chincoteague where is the County going to get it from.

Vice Mayor Richardson explained her account of the recent storm surge from Hurricane Irene along the Ridge Road area. She stated that if the Town doesn't force the U. S. Fish and Wildlife to maintain the hook, Chincoteague won't have any barrier for protection. She added that Assateague beach is the only beach that isn't being maintained.

Councilwoman Conklin recounted her experience going over to the beach on a bicycle after the recent storm. She stated that they parked their bicycles and walked to the beach. She expressed her amazement and disappointment that the Federal Government would spend so much money moving the beach to an ugly spot such as that rather than replenishing the beautiful beach that's already there.

Councilman Muth stated that he purposely did not go on the tour. He compared the cost of relocation versus rebuilding the current beach. He mentioned saving the old Coast Guard Station. He supports keeping the beach where it currently is as long as possible. He added that with the uniqueness of what we already have, the protection of our own Island and preserving what we have is important.

Councilman T. Howard asked if any of the beaches, like Wallops Beach, which is a Wildlife Refuge, are getting ready to do replenishment. He stated that with the issues at the beach and the Inlet getting bigger, if the Town doesn't put some emphasis on Assateague replenishment then erosion will eat this Island up and we won't have a place to live. He stated that by putting more emphasis on saving the beach, the piping plover will have a place to live and we'll have a place to live. He asked Mayor Tarr if there was a Federal Law restricting replenishment on Assateague. He also asked why Wallops Beach, which is a Refuge, can be replenished so why can't they replenish our beach, which is a Refuge also. He stated that percentage wise our community has an investment in the beach.

Mr. Dan Davis added that by what he was reading in the Code of Virginia if it's underwater now and we pump sand there, it becomes Virginia State Property and is no longer U. S. Fish and

Wildlife Property. He added that the Governor would then have a right to do what he wishes with it.

Mayor Tarr stated that no matter which way the Town goes, it's not going to be an easy fight and that we all need to be prepared or the beach will be gone. He added that we can't have it like it is today.

Councilman T. Howard feels that we have power as a Community to make it happen.

Mayor Tarr also stated that according to the Town's Charter the Town owns to the low watermark of Assateague.

Mr. Ray Davis advised he will send the deed and the information he has.

Mayor Tarr added that this was actually a court order which may carry more weight.

Someone asked if funding was an issue on beach replenishment.

Mayor Tarr advised it was their Policy that they don't do beach replenishment.

Councilman J. Howard stated that he keeps hearing that it is a Wildlife Sanctuary.

- Ms. Nancy Lane feels it is critical that the Town make the points quickly so that people will understand why alternative B may not be the way to go.

Mayor Tarr understands and stated that the Town is doing all they can and reviewing all the issues.

Councilman Jester further commented about the removal of trees and the Environmental Impact Study.

Mayor Tarr also advised that they have already cut down approximately a half mile of trees on both sides of the road for the new infrastructure.

Mr. Orsino stated that beach replenishment is a person and property fight and not just for parking.

Councilman Jester stated that it's going to cost 15 million dollars to move the beach north. He added that every environmental group in the country is fighting it and they have big money to lobby.

Councilman T. Howard stated that the Town might need the records of what happened to Hog Island and the Community of Broadwater because this could impact what's happening to Chincoteague if another inlet cuts through.

Mayor Tarr stated what the Town really wants is for some of the policies to change. He stated that they would like to have a full blown beach replenishment project, but would like a policy

change to protect the parking lots and infrastructures. He added that the dunes at the northern part of the beach are still intact.

Town Planner Neville stated that there are a lot of other things going on behind the scenes. He feels that the review and selection of the alternatives are doing what is intended. He also stated that they have already planned to move the beach north and written their 20-year Habitat Management Plan based on this. He advised that they have prepared all the necessary studies to take all that over. He also stated that he mentioned this because there is a certain momentum that hasn't been talked about in the newsletter. He added that if the Town supports keeping the beach in place, there is a larger discussion than anticipated.

Town Planner Neville stated that, with the amount of money already invested and the conference calls with biologists up and down the coast, it's going to be a struggle. He also added that they should add to the letter how the Town appreciates the time they've spent on this. He mentioned the fact that Mr. Hines would have to back-track the efforts on his part.

Town Planner Neville added that there is a very strong partnership agreement between the Interior Department and Educational Research or Academia as a sector. He believes this is a big unspoken part of the newsletter. It is their attempt to get people away from these particular areas allowing the research communities to come in and have access where the public does not. He feels this is wrong personally and professionally. He stated that it isn't clear in the newsletter and he got a glimpse of it at a meeting he attended.

Mayor Tarr thanked everyone for their attendance and comments.

3. Request for Additional Christmas Decorations and Lighting

Mayor Tarr stated that Mr. Krome and Mr. Potts of Bill's Seafood have been collecting money each year for Christmas decorations. He explained that they would like to extend the decorations down Main Street, Church Street to Willow and down Willow to the old flower shop. He stated that this is a proposal and the Town is already out some money because of ordering hardware for the banners, which cost approximately \$75 per pole.

Councilman T. Howard feels the Town should step up to the plate and buy whatever hardware is needed.

Mayor Tarr stated that they're doing a great job and is hoping to eventually decorate the entire community.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve additional funds for the purchase of Christmas decorations and lighting. Unanimously approved.

4. Resolution for Gymnasium Deed of Conveyance

Mayor Tarr advised that this is the final step.

Town Manager Ritter explained that this is to give the Town Manager the authority to execute the Deed.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution for the Gymnasium Deed of Conveyance. Unanimously approved.



RESOLUTION

Be it RESOLVED pursuant to the provisions of §15.2-1803 of the code of Virginia of 1950, as amended, as follows:

1. That the Town of Chincoteague accept the Deed of Conveyance dated August 12, 2011 from Accomack County to the Town of Chincoteague conveying to the Town certain real estate located in the Town known as the Chincoteague Elementary School Gym Property.
2. That the Town manager execute such acceptance on behalf of the town and causes a certified copy of this Resolution to be attached to said Deed.
3. That this Resolution shall be effective upon passage.

AYES:

Terry Howard
Nancy Conklin
Eugene "Tripp" Muth
John N Jester
John H. Howard
Ellen Richardson

NAYS:

Approved this 22nd, Day of September, 2011

John H. Tarr, Mayor

I hereby certify that the foregoing is a true copy of the Resolution duly passed by the Town Council of the Town of Chincoteague this 22nd day of September, 2011.

Town Manager

5. Council Member Comments

Council agreed they need to tour the old gymnasium to see the repairs completed to date and repairs left.

Vice Mayor Richardson asked about the renovations and contractors.

Mayor Tarr advised that the Town was going to do a lot of the renovations in-house except insulation. He stated that they are going to tour the gym and then Public Works Director Spurlock would bring back the repair plans.

There was discussion about the volunteer support.

Vice Mayor Richardson commended Town Planner Neville on his hard work on the Beach Access Committee.

Town Planner Neville thanked the Town for speaking up for the community and participating in this process.

- Mrs. Donna Mason commended Mr. Dean Orsino and the Fire Department for a great job on the 911 Memorial Ceremony.

Mr. Orsino also thanked Council for their donation and everyone for their help and support.

Adjourn.

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

Mayor

Attest: Town Manager

**MINUTES OF THE OCTOBER 3, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Bob Manoil approached Council regarding the Alternate Proposal from the FWS. He feels this should reflect the protection that the Town is looking for. He stated that the top priority should be for Chincoteague Island. He also stated that with flooded homes, jobs would be an issue. He feels they would lose aquaculture beds and addressed the piping plover. He also expressed his support for the pony herd and the Fire Department.

- Ms. Deborah Ullman came to Council about sewerage. She stated that according to an article Chincoteague High School is having septic problems. She suggested writing a letter to the Board of Education requesting that a Plan be made at the County level for a septic overhaul of this system. She believes there is federal funding for this type of infrastructure. She commended the Island Creamery for their major capital investment to improve their septic system. She feels this is good corporate citizenship.

Ms. Ullman stated that Ocean City, Maryland shut down their sewerage treatment plant, during Hurricane Irene when the evacuation order was issued. She asked if the Town was to put in sewage would they also shut down their sewerage treatment plant. She was concerned for the inability to flush the toilets for those people that decide to stay.

- Mr. James Binder expressed his concerns regarding the unsafe structure listed on the agenda for later in the meeting. He feels that this is an eye-sore and hopes Council will help in the process of demolition. He stated that it is affecting the property values. He also mentioned that this property owner's other property that looks this way also. He stated that there are several people in attendance this evening supporting the removal of the home. He mentioned the cat issues from this property.
- Mr. Frank and Nancy Jacob stated that the house on Mumford has been burned-out for over a year. They feel that something has to be done about it. Mrs. Jacob stated that there are rental issues in the area also. They too mentioned the cat issues.

- Mrs. Ginny VanDame agrees that something should be done about the two properties.

STAFF UPDATE

Police Department

Chief Lewis advised they conducted their mock assessment for the accreditation. He advised it went well and stated they plan to have them back in December for the final. He announced that the Poker Run for Kids made \$38,728 to benefit local families.

Those in attendance applauded.

Mayor Tarr congratulated Chief Lewis.

Planning Department

Town Planner Neville reported that the priority is working with the Beach Access Committee and all things related to the CCP and GMP along with getting their comments submitted by October 1st. He stated that as a consequence of working on the beach issues, he was unable to publish the public notices for public hearings. He stated that the public hearings are for the sign ordinance which will be scheduled for the next meeting along with the Pony Penning Sales Permit. He advised that he will prepare a staff report for the Pony Penning Sales Permit to the Planning Commission at the meeting next Tuesday.

Town Planner Neville reported that he took part in the review for the Draft Transit Development Plan. He advised that this is a document which allows the Town to qualify to receive the funds for the Trolley System. He was pleased with the work that the Consultant has done. He has also been reviewing the Draft Mitigation Plan. He also advised they were able to recertify for the National Flood Insurance Community Rating System. He asked how the Island could move up in rank and they gave him some information to help.

Town Planner Neville stated that later this fall Council would be reviewing the Zoning Map at a couple work sessions.

Public Works Department

Public Works Director Spurlock reported that in addition to routine operations, the Department was dealing with the Hurricane Irene aftermath along with Anderton Avenue. He advised that they collected a total of 262 stops of brush totaling 53 tons and hauling it to the Landfill. He is working with Town Coordinator Rush and FEMA for partial reimbursement. He reported that they have replaced approximately 550 feet of sidewalks and 23 of 45 water services have been replaced along Anderton Avenue. He also stated that at Council's pleasure they will hopefully begin paving.

Councilman T. Howard asked about the reimbursements from the storm cleanup.

Public Works Director Spurlock advised they have filed for reimbursement.

Councilwoman Conklin asked if Eastside Road was included in the paving contract.

Public Works Director Spurlock stated that it is included and explained the plans.

Vice Mayor Richardson asked about the paving along Anderton Ave. She expressed her concern about paving above the sidewalk.

Public Works Director Spurlock stated they will be milling Anderton Ave. to grade.

General Government

Town Manager Ritter reported that staff has been working on the newsletter to be published in November. He stated that staff has been working with FEMA for reimbursement. He reported that the broadband crew is finishing up hanging the fibers. He reported that Mr. Rob Catron

worked on House Resolution 2,087. He advised they are one step closer to getting free title to the Research Park. Mr. Catron has also been working on the CCP along with research.

Town Manager Ritter stated that Mr. Catron is waiting on Council's final decision regarding the Fish and Wildlife's Alternative Plan, so he can run with it.

Councilman Jester stated that he was able to witness Mr. Catron in action. He was impressed and feels that everything has been professionally done.

Councilman T. Howard asked if the lobbyist has taken any steps to beach replenishment or nourishment.

Town Manager Ritter advised of the letters that have been mailed to date and stated that a meeting would be scheduled to discuss these matters. He also reported that they are continuing with the Downtown Revitalization Project and working on the permits with the Army Corps of Engineers for the Downtown project. He also stated that staff has been working on the IS testing.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$324,628	\$316,198	(up)	\$ 8,430
Sales Tax	\$ 26,270	\$ 30,631	(down)	\$ 4,361
Transient Occupancy	\$407,393	\$398,284	(up)	\$ 9,109
Water Rent	\$327,643	\$305,467	(up)	\$22,176

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested to add item 1a. Downtown Rehabilitation Project Grant Request.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda with item #1a, for the Downtown Rehabilitation Project. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of September 6, 2011**
- **Council Workshop Meeting of September 22, 2011**

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adopt the minutes of September 6, 2011 and September 22, 2011 as presented. Unanimously approved.

1a. Downtown Revitalization Project Grant Request

Mrs. Kat Edwards handed out and reviewed an update of the current phase of the Main Streetscape Project. She mentioned the alternative for the next round of applications. She would like to move forward with the construction project. They have to get permission from VDOT to advertise and is required to run for 3 weeks. She advised that once the bids are received they will select a contractor and submit all the documents to VDOT. She feels that construction could begin in late November or early December. She stated that they want to begin on the west side of Main Street from Bridge Street to approximately the Sea Star Café.

Mrs. Edwards stated that staff would like to do the east side of Main Street. The total project with engineering and construction management is roughly \$517,200 and the Town's share is 10% in cash or in-kind services. She further explained the project. She stated that the current project will take most or the entire right turn lane in front of the book store and theatre for widening.

Councilman J. Howard asked if they were hoping to move all the over-head utility lines underground.

There was further discussion.

Mrs. Edwards asked Council if they would like to proceed to the east side of Main Street next.

Councilman Jester suggested addressing the parking. He feels that VDOT should go full speed ahead.

Councilman T. Howard feels that when the west side is completed, they should go on to do the east side.

Mrs. Edwards stated that when they have a project scope it is required to have a public hearing. She explained that a resolution is necessary along with a 10% match.

Councilman T. Howard motioned, seconded by Councilman Jester to accept the project of the east side of Main Street. Unanimously approved.

2. Possible Adoption of the Town's Response to FWS, August 2011 Newsletter Alternatives

Town Planner Neville read, explained and clarified some of the response to the Fish and Wildlife Service, August 2011 newsletter alternatives:

October 3, 2011

Lou Hinds, Refuge Manager
Chincoteague National Wildlife Refuge
P. O. Box 62
Chincoteague Island, VA 23336

RE: CNWR Comprehensive Conservation Plan
August 2011 Newsletter

Dear Mr. Hinds:

On behalf of the tow of Chincoteague and the Chincoteague to Assateague Beach Access Advisory Committee, I am presenting a brief list of comments, concerns and ideas regarding the

Comprehensive Conservation Plan (CCP) Alternative Concepts for the Chincoteague National Wildlife Refuge that are included in your August 2011 Newsletter. We appreciate your efforts to allow community participation in the CCP planning process and sincerely hope that you will work with us on the Alternatives before one is selected.

In a letter from Congressman Scott Rigell, dated May 27, 2011, the USFWS received a comment that ‘public access to the beach’ should be added as a Vision and Goal for the CCP. We are surprised that this suggestion was not honored in the published August newsletter of alternatives. Since the draft vision and goals inform the development of preliminary alternatives according to the newsletter there should be another opportunity to review a revised set of alternatives that respond to this important goal of over 80% of the visitors to the Refuge¹. As you move forward to select a preferred management strategy, please consider the following recommendation:

An alternative Plan for the next 15 to 20 year period based on ‘Current Management’ modified to 1) eliminate the acquisition of land on Chincoteague Island, 2) eliminate the use of transit to replace existing beach parking, 3) continue to permit current compatible uses, 4) revise the 1992 Master Plan to allow a USACE Storm Damage Reduction Study/Plan/Project that will protect and restore the existing recreational beach and 961 space parking lot infrastructure from the effects of erosion and storm damage, and 5) add a 300 space parking area behind the current Parking Lot #1. We believe that this is a responsible solution to “make the most of what we have” in a time of economic constraint.

Everyone agrees that the CCP for the future should be built on a foundation of good principals and best information. The simplified format of the newsletter gives the impression that certain information is not being considered, beginning with not presenting a record of success for the 1992 Master Plan. This

¹Town of Chincoteague 2010 Visitor Questionnaire

makes people think that the change is being proposed for the wrong reasons. The following reasons and principles are offered in support of the Town position defending the exceptional combination of Beach and Wildlife at CNWR for another 15 years.

- **NPS Assigned Area** – The ‘assigned area’ described in the Inter-Agency Agreement between USFWS and NPS pertaining to the administration, development, and use of the Toms Cove Hook area is the result of years of negotiated agreements and Congressional review by Senate and House of Representatives committees.² Relocation or change in the area provided for the purpose of public recreation use must include more than 1 mile of beach and 8.5 acres for parking lots offered in the alternatives. Public review of a draft inter-agency agreement is requested.
- **Barrier Island Shelter** – the approved 1992 EIS and CNWR Master Plan have provided for the repair and maintenance necessary to protect developed facilities including the recreational beach and parking areas adjacent to Toms Cove. This is consistent with Public Law 89-195 Section 8 that requires a plan for erosion control and hurricane protection of the seashore. The Town cannot support a change in FWS/NPS management strategies that would allow an inlet or breach

to remain without repair between the Atlantic Ocean and Toms Cove. This would expose an ‘at-risk’ population located on Chincoteague Island to over 4 feet of base flood elevation and storm damage.

- **Exceptional Visitor Experience** – The current seashore destination at Toms Cove provides Refuge visitors with an exceptional sequence of views, activities and the freedom to enjoy the outdoors in the convenience of their own mode of transportation. Toms Cove is a 360 degree experience that is worth fighting for. A plan for the protection and nourishment of the land base necessary for beach and parking areas must be one alternate strategy.
- **The Local Economy** – Alternative management actions have been proposed by the FWS that would change the cost, convenience and accessibility of the Refuge to the average visitor. The Town is concerned that these changes would cause serious and lasting harm to the local tourism based economy, and a loss of jobs as a direct result of proposed changes in the CCP.
- **The Local Culture** – Coordinated strategies between FWS and NPS regarding a marine sanctuary, water/shoreline access, commercial boat permits, fishing and aquaculture uses that are included in the alternatives appear to significantly impact traditional water based income, jobs, businesses and industries. Any restriction of the Chincoteague Pony herd will cause direct harm to the Chincoteague Volunteer Fire Company and our Community identity. The Town cannot support increased Federal regulation of everything that defines our local culture and economy.
- **Protect Existing Infrastructure** – The Town supports the protection and maintenance of current infrastructure and facilities for the next generation to enjoy. Beach Road access to the Seashore, convenient parking areas, the Bateman Visitor Center/Lighthouse, the NPS Visitor Center/Coast Guard Station and even the freshwater impoundment system are all high value public investments that are placed at risk in the proposed alternatives by a change in management strategies.
- **Gateway Town and Wildlife Refuge** – Aside from issues of alternative transportation, the potential purchase of any property within the Town of Chincoteague using federal tax dollars raises significant issues about the wise use of public investment, loss of Town tax base and unfair

²US Code Title 16/Ch.1/SubChLXIII/Section 459f-11, Final EIS for the CNWR Master Plan, 1992, Compatibility Determination – NPS Activities approved 2004-2014.

Draft Copy

Competition, as well as NPS control over interstate commerce and restricted marine access along the Assateague Channel waterway. The Town is opposed to the increased encroachment of Seashore/Refuge boundaries on Chincoteague Island and the Commonwealth of Virginia.

- **Transit and all cost** – Selection of the Volpe Center acting as a consultant to prepare the EIS and Master Plan for CNWR is a conflict of interest that only results in the FWS promoting an expensive, unsustainable urban form of transit services at any cost. Public comment representing over 16,000 visitors to the Refuge in 2010 indicated that 82% would not return to another visit if direct beach parking was not available and a trolley/bus from a remote parking lot in Chincoteague was available instead.³ The Town supports a strategy that maintains at least 961 parking spaces at Toms Cove with reserve parking areas on the Refuge for an interim post-storm response.
- **No Cookie Cutter plan** – CNWR is a unique and treasured landscape that has worldwide recognition. The Town does not support FWS alternative strategies as presented to reduce or

eliminate the famous wild Chincoteague Ponies, to replace individual outdoor experience with Disney-like group experience, and to apply uniform national policies that further reduce already limited public access to the Seashore in favor of exclusive EE zones.

Beyond the next 15 years, you make a strong case for an alternate strategy to relocate the recreational beach and associated infrastructure to the north. We can agree that a contingency plan should be prepared for the next 15 years; however, we cannot support proposed Alternative B in its current form. Alternative C which would reduce USFWS program activities below current levels is not desirable. Alternative D contains exclusive 'wildlife only' goals that are adequately provided for in other areas supervised by the CNWR Refuge Manager (Wallops Island, Southern Barrier Islands unit, Eastern Shore VA NWR) and do not belong within the national Seashore boundary.

Without a viable alternative to support, the Town of Chincoteague chooses to advocate a continuation of the current management strategies. Ongoing modifications that balance recreational and wildlife values with deliberate actions to protect existing public investment over the next 15 years is the preferred solution.

Thank you for your efforts on behalf of the people who visit the Refuge and Seashore, and those who live and work in the surrounding communities.

Sincerely,

John H. Tarr
Mayor

Attachment

cc. Trish Kicklighter, NPS
Elected Representatives

³ Town of Chincoteague Beach Access questionnaire, 2010

Attachment A

After participating in several meetings of the FWS Planning Team, and providing detailed comments on the issues that concern the Town of Chincoteague, we were hopeful that 4 good alternative concepts would be presented. Unfortunately, only one alternative has been developed in enough detail to allow full consideration. The following list is provided to clearly identify those elements of the draft CCP that we hope the FWS will work on in more detail with the Town of Chincoteague representatives.

Strongly Oppose

- A. Oppose the current direction of refuge management that favors the use of alternative transportation systems and treats the idea as a Fundamental Value.
- B. Oppose NPS/FWS policies (or local manager's interpretation) that do not allow for beach and dune preservation and the protection of existing infrastructure from natural forces.

- C. Oppose the nomination or management of Toms Cove Hook and Assawoman Island as ‘wilderness’. Both locations would be unlikely to meet the criteria necessary for designation and would unreasonably limit NASA and town activities at Wallops Island and Chincoteague Island.
- D. Oppose new Federal regulation of commercial or recreational fishing, shellfishing, aquaculture and crabbing that would duplicate the permitting authority of State and other agencies already regulating these activities. Oppose NPS or FWS ‘buy back’ of existing commercial leases.
- E. Oppose any options that abandon the public trust and allow existing visitor use facilities and infrastructure, specifically recreational beach parking areas, to be subjected to natural coastal processes without maintenance, repair or replacement.
- F. Oppose the Marine Sanctuary concept that would further limit public access and use in favor of exclusive environmental research that could be conducted in the Southern barrier Island unit of the Refuge where public access is already restricted.
- G. Oppose the use of 100 year estimates for potential Sea Level Rise to determine the Alternatives for a 15 year CCP.
- H. Oppose the purchase of land within the Town of Chincoteague for the purpose of expanding Refuge or Seashore boundaries, or to establish parking/transit facilities that would lead to a reduction of 1,000 spaces provided for recreational beach parking on the Refuge.
- I. Oppose the Plan Map for Alternate A (Existing Conditions) that shows Maddox Family Campground as an existing facility for the Refuge. It should only be shown if it is a part of a future plan.
- J. Oppose designation of Chincoteague Wild Ponies as a feral non-native species.

Support

- A. Support for the current adaptive management plan that has been successful for the last 20 years.
- B. Support for the description of a pony management plan that permits up to 150 ponies as contained in alternative A. Request that same language would be repeated in alternate B and C. Request that the reference to ‘current population’ be deleted from Alternatives B and C to eliminate an unintended constraint on the herd size if there is a reduction in any one year.
- C. Support for Recreational Horseback Riding to remain a permitted use. The proposed elimination of this use in all areas of the Refuge is not justified in any way and raises the question of whether the CVFC can even conduct their annual roundup for Pony Penning.
- D. Support for entrance fees to be allocated for necessary beach and parking lot repair and maintenance.
- E. Support for providing access to the USCG Station for interpretive use and educational programs.
- F. Support for an Emergency Post-Storm Response Plan for Access to the Beach that provides interim parking on the Refuge.

Information required for review of Alternatives

- A. Request that the FWS cooperate with the Town of Chincoteague to complete a study by FEMA and USACE for the Tom’s Cove shoreline to determine the best means (including beach nourishment and/or ‘land base replenishment’) to continue recreational beach use, and protect the public health and safety for residents of Chincoteague Island from the effects of

natural hazards that are currently mitigated by the existing management of Assateague Island.

- B. Request updated SLAMM model results based in LiDAR topography information.
- C. If FWS is the intended owner of a future campground facility in the town of Chincoteague please provide more information in the CCP alternatives to describe proposed management actions for the next 15 year planning period.
- D. Request for a Plan map that shows the total limits of the CCP land area including Wallops Island NEW, the Southern Barrier Islands Unit and other areas identified for land acquisition within the next 15 years.
- E. Request that all Plan maps illustrate an approximate location of the annual Pony Swim across Assateague Channel as an important cultural resource and activity for planning purposes.
- F. Request that the Plan Map for Alternate A illustrate the limits of the NPS ‘Assigned Area’ that is a part of the existing Interagency agreement.
- G. Request that the Plan Map for Alternate B illustrate the limits of the proposed NPS ‘Assigned Area’ for management of public recreation. Also, please illustrate the limits of the proposed Marine Sanctuary and Proposed Wilderness Area on the Plan Map.
- H. Request that the Plan map for Alternate C designate the entire boundary of the Assateague Island national Seashore in Virginia as NPS ‘Assigned Area’ if it is the intent of this option to minimize Refuge administration. Identify limits of 1,300 acre area currently designated as Wilderness.
- I. Request that the Plan Map for Alternate D identify the limits of areas designated as Wilderness or Marine Sanctuary. Identify in the text what incompatible features and activities would be eliminated.
- J. Request that FWS provide a newsletter update to include major topics of comments and areas of agreement in order to assure the public that their concerns have been heard and will be included in the preparation of the draft EIS over the next year.

Councilman T. Howard motioned, seconded by Councilman Jester to approve letter responding to the U. S. Fish and Wildlife, August 2011 Newsletter. Unanimously approved.

3. Resolution Recognizing the CVFC as a Part of the Town’s Safety Program

Town Manager Ritter explained that in June they discussed the Line of Duty Act. He stated they decided to go with the Virginia Retirement System and they require to do an updated resolution. He read the resolution.



RESOLUTION AUTHORIZING THE ORGANIZATION OF THE CHINCOTEAGUE VOLUNTEER FIRE COMPANY RECOGNIZING SAME AS AN INTEGRAL PART OF THE TOWN OF CHINCOTEAGUE’S OFFICIAL EMERGENCY OPERATIONS MANAGEMENT TEAM AND THE TOWN’S

OFFICIAL SAFETY PROGRAM

WHEREAS, by this resolution the Town Council of the Town of Chincoteague is confirming and recognizing a decision by the then Town Council of the Town of Chincoteague in 1925, the existence of the Chincoteague Volunteer Fire Company which was formed in accordance with Section 27-8 of the 1950 Code of Virginia, as amended; and

WHEREAS, the Town Council recognizes the Chincoteague Volunteer Fire Company who is deemed an instrumentality of the Town in accordance with the provisions of the Code of Virginia, as amended, and enjoy all the benefits and immunities granted thereunder; and

WHEREAS, the Chincoteague Volunteer Fire Company has been licensed by the Commonwealth of Virginia as a transporting agency to serve fully as a rescue squad;

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chincoteague wishes to make available the benefits of the “Line of Duty Act” as provided in Section 2.1-133.5. et seq of the 1950 Code of Virginia, as amended, to the members of the Chincoteague Volunteer Fire Company as they are an integral part of the Town’s Emergency Operations Team and the Town’s official safety program; and

BE IT FURTHER RESOLVED that the Chincoteague Volunteer Fire Company shall enjoy the benefits and immunities provided by the 1950 Code of Virginia and the Town Council of the Town of Chincoteague does fully recognize the contributions made to this community by the members of the Chincoteague Volunteer Fire Company.

DATED this 3rd day of October, 2011.

John H. Tarr, Mayor

Councilman T. Howard asked if the Fire Company was receiving these benefits.

Town Manager Ritter explained that they weren’t. He stated that Council decided to adopt the Line of Duty Act for the Town and Volunteer Fire Company verses the County paying the Volunteer Fire Companies. He stated that this is something that was currently adopted.

Mayor Tarr stated that this was being paid for by the state. The state mandated that it be picked up by the Town or the County. He explained some of the resolution.

There was further comments.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the Resolution Recognizing the Chincoteague Volunteer Fire Company as a Part of the Town’s Safety Program. Unanimously approved.

4. Town of Chincoteague’s Fund Balance Policy

Town Manager Ritter explained the necessity of the Policy. He stated that the auditors advised that it is required that the Town adopts the GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions Policy. He read the purpose and stated that it is a policy they recommended that the Town adopt.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Fund Balance Policy. Unanimously approved.

Town of Chincoteague, Virginia Fund Balance Policy

I. Purpose

The Town Council of the Town of Chincoteague is dedicated to maintaining an appropriate level of fund balance sufficient to mitigate current and future financial risks and to ensure stable tax rates; and, therefore, formally establishes this policy for the Town's Fund Balance. This policy also authorizes and directs the Town Manager to prepare financial reports which accurately categorize fund balance as required by GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

II. Components of Fund Balance

Fund balance is the difference between the assets and liabilities reported in a governmental fund. The following five fund balance classifications describe the relative strength of the spending constraints placed on the purposes for which the resources can be used:

- Nonspendable fund balance – amounts that are not in spendable form (such as inventory and prepaids) or are required to be maintained intact (corpus of a permanent fund);
- Restricted fund balance – amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;
- Committed fund balance – amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest level action to remove or change the constraint;
- Assigned fund balance – amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority;
- Unassigned fund balance – amounts that are available for any purpose; positive amounts are only reported in the general fund.

III. Committed Fund Balance Policy

The Town Council is the Town's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Town Council. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

IV. Assigned Fund Balance Policy

The Town Council has authorized the Town Manager as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

V. Unassigned Fund Balance Policy

The Town's unassigned General fund balance in the residual balances in general fund.

VI. Resource Flow Policy

When fund balance resources are available for a specific purpose in more than one classification, it is the Town's policy to use the most restrictive funds first in the following order: restricted, committed, assigned, and unassigned as they are needed.

5. Possible Adoption of the Fall 2011 Paving Contract 01-PAV-11

Public Works Director Spurlock advised there was one bid for the fall 2011 Paving Contract. The Bid was from Branscome Eastern Shore, which was \$226,000. He recommended that Council award the contract to Branscome Eastern Shore.

Councilwoman Conklin asked how much of Eastside would be paved.

Public Works Director Spurlock advised that it will be from Jane's Lane to where VDOT will pick up at the reconfiguration of Chicken City Road.

There were a few questions regarding the new and previous paving.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to award Branscome the Fall Paving Contract 01-PAV-11, in the amount of \$226,041. Unanimously approved.

6. Request to Advertise a Required Public Notice for Removal of Unsafe Structures

Town Manager Ritter stated that there are two properties that are considered unsafe structures: 6306 Mumford Street and 7128 Bunting Road. He stated that the Town is required to publish a public notice for each parcel giving the owner 30 days to make the corrections. If they do not make the required corrections to the properties, the Town will move forward in seeking bids for demolition. The bids would come to Council for approval and they would be demolished. He advised that the costs would be assessed to the owner.

Town Manager Ritter showed the pictures of 6306 Mumford Street. He then showed pictures of 7128 Bunting Road. He stated that this home has vines growing up and through the siding.

Councilman J. Howard is concerned that homes like this can be found throughout the Island.

Councilman T. Howard feels that Council should be sure that this person is in violation of the Unsafe Building Ordinance.

Town Attorney Poulson stated that when you have vines growing through the siding it violates the integrity of the exterior. He reviewed a portion of the Code and feels that this ordinance

applies to buildings that are not subject to the uniform statewide building code. He was also concerned that any notice has to specify what the violation and remedy is. He also agrees that something has to be done. He added that whatever they decide to do it has to be spelled out.

There was further discussion.

Town Manager Ritter read the timeline of correspondence from Building and Zoning Administrator Lewis as follows:

- May 14, 2009, correspondence to Mr. Berry regarding the condition of his properties located on Mumford Street and Bunting Road. (Grass).
- June 16, 2010 correspondence to Mr. Berry regarding the condition of his properties and that unless the nuisance is corrected, his structures would be considered unsafe.
- In late December a conference call with Building and Zoning Administrator Lewis, Town Manager Ritter and Mr. Berry. Mr. Berry advised there were personal items in the house he did not want discarded. Mr. Berry obtained a dumpster from Mr. J. Howard and began cleaning out the Mumford Street residence. (Councilman J. Howard advised he has not hauled any dumpsters off the property as of yet.)
- Mr. Berry advised he would have Mr. J. Howard remove the structure no later than March 2011.
- February 22, 2011 and April 27, 2011 on-site visits were conducted to see what progress had taken place. Mr. Berry boarded up the windows and doors to prevent the cats and public from entering the structure.
- May 23, 2011 another correspondence was sent advising Mr. Berry of the condition of the properties and that unless the nuisance was corrected, his structures would be considered unsafe.
- August 2, 2011 another correspondence was sent stating the above information except he was advised the Town would condemn the structures unless the properties and structures were brought up to code.

Councilman J. Howard stated that they have been dealing with this property owner since 2009 and nothing has been done.

There was discussion about the concerns of the current conditions of the properties.

Town Manager Ritter also showed Council pictures of the Mumford Street house taken earlier in the day and nothing has been done.

Councilman J. Howard asked Town Attorney Poulson what the quickest way to take care of this problem.

Town Attorney Poulson advised of the steps to be taken to include a specified list of items to be completed.

Mrs. Pat Booker advised that Mr. Berry is still going by the property to feed the cats.

Mr. Binder stated that the cats are now crawling under his house which is across the street. He also added that he has seen Mr. Berry feed the cats.

There was discussion regarding the action to take

Councilman J. Howard motioned, seconded by Councilman Muth to authorize the advertisement of a public notice for removal of an unsafe structure on Mumford Street. Unanimously approved.

Councilman J. Howard suggested contacting Animal Control.

Chief Lewis advised he would contact the Sheriff's Department.

They also discussed the correspondence for the Bunting Road property.

Town Manager Ritter advised that they wanted to take care of both houses at the same time.

Council concurred that the Mumford Street is the priority. There was further discussion as to the steps to take regarding the Bunting Road house.

7. Public Safety Committee Report of September 7, 2011

Mayor Tarr advised that this was actually a wrap-up meeting from Hurricane Irene. He reviewed the report.

8. Ordinance Committee Report of September 8, 2011

Councilman T. Howard reported that they discussed the possibility of the change to the Pony Penning Sales Permit Ordinance which should be included in the Business License Section 18 of the Town Code. There are other additions to be completed by the Planning Commission and Council will receive it at that time for approval. He advised that they also discussed reviewing the Town Charter.

9. Budget and Personnel Committee Report of September 13, 2011

Councilwoman Conklin stated that they discussed the grant and approval for two new trolleys. She also stated they discussed the purchase of banners, a donation for the gym and items needed for the Emergency Operations Center.

10. Mayor and Council Announcements or Comments

Vice Mayor Richardson announced that the Cemetery Committee will meet, October 18th at 6:00 p.m.

Town Manager Ritter reminded Council of the upcoming meetings:

Adjourn.

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

Mayor

Attest: Town Manager

MINUTES OF THE OCTOBER 20, 2011
CHINCOTEAGUE TOWN COUNCIL MEETING/WORKSHOP

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PUBLIC PARTICIPATION

There was none.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the agenda as revised on October 19, 2011. Unanimously approved.

6. Presentation – Draft Hazard Mitigation Plan
(a) Provide comments to A-NPDC for final version
(b) Schedule public hearing date

Town Planner Neville presented the Draft Hazard Mitigation Plan. He explained some of corrections. He advised that they have time to review, make corrections and adopt the document.

There were questions from Council regarding the Flood Insurance Program.

Town Planner Neville stated that they are doing an update of all the coastal communities. He also stated that the more people that participate the more money is set aside for the Flood Insurance Program.

Comments continued.

Town Planner Neville stated that this document improves on a list of projects the Town is already doing. He stated that they discussed letting FEMA know they have completed a Phase 1 Storm Water Study and plan to continue on to Phase 2. He feels this will raise the discount from 10% to 15%. He also explained plans for shoulder construction and shoreline protection along

the south end of the Island. He touched on the Public Outreach portion of the Plan. He advised that this is an update of the Plan that was written 5 years ago.

Town Manager Ritter asked Council if they would like to have a public hearing on December 5th, 2011.

Town Planner Neville advised that the County has to approve this by the end of the year. He stated that there were comments from the state agency; however, they didn't pertain to Chincoteague.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the resolution contingent that there are no changes and authorized the Town Manager to sign the final version. Unanimously approved.

7. Comprehensive Zoning Map and Zoning District Amendment

(a) Overview of public hearing comments

(b) Planning Commission recommendation

(c) Schedule additional work session or public hearing date

Town Planner Neville reviewed the Staff Report regarding the public input issues and the Planning Commission's recommendation. He stated that the Commission felt they addressed the issues. He also stated there were changes made regarding the R4 regulations and they should be based on the R3 regulations pertaining to mobile homes. He explained those differences specifically.

Town Planner Neville continued to review the issues brought to the Commission's attention along with the corrections. He also stated that there were revisions to the Zoning Map to be completed to reflect the changes in the districts that were addressed. He explained the changes regarding the R4 district.

There was discussion about campgrounds.

Town Manager Ritter explained that the reason for C4 is to allow campers, considering this Resort Commercial.

Mayor Tarr advised that his concerns in the draft were taken care of.

Town Planner Neville continued to explain the issues and changes, mentioning the marsh areas and perimeter around the Island. He also added that there was one property owner that requested their property be rezoned from residential to commercial as the Fire Department was purchasing the property. He stated that this would only be an extension of the adjoining property. He advised he would be completing the corrections to the map by the next meeting.

Town Planner Neville concluded that if Council is comfortable with the Planning Commission's recommendations they could decide to move forward with scheduling a couple of workshops.

8. Memorial Park Septic System Repair

Public Works Director Spurlock explained that the septic system at the Chincoteague Veterans' Memorial Park has recently failed and has to be replaced before they can reopen the restrooms. He reviewed a quote from Bundick Well and Pump in the amount of \$19,786.00.

There was discussion regarding the age of the current septic system and the drain fields.

Public Works Director Spurlock requested to take the funds for this unexpected expense out of long-term savings.

Discussion continued.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to approve the transfer of funds from long-term savings to pay for the replacement septic system at the Chincoteague Veterans' Memorial Park. Unanimously approved.

9. Discuss an Alabama Disaster Relief Volunteer

Councilwoman Conklin explained that the Disaster Committee at the Christ United Methodist Church is planning to go to Tuscaloosa, Alabama to help with disaster relief. She stated that Public Works Director Spurlock would like to join the Disaster Team in Tuscaloosa. She asked Council if the Town would allow him to go without having to use leave. She added that the United Methodist Women will be paying the expenses for the 4 day trip.

Councilman J. Howard stated that this should apply to any employee that wants to help with disaster relief.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to allow Public Works Director Spurlock to go, without using leave, to Tuscaloosa, Alabama with the Christ United Methodist Church Disaster Relief Team for 4 days. Unanimously approved.

Public Works Director Spurlock expressed his appreciation and advised he would be going November 5th.

10. Possible Adoption of the Town's Response to FWS, August 2011 Newsletter Alternatives.

Town Planner Neville explained the response that was approved by the Beach Access Committee.



October 19, 2011

Louis S. Hinds, III, Refuge Manager
Chincoteague National Wildlife Refuge
P.O. Box 62
Chincoteague Island, Virginia 23336

RE: CNWR Comprehensive Conservation Plan

Dear Mr. Hinds:

The Town of Chincoteague has submitted a variety of comments, concerns and ideas regarding the draft Comprehensive Conservation Plan (CCP) for Chincoteague National Wildlife Refuge. In addition, our Advisory Committee and Town Council have endorsed a preferred alternative that would adapt the existing 1992 Master Plan for the next 15 years. The 1-2-3 Common Sense Plan for Storm Damage Reduction at Toms Cove is attached.

A Town alternative is offered as a responsible and sustainable solution that will maintain existing facilities, continue to permit compatible uses, and provide hurricane/erosion control protection for the Seashore and our community on Chincoteague Island. We request again that the 1992 Refuge Master Plan and the future CCP document should not recommend federal agency control, through purchase, lease or regulation, of any new area within the Town corporate limits.

Representatives of the USACE Norfolk District have been invited to meet with the Town of Chincoteague to discuss the Town alternative plan for land base nourishment and maintenance. This action will allow an important CCP issue to be considered and further developed to inform the planning process.

I appreciate your commitment toward creating the best plan for the future with compatible uses from the 1992 Refuge Master Plan permitted to continue (such as 961 parking spaces, 150 Chincoteague ponies, horseback riding, and OSV use of Toms Cove Hook).

Sincerely,

John H. Tarr
Mayor

Attachment

cc. Trish Kicklighter, NPS
Elected Representatives



Chincoteague National Wildlife Refuge and Assateague Island National Seashore
US Fish and Wildlife Service-National Park Service-US Army Corps of Engineers-
FEMA-Town of Chincoteague

The unique shared landscape at the south end of Assateague Island has exceptional record of success with productive wildlife species, family oriented beach recreation, and a wealth of

cultural history. In August 2011, the USFWS issued a newsletter describing four alternative management strategies¹ for the future Chincoteague National Wildlife Refuge Draft Comprehensive Conservation Plan. The Town of Chincoteague believes there should be a fifth alternative...the '1-2-3 Commonsense Plan'.

Step 1 (Immediate Action to protect existing infrastructure)

- Repair parking areas, construct and maintain low berm to provide winter protection from high tides
- Install snow fence from Parking Lot 1 to the USCG to capture wind blown sand and begin to rebuild a natural barrier island cross section that includes a dune system
- Move sand from Chincoteague Inlet vicinity to repair and stabilize breached or severe over washed areas
- Complete USACE Storm Damage Reduction Study for Toms Cove and the recreational beach area, permitting and project design

Step 2 (2 to 3 year Action Plan)

- Transport and place inlet dredge material to expand or repair the land base necessary to support hurricane protection measures and to protect the health safety and welfare of Chincoteague Island residents.
- Provide long term protection measures for existing visitor use infrastructure (parking areas, berm, nourishment of cove-side shoreline, raise parking area elevation)

Step 3 (3 to 5 year Action Plan)

- Align beach nourishment project with 5 year Wallops Island program to save mobilization costs
- Complete barrier island restoration project with expanded land base in Toms Cove/Little Toms Cove/Swanns Cove
- Re-establish island cross section including a low dune system from the Coast Guard Station to north of Swann's Cove Pool
- Balance good stewardship of public lands with creative management of natural processes

¹ USFWS alternatives did not include the entire Wildlife Refuge boundary and concentrated primarily on public uses rather than wildlife management strategies. The Town alternative is also targeted toward finding a responsible and sustainable solution that will maintain existing facilities, continue to permit compatible uses, and provide hurricane/erosion control protection for the Seashore

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the Town's response to the FWS, August 2011 newsletter alternatives. Unanimously approved.

11. Updated Resolution for the Continuation of the Main Street Corridor Enhancement Project.

Town Manager Ritter advised that at the last meeting Mrs. Edwards explained the plans for the project. He advised that this will allow work to begin on the east side of Main Street. He further explained that this is also to approve the matching funds of 10%. He stated that at the next meeting he should be able to give an exact amount as this is preliminary. He also advised there has to be a public hearing.

Mayor Tarr feels the Town should apply for the entire amount to and see what is received.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the updated resolution for the continuation of the Main Street Corridor Enhancement Project. Unanimously approved.



Updated Resolution for the Continuation of the Chincoteague Main Street Corridor Enhancement Project

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction or state / federal agency in order that the Virginia Department of Transportation establish an enhancement project in the Town of Chincoteague.

Now, Therefore, Be It Resolved, that the Town of Chincoteague, requests the Commonwealth Transportation Board to establish a project for the continuation of the Chincoteague Main Street Corridor Enhancement Project.

Be It Further Resolved that the Town of Chincoteague hereby certifies that the proposed budget accurately reflects the cost of the project and that Town of Chincoteague agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project.

Be It Further Resolved that the Town of Chincoteague hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with in accordance with Enhancement Program Policies and Procedures and all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved that the Town of Chincoteague will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

Be It Further Resolved, 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 costs expended by the Department through the date the Department is notified of such cancellation. The Town of Chincoteague also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Certifying Official:

Attest:

John H. Tarr, Mayor

Robert G. Ritter, Jr.

Date

Date

12. Proclamation for Cemetery Clean-Up Week to be November 5th – 11th, 2011
Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the Proclamation for the Cemetery Clean-Up Week to be November 5th – 11th, 2011. Unanimously approved.



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 November 5TH through 11TH, 2011, 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 20th day of October, 2011.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Mayor Tarr asked if there was a map of all the cemeteries.

Vice Mayor Richardson advised there is no map as of yet. She added that there will be.

13. Council Member Comments

Vice Mayor Richardson asked to put an item on the November Council meeting. She advised that it is to form the Chincoteague Cemetery Preservation Authority and Foundation. She hopes that this will help with the donations.

Councilwoman Conklin informed Council that the Redman's Cemetery has been cleaned by the Methodist Men.

Vice Mayor Richardson advised that the Public Works Department has done a lot of work on the cemeteries also.

Public Works Director Spurlock announced that Branscome will begin paving Halloween morning.

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

• **Personnel Matters**

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

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

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

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

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

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

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

- Nays- None

After the Closed Meeting in Open Session

Councilman J. Howard motioned to change the job title for Town Planner Neville to “Assistant Town Manager/Planner” and increase his pay to \$68,000 per year.

There was no second and the motion died.

Discussion briefly continued and Town Manager Ritter will research the matter further.

Adjourn

Councilman J. Howard motioned, seconded by Councilman T. Howard to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

**MINUTES OF THE NOVEMBER 7, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

Nancy B. Conklin, Councilwoman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr asked for a moment of silence for the Town of Onancock’s Mayor Paone who passed away a few days ago.

OPEN FORUM/PUBLIC PARTICIPATION

There was none.

STAFF UPDATE

Police Department

Chief Lewis reported that on December 5th, 6th and 7th the Police Department will have the final accreditation assessment. He also advised that the Annual Toy Run and Food Drive is scheduled for December 3rd at 11:00 a.m. at the Wal-Mart in Pocomoke.

Planning Department

Town Planner Neville reported that the Planning Commission will meet Tuesday night at 7:00 p.m. There will be a public hearing on the Pony Penning Sales definition. He stated there will be no meeting in December. He reported on the Beach Access Committee and the items leading up to the comments. The Committee was pleased that they were able to receive letters of support from the Virginia Tourism Commission, the Office of the Secretary of Natural Resource and the County Administrator supporting the Town's position. He also stated that they met with the Army Corps of Engineers. This was successful as a solution was identified for the dredge materials from the Inlet to be used in beach replenishment. He announced the next meeting will be on the 23rd.

General Government

Town Manager Ritter reported on the premium increase for the retirees Medicare supplement. He advised the Town is reviewing other carriers at this time. He reported that staff has been working on tax bills and the personal property taxes have been mailed. He added that the real estate taxes are expected to be mailed tomorrow. Mr. Krome and Mr. Potts for Christmas by the Sea have collected \$10,977 in donations for Christmas decorations. He stated that the real estate tax relief for the handicapped and elderly has been processed for 2011 and 31 taxpayers have been assisted.

Public Works Department

Town Manager Ritter also reported that the Public Works Department has completed installation of 32 new water services on Anderton Avenue. He stated that sidewalk replacement on Anderton Avenue had been completed also. They have also repaired Maddox Boulevard traffic circle storm water pumps along with the installation of the decorative bricks at the downtown restrooms. He also reported that they are in the process of putting up Christmas decorations along with the installation of the junction box at the Robert N. Reed Downtown Waterfront Park. They have also replaced broken drain pipes on the eastern side of the Maddox traffic circle.

Town Manager Ritter reminded Council that the fall paving for Anderton Ave., Poplar Street and Church Street extended and part of Eastside Road has begun.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Meals Tax	\$399,524	\$379,956	(up) \$ 19,568
Sales Tax	\$ 37,758	\$ 41,361	(down)\$ 3,603
Transient Occupancy	\$474,578	\$464,977	(up) \$ 9,601
Water Rent	\$451,854	\$436,601	(up) \$ 15,253

Town Manager Ritter advised that at the Council Workshop on November 17th they will review the Draft Employee Policy Handbook. He also stated that personnel evaluations will be conducted.

Councilman J. Howard asked if the Town could put some cold patch at the drains in front of the Methodist Church.

Councilman T. Howard commended staff on good reports.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

11. Consider Adoption of the Minutes

- **Regular Council Meeting of October 3, 2011**
- **Council Workshop Meeting of October 20, 2011**

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

12. Public Hearing on the VDOT Enhancement Grant Funding

Mrs. Kat Edwards explained that the application was submitted and this is to begin the streetscape improvements on the west side of the street potentially from Cleveland Street to Church Street. She reviewed the change from the engineer regarding the sidewalks and pavers on the roadway for crosswalks along with drainage improvements and landscape. She advised that the project represents a cost of \$7,758.00. She also discussed the next phase and cost estimates. They are currently bidding Phase 2A and Phase 2B.

Mayor Tarr opened the public hearing.

Someone asked if they were to complete the old bridge site prior to starting this phase.

Mrs. Edwards advised they were not. She also added that it depends on funding. The next available funding will be next July then September or October. There was discussion of Phase 2A and 2B and they are awaiting VDOT approval for this.

Councilman J. Howard asked how long VDOT has been reviewing the latest plans.

Mrs. Edwards responded it has been approximately 2 ½ weeks. She stated that she understands that VDOT met with the Federal Highway Administration last night regarding the review.

Mayor Tarr asked if there were any further questions for Phase 2C.

Mayor Tarr closed the public hearing.

13. Public Hearing on a Request to Vacate a Subdivision Lot Line

Mr. Selby explained his request to vacate the subdivision lot line. He stated that when he first purchased the property the septic system would be in the front yard and they now have a permit

to put the septic system on the side lot. He stated that the lot is so small now it can't be used for a building lot and there would be setback problems.

Councilman T. Howard asked for clarifications regarding the property and prior ownership.

Town Manager Ritter advised of the publication dates.

Mayor Tar opened the public hearing.

There were no comments.

Mayor Tarr closed the public hearing.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve Ordinance for the Vacation of Subdivision Lot Lines for Mr. & Mrs. Selby between the parcels 030A5-A183 and parcel 30A5-10-24. Unanimously approved.

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

WHEREAS, Ralph L. Selby, III and Joan K. Selby, own two parcels of land located on Chincoteague Island, Accomack County, Virginia, and designated respectively as "TAX PARCEL 30A5-A-183" and "LOT 24" on a certain plat of survey entitled "Boundary & Physical Survey of Emerson S. Liscum, Town of Chincoteague, Island District, Accomack County, Virginia May 14, 2011" made by James B. Latimer, II & Associates, LLC, dated May 14, 2011, said plat being attached to a certain deed recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, as Document # 200102156, Tax Map # 030A51000002400 and 030A5A00018300; and,

WHEREAS, Lot 24 lies within a Subdivision known as the Sharpley Subdivision and shown on a certain plat recorded in Plat Book 6, page 95, and all other lots within the Subdivision have been sold; TAX PARCEL 3045-A-183 does not, however, lie within any platted Subdivision; and,

WHEREAS, the said Ralph L. Selby, III and Joan K. Selby have requested that the property line between said two parcels be vacated so that Lot 24 and TAX PARCEL 30A5-A-183 can become one parcel and to that end have caused to be made a survey entitled "Boundary Survey of lands of Ralph L. Selby, III and Joan K. Selby" dated 9-7-11 and made by Gillespie Consulting; and,

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

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

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

That the division or property line between Lot 24 and Tax Parcel 30A5-A-183 as shown on the plat entitled “Boundary Survey of lands of Ralph L. Selby, III and Joan K. Selby” dated September 7, 2011 and made by Gillispie Consulting, and recorded herewith, be and is hereby vacated.

That as the result of said vacation former Lot 24 and Tax Parcel 30A5-A-183 shall result in one (1) parcel of land designated on said Plat as “.0257 Acres, + aggregate”.

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

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

Town of Chincoteague, Inc.:

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

Nays: None

Absent: Conklin

Approved as of November 7th, 2011 by

Mayor, Town of Chincoteague, Inc.

14. Public Hearing on the Sign Ordinance – Banners, Flags and Pennants

Town Planner Neville explained the changes to the Sign Ordinance regarding banners, flags and pennants. He also explained the definition of what constitutes a banner. He asked Council to address the question: if the banner is mounted to a frame, hard surface or wall is it still considered a banner? He stated that the main proposal has to do with a home occupation and not being appropriate in a residential district.

Mayor Tarr opened the public hearing.

There was a question about the time limit a banner could be displayed.

Mayor Tarr interjected that nonprofit organizations are exempt from the time-limits.

Mayor Tarr closed the public hearing.

Town Attorney Poulson gave his professional opinion about Section 7.4.4 regarding footage.

Town Planner Neville suggested Council review Section 7.2.5 and adding “temporary” regarding the sign that is mounted.

There was further discussion.

Councilman T. Howard expressed his concerns regarding the rationale of the increase in the square footage.

There were further clarifications.

Mayor Tarr read Section 7.2.5 as changed:

2.5. *Banner*. A temporary sign that is mounted on or attached to any non-rigid surface. such as cloth, fabric, paper, vinyl or similar material.

Councilman T. Howard continued to object to allowing someone to frame the banner.

Councilman Muth motioned, seconded by Councilman J. Howard to approve the changes to Section 7.2.5 Banner: of the Sign Ordinance with the addition of the word “temporary”. Motion carried.

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

Nays: T. Howard

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to approve the changes to Sections 7.3.6.1 and 7.3.6.2 of the Sign Ordinance changing the total square feet of “4ft”. Unanimously approved.

Further discussion continued.

Councilman J. Howard motioned, seconded by Councilman Muth to approve the changes to Sections 7.4.1 and 7.4.4 of the Sign Ordinance. Unanimously approved.

Zoning Ordinance
Article VII
Signs

Sec. 7.2 Definitions

7.2.5. *Banner*. A temporary sign that is mounted on or attached to any non-rigid surface. such as cloth, fabric, paper, vinyl or similar material.

7.2.53. *Temporary sign*. A sign for the purpose of advertising during a limited period of time. See Section 7.4 for permitted signs.

7.3.6.1 Limited home occupation signs. Such sign shall not exceed four (4) square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

7.3.6.2 Home occupation signs. Such sign shall not exceed four (4) square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

Sec. 7.4 Temporary Signs

7.4.1. Permitted by right. The following temporary signs shall be permitted as a matter of right and no sign permit is required, subject to the conditions specified, and the other provisions of Article VII, as applicable. Use of banners, flags and pennants for the purpose of advertising home occupation business is prohibited in residential zoning districts.

7.4.4 Banners. On-premises banners shall not be more than 32 square feet in area. No more than one banner per business or one per commercial building lot for each 100 linear feet, or less, of public road frontage shall be permitted, provided however for each additional 100 feet of public road frontage after the first 100 feet, an additional banner shall be permitted. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of the ordinance. Banners shall not be placed closer than ten feet from any property line.

15. Public Works Committee Report of October 4, 2011

- **Phase 2 of the Storm Water Master Plan**

Town Manager Ritter explained Phase 2 of the Storm Water Master Plan. He reviewed the costs associated with the Maddox Boulevard traffic circle improvement portion.

They discussed the costs of \$24,880 for engineering.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the proposal by Clark Nexen for the Maddox Boulevard traffic circle project. Unanimously approved.

Town Manager Ritter advised it is important to develop a Storm Water Management Ordinance for residential lots.

Council discussed the necessity of having a Storm Water Management Ordinance and the process.

Councilman Jester agrees that the Town needs this. However, he does not want to spend \$14,000.

Councilman J. Howard would like to know the Town will get the information before spending \$14,000.

Mayor Tarr and Councilman T. Howard expressed their concerns.

Town Attorney Poulson suggested approving this in phases.

Councilman T. Howard motioned, seconded by Councilman Muth to accept Items A. Discussion with Town and B. Review Existing Development Ordinances of Clark Nexen's request to develop an Infill Development Ordinance. Unanimously approved.

16. Harbor Committee Report of October 6, 2011

• **Possible adoption of the Draft Mooring Permit**

Councilman J. Howard reviewed the report. He stated that one of the problems at the Harbor was the lighting. He also stated that there are slips at the Harbor that are leased but, haven't been used for a couple of years.

Town Manager Ritter stated that the Committee has requested staff revise the lease agreement allowing the Town to sublet the slips. He reviewed the changes in the language of the Draft Mooring Permit. He explained the changes.

There was discussion regarding subleasing.

Harbor Master Merritt explained that there were several vacant slips this past summer that he could have sublet.

Councilman T. Howard feels that the Holder should be protected.

Town Attorney Poulson explained that marinas all over the state subleases slips during the days their vessel is not in the slip.

Councilman T. Howard is still concerned for the rights of the slip holder.

Harbormaster Merritt advised there are several transient vessels.

Discussion continued.

Mayor Tarr would like the Harbor Master to contact the slip holder as a courtesy prior to subletting.

Harbor Master Merritt advised this would happen. However, this is more for those slips that are unoccupied for a year.

Town Manager Ritter suggested adding that vessels should be state registered or seaworthy.

Councilman Jester motioned, seconded by Councilman J. Howard to adopt the draft Mooring Permit. Motion carried.

Ayes: Jester, Muth, Richardson, J. Howard

Nays: T. Howard

Absent: Conklin



**Town of Chincoteague, Inc.
Curtis Merritt Harbor of Refuge**

MOORING PERMIT

THIS MOORING PERMIT, issued this 1st day of June, 20____, by the Town of Chincoteague Inc. or its designated agent for the Harbor , herein called **ISSUER**, and _____, hereinafter called **HOLDER**.

In consideration of the mutual promises herein contained, the parties agree as follows:

SECTION ONE **GRANT OF MOORING PERMIT; DESCRIPTION OF BERTH**

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

SECTION TWO

LIMITATION TO DESCRIBED PURPOSE

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

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

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

SECTION THREE **TERM**

The term of this permit is for a period of one (1) year beginning on **June 1, 20__** and ending on **May 31, 20__**.

SECTION FOUR **PERMIT**

HOLDER shall pay to **ISSUER** a Mooring Permit fee for said berth of \$____.00 Dollars annually, which shall be due and payable on or before the first day of any term.

SECTION FIVE **UTILITIES-FACILITIES**

ISSUER may provide water, electric and sanitary facilities to selected locations for the use of the **HOLDER**. All use shall be on a non-commercial basis, unless written consent is given by the **ISSUER**.

ISSUER may provide electric outlet, meter boxes and disconnect switches at specific locations. **HOLDER** shall provide the electric meter and be responsible for the electric consumption. **ISSUER** is not responsible for the electric meter of **HOLDER**.

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

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

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

SECTION SEVEN **DESTRUCTION OF BERTH**

In the event said berth shall be rendered untenable by fire or other casualty, **ISSUER** may, at its option, terminate this Permit, or repair same within ninety (90) days. Should the issuer elect not to make repairs caused by fire or other casualty, this Permit created shall cease and terminate. In the event said **ISSUER** elects to affect repairs, **HOLDER** shall be entitled to abatement in fees for such a period of time as said berth may be untenable as stated above.

SECTION EIGHT **ASSIGNMENT**

HOLDER shall not assign the Mooring Permits, right or privilege granted herewith. Unauthorized assignment by **HOLDER** shall void and terminate this Mooring Permit. The said Permit shall not be assignable by operation of law.

In the event that **HOLDER'S** vessel will be absent from the slip for over 48 hours, **ISSUER** shall have the right to permit a vessel, transient or otherwise, other than **HOLDER'S** vessel to be moored in such slip during such absence, with any rental to inure to the **ISSUER**. **HOLDER** shall give the Harbormaster written notice of any such scheduled absence and the estimated return of **HOLDER'S** vessel. In the event **HOLDER** fails to provide such information to the Harbormaster and such slip is vacant for at least such 48 hour period, Harbormaster shall only be required to relocate any vessel therein after 24 hours notice from **HOLDER** that **HOLDER** intends to reoccupy such slip.

SECTION NINE
RULES AND REGULATIONS

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

SECTION TEN
ISSUER AND HOLDER LIABILITY

HOLDER agrees that **ISSUER**, its agents and servants, shall not be liable for any damage occasioned by the failure of **ISSUER**, its agents and servants, to keep said berth, docks, piers and catwalks adjacent thereto or other parts of said Harbor used by **HOLDER**, in repair, and shall not be liable for any damage done or occasioned by or from water pipes or electrical circuits or outlets in said berth and Harbor, nor for any damage occasioned by water, snow, ice, winds or other causes, nor for any damage arising from acts or neglects of other **HOLDERS** or users of other berths, or said Harbor in general.

HOLDER agrees to save harmless **ISSUER** from any claims or damages resulting to it, or its agents or servants, by failure of **HOLDER** to comply with provisions of this Permit.

SECTION ELEVEN
DEFAULT & HOLDOVER

It is expressly agreed that if the **HOLDER** shall fail to pay the Mooring Permit fee provided for hereunder, or otherwise fails to perform any obligation under any of the terms or provisions hereof, or fails to timely pay any other charges, fees, damages, incurred or caused by the **HOLDER** to the **ISSUER**, **ISSUER** shall have the right, at its sole option and without further notice to the **HOLDER**, to declare such permit ended and to expel said **HOLDER** and any property from said berth without prejudice to any cause of action by **ISSUER**, which shall survive, for any Mooring Permit in arrears, or any other charges, fees, or damages due by **HOLDER** to **ISSUER**. Failure of **ISSUER** to exercise such option shall not be deemed a waiver of the right to exercise said option upon any subsequent default.

SECTION TWELVE
ALTERATIONS AND IMPROVEMENTS

HOLDER shall not personally, nor allow anyone else to, make any alterations upon any upland areas, berths, docks, piers and catwalks adjacent thereto, nor place or post any signs or placards upon upland areas, berths, docks, piers and catwalks adjacent thereto, except by express written consent of **ISSUER**.

SECTION THIRTEEN
GENERAL DUMPING AND DISPOSAL OF WRECKS

HOLDER shall not deposit, or cause or permit to be deposited, in any of the waters of the Harbor, in the Boat Ramp, or in the Parking Area 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, any refuse, offal, waste matter, or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may injuriously affect the sanitary, clean and safe condition of the land area or water in the Harbor, or diminish the depth thereof.

HOLDER shall not voluntarily or carelessly sink, or permit or cause to be sunk any barges, scows or other craft, in the waters of the Harbor; or to float loose timber and logs therein. Whenever a vessel or other craft is wrecked and sunk in any of the waters of the Harbor, accidentally or otherwise, it shall be the duty of the **HOLDER** to immediately mark it with a buoy and a lighted lantern at night, and to maintain such warnings until the sunken craft is removed, which removal shall be accomplished by the **HOLDER** within 10 days. Failure of the **HOLDER** to so mark the wreck and timely remove same shall be considered a breach of this permit.

SECTION FOURTEEN INSURANCE

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

SECTION FIFTEEN RELOCATION

ISSUER reserves the right to reassign **HOLDER** to slip(s) other than the slip specified in this permit. Should **ISSUER** exercise this right, and the relocation of **HOLDER** occurs permanently to a slip of a differing size than specified in this Permit, an adjustment to the annual Permit fee in Section Four shall be calculated. In the case of **HOLDER** being reassigned to a smaller slip, a prorated refund will be calculated and paid to the **HOLDER**. In the case of a larger slip being provided to **HOLDER**, **HOLDER** shall pay the prorated additional amount to the **ISSUER**.

ISSUER will provide at least 30 days notice prior to permanent reassignment.

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

Harbor Master

Wayne Merritt

Holder

By: _____ Witness _____

Current Address _____

Boat Type _____

Haul Number _____

Home Phone _____

Cell Number _____

17. Recreation and Community Enhancement Committee Report of October 11, 2011

- **Naming of the old Gym “Island Activity Center”**
- **Repair budget for the Old Gym**

Councilman Jester reported that Mrs. Wolffe was at the last meeting explaining that the drainfield the gym uses is shared. He stated that there is a lot of interest in the use of the building. He reported that they discussed the prioritization of the use which is for the kids. They also decided to name the facility. The Committee recommended naming the facility “Island Activity Center”.

Councilman Jester also stated that Public Works Director Spurlock has researched and priced the repairs of the building. He suggested using the spray-on insulation as it is rigid and would last longer. They will be replacing light fixtures and the Coast Guard volunteered to remove the old insulation. He also stated that there are several organizations that have offered their services to help repair the facility.

Town Planner Neville advised that he spoke with the USDA about a Community Facility Grant. He is currently researching this grant further which could reimburse the Town up to 75% of the relative costs.

Councilman Jester advised the target date for the completion of repairs is January as this is when youth basketball starts up. He also stated the Committee recommends that Council approve the name of "Island Activity Center" along with a repair budget for the gym.

There was discussion regarding the spray insulation and other items that needed immediate repairs to be completed for youth basketball in January.

Councilman Jester stated that the community has always been a child-friendly community.

Councilman T. Howard motioned, seconded by Councilman Jester to name the old Elementary School gym "Island Activity Center". Unanimously approved.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to have a repair budget up to \$28,965 for the Island Activity Center. Unanimously approved.

18. Cemetery Committee Report of October 18, 2011

- **Possible Resolution "Creation of the Chincoteague Cemetery Preservation Authority"**

Vice Mayor Richardson thanked those who helped with the Cemetery Clean-up Week at the Reed's Cemetery. She also requested that Council approve the resolution creating the Chincoteague Cemetery Preservation Authority. She read and explained the Mission and Goals along with the Authority's activities.

There was discussion about the need to form an Authority and the legal creation of the Authority.

Mr. Chuck Ward reminded Council that it is in the Charter that the Town Council shall maintain cemeteries and burial places throughout the Island. He reviewed the ownership of a few of the cemeteries. He feels cemeteries should be manicured and the history of the Island should be preserved. He stated that if there is a government nonprofit organization people will donate.

Mayor Tarr asked why a private individual couldn't set up a nonprofit foundation and the Town could donate to it.

Mr. Ward stated that he isn't sure the private nonprofit would have the political clout to sell the idea to the public.

There was further discussion about government nonprofit verses individual nonprofit.

Councilman T. Howard asked Council to give this serious consideration. He added that there aren't any provisions except what's in the Charter.

Mayor Tarr stated they are all in agreement. He stated that they need to look at the pros and cons of setting up another Authority.

Mr. Ward feels that people are willing to give but don't have the time to show up.

Vice Mayor Richardson feels something should be done.

Comments continued.

Councilman T. Howard suggested that Town Attorney Poulson review this proposal further and bring it back to Council.

Town Attorney Poulson suggested that the Cemetery Committee create a nonprofit entity.

Mayor Tarr asked staff and Town Attorney Poulson to review and research other methods for this request.

19. Mayor and Council Announcements or Comments

Town Manager Ritter advised Council of the upcoming meetings. He stated that the Workshop on November 17th is to discuss the Draft Employee Handbook. He advised that the Ordinance Committee meeting has been postponed until December 1st.

Mayor Tarr reminded everyone to vote. He also reminded those in attendance of the 1st Annual Mayor's Ball.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE NOVEMBER 17TH, 2011 CHINCOTEAGUE TOWN COUNCIL MEETING/WORKSHOP

Council Members Present:

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

Council Members Absent:

John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Review of the Draft Employee Handbook

Town Manager Ritter explained that the Budget and Personnel Committee has been working on the Employee Handbook for approximately a year and a half. He stated that they reviewed and made changes and forwarded the draft to Ms. Anne Sullivan for review. She and staff made their recommendations. He stated that they are now at the point to have Council's input.

Town Manager Ritter reviewed each section.

Councilman T. Howard pointed out a few corrections. He also commented on the employee evaluations.

Town Manager Ritter advised that Mayor Tarr expressed his concerns regarding job descriptions and position classifications along with Virginia Work Laws for work of more than 40 hours per week.

Lengthy discussion continued about annual evaluations and promotions with pay increases or demotions with pay decreases. They also discussed leave and travel expenses. There was a question about percentages.

Town Manager Ritter advised it was because they will not be using pay steps.

Council discussed over-time, reimbursable training and travel expenses and emergency call-back while off duty (example: leak repairs, or snow removal) with call-back pay.

They talked about drug screening and physical exams. There were questions regarding a promotion of a full-time employee to a new position and falling under the introductory period having no grievance rights. They also questioned the benefits during the introductory period.

Town Manager Ritter asked Council to review the section regarding conflict of interest pertaining to immediate family. They discussed this matter at length.

Mayor Tarr expressed his concerns and suggestions pertaining to the conflict of interest and family members.

Council discussed making a change to this section by using the current Employee Handbook section and definition of conflict of interest.

Public Works Director Spurlock made some suggested changes to the new Handbook by using the list of relatives from the current Handbook and the Council agreed with those changes.

Mayor Tarr also commented on contracts.

They further discussed chain-of-command at length. They feel this should be specific to personnel issues.

Chief Lewis questioned the spousal insurance for retirees. He explained that in the new Handbook it states that 18 months after the employee retires the spouse is dropped. He advised that in the past the Town has allowed the spouse to continue on the insurance if they pay their own premium.

Town Manager Ritter stated that they could omit the word COBRA along with the phrase after that and this would allow those hired before the adoption of the new Handbook to continue as they have done in the past.

Retirement and retirement age was also briefly talked about.

Mayor Tarr addressed his concerns regarding COBRA and the employee initiation of COBRA. EMS Supervisor Bryan Rush commented on COBRA and suggested spelling this out specifically.

Council moved on to holidays and holiday pay, annual leave and maximum accumulations for some and more for those specified.

EMS Supervisor Rush explained that those that would receive more are EMS personnel and Police personnel because of shift work and it being harder to take leave as they have to have 24 hour coverage. He recommended either keeping the hours at 240 or go to 280 keeping it an even number. Discussion continued about exempt or non-exempt employees, which pertains to salaried employees. They also talked about administrative leave for exempt executive professional employees.

Mayor Tarr expressed his concerns about administrative leave. He advised that he did not know the Town had administrative leave. He stated that there is no documentation or use of administrative leave. He addressed the list of the non-exempt employees.

Council discussed administrative leave in detail. They asked about the employees that work shift-work on holidays and compensation of pay or leave.

They talked about the possibility of rolling any hours over the maximum annual leave into sick leave hours.

Council asked about personal use of Town owned cell phones. Town Manager Ritter advised that he and Public Works Director Spurlock are the only two employees that have Town owned cell phones.

They reviewed the Drug Policy, and tweaked the Grievance Policy and procedures to include the grievance steps for the employee report directly to the “immediate supervisor”. They also expressed their concerns and opinions that all Town employees are considered essential personnel in the new Handbook. There was further discussion about the need for essential personnel.

EMS Supervisor Rush feels that at some point every employee with the Town is considered essential.

Mayor Tarr stated that this should be specifically spelled out in the Handbook.

2. Council Member Comments

There were none.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE DECEMBER 5, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Ms. Laurie Walton addressed Council to present \$3,000 from the proceeds of the Christmas House Tour to Chief Lewis for the needy. She listed those who opened their homes for the tour: Ms. Cindy Kane, Todd & Annie Switzer, Ms. Bonnie Phipard, Ms. Cynthia Walston, Mr. & Mrs. David Jennings, Union Baptist Church, Union Baptist Church Office, Mr. & Mrs. Sam Mazza, Ms. Patt Thompson, Mr. & Mrs. Bob Mabin, Ms. Bonnie Armstrong, Mr. & Mrs. Jake Godshall, Ms. Louisa Fannigain & Paul Brzozowski, Mr. & Mrs. Chuck Ward, Mr. & Mrs. Craig Beitzel and Mr. Kevin Krome & Mr. Steve Potts.

Chief Lewis thanked them for the generous donation and advised it will be put to good use.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Planning Commission met November 8th and conducted a public hearing on Section 2.127 of the Town Code pertaining to the Pony Penning Sales Permit. There were no public comments, however, the Commission had revisions and will address the changes at the January meeting.

Town Planner Neville stated that at the Beach Access Committee they were advised that the Washington Post reported the Beach issue along with a paper in Ontario, Canada. He stated that they were in support of Chincoteague. They also met with the Army Corps of Engineers requesting a dredging permit for the Chincoteague Channel and Inlet. He advised that Mr. Lou Hinds announced that the Planning Team will meet on December 21st where he'll report a summary of all the comments.

Town Planner Neville announced that Council will review the Transit Development Plan later in the meeting. He advised that the Planning Commission has been struggling to work through the Sign Ordinance issues to define character.

Councilman T. Howard commended Town Planner Neville and the Commission for their work in finding resources and other methods that could work in the community.

Police Department

Chief Lewis advised that the members of the Law Enforcement Accreditation Team arrived earlier and will be conducting an audit that could last a couple of days. He stated that Saturday was the Ride for Kids and was a huge success.

Mayor Tarr thanked Chief Lewis and advised they certainly appreciate the Police Department and their efforts.

Chief Lewis advised that if they pass the audit for accreditation the Chincoteague Police Department will be the only Police Department on the eastern shore of Virginia that is accredited.

Public Works Department

Public Works Director Spurlock stated that in the month of November the Public Works Department was working on putting up Christmas decorations. He thanked the community for

their contributions for the Christmas decorations. He advised that the fall paving is complete. They received the approval from the Army Corps of Engineers to repair the shoulder on Eastside Road. He also stated that the insulation at the Island Activity Center is also complete and they will begin repairing the floors soon.

Public Works Director Spurlock also reported that they received the permit from the DEQ to begin work on the Ocean Boulevard Extension project. He stated that the bid for the intersection of Church Street and Ridge Road came in \$160,000 over budget. The Town has agreed to do the water service upgrades at the intersection and the waterline replacements will begin the first of March.

Councilman Jester suggested the Town send a letter to the Coast Guard commending them on their assistance with the Island Activity Center.

Councilman T. Howard stated that the patchwork in front of the Carnival grounds was a good job.

General Government

Town Manager Ritter reported on the progress of the Broadband Project and adding that they would like to be completed by the end of March. He stated that they spoke with the Army Corps of Engineers about dredging. The employee evaluations are just about complete. He advised that staff has been working hard collecting taxes. He also stated that at the next meeting in January the Waste Water Advisory Committee would like to give an update along with a budget review. They have finalized the FEMA documents regarding Hurricane Irene.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$320,630	\$166,968	(up)	\$153,662
Tangible Property Tax	\$ 99,917	\$ 14,302	(up)	\$ 85,615
Meals Tax	\$442,417	\$412,940	(up)	\$ 29,477
Transient Occupancy Tax	\$515,047	\$499,268	(up)	\$ 15,779
Solid Waste Collection	\$124,990	\$ 83,715	(up)	\$ 41,275
Sales Tax	\$ 48,488	\$ 52,201	(down)	\$ 3,713
Water Rent	\$525,534	\$516,889	(up)	\$ 8,645

Town Manager Ritter stated that in the downtown area they are proposing to dredge from the new bridge to the downtown transient slips and the spoil will go to the spoil site at the Harbor.

Councilman T. Howard stated that the reports were all very thorough and well thought out. He was encouraged with the reports.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Town Attorney Poulson explained that he has some minor changes to the previously approved Curtis Merritt Harbor Lease.

Mayor Tarr stated there are a few items to add to the agenda: item 2a Adopt the 6-Year Transit Development Plan and item 2b Resolution of the Purchase of Federal Land, and item 5a Adoption of Change to the Curtis Merritt Harbor Lease.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the agenda adding item 2a Adopt the 6-Year Transit Development Plan and item 2b Resolution of the Purchase of Federal Land, and item 5a Adoption of Change to the Curtis Merritt Harbor Lease. Unanimously approved.

20. Consider Adoption of the Minutes

- **Regular Council Meeting of November 7, 2011**
- **Council Workshop Meeting of November 17, 2011**

There was discussion regarding a few typographical errors.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the minutes as corrected. Unanimously approved.

21. Presentation of the 6-Year Transit Development Plan

Town Planner Neville introduced Mr. Joel Eisenfeld, Senior Transportation Planner with KFH Group. He stated that this is a very good comprehensive use for the Town. He noted that the resolution they will discuss later on is unrelated to what Mr. Eisenfeld has been working on. They felt they clarified the Town's position if they are to adopt the Transit Develop Plan.

Mr. Eisenfeld thanked the representatives from the Town of Chincoteague and the strong local support. He advised that this is required for funding for a transit system. He presented the 6-Year Transit Development Plan. He reviewed the goals and objectives and explained what the group represented along with upcoming grants. He advised the Town would begin by doing an evaluation of the existing service and system. He stated they looked at passenger count and rode the Pony Express giving an account of passenger activity. They also talked to the riders about other options to move around the Island.

Mr. Eisenfeld stated that the next step is a Need Analysis where they interviewed different businesses and people. He continued to explain the process and potential of expanded service hours. He made recommendations to start earlier in the peak season and make route adjustments. He made recommendations for the operations and talked about the financial responsibilities for the projects. Finally he made a few recommendations to the organization and advised that the role of the Town Council would remain unchanged.

Councilman J. Howard mentioned that there was an athletic bus for those high school students that participate in sports in the past. He advised that this would help with transportation from practices and games for those who wouldn't otherwise play because of the lack of transportation. He asked if this would be something that they could do to help.

Mr. Eisenfeld suggested a "Tripper Service". He explained that as long as it is open to the public every day could be effective. He stated that although there may be a need, the numbers may not support it. He suggested a volunteer driver program that may be able to assist with that. He also

mentioned the possibility of a midday run from Chincoteague to Rt. 13. He thanked Council for allowing him to present the Plan.

Trolley Manager Van Dame commented about the count which was over the past 5 years.

2a. Adoption of the 6-Year Transit Development Plan

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the 6-Year Transit Development Plan.

2b. Resolution to Oppose the Federal Purchase of Property

Mayor Tarr explained that the resolution is reiterating the letters that have already been sent. He asked that the number of years in service be researched and correctly put in the resolution.

Councilman J. Howard motioned, seconded by Councilwoman Conklin to adopt the Resolution to Oppose the Federal Purchase of Land within the Town of Chincoteague adding “Whereas, a specific 200 acre developed property was identified by the draft CCP that, if acquired with taxpayer money, would end a 30 year old family business; and” and adding “job” prior to “tax revenue”. Unanimously approved.



RESOLUTION

To Oppose the Federal Purchase of Land within the Town of Chincoteague

WHEREAS, an Alternative Transportation Study was prepared for Chincoteague National Wildlife Refuge in December 2009 by the Volpe National Transportation Systems Center; and

WHEREAS, several alternative strategies propose to reduce or eliminate personal vehicle use at the current beach front parking lots in favor of a transit shuttle during the peak season; and

WHEREAS, this study and the draft Refuge Comprehensive Conservation Plan (CCP) alternatives propose the acquisition of property within the Town of Chincoteague for remote transit parking; and

WHEREAS, a specific 200 acre developed property was identified by the draft CCP that, if acquired with taxpayer money, would end a 30 year old family business; and

WHEREAS, the loss of private investment, jobs and tax revenue would adversely impact the Town of Chincoteague and Accomack County economies; and

WHEREAS, the Town of Chincoteague completed a questionnaire of over 13,000 summer visitors to the Refuge in 2010 in which over 82% stated they would not return for another visit if transit from a remote parking lot to the beach was provided;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague opposes the expansion of National Wildlife Refuge or National Seashore boundaries within the Town of Chincoteague; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague requests assistance from our Congressional delegation to assure that such actions do not occur.

ADOPTED on this 5th Day of December, 2011.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Council of Town of Chincoteague on December 5, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

22. Accomack County Board of Supervisors Update

Supervisor Thornton complimented the Town on a fabulous job. She stated that the improvements island wide is tremendous. She stated that she recognizes and appreciates it. She reported that the County voted to give the 5% match to Star Transit. She stated that it was her decision to start April 1st. The new management team has done a fantastic job. She spoke with different organizations including the senior citizens and churches. She advised it is not going to close, it will continue to operate.

Supervisor Thornton stated that Mr. Allen Witt, Chairman of Riverside Shore Memorial made a presentation to the Board about economic development. She talked about Wallops Island growth. She also discussed the County delinquent tax report.

Supervisor Thornton reported that the Fire Commission met last week and unanimously adopted a movement toward a uniform fire tax concept. She also advised that Mr. Mike Mason did not recommend that Chincoteague be added to this equation. They discussed the amount of revenue the additional tax would generate. She also reported on the Wallops Research Park. She stated that the full Committee recommended relieving the restriction off of the Park. Congressman Rigell hopes to get this through the House by the end of the year. A conditional use permit was approved for a solar farm and will start construction within a year or more.

Supervisor Thornton also advised that the Fire Academy was short of funds. They appropriated \$10,000 in additional funds and asked Northampton to share the expenses. Delegate Lewis has instrumental in helping with the TMDL's. He has scheduled another meeting for Thursday.

This could cost the County millions of dollars. They can prove that the formula they're using is against the rural areas. The impact on the farmers will be significant.

Supervisor Thornton also discussed Beach Access. She talked about the economic impact along with the safety and welfare to Chincoteague. She stated that Mr. Hinds advised her that it didn't really matter how Chincoteague feels because he has 51% of the vote. She was very disturbed by the statement and was upset to think a Refuge Manager would have that type of authority and attitude.

There was further discussion about getting the message out.

Supervisor Thornton stated that they need to take a different stand. She feels the primary message is that we need help and now.

There was also discussion regarding zoning, agricultural property and a conditional use permits.

Mayor Tarr advised that the Town is currently working on a plan regarding beach replenishment and access.

Councilman J. Howard expressed his concern for Mr. Hind's statements. He feels that the Town should find a way to have him removed.

23. Committee/Commission Appointments and Recommendations

- **Building Code Board of Appeals**
- **Curtis Merritt Harbor Committee**
- **Chincoteague Recreation & Civic Center Authority**

Mayor Tarr advised that Mr. Robert Tye's seat on the Building Code Board of Appeals has expired. He stated that Mr. Robert Tye has been contacted and would like to continue to serve. He opened the floor for nominations.

Councilman T. Howard nominated Mr. Robert Tye to be reappointed to the Building Code Board of Appeals for another 5 year term to expire December 31, 2016.

Mayor Tarr closed the nominations. He called for a vote for Mr. Robert Tye for the Building Code Board of Appeals. Unanimously approved

Mayor Tarr advised that Mr. Michael Handforth's seat has expired on the Curtis Merritt Harbor Committee. He stated that Mr. Handforth has been contacted and would also like to continue to serve on the Committee. He opened the floor for nominations.

Councilman J. Howard nominated Mr. Michael Handforth to be reappointed to the Curtis Merritt Harbor Committee for another 2 year term to expire December 31, 2013.

Mayor Tarr closed the nominations. He called for a vote for Mr. Michael Handforth for the Curtis Merritt Harbor Committee. Unanimously approved.

Mayor Tarr stated that Mr. Spiro Papadopoulos' seat has expired on the Planning Commission and Mr. Papadopoulos has expressed that he would like to continue to serve. He opened the floor for nominations.

Councilman Muth nominated Mr. Spiro Papadopoulos to be reappointed to the Planning Commission for a 4 year term to expire December 31, 2015.

Mayor Tarr closed the nominations. He called for a vote for Mr. Spiro Papadopoulos for the Planning Commission. Unanimously approved.

Mayor Tarr advised Council that two seats have expired on the Chincoteague Recreation and Convention Center Authority and they are Ms. Laurie Walton and Mr. William Chrisman. He stated that they both expressed that they would like to continue to serve. He opened the floor for nominations for Ms. Walton's seat.

Councilman T. Howard nominated Ms. Laurie Walton to be reappointed to the Chincoteague Recreation and Convention Center Authority Committee for a 4 year term to expire December 4, 2015.

Mayor Tarr closed the nominations. He called for a vote for Ms. Laurie Walton for the Chincoteague Recreation and Convention Authority Committee. Unanimously approved. Councilwoman Conklin nominated Mr. William Chrisman to be reappointed to the Chincoteague Recreation and Convention Center Authority Committee for another 4 year term to expire December 4, 2015.

Mayor Tarr closed the nominations for Mr. Chrisman's seat. He called for a vote for Mr. William Chrisman for the Chincoteague Recreation and Convention Authority Committee. Unanimously approved.

Mayor Tarr requested that a letter be sent to the Honorable Judge Revell Lewis requesting that Mr. Robert Cherrix be reappointed to the Board of Zoning Appeals for another 5 year term to expire December 31, 2016.

24. Discuss Retaining the Lobbyist for Additional 6 Months.

Town Manager Ritter listed items that have been done by Alcalde & Fays to date. He expressed the importance of continuing with this firm as they have done so much work especially with the beach issues. He explained that in the fiscal year 2012 Budget there was an approval for six months of funding and requested to continue for the remainder of the fiscal year.

Councilman J. Howard motioned seconded by Vice Mayor Richardson to retain the lobbyist for an additional 6 months. Unanimously approved.

Mayor Tarr advised this will be brought up in the Budget Workshops in January to allocate funds to continue work with this firm.

5a. Adoption of the Changes to the Curtis Merritt Harbor Lease

Town Attorney Poulson suggested changes to: Section Eight, the spelling of “therin” to “therein” along, Section Eleven the word “term” to “permit”, Section Thirteen add “which removal shall be accomplished by the **HOLDER** within 10 days” after the phrase “sunken craft is removed” and on the last line, change the word “promptly” to “timely”. The last change is from “Haul Number” to “Hull Number”

Councilman T. Howard stated that he can’t support this because he feels it is taking away some of the Lease Holders’ rights.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to approve and adopt the changes to the Curtis Merritt Harbor lease as presented by Town Attorney Poulson. Motion carried.

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

Nays: T. Howard

25. Mayor & Council Announcements or Comments

Councilman Muth commented on the Commission and Board vacancies.

Councilman Jester mentioned the Accomack County Space Flight Commission. He advised that they are doing a “Hot Test” which is an engine test on the slab, in February. He stated that the first big rocket launch will spur a lot of attention.

Town Manager Ritter reminded Council of the Employee Christmas gathering Wednesday at noon. He also reminded Council of the PDA meeting on Thursday.

Public Works Director Spurlock reported that his trip to Tuscaloosa, Alabama was very successful as they were able to help get some families lives back together. He thanked Councilwoman Conklin for getting it together and Council for allowing him to go.

Mayor Tarr announced the judging of the Christmas Decorated Homes will be Saturday the 17th beginning at 5:30 p.m.

Town Manager Ritter reminded the public to call the Police Department no later than 5:00 p.m. Friday the 16th.

Mayor Tarr stated there will be a new group of judges and he expressed his appreciation for those who volunteered to judge the homes this year. He added that Mr. Kevin Krome and Steve Potts started this “Christmas by the Sea” about 3 years ago and collected over \$10,000 this year to put new decorations up along Church Street and Willow Street.

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

- **Personnel Matters**

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

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

Councilman T. 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)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

Nays- None

Absent- None

Adjourn.

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

Mayor

Town Manager