

**MINUTES OF THE JANUARY 7, 2008**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation.**

· Mr. Robert White a Chincoteague High School student was asking the town to contribute a donation to help send 15 students to Washington DC. This trip would create a unique learning class room for the students. Fifteen students will be attending at a total cost of \$325 per student. It was asked to send this matter to the budget and personnel committee this month.

· Mr. Robert Watson Sr. of 7787 Eastside Road, discussed with council a drainage issue along the front of his house.

· Mr. Dean Orsino of 4211 Main Street, discussed the hearing that he participated in that day with the group that did the reassessment.

Agenda Additions/Deletions and Adoption

**“Councilman Wolffe motioned, seconded by Vice Mayor Speidel to adopt the agenda as presented.”** The motion was unanimously approved.

**1. Approval of the Minutes of the October 11, 2007 Special Council Meeting, and the December 3, 2007 Council Meeting.**

**“Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the minutes of October 11 and December 3, 2007.”** The motion was unanimously approved.

**2. Broadband Discussion with Barbara Schwenk**

Ms. Schwenk mentioned that a pre-bid meeting occurred with approximately 30 possible contractors to bid on the project. The project will install the main back bone of the fiber

optic line down route 13 from the Bay Bridge tunnel to the Maryland State line. Construction on the main backbone along Route 13 will start this spring. The spur that will send the distribution line to Chincoteague will be an alternate in the contract because of the possible high cost to get the fiber over to the Town. The opening of the bids will be January 17, 2008 at the A-NPDC office. Councilman Ross had concerns with the how much money the Town may have to commit without a known dollar amount. It was mentioned to change the language in the resolution to take out the word "commitment" and add statement of "intent."

**"Councilman Wolffe made a motion to adopt the resolution and the proposed letter to DHCD, seconded by Councilwoman Conklin."** The motion was unanimously approved.

Resolution, High-speed Broadband Deployment.

WHEREAS, affordable high-speed broadband access has become an essential economic development tool in all areas, particularly rural regions, and;

WHEREAS, the Town of Chincoteague and the Eastern Shore of Virginia is underserved with choices for affordable high-speed broadband access, and;

WHEREAS, a Telecommunications Study has been completed that identified need and aggregated demand, particularly with regard to educational institutions, public safety entities, and community-serving businesses and organizations, and;

WHEREAS, to date, Accomack County has pledged \$200,000 and Northampton County has pledged \$66,000 in matching funds for this construction, and;

WHEREAS, additional funds of \$2 million have been inserted into spending bills in the US House and Senate to complete construction of the new fiber backbone for the Eastern Shore, and;

WHEREAS, partial funding of \$3 million is in place from the Commonwealth of Virginia for construction of a new fiber backbone from Wallops to Norfolk, and;

WHEREAS, the Virginia Department of Housing and Community Development needs commitments from Eastern Shore towns in order to authorize use of its funds for extensions of the backbone off Route 13 into the towns, and;

WHEREAS, the commitment that DHCD needs from each town is a commitment to build a distribution network from the backbone extension throughout the town;

NOW THEREFORE BE IT RESOLVED that we, the duly-elected members of the Town Council of the Town of Chincoteague, hereby state our intent to provide an open-access, high-speed distribution network for our town off of the Mid-Atlantic Broadband Cooperative fiber backbone extension off Route 13, and;

BE IT FURTHER RESOLVED that we, the duly-elected members of the Town Council of the Town of Chincoteague, concur with the Broadband Management Team recommendation to appoint the Accomack-Northampton Planning District Commission as the agency that will coordinate planning efforts to bring affordable high-speed broadband to the region until such time as a permanent organization is named or formed to continue deployment to all areas of the Eastern Shore of Virginia.

Adopted at the Regular Council meeting of January 7, 2008, by the Town Council, of the Town of Chincoteague.

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John H. Tarr, Mayor

Attest, Robert G. Ritter Jr.

### **3. Presentation of the Parking Section of the Zoning Ordinance**

Mayor Tarr announced that our Staff Planner could not give the presentation tonight because of an illness. He urged Council to look over the information in the packet and relay any concerns to Mr. Anderson. Mayor Tarr announced that the presentation will be added to the Special Council Meeting Workshop for the sign ordinance review, next Thursday, January 17, 2008 at 5:00 pm.

### **4. Judging Results of the Christmas Decorations.**

The 2007 Winners of the Annual Christmas Decorations were;

\* Best overall appearance, Jack and June Mohr

\*Most Illuminated, Bill and Ginger Birch

\*Most Festive, Kevin Krome and Steve Potts

\*Most Creative, Larry and Gail Parsons

Honorable Mention were Alfred "Dino" and Sharon Johnson, Harry and Karen Thornton, and the cluster of homes on Piney Island's Meadow Street.

\* **will receive a \$100 savings bond**

### **5. LEO'S Retirement Program for EMS Personnel**

Mr. Ritter discussed with Council the proposed LEO's program for the emergency medical service employees. It was stated that the rate will go up 1.85 percent for all employees to cover the EMS retirement program, it will go from 6.66 percent to 8.36 percent. Also, discussed were that \$5,550.70 would be a budget overage. Positions that are not filled and positions filled but are still on the probation period will not be considered in the retirement at that time resulting in a savings to the budget. Councilman Ross made mention that he will not be voting for the program because he disagreed with the timing right now. He agreed with the program to the EMS personnel, but felt it should be added to the up-coming budget process.

**"Councilman Wolfe made a motion to adopt the new rate of 8.36 percent of the LEO's retirement program, to include the Emergency Medical Service Personnel into the LEO's retirement program and make it retroactive to January 1, 2008, seconded by Councilwoman Richardson". Ayes were Councilman Howard, Councilman Wolffe, Councilwoman Conklin, Vice Mayor Speidel, Councilwoman Richardson. Nays were Councilman Ross. The motion was adopted.**

### **6. Possible Adoption of an Ordinance for a Lot Line Vacation (for Racing Moon LLC)**

The Ordinance was discussed at the previous Council meeting. Council asked the Town Attorney to bring back a revised Ordinance of the Lot line Vacation.

**"Councilman Howard made a motion to adopt the proposed ordinance to vacate the lot line, seconded by Councilwoman Conklin."** The motion was unanimously approved.

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

WHEREAS RACING MOON, L.L.C., a Maryland Limited Liability Company and N.C.L.T., LLP, a New Jersey Limited Liability Partnership (hereinafter collectively "Racing Moon") are the owners of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 19 (Tax Map No.: 031B10100001900) on a certain Plat of Survey entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2", "located on North Main Street, Chincoteague Island, Accomack County, Virginia", dated September 16, 1967, made by George H. Badger, Jr., CLS, said Plat of Survey being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14 at Page 68, and

WHEREAS JOHN TOFFEY DUKES, III and SUSANNE S. DUKES, husband and wife (hereinafter "Dukes") are the owners of a certain parcel of real estate situated in the Town of Chincoteague shown as Parcel II, 0.5744 Ac. (Tax Map No.: 031B1A0000093E0) on a certain Plat of Survey entitled "Survey of property at the Request of Michael McGee, Chincoteague, Accomack, Co, Virginia", dated March 21, 1985, made by R L Beebe, C.E., which Plat is recorded in Deed Book 488 at Page 422 in the aforesaid Clerk's Office with a deed dated March 27, 1985 from Gladys V. Richardson, and

WHEREAS Lot 19 and a portion of Parcel II containing 0.16 Acres 6977.1 sq. ft. are further shown on a Plat of Survey entitled "Parcel of Land surveyed at the request of David Landsberger, Located on Chincoteague, The Islands District, Accomack County, Virginia", dated April 10, 2007, made by Shore Engineering Co., Inc., which Plat is attached hereto and made a part hereof, and

WHEREAS Racing Moon and Dukes have requested that the line shown on said Plat as "S 69 14' 00" W 141.62' " dividing Lot 19 and said 0.16 Acres 6977.1 sq. ft. parcel, being a portion of said Parcel II, be vacated so that said 0.16 Acres 6977.1 sq. ft. parcel can be added to and become a part of Lot 19 and used in conjunction therewith as one (1) lot known as "Lot 19", and

WHEREAS Racing Moon and Dukes have agreed that said additional area to be added to and become a part of Lot 19 shall be expressly subject to the same covenants and restrictions applicable to Lot 19, and

WHEREAS all said notice requirements of §15.2-2204 have been complied with, and

WHEREAS the governing body affirmatively finds that no owner of any lot shown on the aforesaid Plat entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2" located on North Main Street, Chincoteague Island, Accomack County, Virginia," dated September 16, 1967, made by George H. Badger, Jr., CLS, will be irreparably damaged by the said vacation of said line,

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the line "S 69 14' 0" W 141.62' " shown on the Plat entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2", located on North Main Street, Chincoteague Island, Accomack County, Virginia", dated September 16, 1967, made by George H. Badger, Jr., CLS, said Plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14 at Page 68, be vacated and that the new property line of Lot 19 in the place and stead of the property line so vacated, upon the conveyance of the Parcel 0.16 Acres 6977.1 sq. ft. to Racing Moon, shall be as follows: Beginning from a point at the southeast corner of Parcel II and the northeast corner of Lot

19 as shown on the aforereferenced Plat dated April 10, 2007, thence N 73 50' 16" W 115.17' (reversed), as shown on said Plat ; thence S 69 14' 00" W 60' (reversed), as shown on said Plat; thence S 29 20' 57" E 70' (reversed), as shown on said Plat, to a pipe on a northwest line of the said Lot 19, 62.25' from the northwest corner of Lot 19.

2. As a result of the said vacation of said property line former Lot 19 as shown on the aforereferenced Plats and the part of Parcel II 0.16 Acres 6977.1 sq. ft. shall be upon the conveyance and recordation of said part of Parcel II 0.16 Acres 6977.1 sq. ft. to Racing Moon one (1) lot to be known as Lot 19, which Lot shall be expressly subject to the same covenants and restrictions applicable to former Lot 19.

3. That this Ordinance shall have no legal effect until such conveyance and recordation of said 0.16 Acres 6977.1 sq. ft. parcel to Racing Moon.

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

Ayes: Councilman Howard, Councilman Wolffe, Councilwoman Conklin, Vice Mayor Speidel, Councilwoman Richardson. Nays were Councilman Ross.

Approved as of January 7, 2008.

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John H. Tarr, Mayor

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

- Councilman Ross asked staff to proceed with adding 1 or 2 microphones to the Council chamber, correct speakers on the right side of room and look into purchasing a new mixer soon. He also announced that the National Fish and Wildlife will conduct a meeting on alternative transportation the following day.

- Councilman Howard announced that the Curtis Merritt Harbor Committee will not meet this month. The Cemetery will meet Tuesday, January 29, 2008. Councilman Howard also apologized for omitting Councilman Ross's name at the last meeting for helping with the Cemetery clean up.

- Mayor Tarr- Announced that January 14, 2008 at 7:00 pm he will have a Quarterly joint Town Hall meeting with Honorable Wanda Thornton, County Supervisor to discuss Town issues. On January 17, 2008, a Special Council Meeting Workshop on the proposed sign Ordinance and the Parking Ordinance presentation. On January 29, 2008, the National Fish and Wildlife will host a meeting on the light House restoration. On January 30, 2008, the National Fish and Wildlife will host a Cemetery fact finding meeting on Assateague Island.

## **Adjournment of Meeting**

Mayor Tarr announced that the next regular Council meeting will be on Monday, February 4, 2008 at 7:30 pm. **“Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting”**. The motion was unanimously approved.

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John H. Tarr, Mayor

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Attest, Robert G. Ritter Jr.

**MINUTES OF THE January 17, 2008  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Not Present:**

Anita Speidel, Vice Mayor  
Glenn B. Wolffe, Councilman

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator

***Call to Order***

Mayor Tarr called the meeting to order at 5:05 pm.

***Invocation***

Councilman Ross offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

Councilman Ross motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

***1. Consider Adoption of the November 15, 2007 Special Council Meeting Minutes.***

Councilwoman Conklin motioned, seconded by Councilwoman Richardson to adopt the minutes as presented. The motion was unanimously approved.

***2. Presentation of the Parking Section of the Zoning Ordinance***

Mr. Anderson began the presentation by explaining that the presentation tonight was for informational purposes to the Council. Mr. Anderson stated that the Planning Commission sent recommendations on both the Zoning Ordinance and the Subdivision

Ordinance regarding parking and roads. Most of the recommendations to the Subdivision Ordinance have been previously addressed by Council.

Mr. Anderson stated that most of the Planning Commission's recommendations regarding parking have been incorporated into staff's preliminary recommendations to Council.

Mr. Anderson started off by saying that there is a fine line between not having enough parking and requiring too much parking. Mr. Anderson described a scenario that highlighted the interpretations of parking requirements for lots utilizing transient occupancy. It was shown that the difference between non-transient parking requirements and transient parking requirements is a doubling of the amount of parking needed.

Councilman Ross asked how the Town decides when a developer comes in with a proposed 75 unit complex, how many of the units will be transient occupancy? Mr. Kenny Lewis stated that in the past it has been the developer's option at the early stages on whether or not to construct enough parking spaces for transient occupancy if they think that will be the intended use. If developers do not plan ahead for the required parking of transient occupancy lots then no unit within the lot will be permitted to have a vacation rental.

Mr. Anderson asked a rhetorical question "how do we determine acceptable parking requirements? By looking at trends on the island, by analyzing studies, and researching other municipality's regulations.

Mayor Tarr stated that the 1.2 per sleeping unit requirement came about because of problems with single-family houses that were utilizing transient occupancy.

Mr. Anderson introduced the possibility of Compact Car Parking provisions. He stated that by allowing a certain percentage of parking spaces to be Compact it might lower the amount of parking area needed. Councilman Ross stated by reducing the needed parking spaces the developers would just build more in terms of structure. The Mayor indicated that the Town should not be using parking to control the amount of building that could be constructed on a certain parcel of land. Mr. Anderson indicated that there are concepts that will address these concerns. One concept is Floor-Area Ratio or FAR which is a method of only allowing a certain percentage of the lot to be built upon.

Mr. Rosenberger stated that there are currently no provisions to require green space. Councilman Ross asked why the Town could not encourage the use of green parking. Councilwoman Conklin stated that she would like to see more green space instead of black top.

Mr. Anderson continued by asking whether the Town wants all parking in the Town to be paved or for it to be discretionary. Mr. Lewis stated that currently parking lots need to be surfaced with stone, shells, or asphalt. Councilman Howard explained that it is noisy when people drive on shells or gravel, however these surface materials reduce the amount of off-site run-off.

Mr. Anderson discussed best management practices for parking and how some of these practices reduce non-point source pollution and could possibly be used for overflow parking.

In addition Mr. Anderson also tried to address the ‘gray’ area between the parking bay and the road. This is represented by a diagram. VDOT had concerns when meeting with planning commission that if a person was towing a trailer they would have enough space so they could get off the road. VDOT kept pushing that the entrance should extend at least 50 feet off the road. Staff will look at the minimum standards and address accordingly.

The Mayor had a question on the definition of “Fire Safety” from the Planning Commission. Mr. Rosenberger stated that it was the intent of the Planning Commission to require that at least three sides of a structure be within 100 feet of a fire lane.

Mr. Anderson stated that if Councilmembers would like to discuss any of these recommendations to come in and visit with him. Staff will address pertinent concepts and bring a more formalized set of recommendations to Council at an upcoming Council meeting.

### ***3. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Mr. Anderson stated that there are federal laws that protect not only cigarettes but also alcohol signs. Thus, the Town cannot prohibit these signs, but the Town can implement dimensional requirements and dictate where they are placed (i.e. 15 feet from property line).

Mr. Anderson indicated that 7.6 Vehicular Signs are a difficult concept to grasp. If the vehicle is tagged and licensed then it will be difficult to take someone to court. In previous court cases which involved a vehicular sign, the judge was interested in the condition of the vehicle, or in other words whether it was operable, rather than the actual sign on the vehicle.

Councilman Ross stated that it would be helpful for staff to put for each prohibited sign a reference number to the corresponding definition.

On 7.4.9 *Pony Penning Signs*. It was recommended that we take out “shall not be placed in the public right-of-way” because it is contradictory with the preceding sentence.

7.6.8 *Menu & sandwich boards, easels and other sidewalk signs* currently does not have a definition, staff will come back with a definition.

The Mayor asked if the prohibited signs on page 12 would be exempt for non-profit organizations. It was determined that the non-profit organizations would not be exempted.



There was discussion about what is considered a portable sign. Some signs are being affixed to the ground using a ground anchor. The Mayor stated that one of the major concerns about portable signs are because they are not strapped down, and could be a safety hazard.

There are also concerns about simulated traffic signs. However, signs that are put up by people that do not look anything like government traffic signs may not be a huge problem.

Staff needs to define 7.6.14. *statues and sculptures* so that Council can make a decision on whether to keep it in the ordinance.

7.6.15 needs to be struck through because of federal laws protecting these signs.

7.6.16 needs to be critiqued by staff so it can be properly enforced.

The Mayor stated that 7.7.1 might incur costs that could be expensive even if the business owner wants to dress it up. Councilman Ross stated if we take out “redesigned” and add “structurally” before the word ‘altered’ it would make more sense and may be easier to enforce. Mr. Lewis stated that instead of “cannot” it should read “shall not.”

7.7.1. The Mayor thinks that not being able to change appearance, disregarding size and height, is a hardship. Mr. Anderson thinks this section could be interpreted widely because he feels the language is somewhat vague.

Councilwoman Conklin asked if someone were to be allowed, according to 7.7.1., to change the lettering on the sign from regular text to script? Mr. Lewis stated that he interprets this section as to only pertain to the structure of the sign and not the actual sign itself.

7.7.2. The Mayor stated that many signs on Main Street and Maddox Boulevard according to present code are nonconforming. The intent of the proposed ordinance is fine but this could potentially be a real hardship on the business community. Mr. Anderson stated that only allowing 60 days to get rid of the sign is a short amount of time within which to comply with the ordinance.

7.7.4. which allows for when a business changes leaseholder they may keep one nonconforming signs, whereas 7.7.2. states that they cannot.

7.7.5. Councilman Ross asked if this section would require if a person went out of business for more than two years they would need to take the sign down even if it is conforming. It was determined that the business would have to take it down.

Councilwoman Conklin is concerned that the Town should not make it too difficult for businesses.

7.7.2. Councilman Howard indicated that this section states that the sign in nonconformance needs to be removed or brought into compliance, therefore giving business owner an option.

Mr. Lewis stated that both 7.7.2. and 7.7.4 are vague in that it needs to be defined what is the meaning of 'ownership' in this section. Is it the ownership of the business or the ownership of the property?

It is decided by Council for staff to critique 7.7.1 and for Council to think about 7.7.2-7.7.5 and beyond.

**There was a motion from Councilman Howard, seconded by Councilwoman Conklin to adjourn the meeting. The motion was unanimously approved.**

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John H. Tarr, Mayor

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Robert G. Ritter Jr. Town Manager

**MINUTES OF THE FEBRUARY 4, 2008**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

**Council Members Absent:**

Nancy B. Conklin,  
  
Anita Speidel, Vice Mayor

**Call to Order**

Mayor Tarr called the meeting to order at 7:34 p.m.

**Invocation**

Councilman Ross offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation.**

Mayor Tarr on behalf of the Town of Chincoteague presented to Mr. Tom Derrickson a Certificate of Appreciation for his service as a valuable member of the Planning Commission.

Mrs. Mollie Cherrix a retired employee of the Town of Chincoteague has some concerns with the proposed pay for performance forms. She has concerns with having one form for all the departments. She stated that the forms should be customized because there is a big difference between public works and the dispatchers.

***Agenda Additions/Deletions and Adoption***

Mayor Tarr suggested that the Council postpone Agenda item 9 "Committee Appointments" until there is a full quorum. There are also additional points that needed

to be included for Agenda item 8 which included Budget, Banners, and Town Display at Ceremony.

**“Councilman Howard motioned, seconded by Councilman Wolffe to adopt the agenda with the recommended amendments.”** The motion was unanimously approved.

**1. Approval of the Minutes of the January 7, 2008 Council Meeting.**

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes of January 7, 2008.”** The motion was unanimously approved.

**2. The Financial Report of the Year ended June 30, 2007**

Mr. Aaron Hawkins from Robinson, Farmer, Cox Associates, presented the findings from the financial report.

Councilman Ross asked about page 9, “unrestricted assets.” Mr. Hawkins stated that they were assets that are not capable of being used.

Councilman Wolffe would like the firm to give if possible, an estimate to the Town of how much reserve the Town should have. Mr. Hawkins will ask some of his associates if that is possible.

**3. 911 Computer Telephony integrated Telephone Call System Bid**

Mr. Thomas Griffith of Verizon gave a presentation on the system. Verizon was the only company to respond to the bid request for the 911 system. The existing 911 system is ten years old and its technology cannot be upgraded to meet current standards. The new system would be compatible with Accomack County’s system.

Would there be a contingency for a power outage. Mr. Griffith recommends having a generator that automatically kicks on. The Mayor indicated that the Fish and Wildlife Service, and the National Park Service have committed to help with the capital for part of the costs.

The cost of the new equipment is \$206,981.63. A grant totaling \$150,000 will partially fund the cost. The Town’s share will be \$56,981.63 of which \$50,000 is currently on hand.

Councilman Wolffe motioned **“to purchase the 911 system for the Town of Chincoteague with the numbers that have been presented, and that that budget be adjusted accordingly to cover \$6,981.63 in overages.”** Motion was seconded by Councilwoman Richardson. Unanimously Approved.

**4. The Public Works Committed Report of January 8, 2008**

Councilman Wolffe addressed the following report:

- A. December 2007 report. Mr. Cosby reviewed the status of several projects that appeared on the December 2007 reports, specifically the Accomack County ditching project, the Church Street improvements, pavement marking plans, the septic installation bid for the harbor and downtown restrooms, the roof replacement project at the ground water storage tank, the recent VDH inspection of our waterworks, and

the completion of the aquifer tests. Mr. Tarr recommended that we stub out water service lines for unimproved lots on Church Street before paving begins.

- B. American Legion request. The committee discussed the American Legion's request to place and maintain a wreath at Veteran's Memorial Park to honor Veterans and those who are currently in our military services. It was the unanimous decision of the committee to allow the placement of the wreath.
- C. Discussion of drainage alternatives for the Church Street project. Mr. Cosby reviewed several possible solutions for the terminus of the new drain pipes on Church Street and indicated his desire to explore the possibility of purchasing pipe inspection and cleaning equipment that would provide clearer information to solve this problem and that could also be used as a drainage maintenance tool in many other applications. The committee was in general agreement that this could be worthwhile and Mr. Cosby stated that he would proceed with research and return to the committee with cost information.
- D. Status of Sanitation contract bid. Mr. Cosby explained that there were two contractors that appear serious in bidding for our next sanitation contract and reviewed the main topics that were discussed at the pre-bid meeting. Mr. Cosby asked the committee for their opinion on the length of the contract, whether the Town had a desire to begin using standardized trash cans and whether to allow an opt-out provision in the agreement for the successful contractor. The committee agreed to change the term of the contract to five years total and consider allowing an optional bid requiring the use of trash cans if Mr. Cosby could do this in compliance with procurement policies. The inclusion of an opt-out clause for the contractor was denied.

There is a possibility of two bids for the sanitation project. Otherwise there are no items where action needs to be taken.

## **5. Budget and Personnel Committee Report of January 15, 2008**

The Following was presented to Council from the Budget and Personnel report;

### **A. Discuss possibly funding a program for Pigeons and Cats (Presented by USDA Wildlife Service)**

David Allaben from USDA Wildlife Service began by stating that they have been contracted out by the town since 2003 with the deer reduction program. He stated that he was asked to come and do a presentation on the reduction of cats and pigeons. The problems with feral cats are rabies, cat scratch fever, parasites, worms, distemper, urination, starvation, getting in the trash. Wild cats live an average of 5 years were a house cat lives approximately 17 years. The method to catch the cats would be by a live trap in a cool area. Humane society and PETA agree with their method of feral cat reduction. Cats with a collar and proof of rabies shot would be let go. The Pigeons are a similar nuisance and they would be caught with a live trap also along with decoys.

The Committee agreed to take no action and allow the individual parties who have an issue with Cats or Pigeons, to contract out with USDA Wildlife service.

**B. Discuss a change in the employee hand book, section 601 Family Medical Leave**

At the previous Budget and Personnel committee meeting staff was asked to present a policy on the family medical leave act. This was based off of the language stated in the US Department of Labor section number 29 CFR 825.104 - What employers are covered by the Act? It states "Public Agencies are covered employers without regard to the number of employees employed".

**C. Discuss a Donation to the Hi-Y student members going to Washington DC.**

At the Council meeting of January 7, 2008, Council asked if the Budget and Personnel committee would review a donation for 15 students to go to Washington D.C.

At the Budget and personnel Committee meeting "**Vice Mayor Speidel made a motion and seconded by Councilwoman Conklin to donate three hundred dollars per student, a total of fifteen hundred dollars**". The motion was unanimously approved.

**D. Discuss a new Evaluation Form (Pay for Performance)**

At a previous Council meeting staff was asked to look into coming up with a new evaluation form. Staff presented a pay for Performance Evaluation form to the Budget and Personnel Committee. It was noted that the last page of the Pay for performance has a salary calculation worksheet. This page of the form would be the page that would give the employee their overall score and an adjustment would be made if they score in the desired range.

At the Budget and personnel Committee meeting "**Vice Mayor Speidel made a motion and seconded by Councilwoman Conklin to adopt the new Pay for performance Evaluation form and send it to Council at their next meeting**". The motion was unanimously approved.

• **Change in the employee hand book, section 601 Family Medical Leave**

Mr. Ritter also discussed an amendment to the Employee Handbook regarding Section 601 of the Family Leave Act. It was discovered that this section needed to be updated in the handbook.

Councilman Wolffe motioned "**to put this section in the Employee Handbook as a Policy,**" Seconded by Councilman Howard. The motion was unanimously Approved.

**601. Family and Medical Leave Policy;**

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and all Public Agencies and schools are covered without regard for the number of employees.

(a) Reasons for taking leave:

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility
- A condition requiring absence of more than three consecutive calendar days from work, or other regular daily activities that also involves continuing treatment by a health care provider
- Pregnancy or prenatal care
- A chronic condition (ie. Asthma, diabetes, epilepsy, etc.)
- A permanent or long-term condition requiring medical supervision (Alzheimer's, stroke, terminal diseases, etc.)
- Absences to receive and recover from multiple treatments by or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (ie. Chemotherapy, physical therapy, dialysis, etc.)

Leave, as the result of a workers compensation injury, may be counted as FMLA leave.

While the Family Medical Leave Act provides for 12 weeks of unpaid, job protection, the Town permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages. The use of accrued leave does not extend one's FMLA leave. Accrued leave use must adhere to the Town policy regarding use.

Spouses who works for the Town and are both eligible for FMLA, are entitled to a combination of 12 weeks of leave during any 12 month period if the leave is taken for the birth or adoption of the employee's newborn child or to care for a parent with a serious health condition.

(b)Advanced Notice and Medical Certification:

The employee may be required to provide advanced leave notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." If 30 day notice is not possible due to a medical emergency or the employees' uncertainty as to when the leave will be required to begin, notice must be given as soon as it is practical to do so. The Town may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

(c) Job Benefits and Protection:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group health plan. Upon returning from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(d) Unlawful Acts by Employers FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Once the Town of Chincoteague is made aware that an employee is on FMLA leave, the Town must notify the employee in writing within 2 business days (unless there are extenuating circumstances) that the leave is designated as FMLA leave.

If the Town learns that an employee's leave qualifies as FMLA leave after the employee returns to work, the Town can retroactively designate the leave within two business days of the employee's return to work.

If an employee did not realize that the leave he or she took qualified as FMLA leave until after his or her return to work, he can notify the employer and request that the leave be designated as FMLA leave within two business days of the employee's return to work.

Absence from work due to FMLA leave may not be considered in promotion decision, performance appraisals, or disciplinary actions.

The information contained in this section is to provide general information about the FMLA. Specific questions or concerns should be directed to the Department of Labor.

- **Evaluation Form (Pay for Performance)**

Mr. Howard stated that in some respects he agrees with Mrs. Cherrix in that one size does not fit all in regards to evaluating employees. Mr. Ritter stated that this is a true pay for performance form that will help justify pay increases whereas the current evaluation form does not.

Councilman Ross indicated that if the item goes back to the Budget and Personnel Committee it should come back with separate evaluation forms for Police and possibly Public Works.

Councilman Howard motioned **“to send this pay for performance evaluation forms back to Budget and Personnel Committee in March,”** seconded by Councilman Ross. The motion was unanimously approved

## **6. Resolution for LEOS Retirement Program for EMS personnel**

While this issue was already passed by Council it needed to be in a resolution format.

Councilman Wolffe motioned **“to accept the resolution as written.”** Seconded by Councilwoman Richardson. Unanimously Approved.

#### GUIDE RESOLUTION

Town of Chincoteague – Adding Section 138 Coverage for Eligible Emergency Medical Technicians and increasing the Retirement Multiplier to 1.85% for all eligible Employees

WHEREAS, by resolution legally adopted, be it hereby resolved that the Town of Chincoteague, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council, does hereby elect to have such employees of the Town who are employed in positions as full time, salaried, emergency medical technicians and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 2008, to be provided benefits in the Virginia Retirement System equivalent to those provided for as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and

WHEREAS, by resolution or resolutions legally adopted and approved by the Council, of the Town of Chincoteague has elected to provide the enhanced benefits described in § 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as “Section 138 Coverage”, and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing the Town of Chincoteague to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the “1.85 Multiplier”); and

WHEREAS, the Town of Chincoteague desires to make this irrevocable election effective January 1, 2008, and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage;

NOW, THEREFORE, IT IS RESOLVED, that the Town of Chincoteague elects to add Section 138 Coverage to eligible emergency medical technicians and to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage; and it is further

RESOLVED, that the Town of Chincoteague Town Council agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and it is further

RESOLVED that the Town of Chincoteague, Town Councils Town Manager Robert Ritter, is authorized and directed in the name of Town Council to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of the Town of Chincoteague shall be affixed to any such contract and attested by the Clerk, and the Treasurer of Town Council is authorized and directed to pay over to the Treasurer of



Virginia from time to time such sums as may be required to be paid by Town of Chincoteague or its employees for this purpose.

CERTIFICATE

I, Robert G. Ritter Jr., Clerk of the Town of Chincoteague, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Town Council governing body held at the Town Hall of the Town of Chincoteague, Virginia, at 7:30 p.m. on February 4, 2008.

Given under my hand and seal of the Town of Chincoteague this 4<sup>th</sup> day of February 2008.

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

**7. Resolution Authorizing the Application for State Aid to Public Transportation for FY 2009**

The resolution authorized a request for \$75,400 grant from the Department of Rail and Public Transportation to support the operation of the Trolleys on Chincoteague. It was indicated by Mr. Van Dame that the total amount the Town would pay for the full operation of the trolleys for the entire year would be approximately \$6,000.

Councilman Wolffe motioned **“for the Council to authorize the application for State Aid to Public Transportation for FY 2009.”** Seconded by Councilman Howard. The motion was unanimously approved.

**Resolution Authorizing the Application for State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, 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 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 Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council 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 \$20,000, 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

acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 4<sup>th</sup> day of February, 2008.

(Official Town Seal)

\_\_\_\_\_  
(Signature)

Robert G. Ritter, Jr.  
Town Manager

\_\_\_\_\_  
(Date)

## **8. 100<sup>th</sup> Year Anniversary**

Mayor Tarr presented to Council a logo that will help commemorate this special event. Council agrees with this logo.

**“Councilman Howard motioned to adopt the Proclamation regarding the 100<sup>th</sup> Anniversary as presented, seconded by Councilman Wolffe.”** The motion was unanimously approved.

### **Proclamation**

WHEARAS, the Town of Chincoteague was incorporated on March 13, 1908 by an Act of the Virginia General Assembly; and

WHEARAS, the Town of Chincoteague, Inc. and its citizens will highlight this Centennial of the Town’s incorporation with a Celebration Event on March 13, 2008; and

WHEREAS, many events throughout the year will celebrate, honor, and commemorate the Town’s Centennial; and

WHEREAS, the citizens of the Town of Chincoteague have made many valuable economic and social contributions over the past 100 years to this Community the Commonwealth of Virginia, and to our Nation; and

WHEREAS the Town of Chincoteague, Inc. has gained a well deserved reputation for harvesting some of the finest seafood in the nation; and

WHEREAS the Town of Chincoteague, Inc. has established itself as one of the recreation and tourism capitals in the Commonwealth of Virginia, and along the Atlantic Coast; and

WHEREAS, Chincoteague’s annual pony penning, sponsored by the Chincoteague Volunteer Fire Department, has received worldwide attention since 1924.

Therefore, I, John H. Tarr, Mayor , do hereby proclaim this year Two-Thousand and Eight to be a yearlong Centennial Celebration for the incorporation of the Town of Chincoteague.

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Attest: Robert G. Ritter Jr., Town Manager

- It was suggested that Council move \$5,000 for the 100<sup>th</sup> Year celebration. This will be forwarded to the Budget and Personnel Committee.

- The Mayor asked if Councilwoman Conklin and Councilwoman Richardson could head up the Town's Display at the March 13<sup>th</sup> Event.
- It was suggested that the 100<sup>th</sup> Year Anniversary Committee give Council a tentative schedule for the March 13<sup>th</sup> Program.

### ***9. Possibly Setting a date for a Joint Public Hearing with the Planning Commission for the Parking Section of the Zoning Ordinance***

Mr. Anderson began by stating that most of these recommendations need to go back to the Planning Commission. The reason it must go back to the Planning Commission is that their original recommendations were to the Subdivision Ordinance whereas staff has recommended that amendments to the parking go into the Zoning Ordinance.

Councilman Wolffe indicated that a public hearing is not the time to hash out the difference the Planning Commission and Council have with specifics to parking. He does not think Council is ready for a public hearing.

Town Attorney stated that the Planning Commission must weigh-in on everything at one point or another, when dealing with Zoning Ordinance amendments. Council was in agreement to send the parking recommendations back to the Planning Commission. They will review the document and hold a public hearing, and then forward their recommendations back to Council.

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

Councilwoman Richardson expressed her appreciation for the opportunity to attend meetings on Assateague cemeteries held at the Refuge. Mayor Tarr responded that Lou Hinds, Refuge Manager, has expressed his thanks for the Town's Input. Assateague Village will be marked with plaques noting the historic place of the former settlement. Councilman Ross noted that he attended the lighthouse restoration meeting. He expressed appreciation to the volunteers of the Chincoteague Natural History Association and Friends of Chincoteague National Wildlife Refuge for the many contributions to our community they do.

Councilman Howard announced that the cemetery at the former site of Christ United Baptist Church has been thoroughly cleaned. The committee decided that before tick season, to continue to work on the cleanup of the cemeteries along Deep Hole Road. He also announced a meeting to be held at the Chincoteague Island Library to plan for the cleanup of the Assateague cemeteries and to draw up plans of these cemeteries.

Mayor Tarr announced that the Refuge is applying for grant money to extend the bike trail from the traffic circle to the bridge.

Mr. Ritter wanted to remind Council of the Sign Ordinance Workshop February 21, 2008 at 5:00 PM.

**Closed Meeting in Accordance with Sec. 2.2-3711(A) (3) of the Code of Virginia to Discuss Personnel Matters.**

Councilman Wolffe moved, seconded by Councilman Howard to convene a closed meeting under Section 2.2-3711(A) (3) of the Code of Virginia to discuss personnel matters. The motion was unanimously approved.

Councilman Wolffe moved, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

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

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

WHEREAS, Section 2.2-3711(A)(3) 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-   Wolffe, Howard, Ross, and Richardson  
                  Nays-   None  
                  Absent- Conklin, Speidel

**AJOURN**

“Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved”.

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter Jr. Town Manager

**MINUTES OF THE February 21, 2008  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

- John H. Tarr, Mayor
- Nancy B. Conklin, Councilwoman
- Terry Howard, Councilman
- Glenn B. Wolffe, Councilman
- E. David Ross, Councilman

**Council Members Not Present:**

Anita Speidel, Vice Mayor  
Ellen W. Richardson, Councilwoman

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator

***Call to Order***

Mayor Tarr called the meeting to order at 5:07 pm.

***Invocation***

Councilman Ross offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

***4. Consider Adoption of the January 17, 2008 Special Council Meeting Minutes.***

Councilwoman Conklin motioned, seconded by Councilman Ross to adopt the minutes as presented. The motion was unanimously approved.

***5. Capital Projects Review***

Mr. Ritter indicated that the purpose of this presentation was to give Council an idea of what projects are being planned in the upcoming fiscal years. The focus should be on FY09 projects.

There was some discussion of the possibility of adding Geographic Information Systems as a budgetary item so that the Town can have an updated system that might be useful to employees.

The Police are upgrading the radio system to be compatible with the new digital system.

There was a question about the playground equipment and how the Town was going to pay for it. It was discussed that some of the playground fund has already been used to put

mulch around existing equipment and that the remaining funds would not be enough to purchase more equipment.

The Town applied for a grant to help fund breakwater equipment for the Curtis Merritt Harbor of Refuge. The Town is confident that this project will be funded because the Town has all the permits in hand. This program is a 75% matching fund grant.

The Town needs to figure out whether to contract out or to collect refuse in-house.

The Town's TEA-21 grant needs to be utilized very soon; the grant was not utilized to purchase property on Main Street. It is suggested by staff to utilize these funds for a bike lane on Maddox Boulevard from Chicken City Road to Maddox Circle.

## ***6. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Mr. Anderson from this point forward will combine all amendments to the Planning Commission's sign ordinance into one font, size, and color.

On page 12 there was an amendment to "Menu & Sandwich boards, easels and other sidewalk signs." It was amended to "Sidewalk signs." There was discussion on whether these signs would only be prohibited when in the public right-of-way. It was suggested that 7.2.49. be amended to incorporate language that will eliminate Menu and Sandwich boards from being considered portable signs. It was suggested that Menu and Sandwich Board signs be no more than 8 square feet.

It was suggested by Council to reference the section number of the definition of prohibited signs in Section 7.6, however the page number is not needed.

There was also discussion of the Planning Commission's recommendation of having roof signs as prohibited. The Planning Commission recommended putting these in prohibited signs for cosmetic as well as safety concerns. It was recommended to permit roof signs, however they would begin no lower than the wall line and extend no more than four vertical feet from that point. The maximum size for roof signs would be 32 square feet.

7.2.66. Vehicular Signs. The only vehicles that would be subject to this definition would be inoperable vehicles and watercraft. It was suggested that staff look at this definition and come up with an agreeable definition.

Councilman Ross had concerns over the artwork on the side of the structure on Taylor Street. He was wondering where artwork was addressed in the Sign Ordinance. Mr. Lewis indicated that because there was no commercial message on the structure it cannot be considered a sign.

Councilman Ross questioned why the Town has so many off-premise signs. It was indicated that many were grandfathered from before annexation.

The Planning Commission has recommended to Council a directional sign policy that the Town would administer. The Mayor indicated that as part of this program the Town could also have signs that indicated the old neighborhoods of the Island.

Councilman Howard does not have a problem with the electronic or neon signs so long as they do not blink or are scrolling. Councilman Wolffe has concerns over the allowance of electronic or LED signs. If the Town allows these signs as long as they do not scroll or flash how often are the sign's operator allowed to change the message on the sign. It may be difficult to monitor.

The Mayor would like the Planning Commission to look into moving billboard and report back to Council.

**There was a motion from Councilman Wolffe, seconded by Councilwoman Conklin to adjourn the meeting. The motion was unanimously approved.**

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John H. Tarr, Mayor

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Robert G. Ritter Jr. Town Manager

**MINUTES OF THE MARCH 3, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy B. Conklin, Councilwoman  
Anita Speidel, Vice-Mayor

**Call to Order**

Mayor Tarr called the meeting to order at 7:33 p.m.

**Invocation**

Councilman Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## **Open Forum/Public Participation.**

No one participated in the Open Forum

## ***Agenda Additions/Deletions and Adoption***

Mayor Tarr asked Council if they would add to the agenda a closed session to discuss matters with our attorney. "Councilman Howard motioned, seconded by Councilman Wolffe to adopt the agenda with the added closed session." The motion was unanimously approved.

### **1. Approval of the Minutes of the February 4, 2008 Council Meeting.**

"Councilman Wolffe motioned, seconded by Councilman Ross, to approve the minutes of February 4, 2008." The motion was unanimously approved.

### **2. The Public Works Committee Report of February 12, 2008**

Councilman Wolffe presented the following report:

A. Consideration of water bill request of Charles Gorsuch. The details of this request were discussed but Mr. Cosby did not know whether the leak was above or below ground so a decision was tabled until the next meeting.

B & C. Monthly report for January 2008 and progress update of projects, operations, and administration. Several items were briefly discussed with no substantive developments.

"Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the Public Works report of February 12, 2008." The motion was unanimously approved.

### **4. Harbor Committee Report of February 13, 2008**

Councilman Howard presented the following report:

#### **A. Harbor Master Update (Wayne Merritt).**

Mr. Merritt reported that the following list of activities that have been going on at the Curtis Merritt Harbor as of the past two months (December "07" and January "08").

- i. Subleases have dropped off and we only have about two commercial boats currently.
- ii. The Contractor has started on the rest/bath room and office building. As of this date the foundation has been set. The advertisement for bid on the sewage tanks for the restroom has come to an end with no contractor bidding.
- iii. Some problems at the Harbor are reoccurring, such as vandals going on boats and stealing gas and the bench that the scouts installed had been thrown down. The Chincoteague Police Department, Virginia Marine Resources Commission, the Coast Guard and a few concerned citizens are helping to keep an eye on the situation and we hope to catch the person or persons involved as soon as possible.



**B. Charter Boat Association Request**

Mr. Handforth stated that the Charter Boat Association requested permission to install a sign that would display the association and its logo, with information boxes. The committee agreed that the signage would be appropriate because the majority of the Charter Boat Association currently has slips and all members are currently working out of the harbor.

**C. Progress Report on the Breakwater Replacement Project**

Mr. Merritt stated that Mr. Ernie Bowden, Mr. Ritter, and his self traveled to Richmond to the Virginia Port Authority meeting to request for funding of the breakwater project. He also explained that our chances looked very good because we currently have all permits in hand except for one, which will be issued soon by the Virginia Marine Resources Commission.

**“Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the Harbor Committee report of February 13, 2008.”** The motion was unanimously approved.

**4. Recreation and Community Enhancement Committee Report of February 19, 2008**

Councilwoman Speidel addressed the following report:

**A. Town of Chincoteague Spring Clean Up and Fix Up Week.**

Ms. Speidel stated that she wanted to get an earlier start this year on establishing the spring clean up, paint up, fix up week. The committee discussed possible dates for the spring clean up, paint up, fix up week and decided to have it either the week before or after Earth Day-April 19. **“Mr. Conklin motioned, seconded by Mr. Van Dame, to choose one of the two weeks based on public works availability to pick up bulk trash that week.”** The motion was unanimously approved.

**B. Update on Constructing a New Trail.**

Mr. Anderson presented four different trail scenarios for phase two of the walking trail off of Hallie Whealton Smith Drive. Mr. Anderson also explained that we need to decide which trail scenario to be a part of the application to the Army Corp of Engineers. The Committee discussed the four different trails and agreed to go with the first trail scenario. **“Mr. Van Dame motioned, seconded by Mr. Conklin to choose walking trail scenario one for the application for a permit.”** The motion was unanimously approved.

**C. Discuss a trolley Turn Around at the Park Across from the School**

Mr. Van Dame explained to the committee that he would like to have a stoned drive circle at the park across from the high school, so the trolleys can turn around. The semi-circle would also establish the area for the public to park. The committee unanimously agreed with the idea of placing a stoned driveway at the park.

**“Councilwoman Richardson motioned, seconded by Councilman Howard, to approve the Recreation and Community Enhancement report of February 19, 2008.”** The motion was unanimously approved.

## **5. Resolution for Spring Clean up, Paint up, and Fix up Week**

Mayor Tarr presented the following Resolution:

**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 preserving 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 preservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

**WHEREAS**, Earth Day is Saturday, April 19, 2008; Earth Day will celebrate beautifying our Island and involves people around the world over the course of several days; and

**WHEREAS**, the Annual Seafood Festival celebration, a period set aside to honor the heritage of the Town, will be celebrated on May 7, 2008; 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 April 19 – April 27, 2008 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 April 21 – April 25, 2008 so that our Town of Chincoteague will exemplify cleanliness and beauty before the Annual Seafood festival celebration and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

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John H. Tarr, Mayor

**“Councilman Howard motioned, seconded by Councilwoman Richardson to approve the resolution for Spring Clean up, Paint up, and Fix up Week.”** The motion was unanimously approved

## **6. Cemetery Committee Report of February 26, 2008**

Councilman Howard presented the following report:

### **A. Cemetery Maintenance Funding.**

It was mentioned that last summer we had a dry season where we were able to save money because of the fact the cemeteries did not need as many grass cuttings. The Cemetery fund currently has \$ 1,045 dollars of donations for this upcoming grass cutting season.

Chairman Howard mentioned that the American Legion, Kiwanis Club, and the Ruritan Club usually give a contribution. The Committee may need to ask if it is in their budget this year to give a donation to the Cemetery Fund.

### **B. Next Cemetery Clean-up**

It was discussed that the Holy Ridge Cemetery and the Reed Family Cemetery may need to be cleaned up next. The Committee decided to meet Wednesday, March 12, 2008, at the Holy Ridge Cemetery to clean up and weed the area.

### **C. Discussion on Possible Grants**

Mr. Turnquist stated that he was in contact with a Ms. Ethel Eaton, Ph. D. who is the manager of the Office of Review and Compliance of the Virginia Department of Historical Resources from the cemetery meeting that was held with the National Fish and Wild Life on Assateague. She said that there may be some grants for cemetery clean up and to straighten up the head stones.

Mr. Turnquist also stated that he will continue to try and reach her to discuss the grants further. Mr. Turnquist wanted to ask her about the parameters of the grant funding. He would also start filling out any paper work for the grant with Mr. Ritter's assistance.

**“Councilwoman Richardson motioned, seconded by Councilwoman Conklin to approve the Cemetery report.”** The motion was unanimously approved

## **7. Accomack County Board of Supervisors Update (Honorable Wanda Thornton)**

- Supervisor Wanda Thornton spoke about a big push to have the seaside of Accomack County comply with the Chesapeake Bay Act. This would hurt places like Chincoteague because of the set back requirement.
- Because of the reassessment many people are putting their property in Land Use Taxation which will cause the County to take a big hit in tax revenues.
- After adjustments and appeals there has been a \$77 million reduction of assessed land value on Chincoteague, however there is still over \$1 Billion on the Island.
- Supervisor Thornton recommends that every person who believes their new assessment is unfair to appeal to the Equalization Board.
- Regulations on Septic – the health department will begin implementing something that has been on the books since 1982; that each property will be required to have a plat or a recorded survey to apply for a permit. Supervisor Thornton indicated

that most land on Chincoteague is not currently surveyed.

- There have been sewage lagoon closures meaning an increase in the costs to pump one's septic tank.
- There is a proposed increase in the minimum size flounder that can be kept. The proposed 19" minimum would be devastating to the fishing industry in and around Chincoteague.
- The County has also approved a cost of \$12 for every square foot of wetlands disturbed. Supervisor Thornton proposed \$2 per square foot. She indicated that Chincoteague could establish its own Wetlands Board, and set an individual fee schedule at the Town's discretion. The Town would appoint members to the Board.
- Councilman Wolffe questioned if someone were to go to the equalization board after the taxes are sent out, would they be refunded? Supervisor Thornton stated that if the equalization board were to adjust the property value the property owner would be refunded.

## **8. Committee Appointments**

Mayor Tarr opened up the floor for nominations for three expired positions for a four year term on the Chincoteague Recreation & Convention Center Authority, expiring December 4, 2011.

**Councilman Wolffe nominated Mrs. Nancy Conklin for a four year term.** The nomination was unanimously approved.

**Councilman Howard nominated Mr. William Christman for a four year term.** The nomination was unanimously approved.

**Councilman Ross nominated Mr. William Fallon for a four year term.** The nomination was unanimously approved.

Mayor Tarr opened up the floor for nominations for one expired positions for a five year term on the Building Code Board of Appeals expiring December 31, 2012.

**Councilwoman Conklin nominated Mr. Michael Tolbert, P.E. for a five year term.** The nomination was unanimously approved.

Mayor Tarr opened up the floor for nominations for one expired positions for a four year term on the Planning Commission expiring December 31, 2011.

Councilwoman Conklin nominated Tripp Muth

Councilwoman Richardson nominated Beth Holston

Councilman Ross nominated Lisa Traynor

Mayor Tarr asked Council to vote in the order of the nominations. **Mayor Tarr asked for the show of hands for Mr. Tripp Muth. Council members in support were Mr. Howard, Mr. Wolffe, Ms. Speidel, and Ms. Conklin.** Mayor Tarr congratulated Mr. Trip Muth as he will serve the four year term on the planning commission.

**9. Setting the Date for a Public Hearing for a Conditional Use Permit application** – (Ms Christine Schreiberstein)

“Councilman Wolffe motioned, seconded by Councilwoman Conklin, to set the date for a Public Hearing for April 7, 2008 at the next Council meeting.” The motion was unanimously approved.

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

Vice Mayor Speidel stated that the Budget and Personnel committee will meet on March 18<sup>th</sup> 2008, at 6:30 PM.

**Closed Meeting in Accordance with Sec. 2.2-3711(A) (7) of the Code of Virginia for consultation with legal counsel.**

Councilman Howard moved, seconded by Councilman Wolffe to convene a closed meeting under Section 2.2-3711(A) (7) of the Code of Virginia for consultation with legal counsel. The motion was unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe to reconvene in regular session. The motion was unanimously approved.

Councilman Wolffe moved, seconded by Vice mayor Speidel to adopt a resolution of certification of the closed meeting.

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

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

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

VOTE: Ayes- Howard, Wolffe, Ross, Conklin, Speidel, and Richardson

Nays- None

Absent- None

**AJOURN**

“Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved”.

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John H. Tarr, Mayor

Attest, Robert G. Ritter Jr.

**MINUTES OF THE March 20, 2008  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Glenn B. Wolffe, Councilman  
E. David Ross, Councilman  
Anita Speidel, Vice Mayor  
Ellen W. Richardson, Councilwoman

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator

***Call to Order***

Mayor Tarr called the meeting to order at 5:05 pm.

***Invocation***

Councilman Ross offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

“Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.”

**7. *Consider Adoption of the February 21, 2008 Special Council Meeting Minutes.***

“Councilwoman Conklin motioned, seconded by Councilman Wolffe to adopt the minutes as presented. The motion was unanimously approved.”

**8. *Discuss Chincoteague Cultural Alliance Request for Grant Funding***

Mr. Bob Behr of the Chincoteague Cultural Alliance (CCA) came before the Council to seek assistance from the Town regarding the Virginia Commission of the Arts matching grant program. The Town provided funding for the program last year and the CCA was hopeful the Town will again support this application. The idea behind this grant is to encourage local government to support the local arts. If the Town provides \$5,000 it will be matched by the state for a total of \$10,000 in funds.

Last year the CCA used this money to buy a sound system, folding chairs, and this year they are looking to buy a projector and screen for movies at the park.

Councilman Wolffe stated his support of the CCA and the grant funding but has concerns about financially supporting just one organization, when there are other civic organizations that may also need money. Mr. Behr stated that since the Town would be applying for the grant they would be able to administer the funds to whomever they like as long as it fits the criteria of supporting the arts.

**Councilman Wolffe motioned, seconded by Councilwoman Richardson “to authorize the Town to apply for this grant for \$5,000 to be matched by the State, if approved.” Unanimously Approved.**

**9. *Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Mr. Anderson stated that all amendments regardless of when they were made were in red font.

Mr. Anderson indicated that 7.2.49 Portable Sign was amended to not include sandwich or menu board signs. Councilman Ross also indicated that it should read “A sign” rather than “Any signs.”

Councilman Howard indicated that on page two, 7.2.14 Changeable Letter Sign the word “place” should be “face.”

7.2.4. Artwork, there was discussion on whether the definition should even be in the Sign Ordinance. Mr. Rosenberger indicated that the Town could form an Arts Commission that could set aesthetics guidelines. If artwork does not have a commercial message or obscene graphics then the Town will have difficulty regulating any artwork. It was suggested that 7.2.4 and 7.3.2. be deleted from the Sign Ordinance.

7.2.66. Vehicular Signs was amended. 7.2.73. Menu and Sandwich Board Sign has been added to definitions. Menu and Sandwich Boards are currently being proposed as signs permitted by right, without a permit. One issue that might arise is if someone has a home occupation, their signs can only be four square feet, if sandwich boards are allowed and they are eight square feet, would home occupations be allowed to have more then what is currently allowed. Mr. Rosenberger indicated that the Planning Commission did not want to have sandwich or menu boards especially in the public-right-of-way. Councilman Howard questioned what would happen is someone wore a sandwich board, how would that be addressed, if at all?

Roof Signs were removed from 7.6 Prohibited Signs.

### 7.7.2.

Councilman Wolffe understood the intent, but is not sure about the practicality of this ordinance and considers it to be a little stringent. Many island businesses are limited on sign location as a result of the parking and setback requirements.

Councilman Ross indicated that something needs to be in place so that nonconforming signs will be brought into conformance or be replaced. Councilman Wolffe questions whether there could be a provision for all nonconforming signs to be made conforming by a specific date, such as 10 years. Mr. Anderson has concerns that in those upcoming years it would be difficult to change ordinances if there is a ten year horizon to bring signs into conformity of the zoning ordinance.

Mr. Rosenberger indicated that if it was confined to “property owner” rather than “business owner, change in certificate of occupancy, etc.” there would still be a conformity requirement, although relaxed. Councilwoman Conklin agreed that the removal of a sign should only kick in when there is a change of property ownership.

It was suggested that the Council consult with the Town’s Attorney for advice on the legality of the proposed removal of nonconforming signs.

It was suggested that only a change in property ownership will require a nonconforming sign to be brought up to regulation. It was suggested that “60 days” should be “one year.” It was suggested that this ordinance will include area and height requirements, but will exclude location (setback) requirements. Council requests Mr. Lewis and Mr. Anderson to rewrite this ordinance.

### 7.7.3.



Mr. Lewis indicated that if a business shuts down it has two years with which it can open back up with the existing business license. Sixty days may be too stringent especially if the business has two years with which to open back up. Councilman Wolffe indicated that this ordinance should either be placed in Section 7.9 or in a completely new section entitled “abandoned signs.” The definition could read “a sign shall determine to be abandoned when any of these criteria have been met for a period of two years.”

It was decided that this section will replace the text for 7.9.3. and be labeled “Abandoned Sign.”

It was decided that both 7.7.4 and 7.7.5 would be removed from the Sign Ordinance.

Mr. Lewis indicated that a nonconforming sign was legal when erected, but is not legal anymore, an illegal sign is not legal when erected. Councilman Ross suggested that for Section 7.9.2. the first sentence after the word “removed,” add “by owner immediately.”

**There was a motion from Councilwoman Conklin, seconded by Councilman Howard to adjourn the meeting. The motion was unanimously approved.**

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John H. Tarr, Mayor

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Attest, Robert G. Ritter Jr.

**MINUTES OF THE APRIL 7, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy B. Conklin, Councilwoman  
Anita Speidel, Vice-Mayor

**Call to Order**

Mayor Tarr called the meeting to order at 7:34 p.m.

**Invocation**

Councilman Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## **Open Forum/Public Participation.**

Genny Van Dame thanked Councilman Wolffe for all his hard work and dedication with the Town of Chincoteague. He came on board to help out the good of the Town.

Sandy Bowden spoke about the program called Parents active with Students for safe Socials (PASSS). This program consist of having an after prom event to keep the children safe (safe haven). **“Councilman Wolffe motioned, seconded by Councilwoman Richardson, to give a donation of \$250 to PASSS.”** The motion was unanimously approved.

Tom Dickinson spoke about the process to appeal the assessments and how it seems difficult. It was mentioned to Mr. Dickinson that the Mayor and Supervisor Thornton are having a Workshop Wednesday to help individuals fill out the Equalization Board appeals paper work.

## **Agenda Additions/Deletions and Adoption**

Mayor Tarr asked Council if they would add to the agenda a closed session to discuss matters with our attorney. **“Councilman Howard motioned, seconded by Councilman Wolffe to adopt the agenda with the added closed session.”** The motion was unanimously approved.

**1. Approval of the Minutes of the March 3, 2008 Council Meeting.**  
**“Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes of March 3, 2008.”** The motion was unanimously approved.

**2. Public Hearing for a Conditional Use Permit application –**

Ms Christine Schreiberstein

Mayor Tarr opened up the public hearing at 7:53 p.m. No one spoke at the public hearing in favor or against the proposed conditional use permit. Councilman Wolffe suggested to council that we keep the public hearing open until the next meeting so that Ms. Schreiberstein could have a voice on the matter. The Council members agreed to keep the public hearing open until the next Council meeting May 5, 2008.

**5. Proclamation for the Eastern Shore of Virginia Safe Kids Week**

Mayor Tarr presented the following “Eastern Shore of Virginia Safe Kids Week Proclamation”

Whereas, unintentional injury is the number one killer of the children ages 1 – 14 in the U.S.; and

Whereas, each year, more than 5,000 children 14 and under die from unintentional injuries; and

Whereas, for children ages 14 and under, the leading causes of unintentional injury deaths are motor vehicles-related injuries, drowning, residential fires or burn injury, suffocation and pedestrian injury; and

Whereas, 90 percent of these injuries and deaths are preventable; and

Whereas, reducing the barriers to attaining safety devices (such as smoke alarms, bicycle helmets, car seats and booster seats), increasing educational efforts directed toward children who are at high risk for injury, and improving the overall

safety if the child's environment, are preventive strategies to keeping kids safe from unintentional injuries; and

Whereas, **Safe Kids USA and Safe Kids Eastern Shore of Virginia Coalition** promotes childhood injury prevention strategies by uniting diverse groups into local and state coalitions, developing innovative educational tools and programs, initiating public policy changes, distributing safety devices to families in need, promoting new technology and raising awareness through the media; and

Whereas, Safe Kids USA, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2008, "Gear Up for Safety," which focuses on celebrating 20 years of creating a safer world for kids and promoting efforts to make further progress to protect children from injuries; and

Whereas **Safe Kids Eastern Shore of Virginia Coalition** has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2008 in an effort to educate families about child safety.

Now, Therefore, I **John H. Tarr**, Mayor of the Town of Chincoteague do hereby proclaim April 26 – May 4, 2008 **NATIONAL SAFE KIDS WEEK ON THE EASTERN SHORE OF Virginia** and call upon all residents of the Town of Chincoteague to join with me in supporting the efforts and activities of Safe Kids Eastern Shore of Virginia Coalition to prevent childhood injury.

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John H. Tarr, Mayor

**"Councilwoman Conklin motioned, seconded by Councilman Wolffe, to approve the proclamation for the Eastern Shore Safe Kids Week for April 26 - May 4, 2008."**

The motion was unanimously approved.

#### **4. The Public Works Committee Report of March 11, 2008**

Councilman Wolffe presented the following report:

A. Consideration of water leak adjustment of Mr. Charles Gorsuch. Chairman Wolffe asked Mrs. Fox for details regarding the leak. She explained that the leak was above ground. There was further discussion, which lead to the request being denied. However, the Committee would like staff to work with Mr. Gorsuch if a payment plan is needed.

B. Mr. Ron Carey and Mr. Ed. Richardson from Verizon approached the Committee with a request for an easement to place the fiber-optic cable near the downtown boat launch. They showed the Committee a drawing of the proposal. They also explained that the Bridge Company has given them notice to move the line prior to tearing down the old draw bridge. They also stated that the fiber-optic line has to be 70 feet or more away from the old bridge so that there will be no chance of them damaging the line coming onto the Island. They explained the difference between a permit and an easement for this request and asked for the Committee's support.

There was discussion and the Committee agreed to support Verizon's request.

- C. Town Manager Ritter explained the bids for the Sanitation Contract. He stated that there are issues with both bids and they are waiting to hear from Town Attorney Poulson before accepting or rejecting bids at this point.
- D. Mrs. Fox addressed the Committee about the delinquent Trash Fee payments. She stated that they aren't out-of-hand as of yet, however, there should be a collection policy in place should the need arise. The Committee requested that staff put together a policy for the Committee to review.
- E. Mrs. Fox stated that there were more complaints regarding the Trash Fees. She added that Mr. Cosby intended to issue the copies of the most recent (20-25) complaints and responses. However, due to a family emergency he was unable to complete the responses and would have them for the Committee next month. Mr. Tarr asked staff if they would categorize the complaints and report to the Committee next month also.
- F. There were comments from the Committee. Mr. Howard asked if staff would look at the roads on the Island and possibly repair the sinking-areas. Mr. Tarr stated that all the yellow and red lines on the Island need to be repainted.

**“Councilman Wolffe motioned, seconded by Councilman Howard, to approve the Public Works report of March 11, 2008.”** The motion was unanimously approved.

## **5. Ordinance Committee Report Of March 12, 2008**

Councilman Ross presented the following Report:

### **A. Possibly Amending the Ordinance on Retrofitting Fuel Tanks with Anchors by extending the Grace Period**

Mr. Ritter stated that the Mayor, Mr. Anderson, and himself had met with various fuel providers. The fuel provider's greatest concerns were that they did not have enough time to implement the anchoring systems. They all felt confident that they could have it done in three years from the time the Town originally adopted the new ordinance. Mr. Ross felt the last sentence of section 30-19 Anchoring Fuel Tanks, needed to be corrected so that new homes were not granted the grace period. The committee agreed to make the proper changes to the last sentence in section 30-19 and agreed that the grace period started November 5, 2007 for the 36 month period.

Section 30-7. Definitions

*Fuel Oil Tanks* for the purposes of this ordinance means any container greater than 10 gallons used for storage of fuel oil.

*Propane or Liquefied Petroleum Gas Tanks* for the purposes of this ordinance means a container greater than 50 pounds, used for storage of propane.

Section 30-19. Anchoring Fuel Tanks

All new, existing, or replaced oil, and propane tanks must be anchored 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.

All new, existing, or replaced oil tanks shall have their vent pipe extend 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.

All new, replaced, or existing oil tanks must all be fitted with a Fill Tube Screw-on Tight-fit Cap with Gasket.

Upon approval of this proposed ordinance it is recommended that there be a **36** ~~42~~-month grace period **for existing or replaced fuel tanks** before enforcement of this ordinance **commencing November 5, 2010.**

**“Councilman Wolffe motioned, seconded by Councilwoman Speidel to approve the ordinance committee report of March 12, 2008.”** The motion was unanimously approved.

- **Possibly Amending the Ordinance Section 30 – 19, Anchoring Fuel Tanks**

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson to approve the changes in the ordinance section 30 – 19 anchoring fuel tanks.”** The motion was unanimously approved.

## **6. Recreation and Community Enhancement Committee Report of March 19, 2008**

Councilwoman Speidel addressed the following report:

### **A. Update on the Town of Chincoteague Spring Clean Up and Fix Up Week**

Vice Mayor Speidel stated that the resolution for this clean up week needs to be advertised in the newspaper around the first week of April. It can also be put on Channel 9, and the Town’s website.

### **B. Update on Constructing a New Trail.**

There was a memo from Mr. Anderson indicating that the Town is waiting to hear back from the Accomack County School Board on whether they object or not to the project. The School Board needs to sign off on the permit because they are an adjoining land owner and are required to be notified by the Town. Mr. Anderson will send the application to VMRC as soon as he hears from the School Board.

### **C. Discuss Signage Regulations for Memorial Park**

Since the cost of replacing or modifying playground equipment is high and the Town currently has limited funds the Committee is looking at the possibility of allowing donations and having a small plaque on the equipment indicating who donated the equipment. As discussed at previous meetings there are certain restrictions in Memorial Park that have to do with signage.

It might be a function of Council allowing additional signage, with the concern being that the park was dedicated to Veterans, and allowing additional signage has traditionally been discouraged. Mr. Conklin suggested that the Town encourage Veterans or Veteran groups to donate money to the playground equipment.

It was suggested that this item be brought up to Council as an agenda item.

**“Councilman Ross motioned, seconded by Councilman Howard, to approve the Recreation and Community Enhancement report of March 18, 2008.”** The motion was unanimously approved.

#### **7. Extension of Library Boundaries**

The Library deed was presented to council showing that the lines on the survey would be required to be shifted so that the building could have a greater percentage of windows to meet the building code. Mr. Poulson suggested that we do a deed of correction and start with a new deed for the lines to be shifted on the plat. This will be determined by the Mayor and/or Town Manager, and they will determine the appropriate new deed.

**“Councilman Howard motioned, seconded by Councilwoman Richardson, to allow for the deed of corrections and start with a new deed for the lines to be shifted on the plat. This will be determined by the Mayor and/or Town Manager and they will determine the appropriate new deed.”** The motion was unanimously approved.

#### **8. A Request to allow Island Marina to Use the Spoil Site at the Harbor** (Taylor & Leonard, Inc.)

Mayor Tarr asked Mr. Cosby if the Spoil site had capacity for the spoils. Mr. Cosby stated that he recently inspected the spoil site and he thought that we had plenty of capacity.

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson to allow Island Marina to use the spoil site at the Harbor for approximately 2,100 yds.”** The motion was unanimously approved with Councilwoman Conklin Abstaining.

#### **9. Set the Date for a Public Hearing on a Property line Vacation** (Wayne & Kathryn Maddox)

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson to set the date for a public hearing on a property line vacation at the next regular scheduled council meeting May 5, 2008.”** The motion was unanimously approved.

#### **10. Bids for a Solid Waste Provider for a 5 Year Contract**

Mr. Cosby explained to council that two bids were received one from Davis Disposal and one from Waste Management Inc. Out of the two bids received Waste Managements Bid was non responsive due to the fact that the bid forms were not correct and the bond did not have the correct name. He also mentioned that if we re-bid the project that it may not be enough time for Davis Disposal to logistically be prepared if they were the lowest responsive bidder.

**“Councilman Wolffe motioned, seconded by Councilman Howard to award the contract to Davis Disposal Inc. in FY “09” for sanitation services in the amount of \$349,628. With four (4) additional years, pending concurrence with the bid documents and also pending financing by the Town Council in each of the successive years.”** The motion was unanimously approved.

### **11. Position Description Review Proposal by Ms. Heather Hill, PHR, MBA.**

Mayor Tarr announced that a quote was received from Ms. Heather Hill, PHR, MBA. to review the position descriptions, look at policies and any H.R. issues. She will begin with general government and department heads. After we see how it goes we will decide on possibly reviewing public works and the police department. Councilman Ross had concerns on how it would be funded and wanted to see it in the next budget starting July 1 of this year. Councilman Howard believed that we should allow the Town’s professional staff to look into the issues at hand.

**“Councilman Wolffe motioned, seconded by Councilwoman Speidel to hire Ms. Heather Hill, PHR, MBA. for \$35/hr not to exceed 50 hrs.”** The motion was: ayes, Mr. Wolffe, Ms. Conklin, Ms. Speidel, and Ms. Richardson. Nays, Mr. Ross and Mr. Howard.

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

Councilman Howard announced that the Harbor Committee will be cancelled on April 9, at 7:30 and the Cemetery Committee will meet April 22, at 5:30. Councilman Howard stated that a stop sign needed to be installed at the Circle and Maddox Campground. Councilman Wolffe announced that the Public Works Committee will be cancelled on April 8, at 5:30.

Councilman Ross announced that the Ordinance Committee will be canceled on April 9, at 5:30. He also asked Mr. Cosby to give a brief update on Church Street. Mr. Cosby reported that the water line pressure test has passed, the lines were flushed over the weekend, a couple of tie ins would occur, and water meters will be installed. Milling and final pavement will happen in two to four weeks.

Councilwoman Richardson asked for the status of the 911 equipment. Staff reported that we have just received the performance bond and the sign contract will go out shortly.

### **13. Closed Meeting in Accordance with Sec. 2.2-3711(A) (7) of the Code of Virginia for consultation with legal counsel.**

Councilman Howard moved, seconded by Councilwoman Speidel to convene a closed meeting under Section 2.2-3711(A) (7) of the Code of Virginia for consultation with legal counsel. The motion was unanimously approved.

Councilwoman Conklin moved, seconded by Councilwoman Speidel to reconvene in regular session. The motion was unanimously approved.

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

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

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

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

VOTE: Ayes- Howard, Wolffe, Ross, Conklin, Speidel, and Richardson  
Nays- None  
Absent- None

**AJOURN**

“Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved”.

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Attest, Robert G. Ritter Jr

**MINUTES OF THE APRIL 17, 2008**  
***CHINCOTEAGUE TOWN COUNCIL WORKSHOP***

**Council Members Present:**

**Present:**

John H. Tarr, Mayor

Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Glenn B. Wolffe, Councilman  
E. David Ross, Councilman  
Ellen W. Richardson, Councilwoman

**Council Members Not**

Anita Speidel, Vice Mayor



**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager

Jared Anderson, Town Planner

Kenny Lewis, Building and Zoning Administrator

Mike Cosby, Public Works Director

***Call to Order***

Mayor Tarr called the meeting to order at 5:07 pm.

***Invocation***

Councilman Ross offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.”**

**10. *Consider Adoption of the March 20, 2008 Special Council Meeting Minutes.***

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson to adopt the minutes as presented. The motion was unanimously approved.”**

**11. *Consider Proposal for Audit Services***

The lowest bidder for audit services for FY08, FY09, and FY10 was Robinson, Farmer, Cox Associates, the same company that has done previous audits.

Councilman Wolffe motioned to authorize the Town Manager **“to negotiate with Robinson, Farmer & Cox and to execute a contract for their services.”**

Seconded by Councilwoman Conklin. Unanimously approved.

**12. *Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Council began discussion of the Sign Ordinance on page 15 of 20 at “Section B: Standards and Criteria.”

7.11.2. there were concerns on whether roof signs would be permitted over 12 feet. It was decided by Council that there should be in this section the inclusion of the phrase “excluding a roof sign.”

Councilman Ross had concerns with 7.11.4. and how this allowed the sign to extend 18” from the wall. Mr. Lewis indicated that the proposed increase is because 18” is more a standard width for these types of signs.

#### Sign Illumination

(2) this section was trying to address the light source facing right into the public right-of-way and creating a safety hazard. The bulbs should be covered to shine on the sign and nothing else.

(4) Councilman Ross indicated that some businesses use lights on signs for security purposes, does the Town have the right to say that a business has to turn off the its sign light when not open. It was the consensus of the Council to repeal this section from sign illumination.

(5) it was decided by Council to keep this section, however, after fixture include “and source of illumination.”

(2) & (6) Both these sections seem to say similar things as (5), it was the desire of the Council to take both of these sections out of the Sign Ordinance.

(7) There was discussion as to whether it should be explicitly stated that off-premise signs are prohibited. This section may need to include the term “grandfathered” after “of.”

(8) There seemed to be agreement that it should not matter if there is space between the ground and the bottom of the sign, as long as the light is not a disruption to traffic or flooding the a neighbor’s property with light pollution. It was the desire of the Council to get rid of section (8) and the following paragraph that begins with “All ground mounted lights shall...”

#### Corner Lot (7.13.1)

- 150 square feet total (100 sq. ft. max., plus an additional 2- 25 square foot signs= 150 sq. ft.)
- 64 square feet for each business

#### For Multiple businesses on a single lot (7.13.1.2):

- 100 square feet of signage –maximum
- 64 square feet – largest a single sign can be
- An additional 20 square feet for each business on the wall of the business.

It was indicated that there is a difference between “lot frontage” and “street frontage,” currently the Town measures street frontage, the recommendations are to change to lot frontage to measure how much signage a business is allowed to have.

7.13.1. It was recommended that “such sign(s) shall be placed facing such public right of way or waterfront” be deleted.

7.13.1.4. It was suggested that the entire second sentence starting with “Each sign shall not exceed...” should be stricken from the document.

7.13.1.5. There was a question over whether signs hung on a marquee need to be under the height requirement.

For both 7.13.1.6. and 7.13.1.9. there is a direct conflict because one referenced that a window sign cannot cover 25% of a window, and the other indicated that no more than 30% of a window can be covered by a sign.

Council decided to postpone the meeting till next month, stopping at 7.13.1.7.

**There was a motion from Councilwoman Conklin, seconded by Councilman Howard to adjourn the meeting. The motion was unanimously approved.**

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John H. Tarr, Mayor

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Attest, Robert G. Ritter Jr.

**MINUTES OF THE APRIL 28, 2008  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent**

Anita W. Speidel, Vice Mayor  
Glenn B. Wolfe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 5:40 p.m. for the purpose of reviewing the proposed FY’08 budget.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr Led in the Pledge of Allegiance.

**4. Adoption of Agenda.**

Councilwoman Conklin moved, seconded by Councilman Howard to adopt the agenda. The motion was unanimously carried.

**5. Review of Proposed FY'09 Revenues.**

Town Manager Ritter presented the uncertified assessment figures from the recent reassessment and the proposed tax rate. Council discussed the proposed tax rate.

Council thoroughly discussed proposed FY'09 revenues for General Fund, Main Street, Harbor Fund, Trolley Fund and Water Fund.

Council discussed the proposed increase in water rates and the minimum water rate.

Council discussed the proposed harbor rates.

**6. Review of Proposed FY'09 Expenditures.**

Council discussed increases in salaries overall.

Council also discussed beginning a five-year plan for the Town of pay the employees' portion of retirement. Currently Town employees are required to pay 5% toward their retirement. Town Manager Ritter stated that Chincoteague was the only municipality in which the employee contributes to their retirement. The plan calls for the Town to pay an additional 1% for five years until the Town is paying for employees' retirement fully.

Council discussed expenditures of the Police Department.

Council discussed expenditures for Emergency Dispatch.

Council discussed expenditures for Public Works Administration.

Mayor Tarr explained that the current solid waste disposal contactor has been renting to residents trash cans. However, in July the Town will have a new disposal contractor and they do not have trash cans for rent. Mayor Tarr feels certain that the current contractor will no longer rent these trash cans to our residents. The residents need to be notified that this will happen and they should be making other arrangements. Council discussed the matter at length.

**7. Recess of Meeting.**

Councilman Ross motioned, seconded by Councilman Howard to recess the meeting until Tuesday, April 29, 2008 at 5 p.m. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE APRIL 29, 2008  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present**

John H. Tarr, Mayor  
Anita W. Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent**

Glenn B. Wolfe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 5 p.m. for the purpose of reviewing the proposed FY'08 budget.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Questions from Previous Meeting Discussions.**

Council discussed several items from the previous meeting for clarification.

**5. Review of Proposed FY'09 Expenditures.**

Council discussed expenditures of the Public Works Department Facilities Division.

Council discussed expenditures for Public Works Department Roads Division.

Council discussed the Pension/Anderton project and whether or not to perform portions of the project in-house.

After a lengthy discussion, Mayor Tarr suggested that the money remain in the budget for the Pension/Anderton project in the maintenance coatings until a plan can be developed and a decision made. He suggested that a priority list of the roads be prepared and presented to Council. He also suggested that the Capital Improvement Plan that was developed for water be reviewed.

Council discussed expenditures for Public Works Department Mosquito Control Division.

Council discussed expenditures for the Water Department.

**6. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson to recess the meeting until Wednesday, April 30, 2008 at 5 p.m. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE APRIL 30, 2008  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present**

John H. Tarr, Mayor  
Anita W. Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
E. David Ross, Councilman

**Council Members Absent**

Glenn B. Wolfe, Councilman  
Ellen W. Richardson, Councilwoman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 5 p.m. for the purpose of reviewing the proposed FY'08 budget.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Questions from Previous Meeting Discussions.**

Council discussed several items from the previous meeting for clarification.

**5. Review of Proposed FY'09 Expenditures.**

Council discussed expenditures of General Government including emergency medical services.

**6. Adjournment.**

Councilman Howard motioned, seconded by Councilwoman Conklin to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MAY 5, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman  
Nancy B. Conklin, Councilwoman

**Council Members Absent:**

Anita Speidel, Vice-Mayor

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman Ross offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Introduction of Student Government Day Student's**

Mayor Tarr introduced Robert White as Town Mayor, Raven Campbell as Town Manager, Jason Beebe as Public Works Director, Karla Haugh as Chief of Police, Venke Breland, Matt Clark, Neil Kennovin, Chase Riley, Zach Robbins, and Jason Tolbert as Town Council Members.

Robert White spoke on two issues that were discussed earlier in the day. The skate park was voted on to charge a \$25 per year permit and a \$10 per week permit to use the facility. Also, persons 18 years and older would not be required to have knee pads and they recommended security cameras to be installed. Second was to prohibit parking on Church Street except for a 15 minute parking area in front of the Opportunity Shop for loading and unloading.

Raven Campbell presented the last concern on Medical issues, such as 24/7 on call Doctors for minor injuries so that the Ambulance will not be tied up.

**Open Forum/Public Participation.**

- John Nelson Jester spoke about a petition that was being circulated challenging the new assessment, which will be submitted to the Commonwealth's Attorney.
- Robert Marz spoke about a possible street light in front of his house that he thought could be a part of the Towns operations and maintenance. He also mentioned that debris from an old house on Bunting Road needed to be taken away.
- Robert Callahan of Sea Shell Drive spoke about the Ocean Breeze roads, no stop sign at the end of some roads and mail has not been delivered because of the unsafe mail boxes.

## ***Agenda Additions/Deletions and Adoption***

**“Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda with the added agenda item 3b and 9 .”** The motion was unanimously approved.

**1. Approval of the Minutes of the April 7, 2008 Council Meeting.**  
**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the minutes of April 7, 2008.”** The motion was unanimously approved.

### **3. Interpretive Signage for Seaside Heritage Access**

Matt Cook, new regional planner for the A-NPDC presented interpretive signage for seaside heritage access, promoted by DEQ and NOAA. Three kiosk panels will be installed by DEQ, two panels for the posters put together for the seaside heritage access and one panel for the Town of Chincoteague. Mayor Tarr suggested that we discuss the site location at the Recreation and Community Enhancement Committee and then bring it back to Council.

### **4. Public Hearing for a Conditional Use Permit application – Ms. Christine Schreiberstein**

Mr. Anderson began by giving a brief summary of the conditional use application and its history.

Mayor Tarr opened up the public hearing at 7:57 pm for comments. Ms. Schreiberstein spoke first, she indicated she was the sole proprietor with no employees, and three parking spaces would be sufficient. If denied, the applicant would like to be refunded in full.

Each of the following spoke up and expressed their disapproval of this application:  
Mr. William Tucker, Kevin Eley, Dean Orsino, Bryan Owens, Jay Savage, Unidentified Woman

Both of the following could be categorized as in favor of applicant:  
Lynn Ballerini, Carlton Collins

Mayor Tarr closed the public hearing at 8:15 pm.

Councilman Ross indicated that he was not in favor of this application. He indicated the preservation of Town character as a significant influence on his decision.

Councilman Wolffe disagreed with the majority of the people who spoke. He felt that government was getting too far involved in personal rights. He indicated that he would like to see this type of therapy on the Island.

Councilman Howard had concerns about what and how things are introduced into the Town. He indicated that he would not be voting for this application.

There was a motion by Councilman Ross **“to not approve this conditional use application, and consider the matter closed.”** Seconded by Councilman Howard. Yea-Ross, Howard, Conklin, Richardson, Nay- Wolffe, Absent- Speidel



**3b. Public Hearing on a Property line Vacation** (Wayne & Kathryn Maddox)

Mayor Tarr opened up the Public Hearing at 8:30 pm, no one present spoke on the matter. Mayor Tarr closed the Public Hearing at 8:31 pm.

Councilman Wolffe asked staff if anyone has approached the town with an issue with the vacation of the property line; staff stated that no one has objected of the lot line vacation.

**“Councilman Wolffe made a motion, seconded by Councilwoman Richardson to adopt the ordinance to vacate a part of a record plat of subdivision in the Town of Chincoteague.”**

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

**WHEREAS**, Wayne W. Maddox and Kathryn A. Maddox, own two parcels of land shown on a certain plat entitled “Partition of Part of Piney Island for The Wyle Maddox Heirs” dated February 1980 and made by R. L. Beebe, C.E., one parcel designated as “3g” and the adjoining parcel designated as “Wayne Maddox DB 298 Pg 293 1.73 Ac.” which plat is recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, at Plat Book 24, page 39 within the Town of Chincoteague, Tax Map Number 031000400000360 and 03100A000003400; and,

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

**WHEREAS**, the said Wayne W. Maddox and Kathryn A. Maddox have requested that the division or property line between said two parcels be vacated so that Parcel 3g can be added to and become part of the “Wayne Maddox” Parcel and used in conjunction therewith as one parcel; and,

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

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

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

1. That the division or property line between Parcel “3g” and “Wayne Maddox DB 298 Pg 293 1.73 Ac.” as shown on the plat entitled “Partition of Part of Piney Island for The Wyle Maddox Heirs” dated February 1980 and made by R. L. Beebe, C.E., and recorded in Plat Book 24, page 39, be and is hereby vacated.
2. That as the result of said vacation former Parcel “3g” and “Wayne Maddox DB 298 Pg 293 1.73 Ac.” shall result in one (1) parcel of land.
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk’s Office of the Circuit Court of Accomack County.

**Ayes:** Howard, Wolffe, Ross, Conklin, Richardson. **Absent:** Speidel

Approved as of May 5, 2008

State of Virginia  
County of Accomack

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John H. Tarr, Mayor

**4. Resolution Hurricane Awareness Week 2008**

**“Councilman Howard motioned, seconded by Councilwoman Conklin to adopt the resolution on Hurricane Awareness Week.”** The motion was unanimously approved.

**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 25-31,2008 has been designated "Hurricane Awareness Week"; and

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

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

**Whereas**, the Town of Chincoteague Emergency Management, the National Weather Service, the State 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 25-31, 2008 as "Hurricane Awareness Week: in the Town of Chincoteague.

By:

\_\_\_\_\_  
(SEAL)  
ATTEST:

John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter Jr., Town Manager

## **5. Resolution Requesting Relief to the Working Watermen**

**“Councilman Howard motioned, seconded by Councilwoman Conklin to adopt the resolution in Favor of Petitioning the Commerce Department for Relief to the Working Watermen of the Town of Chincoteague, Commonwealth of Virginia.”** The motion was unanimously approved.

**WHEREAS**, the Virginia Marine Resources Commission adopted restrictions on the crabbing industry, including an end to winter crab dredging and greater minimum size restrictions; and

**WHEREAS**, these new restrictions will put the Town of Chincoteague and Accomack County working watermen who depend on this industry for their livelihood out of work for months, severely impairing their livelihood and endangering their way of life; and

**WHEREAS**, the Town Council of the Town of Chincoteague, fully supports a Petition by the Governor of Virginia to the United States Commerce Department for

financial relief from the severe impact of the new restrictions on the crabbing industry, and declare their support thereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Chincoteague, Virginia, hereby declares its support for a Petition by the Governor of the Commonwealth of Virginia to the United States Commerce Department for financial relief under the Magnuson-Stevens Fishery Conservation and Management Act.

The Town Manager is directed to send a copy of this Resolution to the Honorable Timothy Kaine, Governor of Virginia.

ADOPTED by the Town Council of the Town of Chincoteague, Virginia this 5th day of May, 2008.

(SEAL) By: \_\_\_\_\_  
ATTEST: John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter Jr., Town Manager

## **6. Safety Advisory and Transportation Committee Report of April 3, 2008**

Mayor Tarr addressed the following report:

### Emergency Management Report

**A. EOP** – Mr. Rush called upon Mr. Nelson Jester to report on the revision of the Emergency Operations Plan. Mr. Jester stated that he has finished the basic plan and has begun taking each departments portion of the plan and incorporating it into the EOP. Next he will finalize the hurricane portion of the plan. Mr. Jester feels that this should be accomplished very soon. One concern he has, is that there is no written plans from the fire co. He has offered to assist the fire company write such a plan for their agency. Mr. Jester also thinks we need to plan for evacuations and coordinate for other agencies. Mr. Lou Hinds, Manager of the Chincoteague National Wildlife Refuge commented on the evacuation plan and stated that he knows that pre-planning and actions for a storm approaching Assateague, will help Chincoteague’s evacuation as well as increase awareness of the event as portable restrooms will be removed as well as buildings closed and programs cancelled. Mr. Rush thanked Mr. Jester for his hard work on the plan.

**B. Position Appointment** – Mr. Rush stated that he had been nominated for the position of Vice Chairman of the Eastern Shore Disaster Preparedness Coalition for the up coming year and would serve in that capacity. Mr. Rush stated that the coalition works to streamline emergency management here on the shore and allows all agencies to work together.

**C. Points of Distribution Exercise** – Mr. Rush stated that as a result of the ESVAX 07 exercise held on Chincoteague last March deficiencies in after storm actions were revealed in the After Action Report. Mr. Rush along with the other two emergency managers from the Shore has been meeting with the Virginia Department of Emergency Management to secure monies for another exercise to test some after storm actions. That money has been appropriated and another exercise testing the distribution of commodities

will occur September 5<sup>th</sup> and 6<sup>th</sup>, 2008. The EOC will be activated on the 5<sup>th</sup> to test communications as well as individual's rolls and responsibilities, as well as cross training for an event. On the 6<sup>th</sup>, the Point of Distribution will be opened on Chincoteague in the Community Center Parking lot. This portion will receive and distribute commodities. During an actual emergency ice, water, tarps and MRE's will be distributed here. The public will be encouraged to participate this day and we will distribute bottled water and information for all hazards planning. Mr. Rush showed the committee a drawing of the layout of the POD. Mr. Rush also requested everyone to participate for those days. Mr. Rush suggested that the committee also support a MOU between our local law enforcement and the federal law enforcement to alleviate problems in an event. Mr. Hinds spoke to clarify some of the issues that could arise due to the lack of an MOU. Councilman Ross asked Mr. Hinds to clarify jurisdiction issues. Mr. Hinds pointed out that local law enforcement could help them at their request however, for federal agents to leave their jurisdiction would be difficult without an MOU. Councilman Ross asked how we would get this going. Mr. Hinds said there is a "boiler plate" MOU that he could produce and come to the table with Police Chief Lewis and formulate one for this situation. The committee agreed to proceed with the MOU. Mr. Jester also had some concerns about public notification. The U.S. Fish and Wildlife AM radio was discussed as well as Mayor Tarr advised the local radio station has put in for a grant to get a generator for the local station as well as train Town personnel on its use. Councilman Ross asked Mr. Hinds if he had control over the AM system on Assateague. Mr. Hinds confirmed that he did.

**D. Communications** – Mr. Rush pointed out the loss of phone service a few weeks ago and pointed out how that affected our daily lives and that such would be the case after a storm. Mr. Rush pointed out that the satellite phones were used that day and worked well as a back up communications.

**E. Information** – VDEM is once again on a campaign to get disaster information out to the public and how they should prepare. Mr. Rush obtained the new campaign brochures to distribute within the town.

**“Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the Safety Advisory and Transportation Committee report of April 3, 2008.”** The motion was unanimously approved.

## **7. Budget and Personnel Committee Report of April 12, 2008**

Councilwoman Conklin presented the following report:

**A. Discuss a Possible Donation for the North Accomack Soccer League**  
North Accomack Soccer League requested a donation of \$500. Councilwoman Conklin mentioned that the Town has donated \$250 in past years to North Accomack Soccer League and to the little league; the Town should continue to donate the \$250. “Councilman Wolfe made a motion and seconded by Vice Mayor Speidel to donate \$250 toward the North Accomack Soccer League.” The motion was unanimously approved by the committee.

**B. Discuss the Renewal of United Health Care**  
Mr. Ritter stated to the committee that the optimum choice plan under United Healthcare will be increasing 12.5 percent for this upcoming fiscal year. The budget was prepared

with increasing the Town's portion of option 2, 12.5% in the amount of \$410.77 for the employee. Option 1 with the current plan the employee will be paying \$42.95 per month and option 3 they would be paying \$140 per month. Councilman Wolffe asked staff to check into if the Town could have a plan that would have a lower rate for the families but a higher deductible.

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the Budget and Personnel Committee report.”** The motion was unanimously approved.

#### **14. Recreation and Community Enhancement Committee Report of April 12, 2008**

Councilwoman Richardson presented the following report:

##### **A. Discuss Issues and Recommendations with the Skate Park**

Ms. Speidel asked Chief Lewis for his recommendations on the skate park. Mr. Lewis responded that he will have an Officer at the park during the summer months and either taking the equipment out during the winter months or placing surveillance equipment at the park. The committee discussed in length several options. “Councilman Ross made a motion and seconded by Councilwoman Richardson to recommend to council that a letter go into the paper notifying the public that the skateboard park will be manned this summer and at the end of the summer the town will consider removing the equipment or placing cameras around the area of the skate park.” The motion was unanimously approved by the committee.

##### **B. Signage Regulations for Memorial Park**

Ms. Speidel mentioned that since the playground equipment is very expensive it would be nice to have a sign that displays the sponsors of the equipment. A sign from the Salisbury zoo was shown to the Committee. The sign would be placed near the playground equipment. “Mr. Ross made a motion and seconded by Mr. Conklin to recommend to Council the concept of a sign that states playground sponsors with little plaques on the sign of the sponsor's name.” The motion was unanimously approved by the committee.

##### **C. Discuss the Adoption of a Street Corner-Scape**

Ms. Speidel stated that she would like to reinstate adopt a street corner program. The Committee needs to find out who had corners and ask them if they would like to continue with beautifying the street corner. We will go out and find street corners that people would allow to be beautified and advertise shortly thereafter for citizens to adopt the corners.

**“Councilwoman Conklin motioned, seconded by Councilman Howard to adopt the Recreation and Community Enhancement Committee report.”** The motion was unanimously approved.

##### **a. Letter to go into the Paper on the Skateboard Park**

A lengthy conversation occurred on this matter. **“Councilman Ross made a motion, seconded by Councilwoman Richardson to hold off on a letter to the news paper regarding the skate park.”** The motion was unanimously approved.

**b. Playground Sponsor Signage**

**“Councilman Wolffe made a motion, seconded by Councilman Howard to allow for the concept of the playground sponsor sign with little plaques on the sign of the sponsor’s name, which will be installed in the area of the playground equipment.”**

The motion was unanimously approved.

**15. Cemetery Committee Report of April 27, 2008**

Councilman Howard presented the following report:

**A. Update Report on Assateague Cemeteries**

Mr. Turnquist stated that he met with Lou Hinds FWS to give him a five page report on Cemeteries on Assateague Island. The report gave a record of the graves, sizes, and what was said on the stones. Some Markers migrated from Chincoteague to Assateague.

**B. Discuss Fund Raising**

Chairman Howard mentioned that we have just received a donation from the Ruritan Club and a few private Citizens. He mentioned that he was going to get up with someone from the American Legion to see if they had any money budgeted to contribute to the cemeteries. Mr. Turnquist mentioned that he would get up with the president of the Kiwanis Club to see if they had any money budgeted to contribute to the cemeteries.

**C. Discussion on status of possible Grants**

Mr. Turnquist stated that he contacted the state and they do not have money at this time in the form of a grant. The state could give a matching fund to survey the cemeteries. The committee agreed that we do not need this done because a thorough job has already been done on the Island cemeteries. If grant money is available there is only three stones that he knew of that needed to be straightened.

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the Cemetery Committee report.”** The motion was unanimously approved.

**16. Setting the Date for a Public Hearing for possible Changes to the Zoning Ordinance, Parking Section.**

Mr. Anderson went through the Planning Commission’s recommendations, noting additions, deletions, and amendments to staff’s recommendations.

The Planning Commission made a recommendation to not change the section for transient occupancy, with the expectation that in the future there be a provision for green parking of a portion of a given parking bay.

Mr. Anderson explained that staff’s recommendation for transient occupancy parking, was intended to address both the problem of needing the extra parking for the smaller units, yet for the larger developments the same requirement was excessive.

The Planning Commission also repealed staff’s recommendation on Best Management Practices for parking.

Councilman Wolffe indicated that he thought taking this to public hearing was a bit premature. Rather, Council should discuss this in a workshop format.

There was a consensus by Council to take this issue to a workshop before a public hearing.

### **17. Setting the Date for a Public Hearing for the Fiscal Year 2009 Budget.**

Mr. Ritter, Town Manager presented the budget explaining that the Tax rate will be \$0.06 per 100 of assessed value about a \$7,000 reduction from last years real estate tax revenue. He mentioned water will be going up 3% and availability fees would remain the same. The Total revenue and expenditures are \$5,857,908, a difference from last year of \$148,285 less than FY 2008 budget.

**“Councilman Wolffe motioned, seconded by Councilwoman Conklin set the date for a Public Hearing for June 2, 2008 on the FY 2009 budget.”** The motion was unanimously approved.

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

Councilman Ross announced that we need to enforce the cleanup after your pet policy on public right away. He mentioned that the cable services the past two or three weeks has been poor and that people should complain to charter.

Councilman Wolffe announced his appreciation for the support that the residents of Chincoteague has given him the past eight years and that he really enjoyed his time serving the Town.

Councilman Howard mentioned that he would like to have a respectful diplomatic way to find a resolution to help the residence of Ocean Breeze Mobile Home Park.

### **AJOURN**

**“Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting.”** The motion was unanimously approved”. Meeting was adjourned at 9:35 pm.

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Mayor

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Town Manager

### **MINUTES OF THE MAY 9, 2008 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy B. Conklin, Councilwoman

#### **Council Members Absent:**

Anita Speidel, Vice-Mayor

### **Call to Order**

Mayor Tarr called the meeting to order at 5:09 p.m.

### **Invocation**

Councilman Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### ***Agenda Additions/Deletions and Adoption***

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson to adopt the agenda.”** The motion was unanimously approved.

#### **1. Resolution Demanding an Appeal of the Reassessments.**

Council discussed the resolution on endorsing the petition of appeal of the reassessments.

**“Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the resolution on an appeal of reassessment including the changes discussed.”** The motion was unanimously approved.

### **RESOLUTION**

**WHEREAS**, the Town Council of the Town of Chincoteague is concerned with recent reassessments of real estate conducted by Tri-County Appraisals, Inc for the County of Accomack; and

**WHEREAS**, the Town Council believes the reassessments were made arbitrarily without regard to size, usability, or accessibility; and

**WHEREAS**, Accomack County is processing real estate tax bills without certified assessment figures from the Accomack County Assessor; and

**WHEREAS**, the Town Council and the citizens of the Islands District believe the levy of tax by the Accomack County Board of Supervisors is based on a flawed reassessment process and are seeking all remedies allowed by the Code of Virginia; and

**WHEREAS**, registered voters of Islands District have presented the Town Council with a copy of a petition signed by 426 registered voters of Accomack County requesting that the Attorney for the Commonwealth appeal the order of levy made by the Accomack County Board of Supervisors on April 14, 2008;

**NOW, THEREFORE**, Be It Resolved that the Chincoteague Town Council does hereby encourage citizens to seek remedies for the arbitrary reassessment through means allowed by law;

**BE IT FURTHER RESOLVED** that the Chincoteague Town Council does hereby endorse the petition of appeal from order of levy.

**ADOPTED** by unanimous vote of the Town Council on May 9, 2008.



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John H. Tarr, Mayor

(SEAL)

Attest:

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Robert G. Ritter, Jr., Town Manager

**AJOURN**

**“Councilman Howard motioned, seconded by Councilman Ross, to adjourn the meeting”.** The motion was unanimously approved. The meeting was adjourned at 5:34 pm.

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John H. Tarr, Mayor

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Robert G. Ritter Jr., Town Manager

**MINUTES OF THE MAY 15, 2008  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Glenn B. Wolffe, Councilman  
E. David Ross, Councilman  
Ellen W. Richardson, Councilwoman

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator  
Mike Cosby, Public Works Director

***Call to Order***

Mayor Tarr called the meeting to order at 5:05 pm.

***Invocation***

Councilman Ross offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Agenda Additions/Deletions and Adoption***

**“Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as presented. The motion was unanimously approved.”**

### ***1. Consider Adoption of the April 17, 2008 Special Council Meeting Minutes.***

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel to adopt the minutes as presented. The motion was unanimously approved.

### ***2. Consider bids for Septic System at Curtis Merritt Harbor of Refuge and Downtown Bathrooms***

Mr. Cosby, Public Works Director, presented Council with the two bid offers for the actual septic tanks. Both of the companies that bid have worked with the Town’s engineers on projects before.

Councilman Wolffe had concerns about the discrepancy in cost between the two bids. Mr. Cosby indicated that it probably more a function of each company’s desire for work at the time of bid proposals.

Originally the Town was going to put in just the showers at the Downtown Bathroom but the health department is requiring that the septic tanks be included before the showers will be approved.

Councilman Howard motioned **“to award the project to Contractors Precast Corporation for the amount of \$32,266.57 for the septic tanks at the downtown bathroom and the Curtis Merritt Harbor of Refuge.”** Seconded by Councilwoman Conklin. Unanimously approved.

### ***3. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Council began discussions of the Sign Ordinance on page 19 of 20, at 7.13.1.5. Signs hung on marquees. On the second line “is” should be changed to “of.”

7.13.1.7. There was discussion that the only thing a business could put on a mansard roof sign was the name of their business. After some discussion it was decided to keep the same language except to take out “and shall only contain the name of a business.”

7.13.1.8. Mr. Lewis suggested putting language for the site distance triangle into this section to make it clear that freestanding signs should not be in the sight distance triangle. Councilman Wolffe indicated that in order to reduce redundancy the last sentence should be taken out because there is a catch-all that indicates a sign must be at least 10 from right-of-way unless otherwise indicated.

There was some discussion regarding freestanding signs, specifically the height and how it was measured. As proposed, what would stop someone from putting 5 feet of fill directly underneath and then being able to raise the height of the sign an additional five feet. Council requested that staff look at the definition and determination of height.

7.13.1.9. There was concern over what constitutes a window sign. If it is inside the structure and not on the window then it should not be considered a window sign.

7.13.1.10. There was considerable discussion about flags, it seems as though there are three types of flags. 1) governmental flags (first amendment right), 2) flags with a business message, 3) flags with no business reference. Flags with no commercial message should not be regulated, the same with governmental flags, such as the United States Flag. If the flag has a commercial message then Council felt that there should be only one for a home occupation.

7.13.1.11. Projecting signs, in the first sentence the council decided to take out “in lieu of freestanding signage.”

7.13.1.12. Changeable letter signs. “sign” should be changed to “sign(s).” Council also decided to take out all occurrences of the word “main.” In addition Council decided to take out the sentence “it shall be used as an accessory to the main sign and not as the main sign.”

7.13.2. Mayor Tarr indicated that the canopy’s at the fuel providing facilities would not be able to meet the 12 foot height maximum for signs. Council requested that staff look at what the typical heights for canopy and add into proposed ordinance.

7.13.2.1. A fuel price sign should not be part of the total signage. In the last sentence replace “included” to “excluded.”

7.13.2.2. replace “1 ½” with “1.5.”

7.13.3.2. in the last sentence replace “15” with “12” to keep consistent with rest of proposal.

Council would like the following changes in numbering

- a) 7.13.4 changed to 7.13.3.3.
- b) 7.13.5. changed to 7.13.3.4.

Council asked staff to look at the definition for “theater” and see if any changes needed to be made.

Mr. Anderson addressed sandwich board signs on page 9. His concern was that as a sign permitted by right there is nothing that would stop a person from putting 500 of these signs in their yard, even if they had a commercial message. Council agreed that there should be some sort of limitation; they agreed to limit a business to one sandwich board.

Mr. Lewis had concerns about roof signs particularly that they should not be permitted by right but rather they should be placed in the same section of the ordinance as mansard roofs. Mr. Lewis called the enforcement of political signs “a nightmare” and would hope that Council could relax the setbacks for political signs.

Council agreed that as long as they are on private property and do not obstruct with the sight lines there should be no setback for political signs. In addition, the Council would like to limit the size of the political signs to 16 square feet.

Councilman Howard seconded by Councilwoman Conklin **made a motion to adjourn the meeting.** Unanimously approved.

**MINUTES OF THE JUNE 2, 2008**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Nancy B. Conklin, Councilwoman

**Council Members Absent:**

Anita Speidel, Vice-Mayor  
Glenn B. Wolfe,

**Call to Order**

Mayor Tarr called the meeting to order at 7:33 p.m.

**Invocation**

Councilman Ross offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation.**

- Debbie Henson of 7246 Mason Drive spoke about privately owned roads and whether or not the town would fine grade material that the property owners on Mason Drive would purchase.

- Genny Van Dame of 6418 Cleveland Street thanked Councilman Ross for his dedication and stated that he was a man of dignity and honor who has represented the community very well.
- Joe Gillett of 3395 Ridge Road spoke about the deer and the duck problem the town has. He stated that more needed to be done to eliminate the dangers that they put on the driving motorist.
- Marcy & Danny Driscoll of 8267 Sea Bird Drive, Marcy spoke about the mailbox situation that they have down at Ocean Breeze. Danny spoke that if he had a location that he would form up the cement pad and pour the cement for the mailboxes.

### ***Agenda Additions/Deletions and Adoption***

**“Councilwoman Richardson motioned, seconded by Councilman Howard to adopt the agenda.”** The motion was unanimously approved.

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

**“Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes of the special budget workshop of April 28-30, 2008, to approve the minutes of the Regular Council meeting of May 5, 2008, to approve the minutes of the Special Council meeting of May 9, 2008, and to approve the the minutes of the Special Council meeting (sign workshop) of May 15, 2008.”** The motion was unanimously approved.

#### **5. Public Hearing on the Fiscal Year 2009 Budget**

Mayor Tarr opened up the Public Hearing at 8:17 pm and asked Town Manager Ritter to go over some of the budget. Mr. Ritter stated that the total budget this year is \$5,857,908 out of that total 27% or \$1,562,366 is the total General Government expenditures; 3% or \$194,540 is the total Harbor expenditures; 6% or \$357,920 is the total Main Street expenditures; 12% or \$697,249 is the total Police expenditures; 5% or 301,355 is the total Harbor expenditures; 1% or \$75,400 is the total trolley expenditures; 16% or \$936,873 is the total Water expenditures; 5% or \$293,395 is the total 911 Dispatch expenditures; 9% or \$508,412 is the total Roads Division expenditures; 5% or \$310,359 is the total Facilities Division expenditures; and 11% or \$620,038 is the total Public Works Division expenditures. Mr. Ritter also stated the tax rate would be \$0.06 /100 of assessed property value, this is a reduction from last years tax rate of \$0.13 /100 of assessed value because of the new tax assessment. Harbor fees would go up 4.1% tied to the consumer price index and the water rates would go up 3% this year.

A person from the audience asked “what was included under the heading of capital projects?”

Mr. Ritter responded that out of the \$1,367,500 in capital projects just about half is dept service on funds used for the main street replacement line and the replacement of the causeway line. Curtis Merritt Harbor improvements and Main Street improvements were the other two big projects. Other Capital projects were generator for well site, radio equipment and a tool truck.

Mayor Tarr closed the Public Hearing at 8:26 pm

Councilman Ross mentioned that the VDOT maintenance money was strictly to repair existing VDOT approved roads in the Town. Councilwoman Richardson stated that she was concerned with the 3% water rent increase and the additional cost for the waste water study. Councilman Howard asked about the recovered cost for a water line item. Town Manager Ritter explained that it was to pay back the general fund reserve for an amount of \$60,000 for a 4 years period of the unplanned water tank expense.

Mayor Tarr stated that no action will be taken to night because of the state law requiring the budget to set 7 days before adoption. He also indicated that June 19, 2008 is our next council meeting and it will be up for adoption at that time.

**6. Consider Adoption of the state Motor Vehicle Code (Sec 58-2)**  
**“Councilman Howard motioned, seconded by Councilman Ross to adopt the 2008 State Motor Vehicle Code in the Town Code Section 58-2 .”** The motion was 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, 2008**, 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 of **12:01 a.m. July 1, 2008**. As of such effective date, such re-adoption shall replace former section 58-2 as it existed prior to the effective date of re-adoption, 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 re-adoption 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)

**4. Consider Setting a Date for a Public Hearing on the Zoning Ordinance for Signs**

Town Planner Anderson presented the proposed ordinance to the Town Council.

A discussion ensued about political signs and signs advertising tobacco and alcohol with Town Attorney Poulson. Council determined that clarification needed to be made on this section. Council expects to review proposed changes to the draft ordinance during the June 19 meeting.

Town Planner Anderson noted that the Council has worked on the ordinance during the past seven months and before reaching Council the Planning Commission had spent three or four years developing the proposed ordinance.

## **5. Budget and Personnel Committee Report of May 20, 2008**

Councilwoman Conklin presented the following Committee Report:

### **A) Consider changes in the Employee handbook Section 604.**

Mr. Ritter explained to the Committee Members that the change to section 604 would allow for the a current salaried employee and possible future salaried employees to have the same privilege with the administrative leave as the Town Manager, Director of Public Works, and Chief of Police. Administrative leave is currently not being used very often.

**Councilman Wolffe made a motion, seconded by Madam Chair Conklin “to approve the changes to the employee handbook section 604 administrative leave and send it to council”. The motion was unanimously approved.**

#### 604 ADMINISTRATIVE LEAVE

The Town manager, at his discretion, may authorize up to 5 days of paid leave, known as “administrative Leave”, for an employee who finds himself in exceptional circumstances such as significant events involving a member of an employee’s immediate family. This leave will be granted only after the employee has used up all annual leave. (Immediate family is defined as spouse, children, parents, grandparents, siblings, and/or any other relation by blood or marriage who is and has resided in the employee’s household for a minimum of three months.)

All executive staff members will be eligible for compensation for overtime through the use of executive administrative leave. Executive staff shall be defined to apply only to **salaried (exempt) employees** ~~the Town manager, Director of Public Works, and Chief of Police.~~ This administrative leave policy will permit an executive staff employee to take reasonable salaried time off at the discretion of the Town manager, in connection with attendance at night meetings or events requiring the expenditure of similar time. Executive administrative leave may only be permitted for periods of less than eight (8) consecutive hours. Any time off of eight (8) consecutive hours or more must be taken as annual leave.

**“Councilwoman Richardson motioned, seconded by Councilman Ross to approve the budget and personnel report of May 20, 2008.”** The motion was unanimously approved.

- **Consider Changes in the Employee Handbook section 604**

Several Council members expressed concerns with the general language of the second paragraph of the policy. They agreed generally with the concept, but thought the language was confusing. Town Attorney Poulson stated he would put something together for the Town Manager, to be brought back to the next Council meeting of June 19, 2008.

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

Councilwoman Richardson stated that the Memorial Day Parade and Picnic was a huge success and she wanted to thank all who were involved with helping out.

Councilman Howard stated that he appreciated all the hard work and the countless contributions that Councilman Ross has given to the Town of Chincoteague.

## **AJOURN**

**“Councilman Ross motioned, seconded by Councilwoman Conklin, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 9:24 pm.

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Mayor

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Town Manager

## **MINUTES OF THE JUNE 19, 2008 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Glenn B. Wolffe, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Nancy B. Conklin, Councilwoman

### **Council Members Absent:**

Anita Speidel, Vice-Mayor

### **Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

### **Invocation**

Councilman Ross offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Open Forum/Public Participation.**

- **Mary Jester** of 6215 Clark Street stated that she has been coordinating the petition appealing recent county property tax increases, she also stated that Judge Tyler will be holding a hearing in his courtroom in Accomac on Tuesday June 24 at 1:30. This is to establish the process to be used in circuit court and not to consider the appeal itself. Mrs. Jester encouraged members of the Council and citizens to attend this hearing to demonstrate the concern of the public about this issue.



## **Agenda Additions/Deletions and Adoption**

“Councilwoman Conklin motioned, seconded by Councilman Ross to adopt the agenda.” The motion was unanimously approved.

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

“Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes of the Regular Council meeting of June 2, 2008.” The motion was unanimously approved.

### **7. Deer Management Program Presentation by David Allaben, SE District Supervisor (VA), USDA APHIS Wildlife Services**

Mr. David Allaben stated that the deer management program has been a combined effort between of the Town of Chincoteague and Wildlife Services. The deer have been a problem on Chincoteague Island for several years. The overabundance of deer has created three areas of increased concern for local residents. First, the potential loss of life and/or risk of human injury from deer/vehicle collisions; second, significant economic loss and damage to private property through browsing of residential shrubs and other landscaping materials; and third, an increased risk of tick-borne diseases such as Lyme’s Disease.

A total of 252 deer have been removed thru shooting from 2003 - 2008, including 52 earlier in 2008. The deer have been donated to the Hunters for the Hungry group on the Eastern Shore. The program usually takes place in January and February. Mr. Allaben does not have an estimate of the total number of deer on Chincoteague but believes the deer removal efforts have probably not reduced the core deer population. Additional efforts, including use of traps and wider scope, may be needed. There has been a reduction of vehicle-deer collisions since 2003. Mr. Allaben suggested that the town help identify citizens who would be willing to permit use of their property for the program.

### **8. Consider Adoption of the Fiscal Year 2009 Budget**

“Councilman Howard motioned, seconded by Councilwoman Conklin to adopt the budget for the fiscal year 2009 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 \$0.62/100, excise tax (meals) at 4 %, excise tax (transient occupancy) at 3%, the General Government, Harbor, & Water fee schedules and appropriate the funds for disbursement.” Ayes Howard, Wolffe, Ross, Conklin, Nays Richardson with Speidel Absent.

#### **FY'09 Budget Revenues**

<u>Revenue Name</u>	<u>Number</u>		<u>Budgeted</u>
Fund 10 - General Government			
Real Estate Tax Levy	4001-0100	\$	630,293
Tangible Property Tax Levy	4001-0125	\$	206,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$	32,000

Meals Tax	4001-0500	\$	435,000
Bank Franchise Tax	4001-0600	\$	57,000
Sales Tax	4010-0100	\$	119,000
Business License	4010-0200	\$	115,000
Motor Vehicle License	4010-0300	\$	83,347
Utilities Tax	4010-0500	\$	101,800
Transient Occupancy Tax	4010-0600	\$	542,500
Fines	4015-0100	\$	38,000
Interest on Savings	4020-0100	\$	95,000
Banner Donations	4041-0100	\$	-
Cemetery Cleanup Donations	4041-0150	\$	1,000
User Fees	4041-0200	\$	25,000
Building Permits	4041-0500	\$	65,000
Zoning Advertisements	4041-0600	\$	2,700
Grants/Litter	4045-0100	\$	2,655
Sale of Capital Assets	4049-0100	\$	500
Optimum Choice-Retirees Spouse	4051-0200	\$	10,150
VA Fire Programs	4051-0300	\$	10,000
Revenue Sharing - USFWS	4061-0100	\$	4,200
Harbor Administration	4061-0105	\$	7,000
Rental Income - Trolley	4061-0106	\$	12,000
Communications Tax	4071-0100	\$	243,200
Personal Property Relief Act	4071-0200	\$	129,250
Mobil Home Sales Tax	4071-0300	\$	6,200
Recovered Cost from Water	4101-0200	\$	123,720
Public Works Miscellaneous	4201-0100	\$	10,000
Miscellaneous Income	4303-0100	\$	15,000
Tipping Fee Refund - County	4303-0300	\$	74,000
Solid Waste Collection Fee	4303-0400	\$	150,000
Law Enforcement Funds	4401-0100	\$	127,380
Police Miscellaneous	4401-0125	\$	1,000
Police Donations	4401-0150	\$	20,000
Police Grants	4401-0150	\$	10,000
911 Dispatch Revenue	4401-0200	\$	15,000
VDOT Maintenance Funds	4501-0100	\$	508,412
Road Permit Fees	4501-0101	\$	800
VA Commission for the Arts - Grant	4545-0140	\$	5,000
Transfer from General Fund Savings	4701-0100	\$	63,000
Transfer from Mosquito Control Savings	4701-1200	\$	68,802
Transfer from Mosquito Control Savings Drainage	4940-8900	\$	20,451

<b>Total Fund 10</b>		\$	<b>4,186,360</b>
Fund 20 - Main Street Project			
Program Income	4501-0100	\$	14,000
TEA-21 Grant	4501-0115	\$	277,000
Loan Repayment	4501-0200	\$	3,920
Transfer from General Fund	4501-8900	\$	63,000
<b>Total Fund 20</b>		\$	<b>357,920</b>
Fund 30 - Curtis Merritt Harbor			
Interest on Harbor Savings	4031-0100	\$	2,500
Harbor Rent	4031-1000	\$	43,043
Rent New Slips (Restroom)	4031-1001	\$	10,406
Subleases	4031-1002	\$	14,000
Dry/Winter Storage	4031-1003	\$	750
Loading Dock	4031-1005	\$	750
VA Port Authority Grant	4031-1050	\$	182,894
Transfer from Long Term Replacement	4031-1050	\$	47,012
<b>Total Fund 30</b>		\$	<b>301,355</b>
Fund 70 - Trolley			
Trolley Grants	4501-0100	\$	47,900
Program Income	4501-0110	\$	7,500
Transfer from General Fund	4501-8900	\$	20,000
<b>Total Fund 70</b>		\$	<b>75,400</b>
Fund 80 - Water			
Water Rent	4101-0100	\$	855,241
Water Adjustments	4101-2200	\$	(500)
Waterline Extensions	4130-0100	\$	10,000
Service Connections	4131-0200	\$	10,512
Interest on Water Savings	4131-0300	\$	5,500
Miscellaneous	4131-0400	\$	500
Availability Fees	4131-0500	\$	55,620
<b>Total Fund 80</b>		\$	<b>936,873</b>
<b>TOTAL ALL FUNDS</b>		\$	<b>5,857,908</b>

**FY'09 Budget Expenditures**

<u>Expenditure Name</u>	<u>Number</u>	<u>Budgeted</u>
<b>FUND 10 - General Fund</b>		
Fund 10 - General Fund/Department 50 - General Government		

**Salaries**

Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	361,633
Emergency Medical Staff	5010-1002	\$	198,862
Overtime	5010-1003	\$	39,000
Subtotal		\$	627,335

**Benefits**

Social Security	5020-2001	\$	47,991
Hospitalization	5020-2101	\$	52,404
Blood Bank	5020-2102	\$	100
Unemployment - All Employees	5020-2103	\$	5,000
Retirement	5020-2201	\$	55,210
Life Insurance	5020-2202	\$	2,550
Subtotal		\$	163,255

**Expenses**

Bank Charges	5030-3100	\$	750
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	9,000
Planning Commission	5030-3103	\$	40
Board of Zoning Appeals	5030-3104	\$	40
Building Permit Surcharge	5030-3105	\$	1,250
Board of Building Code Appeal	5030-3106	\$	25
Emergency Medical Clothing	5030-3107	\$	2,200
EMS Cell Allowance		\$	1,600
Insurance	5030-3401	\$	83,000
Auditing	5030-3501	\$	19,000
Donations	5030-3601	\$	11,600
Fire Department Donation	5030-3602	\$	19,650
Transfer to Civic Center (TOTAX - 17%)	5030-3701	\$	92,225
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$	43,500
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	10,000
Office Equipment/Software Maintenance	5030-4402	\$	20,000
Postage	5030-4403	\$	10,000
Tax Bills & Conversion	5030-4404	\$	750
Motor Vehicle License	5030-4501	\$	2,100
Travel & Training	5030-4801	\$	3,800

Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	500
Town Manager's Expense	5030-4903	\$	250
Attorney/Legal Consultants	5030-5101	\$	46,000
Drug/Alcohol Testing	5030-5201	\$	2,000
Christmas Dinner	5030-5501	\$	4,000
Dues	5030-6101	\$	3,000
VML Conference	5030-6102	\$	1,000
Advertising & Website	5030-7101	\$	12,000
Building Maintenance	5030-7301	\$	5,000
Electricity	5030-7401	\$	14,500
Heating Oil	5030-7402	\$	5,000
VA Fire Programs/CVFC	5030-7601	\$	10,000
EOC Operations/Training	5030-7602	\$	1,500
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	5,000
Deer De-Pop Program	5030-7703	\$	8,000
Telephone Bills	5030-8202	\$	12,000
Optimum Choice - Retirees	5030-8401	\$	45,000
Insurance-Ret Spouses & Others	5030-8402	\$	23,000
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	\$	63,000
Transfer to Trolley Fund	5030-8900	\$	20,000
VOLSAP For Volunteer Firemen	5030-8912	\$	2,640
Subtotal		\$	645,820.00

**Capital Improvements**

Property Acquisition Reserve	5090-9704	\$	25,000
Office Equipment	5090-9709	\$	10,000
Bond - School Board Property	5090-9740	\$	64,796
Interest on Bond	5090-9741	\$	18,161
Planning Consultants	5090-9750	\$	8,000
Subtotal		\$	125,956

**Subtotal Fund 10 Department 50** \$ 1,562,366

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

**Salaries**

Salaries	6010-1001	\$	81,264
Overtime	6010-1003	\$	500

Subtotal \$ 81,764

**Benefits**

Social Security	6020-2001	\$	6,255
Hospitalization	6020-2101	\$	14,296
Retirement	6020-2201	\$	6,364
Life Insurance	6020-2202	\$	358
Subtotal		\$	27,273

**Expenses**

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,000
Street Signs / 911	6030-4502	\$	2,000
Street Lights	6030-4503	\$	59,000
Gasoline/Diesel	6030-4701	\$	26,423
Oil/Grease	6030-4703	\$	1,500
Tools Shop	6030-4704	\$	2,000
Travel/Training	6030-4801	\$	1,750
Clothing / Uniforms	6030-5202	\$	1,150
Building Maintenance	6030-7301	\$	1,500
Equipment Repairs	6030-7302	\$	10,000
Safety	6030-7303	\$	250
Vehicle PMs	6030-7304	\$	500
Tires	6030-7305	\$	2,000
Garage Supplies	6030-7306	\$	2,000
Vehicle Repairs	6030-7307	\$	6,000
Electricity	6030-7401	\$	7,500
LP Gas	6030-7402	\$	2,000
Tipping Fees	6030-7501	\$	1,200
Sanitation Contract	6030-7501	\$	356,228
Miscellaneous	6030-8501	\$	1,500
Subtotal		\$	486,001

**Capital Improvements**

Sewage Treatment Study	6030-9531	\$	25,000
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**Subtotal Fund 10 Department 60** \$ 620,038.00

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

**Salaries**

Salaries	6310-1001	\$	200,333
Overtime	6310-1003	\$	3,000
Subtotal		\$	203,333.00

**Benefits**

Social Security	6320-2001	\$	15,555
Hospitalization	6320-2101	\$	32,420
Retirement	6320-2201	\$	16,366
Life Insurance	6320-2202	\$	856
Subtotal		\$	65,197.00

**Expenses**

Seasonal Decorations & Banners	6330-4100	\$	2,000
Tools	6330-4704	\$	750
Uniforms	6330-5202	\$	5,179
Public Restroom Supplies	6330-6260	\$	2,000
Electricity	6330-7401	\$	3,500
Sundry	6330-8501	\$	200
Park & Recreation Expense	6330-8590	\$	3,000
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	2,000
Park Across the School	6330-8800	\$	200
Island Nature Trail	6330-8900	\$	1,000
Subtotal		\$	21,829.00

**Capital Improvements**

Playground Equipment Reserve	6390-9200	\$	20,000.00
Subtotal		\$	20,000.00

**Subtotal Fund 10 Department 63** \$ 310,359.00

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

**Salaries**

Salaries	6510-1001	\$	71,272
Overtime	6510-1003	\$	2,000
Subtotal		\$	73,272

**Benefits**

Social Security	6520-2001	\$	5,605
Hospitalization	6520-2101	\$	10,807
Retirement	6520-2201	\$	6,859
Life Insurance	6520-2202	\$	359
Subtotal		\$	23,630

**Expenses**

Snow Removal	6530-4102	\$	1,000
Maintenance Coatings/Replacement	6530-4150	\$	287,010

Sidewalks	6530-4201	\$	30,000
Traffic Control Devices	6530-4202	\$	20,000
Roadside Services	6530-4250	\$	3,000
Drainage Maintenance	6530-6250	\$	50,000
Traffic Control Operations	6530-7201	\$	1,500
Street Lights	6530-7450	\$	14,000
Engineering	6530-8600	\$	5,000
Subtotal		\$	411,510
<b>Subtotal Fund 10 Department 65</b>		\$	508,412

Fund 10 - General Fund/Department 70 - Police Department

**Salaries**

Salaries	7010-1001	\$	428,000
Overtime	7010-1003	\$	8,500
Subtotal		\$	436,500

**Benefits**

Social Security	7020-2001	\$	33,416
Hospitalization	7020-2101	\$	30,312
Retirement	7020-2201	\$	40,272
Life Insurance	7020-2202	\$	1,849
Subtotal		\$	105,849

**Expenses**

Gasoline	7030-4701	\$	18,000
Travel/Training	7030-4801	\$	8,500
Uniform Allowance (Officers)	7030-5201	\$	6,500
Uniforms - Town	7030-5202	\$	3,500
Police Conference	7030-6102	\$	400
Photography	7030-7201	\$	300
Office Supplies/Equipment Maintenance	7030-7300	\$	4,000
Equipment Repairs & Supplies	7030-7302	\$	2,500
Vehicle Maintenance	7030-7304	\$	5,000
Drug Enforcement	7030-7901	\$	15,000
Academy Dues	7030-7903	\$	3,800
Bicycle Patrol	7030-7904	\$	200
Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	5,000
Ammunition	7030-7907	\$	1,400
Police Drug Dog	7030-7908	\$	4,500
Cell Phone Allowance	7030-8203	\$	3,600



Sundry	7030-8501	\$	1,200
Subtotal		\$	103,400

**Capital Improvements**

Patrol Vehicle	7090-9650	\$	26,500
Surveillance Equipment	7090-9675	\$	15,000
PD / Magistrate Video	7090-9690	\$	10,000
Subtotal		\$	51,500

**Subtotal Fund 10 Department 70** \$ 697,249

Fund 10 - General Fund/Department 75 - Emergency Dispatch

**Salaries**

Salaries	7510-1001	\$	169,500
Overtime	7510-1003	\$	2,500
Subtotal		\$	172,000

**Benefits**

Social Security	7520-2001	\$	13,157
Hospitalization	7520-2101	\$	20,208
Retirement	7520-2201	\$	9,398
Life Insurance	7520-2202	\$	432
Subtotal		\$	43,195

**Expenses**

Travel/Training	7530-4801	\$	2,500
Uniform Allowance - Dispatchers	7530-5201	\$	1,400
Uniforms (Town for Dispatchers)	7530-5202	\$	1,000
Office Supplies/Equipment Maintenance	7530-7300	\$	15,000
E911 Line Fees	7530-8202	\$	7,000
911 Addressing	7530-8203	\$	1,100
Sundry	7530-8501	\$	200
Subtotal		\$	28,200

**Capital Improvements**

Radio Equipment	7590-9300	\$	50,000
Subtotal		\$	50,000

**Subtotal Fund 10 Department 75** \$ 293,395

**Total Fund 10** \$ **3,991,819.15**

**Fund 20 - Main Street Project**

**Expenses**

Maintenance	2030-7101	\$	8,000
Electricity	2030-7401	\$	6,000
Transfer to Loan Pool	2030-7601	\$	3,920
Subtotal		\$	17,920

**Capital Improvements**

Main Street Project	2090-9711	\$	340,000
Subtotal		\$	340,000

**Total Fund 20** **\$ 357,920**

**Fund 30 - Curtis Merritt Harbor**

**Salaries**

Salaries	8010-1001	\$	21,375
Overtime	8010-1003	\$	200
Subtotal		\$	1,575

**Benefits**

Social Security	8030-2001	\$	2,075
Hospitalization	8020-2101	\$	-
Retirement	8020-2201	\$	2,105
Life Insurance	8030-2202	\$	100
Subtotal		\$	4,280

**Expenses**

Administrative Expense - Town	8030-3100	\$	7,000
Operation/Maintenance/Etc.	8030-7300	\$	15,000
Sundry	8030-8501	\$	3,500
Subtotal		\$	25,500

**Capital Improvements**

CMH Replacement Project	8090-9126	\$	250,000
Subtotal		\$	250,000

**Total Fund 30** **\$ 301,355.44**

**Fund 40 - Mosquito Control**

**Salaries**

Salaries	8510-1001	\$	48,330
Overtime	8510-1003	\$	500
Subtotal		\$	48,830

**Benefits**

Social Security	8520-2001	\$	3,726
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Hospitalization	8520-2101	\$	525
Retirement	8520-2201	\$	250
Life Insurance	8520-2202	\$	34
Subtotal		\$	4,535

**Expenses**

Insurance	8530-3401	\$	8,100
Office Supplies	8530-4401	\$	200
Gasoline	8530-4701	\$	3,875
Tools & Small Equipment	8530-4704	\$	1,000
Chemicals	8530-4705	\$	30,500
Contract Spraying	8530-4706	\$	23,000
Travel/Training/Conference	8530-4801	\$	300
Uniforms	8530-5202	\$	500
Telephone/Pagers/Other	8530-6204	\$	600
Advertising	8530-7101	\$	1,000
Equipment Repairs/Maintenance	8530-7302	\$	1,500
Safety Equipment	8530-7303	\$	400
Vehicle Maintenance	8530-7304	\$	1,000
Sundry	8530-8501	\$	200
Subtotal		\$	72,175

**Capital Improvements**

Equipment	8590-9124	\$	34,000
Drainage	8590-9125	\$	35,000
Subtotal		\$	69,000

**Total Fund 40** **\$ 194,540**

Fund 70 - Trolley

**Salaries**

Salaries	3010-0100	\$	33,000
Subtotal		\$	33,000

**Benefits**

Social Security	3020-2001	\$	2,500
Subtotal		\$	2,500

**Expenses**

Insurance & Bonding	3030-3401	\$	900
Signs/Printing/Advertising	3030-4402	\$	5,000
Fuel	3030-4701	\$	8,000
Equipment Repairs/Maintenance	3030-7302	\$	9,000

Other Expenses	3030-8501	\$	5,000
Rent	3030-8505	\$	12,000
Subtotal		\$	39,900
<b>Total Fund 70</b>		<b>\$</b>	<b>75,400</b>
Fund 80 - Water			
<b><u>Salaries</u></b>			
Salaries	6210-1001	\$	182,537
Overtime	6210-1003	\$	3,000
Pump Duty	6210-1004	\$	11,517
Subtotal		\$	197,054
<b><u>Benefits</u></b>			
Social Security	6220-2001	\$	15,074
Hospitalization	6220-2101	\$	26,819
Retirement	6220-2201	\$	18,444
Life Insurance	6220-2202	\$	966
Subtotal		\$	61,303
<b><u>Expenses</u></b>			
Office Supplies/Equipment Maintenance	6230-4401	\$	2,500
Postage	6230-4403	\$	2,750
Gasoline & Diesel	6230-4701	\$	4,752
Tools	6230-4704	\$	750
Chemicals	6230-4705	\$	6,600
Travel & Training	6230-4801	\$	2,500
Uniforms	6230-5202	\$	1,300
Dues/Licenses	6230-6101	\$	600
Building Maintenance/Rehab	6230-7301	\$	2,000
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	500
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	46,000
LP Gas	6230-7402	\$	500
Distribution & Repairs	6230-8101	\$	20,000
Supply Repairs	6230-8103	\$	15,000
Pager/Well Monitoring	6230-8202	\$	500
Miss Utility	6230-8204	\$	500
Sundry	6230-8501	\$	200
Reimbursement to Fund 10	6230-8601	\$	123,720
Regulation Compliance	6230-8750	\$	1,500

State Groundwater Permits	6230-8770	\$	6,300
Equipment Expense to Fund 10	6230-8800	\$	1,000
Engineering	6230-9100	\$	2,000
Subtotal		\$	242,472
<b><u>Capital Improvements</u></b>			
Water Main Extensions	6290-9101	\$	10,000
Aquifer Test Plan	6290-9201	\$	-
Interest on Water Bond Supply Line	6290-9504	\$	35,198
Water Bond - Supply Line Main Street	6290-9505	\$	88,674
Water Bonds	6290-9506	\$	152,142
Interest on Water Bond	6290-9507	\$	89,530
Generator for Water Wells Reserve	6290-9601	\$	30,000
Pension & Anderton Water Line Replacement	6290-9603	\$	10,000
Base Mapping GIS System	6290-9846	\$	500
6 Wheel Heavy Duty Truck	6290-9850	\$	10,000
S.C.A.D.A.	6290-9860	\$	10,000
Subtotal		\$	436,044
<b>Total Fund 80</b>		<b>\$</b>	<b>936,873</b>
<b>TOTAL ALL FUNDS</b>		<b>\$</b>	<b>5,857,908</b>

**GENERAL GOVERNMENT FEES**

**Building and Zoning Permit Fees**

**PROPOSED  
FY "09"**

<b>Category</b>	
Res. New Construction: per sq ft	\$0.18
Res. New Const.: minimum fee	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00
Comm. New Construction: per sq ft	\$0.23
[plus \$5 per plumbing fixture (Chinco)]	
Comm. New Constr.: minimum fee	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00
Mobile Homes: per sq ft	\$0.18
Demolition of Structure: Residential	\$30.00
Demolition of Structure: Commercial	\$30.00
Removal/Installation fuel tanks:	
1000-3000 gallon capacity	\$115.00
Each additional 1000 gallon capacity	\$25.00
Installation of radio or communication tower:	
Up to 100 feet	\$115.00
Each additional 100 feet	\$45.00

Piers or Bulkheads:	
Up to 300 linear feet	\$90.00
Each additional 100 linear feet	\$11.00
<b>New Docks: per sq ft</b>	<b>\$0.18</b>
Boat ramps & groins	\$115.00
Swimming Pools:	
Above-ground	\$60.00
In-ground	\$80.00
Commercial	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00
Re-siding	\$45.00
Moved Buildings	\$80.00
For other work not listed:	
Residential	\$60.00
Commercial	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a
No inspection required	\$30.00
Inspection required:	
Per sq ft	\$0.13
Minimum fee	\$60.00
Appeals to the Board of Appeals	\$450.00
Administrative Fees:	
Lost permit (reissue)	\$30.00
Permit amendment (reissue)	\$30.00
Change of use	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00
For beginning constr. prior to obtaining BP:	
First offense	\$50.00
Each offense thereafter	\$200.00
Re-inspection fee	\$40.00
State Code Academy Surcharge	\$0.02
Refunds: (% of amount paid)	
Permit issued, no inspections	\$0.75
Foundation inspection completed	\$0.75
Framing & foundation inspection completed	\$0.25
Subdivision Review Fees (per each submitted plat):	
Up to 10 lots:	
Base fee	\$200.00
Each lot (in addition to base fee)	\$10.00
Over 10 lots or required new road construction:	
Base fee	\$500.00
Each lot (in addition to base fee)	\$20.00

Zoning Fees:	
Zoning clearance (excludes reroofing permits, renovation permits or permits issued in incorporated towns)	\$35.00
Special use permit	\$450.00
Conditional use permit	\$1,500.00
Variance application	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00
Appeal decision of Zoning Administrator	<b>\$450.00</b>
Proposed rezoning change	\$730.00
Amendment to the zoning ordinance	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00
Site evaluation (set-back verification or subdivision)	\$100.00
Administrative waiver or modification of the C.B.	\$100.00
Preservation District Requirement	
Travel Trailer Park Fees:	
Up to 25 trailers	\$500.00
26-49 trailers	\$1,000.00
50 or more trailers	\$2,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Sign Permit Fees:	
Less than or equal to 40 square feet	\$45.00
Each sq ft in excess of 40 sq ft	\$1.00
Mobile Home Park Fees:	
4-25 mobile homes	\$1,000.00
26-40 mobile homes	\$2,000.00
41 or more mobile homes	\$5,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Transcript Fees (per page)	\$12.00
Document Fees:	
Comprehensive Plan	\$20.00
Zoning Ordinance	n/a
Subdivision Ordinance	n/a
Complete ordinances, incl zoning & subdivision	\$35.00

Excerpts from Ordinances & Other Town Documents:	
per page and/or double sided per page	\$0.50
Maps 36" x 44"	\$55.00
Contractors List (Class A & B)	\$0.00
New Address Fee	\$25.00
New Road Fee (at cost per MSAG)	cost
Elevators/Escalators/Lifts	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00
Carport or Garage: per sq ft	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00
Deck: per sq ft	\$0.18
Fence (> 8 linear ft. Total)	\$45.00
Fireplace	\$0.00
Foundation	\$60.00

**General Government Taxes and Fees**

Real Estate Tax ( \$.06/100)	<b>\$0.06</b>
Tangible Property Tax ( \$/100)	\$0.85
Tangible Property Tax Relief (percent)	<b>62%</b>
Excise Tax; Meals (percent)	4%
Excise Tax; Transient Occupancy Tax (percent)	3%
Vehicle Decals (annual)	\$27.00
Road Subdivision Review Fee	\$250.00
Side Walk Administrative Fee (Percent)	25%
Solid Waste Collection Fee (Residential per week)	\$1.00
Solid Waste Collection Fee (Commercial/Business per week)	\$1.00

**GENERAL GOVERNMENT  
BUSINESS LICENSE RATES - FY "09"**

(Rate per \$100 of gross receipts)  
At a \$ 500 Maximum & \$30 Minimum  
**"Since 1977"**

<b>Code</b>	<b>Business Type</b>	<b>Rate</b>
1	Retail Merchant	0.13
11	Restaurant	0.13
12	Amusements	0.13
2	Professional	0.13
3	Repair, Personal, Business	0.13
31	Tourist Home	0.13
32	Motel	0.13
33	Bed & Breakfast	0.13



34	Campground	0.13
35	Property Rental Agency	0.13
36	Charter Boats	0.13
37	Cottages/Cabins	0.13
38	Trucking/Hauling	0.13
39	Lawn Care	0.13
4	Contract Construction	0.13
41	Home Improvement	0.13
42	Construction Class C	0.13
43	Construction Class B	0.13
44	Construction Class A	0.13
45	Plumbers	0.13
46	Electricians	0.13
47	HVAC (Heating/Air Cond.)	0.13
5	No Charge	0
6	Peddler/Perishable*	\$75 per vehicle
7	Franchise (Utility)*±	1/2 of 1% of gross rec
8	Vending Machines	\$200 + .13
9	Wholesale	0.05
	Pawnbroker	\$100 + .13
*	Billposters	\$500
*	Carnival/Circus	\$500
*	Bus & Freight Terminal	\$85
*	Savings Institution; Credit Union	\$50
*	Going out of Business Sale	\$50
*	Itinerant Vendor	\$500
*	Retail Peddler on Foot	\$225
*	Retail Peddler Other than on Foot	\$500
*	Wholesale Peddler	\$100 per vehicle
	* Does not follow the "per \$100 of gross receipts" format	
	± Cable Franchise rate is 2% of gross receipts.	

**FY "09" Rate Schedule Curtis Merritt Harbor (July 1, 2008 – June 30, 2009)**

25 ft Slip \$379.00    30 ft Slip \$428.00    40 ft Slip \$645.00    50 ft Slip \$939.00

Slip at head of Collector Pier \$1030.00

Loading Dock fees are \$7.00 per day after 4 hours.

Sublease rate for Commercial Vessels: \$3.50 per day or any portion of a day.

Sublease rate for recreational vessels: \$5.00 per day or any portion of a day.

Nets or other items left on dockside for storage over 3 days will be \$10.00 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.

**WATER RATES, CHARGES AND BILLING FOR FY 09**

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	\$22 residential \$37 commercial	6,000 6,000	\$3.76 \$4.10
1	\$94	15,000	\$4.10
1.5	\$186	30,000	\$4.10
2	\$298	48,000	\$4.10
3	\$594	96,000	\$4.10
4*	\$929	150,000	\$4.10
6	\$1857	300,000	\$4.10
8	\$2971.00	480,000	\$4.10

\*One meter currently in the system is to be charged \$5.24 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:

\$584 for a 5/8" or 3/4" Meter connecting pipe

\$1,061 for a 1" connecting pipe

\$1,433 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 \$3,708 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, shall be charged a fee of \$50.00.
- 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.

**4. Public Hearing on the Zoning Ordinance for Signs**

Mayor Tar opened the Public Hearing at 8:10 pm. **Jane Wolffe** of Leonard Lane and a member of the Planning Commission went over the lengthy process which had started with a Island wide survey of citizens and their opinions which had been filled out by 1,220 people. This survey showed a high amount interest in improving the town's appearance. She thanked the Planning Commission and Council members for their extensive work on the new ordinance. Mayor Tarr closed the Public Hearing at 8:19 pm and noted that the Council had held seven workshop meetings on the ordinance. Councilman Wolffe thanked the town planner **Jared Anderson** for his valuable work on the subject.

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the proposed sign ordinance and all necessary deletions and/or amendments to the zoning ordinance in regards to signs.”** The motion was unanimously approved.

Article II. Definitions

- Sec. 2.12. Repealed.
- Sec. 2.13. Repealed.
- Sec. 2.15. Repealed.
- Sec. 2.27. Repealed.
- Sec. 2.34. Repealed.
- Sec. 2.38. Repealed.
- Sec. 2.50. Repealed.
- Sec. 2.51. Repealed.
- Sec. 2.65. Repealed.
- Sec. 2.83. Repealed.
- Sec. 2.84. Repealed.

Sec. 2.102. Repealed.  
Sec. 2.106. Repealed.  
Sec. 2.113. Repealed.  
Sec. 2.117. Repealed.  
Sec. 2.126. Repealed.  
Sec. 2.128. Repealed.  
Sec. 2.132. Repealed.  
Sec. 2.150. Repealed.  
Sec. 2.151. Repealed.  
Sec. 2.152. Repealed.  
Sec. 2.164. Repealed.  
Sec. 2.175. Repealed.

## Article VII. Signs

### Section A. Purpose and Intent

Sec. 7.1. Introduction.  
Sec. 7.2. Definitions.  
Sec. 7.3. Signs as a matter of right.  
Sec. 7.4. Temporary signs.  
Sec. 7.5. Construction and maintenance.  
Sec. 7.6. Prohibited signs.  
Sec. 7.7. Nonconforming signs.  
Sec. 7.8. Protection of First Amendment rights.  
Sec. 7.9. Removal.  
Sec. 7.10. Variances.

### Section B. Standards and Criteria

Sec. 7.11. Generally.  
Sec. 7.12. Residential districts.  
Sec. 7.13. Commercial districts.  
Sec. 2.12. Repealed 6/19/08.  
Sec. 2.13. Repealed 6/19/08.  
Sec. 2.15. Repealed 6/19/08.  
Sec. 2.27. Repealed 6/19/08.  
Sec. 2.34. Repealed 6/19/08.  
Sec. 2.38. Repealed 6/19/08.  
Sec. 2.50. Repealed 6/19/08.  
Sec. 2.51. Repealed 6/19/08.  
Sec. 2.65. Repealed 6/19/08.  
Sec. 2.83. Repealed 6/19/08.  
Sec. 2.84. Repealed 6/19/08.  
Sec. 2.102. Repealed 6/19/08.  
Sec. 2.113. Repealed 6/19/08.  
Sec. 2.117. Repealed 6/19/08.  
Sec. 2.126. Repealed 6/19/08.  
Sec. 2.127. Pony Penning sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, open to the public, for the purpose of disposing of any personal property.

Permit. A permit is required for conducting Pony Penning sales within the town and must be secured seven days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale.

Permit fee. The permit fee shall be \$300.00.

(1) Anyone with a valid town business license is exempted from the permit fee.

(2) Any person who produces documentary evidence to the reasonable satisfaction of the town manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.

(3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales, and the remaining balance of the deposit, if any, shall be refunded to permittee at the end of such period upon computation of the actual tax due and payable as determined by such sales. Anyone conducting such food sales who has, for a period of three years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required is exempt from this deposit requirement.

Duration of sale; hours of operation; frequency. Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements .

(Amended 6/19/08.)

Sec. 2.128. Repealed 6/19/08.

Sec. 2.150. Repealed 6/19/08.

Sec. 2.151. Repealed 6/19/08.

Sec. 2.152. Repealed 6/19/08.

Sec. 2.164. Repealed 6/19/08.

Sec. 2.175. Repealed 6/19/08.

Sec. 2.181. Yard sale.

Yard sale is herein defined in this ordinance to mean and include all general sales within the town, open to the public, for the purpose of disposing of personal property including, but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale.

Personal property shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Permit. No permit is required for conducting a yard sale.

Duration of sale; hours of operation; frequency. Yard sales conducted under this section shall be limited in time to no more than three consecutive days per sale and may not be conducted more than four times per calendar year and are not permitted from and including the Saturday preceding Pony Penning through the Saturday following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a yard sale and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.

(Amended 6/19/08.)

3.1.7. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(Amended 6/19/08.)

3.4.9. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

(Amended 6/19/08.)

3.7.18. Signs (See Article VII, Signs.)

(1) Street address signs.

(2) Home occupation signs.

(3) Resident identification signs.

(4) Temporary signs.

(5) Business signs only to advertise the sale or yearly rental of the premises upon which erected. Only one sign, limited to four square feet, will be allowed on each lot.

(6) Church bulletin boards and identification signs as defined in Article VII.

(Amended 6/19/08.)

ARTICLE VII. SIGNS  
SECTION A. PURPOSE AND INTENT

Sec. 7.1. Introduction.

7.1.1. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.

7.1.2. The provisions of this ordinance are made to establish reasonable and impartial regulations for all signs wherever placed out-of-doors in view of the general

public or wherever placed indoors as a window and to further the objectives of the comprehensive plan; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to preserve our natural, architectural and cultural uniqueness assets; to protect property values; and to further economic development.  
(Ord. of 4-3-1995)

## Sec. 7.2. Definitions.

For the purpose of this ordinance, certain words and terms are defined as follows (words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular).

7.2.1. Abandoned sign. A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

7.2.2. Address and name of resident. A sign indicating address and/or name of residential occupants of the premises, and not including any commercial advertising or identification. (Additional address numbers are permitted on structures.)

7.2.3. Animated Sign. A sign which uses movement or change of lighting to depict action, words, graphics, commercial message or creates a special effect or scene. Includes Scrolling Signs.

7.2.4. Awning sign. A sign placed directly on the surface of an awning.

7.2.5. Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

7.2.6. Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zone as the light source; also light with one or more beams that rotates or moves.

7.2.7. Billboard. See "Off-premises sign."

7.2.8. Bulletin board sign. A particular type of changeable copy sign that displays copy in a casement made of glass or plexi-glass. See "Changeable letter sign."

7.2.9. Canopy sign. A sign attached to a canopy.

7.2.10. Changeable letter sign. A sign that is designed so that characters and letters can be changed or rearranged without altering the face or surface of the sign.

7.2.11. Clearance (of a sign). The smallest vertical distance between the existing grade and the lowest point of any sign, including framework and embellishment.

7.2.12. Commercial message. Any sign, logo, or other representation that, directly or indirectly, names advertises, or calls attention to a business, product, service, or other commercial activity.

7.2.13. Directional sign. A sign that provides on-site directional assistance for the convenience of the public such as location of exits, offices, entrances, and parking lots. The name of the firm or business may be included on the sign.

7.2.14. Directory sign (commercial). A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

7.2.15. Directory sign (governmental). A sign erected, owned and maintained by the Town of Chincoteague within the public right-of-way to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public right-of-ways.

7.2.16. Festoons. A string of ribbons, tinsel, or pinwheels used for commercial purposes not including not-for-profit, or charitable organizations.

7.2.17. First Amendment right signs. Any sign lawfully advocating any political, social, religious, or other cause or position of the person or persons exhibiting such, the content of which would be protected by such person or person's right to freedom of speech as defined under the First Amendment to the United States Constitution and/or article I, section 12 of the Constitution of Virginia, subject to the restrictions hereinafter provided. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a non-profit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee therefore. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed thirty two (32) square feet in area, exceed five (5) feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of Article VII, except as expressly excepted.

(Amended 4/3/95)

7.2.18. Flags (commercial). Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols or wording.

7.2.19. Flag (governmental). Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols, used as a symbol of a government political subdivision or other entity.

7.2.20. Flashing sign. Any sign that includes light(s) which flash, blink or turn on and off intermittently, including searchlights (not including time and temperature signs).



7.2.21. Freestanding sign. The general term for any on-site sign which is supported from the ground and not attached to a building.

7.2.22. Glaring signs. Signs with light sources or with such reflective or brightness qualities that they constitute a hazard or nuisance.

7.2.23. Handicapped parking space sign. Signs reserving parking spaces for handicapped motorists.

7.2.24. Height (of a sign). The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less. (This is not the same as clearance)

7.2.25. Home occupation sign. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

7.2.26. Illegal sign. A sign that was constructed, erected or placed in violation of regulations that existed at the time it was built.

7.2.27. Illuminated sign. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

7.2.28. Inflatable sign. Any sign or advertising structure which uses air or gas to expand.

7.2.29. Incidental sign. A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zoned lot. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.

7.2.30. Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

7.2.31. Mansard facade. A facade designed to replicate the Mansard concept of design but which does not structurally support the wall to which it is attached and may extend above the actual roofline.

7.2.32. Marquee sign. A sign attached to and made a part of a marquee or any other similar projection from a building.

7.2.33. Monument sign. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

7.2.34. Nonconforming sign. A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

7.2.35. Off-premises sign. Any sign which is not located on the premises that it identifies or advertises.

7.2.36. Pennants. A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

7.2.37. Permanent sign. A sign which is permanently affixed into the ground or a building and meets the requirement of a structure under the Virginia Uniform Statewide Building Code.

7.2.38. Pinwheels. See "Rotating signs."

7.2.39. Pole sign. A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

7.2.40. Portable sign. A sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to signs permitted under 7.3.5 or 7.5. This definition shall not apply to menu or sandwich board signs on private property.

7.2.41. Projecting Signs. A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

7.2.42. Roof sign. Sign mounted on and supported by the main roof portion of a building. Signs mounted on mansard facade shall not be considered to be roof signs.

7.2.43. Rotating sign. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

7.2.44. Scrolling sign. See "Animated sign."

7.2.45. Security and warning signs. On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting," and "no soliciting."

7.2.46. Sexually Graphic Sign. Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms defined in the Code of the Town of Chincoteague.

7.2.47. Sign. Any device which is visible from a public byway, and all supporting poles, brackets, braces, wires, foundations, etc., that displays letters, characters or graphics to identify a land use or is meant to attract the public's attention.

Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the

boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

7.2.48. Sign structure. Includes the supports, uprights, bracing and framework of any structure, be it single- or double-faced or V-type or otherwise, exhibiting, illuminating, holding and/or supporting a sign.

7.2.49. Sign, temporary. See "Temporary sign."

7.2.50. Simulated traffic signs and obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

7.2.51. Snipe sign. A sign that is attached to a utility pole, tree, fence or any object located or situated on public property.

7.2.52. Street frontage. The side of a lot nearest the street. The frontage of a corner lot is the shorter of the two sides facing a street. Frontage may also be described as a distance, e.g. "The lot has 243 feet of frontage."

7.2.53. Temporary sign. Temporary signs shall be permitted for the purpose of advertising any event held by any nonprofit or charitable organization.

7.2.54. Temporary real estate signs. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold.

7.2.55. Vending machine identification signs. Signs or decals identifying a product which is used for public convenience.

7.2.56. Vehicular signs. Any sign displayed on an inoperable vehicle and or watercraft, where the primary purpose of the vehicle and or watercraft is to advertise a product or business or to direct people to a business or activity.  
(Ord. of 4-3-1995)

7.2.57. Wall sign. A sign painted on or attached to a wall of a building and parallel to the wall.

7.2.58. Window sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is inside a window or upon the window panes or glass and is visible from the exterior of the window.

7.2.59. Yard Sale Signs. Sign advertising for a yard sale. See Section 2.181. for definition of yard sale.

7.2.60. Sidewalk Sign. Any portable or temporary sign used for commercial purposes placed on a sidewalk and/or public right-of-way.

7.2.61. Statues. A three-dimensional form or likeness sculpted, modeled, carved, or cast in material such as stone, clay, wood, or bronze.

7.2.62. Air or gas filled balloons. An inflatable object used to draw attention to a business.

7.2.63. Menu or sandwich board sign. A portable, usually freestanding sign which is generally two-sided and of "A" frame construction, located on the ground, easily movable, and not permanently attached thereto.

### Sec. 7.3. Signs as a matter of right.

The following signs shall be permitted as a matter of right, and no sign permit shall be required:

7.3.1. Address and name of resident. Such sign shall not exceed four square feet in area.

7.3.2. Directional signs; private directional signs on site: Shall not exceed four square feet in area and shall not be located closer than five feet to any property line. The name of the firm or business may be included on the sign. See definition of directional signs.

7.3.3. First Amendment right signs. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a nonprofit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee therefore. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed 32 square feet in area or exceed five feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of Article VII, except as expressly excepted.

7.3.4. Flags, emblems, and insignia. Of any governmental agency or religious, charitable, public or nonprofit organization.

7.3.5. Handicapped parking space sign. Such signs shall meet the minimum standards set forth by ADA.

7.3.6. Home occupation signs. Such signs shall not exceed four square feet in area and shall contain only the name of the business and/or business owner.

7.3.7. Private drive signs. On-premises private drive signs limited to one per drive entrance, not exceeding two square feet in area.

7.3.8. Public signs. Signs erected by government agencies or utilities including traffic, utility, safety, directional and identification signs for public facilities.

7.3.9. Security and warning signs. Such signs shall not exceed two square feet in area. On unimproved lots, signs shall not be closer than 50 feet to each other and shall not be placed within ten feet of any property line. On improved lots, signs shall be placed five feet or less from the structure protected. Signs shall not exceed four feet in height.

7.3.10. Vending machine identification signs. All identification shall be placed within the square footage of the vending machine unit.

7.3.11. Menu and sandwich board signs. Sign of not more than eight square feet shall be displayed on private property. Per this ordinance this sign type shall not constitute a "portable sign." Only one sandwich board allowed per business or home occupation.

#### 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.

7.4.2. Temporary real estate sign. A real estate sign is permitted provided such sign shall not exceed four square feet in area, and 6 feet in height and shall be located no closer than 15 feet from the edge of the established roadway. If the main structure is located less than 15 feet from the edge of the established roadway the sign may be placed at the midpoint between the main structure and the edge of the established roadway provided it is not in the public right-of-way. Display of such sign is limited to one per property. When a development contains four or more parcels/ units, the developer may choose to install one sign, in lieu of individual signs, not to exceed 32 square feet in area, and shall place the sign parallel with the right-of-way. Such sign shall be removed within 30 days of the settlement or lease of the property. One directional sign may be erected if the said property is not easily visible from the adjoining state road.

7.4.3. Vacation rental signs. A vacation rental sign for rentals less than 12 months to one tenant are permitted; such sign shall not exceed four square feet in area and shall be located within two feet of the structure. Display of such sign is limited to one per property. Sign shall not exceed six feet in height.

7.4.4. Banners. On-premises banners shall not be more than 30 square feet in area. Total banners shall not exceed one per residence and one per business. 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 this ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

7.4.5. Political campaign signs. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 16 square feet in area and be located on private property. Political signs may not be placed in the sight distance triangle, and shall be removed no later than 14 days after the election has occurred.

7.4.6. Nonprofit or charitable organizations event signs. Any sign or signs for the purpose of advertising any event held by a nonprofit or charitable organization. Such signs or combination thereof shall not exceed 32 square feet in size and shall be permitted to be displayed only on private property for a period not to exceed seven consecutive days. Such signs, if located, at any intersection shall be set back a minimum of ten feet

from the edge of the street for safety purposes. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. A permit is required.

7.4.7. Construction, contractor and job site signs. One contractor sign, not exceeding 32 square feet in area, and subcontractors' signs not exceeding eight square feet in area each, when erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

7.4.8. Special event signs. Signs announcing special events including but not limited to open houses, auctions, grand openings, new management and going out of business.

Each lot shall be limited to one of each of the following types of signs unless otherwise noted and does not count in the total allowed per lot or business.

A sign advertising auctions and grand openings may be erected seven days prior to the event and shall contain the date(s) of the event. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign advertising going out of business, or new management shall be limited to once in a 12-month period for up to seven days. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign for open houses may be erected up to six days prior to the open house if the sign contains the day of the week or the date of the open house or may be erected the day of the open house if it does not contain the day of the week or the date of such open house. Such sign shall not exceed 4 square feet in area. No permit is required.

All special event signs must be removed immediately following the event, shall be setback a minimum of twenty-five feet from the edge of the public right-of-way. No sign shall be erected that will obstruct the sight distance triangle of any street intersection.

7.4.9. Pony Penning sales signs. No more than four square feet (two feet by two feet) shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property, without requiring any permits. Signs displayed under this section must be removed within 48 hours of the close of the sale activities.

7.4.10. Yard sale sign. Signs of not more than four square feet (two feet by two feet) shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property. Signs displayed under this section must be removed within 48 hours of the close of the sale activities. No permit required.

7.4.11. Festoons (nonprofit and charitable organizations). May be allowed for groups and organizations that are established as 501 C.

Sec. 7.5. Construction and maintenance.

7.5.1. Building code compliance. All signs shall be constructed in compliance with the current Virginia Uniform Statewide Building Code.

7.5.2. General restrictions. Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in section 7.3.9. and 7.11.

7.5.3. Condition of sign. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition. Any sign found to be in disrepair, upon written notice, must be immediately removed by such owner. Failure to remove such sign shall result in legal action and, if applicable, the sign permit may be revoked.

#### Sec. 7.6. Prohibited signs.

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

- 7.6.1. Animated signs. (defined 7.2.3.)
- 7.6.2. Flashing signs. (defined 7.2.20.)
- 7.6.3. Glaring signs. (defined 7.2.22.)
- 7.6.4. Portable signs. (defined 7.2.40.)
- 7.6.5. Simulated traffic signs and obstructions. (defined 7.2.50.)
- 7.6.6. Vehicular signs. (defined 7.2.56.)
- 7.6.7. Sidewalk signs. (defined 7.2.60.)
- 7.6.8. Air or gas filled balloons and inflatable objects. (defined 7.2.62.)
- 7.6.9. Beacons. (defined 7.2.6.)
- 7.6.10. Rotating signs. (defined 7.2.43.)
- 7.6.11. Pinwheels for commercial use. (defined 7.2.38.)
- 7.6.12. Sexually graphic signs. (defined 7.2.46.)
- 7.6.13. Statues, placed for or with a commercial message used for the purpose to draw attention to a particular business exceeding 4 feet in height, 3 feet in width and/or 3 feet in length. (defined 7.2.61.)

7.6.14. Changeable letter signs either freestanding or stand alone. (This shall not include changeable letter signs incorporated in an approved freestanding sign as identified in section 7.13.1.12). (defined 7.2.10.)

7.6.15. Off-premise signs. (defined 7.2.35.)

7.6.16. Snipe Signs. (defined 7.2.51.)

7.6.17. Festoons (defined 7.2.16.)

#### Sec. 7.7. Nonconforming signs.

Any sign which does not conform to the provisions herein as of the effective date hereof or subsequent amendment.

7.7.1. A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this

ordinance, however, it shall not be enlarged, or structurally altered in any way excluding general maintenance, except to conform to the requirements of this chapter.

7.7.2. A change in property ownership, requires that a non-conforming sign be removed or brought into compliance of Article VII within one year of a change in property ownership,. Whenever the property ownership, changes the new owner, shall be required to remove, change or alter such signs to conform to this chapter. For purposes of this ordinance area and height requirements must be brought into conformity; however location or setback requirements will not be applicable to 7.7.2.

#### Sec. 7.8. Protection of First Amendment rights.

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

#### Sec. 7.9. Removal.

7.9.1. Illegal signs. The zoning administrator or his designee may order the removal of any sign not in conformance with the provisions of this ordinance at the expense of the sign owner or lessor, after giving the owner or lessor written notice of such violation and giving notice to correct such violation within ten days from date of receipt of said notice by registered or certified mail at the last known address.

7.9.2. Immediate peril. If the zoning administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed by owner immediately. If the zoning administrator cannot locate the sign owner or lessor for immediate removal of the sign, he shall be empowered to order the removal of the sign at the expense of the sign owner or lessor.

7.9.3. Abandoned signs. Any business advertising products or services which are no longer available shall remove such signs within two years. Such signs will be identified as "abandoned" by the Zoning Administrator or his designee and shall be removed by the property owner within sixty days of notification by certified letter.

#### Sec. 7.10. Variances.

See Article VIII of the Zoning Ordinance.

### SECTION B. STANDARDS AND CRITERIA

#### Sec. 7.11. Generally.

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section.



Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague.

All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. Determination of sign height. 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 or, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. roof signs shall be excluded from 7.11.2.

7.11.3. Sign Illumination.

- (1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- (2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.
- (3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.
- (4) Illumination of a grandfathered off premise sign is prohibited.

7.11.4. 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.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

Sec. 7.12. Residential districts.

Within residential districts, permits are required for all allowed signs. All signs must conform to the following criteria:

7.12.1. Single-family subdivision identification signs. Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:

- (1) Number: one per main entrance, not to exceed two per subdivision.
- (2) Type: monument.
- (3) Maximum size and height: 32 square feet in area and five feet in height.
- (4) Minimum setback: ten feet from any property line and outside of all visibility triangles.

7.12.2. Multifamily complex signs. Signs that identify the name and/or address of an apartment, townhouse, condominium or other multifamily residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:

- (1) Number: one per main entrance, not to exceed two per complex.
- (2) Type: monument.
- (3) Maximum sizes and heights: 32 square feet in area and five feet in height.
- (4) Minimum setback: ten feet from any property line and outside of all sight visibility triangles.

7.12.3. Accessory management or rental office signs. Signs that identify an accessory management or rental office shall be erected as follows:

- (1) Number: one.
- (2) Type: wall.
- (3) Maximum size and height: six square feet in area and located below the roof line.

#### Sec. 7.13. Commercial districts.

Within commercial districts all allowed business signs require a permit. All signs must conform to the following criteria:

7.13.1. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise.

Two additional signs shall be permitted, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.

7.13.1.1. Buildings occupied by a single business. The total combined area of all signs shall not exceed one square foot for each foot of building width or one hundred square feet, whichever is less, however no one sign can exceed 64 square feet in area, not including the sign base, and shall not exceed 12 feet in height.

7.13.1.2. Buildings occupied by more than one business. The total combined area of all Signs shall not exceed one square foot for each foot of building width facing such lot line, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted

for each business in a multi-business building, there shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification.

- 7.13.1.3. Multiple incidental and directory signs. Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not counted as part of the total area permitted. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for business located off premise.
- 7.13.1.4. Signs hung on marquees. No sign shall be hung on a marquee, canopy, awning or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
- 7.13.1.5. Signs, advertising occupants, etc. Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered.
- 7.13.1.6. Roof and mansard facade signs. Shall not exceed 32 square feet in sign area. The total area shall be included in the total area of signage permitted in this section and shall not be in addition thereto. Signs on Mansard facade shall not extend above the highest point of the Mansard facade. Roof Signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.
- 7.13.1.7. Freestanding signs. Shall be limited to one per lot, maximum area of 64 square feet in area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within the established sight distance triangle. The height of a freestanding sign shall be determined from existing grade of a radius not to exceed six feet out from the support system of the freestanding sign.
- 7.13.1.8. Window sign. A window sign shall be considered as a wall sign, and shall not exceed more than 30% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height.
- 7.13.1.9. Flags, Commercial. Two flags per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet.

7.13.1.10. Projecting signs. Projecting signs shall be permitted on any street frontage limited to one (1) sign per occupancy along any public road or parking lot frontage with public entrance to such occupancy and shall be limited in height of twelve feet and limited in area to six (6) square feet. Such sign shall maintain a vertical clearance from the sidewalk, adjacent to said occupancy, a minimum of nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. Maximum square footage is six (6) square feet.

7.13.1.11. Changeable letter signs. Manually changeable sign(s) shall be permitted when included within the sign area and built as an integral part of the business identification sign(s). Area of the changeable letters portion of the business identification sign(s) shall not exceed fifteen square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in the total square footage of the sign area permitted for a business or shopping center and shall meet all height restrictions for signs. Nonprofit and charitable organizations shall be permitted stand alone changeable letter signs which conform to Section 7.4.2. Temporary signs nonprofit and charitable organizations.

7.13.2. Gasoline stations. Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

7.13.2.1. Changeable fuel price signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be excluded in the sign area for the business.

7.13.2.2. Gas pump signs. Each gas pump shall be permitted a total of 1.5 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.) Canopy's that are used to cover fuel pumps may extend 20 feet in height and may include the name of the brand of fuel upon the canopy, however this advertisement shall not cover more than 50% of the each side of the facing of the canopy.

7.13.3. Office and/or industrial centers. Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

7.13.3.1. Center identification signs. One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.

7.13.3.2. Individual establishment signs. Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 12

feet above the ground.

7.13.3.3. Directory signs. Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.13.3.4. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy letter board displaying the name and time of the current motion picture or theatrical production. (Ord. of 4-4-1994)

Article VII. Amended 6/19/08.

## **5. Bids For the Installation of Septic Tanks (Harbor and Down Town Facilities)**

Public Works Director Cosby explained that we had bid this project out twice. The second time project was bid we received a bid of \$135,000, with some negotiating with the bidder we were able to get the bid down to \$47,840 from Rocky Hill Contracting for both projects.

**“Councilman Wolffe motioned, seconded by Councilwoman Richardson to approve the bid to Rocky Hill contracting for installing the septic holding tanks at the Harbor and Downtown Restrooms in an amount of \$47,840.”** The motion was unanimously approved.

## **7. Consider Changes in the Employee Handbook section 604**

Town Manager Ritter explained that at the last council meeting Attorney Poulson stated he would take a look at section 604 and send in writing revisions. Mr. Poulson stated in an e-mail that he changed the period to be up to a maximum of eight (8) consecutive hours and a maximum of eight (8) hours per month. The reason for that is otherwise it would not permit the employee to take off a full eight (8) hour day, which period might be reasonably permitted depending upon the circumstances. It would serve no purpose for him to have to come in one half (½) hour of the work day that he was otherwise given off. Mr. Poulson also stated that the first paragraph (A) should be for an unanticipated situation and not one where he has used his entire annual leave knowing the baby is coming next month.

**“Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the revised section 604 Administrative Leave and Executive / Professional Administrative Leave of the Employee Policy handbook”** The motion was unanimously approved.

### **604 ADMINISTRATIVE LEAVE AND EXECUTIVE / PROFESSIONAL ADMINISTRATIVE LEAVE**

A. Administrative Leave: The Town Manager, at his discretion, may authorize up to five (5) days of paid leave, known as “Administrative Leave”, for an employee who finds himself in exceptional circumstances such as unanticipated significant

events involving a member of an employee's immediate family. (Immediate family is defined as spouse, children, parents, grandparents, siblings, and/or any other relation by blood or marriage who is and has resided in the employee's household for a minimum of three months.)

- B. Executive / Professional Administrative Leave: All executive or professional staff members will be eligible for Executive / Professional Administrative Leave permitted for and arising in connection with attendance at night meetings or other Town duties requiring their attendance after the normal business hours of the Town government. Executive or professional staff is defined as the salaried (exempt) employees of the Town. Executive / Professional Administrative Leave will be permitted at the sole discretion of the Town Manager giving consideration to the number of additional hours the salaried employee was required to be available, the employee's daily work day duties, and performance and completion of the business of the Town. Executive / Professional Administrative Leave may only be permitted for periods of up to eight (8) consecutive hours and shall not exceed eight (8) hours per month.

## 8. Mayor and Council Comments

- a. **Councilman Ross** stated that he enjoyed being on council the past four years and that he would like to extend a warm thank you to all citizens who volunteer for the Town. A lot of people contribute their time to the Town to make it what it is today.
- b. **Councilwoman Conklin** stated how much she appreciated all the hard work and hours that Councilman Ross and Councilman Wolffe dedicated to the town.
- c. **Councilwoman Richardson** also stated that it was a pleasure to work with Councilman Ross and Councilman Wolffe.
- d. **Mayor Tarr** mentioned his sincere thank you to both council members; he also stated that July 20, would be the swearing in ceremony at 5:00 pm. The next council meeting will be July 7, 2008 and we will select the new committees.

## AJOURN

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 8: 44 pm.

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Mayor

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Town Manager

## MINUTES OF THE JULY 7, 2008 CHINCOTEAGUE TOWN COUNCIL MEETING

### Council Members Present:

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman

### Council Members Absent:

Anita Speidel, Vice-Mayor

Terry Howard, Councilman  
John H. Howard, Councilman  
John N. Jester, Councilman  
Ellen W. Richardson, Councilwoman

### **Call to Order**

Mayor Tarr called the meeting to order at 7:31 p.m.

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Presentations**

Thomas Rhodes and other relatives of his Grandfather Mr. Chester Daisey presented a badge to the Mayor and council to be handed down. The badge was given to former Mayor Daisey by then Virginia Governor Mills Godwin.

Mayor Tarr presented a key to the town to former Councilman E. David Ross.

Mayor Tarr presented a key to the town to former Councilman Glenn B. Wolffe. Dr. Wolffe thanked everyone on council and stated that he did not think that the community understands how hard their Mayor works for them.

### **Open Forum/Public Participation.**

- **Patty Callahan** of 8166 Sea Shell Drive had concerns about when broadband would be available for the Town of Chincoteague.
- **Robert Callahan** of 8166 Sea Shell Drive stated that most of the conflicts stemming from the mailboxes at Ocean Breeze were resolved except for the building of an 8 x 60 concrete pad. He has written to the local Legislators to see if they had any funding for the concrete pad.

### ***Agenda Additions/Deletions and Adoption***

**“Councilwoman Richardson motioned, seconded by Councilwoman Conklin to adopt the amended agenda with an additional agenda item 2A Letter of Resignation.”** The motion was unanimously approved with the amended agenda item.

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

**“Councilman J. Howard motioned, seconded by Councilwoman Richardson, to approve the minutes of the Regular Council meeting of June 19, 2008.”** The motion was unanimously approved.

#### **2. Vice-Mayor Nomination**

**“Councilman J. Howard motioned, seconded by Councilwoman Conklin, to nominate Mr. John Nelson Jester for Vice-Mayor.”** The motion was unanimously approved.

## **2A. Letter of Resignation**

Mayor Tarr Read the following letter from Councilwoman Speidel;

It is with great sadness that I write this letter but I must resign as Councilwoman. This has been a very difficult decision for me to make. My work schedule and work requirements are making it impossible for me to attend meetings on a regular basis. It has been an honor to represent the citizens of Chincoteague and a pleasure working with everyone to continue to make our community a wonderful place to live. I would like to thank the citizens of Chincoteague who voted for me and allowing me the opportunity to serve on the Town Council. I am sorry I am unable to fulfill my term.

**“Councilman J. Howard motioned, seconded by Councilwoman Richardson, to accept Councilwoman Speidel’s resignation letter.”** The motion was unanimously approved.

## **3. Committee Configuration of Assignments & Appointments.**

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin, to adopt the Committee Appointments except for Ms. Speidel’s appointments”** The motion was unanimously approved.

**Budget & Personnel Committee:** Nancy Conklin, Chair; John Jester; ~~Anita Speidel.~~

**Ordinance Committee:** John Howard, Chair; Terry Howard; Nancy Conklin

**Meals Tax Committee:** Nancy Conklin

**Harbor Committee:** Terry Howard, Chair; John Howard

**Recreation & Community Enhancement Committee:** ~~Anita Speidel,~~ Chair; John Howard, Ellen Richardson.

**Public Works Committee:** John Tarr, Chair; Ellen Richardson, John Howard

**Planning Commission:** John Jester

**Cemetery Committee:** Ellen Richardson, Chair; Terry Howard

**Public Safety (Police, EMS, EOC):** John Tarr, Chair; John Jester, Ellen Richardson

**Liaison Committee:** John Tarr, John Jester, ~~Anita Speidel~~

**Chincoteague Recreation & Convention Center Authority:** Nancy Conklin

## **4. Consider a Resolution to add the New Vice Mayor to All Bank Accounts**

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson, to adopt the resolution to add Councilman John Nelson Jester to all bank accounts.”**

The motion was unanimously approved.

Note: see minute book for resolution.

## **5. The Budget & Personnel Committee Report of March 20, 2007**

Madam Chair Conklin presented the following budget and personnel report.

Mr. Ritter explained to the Committee Members that the new section 750 would be to put in place a policy on Electronic Communications. At the present time we do not believe that we have a problem but want to put in place a policy, which is a standard for municipalities.



Councilman Wolffe made a motion, seconded by Madam Chair Conklin “to approve the new section in the employee handbook to be section 750 Electronic Communications and send it to council”. The motion was unanimously approved.

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin, to adopt the budget and personnel report of March 20, 2008”** The motion was unanimously approved.

#### **A. Consider changes in the Employee Handbook new section 750**

Mr. Jester said it was important to have a clear and understood policy on these matters to prevent potential abuse and problems. Mr. Ritter noted that there would be no extra cost to the town.

**“Councilman J. Howard motioned, seconded by Councilwoman Richardson, to adopt the new section 750 of the employee handbook.”** The motion was unanimously approved.

### **ELECTRONIC COMMUNICATIONS**

#### **I. Internet**

##### **A. Provision of Internet**

The Town of Chincoteague may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town of Chincoteague.

##### **B. Employees Access**

The Town of Chincoteague may provide access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the Town of Chincoteague may establish an Internet account that may be accessed by employees.

##### **C. Passwords and Email Addresses**

1. Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town of Chincoteague. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town of Chincoteague's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission, and storage of messages, files, images, and sounds are subject to monitoring by the Town of Chincoteague.

2. Employees shall provide a copy of their password(s) to the Town Manager to be placed in a secured area. If the password(s) expires, the employee shall provide a copy immediately to the Town Manager. Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town of Chincoteague when using the Town's e-mail or the Internet account. Accordingly, they are expected to act and to communicate professionally on e-mail or the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

#### **D. Employer Access**

The Town of Chincoteague will have access to a log of all usage, including a list of employees who have used e-mail or the Internet and the sites they visited. The Town Manager will monitor the usage from time to time, and employees found to be abusing usage or using e-mail or the Internet inappropriately will be subject to disciplinary action, up to and including discharge.

#### **II. Consent to Monitoring**

Employees will be required to consent to the monitoring of communications sent, received, and stored on equipment provided by the Town of Chincoteague or an electronic, wire, or digital services provided by the Town of Chincoteague is a requirement for employment by the Town.

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

- a. **Councilman T. Howard** stated that he would like to see the service areas that have been repaired or pot holes in the roads to be subcontracted out for completion.
- b. **Councilman Jester** thanked the previous council members for their service. He stated that the town has big issues to address like the comp plan, sewage study, next years new traffic pattern, improvements downtown and etc.
- c. **Councilman J. Howard** stated that he would like to see an incentive plan to have employees suggest ways to work smarter and more efficient.
- d. **Councilwoman Richardson** stated that the Harbor rest rooms looked beautiful and was glad it was completed and opened for the July 4<sup>th</sup> weekend.
- e. **Mayor Tarr** welcomed the new council members for the next 4 years. He stated that we would like to have a special council retreat in the up coming months to look at councils short term goals, middle term goals (3-7 years out), and long term goals (7+ years out). The next council workshop meeting will be July 24, 2008 at 5:00 PM.

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

Councilwoman Richardson moved, seconded by Councilwoman Conklin to convene a closed meeting under Section 2.2-3711(A) (1 & 7) of the Code of Virginia to discuss appointments and consult with legal counsel. The motion was unanimously approved.

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

Councilwoman Conklin moved, seconded by Councilwoman 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- Conklin, J. Howard, T. Howard, Jester, Richardson  
                  Nays- None  
                  Absent- None

## **AJOURN**

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 9: 28 pm.

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Mayor

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Town Manager

### **MINUTES OF THE JULY 24, 2008 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

#### **Council Members Present:**

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

## **Call to Order**

Mayor Tarr called the meeting to order at 5:08 p.m.

## **Invocation**

Councilman John H. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## ***Agenda Additions/Deletions and Adoption***

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the amended agenda with the addition of agenda item four “No wake buoy’s for Pony Swim.” The motion was unanimously approved.**

### **1. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia: consideration of prospective candidates for appointment.**

Vice-Mayor Jester moved, seconded by Councilman J. Howard to convene a closed meeting under Section 2.2-3711(A) (1) of the Code of Virginia to discuss and consider prospective candidates for appointment of the vacant council seat. The motion was unanimously approved.

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

Councilman J. Howard moved, seconded by Vice-Mayor Jester to adopt a resolution of certification of the closed meeting. Unanimously approved.

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

### **2. VRS Authorization to pick up the Employee’s Contribution**

Mr. Ritter explained in regards to VRS Member Contributions that Employers may elect to pay (or to phase in payment of) the member contribution to VRS on behalf of their employees in an amount equal to 5 percent of the employee's *creditable compensation* each month. Employers wanting to pay member contributions must submit an **irrevocable** resolution of their governing body. The details of an employer's election, including effective date and any phase-in information must be submitted to VRS via letter. If an employer does not pay member contributions, 5 percent of the member's monthly creditable compensation is deducted from the member's pay. Bi-weekly pay is not reportable.

Councilwoman Conklin motioned, seconded by Councilman T. Howard **“to adopt the resolution and subsequent timeline that pertains to Employee’s VRS contribution.”** Unanimously approved.

**Authorization to pick up the employee’s contribution to VRS  
Under § 414(h) of the Internal Revenue Code**

**RESOLUTION**

WHEREAS, the Town of Chincoteague desires to provide its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, the State Police Officers Retirement System and the Judicial Retirement System (collectively referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and is prepared to treat such contributions as employee contributions for all purposes of VRS;

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first pay day on or after July 1, 2008, the Town of Chincoteague shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Chincoteague in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the Town of Chincoteague under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by the Town of Chincoteague directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the Town of Chincoteague shall be picked up either through a reduction in the current salary of such employee or as an offset

against future salary increases of such employee or as a combination of both at the option of the employer by the Town of Chincoteague on behalf of such employee pursuant to the foregoing resolutions.

Adopted in the Town of Chincoteague, Virginia this 24<sup>th</sup> day of July, 2008.

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John H. Tarr, Mayor

Authorized Signature

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Robert G. Ritter Jr., Town Manager

TOWN OF CHINCOTEAGUE  
VRS EMPLOYER "PICK UP" IMPLEMENTATION  
YEARS 1 THROUGH 5

YR #1 FY 2009 JULY 2008 TO JUNE 2009 TOC 1% EMPLOYEE 4%  
YR #2 FY2010 JULY 2009 TO JUNE 2010 TOC 2% EMPLOYEE 3%  
YR #3 FY2011 JULY 2010 TO JUNE 2011 TOC 3% EMPLOYEE 2%  
YR #4 FY2012 JULY 2011 TO JUNE 2012 TOC 4% EMPLOYEE 1%  
YR #5 FY2013 JULY 2012 TO JUNE 2013 TOC 5% EMPLOYEE 0%  
YR #6 TO BE USED IF NECESSARY TO RELIEVE BUDGETARY FINANCIAL  
STRESS

### **3. Appointment of a New Councilmember**

Mayor Tarr indicated that since the resignation of Vice-Mayor Speidel, Council must appoint a new member for the remainder of the term which will expire June 30, 2010. The Mayor thanked the six citizens' who showed interest in the Council vacancy. The Mayor opened the floor to the Councilmembers for nominations. Vice Mayor Jester nominated Mr. Jim Frese for the vacant council seat. Councilmember T. Howard nominated Mr. Ray Rosenberger for the vacant council seat.

Voting in regards to Mr. Frese were as follows Ayes- Conklin, J. Howard, Richardson, and Jester, Nays- T. Howard. Majority carried.

The nomination of Mr. Ray Rosenberger was closed.

Mayor Tarr welcomed Mr. Frese to the Council.

### **4. "No Wake" buoy's for Pony Swim**

Mayor Tarr indicated that in a meeting with Law Enforcement Officers and the Charter Boat Association there were concerns raised about boats during and after the pony swim. They would like to see some more control exiting the areas near the swim.

Mr. Ritter indicated that BMC Richard Ball, Officer in Charge of the Coast Guard Station Chincoteague contacted him yesterday by telephone. Mr. Ball asked the town if we could

establish a slow speed zone or no wake zone in Assateague Channel starting from Memorial Park to Little Beach of Assateague Island.

Councilwoman Richardson moved, seconded Councilwoman Conklin to **“move to request permission according the State Code 29.1-744 from the State of Virginia, Department of Gaming and Fisheries Law Enforcement to set up temporary buoy’s stating “No Wake” starting from Memorial Park to Little Beach on Assateague Island and the enforcement of the No Wake or speed zone to be implemented just for both Wednesday & Friday of the Pony Swim week of each year starting this year and the years hereafter.”**

## **5. Discussion on the amendments that the Planning Commission and Staff have recommended to Council on Article VI. General Provisions, Section C. Parking of the Zoning Ordinance.**

Mr. Anderson began by describing the many memorandums in the agenda packet. Mr. Anderson commented that there was some confusion on 6.6 as to what the planning commission actually forwarded to Council. After some discussion Council felt that 9 x 18 feet was sufficient for parking stall dimensions. Councilman Howard commented that 9 x 18 is more than adequate.

Vice-Mayor Jester questioned who enforces handicapped parking. Mr. Anderson indicated that Mr. Kenny Lewis enforces the establishment of handicapped parking, and the Mr. Eddie Lewis indicated that the police department enforces handicapped parking once it is established.

In regards to 6.6.1. (f) Vice Mayor Jester asked whether the proposed fire lanes would be marked? Mr. Anderson indicated that they should be marked, however there was no language to require demarcation of the fire lanes. Council asked staff if they could look at fire safety for residential and commercial separately. Mr. Anderson also indicated that there is no mention of fire safety in the body of the ordinance.

Council would also like to see 6.6.1. (h) separate parking space and boat trailer parking space.

### 6.6.6.

Councilman T. Howard had concerns about adding the word “area” because “room” might not capture all situations. Vice Mayor Jester asked how the current offices would hold up to the proposed regulations. Mr. Anderson indicated that the downtown doctor’s office had more parking than the other offices but that he felt there was a problem. Councilman T. Howard indicated that he knew for a fact that at least one doctor’s office has had trouble parking in the past. Vice Mayor Jester indicated that he would like to have problems clearly defined in the future. The Mayor asked if staff could research this more and call the doctors and dentists offices in the meantime.

### 6.6.7.

Mr. Poulson indicated that the issue for parking for transient occupancy has been computation. He indicated that he read nothing that requires that the Town compute the parking requirements the way they are doing currently. Mr. Anderson directed council to

the memorandum dated April 17, 2008 which showed the different interpretations and how they affect the number of parking spaces required for a given development. It was suggested that a certain number of parking stalls should be designated as overflow and could be pervious surfacing materials.

In regards to 6.6.9. Marina parking, Mayor Tarr does not think it is fair to require parking for a private, deeded boat slip but not hotels and motels. He feels that this language should be broken down into sections. Councilwoman Richardson indicated that the main goal of the planning commission was to keep boat trailers off the roads. Council suggested to staff to include language for the prohibition of boat trailers on roads.

Mr. Anderson commented that the planning commission voted to remove staff's recommendation to implement Best Management Practices for parking. He believes the planning commission is in favor of the concept they just wanted more in the way of standards or guidelines. Vice Mayor Jester indicated that BMPs should not be limited to a few specific examples. The Mayor suggested that staff include language that would require planning commission's approval on BMPs. It was the consensus of the Council to put BMPs back into the recommendations.

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

NONE

## **AJOURN**

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 7:21 pm.

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Mayor

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Town Manager

### **MINUTES OF THE AUGUST 4, 2008 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor



Ellen W. Richardson, Councilwoman

### **Call to Order**

Mayor Tarr called the meeting to order at 7:34 p.m.

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Presentations**

Mayor Tarr announced that we will give the presentation scheduled for tonight at the next meeting because the individual who was going to receive the award had to work.

### **Open Forum/Public Participation.**

- **Richard Betts** of 6317 Church Street kindly ask Mayor and Council for any gracious donation for the Youth Football Team, which was a great success with last years kick off year.
- **James White** of 3891 Main Street stated that about 40 Condos out of 60 have been sold at Sunset Bay and they only had 37 out of 290 parking spaces used in the parking lot on pony penning day. The town should make adjustments in parking requirements by stop rounding, and 1 space to every 3 boat slips, and to insure more green open space for the environment and beauty of Chincoteague.
- **Ronald Mason** of 6122 Leonard Lane stated that with the rise of gas prices one small step the town could take is authorize by ordinance to permit golf carts on town streets.
- **Raymond Rosenberger** of 7297 Sunset Drive stated that he was most concerned with one agenda item, on the resolution related to the work of town employees and restrictions on hiring. He said that he was a supervisor and did not think this was the appropriate action to take. Dealing with work issues should be used if there are problems, not sweeping resolutions that could damage staff morale. He also mentioned the town already has a procedure for hiring that is more than adequate.
- **Barbara Thackray** of 5175 Cooley's Drive stated the town needed to prepare for the arrival of the new bridge and new traffic patterns. We need to entice visitors to come down town to walk or ride bicycles. Steps should be taken to identify and publicize historic sites. A tour map could be prepared. She suggested that a history association be established.

### ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin stated that agenda number four hiring requirements should go to budget and personnel or executive session. **“Councilwoman Conklin motioned, seconded by Councilman Frese to amend the agenda with deleting agenda number four and adding an a closed meeting executive session.”** The motion was unanimously approved with the amended agenda item.

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the agenda with the amendment.”** The motion was unanimously approved.

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

**“Councilman T. Howard motioned, seconded by Councilwoman Conklin, to approve the minutes of the Regular Council meeting of July 7, 2008.”** The motion was unanimously approved.

### **2. Bridge Update by Bruce Garber of Jacobs Engineering & Tom Rokowski VDOT**

Mr. Bruce Garber of Jacobs Engineering is a consultant for VDOT. He explained that a lot of work has been going on like piling, pier capping and girders that support the deck span which supports the main span. Work will continue around the Maddox area with the bascule span bridge parts to arrive mid August and to be installed in September. American Bridge Co. will start pouring the decks on top of the girders.

A detour road is being assembled on the west side of Black Narrows Bridge along the new wall they just created. The detour road will be one way at a time controlled by an unmanned electronic motion operated signals and will be in effect starting at the end of October. The detour will be in effect until the Main Line Bridge is opened at the end of February. After the Main Line Bridge opens the people living on Marsh Island will only be able to get there by the Chincoteague Channel Bridge. Landscaping will be done in the spring before tourist season.

Mr. Garber will check into whether or not the loblolly pines can be changed with crape myrtle trees. He will also check into whether or not we can receive the Old Chincoteague Drawbridge tender cab, house and a stop gate for historical purposes. Also, he will check into the concrete fender on whether or not it will remain after demolition.

### **3. Sign Permit Application at Memorial Park by the Tennis Association**

Mr. Ritter explained that the Tennis association has requested a sign permit and because of the signage at Memorial Park being so sensitive, Council should approve the recommendation. The sign would go on the out side portion of the fence facing the basketball courts.

**“Councilman J. Howard motioned, seconded by Councilman Frese, to allow the signage for the Tennis association to be placed on the fence of the Tennis Courts.”** The motion was unanimously approved.

### **4. Committee Configuration of Assignments & Appointments**

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson, to adopt the Committee Appointments.”** The motion was unanimously approved.

**Budget & Personnel Committee:** Nancy Conklin, Chair; John Jester; Jim Frese.

**Ordinance Committee:** John Howard, Chair; Terry Howard; Nancy Conklin

**Meals Tax Committee:** Nancy Conklin

**Harbor Committee:** Terry Howard, Chair; John Howard

**Recreation & Community Enhancement Committee:** Jim Frese, Chair; John Howard, Ellen Richardson.

**Public Works Committee:** John Tarr, Chair; Ellen Richardson, John Howard

**Planning Commission:** John Jester

**Cemetery Committee:** Ellen Richardson, Chair; Terry Howard

**Public Safety (Police, EMS, EOC):** John Tarr, Chair; John Jester, Ellen Richardson

**Liaison Committee:** John Tarr, John Jester, Jim Frese

**Chincoteague Recreation & Convention Center Authority:** Nancy Conklin

## **5. Approve the Payment of the right-of-way to Robert Reed Park**

Mr. Ritter explained that the right of way to be paved would be from Main Street to the Robert Reed Parking lot. The project if approved will cost significantly less if we pave the right of way during the final pavement of the Church Street project. The reason would be that Branscome would not need to re-mobilize.

The amount of the project to pave the right of way is \$7,850 and is not budgeted. If awarded we can do a budget revision at the end of the year if we go over the total yearly budget. If not we can absorb it through the general government budget, Public Works, miscellaneous line item of the budget at the end of the year.

Staff recommends a possible motion to read:

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson, to approve the unfunded (\$7,850) project for the Town to pave the right of way portion from Main Street to Robert Reed Parking lot and award it to Branscome.”** The motion was unanimously approved

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

**a. Councilman T. Howard** stated that he would like to see the agenda packets shortened to conserve paper. It was stated that we can begin 2 sided coping of agenda packets. He also stated that Mr. Anderson is a dedicated sharp young man who does a great job for our community.

**b. Councilman Jester** thanked Ms. Hipple and staff for doing such a great job on pony penning day with the buses. He also thanked Mr. Ritter for the town newsletter that was distributed in the Beacon. He announced that a trial date of August 12 at 9am in Accomack has been set for the citizen property assessment case. He stated that everyone should attend. The town of Onancock has joined with Chincoteague on the assessments being incorrect.

**c. Councilman Frese** stated that he hoped that the town could soon establish attractive signs around town directing people to local businesses.

**d. Mayor Tarr** welcomed Councilman Frese as the newly appointed Council seat. He stated that the next council workshop meeting on the Parking Ordinance will be August 21, 2008 at 5:00 PM.

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

Councilman Frese moved, seconded by Councilman T. Howard to convene a closed meeting at 8:50 pm. under Section 2.2-3711(A) (1) of the Code of Virginia to discuss Personnel Matter. The motion was unanimously approved.

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

Councilman T. Howard moved, seconded by Councilwoman 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- Conklin, J. Howard, T. Howard, Jester, Richardson, Frese  
                  Nays- None  
                  Absent- None

## **8. Consider Hiring Requirements**

**“Councilman J. Howard motioned, seconded by Councilman Frese, to adopt the following hiring Resolution:” NOW THEREFORE BE IT RESOLVED** that the Town Manager shall obtain Council approval before hiring personnel to fill any new or existing personnel positions for the Town for the next six months. To obtain such approval, the Town Manager shall provide the Council with a request identifying the position to be filled, describing the duties of the position, providing an explanation for the critical need to fill the position, and providing an annual cost for staffing the position, including benefits. Said approval shall be obtained prior to advertising and/or interviewing for the position.

**FURTHER RESOLVED** that at the February 2009 Council Meeting, Town Manager shall provide Council with a workload and staffing analysis detailing whether Public Works is staffed to perform its work schedule.

Yeas: Councilman Frese, J. Howard, Jester and Councilwoman Richardson

Nays: Councilman T. Howard and Councilwoman Conklin

## **AJOURN**

**“Vice Mayor Jester motioned, seconded by Councilman Frese, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 10:12 pm.

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Mayor

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Town Manager

**Council Members Present:**

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

**Call to Order**

Mayor Tarr called the meeting to order at 5:09 p.m.

**Invocation**

Councilman John H. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the agenda as presented.”** The motion was unanimously approved.

**1. Possible adoption of the July 24, 2008 Special Council Meeting Minutes**

Councilman T. Howard indicated that for agenda item three he did not vote “Nay” for Mr. Jim Frese. Mr. Ritter indicated that he would strike that from the Minutes. Councilwoman Conklin motioned, seconded by Vice- Mayor Jester **“to adopt the amended minutes of the July 24, 2008 Special Council Meeting.”** Unanimously approved.

**2. Discussion on the amendments that the Planning Commission and Staff have recommended to Council on Article VI. General Provisions, Section C. Parking of the Zoning Ordinance.**

Mr. Anderson began by indicating that the proposed amendments are a result of identifying Council’s concerns at the last meeting, talking with the Town’s Attorney, and further research on the subject.

6.6.4.

Councilman T. Howard questioned whether the Town allows more than one home occupation in one dwelling unit, he was unaware that it was even allowed. Mr. Anderson indicated that staff has interpreted the current zoning ordinance to allow more than one home occupation if it meets the requirements for zoning (i.e. parking spaces).

#### 6.6.6.

Councilman Frese thought this recommendation was to address the worst case scenario. If people have to park in the street it is not that big of a deal. Councilman J. Howard's wife works at Atlantic Medical Center and these numbers pretty well hold true. It was questioned if a doctor or dentist moved out and another moved in if the structure itself was grandfathered. Mayor Tarr seemed to think that if it was the exact same use the building would be grandfathered for two or three years.

It was suggested that the Town needs to adopt an ordinance for future medical and dental centers not for what is currently there.

It suggested that "three" be changed to "two," there was consensus from the Council.

#### 6.6.7.

The proposed language recommends one parking space for each sleeping unit. Mayor Tarr suggested that in developments with more than 10 dwelling units that an additional 10 percent (of spaces) should be set aside as overflow parking. This area does not have to be paved but it should be left unobstructed with easy access.

#### 6.6.7.1.

There was discussion relating to whether 1.2 is too much for these uses. Vice-Mayor Jester suggested trying to find out how many employees that are working at these particular places. After some discussion it was decided that the language should be one parking space per room plus a space for each employee at a typical workshift. Councilman T. Howard indicated that there should be some sort of definition for "typical workshift."

#### 6.6.9.

Council reviewed marina parking regulations of several other municipalities. After reviewing these regulations and after the subsequent discussion from the Council it was decided to amend the proposal to read "1 parking space per every 2 boat slips."

#### 6.6.16.

Councilman T. Howard would like there to be more clarity in the difference between an accessway and a private road.

#### 6.6.21.

In the last paragraph there was some confusion about the striping and the lettering on the pavement, the following amendments will be made "twelve (12) inches in ~~length~~ **height** and **each letter shall be** three (3) inches thick..."

The Council unanimously agreed to send this document to public hearing at the September 18, 2008 Council Meeting.

### 3. Mayor and Council Comments

NONE

**AJOURN**

**“Vice-Mayor Jester motioned, seconded by Councilwoman Richardson, to adjourn the meeting.”** The motion was unanimously approved.

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Mayor

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Town Manager

**August 28, 2008  
Special Council Meeting**

**Agenda states purpose as “Discussion with Waste Water Management on the direction of Central Waste Water for the Town of Chincoteague, Possible Permitting Process for Central Sewer and Possibly Applying for any potential grant funding.**

**MINUTES OF THE SEPTEMBER 2, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Call to Order**

Mayor Tarr called the meeting to order at 7:30 p.m.

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Presentations**

Mayor Tarr announced that we will give the presentation scheduled for tonight at the next meeting because the individual who was going to receive the award had to work.

### **Open Forum/Public Participation.**

- **Mr. Al Bernosky** of 8281 Sea Gull Drive stated his concerns with the roads at Ocean Breeze. He said that the conditions of the roads are dangerous and even difficult for safety vehicles respond to a call.
- **Ms. Dolly Shepard** also from Ocean Breeze stated concerns with the roads. She said that she did not have any language in her deed that requires the home owner to maintain the roads.
- **Mr. Al Goddard** of 8623 Sea Shell Drive also stated concerns with the roads at Ocean Breeze.
- **Mr. Robert Callahan** of 8166 Sea Shell Drive stated a spot has been determined for the mail box issue at Ocean Breeze. He said that each property owner was going to pay \$25 dollars toward the 8” concrete pad for the mailboxes to set upon.
- **Mrs. Helen Merritt** representing Captain Zack's Seafood stated concerns in the Town's laws surrounding business promotions such as flags and helium balloons. She also had concerns with what is not allowed, for purposes of promotional advertising.

### **Agenda Additions/Deletions and Adoption**

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson to approve the agenda.”** The motion was unanimously approved.

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

**“Councilman T. Howard motioned, seconded by Vice-Mayor Jester, to approve the minutes of the Regular Council meeting of August 4, 2008.”** The motion was unanimously approved.

#### **2. Public Hearing for Vacation of Property Line (Carl and Audrey Rhodes)**

Mayor Tarr opened the Public Hearing, at 8:14 pm. on the proposed ordinance to vacate the property line. Mr. Carl Rhodes came to the podium and expressed that the property line that will be vacated does not affect the properties around his land and he has not heard of any issues from surrounding neighbors. No one else spoke at the Public Hearing. Mayor Tarr announced the Public Hearing closed, at 8:16 pm.

**“Councilwoman Conklin motioned, seconded by Councilwoman Richardson to approve the Ordinance on the vacation of the property line of Mr & Ms Rhodes.”** The motion was unanimously approved.

An Ordinance to Vacate a Property Line of a Subdivision Plat Pursuant to Section 15.2-2272.2

WHEREAS, Carl Rhodes and Audrey G. Rhodes, own two parcels of land shown on a certain plat entitled "Subdivision of Ray Andrews, Ridge Road, Chincoteague, Accomack County, Virginia" dated November 6, 1965 and made by George H. Badger, Jr., one parcel designated as "Lot 5" and the adjoining parcel designated as "Lot 6" both in



Division "A" which plat is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, at Plat Book 13, page 1 14 within the Town of Chincoteague, Tax Map Number 030A401A0000500 and 030A401A0000600; and,

WHEREAS, one or more lots within the Subdivision have been sold; and,  
WHEREAS, the said Carl Rhodes and Audrey G. Rhodes have requested that the division or property line between said two parcels be vacated so that Lots 5 and 6 become one parcel; and,

WHEREAS, the notice requirement of Section 15.2-2272.2 has been complied with; and,  
WHEREAS, the governing body affirmatively finds that no owner of any lot shown on said Plat will be irreparably damaged by the said vacation of said line.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the division or property line between Lot 5 and 6 as shown on the plat entitled "Subdivision of Ray Andrews, Ridge Road, Chincoteague, Accomack County, Virginia" dated November 6, 1965 and made by George H. Badger, Jr., which plat is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, at Plat Book 13, page 114 be and is hereby vacated.
2. That as the result of said vacation former Lot 5 and Lot 6 shall result in one (1) parcel of land.
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Accomack County.  
Ayes: T. Howard, Conklin, Frese, Jester, J. Howard, and Richardson  
Approved as of September 2, 2008

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John H. Tarr, Mayor

### **3. Chincoteague USCG Station Update (by LTJG Mark Merriman)**

Lt. Merriman, USCG, was given orders to report to the Chincoteague Station for a 3 year tour of duty as base commander, and is happy to be in Chincoteague. In matters related to base operations, he said a base communications tower will be removed soon, and a new tower will enable distress calls to now be routed directly to Portsmouth, Va. The Chincoteague base will continue to respond as needed with two motor lifeboats, including a new 47 foot boat. Lt. Merriman noted that no additional staff has been added to the Chincoteague base, to accommodate the presence of 2 boats. Regarding navigational maintenance, he said service is scheduled for Chincoteague channel light No. 29, which is currently dark. This work awaits a buoy tender (ship) which is out of service while getting repairs. Lt. Merriman stated that he would like his station to help out the community in various events or projects in order to show support from the Chincoteague station.

### **4. The Chesapeake Bay Preservation Act applying to the Bayside of Accomack County** (Presented by James McGowan)

Accomack County Planning Director, Mr. James McGowan was scheduled to address the Chesapeake Bay Preservation Act, which is designed to address non point source runoff (such as nitrogen and phosphorus) related to Chesapeake Bay watershed region and what

impact it will have if applied to the seaside parts of Virginia's Eastern Shore. Mr. McGowan was not present. Mayor Tarr asked Mr. Ritter to reschedule this presentation for the October Council meeting. Mr. Ritter noted that in addition to the Chesapeake Bay Act, there are informational concerns regarding new storm water management rules, which Mr. McGowan could also address.

## **5. A One Time Contribution for a New Little League Ball Field**

The North Accomack Little League (NALL) made a request for additional baseball and softball fields on Chincoteague. The current NALL complex is not adequate to support the current level of participation in the NALL program. The NALL has asked for a donation for the additional fields.

**"Councilman J. Howard motioned, seconded by Councilman T. Howard, to approve a one time donation of \$5,000.00 for the additional baseball and softball fields."** The motion was unanimously approved.

## **6. Public Safety Committee Report of August 6, 2008** (Mayor Tarr)

Mayor Tarr presented the following report from the Public Safety Committee:

### **Monthly Emergency Management**

#### **a. Point of Distribution (POD)**

Point of Distribution (POD) exercise will begin at the municipal center on September 5-6. The EOC activation will be on September 5, between 0900-2030. The actual simulation of distribution of commodities will be between the hours of 1300-1500. There are 300 cases of bottled water, 600 MRE's and 300 tarps to distribute to the public for free. The exercise will be adopted into the EOP plan and will be operated using the incident command structure. The CERT team will itemize the POD. Eastern Shore Rural Health will also be participating in this event. The event will be well advertised to the public

Talked to Mr. Tom Rauth with Charter Communications he advised there are still working on problems with the VOIC.

#### **b. Fourth of July**

No major problems despite the change in time due to weather. Need to have a meeting to discuss actions taken during that time. A report will be done after the meeting and a total cost of the Town of Chincoteague will be included.

#### **c. Citizens of Special Needs**

Ms. Beth Scheeley, Dispatcher supervisor, has been updating the police calling list with addresses and contact numbers. A suggestion to send out a public service announcement twice yearly was suggested to ensure public awareness of this service. Virginia Lifeline and Eastern Shore Ambulance is a source to move patients, however there is a problem with locations to transport patients.

Disaster Awareness letters were sent out to the public.

#### **d. Training**

The State is changing how paperwork is submitted. Bryan Rush will be attending the training tomorrow morning in Richmond.

**e. Alerting the public of an emergency**

Mr. Rush requested that dispatchers announce severe weather approaching the area. Mr. Ritter will find out if the Town of Chincoteague still owns the am radio station for public announcements. Chief Eddie Lewis is going to check with the VSP to see if his dispatchers can announce the weather alerts directly from VCIN or if they can only announce the information if it comes from the Emergency Management personnel.

**3<sup>rd</sup> ambulance calls**

Fire Chief would like all 3<sup>rd</sup> ambulance calls to be dispatched to both Chincoteague and Accomack EOC. Station 3 has a state licensed BLS non-transport unit that could deliver care to a patient until an ambulance arrives on scene. Some concerns were discussed and a decision was made to bring up for discussion when the committee meets with the fire department on September 3, 2008, at 1700.

**7. The Public Works Committee Report of August 6, 2008** (Mayor Tarr)

Mayor Tarr presented the following report from the Public Works Committee:

- **Public Works Monthly Report** – July 2008. Mr. Cosby updated the committee on several July projects, including the implementation of the new trash contract, support for events, Church Street sidewalk installation progress and two major waterworks pump replacement projects.

Mr. J. Howard asked if the drains at the old school were hooked up to Church Street. Mr. Cosby replied that they were not. Mr. J. Howard said that the area looked low and asked if we knew about the grade. Mr. Cosby said that elevations had been taken in the past in the area. Mr. J. Howard asked if we were going to fill the drains in. Mr. Cosby pointed out that it was private property. Mr. J. Howard noted that if they were not going to be used they should be removed and filled in for safety. Mr. J. Howard stated that if we are not going to take care of them we ought to fill them in. Mr. Cosby said he would try to find information on places where the Town has put drainage on private property. Ms. Richardson told Mr. Cosby that he had a major problem at School and Sharpley that was terrible and that something needs to be done about it. Mr. Cosby started to reply but Ms. Richardson pointed out that he would probably have to go to Church or Smith Street and that he would have to have a pump because the area was low. Mr. J. Howard said that a lot of money had been spent on the Little League field and that he would hate to see them upset with us. Mr. Tarr stated that he would like to see us try to improve the drainage through the use of an easement with the property owner so that the Town could maintain it. Mr. J. Howard said he thinks the pipe goes to Church Street and that we should tap into the line there prior to finishing the Church Street project.

Mr. Tarr had several questions about the monthly report, the first of which was if we had any complaints about the new trash contract. Mr. Cosby responded that almost all of them involved the timing of collection or placement of cans during the first few weeks of service. Mr. Tarr also asked if we could develop a list of roads areas that need to be patched and if we had people trained to do this. Mr. Cosby replied that we still had one

person that had attended VDOT training and that Public Works had started working on some patches already. He also noted that we had just installed a new motor on the tar wagon which had been a recurrent problem. Mr. Cosby also said that he would try to establish a plan for this type work throughout the entire island. Mr. J. Howard stated that he knew someone retired from the highway department that would help us with the pavement dips on Deep Hole Road.

- **No Parking on Church Street** – Mr. Tarr stated that this issue was brought up by the student government participants. Ms. Fox provided background information regarding previous investigations of this matter and said that the issue had never been resolved due to negative feedback. Mr. Van Dame added that a committee had recommended parking be prohibited due to safety concerns. Ms. Conklin related some of her observations of the situation from her experiences at the Opp Shop and indicated that she thought 15 minute parking signs would be good. Mr. Jester suggested that a no parking except Sunday would help the churches. Mr. Tarr said that a time limit proposal with provisions for handicapped parking was unsuccessfully proposed in the past. Mr. Cosby asked if we had any accident statistics for the street. Mr. Tarr said that we did and that there were not many except for minor accidents. He then asked if the committee wanted to proceed with this issue. Mr. J. Howard made a motion to send to Town Council for two 15 minute parking spaces in front of the Opp Shop and to allow parking on Sunday only. Mr. Van Dame expressed concern over unsafe conditions when cars were leaving the Catholic Church parking lot on Saturdays. Mr. Tarr asked for a second to the motion and received one from Ms. Richardson. The motion was unanimously approved. Mr. Ritter and Mr. J. Howard agreed to talk to the people at the Catholic Church.

## **8. The Budget & Personnel Committee Report of August 19, 2008**

Councilwoman Conklin presented the following report from the Budget and Personnel Committee:

a. Consider Changes to the following Position Descriptions:

1. Water Works Technician

Mr. Ritter explained to the Committee Members that the Public Works Committee requested that the Budget and Personnel Committee look at the Water Works Technicians job description. A discussion occurred with results of the following motion and job description.

Councilman Jester made a motion, seconded by Councilman Frese “to approve job description for a Water Works Technician and send it to council for adoption along with advertisement of the position.” The motion was unanimously approved.

WATERWORKS TECHNICIAN (Salary Grade 17 – 19)

### GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs intermediate semiskilled and skilled work in the operation of the Town’s water system and a variety of construction, maintenance and repair projects; operates specialized equipment in connection with tasks; does related work as required. Work is performed under regular supervision.

This is heavy work requiring the exertion of 100 pounds of force occasionally, up to 50 pounds of force frequently, and up to 20 pounds of force constantly to move objects; work requires climbing, stooping, kneeling, crouching, reaching, standing, walking, pushing, pulling, lifting and grasping; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for depth perception, color perception, visual inspection involving small defects and/or small parts, use of measuring devices, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, and determining the accuracy and thoroughness of work; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions, oils, and wearing a respirator.

#### ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Performing a variety of skilled and semiskilled tasks in the operation of the Town's waterworks and the maintenance, construction and repair of public facilities such as water lines, pumps, wells, buildings and streets; performing routine tasks in the operation of the water system; operating heavy equipment.  
Installs, repairs and maintains water lines; makes water taps and service connections; installs water meters; reads water meters;  
Chlorinates water system; takes water samples and conducts routine tests;  
Tests water meters; terminates water service; investigates customer complaints;  
Locates water lines under Miss Utility program;  
Backwashes filters; inspects and repairs equipment;  
Takes readings of water pumped into distribution system;  
Sets water pumps to maintain proper flow;  
Flushes, paints and maintains hydrants;  
Performs tasks associated with street, drain way, sidewalk and right of way maintenance and repair work; patches asphalt and concrete; lays pipe; grades ditches; mows and clears rights of way;  
Operates dump truck, tractor, mower, backhoe, and other mechanical equipment; utilizes various hand tools in performance of tasks;  
Maintains records and files; prepares reports;  
Maintains inventory of necessary materials and supplies;  
Answers after hours service calls; participates in periodic night and weekend pump duty;  
Responsible for overall safe operations of the Water Works System in the absence of Water Works Supervisor;  
Performs related tasks as required.

#### KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of the safe use, operation and preventive maintenance of the equipment and facilities to which assigned; skill in the use of the equipment and facilities to which assigned; ability to understand and follow oral instructions; ability to perform manual labor for extended periods, often under unfavorable weather

conditions; ability to lift heavy objects; ability to establish and maintain effective working relationships with associates and the general public.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from high school and some experience in the performance of construction, maintenance and operation of a waterworks facility.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. At a minimum the position shall have possession of a Class IV Waterworks Operator license issued by the Commonwealth of Virginia. Residence requirement will be within a ten mile radius of the Town of Chincoteague.

2. Laborer

Mr. Ritter explained to the Committee Members that the only changes to the laborers job description is under essential functions/typical tasks adding, Assists in the meter reading, repairs, installation and maintenance of water lines and related facilities. Also, position description creates a topic under Special Requirement which states that the position requires the possession of an appropriate valid driver's license. A discussion occurred with results of the following.

Councilman Frese made a motion, seconded by Vice- Mayor Jester "to approve job description for a Laborer and send it to council for adoption." The motion was unanimously approved.

b. Consider Changes to the Employee Hand Book

1. Section 204, Employment Reference Checks

Mr. Ritter explained to the Committee Members that the changes to this section would be to add to the title Pre-Employment Reference Checks and section B which states each person to whom employment with the Town of Chincoteague is offered shall be required to successfully pass a pre-employment criminal background check and drug test at a Town of Chincoteague designated medical facility at the Town of Chincoteague's expense before an appointment to such employment becomes effective. Each person to whom employment with the Town of Chincoteague is offered may be required to successfully pass a pre-employment physical. A discussion occurred with results of the following.

Councilman Jester made a motion, seconded by Councilman Frese "to approve the changes, to Section 204, Employment Reference Checks, have the Town Manager check with legal council on the language of pre-employment physical and send it to council for adoption." The motion was unanimously approved.

a. Section 701, Employee conduct and Work Rules

The committee had several concerns with the changes to section 701 and decided to send it back to staff, to possibly consolidate this section with section 801 responsibilities.

b. Section 702, Drug and Alcohol Use

Mr. Ritter presented the changes to section 702. The committee decided to extract one paragraph.

Councilman Jester made a motion, seconded by Councilman Frese “to approve the changes to Section 702, Drug and Alcohol Use and send it to council for adoption.” The motion was unanimously approved.

The following is the proposed amended version of Section 702, Drug and Alcohol Use:

Employees shall be required to sign and comply with the Town of Chincoteague, Virginia Drugs, Narcotics and Alcohol policy before employment begins with the Town. (Note: The Town of Chincoteague, Virginia Drugs, Narcotics and Alcohol policy is inserted in the front pages of the personnel policy handbook)

It is the Town of Chincoteague’s desire to provide a drug-free, healthful, and safe work place. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the Town of Chincoteague premises and while conducting business-related activities off the Town of Chincoteague premises, no employee may use, possess, distribute, sell, or be under the influence of Alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the work place. When such medically prescribed drug use adversely affects job performance, the employee will be required to use sick leave or take leave of absence. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a Town employee, may result in disciplinary action up to and including termination.

When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee’s job description, the said employee is subject to disciplinary action up to and including termination.

Violation of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violation may also have legal consequences.

Under the Drug-Free Work Place Act, an employee who performs work for a government grant must notify the Town of Chincoteague of a criminal conviction for drug-related activity occurring in the work place. The report must be made within five days of the conviction.

**a. Consider changes to Water Works Technician Position Description**

**“Councilman T. Howard motioned, seconded by Councilman J. Howard, to approve the changes in the Water Works Technician Position Description as presented in the Budget and Personnel Committee report and to allow staff to advertise and fill the position.”** The motion was unanimously approved.

**2. Consider changes to Laborer Position Description**

**“Councilwoman Conklin motioned, seconded by Councilman Frese, to approve the changes in the Laborer Position Description as presented in the Budget and Personnel Committee report.”** The motion was unanimously approved.

**3. Consider Changes to the Employee Hand Book Section 204, Employment Reference Checks**

**“Councilman Frese motioned, seconded by Councilman T. Howard, to approve the changes in the employee hand book section 204, employment reference checks as presented in the Budget and Personnel Committee report.”** The motion was unanimously approved.

**4. Consider Changes to the Employee Hand Book Section 702, Drug and Alcohol use**

**“Councilman Jester motioned, seconded by Councilman Frese, to approve the changes in the employee hand book section 702, Drug and Alcohol use as presented in the Budget and Personnel Committee report.”** The motion was unanimously approved.

**9. Committee Appointment**

The Mayor Tarr stated that Mr. Michael Handforth’s term had expired on December 31, 2007, he currently serves on the Curtis Merritt Harbor Committee and that he would like to continue to serve on the committee.

**“Councilman Frese motioned, seconded by Councilwoman Conklin, to appoint Mr. Michael Handforth to the Harbor Committee for a period of two years and shall expire on December 31, 2009.”** The motion was unanimously approved.

**10. Possibly set a Public Hearing on a New Subdivision Section 14.09g & 15.05g, Parking Maintenance (Vice-Mayor Jester)**

Mr. Anderson stated on the June 24, 2008 the Planning Commission had a meeting and discussed the idea of parking lot maintenance. There are currently no provisions for any parking lot to be maintained either in the zoning or subdivision ordinance.

The majority of the commissioner’s comments were directed towards large residential projects. One suggestion would be to include in the subdivision ordinance sections 14.09 and 15.05 a new letter (g) stating:

(g) Maintenance of a Parking Bay and Accessway. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units, or an association comprised of such owners shall be financially obligated to maintain such parking bays and/or accessways in any manner that reasonably preserves their conditions as required by the provisions of Article VI, Section C. Parking, and which actions would include but not be limited to, fixing potholes and eliminating prolonged water ponding, or other conditions as deemed reasonably necessary by sound engineering judgment.



**“Councilman T. Howard made a motion and seconded by Councilman Jester to include the new subdivision ordinance sections 14.09g & 15.05g in the Public Hearing with the Parking Ordinance.”** The motion was unanimously approved.

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

**a. Councilman T. Howard** stated that he would like to request that the Ordinance Committee to look into an ordinance concerning privately owned animals as well as strays and place it on the agenda for the up coming meeting.

**b. Councilman Jester** stated that a second 100th Anniversary event is being planned for Chincoteague in November; old artifacts and pictures are needed.

**c. Chief Lewis** asked council in the event of rain, he would like to move Saturday, September 6th planned Poker Run to Sunday, September 7th. The hours are from 2 to 9 p.m., and Main Street will be closed from 4 to 9 p.m., with detours in effect from Church Street to Mumford. He also asked that the walking trail on HWS be closed to the public for the last three weeks in October. Sixty volunteers are needed to run this event, which is currently being planned. All proceeds go to assist needy citizens. The Haunted Forest made over \$25,000 in 2006, the last year it was held. Council agreed to authorize both requests.

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

Councilman J. Howard moved, seconded by Councilman Frese to convene a closed meeting at 8:50 pm. under Section 2.2-3711(A) (1) of the Code of Virginia to discuss Personnel Matter. The motion was unanimously approved.

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

Councilwoman Conklin moved, seconded by Councilman Frese 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- Conklin, J. Howard, Jester, Richardson, Frese  
                  Nays- T. Howard  
                  Absent- None

~~AGENDA~~ **James Frese motioned, seconded by Councilman T. Howard, to adjourn the meeting.**” The motion was unanimously approved. Meeting was adjourned at 11:12 pm.

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Mayor

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Town Manager

**September 8, 2008  
Special Council Meeting**

**Agenda states purpose as “Council Priorities and Objectives, and Closed Meeting in Accordance with Section 2.2.3711(A)(!) of the Code of Virginia to discuss Personnel Matters.”**

**MINUTES OF THE SEPTEMBER 18, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Councilwoman Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor

**Council Members Absent:**

Ellen W. Richardson,

**Call to Order**

Mayor Tarr called the meeting to order at 7:30 p.m.

**Invocation**

Councilman J. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Presentations**

- Mayor Tarr read and presented the following Certificate of Special Recognition: **Whereas**, congratulations and citations are in order for **Mr. Zac Jester, Mr. Troy Libertino** and **Mr. Josh Williams** for heroically saving the life of Mr. Steve Muhic on Monday, September 8, 2008 while surfing off Assateague Island; and

**Whereas**, a catastrophe was avoided because of the skillful and quick response to Mr. Muhic as he had been knocked unconscious by his surfboard and was seconds from drowning; and

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

**Now, Therefore**, I, John H. Tarr, Mayor, the Members of the Town Council and the citizens of Chincoteague, hereby extend to **Mr. Zach Jester, Mr. Troy Libertino and Mr. Josh Williams** our sincere appreciation for their heroic action.

- Mayor Tarr presented a check in an amount of \$5,000.00 to North Accomack Little League (NALL) for the new ball fields that are planned to be constructed behind the Community Center.

### **Open Forum/Public Participation.**

- **Mr. James White** of 3891 Main Street stated that young children should be required to wear helmets while operating motorized scooters. Mr. White cited a Massachusetts law requiring children under age 17 to wear helmets while operating motor scooters.
- **Mr. Bill Larson** of 6163 Marsh Island Drive said the current parking ordinance reduces available parking for Town residents.
- **Mr. Dean Orsino** of 4211 Main Street stated concerns with the noise of mopeds. He said that a noise ordinance should be incorporated within a scooter policy, when and if that is developed by the Town.

### ***Agenda Additions/Deletions and Adoption***

**“Councilman T. Howard motioned, seconded by Councilman Frese to approve the agenda.”** The motion was unanimously approved.

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

**“Councilwoman Conklin motioned, seconded by Councilman Frese, to approve the minutes of the Special Council meeting workshop of August 21, 2008, and the Regular Council meeting of September 2, 2008.”** The motion was unanimously approved.

#### **2. Public Hearing for Changes to the following Zoning and Subdivision Ordinance**

Mayor Tarr opened the Public Hearing, at 7:48 pm. on the proposed changes to the zoning and subdivision ordinance on Amending Sections A & B, and Section C. Parking of Article VI General Provisions, of the Zoning Ordinance and Amending Sections 14.09 and 15.05, of the Subdivision Ordinance. Mrs. Jane Wolff came to the podium and expressed concerns of the fire safety lanes and stated that it had changed since the Planning Commission had sent it to Council. Ms. Gladys Baczek expressed that one parking space per bedroom which is stated in the new ordinance would be adequate. Mayor Tarr announced the Public Hearing closed, at 7:58 pm.

Councilman T. Howard expressed his support of the language the Planning Commission sent to Council on the fire safety lanes and that he would not be voting for the proposal if

it did not have that language inserted back in the amendment. Vice Mayor Jester stated that the current language in the proposed amendment was consistent with the international fire safety code.

**“Councilman Frese motioned, seconded by Councilwoman Conklin to adopt the proposed amendments to the zoning ordinance Sections A & B, and Section C. Parking of Article VI General Provisions.” Ayes** Conklin, Frese, Jester, J. Howard. Nays T. Howard. **Absent** Richardson. The motion was approved.

**Section A.** Commercial District C-1

4.2.4.1. Parking Garages and other similar structures

**Section B.** Commercial District C-2

4.5.4.1. Parking Garages and other similar structures

**Section C.** Parking

**Sec. 6.6 Parking**

There shall be provided, at the time of erection of any main building or dwelling unit, or at the time any main building is enlarged, or the available customer floor space in a business structure is increased, minimum off-street parking spaces as identified in section 6.6.1 with adequate provisions for entrance and exit by standard sized automobiles as required by the Virginia Department of Transportation.

**6.6.1. Definitions**

- (a) Accessible Parking stalls- parking required for persons with disabilities.
- (b) Accessway- a private vehicular facility for Townhouse, Multifamily, Condominium, and Commercial developments that extend from the curb-line-extended of a public or private road to the parking bay.
- (c) Aisles. Areas used for vehicular traffic in parking areas for ingress and egress of parking bays and parking spaces.
- (d) Compact Car Parking Space. An off-street space available for parking of (1) one motor vehicle and having an area not less than eight (8) feet in width by sixteen (16) feet in depth.
- (e) Entrances- The area used for ingress/egress for an accessway or parking bay to a public or private road. Must meet the Virginia Department of Transportation’s “Minimum Standards of Entrances to State Highways.”
- (f) Fire Safety Lane. A designated area that allows for fire safety and emergency vehicles to adequately service the needs of people and structures associated with the parking areas and parking bays as identified in the International Fire Code as amended.
- (g) Parking Bay. Means an off-street surfaced area used for parking two or more vehicles which are served by an entrance and possibly an accessway connecting the parking bay and a public or private road. This shall not include parking for a single-family residential use.

Parking Bays will be required to have safe pedestrian traffic capability by providing sidewalks or defined safe walkways that provide access to the structures served by these lots.

(h) **Parking Space.** An off-street space available for parking of (1) one motor vehicle and having an area not less than nine (9) feet by eighteen (18) feet and an area exclusive of passageways and driveways appurtenant thereto, and having a means to a direct access to a street, or road.

(i) **Boat Trailer Parking Space.** An off-street space available for parking of (1) one (9) nine foot by (45) forty-five foot boat trailer exclusive of passageways and driveways appurtenant thereto, and having a means to a direct access to a street, or road.

(j) **Best Management Practice.** A series of approaches to development and site design that aim to minimize impacts from stormwater runoff. For the purposes of this ordinance a Best Management Practice will apply only to the surface of the parking bay and accessway, or any overflow parking. It shall be demonstrated that a Best Management Practice will reduce the amount of impervious surface and reduce the amount of stormwater runoff from a particular site.

(k) **Overflow Parking.** A Parking area required when 10 or more dwelling units utilize a parking bay(s). Overflow parking is intended to be used when the required parking area is full. The area designated as overflow parking shall have the same aisle and parking stall requirements as the parking bay. Overflow parking is not required to be surfaced.

(l) **Typical Work Shift-** For the purposes of this ordinance a typical work shift shall be identified as the time period during a normal 24 hour period when the most employees/employers are working at the same time.

6.6.2 If a lot is utilized for amusement or recreational rental purposes the following regulation shall apply: one space per four persons rated capacity.

(1) If a lot is utilized for a miniature golf course the following regulation shall apply: one space per hole.

6.6.3. If a lot is utilized for use group R-residential (see Virginia Uniform Statewide Building Code, as amended) there shall be off-street parking space provided for the parking of at least two motor vehicles for each dwelling unit.

6.6.4. If a dwelling includes a home occupation which has direct sales, two off-street parking spaces must be provided for the dwelling unit, and an additional two off-street parking spaces must be provided for the home occupation. Parking shall be identified by either signs or bumpers. If more than one home occupation is located within a dwelling unit then 2 additional off street parking spaces shall be provided for each home occupation.

6.6.5. If a lot is utilized for use group A-assembly (including churches) there shall be provided at least one off-street parking space for every five potential occupants, as defined by Virginia Uniform Statewide Building Code, in the main structure's assembly or auditorium area (Excluding libraries and museums).

6.6.6. If a lot is utilized for a medical or dental clinic there shall be provided two spaces per examination or treatment room or area, plus one space for each doctor and employee that work during typical work shift.

6.6.7 If a dwelling is utilized for a vacation rental there shall be provided one (1) parking space for each bedroom as defined by the Accomack County Health Department sewage disposal permit, or DEQ if applicable, thereto. If ten (10) or more dwelling units utilize a parking bay(s), an additional ten (10) percent of those required parking spaces will also be required. These additional spaces will be referred to as overflow parking and can be incorporated into the surfaced required parking bay, or they can be a designated, open, unobstructed, and accessible area to the parking bay or right-of-way.

6.6.7.1. If a structure is occupied as a bed and breakfast, motel, hotel or boarding house there shall be provided 1 parking space per sleeping unit as defined by the Accomack County Health Department, or DEQ if a discharge plant is utilized for sewerage disposal. Also an additional parking space shall be required for each employee during a typical work shift.

6.6.8. If a lot is utilized for a hospital, nursing home or similar facilities, there shall be provided at least one off-street parking space for each two beds' capacity, including infants' cribs and children's beds.

6.6.9. For marinas and other similar facilities, except as expressly provided herein, whether any main building is erected or enlarged or not, there shall be provided at least (1) parking space for every two (2) boat slips or moorings, plus ten (10) parking spaces for each single-width boat ramp, with each space nine feet (9 ft) in width by forty-five (45 ft) in length plus the parking spaces required by Section C. Parking, as applicable, if there are buildings. Any private non-commercial marina located on the same parcel of land, used in conjunction with the main use on such parcel and the use of which is restricted to the owner (s) or occupant(s) with or without compensation, shall not require any additional boat trailer parking space(s). A boat slip that is owned or leased by a person(s) who is not the owner or occupant of a dwelling unit located on such parcel shall be required to have one additional 9 feet by 18 feet parking space per such slip.

6.6.10. (No change except number)

6.6.11. “ “

6.6.12 “ “

6.6.13. “ “

6.6.14. “ “

6.6.15. “ “

6.6.16. An accessway shall extend from the curb line of a public or private road to the parking bay. Accessways shall be clearly distinguishable from the parking bay. An accessway shall not be used as a through street and it shall carry predominantly on-site traffic. Surface composition of accessway will be same as parking bay. There shall be no parking on an accessway. An accessway will be no longer than 200 feet from curb line of a public or private road to the parking bay, if this area is greater than 200 feet it shall be considered a road. The accessway will have a minimum width of 22 feet with the

entrance a required 24 foot minimum width as required by the Virginia Department of Transportation's "Minimum Standards of Entrances to State Highways."

6.6.17. Compact Car Parking Spaces- if 20 or more parking stalls are required for a parking bay, 20 percent of those spaces may be designated for Compact Car Spaces. Each Compact Car Space shall be marked as "Compact Car Parking."

6.6.18. Entrances to Accessways and Parking Bays must be built to "Minimum Standards of Entrances to State Highways" VDOT specifications whether connecting to a public or private road.

6.6.19. Parking Bays shall have aisles that are 22 feet or more in width.

6.6.20. Accessible Parking stalls must conform to current regulations of the Virginia Uniform Statewide Building Code, and any subsequent amendments to those regulations.

6.6.21 Fire Safety Lane- As to any structure(s) requiring 20 or more parking stalls, reasonable access shall be provided for emergency fire equipment by designated fire safety lanes of a width of at least 18 feet so as to provide reasonable access to at least three (3) sides of the structure(s).

The Fire Safety Lane shall be constructed of the same surfacing material(s) as the parking bay, and accessway. The fire safety lane shall be clearly demarcated by signage or striping.

Signage shall be constructed of reflective aluminum, and be placed every 50 feet along the fire safety lane. There shall be a minimum of one sign for every designated fire safety lane. The signage along the fire safety lane shall be no smaller than 12 inches by 18 inches, with lettering containing the words "No Parking" and "Fire Lane." The signage shall be white with red lettering. The bottom of the sign shall be 7 feet above grade. Signage must be replaced immediately if damaged.

Striping shall be placed around the perimeter of the fire safety lane(s). Any curbing contiguous to the fire safety lane shall be painted. Striping shall be 6 inches wide. Striping and curbing shall be painted red. The words "No Parking" and "Fire Lane" shall be painted within the fire safety lane every 50 feet. Lettering shall be white and be at least twelve (12) inches in height and each letter shall be three (3) inches thick. Repainting shall be required when necessary by the Zoning Administrator.

6.6.22. As to any parking bay where 20 or more parking spaces are required, a best management practice must be utilized. A best management practice for parking must be approved by a certified engineer as a structurally sound and effective practice that is demonstrated by the engineer to reduce stormwater run-off and the amount of impervious surface of the parking bay.

Such Best Management Practice(s) shall give consideration to the number of parking stalls, traffic load, surface composition, cost, and other relevant factors so as to reduce storm water runoff and impervious surfaces. All Best Management Practices shall be

approved by the Zoning Administrator and if applicable the Planning Commission with the advice of the Public Works Director.

Parking areas that utilize best management practices must adhere to proper stall dimensions either for standard, or if applicable compact parking stalls. Any Best Management Practice for parking shall be designed so as not to create or increase adverse effects on adjoining properties as a result of surface drainage.

**“Councilman J. Howard motioned, seconded by Councilwoman Conklin to adopt the proposed amendments to the subdivision ordinance Sections 14.09 and 15.05 to include a new letter (g) on parking bay maintenance.”** The motion was unanimously approved.

Subdivision ordinance sections 14.09 and 15.05 a new letter (g):

(g) Maintenance of Parking Bay and Accessway. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units, or an association comprised of such owners shall be financially obligated to maintain such parking bays and/ or accessways in such manner that reasonably preserves their conditions as required by the provisions of Article VI, Section C. Parking, and which actions would include but not be limited to, fixing potholes and eliminating prolonged water ponding, or other conditions as deemed reasonably necessary by sound engineering judgment.

### **3. Harbor Committee Report of August 13, 2008**

Councilman T. Howard presented the following report from the committee meeting:

A. Harbormaster Merritt stated that subleasing was down but considering the economy, price of gas etc., it was to be expected. He also stated everything at the harbor was going well and asked if there were any questions. Councilman J. Howard stated he had a problem about the grass cutting at the harbor. Harbormaster Merritt replied that the harbor was going to purchase a lawn mower of its own, so that it would be easier to cut the grass when cars, trucks and trailers were not in the way; at times it is impossible to cut, but with a mower and weed eater he could cut it on slow days. Harbormaster Merritt stated he will get it done ASAP.

B. Harbor Master Merritt stated the Committee should consider raising the fee for subleasing stating it was the lowest prices around. Councilman T. Howard asked how if we raised the fee what would be the impact on the working waterman. Harbormaster Merritt stated he was only talking about the recreation boaters and not raising the fee for working waterman. Mr. Bowden stated that we would receive a lot of complaints from the slip leasers if we were making too much money from subleasing their slips and stated the Harbor was built on grant money. Councilman T. Howard asked Harbormaster Merritt if he would get more information on other Harbors fees. Harbormaster Merritt stated he would have it for the next Harbor meeting.

C. Harbormaster Merritt stated we received money for the seawall project and we hope to get started soon.



#### **4. Cemetery Committee Report of August 26, 2008**

Councilman T. Howard presented the following report in the absences of Councilwoman Richardson:

A. Fund Raising – Councilman T. Howard stated that the Cemetery fund currently has \$ 295 of donations remaining for this cutting season.

Councilman T. Howard mentioned that the American Legion, Kiwanis Club, and the Ruritan Club usually give a contribution. We may need to ask if it is in their budget this year to give a donation to the Cemetery Fund.

Mr. Turnquist will write a fund raising letter to mail out to various organizations and to place in an upcoming edition to the editor.

B. Future sites for the fall Clean-up - it was also discussed that the Jones Cemetery, Holy Ridge Cemetery, and the Reed Family Cemetery will need to be cleaned up next. The Committee decided that the fall clean-up will occur some time between Veterans Day and Thanksgiving.

#### **5. Ordinance Committee Report of September 10, 2008**

Councilman J. Howard presented the following report from the committee meeting:

Consider a New Section 58-171 A & B, Trailer Parking on Public Right-of-way

Mr. Anderson noted that the Planning Commission did not send a motion to Council or the Ordinance Committee. This agenda item was part of a discussion from the Planning Commission about how a new development that restricts boat trailer parking on the parcel of land, and the question came up “where would the trailers be parked?” That is why staff felt it was necessary to at least discuss this issue. Mr. Anderson wanted the Committee to think if there is any problem with having trailers parked on public right of ways for prolonged periods. Mr. Ritter emphasized that this proposal would not restrict parking of trailers on right-of-way, but it would limit the amount of time.

Mr. T. Howard indicated that the Town needs to make sure that it is not too restrictive to the tourist industry. He indicated that any amendments be directed towards long-term parking of trailers on streets.

Chief Lewis indicated that 12 hours would be difficult to enforce, he suggested 48 hours.

Mrs. Conklin suggested that once the millings at the Town’s Harbor were removed that area could be used to park boat trailers so they will not park on the street.

Mr. J. Howard indicated that he would be more in favor of this recommendation if it were 48 hours rather than 12 hours.

Mr. T. Howard recommended that a more comprehensive survey of the entire island should be completed so as to see if there is a problem island-wide.

Consider Changes to the Ordinance Chapter 10, Animals

Mr. J. Howard called both Accomack Animal Control and Mr. Ritter to discuss this issue. Mr. J. Howard had identified three options: pass and enforce an ordinance much like the Norfolk Ordinance, the Status Quo, or the Town buys traps and have Animal Control pick up the traps once the animal is inside.

Mr. T. Howard stated that if our ordinance is not adequate then it needs to be amended so that we can fix the problems.

If the Town decided to purchase the traps then either the public works or the police department would loan the traps out to the citizens and the police or public works would pick the animal up once it has been trapped.

Chief Lewis indicated that if the Town were to start up an animal control program on the Island it would initially cost approximately \$40,000, however it would be significantly less in the following years because much of that cost is up-front costs.

Mr. J. Howard would like to encourage people to limit the number of animals and to help the public learn about some potential safety hazards with having too many cats on the Island.

Mrs. Conklin is not in favor of establishing an Animal Control Program on Chincoteague.

It was suggested that the Town could write a piece for the upcoming newsletter about this issue.

Mr. Anderson suggested a Memorandum of Understanding with the county if they were going to pick up animals that have been trapped in Town-owned traps.

Mr. J. Howard made a motion seconded by T. Howard "to assist animal control in trapping animals and to appropriate \$500 for traps."

Consider an Ordinance on Criminal Background Checks

Mr. Ritter indicated that in the ordinance wherever it mentions "human resources department" it should be replaced "Town Manager."

**ORDINANCE ENACTING IN THE TOWN OF CHINCOTEAGUE, VIRGINIA:**  
Criminal history background checks for new employees.

This section is enacted pursuant to Sections 19.2-389 and 15.2-1503.1 of the Code of Virginia, 1950, as amended. In the interest of public welfare and safety it is necessary to determine whether the past criminal and/or child protective services conduct of each person seeking to be employed with the Town is compatible with the nature of the person's employment. Further pursuant to 12 VAC 5-31-540, it is necessary for the Town to have a record documenting the results of a criminal history background check on an individual accepting employment to provide emergency medical services or on other individuals to be employed with the Town.

1 . Any applicant who accepts employment with the Town of Chincoteague as an employee or providing services to juveniles, the elderly or, as deemed necessary by the Town manager or his designee in the interest of public welfare and safety, shall, as a condition precedent to employment, submit to taking of one set of fingerprints by

the Chincoteague Police Department or by other designated organization or person and provide personal descriptive information for the purpose of all such fingerprints.

2. Upon receipt of one set of fingerprints and the personal descriptive information provided by the applicant, the Town Manager of the Town will transmit it and any appropriate fees (unless a satisfactory billing arrangement has been made) to the Virginia State Identification Bureau for (i) a criminal history record information review and (ii) sex offender and crimes against minors registry searches which shall be reported to the Town Manager, as further required by this ordinance.

3. The Virginia State Identification Bureau will compare the applicant subject's fingerprints against its criminal file(s) and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records.

4. The results of the Federal Bureau of Investigation check will be returned to the Virginia State Identification Bureau, which will disseminate the state and national results to the Town Manager of the Town.

5. The applicant may request and receive a copy of the criminal history record information results from the Town Manager of the Town. Should the applicant record subject seek to amend or correct the record(s) relating to the reported results, the applicant must contact the Virginia State Identification Bureau for a Virginia state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2008.

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**John H. Tarr, Mayor**

ATTEST: \_\_\_\_\_

Clerk of the Council

Mr. J. Howard motions seconded by Mrs. Conklin to "recommend to Council that they approve this ordinance on criminal back ground checks." The motion was unanimously approved.

- **Consider an Ordinance on Criminal Background Checks**

**"Councilman T. Howard motioned, seconded by Councilman Frese, to adopt the ordinance on criminal background checks as stated in the report."** The motion was unanimously approved.

**6. Request for a Letter of Support for the Assateague Lighthouse**

The Chincoteague Natural History Association in a letter, asked the Town of Chincoteague to write a support letter to the Department of Interior to assist in the efforts to restore the Assateague Lighthouse.

**"Vice Mayor Jester motioned, seconded by Councilman T. Howard, to send a support letter to the Department of Interior."** The motion was unanimously approved.

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

a. **Councilman Jester** stated that the author of the Hidden Galleon indicated in the book how the ponies originated was not true and wanted to keep the local legend of the Spanish galleon wreck.

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

Councilman Frese moved, seconded by Vice Mayor Jester to convene a closed meeting at 9:05 pm. under Section 2.2-3711(A) (1 & 7) of the Code of Virginia to discuss Personnel Matter and Legal Matters. The motion was unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(1&7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

**AJOURN**

**“Councilman T. Howard motioned, seconded by Councilman Frese, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 11:35 pm.

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Mayor

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Town Manager

**MINUTES OF THE SEPTEMBER 25, 2008**  
***SPECIAL CHINCOTEAGUE TOWN COUNCIL WORKSHOP***

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor

**Council Members Not Present:**

Ellen W. Richardson, Councilwoman

**Planning Commissioners Present:**

**Present:**

Ray Rosenberger, Chairman  
Chuck Ward, Vice-Chair  
Mollie Cherrix, Commissioner  
Tripp Muth, Commissioner  
Bob Behr, Commissioner

**Planning Commissioners Not**

Jane Wolffe, Commissioner

**Call to Order**

Mayor Tarr called the meeting to order at 5:04 p.m.

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

**“Councilman J. Howard motioned, seconded by Vice-Mayor Jester to approve the agenda.”** The motion was unanimously approved.

**1. Consider a Planning Grant for Broadband**

Ms. Kat Edwards of the A-NPDC came before Council to ask if they are willing to submit an application to the Department of Housing and Community Development for a planning grant which will show support of Broadband. The invitation is to submit a planning grant application by September 30. The Planning Grant will be for \$25,000, the Town will be asked to pay \$2,500.

Fiber Optics would go from Royal Farms to major areas of Chincoteague that have the most need. A full design application is due in January and an additional commitment by the Town will be required which could be up to \$100,000. After construction the debt could be turned over to the Broadband Authority. The fiber lines will be considered an “open network” meaning there will be a number of service providers using the fiber and providing services to customers.

**“Vice-Mayor Jester motioned, seconded by Councilman T. Howard, to write a letter of request for the planning grant application to be submitted.”** The motion was unanimously approved.

**2. Presentation/ Discussion with Peter Johnston & Associates, LLC (formerly Redman & Johnston Associates) on their most recent draft of the Comprehensive Plan Update for the Town of Chincoteague.**

Mr. Pete Johnston began by giving a brief history of the Comprehensive Plan Update work with his company which began in 2006, and which included workshops, and stakeholder meetings. Mr. Johnston indicated that there have been primarily two areas of contention, the new land use area concepts, and the review processes such as Conditional Use.

Mr. Johnston indicated that there are two new land use areas concepts, resort residential, and resort commercial. The current R-1 and R-2 have not changed at all.

Mr. Johnston indicated that one change from the stakeholder’s meetings was the addition of an annexation plan in Chapter 3.

Mayor Tarr would like the Planning Commission and Council to participate in a joint workshop to review and discuss the comprehensive plan in detail.

Mr. Ward questioned whether there are any other instances where a small town annexed Federal Lands.

Councilman T. Howard indicated his interest in the bridge tenders building which could serve as a landmark.

Vice-Mayor Jester would like the story of how the ponies came to Assateague to reflect the story of the ship that wrecked.

**AJOURN**

**“Councilman Frese motioned, seconded by Vice-Mayor Jester, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 6:20 pm.

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Mayor

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Town Manager

**MINUTES OF THE OCTOBER 6, 2008**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Call to Order**

Mayor Tarr called the meeting to order at 7:35 p.m.

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation.**

- **Mr. Thomas Clark** of Don's Seafood indicated that he has been helping put together the Chili and Chowder Cook-off for several years. Even though all the participants are under one tent, this year they all had to get Health Department Permits. Mr. Clark indicated that there is a section in the Health Code that enables a municipality to enact an ordinance that would exempt health permits for fairs, carnivals, and other small temporary gatherings. Mr. Clark requests that this go to the ordinance committee for consideration and Town Attorney review.
- **Ms. Laurie Walton** of Threadgoods stated that she is part of a committee of 22 members that would like to extend the holiday season in town. She requested that if the Town has holiday decorations that they be put up before the committee's shopping celebration which will be on November 1 & November 8.
- **Ms. Jane Wolffe** of the Chincoteague YMCA Committee wanted to thank the Council for their support. She indicated that the YMCA signed a lease for the old NAPA building on Church Street.

***Agenda Additions/Deletions and Adoption***

**“Councilman T. Howard motioned, seconded by Councilwoman Richardson to approve the agenda.”** The motion was unanimously approved.

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

There was some concern by Councilman Frese about the newly adopted Parking Ordinance. He would like for it to be on a future agenda. Councilman T. Howard indicated that in the Ordinance Committee Report he did not second the motion for Criminal Background Checks. Mayor Tarr requested that the Town Manager verify and

amend if not correct. **“Councilman J. Howard motioned, seconded by Vice-Mayor Jester, to approve the minutes of the Special Council meeting workshop of September 25, 2008, and the Regular Council meeting of September 18, 2008, contingent upon the Town Manager’s review of the contested item.”** The motion was unanimously approved.

## **2. Resolution in Respect for Dr. Donald J. Amrien**

Councilman T. Howard, seconded by Councilwoman Conklin motioned **“to accept this resolution as presented.”** Unanimously approved.

### A RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL

WHEREAS, Dr. Donald J. Amrien has served the citizens of Town of Chincoteague and the Eastern Shore for many years as a physician, caregiver and friend; and

WHEREAS, these years have been marked with conscientious, diligent, and unselfish dedication to those in need; and

WHEREAS, this community has sustained a great loss by the untimely death of this Humanitarian;

NOW, THEREFORE, RESOLVED that the Town Council of the Town of Chincoteague, speaking on behalf of all our citizens, hereby extends to the members of the Amrien family our sincere sympathy and appreciation for allowing their husband and father to dedicate his life to serving others.

DATED this 6th day of October 2008.

\_\_\_\_\_  
John H. Tarr, Mayor

## **3. Auditors briefing on findings of the audit report “FY 08” (Mr. Aaron Hawkins, Robinson Farmer & Cox)**

Mr. Hawkins made a small presentation to Council regarding the audit report. He indicated that Fund Balances were up for the year. There are new risk assessments standards effecting post employment benefits. Councilman T. Howard wanted to highlight the positive comments that came from the report regarding the Town’s Management. Mr. Ritter indicated that there has been a copy of the report in the office for the last week.

## **4. The Chesapeake Bay Preservation Act (CBPA) applying to the Seaside of Accomack County**

Mr. Jim McGowan, Planning Director for Accomack indicated that the Accomack County Board of Supervisors voted to propose the extension of the Act to applicable Seaside areas of the County, however it would not pertain to the incorporated Towns. Mr. McGowan feels that the pro’s are that it would protect water quality for aquaculture, fisheries, and recreation. He does not see any con’s with the implementation of the CBPA. He indicated that the Act is implemented though zoning ordinances, which is why any municipality with their own zoning ordinance would be exempt.

Mayor Tarr indicated that he has concerns about beach replenishment if the CBPA were to be implemented on the Wildlife Refuge. Typically the federal government adopts what the neighboring jurisdiction adopts. Mr. Poulson stated that county zoning would not



apply to federal lands. If zoning did not apply and the CBPA was implemented through zoning why would the county map it. Mr. Mark Taylor, Accomack County Attorney indicated that the map shown is feature driven; however, it had been discussed that a notation should be put on the map indicating that federal lands are exempt from local regulations.

Vice-Mayor Jester indicated that the waterlines from the wells near NASA go through the marsh, his concern is that if there is a water leak and the CBPA is in place would it hinder the town from fixing the leak quickly. Mr. McGowan indicated that the CBPA would not hinder that kind of emergency maintenance.

Mayor Tarr said that he talked with Mayors on the bayside and they advised him not to be in favor of having the CBPA on the seaside. Mr. McGowan indicated that the purpose of the CBPA on the seaside is to require Best Management Practices for all land development. He later indicated that there are several impaired water bodies on the seaside, and condemned shellfish beds on the seaside so there is a problem. He also indicated that the Board of Supervisors will be holding a public hearing November 12, 2008 at 7pm at Metompkin Elementary School regarding this proposal.

It was suggested that this issue be put on the agenda for the November meeting, and that the Council could possibly send a letter to the Board indicating the Council position on the CBPA seaside.

## **5. Accomack County Board of Supervisors Update**

- Supervisor Thornton indicated that there is a study completed by DEQ on Occohannock Creek regarding water quality. One of the many requirements of the CBPA is that each septic tank must be pumped every five years. It was stated that it is now \$300 to pump a septic tank. She is skeptical about development being a large or leading cause of pollution in the waters on the Seaside. Farm runoff should be considered a large source of pollution and plasticulture should be a large source of impervious surface. Another considerable source of pollution might be the confined animal feeding operations such as poultry farms which are common throughout the county.
- She and other volunteers have been working to assist people in presenting their case to the equalization board for the reassessments. She indicated that it is very difficult to get all the necessary information together. She is an advocate to fund the county's assessors office so that future reassessments be completed in-house.
- There is a vacancy on the Accomack County Parks and Recreation committee. J. W. Jeffries is stepping down from the position; he will be missed on that committee.
- There was a meeting on the Fire and EMS study, Supervisor Thornton not sure how much has progressed. It was suggested that Council meet with the fire department to discuss this study.
- The National Wildlife Refuge on Assateague will have two pre-planning meetings October 16 at 9am and 6pm at the Chincoteague Civic Center. They are open to the public and are in regards to an Alternative Transportation Study.

- Supervisor Thornton requests that a “Children at Play” sign be erected on Deep Hole at the sharp turn.

## **6. Public Works Committee Report of September 3, 2008**

Councilman T. Howard did not fully understand item number 4. Mayor Tarr indicated that it was a simple request from Branscome to increase their contract in terms of money.

## **7. Resolution of Support for the Assateague Lighthouse**

Councilman T. Howard, seconded by Councilwoman Richardson motioned “**to approve the resolution as read.**” **Unanimously approved.**

### **RESOLUTION**

**Whereas**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program undertake an Enhancement Project at the Chincoteague National Wildlife Refuge;

**And Whereas**, the Chincoteague Natural History Association intends to submit an application for VDOT Transportation Enhancement Funds in partnership with the U. S. Fish and Wildlife Service for the restoration of the Assateague Lighthouse;

**Now, Therefore, Be It Resolved**, that the Town of Chincoteague, is in support of this effort and requests the Commonwealth Transportation Board to establish a project for the Assateague Lighthouse Restoration Project.

*Duly adopted by the Chincoteague Town Council October 6, 2008:*

\_\_\_\_\_  
John H. Tarr, Mayor

Attest: \_\_\_\_\_

Robert G. Ritter Jr. Town Manager

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

**a. Councilman T. Howard** indicated that there will be a Curtis Merritt Harbor Committee meeting October 8th at 6:30 pm. Councilman T. Howard also indicated that the Town could possible designate a day in conjunction with the cemetery clean ups for decorating graves in the Town’s cemeteries. He requests that Vice-Mayor Jester and the 100<sup>th</sup> Anniversary Committee please take this concept into consideration.

**b. Vice-Mayor Jester** would like to have a 100<sup>th</sup> Year Anniversary Meeting. He stated that would like a day in November to be dedicated to an Island Family Heritage Day, where people from the island can show artifacts, photos, and family histories.

He feels that a letter from the Town should be sent in support of funding the assessor's office for future re assessments.

**c. Councilwoman Richardson** indicated that on October 28<sup>th</sup> there will be a cemetery committee meeting at 6pm. The Oyster Museum will be holding an Open House October 12 with live music from Mr. Bill Troxler.

**d. Mr. Ritter** indicated that the Town will be putting together a newsletter, if any Councilmember's have thoughts on anything to add please contact him.

**e. Chief Lewis** requested that the downtown streets be blocked off for the Poker Run which will be the second Saturday in September 2009. The police department raised approximately \$16,000 from this year's event.

**f. Mayor Tarr** suggested that some type of memorial fund be set up in memory of Dr. Donald J. Amrien. It could possibly be placed at the Honor Board where the new library addition will be located.

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

Vice-Mayor Jester moved, seconded by Councilman Frese to convene a closed meeting at 9:05 pm. under Section 2.2-3711(A) (1&7) of the Code of Virginia to discuss Personnel Matter and Legal Matters. The motion was unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(1&7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

## AJOURN

“Councilman Frese motioned, seconded by Councilman T. Howard, to adjourn the meeting.” The motion was unanimously approved. Meeting was adjourned at 11:35 pm.

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Mayor

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Town Manager

### MINUTES OF THE OCTOBER 23, 2008 *CHINCOTEAGUE TOWN COUNCIL RETREAT* *CHINCOTEAGUE COMMUNITY CENTER*

#### **Council Members Present:**

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

#### **Staff Members Present:**

Rob Ritter, Town Manager  
Eddie Lewis, Police Chief  
Mike Cosby, Director of Public Works  
Jared Anderson, Director of Planning

#### **Call to Order**

Mayor Tarr called the meeting to order at 9:06 a.m.

#### ***Warm-up***

*What core value did you learn at the age of 10 years old, or thereabouts? How does this example apply to your life today?*

“**Anything Goes**” was the theme for the retreat. This means no concern, question, idea, or concept should be excluded for any reason. Council will prioritize at a later date.

#### **Short Term (present- 2 years)**

- Medical Care
  - Loss of Dr. Amrien
  - Big Burden of EMS on island
- Health Insurance
  - Better plans for employees
- Employee morale
- Communication is lacking
- Promote what the Town and Employees do, the Town does many positive things.
  - Need to promote Town activities
  - When employee’s do a good job we need to commend those people.
- Communications Plan

- Website, updated more often
  - Press releases
  - Constantly keeping in touch with citizen's
  - Radio Stations- WCTG, WESR
    - Possible weekly radio updates
- We need to look at our new "gateway"
  - Directional/ Wayfinding signs
- Town should be looking at Parking at Maddox (public parking)
  - Need to think of this issue now.
- Contract out more, less in-house
- Increase the Town's CRS Level
- Downtown
  - What is a "better" downtown going to look like?
- Comp Plan- many things have been addressed in this document
- There is going to be a whole new traffic pattern when new bridge come in.
- What is going to be done at bridge street?
- No Parking Church Street.
- With new traffic patterns we can put more parking on-street (Main St.)
- Lock system needs to be fixed on backdoor of Town Office
- Emphasis on preservation of our heritage
- Town needs to try to get bridge tenders building
- Emphasis on including young people in many different activities
- Budget needs to be bigger next year for public works
- We need to have an employee questionnaire
- We need to address issues in a timely manner
- Mayor-needs help for agendas
- What does Planning Commission look at?
  - Jared, can you look at enabling laws from state code?
- Do other committee's have a list or some other document that indicates what they do?
- Capital Plan on Roads
  - Prioritize based off of need
- Plan on all the water valves????
- Mopeds/ golf carts
  - More education, require helmets
  - Concerns about golf carts on the road
- Training for employees
- Communication between Council and Staff.
- At Council meetings Department Heads give a report
- Look at all building fees and their costs
- Town needs a mission statement
- Parks
  - What do we want?
  - Playground equipment
  - Assemble names of the past island doctors

- Bike Stand in Downtown Park
- Police
  - Should we be out on Route 175?
  - Pay scale for police/EMS needs to be looked at.
  - Seat Belts for employees
  - Police need to promote all the positive things they do for the community
- EMS
  - Need to finish the plan
- Human Resources Company, are they coming in?
- Department Heads need to meet on regular basis
  - Then they meet with their employees
- Meals tax, real estate, and transient occupancy tax needs to get up to date.
- Quarterly pick up- why are the same people requesting pick up?
- E-commerce, pay taxes online
- Credit card machine
- Take DMV notice off door
- Why does ANEC not required to have a franchise?
- Trash receptacles, are they still available?
- Capital Improvement Plan
  - Do not lose focus
  - A plan for the whole town.
- Water Supply
- Promote Aquaculture
- Donald Leonard, kept up park across from the school
- Council goes paperless
- Name new bridge
- Start developing ideas for the opening of the new bridge/start planning now not a couple weeks before it opens.
- Develop a comprehensive Town Communications Plan to include routine Press Releases and to update website.
  - Examine how the Town communicates non verbally (i.e. how do town vehicles look, etc.)

#### Medium Term (3-10 years)

- Could we get students from High School to participate in a newspaper, talk to principal
- Town's own Erosion and Sediment Control
- Town documents need to be digitized, and there needs to be off-site storage
- GIS map of all drainage ditches
  - Easements
- Phragmites Control
- Plan Hazardous Materials
  - Many of these materials might be going into trash cans
- Making trolley more part of the Town
  - Educate public on the routes, etc.

- Bike plan routes updated
- Harbor security down there
  - Web based system
- Travel Lift, Marina
- Risk assessment plan, Police
- Police accreditation
- Town employee needs to be a deputy director
- EMS
  - Another EMS employee.
  - Pool of paramedics that could work in summer months.
- Low powered AM-radio
  - \$900,000 in federal funds, bike path to traffic circles
  - Traffic cameras
- Need a backhoe
- Vehicular replacement policy
- Cleaner roadway between Piney Island
- Conduct a resident survey to see how the community views the services provided by the town.

#### Long Term (11+ years)

- We need a vision statement
  - What is the vision for the town?
- The Town needs to be as business-friendly as possible
- A plan to take in private roads
  - Get an inventory of the private roads, who owns them, why are they not paying taxes.
  - What are the responsibilities for the land owners in matters of ingress/egress.
- We need to have long term savings
- Should town be more pro-active in energy efficiency?
  - Green movement
- Pull the shoulders of the road
  - Clearing vegetation from bike path
- At auto system to run and monitor our pumps
- Keep Dr. Amrien's name alive
- Gas, and storage (boat trailer)
- Putting away funds for other docks in Town
- Purchase old school gym
- EMS
  - Could Town get some of the revenue from an ambulance call.
- Central Sewage
- Broadband
- Annexation
- Purchase of private marina
- Laptops for all Council

- Economic development

#### Revenue Sources

- Annex Assateague
- Transient occupancy, back from County 2%
- Town no recreation fees from County
  - All other revenues county is receiving
- Cable franchise
  - Are we getting everything we are supposed to from the cable company
- What about the services the town provides to Assateague?
- Look at tax rates comparing to other communities.
- Get into grant writing
- Promote additional transient slips
- Wireless service
- Raise or remove cap on business license.
- Look at other Virginia municipalities to try to find income-producing activities.
- Enforcement, must have business license county license, town business license.

## **AJOURN**

### **MINUTES OF THE OCTOBER 30, 2008 JOINT CHINCOTEAGUE TOWN COUNCIL & PLANNING COMMISSION WORKSHOP**

#### **Council Members Present:**

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

#### **Present:**

Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor  
James Frese, Councilman

#### **Planning Commission Members Present:**

Ray Rosenberger, Chairman  
Chuck Ward, Vice- Chairman

#### **Planning Commission Members Not**

Tripp Muth, Commissioner  
Mollie Cherrix, Commissioner  
Jane Wolffe, Commissioner  
Bob Behr, Commissioner

#### **Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

### ***Call to Order***

Mayor Tarr called the meeting to order at 5:09 pm.

### ***Invocation***

Councilman J. Howard offered the invocation.



## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Agenda Additions/Deletions and Adoption***

Councilman J. Howard motioned, seconded by Councilman T. Howard, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Discussion of the March 2008 Draft of the Comprehensive Plan Update for the Town of Chincoteague***

*The following were notes taken by Mr. Anderson on the easel. Council and Planning Commissions comments addressed the Introduction, Chapter 1, Chapter 2, and part of Chapter 4. Most of the notes indicate an amendment, deletion, or addition to the DRAFT.*

- Cover- showed a picture of Assateague
- Introduction- picture is also of Assateague
- (I-3) Adequate beach access is important
  - Affordable housing will be difficult to implement
- Describing the entire planning process in the introduction does not seem appropriate.
- The majority of the description should be placed in an appendix in the back of the plan, not in the introduction.
- (1-1) The story in the Comp Plan about the ponies is from the National Park Service, the story that should be written in the plan is that they came from a Spanish shipwreck.
  - Dates for the formation of Accomack and Northampton counties were incorrect.
- (1-2) The data for incorporation of the Town is incorrect, needs to be fixed.
- **(1-3) Census data indicates that the Town's Population for 2000 was 4,300, this is incorrect, and needs to be fixed.**
- (1-6) The map boundary data was not correct needs to be amended.
- (1-8) Under Ground Water take out "well field is located is controlled by..."
- (1-10) Take out the following two sentences, "A closed Accomack County landfill is located within two miles of the well fields. Although no evidence of leaching from the landfill is evident in water samples, it has not been proven that this will not occur in the future."
  - Under Surface Water take out "...critical natural..."
- (1-13) Amend the second sentence of the second paragraph under Vacant Land to read as follows: Current "wetlands" regulations are regulated by various government agencies.
- (2-1) Primary Goals: We need to look at salaries that are supportive of their families
  - Promote higher salary jobs throughout the town.
- (2-2) Under economic development objectives change "Town" to "town."

- (2-3) Under transportation objectives take out #2, and add “Provide adequate parking facilities.”
  - Look at the possibility of having a downtown parking garage
  - Mention of Vehicular traffic needs to be included in this section, staff will add.
  - Under Housing Objectives the town should be promoting In-fill especially in the downtown.
- (4-1) In second paragraph take out “As demand and prices grew, farmers left the fields and began fishing the surrounding waters for oysters.”
  - In third paragraph take out “However, by 1920, the efforts of over-harvesting were evident.”
- (4-6) In the first paragraph transient occupancy tax should be 3% not 2%.
- (4-7 et al) Whenever it references the area on the mainland “Wallops Island” it should be replaced with “Goddard Space Flight Center’s Wallops Flight Facility.”
- (4-8) The last paragraph needs to be critically analyzed. Not sure if it should be included in comp plan.
- Stopped at (4-10).

**There was a motion from Councilman J. Howard, seconded by Councilwoman Richardson to adjourn the meeting. The motion was unanimously approved.**

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**Mayor**

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**Town Manager**

**MINUTES OF THE NOVEMBER 3, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Call to Order**

Mayor Tarr called the meeting to order at 7:33 p.m.

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## **Open Forum/Public Participation.**

**There was no one that came to the podium for Public Participation**

## ***Agenda Additions/Deletions and Adoption***

**Councilman T. Howard motioned, seconded by Councilman Frese “to approve the agenda.”** The motion was unanimously approved.

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

**Councilman J. Howard motioned, seconded by Councilwoman Richardson, “to approve the minutes of the Regular Council meeting of October 6, 2008.”** The motion was unanimously approved.

### **2. Eastern Shore Tourism Commission Presentation (Donna Bozza)**

Ms. Bozza stated that the Eastern Shore Tourism Commission (ESTC) restructured 3 years ago and that they broke off from the Chamber to be a separate entity. The ESTC does a great job obtaining donations and charity funds. Some of the progress that they have done is placing brochures at Medical places and keeping up their website because they have a lot of website traffic. Word spreads fast and cheap because they market a great life, great food, and everything is pure and clean. The eastern shore is very marketable with our resources and also being one tank of gas away from several major Cities. Branding is a powerful marketing tool which sells products.

The remainder of the presentation was a video that brands the Eastern Shore.

### **3. Public Hearing on the Vacation of Property lines (Gene Wayne Taylor)**

Gene Wayne Taylor explained to the Council that this was an old subdivision with narrow lots and the Health department is requiring him to have larger lots in the subdivision before they approve the septic permit application.

Mayor Tarr opened up the public hearing at 8:08 pm. No one in the audience came to speak on the vacation of property lines. Mayor Tarr closed the Public Hearing at 8:09 pm.

**Councilwoman Richardson made a motion, seconded by Councilman Frese “to adopt the Ordinance to vacate the property lines.”** The motion was unanimously approved.

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

**WHEREAS, Gene Wayne Taylor and Stephanie Taylor**, own six parcels of land shown on a certain plat entitled “Sub-division of O.H. Jester (heirs) Property, Chincoteague, Virginia”, dated November 19, 1948, and recorded in the aforesaid Clerk’s Office in Plat Book 7, page 77, being Lots 23, 24, 31, 32, 33, and 34 within the Town of Chincoteague, Tax Map Number 030-A201-B0-0023-00, 030-A2-01-B0-0024-00, 030-A2-01-B0-0031-00, 030-A2-01-B0-0032-00, 030-A201-B0-0033-00 and 0 030-A2-01-B0-

0034-00; and,

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

**WHEREAS**, the said Gene Wayne Taylor and Stephanie Taylor have requested that the division or property line between said Lot 23 and 24, between said Lot 31 and 32, and between said Lot 33 and 34 be vacated so that each pair of lots become one parcel; and,

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

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

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

1 That the division or property line between said Lot 23 and 24, between said Lot 31 and 32, and between said Lot 33 and 34 , as shown on a certain plat of survey entitled "Sub-division of O.H. Jester (heirs) Property, Chincoteague, Virginia", dated November 19, 1948, and recorded in the aforesaid Clerk's Office in Plat Book 7, page 77 be and are hereby vacated.

2 That as the result of said vacation of property lines former Lots 23 and 24, shall result in one (1) parcel, former Lots 31 and 32 shall result in one (1) parcel, and former Lots 33 and 34 shall result in one (1) parcel of land.

1. 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.

Approved as of November 3, 2008 \_\_\_\_\_

John H. Tarr, Mayor

The foregoing Ordinance was acknowledged before me this 3<sup>rd</sup> day of November, 2008, by \_\_\_\_\_, Mayor, in my jurisdiction aforesaid.

**4. Harbor Committee Report of October 8, 2008**

Councilman T. Howard presented the following report:

- He stated that subleasing was up a little with about fifteen fishing boats and we have the possibility of a few more vessels that will be coming to the harbor that will sublease. He stated that he has six boats at this time pulled for winter storage and about two or three more to be pulled sometime in the near future. He stated the Harbor Master is still looking into rates of what other harbors charge, but found it difficult due to Curtis Merritt Harbor being unlike any other harbor in the area. He found it was very different from Quinby, Wachapreague, Saxis or Greenbackville. He stated that Cape Charles was similar and that he would research more and will have it at the next meeting.

- Committee member Handsforth stated that it was brought up at the Chincoteague Charter Boat Association meeting that they would like the harbor to monitor a VHF/FM radio; the committee members discussed a possible radio and thought it would be a good idea. Chairman Howard stated we do not have enough information at this time and he would like to postpone this item until the next meeting to gather more information.

- At the meeting Harbormaster Merritt stated that Mr. Jack from Gateway Marina was still interested in putting a boat lift at the harbor and stated he would be at the meeting if he received the information on the lift. Harbormaster Merritt will stay in contact with Mr. Jack and will pass any information to the committee at the next meeting.
- Chairman Howard opened the floor to public participation. Mr. John Jester stated he had a request for informational sign to be installed at the boat ramp with information about the harbor and emergency numbers. Harbormaster Merritt stated he had just ordered a 36x60 bulletin board and was going to install it by the harbor office. He also stated he was planning to put the information that was discussed and also weather, tides, harbor policy and emergency info. Mr. Jester stated it would be a good idea to put a small sign by the ramp to inform harbor users where the information was located, everyone concurred. Mr. Frese asked why we were not giving the working watermen a free user's fee sticker as was done in the past. Chairman Howard stated we will have it looked into for the next harbor meeting.

## **5. Public Works Committee Report of October 14, 2008**

Mayor Tarr Presented the following report from the meeting:

- **Public Works Monthly Report September 2008.** Mr. Cosby summarized the status of several projects, including Church Street and the Hallie Whealton Smith tar and chip bid.
- **Goals and Objectives Discussion** – Mr. Cosby provided several outlines of recent public works activities and projects that can be considered.
- **Water Ordinance Discussion** – The committee discussed issues concerning availability fees. Mr. Cosby agreed to have staff work on various “what-if” scenarios regarding the imposition of these fees.
- **Street Light Situation on Leonard Lane** – After a brief discussion of the circumstances, Mayor Tarr asked Mr. Cosby to research who is paying for the light in question.

## **6. Budget & Personnel Committee Report of October 21, 2008**

Councilwoman Conklin Presented the following report from the meeting:

### **a. Hallie Whealton Smith Drive Bids**

Public Works Director Michael Cosby reported that he received only one bid for a little over \$48,000 for 2 coats of tar and chip from Gerald Moore & Sons. Mr. Cosby explained that his research indicates the cost should be between \$30,000 and \$40,000. Letters were sent to 3 companies qualified to do the work.

Discussion begins about temperature range and time frame of re-bid, preparation and project completion. Mr. Cosby explained that there are 10 or 11 spots that must be milled and paved before tar and chip job can begin. Discussion continued in regards to usage and traffic as well as 10 year plan on Hallie Whealton Smith Drive.

Mr. Cosby further explains that the bid is for tar and chip only. It will cost an additional \$15,200 for repairs before tar and chip can be done. He further explains that with a good tar and chip coat and a properly prepared base, this should last 8 to 10 years.

Vice Mayor Jester motioned, seconded by Chairwoman Conklin recommending to council to accept the current bid of \$48,589 and award it to Gerald Moore & Sons. The vote was unanimous.

**b. Plumbing Truck replacement**

Public Works Director Michael Cosby explained that the current plumbing truck is extremely old and unreliable. A replacement truck at a cost of \$18,900 has been located; however, there is only \$10,000 allocated in the current budget. Mr. Cosby stated that he spoke with the dealer and that we could finance and pay half this year and half in the FY10 budget year. Mr. Cosby will get financing information and bring to Council Meeting. Vice Mayor Jester suggested that future purchases be checked through Federal or State supply contracts. Councilman Frese motioned, seconded by Vice Mayor Jester that the recommendation to council would be to purchase the replacement truck. The vote was unanimous.

**c. Budget Review**

Town Manager Robert Ritter went over a Bar Chart, Revenue and Expenditure Reports as of September 30, 2008. Mr. Ritter explained that expenditure overages compared to last year are because of the consolidation of Mosquito Control into the General Fund and extensive sidewalk and driveway replacements and repairs on Church Street. Mr. Ritter continued to explain some variances in Harbor and Water Funds. Discussion continued about Meals and Transient taxes. Vice Mayor Jester stated that we should be cautious and keep a close eye on revenues because of possible State and County Budget cuts and discrepancies.

**d. Performance Standards**

Town Manager Robert Ritter distributed copies of the Performance Evaluation worksheet that has been used in past years and a newer form that is a bit more detailed and goal oriented. He went over details of worksheets. Discussion continued about wage increases and how 'Step' increases work as well as how evaluations should be completed. Vice Mayor Jester explained that he would like to see performance standards in place that are very clear so that each employee understands what they must do to get an increase.

**Consider Hallie Whealton Smith Bids: Councilwoman Richardson made a motion, seconded by Councilwoman Conklin "to accept the bid of \$48,589 and award it to Gerald Moore & Sons."** The motion was unanimous.

**Consider Plumbing Truck Replacement: Councilman T. Howard made a motion, seconded by Councilwoman Richardson "to purchase the replacement truck."** The motion was unanimous.

## **7. Recreation and Community Enhancement Committee of October 21, 2008**

Councilman Frese presented the following report from the meeting:

**e. DEQ & NOAA Signage Location**

Jared Anderson presented information from ANPDC on informational posters that will be displayed at various locations. Mr. Anderson explained that there are a total of 3 signs and that the committee needed to choose the location and of the sign. Robert Ritter stated that this is free of charge. Mr. Anderson recommends that it contain the Island Nature Trail path, phase I and II. Jack Van Dame motioned, Bob Conklin seconded, that Mr. Anderson's recommendation be adopted and **“that the sign be placed near the parking lot.”** The vote was unanimous.

- **Discuss the Adoption of a Street Corner-Scape**

Robert Ritter explained that we need to find corners for landscaping, get permission where needed, and have people adopt corners. Comments were made about prior adoptions and any lists that may be available for contact information. Bob Conklin suggested that a request for volunteers for local corner streetscape be placed in next Town newsletter. Concerns were raised about how to water the corner scapes.

- **Update Hallie Whealton Smith Trail, Phase II**

Jared Anderson reported that all permits are approved, but only good until May 2009. Mr. Anderson explains that we must get pipes in across Hallie Whealton Smith Drive before other work can begin. Discussion continued about the pipe needed, which must be 30 inch. Public Works Director, Mike Cosby is in the process of obtaining pricing on the pipe. Councilwoman Richardson states that she will ask Mr. Herb Jester about making a burnt sign for the Island Nature Trail.

- **Possible Uses for Area across from High School**

Jared Anderson reported that the land is 2.94 acres in size and that the deed indicates it must be used for recreation, conservation, or any other public use. Mr. Anderson asks what use the committee would like to make of this area. Councilwoman Richardson says we need signs to let people know it is public. It was mentioned that the park may need a name. Discussion continued about the necessity of signs, possible enhancements, various uses, and possible names. Bob Conklin motioned, seconded by Councilwoman Richardson, “that signage be placed for ‘Town Park’ and ‘Kayak Launching Site’ at this area.” The vote was unanimous. Ellen Richardson suggests that the committee meet in the future at this area.

- **Playground Equipment**

Robert Ritter reported that we have \$29,000 in the budget. Much of the existing equipment no longer meets safety specifications and a lot of equipment was removed because it was dangerous. Mr. Ritter suggested that we purchase equipment and obtain direction on installation and get community volunteers to help with the assembling the equipment. Jared Anderson explained that equipment prices range from \$3000 to \$80,000. Comments and concerns about selection of equipment and safety standards are discussed. This will be discussed again at the next meeting.

- **Bicycle lanes around the school areas**

Ellen Richardson reported that there is a grant available for safe routes to school. The application must be submitted by December 1, 2008. Mrs. Richardson suggested that we apply and extend the sidewalk or a bike trail and sidewalk from the elementary school to the high school with lights and a proper crosswalk at Deep Hole Road and Hallie Whealton Smith Drive. Mrs. Richardson requested a letter asking for assistance from the PDC to assist the town with the grant application. Robert Ritter and Jared Anderson will be involved and make sure that the schools are on board and involved.

## **Consider Tennis Court Repairs**

Staff had taken pictures of the Tennis Court and it appeared that the condition is not that bad and it could wait until next year, to be included in the upcoming budget. Council members also thought it was a good idea to include the project in the upcoming budget.

## **8. Cemetery Committee Report of October 28, 2008 (Councilwoman Richardson)**

Councilwoman Richardson presented the following report from the meeting:

- **Fall Clean-up Week.**

The Committee discussed the date of the Clean-up week. Mr. Turnquist made a motion and seconded by Councilman T. Howard to have the clean-up Day on Saturday, November 22, 2008, from 9:00 am – 12:00 pm. at the Whealton Cemetery behind the fence of the High School football field. The motion was unanimously approved.

Mr. Turnquist volunteered to write a letter to the editor on the day of which the clean-up will take place. It was discussed to tie the clean-up with the family heritage 100<sup>th</sup> year celebration and have people go out and decorate the cemeteries. Councilwoman Richardson volunteered Councilman J. Howard to cut a path with his bush hog to the Whealton Cemetery.

## **9. Possible Change in the Sign Ordinance on Balloons**

Mr. Anderson stated that the sign Ordinance was amended in July. Balloons are currently prohibited. Currently we feel that the ordinance on air and gas filled balloons would need some type of appeals process. Currently pennants are in the definition but not the body of the ordinance and banners are allowed twice a year but not more than four consecutive weeks.

**Councilman J. Howard made a motion, seconded by Councilman Jester “to send back to the planning Commission anything that covers banners, balloons, and flags.”**

Attorney Poulson stated that if we send anything back to the Planning Commission we should have specific language that the Council will send to them. A discussion took place and the maker of the motion and the second retracted their motion. It was left for Councilman J. Howard to meet with Mr. Anderson for specific language for the ordinance and bring it back to a future council meeting.

## **10. Island Neighborhood Heritage Signs**

Councilman Jester stated that he would like the town to preserve its heritage by placing signs throughout the Island with the names of what each community used to be called (i.e. up the creek, down the marsh snotty ridge, tick town, dodge city, etc.). The Councilman wanted to get a consensus from the Council as to whether they felt it was a good idea.

**Councilman J. Howard made a motion, seconded by Councilman Frese “to recommend that the 100<sup>th</sup> year anniversary Committee take a look at which signs are feasible and report back to Council.”** The motion was unanimous.



## **11. Waste Water Management, Inc. Proposal on Discharge Permit Acquisition**

**Councilman J. Howard made a motion, seconded by Councilman Frese “to send a letter to Waste Water Management Inc. and to let them know that we no longer need their services.”** Councilman J. Howard said that he is not against the idea to continue looking at the concept of central sewer but did not feel that we could go forward with the current engineering consultant. A discussion continued with Council then the Mayor called for the motion. **Ayes Councilman Frese, Jester, J. Howard, and Councilwoman Richardson; Nays were Councilwoman Conklin and Councilman Howard. The motion passed four to two.**

## **12. Main Street Corridor Design Scope From Massey Design & Associates**

Mr. Ritter explained that we had solicited in the newspaper requesting for proposals for the concept and design of the downtown main street project starting at Cropper St. and ending at Maddox Blvd. We had approximately 15 firms submit proposal. We set up an interview panel consisting of Kat Edwards, Jared Anderson, Kelly Fox, and Robert Ritter. The interview panel short listed the proposals to six interviews. After all the interviews were completed, the interview panel selected Massey Design & Associates to begin negotiations.

Mr. Clay Massey of Massey Design spoke to the Council about the proposal, their experience, and their approach to the project. A discussion continued with Council. Attorney Poulson presented a letter that had language that he wanted to see changed in the proposal.

**Councilman Frese made a motion, seconded by Councilwoman Conklin “to adopt the proposal of Massey Design with the added language that Jon Poulson, town Attorney provided.”** The motion was unanimous.

## **13. VDOT’s “Safe Routes to School Program” Steering Committee**

Mr. Anderson stated that VDOT has a Safe Routes to School Program which has grants to give out to communities who have a school travel plan. The grants are up to five hundred thousand dollars for infrastructure and one hundred thousand dollars for non infrastructure projects. The Town will have until December 1<sup>st</sup> to submit the School Travel plan and once the plan is approved we would then need to apply for the grant and have it submitted by the end of December. Mr. Anderson also stated that he has been proactive in setting up meetings this coming week with a steering committee which consists of town staff, community individuals and school officials. Another meeting is set up to go over the school travel plan with the PTA. We will need a resolution before the next council meeting to adopt the school travel plan.

**Councilman Frese made a motion, seconded by Councilman T. Howard “to allow Mr. Anderson to set up a steering committee.”** The motion was unanimous.

**Councilwoman Richardson made a motion, seconded by Councilwoman Conklin “to adopt the concept or idea to implement the Safe Routes to School program.”** The motion was unanimous.

**Councilman Frese made a motion, seconded by Councilman T. Howard “to support the resolution that Mr. Anderson will draw up and have Mayor Tarr to sign.”** The motion was unanimous.

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

- a. **Councilman T. Howard** indicated that he had great concerns with the way the Council deals with professionals.
- b. **Councilwoman Conklin** stated that she would like to cancel the budget and personnel committee meeting scheduled for November 18, 2008.
- c. **Councilman Frese** stated that he was present at the meetings the Town had on sewage and that he had lost all faith in the Company when he talked to other experts and found out we were misled by them. It was critical on his part to look out for the best interest of the town, and that the Company was treated more gently than they could have been.
- d. **Vice-Mayor Jester** stated that he did not like the companies fear tactics by stating that the bay is the most polluted in the east coast. He also mentioned using government deals when getting rid of government surplus. Lastly he mentioned he found out at the VML conference that an organization out of Charlotte which acts as a consultant, where we could call them and find out related issues that other communities have had issues to deal with.
- e. **Councilman J. Howard** stated that he has learned that every time he disagrees with Mr. T. Howard he has made a big mistake. There is no mentioning of the two statements the gentleman made and I do not trust somebody after they make a statement about someone that I know has been a good person, I do not like it. There are always two opinions, nothing wrong with two opinions, but I noticed every time I do not agree with Mr. Howard all I hear is doom and gloom. I have a right to have an opinion.
- f. **Councilwoman Richardson** indicated that she would like to ask the Council if they would consider at the next council meeting to give the town employees off the day after Christmas Friday, December 26, 2008. It would save on heat and she would not like to have to come in on Friday the day after Christmas.
- g. **Mr. Ritter** indicated that Mr. Cosby will be on vacation the day of the Retreat and that he would like to know if there was any objection to having the retreat on November 20<sup>th</sup> and have the Comprehensive plan review meeting on November 13<sup>th</sup>. No objection was made.
- h. **Mayor Tarr** stated that he would like a letter of commendation / Appreciation to everyone who volunteered in the Haunted forest. He was also happy to see the plan approved to move forward with the Downtown project and Hallie Whealton Smith Drive project. Also he mentioned Family Heritage day will be November 15, 2008 from 10:00 am – 4:00 pm.

## AJOURN

“Councilman Frese motioned, seconded by Councilman T. Howard, to adjourn the meeting.” The motion was unanimously approved. Meeting was adjourned at 11:18 pm.

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Mayor

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Town Manager

### MINUTES OF THE NOVEMBER 13, 2008 JOINT CHINCOTEAGUE TOWN COUNCIL & PLANNING COMMISSION WORKSHOP

#### **Council Members Present:**

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

#### **Present:**

Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor  
James Frese, Councilman

#### **Planning Commission Members Present:**

Bob Behr, Commissioner  
Chuck Ward, Vice- Chairman

#### **Planning Commission Members Not**

Tripp Muth, Commissioner  
Mollie Cherrix, Commissioner  
Jane Wolffe, Commissioner  
Ray Rosenberger, Chairman

#### **Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

### ***Call to Order***

Mayor Tarr called the meeting to order at 5:06 pm.

### ***Invocation***

Councilman J. Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Agenda Additions/Deletions and Adoption***

Councilman Frese motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Discussion of the March 2008 Draft Comprehensive Plan Update for the Town of Chincoteague***

*The following were notes taken by Mr. Anderson on the easel. Council and Planning Commission's comments addressed part of Chapter 4, starting on page 4-10, and*

*Chapter 5, stopping on page 5-9. Most of the notes indicate an amendment, deletion, or addition to the DRAFT.*

- Need to find the proper name(s) for the NASA, Navy, and NOAA facilities.
- (4-11) In the first sentence of the last paragraph there seems to be a negative tone, could it be rewritten so that it is not so negative.
- Town needs to talk to NASA officials to see if the information is correct.
- (4-12) Need to delete the last paragraph of the Wallops Research Park section.
- (4-13) Under Regional Partners, not sure if the Eastern Shore of Virginia Economic Development Commission is still in existence, need to verify.
- (4-14) In second paragraph where it states that “the Eastern Shore of Virginia Tourism Commission is staffed by the Eastern Shore Chamber of Commerce,” this is not correct, needs to be amended.
- Bob Behr- indicated that there is federal money available for the Scenic Byways Program, can the Town or the County apply for that funding?
- The last paragraph before “Enterprise Zone Projects” on (4-14) needs to be redone, not correct.
- For “Enterprise Zones” the Comp Plan should mention the two types of grants but it should not go into great detail.
- (4-15) Under “Main Street Revitalization” there should be mention of residential over commercial as an implementation strategy.
- Chuck Ward- the Town should look at the possibility of a seafood market at the Curtis Merritt Harbor.
- (4-15) On the sixth bullet make the following change. “Lease transient boat slips to offset...”
- (4-15) The Town should include adding alternative parking solutions in Implementation Strategies sections.
- It would be nice to have Larry Forbes from the County government come to a meeting to discuss economic development for the Town.
- Councilman J. Howard indicated that it would be nice to establish an economic development committee that could help find ways to keep younger people on the Island by way of educational and employment opportunities.
- Chuck Ward- we should look at floating zones which would relax requirements for some of the start-up businesses around Town.
- (4-18) #14 include “encourage active website design and maintenance.”
- (4-20) Take out bulleted sections starting with “Town Center Streetscapes” and ending with the bullet entitled “Positive Images.”
- (4-20) Take out word “develop” under Home Businesses and replace with “Continually update and monitor.”
- (5-1) There are only 2, not 3 public schools on the island.
- (5-3) In first paragraph under “Library,” second to last sentence take out the word “underway” and replace with “completed.”
- Under “Fire & Emergency Services” it should indicate that we have 5 not 3 paramedics, and that they serve the community 24 hours a day/7 days a week.
- (5-4) The third paragraph needs to be amended to reflect the current situation regarding our CRS/ISO flood insurance discount.
- (5-4) In the first paragraph the exact numbers are not correct and should be removed

from the plan.

- (5-4) Under “Police Protection” the Department of Criminal Justice Service Instructors, RADAR instructor, and Firearm Instructor are part of the 10 full time officers.
- (5-5) Under “Water,” second paragraph it should indicate that there are 4 deep wells and 5 shallow wells.
- (5-7) The last paragraph under “Sewage Disposal” should be deleted.
  - In the second paragraph “boat polluters” should be deleted, there is no empirical evidence to support such a claim, it is not necessary.
- (5-8) The last sentence before the “Flood Insurance” section should be taken out.
  - Take out second to last paragraph that begins with “Premium discounts resulting...”
- (5-9) Take out the third paragraph
  - End the 5<sup>th</sup> paragraph at the word “lifetime.”
  - In last paragraph “Town Commission” should read “Town Council.”
- Stopped at (5-9).

**There was a motion from Councilman J. Howard, seconded by Councilwoman Richardson to adjourn the meeting. The motion was unanimously approved.**

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Mayor

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Town Manager

**November 17, 2008  
Special Council Meeting**

**A second Council Retreat was held at the Chincoteague Center to discuss the items suggested at the first retreat, add any items and to discuss priorities and funding.**

**MINUTES OF THE DECEMBER 1, 2008  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Presentation**

Mayor Tarr presented a framed copy of the poem 'Chincoteague Reflection,' which was written by Regina M. Oliver. This was presented to the Town of Chincoteague and Town Council at the Community Thanksgiving Dinner. The words were put to music and sung by Reverend Gregory during the festivities. Mayor Tarr asked that the Poem be added to the Minutes of this meeting and that a framed copy be placed somewhere in the Town Hall.

*Chincoteague Reflection*

*I stood on the sand dune to welcome the sunrise; I basked on the beaches at noon;  
And then in the gloaming, I sat by the seashore to watch for the rise of the moon.*

*Refrain: To talk to God, the Nurturer, Healer; To rest in God, the Birther of all;  
To talk to God, Renewer, Transformer, To rest in God the Birther of all.*

*I followed the butterfly, gilded in sunlight; I danced on Assateague's plain;  
And silent in wonder, I savored the rainbow that came in the wake of the rain.*

*I pondered the rose ribboned sky of sunset, that reddened the Chincoteague Bay,  
And paddled to music that filtered around me; the end of a glorious day!*

*I pulled up the crab pots and trilled to their filling; I fished for the flounder, and then  
I raked for the clam in the mud of the low tide and feasted with all of my friends.*

*I slept under skies that were crystallized in starlight; I breathed the salt air of the waves;  
And then at my rising, I splashed in salt water and sang out my rapture in praise.*

*by: Regina M. Oliver*

**Open Forum/Public Participation**

Kathy Mikel, owner of Wine, Cheese & More on Main Street, indicated that the Poker Run scheduled for September 2009 is the same time as Second Saturday Art Scroll and Plein Air Paint out. If the street is closed it will create a hardship for these activities.

### ***Agenda Additions/Deletions and Adoption***

Mayor Tarr asked that item 11-A be added to discuss the Poker Run and a letter submitted by Police Chief Edward Lewis. **Councilman Frese made a motion, seconded by Councilwoman Nancy Conklin, to accept the agenda with the addition of Item 11-A Scheduling of the Date for Next Years Poker Run and Closing of the Street.** The motion was unanimously approved.

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

**Councilman Terry Howard motioned, seconded by Councilman James Frese, to approve the minutes of the Regular Council Meeting of December 1, 2008.** The motion was unanimously approved.

#### **2. Chincoteague Broadband Planning for CDBG Grant**

Kat Edwards explained that included in the Council Packets is a list of items that need to be addressed and completed before December 19, 2008. She said we need to have a public meeting and form a management team who are willing to develop a plan, survey businesses, and determine current phone and internet usage. Vice Mayor Jester suggested that a clear, easy to read definition of broadband be put on paper to clear up any confusion.

#### **1. VDOT's "Safe Routes to School Program" Resolution**

Kat Edwards reported that the Resolution is included in the Council Packet and is required to submit applications for funding. The committee will be submitting an application for infrastructure and Non infrastructure projects. Based upon collected surveys, the infrastructure application will be for a multi-use pathway on Hallie Whealton Smith Drive, and lighting. The Non infrastructure application will be for Safety awareness programs. **Vice-Mayor John Jester motioned, seconded by Councilman James Frese, to accept the 'Safe Routes to School Program' Resolution.** The motion was unanimously passed.

#### **2. Public Safety Committee Report of November 4, 2008**

Mayor Tarr presented the following Public safety committee report:

- **Emergency Management** Pod Exercise will be picked up in the spring of 2009, and will be done in conjunction with the Vertex exercise from the state. We are hoping to get an official date by mid-December.
- Improvement matrix for Tropical Storm Hanna was developed after the "After the Action Report" and the goal is to have the training to occur by January or February.
- Delmarva Tele-plus has been contacted to come and identify each phone line and ensure they have the proper rings. A schedule of testing the phone system was discussed and/or to have the telephone company teach the system to those who would use the system.

- ICS training needs to be completed thru 200, 300, & 400 series, other training will be coming to the shore after the first of the year
- Mr. Cosby also needs a dedicated radio in event of an emergency to be placed in the upcoming budget year.
- The Fire/EMS radio that was supposed to go into the dispatch office by the fire chief, however, it has not been done yet. Mr. Rush will continue to bring this matter to his attention.
- The microphone jack beneath the podium was filled with water when the exercise was performed. A temporary fix was done to allow the exercise to continue.
- IT with the security: Spoke to Mr. Mills he recommended to keep it unplugged. A web key was discussed to fix the problem.
- EZ IO put into service in the EMS department has been successfully used 3 times. As of today, they are the only agency that has used it with success.
- EMS staff has been working on bringing CPAP to the shore. The Eastern Shore EMS Council has assisted funding of 29 CPAP machines for the shore. They were put into service November 1, 2008.
- **Chincoteague Volunteer Fire Company** - They requested a meeting to discuss any concerns about any EMS and/or public safety. Need to continue to participate in this meeting.
- **Emergency Operation Planning Draft**
  - Chain of Command - The County Government needs to be eliminated
  - Mobile Command Vehicle doesn't exist and should be removed from plan
  - Finance Officer- damage assessment needs to be done by someone other than officer in field
  - Building Administrator- May need to classify him as "Head of the Team"
  - Police Department- Modify to include Fire/EMS in organizing search and rescues.
  - Fish and Wildlife Service- Add Annex D
  - Parks and Recreation- Add Annex E
  - Health Department- Add Annex F
  - Accomack County Emergency Management Plan- Annex G
  - Causeway Closure plan- Annex H
  - Radioactive devices- limited to HAZMAT teams on the shore
  - Universal "Help is not coming for you" needs to be determined.
  - Usage of the Trolley can be commandeered after the declaration of an emergency.
  - Permission has been granted to use the CES as a shelter; however, it must be in its original condition to allow normal operations to the facility.
  - It was suggested to add CERT team members to the post-plan.
  - Other minor changes were discussed that need to be modified to the plan
- **Satellite Phones** - The two thousand dollar budget does not allow for us to keep 3 in service. Only one phone will be active for this budget year to save money and to allow for more purchases with the EM budget.
- Vive Mayor Jester would like to see Mr. Rush make a list of personnel needing NIMS training and set a deadline to be completed. Our public safety goals for the coming year need to be presented to Council.



- A suggestion was made to have an assistant emergency management coordinator.

### **3. Public Works Committee Report of November 4, 2008**

Mayor Tarr presented the following Public Works Committee report:

- **Public Works Monthly Report October 2008** - Mr. Cosby updated the committee on the status of several projects.
- **Goals and Objectives Discussion** – Mr. Cosby outlined some of the workload information he has prepared as a part of our ongoing evaluation of goals and objectives.
- **Leak Adjustment Request – Sea Bird** – Mr. Cosby reviewed the circumstances of a request for a leak adjustment on Sea Bird Drive. Mr. Howard motioned to deny the request, which was seconded by Mayor Tarr. The motion was approved unanimously.
- **Leak Adjustment Request – Anderton Avenue** – Mr. Cosby reviewed the circumstances of a request for a leak adjustment on Anderton Avenue. Mr. Howard motioned to grant the adjustment, which was seconded by Ms. Richardson. The motion was approved unanimously.
- **Leonard Lane Street Light** – Mr. Tarr stated that he had done research into the request to move a street light on Leonard Lane and that the property owner has agreed to bear the expense if necessary. Mr. Cosby agreed to contact the power company to make the arrangements to complete the work.

### **6. Ordinance Committee Report of November 12, 2008**

Councilman J. Howard presented the following Ordinance Committee report:

- **Consider Recommending to Council the Model Floodplain Ordinance, updating Chapter 30 of the Town Code.** Jared Anderson gave an overview of the updated ordinance before the committee. He explains that the previous version was adopted by Council on September 21, 2006. The updated version presented tonight must be recommended for adoption by council. Then it must be submitted to DCR, then to FEMA, and this all must be completed before March 16, 2009. Mr. Anderson said he believes that DCR is requesting these updates because of new maps.
- Mr. Anderson also explains that this will not increase our CRS rating. Discussion continues about the CSR rating and various items and ways that could get discounts for citizens.
- Mr. Robert Ritter commented on page 12, Item D, #3 in reference to recreation vehicles. He recommends that the wording change to “All recreational vehicles placed on sites *after the adoption date* must either...” so that existing vehicles would be grandfathered. Mr. Ritter gave the example that many campers at Tom’s Cove haven’t been moved for years. Without ‘grandfathering’ many of these would have to be moved every 180 days.
- Mr. Anderson reported that none of the general provisions changed; however, there are definition additions. Mr. Anderson commented that Kenny Lewis brought to his attention on page 13, Section 30-15, ‘Standards for Floodway District’, Item C, “The placement of manufactured homes (mobile homes) is prohibited.” Mr. Anderson explained that Floodway District is new for Chincoteague and may or may not apply to Chincoteague and that he will research this further. Discussion continues about mobile, manufactured, and double wide homes, subdivisions, flood insurance, flood plains, the need for public hearing, etc.

- Terry Howard motioned, seconded by John Howard, to send the Ordinance with notations and concerns to Council for consideration. Motion passed.

**Council to Consider Changing Chapter 30, Floodplain Ordinance**  
**Councilman T. Howard made a motion and seconded by Councilman Frese to adopt the changes to the flood plain Ordinance.** The motion was unanimously approved. Note a copy of the Ordinance will be placed in the back of the Towns Minute book.

## **1. Recreation & Community Enhancement Committee of Nov. 18, 2008**

Councilman Frese presented the following Recreation & Community Enhancement Committee Report:

- **Community Pool, Future Plans and Ideas Presented by Ms. Marianne White**  
Ms. White mentioned that she would like to re-energize the movement for a community pool which would be an asset for the people who come for vacation, the elderly, young children learning to swim, and also help the overall economy of the Town of Chincoteague. She mentioned that she would like to seek grants for the pool and use the Town of Chincoteague name as the weight behind trying to obtain the Grant. The pool would have to be Olympic in size, enclosed, and heated. It may cost up-wards of 1 to 1.5 million dollars.
- Mr. Taylor motioned and seconded by Councilman J. Howard to allow Ms. White to use the Town of Chincoteague's name when trying to apply for grants for the pool and send this request to the next Council meeting. The motion was unanimous.
- **Bicycle Plan Review** - Robert Ritter explained that we need to have each member of the committee go through the bicycle plan and make any type of changes so when we have the next meeting in January we could go over each page with the potential changes. The plan has not been updated in awhile and it is time.
- **Playground Equipment Update** - Jared Anderson placed several catalogs with playground equipment in front of each Committee member to look at the pricing and the type of equipment we could purchase with the dollar amount allocated in this years budget. It was also mentioned that the installation cost would be one half to 100% of the price of the equipment.
- **Safe Routes to School** - Jared Anderson explained that a Steering Committee has been formed and that they have had a couple of meetings in the last several weeks. They only have until December 1, to turn in the School Travel Plan, and that they only have until December 31, to turn in the grant application assuming the plan is approved. There have been several people both at the Elementary School and the Combined School that have assisted in gathering data that is needed for the plan. The Steering Committee has also sent a press release to the local media and staff has also attended the Chamber of Commerce and PTA meetings. Staff brought this issue to the committee to get their support and to update them on its status knowing that bicycle and pedestrian safety is a major concern for this committee.

**Consider allowing Ms. White to use the Town of Chincoteague's name when trying to apply for grants**

**Councilman Frese made a motion and seconded by Councilman J. Howard to allow Ms. White to use the Town of Chincoteague's name when applying for grants for a Community pool.** The motion was unanimously approved.

## **2. Harbor Breakwater Project Proposal from GMB LLC.**

Town Manager, Robert Ritter, reported that 6 proposals were received and put through an interview process with a panel consisting of himself, Kelly Fox, and Wayne Merritt. He explained GMB final proposal which came in at \$30,900. Mr. Ritter commented that a \$182,894 grant will be from the Port Authority and that the Town portion of the \$250,000 budget for the project will come from the LGIP Long Term Replacement Fund for Curtis Merritt Harbor. Attorney Jon Poulson says there are some problems with the contract wording and he would like to see clarification. Discussion continues with comments and concerns made about inspections, various cost, liability, specifications, delays, and engineer vs. contractors responsibilities. Council consensus is that the contract will go back to GMB for clarification and be put on Agenda for the January Council meeting.

## **3. Consider giving the Day after Christmas off to Employees**

Councilwoman Ellen Richardson explains that the State and Accomack County are closed on the Friday after Christmas. Discussion continues about whether the state and county gets Christmas Eve off, holiday pay for EMS and Police that work, and the cost to the citizens for an extra day. **Councilwoman Richardson motioned, seconded by Councilman Frese, to give the employees the Friday after Christmas off this year.** The motion was passed with Ayes Councilwoman Conklin, Councilman T. Howard, Frese, Jester, and Councilwoman Richardson, Nay vote by Councilman J. Howard.

## **4. Naming the Park Across from the High School**

**Councilman Frese motioned, seconded by Councilwoman Richardson, to name the park across from the High School "Donald J. Leonard Park."** The motion is passed unanimously.

## **5. Christmas Home Decoration Judging**

Mayor Tarr reports that his wife, Sherry Tarr, volunteered to be a judge and that she found 3 other ladies to help with the judging. Judging will be on December 18, 2008 at 6pm. Anyone interested should contact the Town Office and leave their address and phone number. Mayor Tarr says the Prize Amounts should be the same as last year.

## **11A. Scheduling of the Date for Next Years Poker Run and Closing of the Street**

Police Chief Edward Lewis explained that September 12, 2009 is the best date with the least scheduling conflicts. He further explained that there is nowhere to dance in the park, so Main Street is best. Ms. Mikel suggested that they close Mumford or Church instead of Main. Discussion continues about Trolley stops, the number of bikers that participate, location of Poker Run stops, and forming a joint committee between the Police and Second Saturday members.

**Councilman John Howard motioned, seconded by Councilman James Frese, to allow the Police Department to block off Main Street from 4pm to 9pm for the**

**Poker Run scheduled for September 12, 2009 and that the 2 groups form a committee and create a plan to examine all issues.** The motion is passed unanimously.

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

Councilwoman Richardson reported that the Cemetery Committee cleaned Whealton cemetery and had a good turnout. The committee hopes that next time they can get it advertised in the paper ahead of time so that others might volunteer to help.

Councilman John Howard commented that one of his main concerns was that information does not get out to public. He suggested that a student from the High School do a once-a-month write-up for the Beacon. There are a lot of things going on and the Quarterly newsletter is not enough.

Vice Mayor John Jester explained that there are 2 vacancies on the planning commission that need to be advertised and filled. He commended the Police Department on their Toy Drive and the merchants that allow drop off point. Vice Mayor Jester stated that he would like to see the Public Works and Police Department added to the agenda.

Councilwoman Nancy Conklin said that she would like to commend the Public Works Department on the great work they did on getting up the Christmas decorations a week early.

Councilman Terry Howard says that he would like to commend each department on good PR (Public Relations). He further comments that he believes we owe it to the community to explain our intentions after the amount of money spent on feasibility study for Waste Water; specifically, are we going to let it go or pursue it further and get the information out to the public.

Mayor John Tarr reports that there will be a Public Meeting on Broadband at 7p.m. on Thursday December 4, 2008 and that we need some people to attend and give input if you wish to see broadband come to the island. He also reports that Saturday December 6, 2008 is the Annual Christmas Parade, with the Tree Lighting to begin at 6:30p.m. Also on Thursday December 18, 2008 will be a Public Meeting on the Downtown Project at 6 p.m. with a consultant to look at conceptual drawings and how we plan to proceed on the project.

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

Councilman T. Howard moved, seconded by Councilman Frese to convene a closed meeting at 10:15 pm. under Section 2.2-3711(A) (1) of the Code of Virginia to discuss Personnel Matter and Legal Matters. The motion was unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(1&7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

**Councilman Frese made a motion seconded by Councilwoman Richardson to make the following job title changes to the police department, changing Captain to Major and Lieutenant to Captain.** The motion was unanimously approved.

## **AJOURN**

**“Councilman Frese motioned, seconded by Councilman T. Howard, to adjourn the meeting.”** The motion was unanimously approved. Meeting was adjourned at 1:35 am.

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Mayor

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Town Manager