

MINUTES OF THE JANUARY 4, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Call to Order

Mayor Tarr called the meeting to order at 6:00 p.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Open Forum / Public Participation

- Mrs. Karen Jarvis approached Council with pictures and a request regarding the flooding issues on and around her property on the southern corner of Ridge Road and Horseshoe Drive. She stated that the pictures are not from the Nor'easter but, from December 27, 2009. She advised that the rain water has flooded her neighborhood from July to date and has not receded. Mrs. Jarvis demanded that Council take care of this issue. She also added that this needs to be addressed and more guidelines made for future development.
- Mrs. Patsy Savage a resident of Horseshoe Drive also addressed Council regarding the flooding of Horseshoe Drive. Her main concern is that her water line is under stagnant water. She feels this could affect her drinking water. She also added that she has mildew issues and asked for something to be done.
- Mrs. Jodi Andreach, a resident of the northern corner of Ridge Road and Horseshoe Drive, also commented about the drainage issues on her property. Her concern is for safety and emergency access on Horseshoe Drive. She also asked Council to help with a resolution.

There was further discussion regarding the drainage issues there.

- Mr. Martin Riley of Horseshoe Drive also asked for drainage resolutions.

Public Works Director Spurlock agrees that this is an area that needs to be addressed. He advised that later in the meeting he is asking Council to approve the hiring of a firm to help with a Storm Water Comprehensive Plan. They will conduct a study and assist in plans to remedy the issue. He advised that there was 47" of rain water since July 1st. He stated that there is no storm water system designed to withstand that kind of rain. He also added that the Town is looking for a long-term solution to the problem.

Mrs. Jarvis asked if the public would be notified of the timeline and recommendations.

Public Works Director Spurlock stated that by the end of the month an engineer would be conducting an onsite interview of the property owners.

There was discussion regarding easements as this is private property. Mayor Tarr added that there is a Drainage Ordinance currently in place.

Councilman J. Howard stated that drainage hasn't been taken care of as it should have been. However, it takes a long time to get anything done if it's done correctly.

There was lengthy discussion regarding the responsibility of the property owners, the conduction of a drainage study and multiple drainage issues.

Staff Update

Town Manager Ritter introduced Mr. Bill Nevil as the Town's new Planner. Mr. Neville thanked Council and stated that he looks forward to working with them.

Police Department

Chief Lewis reported that the donations they have received helped approximately 6 families in the community during the holidays. They donated over \$12,000 for fuel, electricity, medical and other bills. He presented Council with a graph comparing crime arrests over the past 3 years.

Councilman T. Howard feels that the community should be aware of all that the Police Department does for the children and citizens. They've raised a lot of money and should be commended. He asked Chief Lewis how much they've received in donations this year. Chief Lewis advised approximately \$30,000. Councilman T. Howard asked for a round of applause for a job well done.

Public Works Department

Public Works Director Spurlock reported that staff has been working on the Paving Contract to include the Maddox Boulevard and Pension Street improvements. He advised that the waterlines and drainage for Pension Street will be done in-house. He also stated that they will utilize the engineers for other drainage issues.

Councilman J. Howard asked if the crushed blacktop could be used for private roads. He also asked how this could be controlled.

Public Works Director Spurlock advised he would look into this further. He stated that the Curtis Merritt Harbor video contractor should be back next week to finalize a schedule of installation. They've been working on routine Park maintenance along with bulk trash and storm debris cleanup. They've also been addressing and conducting drainage maintenance by jetting and reconstructing drainage ditches. He advised that the County has finished clearing the ditch along Hallie Whealton Smith Drive along with other areas on the Island.

Public Works Director Spurlock stated that Maddox Boulevard is ready for the final pavement to take place in the spring. He stated that the Public Works Department has the materials for the Margaret's Lane drainage project to begin. He also added that there has been routine water operations and meter readings. He stated that the Virginia Department of Health has conducted a periodic inspection and the Pension Street project will begin next week.

Vice Mayor Jester asked if anyone has contacted VDOT about clearing debris from the Causeway. Public Works Director Spurlock stated that VDOT sent a crew and they mowed over the debris. However, he'll contact them again to have it cleared.

Councilman T. Howard feels that having the professionals from the storm water management conduct a study is taking the right step.

General Government

Town Manager Ritter reported that the design revisions have been sent back to Massey Design Group. They will be completed and submitted to VDOT. He announced that the VEC service is ready to begin at the Town Office. He advised that there should be a meeting with community leaders so the Town can collect data for the service. He mentioned the grant for broadband leading into lengthy discussion as to the expenditures and responsibilities along with current work being conducted.

Town Manager Ritter also reported on the revenues:

	<u>Year-to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate Tax:	\$577,960	\$572,694	up \$ 5,266
Personal Property Tax:	\$148,944	\$159,016	down \$10,072
Meals Tax:	\$350,876	\$346,819	up \$ 4,057
Transient Occupancy Tax:	\$490,416	\$485,131	up \$ 5,285
Water Revenue:	\$503,830	\$463,840	up \$39,990

Town Manager Ritter also stated that he contacted Verizon regarding service to the Island. He was told that if there is a medical need or if there was complete outage repairs would be within 24 hours. However, if there is a status or other issue it could take up to 10 days. He advised that if there is a delay in repairs the State Corporate Commission should be contacted. He reported that the tax season is winding down and staff has completed between 300 and 400 abatements, which is very time consuming. He added that Charter Communications has set up a utility tax.

Councilman Frese stated that they declared bankruptcy and haven't been paying. He asked if the Town has collected any tax from them.

Town Manager Ritter advised that he will email this information at a later date.

Councilman J. Howard asked how long it has been since the Town received any money from Charter.

Town Manager Ritter stated that it has been less than a year, but will look into this further also. He continued to report that they are hoping to set up a Health Fair. He suggested contacting the healthcare providers to set up a tent at the Daffodil Festival in the spring. He stated that He and

Public Works Director Spurlock attended a Partnering meeting with the other municipalities. This was to create a list of future goals and issues.

Councilman T. Howard commended Town Manager Ritter on a thorough report.

Agenda Additions / Deletions and Adoption

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

1. Consider Adoption of the Minutes:

- **Regular Council Meeting of December 7, 2009**
- **Joint Council Planning Commission Meeting of December 14, 2009**

There was discussion regarding the date change of the Recreation and Community Enhancement Committee meeting from the 8th to the 15th in the December 7, 2009 Council minutes.

Another requested change was that Vice Mayor Jester was absent for the December 14, 2009 Special Joint Council/Planning Commission meeting.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the minutes with the noted changes. Unanimously approved.

2. Possible Adoption of the New Final Draft of the Comprehensive Plan

Mr. Jared Anderson reported that minor errors were corrected. He reviewed the errors and corrections. There was discussion about the changes.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to adopt the Comprehensive Plan with the noted corrections. Unanimously approved.

Councilman J. Howard stated that Mr. Anderson was an excellent Town employee and the citizens should thank him for the work he did for the Town.

3. Christmas Home Decoration Judging Results

Mayor Tarr read the list of the winners of the 2009 Annual Christmas Decorations:

<u>Judges Choice:</u>	<u>Most Festive:</u>	<u>Most Illuminated:</u>
Jack & June Moyer	Connie Bailer	Dill Wilgus / Arlene Shreves
6593 Church Street.	6333 Church Street	4169 Ridge Road

Most Traditional:

Ricky & Mandy Betts
6317 Church Street

Honorable Mention:

Barbara Kambarn, 4246 Ridge Road
Chester Williams, 6337 Anderton Ave.
Ray Rosenberger, 7297 Sunset Drive

Each category winner will receive a \$100 savings bond.

4. Request that the Town Agree to Act as Holder for an Open Space

Ms. Ruth Lane explained the reason for the request. She stated that she wants to place an easement to protect the woodland and maintain the existing structure of the land including an old pond. She referenced the information in the Council's packet. She stated that neighbors approve. She added that in order for this easement to be effective a governing body has to agree to act as the holder. She requested that the Town Council act as holder of the easement. She explained that the Holder is the enforcer to make sure there are no violations. Ms. Lane added that there would be no additional cost to the Town as the court would require the violators to pay court costs. She also added that there has to be someone to monitor the property throughout the year(s). She has asked the Eastern Shore Soil and Water Commission and they are willing to oversee this. They do this for other institutions on the Peninsula. She stated that they don't have the authority to fine them but they can report any violations.

Ms. Lane feels it adds to the flavor of the Town and would be a way to protect the natural authority of the area.

Town Attorney Poulson commented that Council has addressed this several times. He is under the impression that Council doesn't want to get involved in this type of situation. He feels this property will remain one lot. He assumes that the purpose is for the tax benefit. He stated that when the property is sold the neighbors may not feel the same. He mentioned the possibility of Council passing a Weed Ordinance. He's concerned that if the property remains vacant for some time, the Weed Ordinance would not be applied to this property. He also added that if a tree falls on this property, Council would be unable to do anything about it. Town Attorney Poulson is concerned with the enforcement of this agreement.

There was lengthy discussion, questions and responses regarding the criteria, enforcement and potential need for this. Council's expressed their opinions as far as the pros and cons of approving the Open Space Property Easement. Ms. Lane's response was that it is necessary.

Councilman J. Howard asked if Council would be willing to temporarily approve this for a period of 5 years.

Councilman Frese motioned, seconded by Councilwoman Conklin for the Town to agree to act as Holder for an Open Space provided there is a change in the agreement regarding property maintenance. The motion was not approved.

Ayes: Frese, Conklin, T. Howard Nays: Richardson, Jester, J. Howard, Tarr.

5. Fiscal Year 2011 Trolley Application Resolution

Mr. Jack Van Dame explained the request to approve a resolution for the Operating Grant for the Trolley System. There was discussion regarding budgeted expenses.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the resolution for the 2011 Trolley Application. 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 5th day of January, 2009.

(Official Town Seal)

(Signature)

Robert G. Ritter, Jr.
Town Manager

(Date)

6. Professional Services for Storm Water Related Projects

Town Manager Ritter advised that he along with Public Works Director Spurlock and staff reviewed 6 proposals. There were interviews with 5 engineering firms and one was selected from the interviews. The recommendation is to go with Clark-Nexen for the next three years. This is based off of a rate schedule they included in their proposal.

There was discussion and questions regarding the contract and rate schedule. Town Attorney Poulson reviewed the contract and recommended changes.

Public Works Director Spurlock presented the rate schedule. He stated that the prices are competitive with the other proposals.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to award the contract for Storm Water Management Services to Clark Nexen with the changes submitted by the Town Attorney. Unanimously approved.

7. Possible Forwarding of a Rezoning Application to the Planning Commission

This is a matter brought back to Council regarding the rezoning of Mr. Phillip Ettinger's property in Oyster Bay.

Mr. Jeff Potts advised Council that there are no other parcels on the Island over an acre.

There were questions from Council about the intended use of this property.

Town Attorney Poulson stated that if this parcel was part of the covenants and restrictions of the Oyster Bay Community then it is the owner's legal problem. He advised that this parcel is still part of the plat of the Oyster Bay Subdivision. He also stated that if Council changes the zoning it would not affect the Town. He added that if there are covenants and restrictions listed, changing the zoning will not help the property owner. He also added that rezoning has to be forwarded to the Planning Commission.

Councilman Frese motioned, seconded by Vice Mayor Jester to forward the rezoning application to the Planning Commission. Unanimously approved.

Town Manager Ritter explained the timeline for the review and decision.

8. Public Safety Committee Report of December 1, 2009

Mayor Tarr reviewed the report. There was a question about the ICS tests and timelines for the completion.

9. Recreation and Community Enhancement Committee Report of December 15, 2009

• Recommendation to hire Eastern Shore Surveyors

Councilman Frese reviewed the report, and stated that they discussed the tract of land parallel to Maddox Boulevard. He is requesting approval to have this parcel surveyed by Eastern Shore Surveyors in the amount of \$2,000.

Councilman Frese motioned, seconded by Councilwoman Richardson to hire Eastern Shore Surveyors in the amount of \$2,000 to survey the property parallel to Maddox Boulevard. Unanimously approved.

10. Committee / Commission Appointments and Recommendations

- Building Code of Appeals**
- BZA Recommendation**
- Planning Commission**

Town Manager Ritter reported that the term for the following member currently serving on the Building Code Board of Appeals elapsed on December 31, 2009:

1. Reginald Birch, Jr.

The term shall be for a period of 5 years and shall expire on December 31, 2014.

The terms of the following members currently serving on the Board of Zoning Appeals elapsed on December 31, 2009:

1. Arthur Leonard
2. John Gilliss

Town Manager Ritter advised that Mr. Leonard & Mr. Gilliss have voiced their desire to be re-appointed to this Board. The term shall be for a period of 5 years and shall expire on December 31, 2014. A letter will be sent to the Honorable Glenn Tyler, Judge, regarding their re-appointment.

The term for the following members currently serving on the Planning Commission elapsed on December 31, 2009:

1. Mollie Cherrix
2. Ray Rosenberger
3. Bob Behr

Town Manager Ritter advised that Mrs. Cherrix and Mr. Rosenberger have voiced their desire to be re-appointed to the Commission. Mr. Bob Behr has stated that he does not desire to be re-appointed. The term shall be for a period of 4 years and shall expire on December 31, 2013.

Town Manager Ritter stated that Council will need to take the necessary action to replace or reappoint for the recent vacancies. He suggested that we advertise the Building Code Board of Appeals and the Planning Commission positions this month and bring back a list of names to the next regular scheduled meeting in February.

Councilman T. Howard suggested voting on reappointing those who are willing to be reappointed and advertise the vacancies.

Mayor Tarr opened the floor for nominations for Mrs. Mollie Cherrix's position on the Planning Commission.

Councilman T. Howard nominated Mrs. Cherrix to be reappointed on the Planning Commission. Unanimously approved.

Mayor Tarr opened the floor for nominations for Mr. Ray Rosenberger's position on the Planning Commission. Councilman Frese nominated Mr. Ray Rosenberger to be reappointed on the Planning Commission. Unanimously approved.

Mayor Tarr asked Town Manager Ritter to advertise the vacancies on the Planning Commission and the Building Code Board of Appeals.

11. Discuss the Upcoming Course for Council and Planning Commission Members

Town Manager Ritter explained the notice from the ANPDC for Certified Planning Commissioner Training. He stated that the cost is \$450 per person, however this is a not a budgeted item. He also added that this is a 10 week course.

Mr. Ray Rosenberger, reappointed Chairman of the Planning Commission, advised that he attended this course. He feels that the course is a great opportunity not only for the Planning Commission but for the BZA also. He fully endorses it.

Town Manager Ritter stated that he will send a letter to all Planning Commission Members to see who is interested in the class.

12. Mayor & Council Announcements or Comments

Councilman T. Howard asked if the Adopt A Road sign with graffiti across from the Dollar General be taken care of.

Councilwoman Conklin announced a meeting scheduled for January 26, 2010 from 5:30p.m. to 9:30p.m. at the Community College about County issues and planning.

Vice Mayor Jester congratulated Major Mills who recently completed the FBI National Academy. He feels this is a good mark for a small department. He also mentioned the Timothy Hill house on North Main Street. He stated that originally the house was on Deep Hole Road and someone is in the process of restoring the house. He also stated that he received his reassessment in the mail and doesn't understand how an assessment in today's economy be the same. He suggested appealing the reassessments, reminding that there is only 30 days to appeal.

Mayor Tarr announced the Council Workshop on the 21st and asked Council to bring some ideas to discuss at that time. He added that the action list from prior workshops will be distributed.

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

• Personnel Matters

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

Councilman T. Howard moved, seconded by Councilman 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) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

Nays- None

Absent- None

ADJOURNMENT:

Councilwoman Richardson motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

Mayor

Town Manager

**MINUTES OF THE JANUARY 13, 2010
SPECIAL COUNCIL & STAFF WORKSHOP**

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Other Members Present

Robert Ritter, Jr. Town Manager
Bryan Rush
April Hooper
Karen Hipple

Bill McComb
Mollie Cherrix
Jeff Fitchett

Call to Order

Mayor Tarr called the meeting to order at 10:00 a.m.

Invocation

Councilman J. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

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

1. Discussion on the Current Insurance Plan

Mr. Rush brought it to everyone's attention that our present health insurance carrier has sent out letters stating that our current benefit plan will no longer be available as of 07-01-2010. Plans and pricing need to be looked at within the next month or two so it can be included in the budget for next fiscal year.

Councilman Frese stated that we have never settled on an insurance agent and would like to bring in Ms. Lisa Buswell to give us pricing from different companies as well as Mr. McComb.

Councilwoman Conklin stated that by having a local agent you would have someone to talk with face to face if you had any questions about your policy.

Mayor Tarr asked Mr. McComb what the timeline was for pricing as of July 1. Mr. McComb stated that he could get a preliminary rate by March with a final rate by May. Mr. McComb also stated that insurance companies are kind of waiting to see about the new health insurance bill.

2. Discuss how the Proposed US Health Care Bill will apply

Mr. McComb also stated that insurance companies are kind of waiting to see about the new health insurance bill.

3. Committee Member Comments

It was suggested rather than the entire committee keeps meeting, staff would solicit proposals and present to Council at the March Council Meeting. Questions that need to be addressed are present employees and retirees under age 65 and over age 65. Council would also have to decide whether

or not to put money into a pool for the retirees which would have to be budgeted.

Staff will need to set specifications so that all agents are getting the same information for providing a quote.

Staff will meet on January 27, 2010 at 10:00.

Adjournment

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

Mayor

Town Manager

MINUTES OF THE FEBRUARY 1, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
John H. Howard, Councilman

Council Members Absent:

Nancy Conklin, Councilwoman

Call to Order

Mayor Tarr called the meeting to order at 6:00 p.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Open Forum / Public Participation

Mayor Tarr welcomed everyone and opened the floor for Public Participation.

- Mr. Ronald Mason approached Council about the current snowplowing policy.

Mayor Tarr asked Public Works Director Spurlock to elaborate on this issue.

Public Works Director Spurlock stated that the efforts were inadequate. However, the Town is very ill-equipped to handle this much snow. He stated that they are still moving snow and clearing the roadways.

Mr. Mason stated that the only clear areas on North Main Street are where the sun hit the roads.

Public Works Director Spurlock also advised that much of the time during the snowstorm they were getting people unstuck. He stated that the snow removal budget for next year needs to be reviewed. He added that they need to reallocate funds for the current year to prepare for more snow.

- Mr. Joe Justice asked Council for an update on the drainage issues.

Public Works Director Spurlock advised that he received 3 proposals from Clark-Nexen regarding storm water management. He stated there will be a study before construction is planned.

- Mrs. Jane Wolffe asked Council for their support for the broadband issue. She feels it is very important for the visitors to the Island and Wallops along with the schools and local businesses. She added that this allows people to continue to work even on vacation.

- Mrs. Donna Mason mentioned the road conditions regarding the recent snow. She also mentioned broadband and asked for Council's support. She referred to an article about the

importance of broadband. She suggested that the local businesses fill out the paperwork with the Town's VEC so they will get the money.

- Mrs. Nancy Payne spoke about access to healthcare on the Island. Her concern is that there isn't an accessible doctor during the weekends. She also asked what happens if the causeway is closed for a nor'easter and there's a medical emergency. She suggested that there should be a medical plan for people.

Mayor Tarr advised that the Kawanis is working on this issue and in the process of securing a second doctor for the Chincoteague facility. They should have 4 additional patient rooms. He continued to say that there are plans in place with the appropriate emergency personnel.

Councilman J. Howard explained that most healthcare facilities won't allow a doctor to go out after hours. Mayor Tarr stated that there are legal ramifications as to why they don't come out after hours by themselves. He explained that there has to be 2 people present with a patient. He added that there should be a health fair at the Daffodil Festival in the spring to help with this issue.

Mr. Mason asked Council if the broadband would be strictly limited to Maddox Boulevard and Main Street. Mayor Tarr responded that it would not. He stated that there is a map of the entire project. He added that Mrs. Kat Edwards would be giving a presentation later in the meeting showing that it covers a huge area.

- Mr. Leonard Jester expressed his concerns about the conditions of the roads. He feels that the equipment should have been inspected prior to the storm. He also added that the drain on Chicken City Road and Maddox Boulevard is failing. He suggested that it needs to be addressed and cleaned out as it has been going on for about 2 years now.
 - Mrs. Helen Merritt commended the Public Works Department on a wonderful job of repairs to her sidewalk and yard. Mayor Tarr requested that Mrs. Merritt bring in the plaque of Mr. Merritt's for display in the Municipal Complex. Mrs. Merritt stated that she has discussed this with her son Greg, and they were trying to decide what to do with it. She would like to do this, but will speak with Greg about it first.
- Mayor Tarr thanked Mrs. Mason and Mrs. Leonard for hosting the broadband meeting and information about the VEC. He stated that it will be a lot of money for the community.

Staff Update

Planning Department:

Planner Neville reported that he is in the process of uploading the final edits to the Comprehensive Plan to the website. He will be printing the color copies. He is currently working with the Planning Commission on the Rezoning Application for the Ettinger property. The Planning Commission is reviewing the Wind Energy Ordinance provisions. They have requested a staff analysis of the Drainage and Fill Ordinances. He is also reviewing the Nuisance Ordinance to see if this can be applied to control the drainage and fill issues. He also advised that he is filling Mr. Anderson's positions on the ANPDC Hazard Mitigation Plan Committee along with the Regional Transportation Plan Committee. He is working on the Safe

Routes to Schools Grant and they will be meeting this month to discuss the grant and make plans for the Bicycle Rodeo. He added that he is working with the Police Department on the USDA Grant to purchase laptop computers.

Police Department:

Chief Lewis reported that they are currently working on the grant from the USDA. They are also working on a grant for the purchase of bulletproof vests. He advised there were 362 service calls, 18 were criminal investigations and there were 19 arrests. He added that the information was included in the packets. Chief Lewis advised that the vests are over 4 years old and in poor condition.

Public Works Department:

Public Works Director Spurlock reported on the following items:

Water Department: Routine operations; water meter reading and system repairs, Pension Street project, relocation of the water service on Muscle Lane, repair the fire hydrant on Fir Landing Road, several emergency shutoffs from frozen pipes and reviewing the proposals for the lift pump replacement.

Roads & Facilities: Snow removal, Pension Street project, ditch maintenance program with the County is finished for the year, supporting the USDA for the deer depopulation program.

Administrative: 2009 Water CCR is completed and will be mailed by the end of the month, the Weldon-Cooper data is being completed to receive VDOT roads money, Harbor cabling is completed for the surveillance system.

Vice Mayor Jester asked Public Works Director Spurlock for a snow removal and equipment replacement plan.

General Government:

Town Manager Ritter reported on the following: The Business License software is working in-house and the renewals are going out tomorrow, he has been gathering information for the Virginia Port Authority Grant for the fuel pumps at the Harbor, he is going to attend a meeting in Richmond for those funds on February 11, 2010 with Mr. Bowden and Harbormaster Merritt, continuing to combine the Personnel Handbook with VML's employee handbook, preparing for the VDOT meeting regarding the surplus property at Bridge Street and to discuss the artifacts, begin working on the draft budget and decals go on sale March 15th. He also reported on the revenues for the month of January.

Real Estate:	(ytd) \$586,834	(prior year) \$577,598	(up) \$ 9,236
Tangible Property:	(ytd) \$152,224	(prior year) \$161,671	(down) \$ 9,447
Meals Tax:	(ytd) \$364,742	(prior year) \$361,638	(up) \$ 3,104
Sales Tax:	(ytd) \$ 58,737	(prior year) \$ 66,433	(down) \$ 7,696
Transient Occupancy:	(ytd) \$499,660	(prior year) \$496,678	(up) \$ 2,982
Water Rent:	(ytd) \$565,298	(prior year) \$528,171	(up) \$37,127

Town Manager Ritter continued to report that Ms. Mardis on Bunting Road has submitted a preliminary application and is in the process with the Virginia Department of Emergency Management Services.

Councilman J. Howard asked what the largest tax increase for real estate assessment is in the County. Town Manager Ritter stated that the final numbers haven't been submitted.

Supervisor Thornton advised she would be reporting on this later in the meeting.

Vice Mayor Jester asked about the status of the software company matter. Town Manager Ritter advised that he has not had a chance to discuss the response with Town Attorney Poulson. He advised that he would also be discussing this matter with Mrs. Hipple to decide what the next step would be.

Agenda Additions/Deletions and Adoption

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of January 4, 2010**
- **Joint Council Staff Health Committee Meeting of January 13, 2010**
- **Council Workshop Meeting of January 21, 2010**

Councilman Frese referred to the January 4, 2010 meeting on page 4 pertaining to the taxes from Charter. He advised that he stated they had declared bankruptcy and because of that the law requires them to be current with their tax payments. He stated that this was why he asked Town Manager Ritter if the Town had received any money.

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

2. VDOT Bridge Update

Mayor Tarr stated that Mr. Rakowski was unable to attend and read a letter regarding the bridge update. He advised that the new projected opening date for the new bridge is April 1st, 2010.

Town Manager Ritter also advised that if there are any questions to forward them to Mr. Rakowski. Councilman Frese stated that because they have moved the opening date they should move the traffic lights mid-way of the Black Narrows Bridge. He feels this would speed up the current lag time and increase the safety.

Councilman T. Howard feels this date is more realistic as to the dates they've been projecting. Vice Mayor Jester advised that the delays are due to compression problems at the area near the west end of Black Narrows.

3. Introduction to the Marine Science Consortium

Vice Mayor Jester felt that with the current activity at the Consortium he invited them to come to the meeting and explain what they do.

Mrs. Amber Parker, the Executive Director at the marine Science Consortium, explained that they are a place that people come to stay on-site to learn about environmental education, marine science and field sciences in an outdoor setting. She stated that it is usually a 3-day experience to understand what's living under the waves. She also added that they have also been a place for

colleges. They have offered 3 week fully accredited courses for the last 40 years; in addition they also have adult programs. Mrs. Parker advised Council that they have outgrown their facility and as the paper informed they are currently building a new educational center. She added that their mission is teaching environmental experiences here on the Shore.

Vice Mayor Jester asked if the colleges came from Pennsylvania and New Jersey.

Mrs. Parker advised that it's mostly the northern states. She stated that the reason behind this is that there were colleges that want to offer the marine science courses and found this site. She also advised that a student could apply to a Pennsylvania University and the out-of-state tuition could be lowered because of this program.

Vice Mayor Jester asked if there was any thought of arrangement with the Eastern Shore Community College. Mrs. Parker advised that they have been speaking with the Community College and actually have a partnership with NASA and the Nature Conservancy and offer "Science on the Shore". She stated this is providing free educational opportunities to learn science and the organizations. She stated that NASA is going to be doing a presentation on "Ice Bridge". She added that this is also a part of the Wallops Research Park. She invited Council to check it out and thanked them for allowing her to come and speak.

Mayor Tarr thanked Mrs. Parker for her presentation.

4. Broad Band Grant Pre-Contract Requirements

Mrs. Kat Edwards thanked the members that were present for the contract negotiations in November. She explained the grant application process. She advised that the majority of the requirements are completed. She also explained the items left to complete. Mrs. Edwards added that there has to be a commitment of \$100,000 to be used as collateral along with the guarantee that the Town will follow the prescribed practice of tracking jobs with the VEC. She also added that with the tracking, certain information is required especially for the low to moderate income households. She stated that Broad band improves healthcare and the local facilities have given the appropriate information. She continued to explain that in the contract negotiation the award was \$540,990, of that \$182,770 was attributed to job creation. During the course of the grant and 2 years afterward the Town is to create 20 jobs. Since that meeting they have reduced the financial commitment to \$100,000.

Mrs. Edwards stated that the Department of Housing and Community Development will take an escrow account, certificate of deposit or a letter of credit in favor of the DHCD. The other \$100,000 to be held as collateral the Community Development Institution will require that the Town put that into their bank, Virginia Community Capital, in a money market account for the broadband operations and work on the Shore. The DHCD will take a 2nd on that as additional collateral for the addition of 20 jobs. She advised that the business community was informed about applying with the VEC and Town staff will assist with a mini-office.

Councilman J. Howard asked if the jobs would be full-time jobs. Mrs. Edwards responded that a 9 month job is considered a full-time job and anything under that is considered a part-time job.

She added that 2 part-time jobs would count as 1 job. She advised that the Department understands that this is a tourism based town.

Councilman T. Howard asked how this would guarantee these jobs. Mrs. Edwards stated that the grant is based on low to moderate income persons. She explained that if the grant is not used for those income based people then the state would withdraw the funds, which is why we're securing the collateral. Upon completion of the construction of the network and the creation of 20 jobs the grant funds would then be finalized.

Mayor Tarr added that the Town has 2 years to fulfill this commitment.

Mrs. Mason commended the Town for making it easy.

Mrs. Edwards described the map of the broadband loop of most of the Island.

There were questions regarding employment time counting as a job placement.

Mayor Tarr expressed the importance of having the businesses registered within the VEC as soon as possible.

Town Attorney Poulson asked for clarification of the collateral types. Mrs. Edwards explained the types and how they would be applied. She stated that each Town in the corridor will also have to put up the collateral in a money market.

Councilman T. Howard asked if this money is going to be used. Mrs. Edwards stated that it is strictly collateral for the Eastern Shore Broadband to borrow against not use. There was further discussion as to the contract conditions and collateral funds. She added that the Town has up to 2 year after construction is completed to get the jobs.

Mayor Tarr thanked Mrs. Edwards and directed any further questions to Town Manager Ritter.

5. Accomack County Board of Supervisors Update

Supervisor Thornton explained the current reassessment and that the Town was hit hard again. She advised that all the campgrounds were reassessed very high. She also advised that the appeals will end on February 12th. The Equalization Board has until March 15th to complete the appeals. The Equalization Board was not helpful with the assessments last year. She feels it has made it worse. She stated that Onancock property assessments were not raised along with most of the mainland properties. She is very upset that the Island was assessed higher and again Chincoteague is paying their unfair share of taxes. She added that if the property assessment is not satisfied with the Equalization Board they may appeal in court.

Councilman J. Howard feels that Chincoteague is being discriminated against by Accomack County.

Supervisor Thornton added that from the 2000 Census, 20% of the houses in the County are located in Chincoteague. She stated that the tax revenue is coming from real property taxes. She stated that most of the mainland has a land use tax, which is a special tax of about 1/3 of what the

Island pays. She added that there is a provision in the state code to allow the County to give land use taxation because of tidal wetlands. However, the County wouldn't pass it. Councilman J. Howard expressed his concern and disappointment.

Vice Mayor Jester asked if they were supposed to use current sales as part of the reassessment. Supervisor Thornton advised that there were no current sales.

Vice Mayor Jester asked how assessments could be higher if prices go down. Supervisor Thornton stated that the assessor advised that these properties were assessed too low in the beginning. She has researched other campground assessments in the County and they were much lower.

Councilman J. Howard feels strongly that something needs to be done. Supervisor Thornton agreed and feels it's unrealistic. She feels that times are tough and to put this burden on the business community isn't fair. She hopes that the Equalization Board will see things like the Town does. She advised that the Town of Onancock was not looked into for reassessments as there were discrepancies in the assessments there.

Council discussed this issue and expressed their concerns.

Supervisor Thornton stated that if the Equalization Board doesn't agree the only other hope is an appeal before the judge. She would like the Town to draw up the document for those appealing to use. She stated that there are no assurances that this won't happen again next year. She advised that there is a form to fill out along with a fee to appeal.

Supervisor Thornton reported that all the tangible personal property taxes have to be filed by February 15th. She explained the proposal for occupancy tax changes. She stated that Northampton feels they should have another member on the Tourism Committee. She reported on the expenses of Eastern Shore Tourism and stated that their operating budget is \$189,437.

Supervisor Thornton also reported that the County is currently working on the budget and discussed a \$0.10 tax increase. She added that with the increase in the assessments there shouldn't be a tax increase. She reported that there was a forum for people to explain why they came to the Eastern Shore. She stated that the majority of the attendees were of the older generation. She suggested conducting another forum with the younger generation.

Supervisor Thornton informed Council of the Star Transit Board meeting. She also informed Council that Mr. Mallet has never discussed in closed session the termination of any Star Transit route. She feels it should be worked out tomorrow at 3:00 p.m. at the Eastern Shore Chamber of Commerce. She also added that they are currently working on the census. She asked Mayor Tarr for information for the Enterprise Zone. She advised that several areas were cut out of the map, however, Richmond's map showed several areas that were not left off. She suggested requesting that East Side be added because of the aquaculture and doing this as soon as possible. She advised that the County's GPS person is going to Richmond to find out what happened. There was further discussion regarding the report from Supervisor Thornton ending with Mayor Tarr thanking her for her hard work and report.

Supervisor Thornton requested to put a newsletter that she would be publishing in the Town offices for distribution. Council agreed.

Mr. Leonard Jester asked Council what would happen if the Town took the County to court regarding the assessments. Mayor Tarr advised that he was unsure, but would have to survey the pros and cons before taking on this kind of legal action.

Councilman J. Howard doesn't understand why the other areas of the County receive certain things and services from the County and the Town doesn't especially with the amount of taxes the Town pays.

6. Update Report on the Rezoning Application to the Planning Commission

Planner Neville stated that the Planning Commission reviewed this application. He advised that upon investigation and review they will need additional information that Town Attorney Poulson requested regarding the covenants and restrictions of Oyster Bay II. He added that the public should be allowed to speak, which is required in the state code. The Planning Commission is requesting that Council consider extending the 30 day timeline to properly report back to Council and hold a public hearing at the next Planning Commission meeting.

There was discussion about the requirement of a public hearing.

Mayor Tarr asked if the Planning Commission has advertised for a public hearing. Planner Neville advised that they have advertised for February 9th.

Town Attorney Poulson stated that the Planning Commission shouldn't be considering the change in zoning if the use isn't permitted because of covenants.

Mayor Tarr questioned if it was it legally ever taken out of that subdivision.

Discussion continued resulting in a motion from Council.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to grant a 30 day extension for the rezoning application. Motion carried. Ayes: J. Howard, T. Howard, Jester, Richardson. Abstain: Frese. Absent: Conklin

Councilman Frese explained that he abstained because he doesn't understand the situation.

7. Public Works Committee Report of January 5, 2010

Mayor Tarr asked for questions about the report. There were none.

8. Change in Ordinance Section 62-59 Water Bill Adjustments

Public Works Director Spurlock explained that the proposed change in Section 62-59 regarding Water Bill Adjustments in Council's packet.

Sec. 62-59. Water bill adjustments.

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

(1) Adjustments to water bills may be applied by the town to correct inaccurate reading of meters or incorrect readings caused by faulty meters. During the reading cycle, the town will automatically check anomalous readings to ensure accuracy.

(2) If a property owner wishes to contest the accuracy of a meter reading and subsequent water bill, he may request that the meter be checked or tested to verify the accuracy of the reading or the meter. If, after checking or testing the meter, the reading is found to be correct, the account will be charged a fee as established by the town council. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

(Amended 4/19/07)

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

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

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

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

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

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

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

(6) Once an adjustment has been made, no further adjustment shall be considered for the same system for a period of five years. A system is defined as one meter or account number. (Code 1977, § 15-3; Ord. of 4-5-1999, § 15-3)

Councilman T. Howard asked for clarification. Public Works Director Spurlock responded that it can be any type of leak above or below ground. Councilman J. Howard asked if the water department was still \$3.7 million in debt. Town Manager Ritter advised that they were.

Councilman Frese feels this is an attempt to adjust the leaks where the hidden ones are. He continued to say that if it is immediately evident it is taken care of, therefore not needing an adjustment.

Mayor Tarr stated that it is only 1 adjustment in 5 years. He also added that because the meters are only read quarterly and a leak can go undetected for 3 months. He feels a leak is a leak and agrees with the proposal.

Councilman T. Howard agrees that there are aboveground leaks that warrant review for adjustments. Councilman J. Howard stated that the adjustments will be 95% of the same people. He feels that someone could fill a swimming pool and declare a leak.

Vice Mayor Jester stated that there is a provision that say “may” be adjusted. This is there to keep those who abuse the system from doing so.

Mayor Tarr interjected that there has to be an inspection of the leak, the history will be reviewed and there has to be an investigation prior to approval.

Councilman J. Howard stated whatever we do for one we have to do for all.

Town Attorney Poulson asked to add the word “may” to item 2(b).

Councilman Frese motioned, seconded by Vice Mayor Jester to change the Water Ordinance Chapter 62-59 as presented with the corrections made by the Town’s Attorney, adding the word may to item 2(b). Motion carried.

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

9. Proposed Revision to the Water Reconnection Fee Schedule

Public Works Director Spurlock explained that the 2nd modification is in the billing to add the exemption of plumbing repairs. He advised that during the recent freeze they were in excess of 30 because of busted pipes.

WATER RATES, CHARGES AND BILLING FOR FY 10

Billing and other charges

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town **for purposes other than plumbing repairs**, shall be charged a fee of \$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.

Councilman T. Howard agrees with this change.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to approve the change to the Water Rates and Charges for making the changes to include the exemption of plumbing repairs. Unanimously approved.

10. Consider in Equipment Purchase

Public Works Director Spurlock requested the approval of the purchase of a skid-steer machine. He explained that it's like a bobcat, but has flexibility and could be added on easily. He stated that they will deliver it to the Town to use for 30 days at which time the Town would return it or purchase it. He is waiting on a favorable analysis which looks at the hydraulics and lubrication system prior to commitment. He also asked for approval to purchase the trailer to haul this machine. He added that the purchase price includes a 4-way split bucket.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to approve the purchase of the skid-steer machine in the amount of \$21,750. Unanimously approved.

Councilman Frese motioned, seconded by Councilman T. Howard to approve the purchase of the trailer in the amount of \$2,500. Unanimously approved.

11. Consideration of Clark Nexsen Storm Water Proposal

Public Works Director Spurlock presented the proposal to Council. He advised that there were 3 separate proposals; one was Smith Street, one was Wayne Road, which includes Horseshoe Drive as one system and another one was Pension Street to develop construction drawings.

Mayor Tarr asked for the total amount of Smith Street. Public Works Director Spurlock stated it was \$11,360.

Mayor Tarr asked for the total amount of Wayne Road. Public Works Director Spurlock stated it was \$9,015.

Mayor Tarr feels they need to be kept separate because Pension Street is \$23,065 as an add-on and will be paid out of VDOT funds as road maintenance.

There was further discussion.

Public Works Director Spurlock advised there is a time schedule and work on the projects would be concurrently for the design and study. Public Works Director Spurlock advised that as far as the job, Wayne Road is at the top of the construction list as it is a priority.

Mayor Tarr asked if drainage money was already approved for this. Public Works Director Spurlock advised that there was still \$70,000 in the drainage fund.

Councilman Frese motioned, seconded by Councilman J. Howard to award all 3 contracts, Smith Street, Pension Street and Wayne Road to Clark-Nexen for storm water management plans. Unanimously approved.

Councilwoman Richardson asked how long before Clark-Nexen would start. Public Works Director Spurlock advised that they should have the storm drainage study completed and presented by March 4th. He advised that construction should be immediately after the receipt of the report.

12. Harbor Committee Report of January 7, 2010

Councilman T. Howard reviewed the report. He advised that subleasing is down, dredging is complete and the surveillance cameras are in place. He stated that the Committee does not want to change the current subleasing policy. He added that the grass cutting and weed eating issue was discussed. He also mentioned a suggestion from a leaseholder regarding a part-time assistant for Harbormaster Merritt.

13. Budget and Personnel Committee Report of January 12, 2010

Vice Mayor Jester advised that they have been reviewing the Town's Personnel Policy to make sure it was up to date with the state and that it would hold up in court. He stated that they are merging the Town's Policy with the VML Policy.

Councilwoman Richardson asked if there was anything wrong with the current handbook.

Vice Mayor Jester feels there is. Councilman Frese advised that they weren't changing the handbook; they are keeping it and molding it to what the VML uses. He added that it is only format changes. Councilwoman Richardson asked if the changes would come before Council for approval. Vice Mayor Jester stated that they're trying to be proactive and keep it up to date.

Mayor Tarr stated that they are reviewing the health insurance coverage and benefits. He stated that there is a bill that's going to change and there are guidelines outlined in that bill. He requested that Town Manager Ritter review that code.

14. Ordinance Committee Report of January 14, 2010

- **Possible Change in Chapter 22, Environment, Article III, Nuisances, Division 1. Generally, Sec. 22-62, Certain Nuisances Enumerated and Sec. 22-64 Penalty.**

Town Attorney Poulson stated that the nuisance provisions that explain that streets or roadways constitute a structure and our present provision do not sufficiently spell this out. He feels this should be specific. He added that 15.2900 is a State Code provision that deals with nuisances. He further explained the verbiage changes.

Chapter 22
ENVIRONMENT*
ARTICLE III. NUISANCES*
DIVISION 1. GENERALLY

Sec. 22-61. Prohibited generally.

It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statutes or common law of this state or as defined by this Code or other town ordinance at any place within the town. (Code 1977, § 12-1)

Sec. 22-62. Certain nuisances enumerated.

(a) The following acts when committed or conditions when existing within the town are defined and declared to be nuisances:

- (1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintain, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.
- (2) All buildings, bridges, **streets or roadways**, or other structures of whatever character ~~kept~~ **owned** or maintained, or which are permitted by any person owning or **person** having control thereof to be kept **and** ~~or~~ maintained, in a condition unsafe, dangerous, unhealthy, injurious or annoying to the **occupants or users thereof, or the general** public.

***Cross reference**—Nuisance declared on Johnson grass, § 66-52.

State law reference—Abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

- (3) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.
- (4) All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, public place or lot to the injury or disturbance of the public.
- (5) All obstructions caused or permitted on any street or sidewalk to the danger or disturbance of the public and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or disturbance to the public.
- (6) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.

- (7) All stables, kennels, cattle yards, sheep or cow pens or yards or structures for poultry or other animals permitted by the owner thereof or the person responsible therefore to be a harboring or breeding place for rodents or which accumulate animal wastes or which are otherwise to be in such a condition as to become offensive, disturbing or injurious to the public or to persons in the neighborhood thereof.
- (8) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
- (9) All septic tanks, privies, cesspools and privy vaults of a type prohibited by state law or by rules and regulations promulgated by authority of state law or which are maintained in any manner contrary to state law or rules and regulations promulgated by authority of state law or which otherwise constitute a menace to the health of or are offensive to persons in the neighborhood thereof.
- (10) a. The filling or placing, or permitting the filling or placing, or allowing to remain and/or the maintaining of, any material or substance, whether manmade or natural, in any creek, basin, canal, ditch, or any other drainage way, whether on public property or private property, which in any way impedes, obstructs, blocks, adversely alters, or otherwise detrimentally affects the volume or flow of water through such creek, basin, canal, ditch, or other drainage way.

As to any such creek, basin, canal, ditch, or other drainage way on private property, this provision shall only apply to those creeks, basins, canals, ditches, or other drainage ways which, when connected to other such creeks, basins, canals, ditches or other drainage ways constitute the system, or a part thereof, that drains public lands or improvements within the town, or otherwise assists in the removal of stagnant water from such private property where on such creek, basin, canal, ditch, or other drainage way is situated. Prior to performing any work, such private owner shall seek a determination by the director of public works as to whether such creek, basin, canal, ditch, or other drainage way is subject to or exempt from this provision.

(Ord. of 5-6-2002)

- b. Notwithstanding the provisions hereinabove any private land owner, if otherwise in compliance with all other provisions of law, may place piping and suitable fill in any such canal, ditch, or other drainage way situated on such owner's private property, expressly provided such is installed in accordance with a plan approved by the town director of public works, which plan shall specify such pipe size and type, the fill material, and all other specifics required by the director of public works to ensure that the existing volume or flow of water is not adversely affected, or adversely affects the drainage of any adjacent properties. The director of public works shall issue a permit for the work and such work shall be completed in strict accordance therewith. Such work shall be inspected by the director of public works upon its completion. The fee for any such permit shall be as specified by the town council from time to time.

(Ord. of 5-6-2002)

- c. Whenever any such material or substances is caused to be deposited into any such creek, basin, canal, ditch, or other drainage way on private property by Acts of God, or other natural causes, such material or substance may be removed by the town at no cost to the landowner.

(Ord. of 5-6-2002)

(b) The provision of Section 15.2-900 of the Code of Virginia of 1950, as amended, including the definition of the term “nuisance” and the remedies provided therein are hereby adopted mutatis mutandis.

- (c) The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the town limits, is declared to constitute a nuisance.

(Code 1977, § 12-2)

Sec. 22-63. Responsibility of property owners, occupants and others.

Each owner, lessee, tenant, occupant or other person in charge of any real property within the town and each agent or representative of any such person is charged with responsibility for the maintenance and use of such real property in such manner that no use of or activity or condition upon or within such real property shall constitute a nuisance, and all such persons shall comply with all of the sections of this article, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the town.

(Code 1977, § 12-3)

Sec. 22-64. Penalty.

The failure of the person or entity to abate any such nuisance in accordance with section 22 – 94 shall constitute a violation and ~~Any violation of this article shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or twelve (12) months in jail, either or both less than \$25.00 or more than \$250.00.~~ Each day in violation shall constitute a separate offense.

(Code 1977, § 12-2; Ord. of 10-19-2000)

Secs. 22-65—22-90. Reserved.

Councilman T. Howard stated that in a court of law what might be annoying to one may not be annoying to you. Town Attorney Poulson advised that annoyed does not mean on occasion or inconvenient. He stated that it is an existing condition of some magnitude.

There was further questions and discussion.

Councilman J. Howard motioned, seconded by Councilman T. Howard to approve the changes to the Nuisance Ordinance as presented. Motion carried. Ayes: J. Howard, T. Howard, Richardson. Nays: Frese. Absent: Conklin

15. Committee/Commission Appointments and Recommendations

• Building Code of Appeals & Planning Commission

Mayor Tarr stated that there is a vacancy on the Building Code Board of Appeals for the seat that belonged to Mr. Reginald Birch, Jr. He advised that no one expressed a desire to fill the vacancy. He directed Town Manager Ritter to advertise the vacancy again. Mayor Tarr added that there was the vacancy of Mr. Robert Behr's seat on the Planning Commission. He read the list of names who expressed their desire to be on the Commission. He asked if any of those people would like to address Council.

Ms. Deborah Ullmann introduced herself to Council. She stated that she has owned her home for the last 10 years and recently moved to the Island permanently. She advised she has a law degree, owned her own business and is an educator.

Mayor Tarr opened the floor for nominations.

Councilman Frese nominated Mr. Jeff Potts for the Planning Commission.

Vice Mayor Jester nominated Mr. S. G. Papadopoulos.

Councilman T. Howard nominated Ms. Deborah Ullmann.

Mayor Tarr closed the nominations. He asked for a vote on Mr. Jeff Potts – 2 votes, Mr. Spiro Papadopoulos – 2 votes, and Ms. Deborah Ullmann – 1 vote. Mayor Tarr advised there was tie. He stated that the process is to drop the lowest vote and re-vote for one of the other 2.

Mayor Tarr asked for another vote on Mr. Jeff Potts – 3 votes which is a majority vote of those present, therefore Mr. Jeff Potts is the newest member of the Planning Commission. He asked Planner Neville to put a packet together for Mr. Potts.

16. Trash Cart Sale

Councilman J. Howard stated that an Island vendor approached him about selling the large trash carts. He feels that the Town really wasn't into the trash cart selling business and the hardware stores should be doing that.

Councilman Frese stated that the Town only did this as a service to people.

Town Manager Ritter added that Waste Management rented the 90 gallon trash cans and Davis Disposal was not going to rent those cans. He stated that the Town purchased the standard cans as a convenience to the constituents and delivered them.

Councilman J. Howard responded that the vendor would make them accessible.

Mayor Tarr explained that the Town sold them for \$59.00 at the Town's cost by purchasing them in groups of 50 or 100. He advised that the Town offered that vendor to purchase them in bulk and sell them. He added that the vendor refused to do so. He also added that the Town was being consistent with the cans as they can be loaded by the trash truck. He feels the problem is that if the public purchases any type of cans, they won't be able to be loaded by the truck. Mayor Tarr stated that this could cost our contract more money as we wanted to have all

customers use the cart. He also stated that the Town could have purchased cans for each household and charged rent for the cans.

There was further discussion. Councilman T. Howard asked how many carts have been sold.

Town Manager Ritter advised that approximately 300 carts have been sold with 4 or 5 remaining.

Mayor Tarr added that he doesn't want to be in competition with the local businesses. He stated that this was done as a service to the public because of the change in contracts.

Councilman J. Howard motioned, seconded by Councilman T. Howard for the Town of Chincoteague to get out of the business of selling trash carts. Motion carried. Ayes: T. Howard, J. Howard, Frese. Nays: Jester, Richardson. Absent: Conklin.

17. Mayor & Council Announcements or Comments

Councilman T. Howard mentioned the suggestion of any changes to the agenda packet items to be directed to Town Manager Ritter. He added that this was to save time during the meeting. He asked if that only applies to the minutes (committee reports) or would it be for any item on the agenda.

Mayor Tarr responded that any type-o should be directed to the Town Manager. He added that a change or correction that would change the context would need to come before Council.

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

- **Discussion of the Award of a Public Contract**

Councilman T. Howard moved, seconded by Vice Mayor Jester to convene a closed meeting under Section 2.2-3711(A)(30) of the Code of Virginia to discuss the award of a public contract.

Unanimously approved.

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

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

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

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

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

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

Councilman Frese motioned, seconded by Vice Mayor Jester to hire Springstead to do a financial audit to review all Chincoteague's revenues and expenditures. Unanimously approved.

ADJOURNED

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

Mayor

Town Manager

MINUTES OF THE MARCH 1, 2010 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Call to Order

Mayor Tarr called the meeting to order at 6:00 p.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Open Forum / Public Participation

Mayor Tarr opened the public forum.

- Mrs. Peggy Thomas asked why Council changed the meeting time to 6:00 p.m. She feels they have made a mistake by changing the time.

Councilmen J. Howard and Frese explained the reason for the change.

Mrs. Thomas again expressed her objection.

Councilwoman Richardson stated that the 6:00 p.m. meeting is a hardship for her.

Vice Mayor Jester and Councilwoman Conklin also commented on the reasons why it was moved earlier.

- Mrs. Helen Birch remarked on the current assessments of her property. She advised that she inquired about her taxes and wrote to the Board of Equalization for an appointment. She asked why her taxes didn't go down when she gave half of her property to her sons. Vice Mayor Jester explained that the waterfront lots were reassessed higher and her taxes didn't go down.

Mayor Tarr advised her that the Board of Equalization will schedule a hearing date and Mr. Hurdle would contact her.

- Mrs. Helen Merritt feels there should be a doctor on call on the weekends. She asked if Council could look into this for the Island.

- Mr. Joe Justice returned to Council for an update on the flood gates and drainage issues.

Public Works Director Spurlock stated that Clark-Nexsen is in the process of gathering information.

Mr. Justice expressed his need for urgency in the resolution of this matter.

Mayor Tarr closed the Forum

Staff Update

Police Department

Captain Robby Fisher handed Council the February Police Report. He added that they ordered the bulletproof vests and they are due to arrive on Wednesday. He announced a fund raiser that the Police Department is co-sponsoring with the Fire Department, a benefit dinner on May 7th, 2010 for Mr. Jay Lewis who is in need of a pancreas and kidney transplant. He added that they are sponsoring a poker-run to benefit Mr. Jay Lewis on May 8th also.

Captain Fisher also announced that the officers will go to the elementary and high schools to promote the bicycle safety program. They plan to conduct a DUI prevention/information program at the high school. He stated that the Bike Rodeo is scheduled for May 8th.

Vice Mayor Jester commented on the report of 911 calls being mostly wireless.

Public Works Department

Public Works Director Spurlock stated that Clark-Nexsen has completed the survey for Pension Street, which will help in the drainage and grading plans. He advised that they started working on Smith Street then on to Wayne Road and Horseshoe Drive. They have started a computer water modeling program and should see results on that study within the next two weeks.

Public Works Director Spurlock advised Council that the Harbor's video surveillance system has been installed and they are waiting on DSL. He stated that the skid-steer is scheduled to be delivered this week and the Ocean Boulevard extension survey is complete. He added that the survey is in his office for review.

Public Works Director Spurlock reported that snow removal has been the focus in February. He cited three VDOT employees, Mr. Mark Rew, Mr. Delmas Taylor and Mr. Mike McCullough for their outstanding assistance during this time. He stated that routine street sweeping and pothole repair continues along with drainage maintenance. They are preparing to install whatever Clark-Nexsen suggests with their study. He also advised that routine water maintenance continues along with a new service installation on Stasio Lane. The Water Department has completed the repairs of a major leak on Willow Street. He advised that in March they will be installing all new services along Pension Street.

Councilman T. Howard noticed the sidewalk work on Pension Street and appreciates the work being done.

Public Works Director Spurlock also added that he is waiting on the report from Clark-Nexsen so he can decide what to include in the paving contract.

General Government

Town Manager Ritter reported that staff just completed the annual compliance mail-out. This year in the mail-out was the Water Quality Report, FEMA letter on flood elevation, Emergency Operations letter and the Police Survey for accreditation. He stated that Mrs. Chesser is still receiving and processing Business License renewals. He advised that the 2nd notices for delinquent taxes and certified letters have been mailed. He asked Council to review the Delinquent Tax Memo from Mrs. Hipple and suggested contacting her with any questions. He stated that decals go on sale March 15th. He added that the decals for all other municipalities in the county have arrived and are ready to pick up. He also added that all accounts are in balance. He also reported that the supplemental bills have been processed and mailed. He reported on revenue for February.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate	\$594,776	\$588,033	(up) \$ 6,743
Tangible Tax	\$155,354	\$164,617	(down)\$ 9,263
Meals Tax	\$376,358	\$376,158	(up) \$ 200
Sales Tax	\$ 66,480	\$ 76,316	(down)\$ 9,836
Transient Occupancy	\$508,360	\$506,209	(up) \$ 2,151
Water Rent	\$627,093	\$586,017	(up) \$41,076

Town Manager Ritter stated that he went to Richmond with Harbor Master Merritt and Mr. Ernie Bowden on February 16th to get funding from the Port Authority for a grant for the fuel system. He also stated that he is currently working on the budget and advised that it will be ready by April 1st. He will schedule budget hearings after the draft budget is completed. He is also continuing the work on the Personnel Policy Hand Book. Town Manager Ritter advised Council that the consulting firm is unable to make the scheduled meeting on Wednesday and asked to reschedule for Thursday at 10:00 a.m.

Councilman J. Howard stated that the fuel system is coming from the Harbor Fund and not taxes.

There was discussion regarding the reasons for the increase in some of the revenue categories.

Town Planner Neville advised that the Planning Commission is working on the Work Plan and asked Council to provide ideas to him as to how to address drainage issues. He advised that there is still a vacancy on the Building Code Board of Appeals and the advertisement has been reissued.

Councilman Frese asked Town Planner Neville if he was working with Public Works Director Spurlock on the drainage. Town Planner Neville advised that he was.

Emergency Management

Mr. Bryan Rush reported that the Public Safety Committee will hold a Public Forum at 6:00 p.m. on March 17th. He stated that they would like to advise the public of the new Emergency Operations Plan. They will also have speakers and a lot of information to make the Island safer. They also want to promote the CERT program.

Mr. Rush explained the current staffing of the Town's Emergency Management Services. He reported the following:

January 2010 – 47 calls for service; 26 ALS calls; 17 BLS calls; 4 fire services; 2 mutual aid calls which are when the ambulance is out on a call and Oak Hall came to assist with those calls. There were 30 transports to PRMC; 6 transports to SMH; there were some non-transports and 1 cancelled call prior to their arrival.

Mr. Rush reported that the average response time for January while fully staffed was 4.8 minutes; partially staffed was 10.5 minutes; mainland response was 15.5 minutes.

February 2010 – 44 calls for service; 21 ALS; 14 BLS; 6 fire calls; 3 public service calls; 2 mutual aids where Oak Hall came to assist on those calls; 1 using the Maryland State Police Aviation; 2 responses where 1 was given to Pocomoke and 1 was given to Oak Hall, which was an accident and the other units transported; 21 transports to PRMC; 5 transports to SMH; 1 DOA.

Mayor Tarr asked Mr. Rush to explain the EMS transport policy. Mr. Rush advised that this area works under the Tidewater Emergency Medical Services Protocol. He explained that it tells EMS personnel what they can and can't do. He informed Council that it states that the EMS will only transport patients to a fully licensed upstanding emergency room. He stated that they cannot transport to just any facility. He also explained the hours of the local medical facilities. He advised that the EMS can assist in calling to get them seen by a local doctor but protocol will not allow EMS to transport them there only to an emergency room.

Vice Mayor Jester asked if the summertime calls were double. Mr. Rush advised that they are.

Vice Mayor Jester asked how many trained volunteers are running calls. Mr. Rush advised that there are 28 volunteers and 4 of those are ALS providers along with drivers.

Councilman J. Howard stated that the public needs to know that the stock fell when Dr. Amrien died. He added that the regulations and liabilities won't allow a doctor to come out after hours like he used to do. He doesn't understand why they can't.

Mr. Rush stated, to make the practice appealing to expand the hours during the weekend. Councilman J. Howard suggested that a Non-emergency Patient Care Facility would be fantastic here, especially during the summer.

Councilman T. Howard stated that Council can't give up.

Councilwoman Richardson commended the EMS personnel for doing a wonderful job.

Agenda Additions/Deletions and Adoption

Mayor Tarr advised that he would like to add executive session to discuss the proposition of a business and legal matter with Town Attorney Poulson.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to approve the agenda with the addition of executive session. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of February 1, 2010**

Councilman T. Howard motioned, seconded by Councilman Frese to approve the minutes of the Regular Council Meeting of February 1, 2010. Unanimously approved.

2. VDOT Bridge Update

Mr. Tom Rakowski with VDOT stated that they are on schedule to open April 1, 2010. He advised that the traffic pattern will have to change one more time for the completion of the ramp. He also reported that the bascule span is undergoing testing procedures and will be fully operational by the end of this week. He reported that the traffic signal will be operational soon with the Opticon system, where the EMS can over-ride the system. He also understands that there are several mobile homes waiting until the bridge is opened.

Mr. Rakowski also reported that the changes for the landscaping have been done. He was unable to get the paving of Main Street approved in the budget. He also added that petition of the mainline is April 2nd, the completion of the line to Marsh Island is scheduled for August 26th and the swing-span demolition will be completed by December 13th. He explained the options of demolition and removal of the swing-span bridge.

Mr. Rakowski again explained the change in traffic pattern at the request of Councilman T. Howard.

Mayor Tarr asked about an Open House. Mr. Rakowski stated that they can schedule a date where people can walk out on the new bridge before it is opened to vehicle traffic. He suggested discussing it further next week when they meet again. Mayor Tarr asked Mr. Rakowski to review and set a date so the Town could advertise. He also stated that there are requests to have pictures taken before the old bridge is demolished.

Vice Mayor Jester mentioned the mulch at the foot of the new bridge that ended up in the road because of the flooding. He suggested stones instead.

3. Healthcare Committee Report

Mr. Bryan Rush, Chairman of the Healthcare Committee, gave his presentation. He began explaining that the reason for the Committee was because the Town's current health care was coming to an end. He stated that over the months they have conducted surveys from other municipalities regarding health insurance plans and costs. He added that in December United Healthcare notified the employees that the current health plan would cease June 30, 2010.

Mr. Rush stated that they conducted further research with other insurance companies, employees who expressed their concerns, along with retirees and Council. He stated that the employees' concerns were out-of-pocket expenses such as higher premiums, co-pays and deductibles. He explained in detail the Medicare Parts and their differences along with the "doughnut hole" expenses to the retiree. He then looked into a supplement for the retirees.

Mr. Rush also reviewed the current cost to the Town, projected cost to the Town along with possible solutions and recommendations to the "doughnut hole" expenses. He also addressed those retirees 64 years old and younger. He suggested that the Town pay the entire premium with a stipulation. He explained the stipulation, that it is based on years of service for new hires. He suggested 25% of insurance premium paid by the Town for the first 5 years of employment. He stated that this would eliminate those new hires that are close to retirement age and the Town having to pay the full amount of premiums.

Mr. Rush also stated that the active employee plan should include the out-of-state doctor component. He stated that there are many plans to mix and match specific coverage. He made recommendations to Council regarding budget amounts for premiums. He mentioned utilizing an insurance broker. He feels they should be knowledgeable, have bargaining power and work with the Town as a team. Mr. Rush stated the Committee decided to ask a broker from USI. He stated that they will communicate with the employees along with management of the accounts. He added that the strategy is planning to get the most for the money.

Mr. Rush continued by pointing out the advantages of utilizing a consultant with USI. He added that there is a new local office in Exmore. He also stated that they have online access to the individual accounts and an insurance portal. He reported that brokers are normally paid on a percentage from the healthcare provider and it is currently 3%. He stated that if there is no broker the 3% is pocketed by the provider. He added that in this case the percentage is built into the premium. The Committee recommended appointing a broker and using USI, LLC as the Town's broker.

Mr. Rush summarized by reviewing the Committee's recommendations:

1. Save money, provide benefits and do it as efficiently as possible.
2. Putting \$30,000 for projected savings to cover the "doughnut hole" expenses of the retirees.
3. Pay the retiree's (from under 65) active employee rate – certain percentage per years of service.
4. Fund \$525 per employee per month in the upcoming budget.
5. Appoint USI, LLC as the Town's broker.

Councilman Frese asked what the current allowance for insurance is. Mr. Rush advised that it is \$499.

Mayor Tarr suggested tabling the questions and scheduling a workshop in the next 2-3 weeks to discuss this further.

Mr. Rush stressed to Council that it is important to resolve this soon as the deadline approaches. Mayor Tarr thanked Mr. Rush on a good presentation and stated that he would get back to him. He reminded Council they would have about a week and a half to ask questions so they could move on this. Council concurred on a job well done.

4. Consider 50% Match to Virginia Commission for the Arts Grant for \$5,000

Mr. Bob Behr, President of the Chincoteague Cultural Alliance, thanked the Town and staff for their assistance in the past. He reviewed the schedule for the upcoming season. He stated there are 30 events scheduled. He requested that Council consider the 50% match of \$5,000 so they would have a total of \$10,000. He added that they are a nonprofit organization and their staff is all volunteer.

Councilman T. Howard stated that the current schedule is impressive and he applauded their hard work. He feels it is money well spent. Vice Mayor Jester stated that there are an increasing number of attendances to the events.

Mayor Tarr stated that if the grant comes in less the Town's match would be less.

Mr. Behr also added that the deadline is April 1, 2010.

Councilman J. Howard motioned, Seconded by Councilwoman Conklin to approve the 50% match up to \$5,000 to the Chincoteague Cultural Alliance for the Virginia Commission for the Arts grant. Unanimously approved.

5. Enterprise Zone Update

Town Planner Neville reviewed the report he gave Council and stated that there is an April 1st deadline. He stated that for any businesses or property owners that may qualify there are 2 elements, a creation grant or real property investment grant. He added that there is a benefit to participate. He feels this is a good thing to offer and if Council feels this is worthwhile he can advertise on the website. Town Planner Neville discussed other areas to possibly include in the program. He stated there is an additional month if the Town wants to propose additional properties. He suggested adding some Eastside properties because of aquaculture.

Mayor Tarr stated that the Town has to make a request to include any area to the Enterprise Zone. He added that it doesn't have to be Eastside, it could be anywhere.

Town Planner Neville stated that they were removing properties that couldn't benefit such as residential properties.

Mayor Tarr added that years ago the area had to be contiguous and currently they do not. He stated that we need to see if there are properties to be taken out and properties to add.

Town Planner Neville stated that the Town would need to let the County know within the next several weeks. Mayor Tarr stated that Town Planner Neville will be working on the review of properties and bring it back to Council.

6. Possible Adoption of the Wind Energy Ordinance

Town Planner Neville explained that Town Attorney Poulson returned two versions. He stated that one version would be on a conditional use permit and the other was special use and special exception permit. He stated that there were also looking to adopt the minimum safety standards.

Town Planner Neville also stated that the recommendation from the Commission is that the small Wind Energy System Ordinance with a conditional use version be adopted with a lower fee than the \$1,500. He feels this is ready for Council action this evening.

Councilman Frese commented on the high fee. Town Planner Neville advised that the fees go for advertisements which run approximately \$45 per week and it runs for 2 weeks.

Councilman T. Howard feels that the conditional use is the best way to go with a lesser fee. Vice Mayor Jester concurred. There was discussion regarding the fee and fee schedules along with the fee listed in the ordinance.

Town Planner Neville stated that the Ordinance normally doesn't give a specific fee amount. Mayor Tarr feels there needs to be consistency with the process. He added that the fee doesn't need to be less than the fee for a BZA appeal. Discussion continued regarding the fees and the possible change in the future from conditional to special use.

Councilman Frese made a motion to use the Wind Energy Ordinance with the "special exception" version of the ordinance. There was no second, the motion died.

Vice Mayor Jester motioned, seconded by Councilwoman Conklin to approve the Wind Energy Ordinance with the "conditional use" version.

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

Nays: Frese

Motion Carried.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to approve the Wind Energy Ordinance conditional use fee of \$450.00. Unanimously approved.

7. Update Planning Commission report on the Ettinger Rezoning Application

Mr. Ray Rosenberger, Planning Commission Chairman, explained that there was a meeting between the Commission and the property owner. He stated that Town Attorney Poulson was given information for his review. He stated that they will continue the discussion further at the next Planning Commission meeting after they review the response from Town Attorney Poulson.

Town Planner Neville stated he spoke with Mr. Ettinger and he met with the Oyster Bay II Board of Directors and will be issuing a summary and response for the Commission to review.

Councilman J. Howard motioned, seconded by Councilman T. Howard to extend the rezoning application for another 30 days. Unanimously approved.

8. Update of Home Occupation Regulations Ordinance

Town Planner Neville stated that the Commission reviewed different Home Occupation Ordinances from different municipalities. He advised that they have compiled a draft ordinance for review by Council.

Vice Mayor Jester asked about the parking requirements for those home occupations that didn't require a space.

Councilman J. Howard feels it's too much for certain home occupations. He feels that a home occupation with several signs, flags and visiting customers in a residential area doesn't belong. He added that it's too flashy for the Island. There was further discussion regarding the sign ordinance.

Town Planner Neville asked if Council wanted the Commission to clean up the Ordinance in that sense. Lengthy discussion continued and Council feels there should be some constancy and separation of the home occupation in a residential area as opposed to those in a commercial area.

Mayor Tarr asked if this item would be on the agenda for the Planning Commission.

9. Update of the Sign Ordinance on Political Signs

Town Attorney Poulson stated that he needs to address campaign signs and removable signs. He stated that there may be some provisions regarding political signs which may be different than political campaign signs.

Mayor Tarr feels that the Ordinance isn't quite right.

Town Attorney Poulson explained that under the First Amendment Rights the Town can do some restricting. He added that the Town can't do more restricting than they can with other signs. He also explained the differences between political signs and political campaign signs. He stated that he sees no reason why a political campaign sign should remain up 90 days after the election.

Mayor Tarr asked Town Attorney Poulson if he would check into this further.

10. Public Safety Committee Report of February 2, 2010

Mayor Tarr stated that most of the report was reviewed by Mr. Rush. He asked if there were any questions. He added that there will be a draft of the Emergency Notification System Plan.

There was a question as to the emergency call-out to cell phone numbers. Mayor Tarr advised that the call-out can go to any number. He suggested going onto the website and submitting the information.

11. Cemetery Committee Report of February 4, 2010

Councilwoman Richardson stated that they are planning a cleanup day at the School Street Cemetery and Taylor Cemetery on March 13th, with a rain date of March 20th. Mayor Tarr suggested advertising on Channel 9 and in the paper.

Councilwoman Richardson invited anyone who wanted to help.

12. Apply to USDA, Community Facilities Grant for a Vehicle Mobile Data Terminal Project

Town Planner Neville stated that he has worked with the Police Department on this grant and there is a match to be approved by Council. He stated that there is no deadline. He added that this will be placed on the schedule for the upcoming budget. He stated that this terminal will help the police obtain information from the databases allowing communications by means other than the public airways. He informed Council that the total amount of grant is \$70,000 with a 75% (\$52,500) contribution from the USDA. He added that they are looking for a local match of 25% (\$17,500).

Mayor Tarr asked if there are any operating costs associated with this system. Town Planner Neville advised that the setup and training is included in a one year service and the terminals work through the current server the Police Department already uses.

Councilman Frese motioned, seconded by Vice Mayor Jester to adopt a resolution to authorize the application to the USDA for the Community Facilities Grant to purchase a Vehicle Mobile Data Terminal. Unanimously approved.

13. Mayor & Council Announcements or Comments

Councilman T. Howard stated that he went to the Elementary School to read to the children and spoke with Mrs. Olsen. They are concerned about the budget cuts to the school. He read a statement that he would like Council to agree to send to our state and local representatives.

Mayor Tarr strongly urged Council to attend the County's budget hearings and meetings.

Vice Mayor Jester commended the Public Works Department on the work they've completed in February.

Councilman J. Howard asked about the parking issues at the beach. Mayor Tarr stated that he spoke with Mr. Lou Hinds and was advised that they have a Plan and are hoping to have a public meeting in April to review it. He also added that the Park Service Superintendent was here about the parking spaces.

Councilman J. Howard also mentioned looking into the Town's property on LeKites Drive and wants to know the options.

Councilwoman Richardson asked about the sidewalk at the foot of the new bridge. She would like to see the sidewalk extended north of the Hurdle property toward the Jester property connecting to the existing sidewalk. She feels it would be safer.

Public Works Director Spurlock advised he would look into the matter further and gather information regarding expense and right-of-way.

Mayor Tarr stated that he attended the County's budget workshop. He advised Council that they are proposing to cut the Town's tipping fees. He also stated that they have done away with the decals. He explained that if the personal property taxes aren't paid they will not be able to renew their tags or licenses through the DMV. He commented that this makes it hard on our officers and may be something the Town should review in the future.

Mayor Tarr reminded Council of their meeting with Springstead on Thursday.

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

• **Discussion of the Award of a Public Contract**

Councilman Frese moved, seconded by Councilman T. Howard to convene a closed meeting under Section 2.2-3711(A)(1)&(5) of the Code of Virginia to discuss the award of a public contract. Unanimously approved.

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

Councilman Frese 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)(5) 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- Frese, T. Howard, Richardson, J. Howard, Jester, Conklin
Nays – None

RECESS

Councilman T. Howard motioned, seconded by Councilwoman Richardson to recess the meeting until Thursday, March 4th, 2010. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MARCH 4, 2010
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Call to Order

Mayor Tarr called the meeting to order at 10:03 a.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

1. Closed Meeting in Accordance with Section 2.2-3711(A)(6) of the Code of Virginia.

• Discussion with consultants pertaining to actual or probable litigation.

Councilman Frese moved, seconded by Vice Mayor Jester to convene a closed meeting under Section 2.2-3711(A)(6) of the Code of Virginia to discuss with consultants pertaining to actual or probable litigation. Unanimously approved.

Councilman Frese moved, seconded by Councilwoman Richardson 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)(6) 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- Frese, T. Howard, Richardson, J. Howard, Jester, Conklin
Nays – None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE MARCH 11, 2010
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Call to Order

Mayor Tarr called the meeting to order at 10:07 a.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the agenda.
Unanimously approved.

1. Closed Meeting in Accordance with Section 2.2-3711(A)(6)&(7) of the Code of Virginia.

- **Consideration of the Investment of Public Funds**
- **Legal Matters – Probable Litigation**

Councilwoman Conklin moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(6)&(7) of the Code of Virginia to discuss the award of a public contract.
Unanimously approved.

Councilman T. Howard 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)(6)&(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- Frese, T. Howard, Richardson, J. Howard, Jester, Conklin
Nays – None

2. Discussion on Healthcare and the Committee's Recommendation

Mr. Rush explained that the Reason the Committee decided to go with USI is that they had a lot of resources that would help the Town come up with better rates. He also added that the broker will meet with the Town regularly.

Councilwoman Conklin asked if that particular broker worked with the Town previously with the current insurance company. Mr. Rush advised that she was employed with the current insurance company but not as a Broker.

Town Manager Ritter added that the Town was with VACO and they were our broker and in 2006-2007 VACO was no longer in that business. He added that the Town has not used a broker since.

Councilwoman Conklin asked how much a broker would cost. Mr. Rush advised that it will not cost the Town anything. He stated that the Town has been paying 3% for years and not utilizing a broker which is included in the premium. He added that the 3% fee going straight into the insurance company's pocket.

Councilman Frese asked if USI was nationwide. Mr. Rush advised they are considered #8 nationwide.

Councilman J. Howard motioned, seconded by Councilman Frese for the Town to go ahead with USI, LLC as the Broker for healthcare. Unanimously approved.

Councilman Frese complimented Mr. Rush and the Committee for a good job. Mr. Rush thanked Council and advised that the Committee will continue to work out plans and prices.

3. Broadband update

Mrs. Edwards explained the contract process.

There was discussion regarding the contract details, process along with the collateral information. Mrs. Edwards explained that the Town will have to put up a \$100,000 certificate of

deposit for the DHCD to hold as collateral for their portion of the grant. Discussion continued about the VEC requirement.

Mayor Tarr stated that the Town will be required to put another \$100,000 in Virginia Community Capital to be held in a money market account for approximately 30 months for collateral for the project. Mrs. Edwards stated that they will release that collateral as soon as the 20 jobs are registered through the VEC.

Town Manager Ritter asked Council for permission to get the \$100,000 CD for the DHCD requirement. He also suggested having another Council meeting on the 22nd or 23rd to review any changes to the contract.

Councilman Frese motioned, seconded by Councilman T. Howard to approve the purchase of a \$100,000 Certificate of Deposit to use as the collateral for the Broadband Project. Unanimously approved.

4. Request to Send a Letter to the Board of Supervisors on the Eastern Shore Tourism
Mayor Tarr advised that there is a request from Mr. Steve Potts with the Eastern Shore Tourism Committee to send a letter to the Board of Supervisors regarding a cut of funds for the upcoming budget.

Vice Mayor Jester added that the Board of Supervisors is trying to put as much to the schools budget as possible because of the cut in state funds. He stated that they have made cuts everywhere including 20 employees. Discussion continued regarding the cuts.

Mayor Tarr feels that Chincoteague should promote tourism. He added that the County should be supporting tourism also.

Vice Mayor Jester advised with the cuts the Eastern Shore Chamber will not be able to remain open 12 months out of the year.

Councilman J. Howard motioned, seconded by Councilwoman Conklin to ask Mr. Steve Potts to speak with Supervisor Thornton and after that meeting if the Commission if necessary and Council still wishes, compose a letter of support. Unanimously approved.

Adjournment

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

Mayor

Town Manager

MINUTES OF THE APRIL 5, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Call to Order

Mayor Tarr called the meeting to order.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Open Forum / Public Participation

- Mr. Joe Justice thanked Councilman Frese and Councilman J. Howard for their work on the drainage. He stated he has been flooded 5 times from July to November. He stated that when it rains he is unable to do anything because of the standing water. He advised that the Town put a hole in an adjacent lot which is now keeping the water from running off. He mentioned the expenses he has incurred because of the flooding on his property. Mr. Justice also addressed Council regarding the inoperative vehicle letter he received about the 10 unlicensed vehicles on his property. He explained that he doesn't have the money because of the flooding.
- Mr. Mike Doyle approached Council about the health benefits for the Town's employees. He feels that the employee's benefits are too much for a small town. He also mentioned that some employees on the payroll for 20-30 years are getting 30 days vacation per year. He feels that too much vacation for a general worker.
- Mrs. Nancy Payne stated that she has a business on the corner of Maddox and Main. She advised that she has had to file a police report regarding problems with the intersection. She wanted to add something to that report. She is very concerned about the speeding in the intersection. She asked if the police would keep an eye on traffic. She suggested putting information in the paper reminding motorists of the laws and new traffic pattern.
- Mr. Winfred Bowden, from Vacation Park Lane, stated that since the lot behind his property has been cleared, his property has drainage issues also. He advised of the road conditions and asked for something to be done about it along with the speed limit there.

Councilman J. Howard asked if the ditch between his property and Mr. Reed's property was open all the way down.

Mr. Bowden stated that it runs off on his property because that land was built up higher than his.

There was discussion regarding ownership of the roadway. It was suggested that each property owner owns a percentage of the road. Mr. Justice interjected that he put \$1,300 into the road last year and no one so much as thanked him for it.

Discussion continued about road ownership, the causes of the drainage problems, tree limbs hanging into the right-of-way and possible solutions.

Councilman J. Howard explained an issue at the intersection on Main Street and Maddox Boulevard. He feels that the northbound traffic, such as tractor trailers having to turn right onto Maddox needs to take up both lanes. He feels that the white line should be moved back to accommodate the larger turn radius of some vehicles. He asked who to contact about this.

Town Manager Ritter advised that he spoke with VDOT's engineer about moving the telephone poles back. Councilman J. Howard agrees about the poles and stated that he's talking about the stopping point.

Public Works Director Spurlock stated that they have to be careful moving the line back as there is a pressure pad that controls the lights.

Mayor Tarr stated that they are going to add this topic to the next Public Safety Committee meeting.

- Mrs. Charlene Leonard advised Council that she and her daughter owns a store on Main Street. She asked when there would be signage around the new bridge directing traffic to the historic downtown area.

Mayor Tarr advised that the architects for the downtown revitalization have reviewed this matter and will be responding soon.

Staff Update

Police Department

Chief Lewis advised that he included a copy of the monthly report in the agenda packet along with the Police Surveys. He announced that Officer Greenley will be graduating from the Police Academy Tuesday at 4:00 p. m. He reminded Council that May 7th is the benefit dinner and May 8th is the Poker Run for Jay Lewis. He also stated that May 8th is the Annual Bike Rodeo.

Planning Department

Town Planner Neville reported that in March the Planning Commission finalized the review of the Ettinger rezoning and is listed later on the agenda. He advised that they also updated the By-Laws which are also listed on the agenda. He stated that in the Work Session from the 23rd they reviewed home occupations and the suggestions from Council. Town Planner Neville also stated that the next meeting is on April 13th. He added that they have reviewed the C2 regulations for the commercial district and the historic downtown area. He reiterated their concern with the Main Street Maddox Boulevard intersection also. He added that they would like to look into extending the downtown area to the new bridge.

Town Planner Neville stated that he handed out information of the Enterprise Zone referring to the public meeting to be held on the 21st with the Board of Supervisors. He stated that Supervisor Thornton worked diligently to make sure the mapping of the districts was cleared up. He also stated that they wanted to bring to Council's attention the Hazard Mitigation Plan. He advised that there is a review every 5 years and the meeting was scheduled for the 29th. He discussed the Greenway Plan to protect open spaces and advised that all of Chincoteague is listed as Greenway.

Public Works

Public Works Director reported on several different divisions within the Public Works Department for the month of March.

Drainage

He stated that he received the draft Grading Plan. He advised that he should receive the Drainage Plan later this week. He stated that once they have the Drainage Plan they can work on the contract to pave Pension Street. He advised that in the Drainage Plan they are in the final phase for Smith Street. He added that they are considering using Tarr Lane as the outfall of the Horseshoe Drive and Wayne Road drainage.

Councilman T. Howard asked if there was an easement for Tarr Lane. Public Works Director Spurlock advised that they do have an easement and should be fairly simple to tie in. He stated that they had a minor issue with the backboard and ordered new parts to make the repairs.

Waterworks

He stated that along with routine tasks they are installing water services on Pension Street. They have installed roughly 17 of 25 services. There were new services installed on Pine Drive and Annamessex Drive. The forecast for the Water Department is to complete the water services on Pension Street, replace the 8" line at Cockle Creek Bridge. The Christ United Methodist Church should be ready to install their new fire system service. They are also working with the USF&W on their new 6" service installation.

Roads & Facilities

They are currently cutting grass and continuing Park maintenance. They are also in the process of installing a volleyball court at Memorial Park. They have installed new catch basins on Maddox Boulevard and Sunnywood Manor. They are installing support drains on Pension Street. They've done drainage along Marlin Street and would like to complete the drainage along Margaret's Lane. He advised that there is an outfall on South Main Street that has collapsed under the road that needs repair.

Councilman T. Howard asked if one of the storm drains on South Main Street near Libby's Lane was still working. Public Works Director Spurlock advised that he would check into it.

Councilman J. Howard asked about the drainage on Maddox Boulevard by the Refuge Inn. He suggested that the Town should look into putting drainage in there. Public Works Director Spurlock advised there was none. He was checking into this also.

Councilwoman Conklin asked about the “greasy water” just west of the Sea Hawk Motel. She advised that it’s running on the sidewalk. She’s concerned that it may be an oil leak. There was discussion as to what it was and the causes. Public Works Director Spurlock advised he would look into this further.

General Government

Town Manager Ritter reported for the month of March: Town Decals are on sale and approximately 900 have been sold with 1 week left before the deadline of April 15th. Personal property taxes are an ongoing collection. The front office staff has been busy with Business Licenses along with the Daffodil Festival’s licenses. They have been setting up and reporting employment with the VEC. The RFQ for website designs went out and interviews were last Thursday with 4 companies. There is one company they are negotiating with. This company worked with Christopher Newport and has done the Williamsburg and Farmville websites. The Draft Budget is completed and the hearings are scheduled to begin April 12th.

<u>Revenues:</u>	<u>Year to Date</u>	<u>Prior Year to Date</u>	<u>Up or Down</u>
Real Estate	\$ 605,786.00	\$ 598,528.00	Up \$ 7,257.00
Tangible Property	159,220.00	171,220.00	Down 12,000.00
Meals Tax	387,194.00	388,903.00	Down 1,709.00
Sales Tax	73,651.00	81,846.00	Down 8,195.00
Transient Occupancy	515,665.00	515,781.00	Down 115.00
Water Rent	688,070.00	633,942.00	Up 54,128.00

Town Manager Ritter also reported that he attended and completed Planning Commissioner School with Mr. Trip Muth and Mrs. Mollie Cherrix. He stated that the Broadband documents were presented last week. He spoke with Springstead for an update. They received information from Accomack and should be able to begin analysis in a couple of weeks.

Vice Mayor Jester commented on the collection of delinquent taxes.

Mayor Tarr advised that there is a Community Leaders meeting scheduled for Monday the 12th at 9:30a.m. The Budget hearings will be the 13th and 14th at 9:00a.m.

Agenda Additions/Deletions and Adoption

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

Councilman Frese advised that Mr. Ettinger was unable to attend the meeting and suggested postponing his hearing.

Mayor Tarr stated that the Public Hearing will still take place. However, Council’s decision will be tabled until the next meeting.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of March 1, 2010**
- **Recessed Council Meeting of March 4, 2010**

- **Special Council Meeting of March 11, 2010**

Councilman Frese stated that on the minutes of the March 1st meeting, page 5 and paragraph 3 there should be a change from “seconds” to “minutes”.

Councilwoman Conklin motioned, seconded by Councilman Frese to adopt the minutes with the proposed changes. Unanimously approved.

2. Presentation by Commander John J. Keegan, Commanding Officer Surface Combat Systems Center (SCSC)

Mayor Tarr introduced Commander John J. Keegan who will give a presentation regarding the Surface Combat Systems Center.

Commander Keegan played a video explaining the different things that SCSC does and offers. He also showed and explained pictures of the facilities. He played and explained another video about tracking and engaging. He also addressed the economic impact of having the SCSC at Wallops Island. He informed Council of the community services they offer also. They would like to bring a launcher to NASA so they can conduct tracking and engaging training exercises with the Navy Combat Systems. He closed by adding that they like to consider themselves as the Battle Group in the Sand as they are able to replicate the battle group in the sand for combat training.

There was brief discussion along with a couple of questions and answers.

Vice Mayor Jester stated that it is good to see the Navy back.

Mr. Justice asked if the offshore drilling would affect the training. Commander Keegan was unsure at this time if they would be affected. He isn't sure where and how long it will take before they begin to drill.

Mayor Tarr thanked Commander Keegan for reminding the Town of what the Navy does and has to offer.

3. Department of Forestry on Tree City USA, Arbor Day Ceremony

Mayor Tarr introduced Mr. Robby Lewis with the Department of Forestry.

Mr. Lewis stated that he brought some information about Tree City USA. He explained that it doesn't tell a Town what they can or can't do with trees on their property. He feels that Tree City is a good destination for Chincoteague. He stated that they would have to form a Tree Committee and a Tree Ordinance would have to be created. He added that there would be a budget of approximately \$2 per capita. He continued that they would have to plan an Arbor Day celebration in April. He also offered his assistance.

Councilman T. Howard asked if the ordinance would be what the Town would do on Town owned property. Mr. Lewis responded that he was correct. He added that it states how to take care of trees, what types of trees to plant and other things. Mayor Tarr thanked Mr. Lewis for attending.

4. Census Bureau Presentation and Proclamation

Miss Patricia, a representative of the Census Bureau, gave a presentation of what the 2010 Census is and does for the state level and the community level. They also determine where legislative districting is. She advised that by law they are not allowed to share anyone's information. She stated that the Census data is secure and will be released to the national archives in 2032. She stated that there is a 67% participation rate from the 2000 Census. Virginia had a 72% participation rate and the Town was at a 42% participation rate. They would like to increase the participation rate as every 1% increase would save the government and taxpayers between \$80-90 million.

There were questions as to the participation rate and the transient homes causing the rate to drop.

Miss Patricia also talked about timeline and the jobs that the Census created. She requested the support of Council to encourage the filing of the 2010 Census. She thanked Council for their time.

There was concern of the follow-up on the phone regarding the reported information.

Ms. Cher Revin the Recruiting Assistant with the Census Bureau addressed Council also. She stated that she is recruiting people to collect Census information at \$13 per hour plus \$.050 per mile for gas reimbursement. She is hoping that the local businesses are willing to put up brochures and posters about the available Census jobs. She thanked Council for allowing her to speak.

Mayor Tarr asked for the motion to approve the Proclamation.

Councilman T. Howard motioned, seconded by Councilman Frese to approve the Proclamation for the Census Bureau. Unanimously approved.

5. Public Hearing; Request to Vacate Subdivision Lot Lines - Gene W. & Stephanie Taylor

Mayor Tarr opened the Public Hearing at 8:01 p.m. He asked for any comments from the audience. There were no comments. Mayor Tarr closed the Public Hearing at 8:02 p.m. He asked Town Manager Ritter if the vacation request was properly advertised.

Town Manager Ritter advised that it was.

Mr. Gene Taylor explained that he is doing this to have one big lot to build one single-family home.

Councilman Frese motioned, seconded by Councilman T. Howard to approve the Vacation of Subdivision Property Line for Gene W. and Stephanie Taylor. Unanimously approved.

6. Public Hearing Request to Vacate Subdivision Lot Lines – Shirley Lewis & Marvin and Florence Westpal

Mayor Tarr opened the Public Hearing at 8:04 p.m. He asked for any comments from the audience.

Town Attorney Poulson asked if this was a subdivision.

Mrs. Anita Merritt advised that this was a nonconforming lot on the waterfront. She stated that Mrs. Lewis and the Westpals jointly owned the waterfront lot.

Town Attorney Poulson stated that they don't have an established subdivision with this. He is unsure why Council is reviewing this as it is not a subdivision and they're doing what the BZA is allowing them to do. He asked if this was a subdivision or an isolated lot.

Mr. Potts advised that the parcel number shows if the parcel was subdivided and this particular lot was subdivided. There was further discussion regarding the subdivision lot verses a regular lot and location of the lot.

There were no further comments. Mayor Tarr closed the Public Hearing at 8:11 p.m.

Councilman T. Howard asked for clarification as to the lot and vacation.

Councilman J. Howard motioned, seconded by Councilman T. Howard to approve the Vacation of the Subdivision Property Line. Unanimously approved.

7. Public Hearing on the Ettinger Parcel Rezoning

Mayor Tarr opened the Public Hearing at 8:14 p.m. He asked Town Planner Neville to read the letters of the adjacent property owners so they would be part of the record.

Town Planner Neville stated that the Public Hearing was advertised. He advised that all certified letters were received and returned except for one. He stated that a property owner emailed their position on the rezoning request. He stated that both adjoining property owners were concerned that this would allow town homes. He also stated that the R2 district will not allow town homes. He added that one adjoining owner and his wife expressed that they would not like to see the zoning changed on this property. Town Planner Neville did include the information Mr. Ettinger had in the Council packet. He advised that Mr. Ettinger was unable to attend tonight because of an illness and requested that the vote not take place until the next meeting. The Planning Commission recommended denying the request because the Comprehensive Plan and the Land Use Map does designate this property as single family residential land use and would be consistent with the R1 zoning. He thanked Town Attorney Poulson for his cooperation in the questions from the Planning Commission.

Mayor Tarr closed the Public Hearing at 8:19. He reiterated that Mr. Ettinger has requested that Council delay the vote until the next meeting so that he may attend.

Council concurred to postpone the vote until the next meeting, May 2nd, 2010.

8. Public Works Committee Report of March 2, 2010

Mayor Tarr advised that the minutes are in the packet. He entertained questions.

There was brief discussion regarding the Marsh Island easement.

9. Budget and Personnel Committee Report of March 9, 2010

Councilwoman Conklin advised that the Committee is in the process of revising the Personnel Policy.

Town Manager Ritter stated that the Committee has created a checklist of items they would like to see in the Employee Handbook. He advised that once the checklist is completed they will include their items from that list including the VML policies and the current policies.

10. Review of the Planning Commission By-Laws

Town Planner Neville stated that they have been reviewing the language of the By-Laws and completed the changes. He stated that it is the desire of the Commission to have Council review and approve them.

Town Attorney Poulson explained the changes to the By-Laws.

There was some discussion of the changes.



**By-Laws
Chincoteague Planning Commission
Approved April 5, 2010**

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established in conformance with the resolution adopted by the Chincoteague Town Council on May 16, 2002, hereby adopts the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia, as amended.
- 1-2. The official title of this Commission shall be “The Chincoteague Planning Commission”.
- 1-3. The Planning Commission shall promote the orderly development of the Town of Chincoteague and shall serve primarily in an advisory capacity to the Town Council.

ARTICLE 2 – MEMBERS

- 2-1. Said commission shall consist of seven (7) members, one of whom shall be a member of the Town Council, and the remaining six (6) hereafter referred to as

appointed members. Such members shall be residents of the locality and at least one-half of the members so appointed shall be owners of real property in the locality.

- 2-2. The term of the member representing the Town Council shall in all cases correspond to their tenure of office. Of the other members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years, from and after the effective date of this resolution. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by an appointment by the Council and such appointment, in the case of an appointed member, shall be for the unexpired term. Any appointed member may be removed on the grounds set forth in Section 15.2-2212 of the Code of Virginia 1950 as amended.
- 2-3. The term of a Commission member shall expire on December 31 at which meeting his successor's term of office shall begin.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.
- 3-2. Nomination of officers shall be made from the floor at the regular February meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. Such candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by Town Council appointment.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1. The Chairperson shall be a member of the Commission and shall:
 - 4-1-2. Preside at all meetings.
 - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.)
 - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
 - 4-1-5. Carry out other duties as assigned by the Commission.
- 4-2. The Vice-Chairperson shall be a member of the Commission and shall:
 - 4-2-1. Act in the absence or inability of the Chairperson to act.
 - 4-2-2. Have power to function in the same capacity as the Chairperson in cases of the

Chairperson's inability to act.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Notify all members of all meetings.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Certify all maps, records, and reports of the Commission.

4-3-5. Give notice of all hearings and public meetings.

4-3-6. Attend to the correspondence of the Commission.

4-3-7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

ARTICLE 5 – EMPLOYEES, CONSULTANTS, SPECIAL STUDIES

5-1 Upon request of the Planning Commission, the Town Council or other public officials may, from time to time, for the purpose of special studies under the direction of the Commission, assign or detail to it any members of the staffs of municipal administrative departments, or may direct any such department employee to make for the Commission special surveys or studies requested by the Commission.

5-1-1. In addition, the Commission may establish, upon authorization by the Town Council, an advisory committee or committees to provide unique expertise and public participation of community representatives and to assist in meeting the purpose and objectives of the Commission for the preparation of special surveys and studies. The Planning Commission shall establish a mission statement, work plan and timeline for completion of any sub-committee created.

5-2. The Chairperson shall be an ex officio member of every sub-committee.

5-3. The Planning Commission shall make recommendations and an annual report to the Town Council concerning the operation of the Commission and the status of Planning within its jurisdiction, and may prepare, publish and distribute reports, ordinances and other material relating to its activities.

ARTICLE 6 – MEETINGS

6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 7:00 p.m. excluding the months of July and December. When a meeting falls on a legal holiday, the meeting shall be on the day following unless otherwise designated by the Commission. Such meetings must be held in a public building.

- 6-2 Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership.
- 6-3 All regular meetings, hearings, records, and accounts shall be open to the public.
- 6-4 A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the members present. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
 - 7-1-1. Call to order by Chairperson.
 - 7-1-2. Roll call.
 - 7-1-3. Determination of a quorum.
 - 7-1-4. Invocation.
 - 7-1-5. Pledge of Allegiance.
 - 7-1-6. Public Participation
 - 7-1-7. Review of Agenda.
 - 7-1-8. Reading of Minutes.
 - 7-1-9. Old Business.
 - 7-1-10. New Business.
 - 7-1-11. Adjournment.
- 7-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, most current edition.
- 7-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

The Chairperson shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 8 – HEARINGS

- 8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

- 8-2 Notice of special hearings shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5), nor more than twenty-one (21) days before the time of public hearing.
- 8-3 The case before the Commission shall be summarized by the Chairperson or other member delegated by the Chairperson. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to as evidence for any court of law, only after notice is given to the interested parties.
- 8-4 A record shall be kept of those speaking before the hearing.

ARTICLE 9 – CORRESPONDENCE

- 9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 9-2. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson and Vice-Chairperson.

ARTICLE 10 – AMENDMENTS

- 10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership of the Commission subject to review and confirmation by the Town Council after thirty (30) days notice.

Councilman T. Howard motioned, seconded by Vice Mayor Jester to affirm the By-Laws with the noted changes. Unanimously approved.

11. Appointment of the Building Code Board of Appeals

Town Planner Neville explained that there is a seat available on the Building Code Board of Appeals. He stated that Mr. Papadopoulos and Mrs. Lane have expressed interest in filling the seat.

Mayor Tarr opened the floor for nominations to fill the vacant seat on the Building Code Board of Appeals.

Vice Mayor Jester nominated Mr. Spyridon Papadopoulos.

There was discussion and comments about Mrs. Lane and utilizing her expertise elsewhere.

Mayor Tarr closed the floor for nominations. He called for a vote.

Council voted unanimously to have Mr. Spyridon Papadopoulos fill the vacancy on the Building Code Board of Appeals.

12. Mayor & Council Announcements or Comments

Councilman T. Howard stated that he listens to the situations of water and flooding that people are experiencing. He feels that Council should put all their energies into finding the solution as it is an Island wide problem.

Councilwoman Conklin agrees and would like to see the floodgates installed at Fowling Gut. She also stated that the ditch on Eastside has been working.

Councilwoman Richardson asked Councilman Frese about the recent change of the meeting time of 6:00 p.m. She suggested meeting him halfway to begin the meeting at 6:30 p.m. She would prefer 7:00 p.m. meeting times. She also asked about lighting on the new bridge.

There was discussion about VDOT not having enough in the budget to purchase and install them.

Mayor Tarr stated that there are lights on the bridge near the draw span section.

Councilwoman Richardson also mentioned the sidewalk south of the new bridge property.

Mayor Tarr stated that there will be discussing \$12,000 in the budget hearings for some changes to the intersection.

Discussion continued about the problems with the new traffic patterns.

Mayor Tarr requested that Town Manager Ritter meet with Public Works Director Spurlock and Town Planner Neville to look into this matter further.

Councilman T. Howard is concerned about the spur to Marsh Island. He feels that Council should be very aggressive as to how this is regulated as it is a dangerous intersection. He feels that there should be more than a stop sign at that intersection.

Town Manager Ritter mentioned the Transportation Study.

Mayor Tarr reminded Council of the Public Safety meeting on Tuesday at 5:00 p.m.

13. Adjourn

Councilman J. Howard motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

Mayor

Town Manager

**MINUTES OF THE APRIL 12, 2010
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

Council Members Present

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

Council Members Absent

John H. Howard, Councilman
James T. Frese, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 9:30 a.m. for the purpose of reviewing the proposed FY'11 budget.

2. Invocation.

Councilman T. Howard offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr Led in the Pledge of Allegiance.

4. Adoption of Agenda.

Councilwoman Richardson moved, seconded by Vice Mayor Jester to adopt the agenda. The motion was unanimously carried.

5. Review of Proposed FY'11 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'11 revenues for General Fund, Main Street, Harbor Fund, Trolley Fund and Water Fund.

6. Rate Schedules

Council discussed the proposed increases in vehicle decals, meals tax, transient occupancy tax, business license, solid waste collection, general government fee structure, harbor rates, and water rate structure.

7. Staff Research.

Mayor Tarr asked the following be researched by staff:

- \$30 vs. \$50 business license
- Number of businesses paying over \$500
- Breakdown of Utility Tax
- Charter Communications Franchise Fee – lien against Charter
- Fines
- Legality of resident rate vs. visitor rate - question for Town Attorney
- FY'11 is what year for water repayment to general fund

- Solid waste fee for Onley, Saxis, Cape Charles and Parksley
- Tower rent – when does amount change? How much does it increase?
- Trolley budget cuts of 10% to 15%
- Was salaries and benefits calculated with every employee receiving a 2.5% COLA and 2.5% Merit increase
- Christmas Dinner – Has the Town been billed completely?
- 3% of 5% of employee portion of VRS
- 5 year analysis of LGIP general fund savings – Is any money being saved for emergency reserve or is money being used?
- Top 10 meals taxpayers
- Top 10 transient occupancy taxpayers
- Stop immediately discount on User Fee for possession of Virginia Saltwater Fishing License, and
- Each department head to show how they would save 10% from their budget, if mandated.

8. Recess of Meeting.

Councilman Howard motioned, seconded by Councilwoman Richardson to recess the meeting until Wednesday, April 13, 2010 at 9:30 a.m. The motion was unanimously approved.

Mayor

Town Manager

**MINUTES OF THE APRIL 13, 2010
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 9:30 a.m. for the purpose of reviewing the proposed FY'11 budget.

2. Invocation.

Councilman T. 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. Staff reported on the items requested.

5. Review of Proposed FY'11 Expenditures.

Council discussed expenditures for General Government, Public Works Department, Police Department, Main Street, Harbor, Trolley and Water funds.

Council discussed increases in salaries overall.

Council discussed expenditures for employee health insurance benefit.

Council discussed increase in employee portion of VRS.

Council discussed bond payments.

Council discussed projects such as S.C.A.D.A., road lottery, vehicle replacement, etc. and how to fund these projects.

Mayor Tarr stated that many ideas have been discussed and he would like to get a consensus of Council on the items to include or not include in the proposed budget.

- Increase of minimum business license from \$30 to \$50. For: Jester, Conklin, Richardson, J. Howard, and Frese. Against: T. Howard
- Increase of vehicle license from \$27 to \$33. For: Jester, Conklin, Frese. Against: T. Howard, Richardson, J. Howard. Mayor Tarr was in favor of the increase.
- Real Estate Tax adjustment increase to \$0.06 per \$100 of assessed value. Unanimous
- Increase in transient occupancy tax from 3% to 4%. For: Jester. Against: Frese, Richardson, T. Howard, J. Howard, Conklin
- Increase meals tax from 4% to 5%. For: J. Howard, T. Howard, Conklin, Richardson, Frese. Against: Jester.
- Eliminate maximum on business license. For: none. Against: Jester, T. Howard, J. Howard, Frese Richardson, Conklin.
- Increase water rates. For: Conklin, Jester, J. Howard, Richardson. Against: T. Howard, Frese
- Increase Harbor rates: For: Jester, T. Howard, Frese, Conklin, Richardson. Against: J. Howard.
- Increase in trash fee: For: Jester, Richardson, J. Howard, Frese, Conklin. Against: T. Howard.

The road lottery program was added to the budget.

Council asked that the adjustments be made and to meet again for final revision.

7. Recess of Meeting.

Councilman Howard motioned, seconded by Councilwoman Richardson to recess the meeting until Tuesday, April 20, 2010 at 9:30 a.m. The motion was unanimously approved.

Mayor

Town Manager

**MINUTES OF THE APRIL 20, 2010
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

1. Call to Order.

Mayor Tarr called the meeting to order at 9:30 a.m. for the purpose of reviewing the proposed FY'11 budget.

2. Invocation.

Councilman T. 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'11 Budget.

Council discussed revenue and expenditures for each fund and the adjustments in particular line items based on the previous meeting. Rate schedules were also reviewed for requested changes.

Council discussed increases in salaries and adjustments to the COLA and merit increases and change the budgeted salary and benefit amounts. The money from this adjustment was put toward drainage.

7. Adjournment.

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

Mayor

Town Manager

**MINUTES OF THE APRIL 23, 2010
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Committee Members Present:

Bryan Rush, Chairman
April Hooper
Mollie Cherrix
Robbie Fisher

Call to Order

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

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilwoman Richardson to approve the agenda. Unanimously approved.

1. Interviews with Four Potential Brokers to Help Seek Health Insurance

The Town Council and Committee heard presentations from the following four health insurance brokers.

1. McCaleb- Metzler, Inc.
2. Associated Insurance Centers
3. The Meltzer Group
4. USI Insurance Services LLC

Once the presentation and question period was completed, the Committee met briefly to tally their score sheets.

The meeting was resumed and the Health Insurance Committee ranked their recommendations in order from first choice to last choice. They were ranked as the following:

1. USI Insurance Services LLC
2. The Meltzer Group
3. Associated Insurance Centers
4. McCaleb-Metzler, Inc.

Chairman Rush thanked all of the brokers for all their time and efforts.

Councilman Frese motioned, seconded by Councilman J. Howard to appoint USI Insurance Services LLC as the Town's broker. The motion died.

Ayes: Frese, J. Howard, Richardson

Nays: T. Howard, Conklin, Jester

Abstain: Tar

Councilman J. Howard motioned, seconded by Councilman Frese that USI Insurance Services LLC and Associated Insurance Centers both give the Town a price and Council make a decision based upon that price. After a brief discussion, Councilman J. Howard withdrew the motion and Councilman Frese withdrew the second.

Councilman Jester motioned, seconded by Councilwoman Conklin to select Associated Insurance Centers as the Town's broker. The motion died.

Ayes: Frese, J. Howard, Richardson

Nays: T. Howard, Conklin, Jester

Abstain: Tarr

Councilman J. Howard motioned, seconded by Councilman Frese to accept The Meltzer Group as the Town's broker. The motion was not carried.

Ayes: Frese, J. Howard, Richardson

Nays: T. Howard, Conklin, Jester

Mayor Tarr advised everyone to go home and think about this and reconvene on Tuesday, April 27, 2010 at 9:00 a.m. He also advised that he will consult with the Town's Attorney.

Adjournment

Councilwoman Richardson motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE APRIL 27, 2010 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

Committee Members Present:

Bryan Rush, Chairman

April Hooper

Robbie Fisher

Call to Order

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

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

1. Continue Discussion on a Potential Broker to Help Seek Health Insurance

Mayor Tarr stated this is a tough decision for Council and he has excluded himself from breaking the tie because of his ties with Associated Insurance Centers.

Councilman T. Howard agreed that the issue of a broker needs to be resolved and time is of the essence. He stated that after talking with the Committee members, he has never seen a Committee more in agreement with their reasoning.

Vice Mayor Jester also stated how difficult this decision has been. He asked that if both companies can offer the same policies what items should be used to break a tie. He suggested that the local business should be supported whenever possible which is why he leans toward Associated Insurance Centers.

Councilman Frese disagreed, stating that he finds doing business with a government agency is different than doing business with a regular company. He continued to state that the issue today is the best decision to be made for the constituents of the Town. He said Mr. Ritter was asked on two occasions as to whether the issue needed to be publicized and the answer was no it did not need to be publicized.

Councilman Frese also stated that the Committee was then formed and numerous meetings were held. He added that USI and Associated both appeared at these meetings and he feels everything was done fairly. He feels an obligation to vote for the best interest of the Town, employees, retirees and taxpayers. He feels fairness has been done. He commended both firms on an excellent job.

Councilwoman Conklin stated that since both companies have presented and both represent the same companies she feels we should give our support locally as well.

Councilman J. Howard hopes that there will be no grudges with each other because of different opinions. He added that everyone has the right to their opinion.

Mayor Tarr advised that he spoke with Town Attorney Poulson who made some suggestions if today's vote was also a tie. He stated that two of the suggestions were to write down what's important to Council in the health care plan and let the companies present again with plan prices or put the company names in a hat and draw a name. He added that there are no other rules in place.

Councilwoman Conklin likes the idea of being able to look at prices. She believes that is important in choosing the broker.

Councilman Frese stated that Council has done what they thought was best. He added that some felt the first vote was unfair so the vote was rescinded and was suggested to do it over again. He feels enough is enough.

Councilman J. Howard motioned, seconded by Councilman T. Howard to accept USI Insurance LLC as the Town's broker. Motion carried.

Ayes: Mr. T. Howard, Frese, J Howard, Richardson

Nays: Jester, Conklin

Mayor Tarr congratulated USI Insurance LLC as the Town's insurance broker.

2. Mayor & Council Announcements or Comments

Town Planner Neville discussed with Council the issue of signage at the foot of the new bridge. He stated that the Town will need to work with VDOT on these signs due to certain restrictions.

The placement of the existing "Welcome to Chincoteague" sign at the foot of the old bridge was discussed. The Town could relocate this sign to the new bridge location but as the sign is owned by the Chamber of Commerce permission would be needed.

Mayor Tarr asked what the next step is in the healthcare process. He would like Council input on plans and pricing as well. He feels we need a wide range of pricing as well as doctors in both Virginia and Maryland.

Other issues of concern were the administration of the retiree plan, the under 65 retirees and COBRA administration.

Ms. Buswell stated that the first step is to contact our current carrier as to their new rates. She has also made contact with another carrier as to their rates and the retiree plan will be carved out with those rates as well.

Mayor Tarr suggested that if there are any questions to contact Ms. Buswell. He stated that when Council meets again, Ms. Buswell will have carrier information such as plan designs, options, rates etc.

He stated that the next insurance meeting with the Committee, Council and USI Insurance will be May 6, 2010 at 9:00 a.m.

3. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MAY 3, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

Call to Order

Mayor Tarr called the meeting to order at 6:04 p.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Introduction of Student Government

Mayor Tarr welcomed the students that participated in Student Government Day. He introduced Honorable Hillary Chesson, Student Mayor and asked her to introduce the Acting Student Council and Staff.

Student Mayor Chesson introduced the Student Council and Staff:

Town Manager:	Miss Liz Cathey	
Chief of Police:	Mr. Chase Haugh	
Public Works Director:	Mr. Logan Wright	
Council Members:	Mr. Robbie Lang	Miss Samantha Ciniello
	Miss Mary Hudgins	Miss Mary Besecker
	Mr. Charles Snellings	Miss Liz Hipple

Student Mayor Chesson stated that they have spent the majority of the day speaking with Council, business owners and citizens. They discussed ideas and issues throughout the Island, listing 7 items they felt strongly about.

The first item was drainage. They voted during their mock session to implement a Master Drainage Plan and including it in the current budget. The next item was youth activities. They felt that the old Elementary School Gym could be utilized for youth activities. They also felt that the Community Center could emphasize additional activities such as concerts and dances. The third item was regarding motor vehicles. They passed an ordinance that all unregistered vehicles, such as scooters and mopeds require a helmet. The fourth issue they discussed was regarding alternative transportation to Assateague. The fifth issue discussed was regarding the intersection to the bridge. They feel the intersection is too narrow. The sixth issue they discussed was that there are no sidewalks north of the bridge intersection. The seventh issue was regarding the speed limits on the Causeway and new bridge.

Mayor Tarr invited the students to take their appropriate seats for pictures.

Open Forum/Public Participation

- Mr. Ray Rosenberger informed Council that he recently was at the Chesapeake Bay Bridge Tunnel during the celebration of their 50,000th visitor. He stated that Chincoteague was well represented. He also stated that the County is taking an aggressive position on the collection of delinquent taxes. He suggested that the Town follow suit.
- Mr. Harry Rauth asked if the Town could do anything about bicyclists along the Causeway. He feels that it is very dangerous for bicyclists to travel along this road. He stated that he spoke with VDOT and they advised that they have the right to the road. He expressed his concerns and requested Council take action.

Mayor Tarr responded that the Causeway is in VDOT's jurisdiction. He added that the Town has petitioned several years ago for a shoulder. He suggested contacting the State Delegates.

- Mr. Greg Savage addressed Council regarding issues with the Police Department. He stated that he and his wife feel that they have been convicted and punished by Chief Lewis. He stated that Chief Lewis has an armed guard present during the exchange of his grand-children between himself and his daughter-in-law, Melissa Savage. He also stated that Chief Lewis has ordered his officers to patrol during this exchange. Mr. Savage feels that they have been treated like criminals. He also stated that they have filed a No Trespassing Order. He was later told that the paper was lost and had to request another one be issued.

Mr. Savage stated that he has met with Mayor Tarr and Town Manager Ritter and asked to meet with Chief Lewis. He received a call on April 9th from Chief Lewis and was advised he would call back on another line. Mr. Savage stated that when Chief Lewis called back it was on a recorded line. He then stated that Chief Lewis stated that he spoke with the Commonwealth's Attorney and advised that there was no legal reason to order this to be done. He was assured that this would stop and it has not. He feels that the taxpayers of Chincoteague shouldn't have to pay for the private police department for his daughter-in-law. He feels this isn't right and is illegal. He added that Chief Lewis is guilty of at least police harassment. He requested that Council look into this matter further.

- Mrs. Patsy Savage of Horseshoe Drive addressed Council once again regarding the drainage issues around her property. She advised that she obtained the plat from Accomack on the roadway asked for an update.

Public Works Director Spurlock advised that he received the initial report earlier in the day. He stated that he hasn't had much time to review the report. He stated that the Public Works Committee meeting has been rescheduled for May 17th at 5:00 p.m. to discuss the recent report on drainage.

- Mrs. Jodi Andreach also reiterated what Mrs. Savage stated. She added that it is currently dry and needs to be taken care of soon. She doesn't want it forgotten.

- Mrs. Helen Merritt commented that she is a great-grandmother and has to pick children up from school daily because of working parents. She wouldn't want the police to be watching her when she's picking up her great-grandchildren.

Mayor Tarr advised that Council would be discussing this matter.

Staff Update

Police Department

Chief Lewis stated that when someone calls the Police Office feeling intimidated or threatened and they request the police presence, by law they have to go. He advised Council that the report for April is in the packet. He reminded everyone of the benefit dinner for Jay Lewis which is set for Friday night, May 7th.

Planning Department

Town Planner Neville reported that at the last Planning Commission meeting they reelected Chairman Ray Rosenberger and Mrs. Mollie Cherrix as Vice-Chairman. He advised that they have been working with VDOT on directional signage on the new bridge. He added that they have met with VDOT about the private street minimum standards. He also stated that he was pleased to represent the Town on the Hazard Mitigation Plan Committee at the ANPDC. He advised they have until 2011 to get the Plan approved. Town Planner Neville mentioned a grant for the drainage as they are currently working on the Drainage Master Plan.

Councilman T. Howard asked about the directional signs. He feels that the downtown businesses need a temporary sign if it's going to take a while to create the permanent sign.

Town Planner Neville advised that they are working quickly to get the sign completed. Councilman Frese mentioned the recessed meeting of the 27th. He stated that they consider business directional signage.

Town Planner Neville stated he would explore this issue.

Mayor Tarr advised that the first set of signs they're working on is the generic directional signs. He added that the second set of signs will be taken up by the Planning Commission regarding off premise and directional signs on Chincoteague.

Public Works Department

Public Works Director Spurlock has been in contact with Mr. Cole of the Army Corps of Engineers regarding Eastside and the environmental impact. They have solicited for a contract for the Pension Street Improvement Contract. He requested that VDOT's highway department review the new bridge intersection. He stated that along with routine operations the water service installations are complete on Pension Street including the reconfiguration of the fire hydrant. He advised that new services were installed on Deep Hole Road, Lakeview Road and Pine Drive.

Public Works Director Spurlock stated that the repair of the 8" line is still hanging on Cockle Creek. He advised that the only motorized scaffolding device for this type of work is only

available with American Bridge. He stated that they will complete the repairs when American Bridge is finished with the device.

Public Works Director Spurlock advised that they are preparing to install the fire main at the Methodist Church later in the week. He stated that under Roads and Facilities they are conducting routine maintenance. They have also installed a new volleyball court at Memorial Park. He stated they have done drainage repairs at the intersection of Chicken City Road and Maddox Boulevard along with Burton Avenue. He added that they have cleared the drain east of the Sea Hawk Motel. He stated that they are working on issues with the Margaret's Lane drainage. He concluded that they are clearing the overgrowth along Ridge Road for bicycle traffic.

Councilman J. Howard asked what type of material will be used along Eastside Road. Public Works Director Spurlock advised that he will be meeting with the Army Corps of Engineers to determine what types of material.

Vice Mayor Jester asked Chief Lewis for an update on the Coronation Program. Chief Lewis advised it will be completed this summer.

General Government

Town Manager Ritter reported that 1,500 vehicle decals were sold in the past month. The information has been submitted and received from the Main Street T-21 Grant reimbursement. He also stated that they are working on the budget forecasting and research. He stated that they are working with a website designer, Fresh Look, and should see a rough draft later next week. He stated that staff has been busy with the Daffodil Festival Business Licenses. He also stated that the Business License deadline has occurred. He reported the revenues for April:

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate	\$610,675	\$601,541	(up) \$ 9,134
Tangible Tax	\$170,161	\$179,274	(down)\$ 9,113
Meals Tax	\$405,063	\$405,485	(down)\$ 422
Sales Tax	\$ 79,724	\$ 89,250	(down)\$ 9,526
Transient Occupancy	\$531,491	\$531,691	(down)\$ 200
Water Rent	\$752,563	\$692,739	(up) \$59,824

Town Manager Ritter also reported that 39 people to date have signed up with the VEC. He stated that they still need to tally the number of jobs that were actually created and placed. He advised that they received the report from Springstead. He stated that in the Building and Zoning Department there were 204 inspections, 223 phone calls and 105 office visits. He announced that the EMS staff planned and manned a mock motor vehicle accident scenario relating to drinking and driving for the prom attendees. He added that those who had a role in the scenario were the Chincoteague EMS, Chincoteague Police Department, Chincoteague Fire Department and Salyer's Funeral Home.

Councilman T. Howard commented on the mock accident. He feels that it is a wonderful lesson. He commended those involved.

Mayor Tarr thanked staff for the reports.

Agenda Additions/Deletions and Adoption

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the agenda, adding another section for closed session regarding possible litigation. Unanimously approved

- 1. Consider Adoption of the Minutes:**
Regular Council Meeting of April 5, 2010
Special Council Meeting of April 23, 2010
Recessed Council Meeting of April 27, 2010

Councilman Frese stated that there was a request for business directional signage to be added in the Recessed Council Meeting of April 27, 2010.

Councilman T. Howard asked for clarification about the easement to Tarr Lane. Public Works Director Spurlock explained that it was regarding the skid-steer loader. He also added that the mention of Tarr Lane was to use Tarr Lane as an outfall for drainage of Horseshoe Lane and Ridge Road.

Mayor Tarr requested that Town Manager Ritter make the requested changes.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to adopt the minutes. Unanimously approved.

- 2. Setting the Date for a Public Hearing for a Fiscal Year 2011 Budget and Fee & Rate Schedules**

Town Manager Ritter advised in the Council Packet there is an announcement for a public hearing to be June 7, 2010 at 6:00 p.m. He stated that with the ad there will be a copy of the budget in the Town Office. He advised that the water rates will increase 6%, Harbor rate will go up 4%, Meals Tax will go to 5%, the decals will go up from \$27 to \$33, the trash collection will go from \$1.00 per week to \$1.50 per week and the Business License minimum fee will go from \$30 to \$50. He stated that the total budget is \$5,835,395, last year's \$5,844,744 and is down by approx \$10,000. He advised that the County has taken \$50k in tipping fees and the Town will receive a reduction of \$20k in law enforcement funds.

He advised the next public hearing will be June 7th.

Mayor Tarr advised this vote is simply to take it to a public hearing.

Councilman Frese requested to revisit the Council meeting times as it is hard for the working citizens to make it to a 6:00 p.m. meeting.

Mayor Tarr advised that Council hasn't met to discuss changing the time. He asked Town Manager Ritter what was on the agenda for June 7th so far.

Town Manager Ritter advised that the public hearings for the meals tax rate and the real estate tax rate.

Mayor Tarr asked if the advertisement for the budget could be listed at 7:00 p.m. further down the agenda.

There was discussion regarding the decal fees.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to hold a public hearing on June 7th, 2010 at 7:00 p.m. for the fiscal year 2011 budget and the fee & rate schedule. Unanimously approved.

3. Setting the Date for a Public Hearing on the Real Estate Tax Rate

Town Manager Ritter advised that the real estate tax rate is proposed to remain at 6%. He stated that although the rate is not scheduled to change it is required to have a public hearing. He asked Council if they agreed to set the public hearing for June 7, 2010 at 7:00 p.m. also

Councilwoman Conklin motioned, seconded by Councilwoman Richardson hold a public hearing on June 7th, 2010 at 7:00 p.m. for the real estate tax rate for 2010. Unanimously approved.

4. Setting the Date for a Public Hearing on the Meals Tax Rate

Mayor Tarr stated that Council is proposing to raise the meals tax rate 1%.

Town Manager Ritter asked Council if they agreed to have the public hearing on June 7, 2010 at 7:00 p.m. also.

Councilwoman Conklin motioned, seconded by Councilman Frese to hold a public hearing on June 7th, 2010 at 7:00 p.m. for the meals tax rate. Unanimously approved.

5. Proclamation for Safe Boating Week

Mayor Tarr explained the proclamation and asked Town Manager Ritter to have it put in the paper.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Proclamation for Safe Boating Week. Unanimously approved.



PROCLAMATION

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

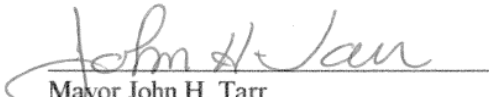
WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat; and

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

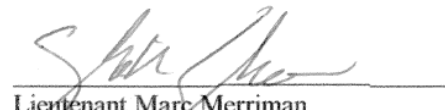
WHEREAS, U.S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague, provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur; and

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 22 through 28, 2010, as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.


DATED this 3rd day of May
2010.



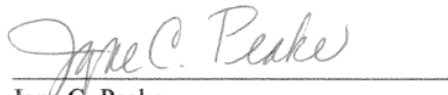
Mayor John H. Tarr



Lieutenant Marc Merriman
Supervisor
U.S. Coast Guard Sector Field Office
Eastern Shore



Chief Petty Officer A. Mark Kannon
Officer-in-Charge
U.S. Coast Guard
Station Chincoteague



Jane C. Peake
Flotilla Commander 12-6

6. Resolution on Spring Clean Up, Paint Up and Fix Up Week

Mayor Tarr explained the resolution for Spring Clean up, Paint up and Fix up week to begin May 8th, 2010 through May 14th, 2010. He also added that there will be a hazardous waste collection during the Mother Earth Day Festival on Saturday, May 8th, 2010 in the downtown area.

Town Manager Ritter advised that the bulk collection schedule will be Thursday, May 6th, then May 10th – 14th and again on May 20th. He stated that if anyone has anything to pick up to call the Town Office so it can be collected.

Councilman T. Howard motioned, seconded by Vice Mayor Jester to adopt the resolution for Spring Clean Up, Paint Up and Fix Up Week. Unanimously approved.



Resolution for Spring Clean up, Paint up, and Fix up Week

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 8, 2010; Mother Earth Day will celebrate the beauty of our Island and involves people around the world over the course of several days; and

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

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

1. That the week of May 8 – May 14, 2010 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague. To coincide with the Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 8 –May 14, 2010 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

John H. Tarr, Mayor

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

Mayor Tarr requested that this be placed in the paper also.

6. Resolution on Hurricane Preparedness Week

Mayor Tarr explained the resolution.

Councilman Frese motioned, seconded by Councilman J. Howard to adopt the resolution for Hurricane Preparedness Week. Unanimously approved.



RESOLUTION

Hurricane Preparedness Week 2010

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 23-29,2010 has been designated "Hurricane Preparedness Week"; and

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

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

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

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 23-29,2010 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

Attest: Town Manager

7. Ettinger Parcel Rezoning

Town Planner Neville stated that this is from the public hearing that was held on February 9, 2010. He stated that the Planning Commission forwarded their recommendation of denial. He stated that Mr. Ettinger is present and would like to address Council.

Mr. Phillip Ettinger gave his history and the history of the parcel in question. He pleaded with Council to approve the zoning change from R-1 to R-2 giving many reasons to approve the

request. He explained that it was never the intent during the incorporation of the Town to zone this parcel R-1 as it is not a part of Oyster Bay II. He feels obligated to contest the denying recommendation of the Planning Commission. He added that duplex homes satisfy the type and expense. He further stated that no home occupation business would be allowed as he would include this in the deed restrictions. He respectfully requested that Council approve the request.

Discussion continued about density, financial responsibility to the roads and the maximum number of lots being 9. Mayor Tarr added that if there are 9 duplexes on 4.5 acres there will be 18 single-family dwellings.

Vice Mayor Jester stated that it appears that Mr. Ettinger is trying to get around the subdivision regulations.

Mr. Ettinger feels that would be stretching it too far. He explained a drawing of the property. He also feels this would be more attractive.

Mayor Tarr asked how many lots this parcel could be subdivided into. Mr. Ettinger believes approximately 12 single family home lots.

Mayor Tarr reiterated that he could put 12 single family homes or 9 duplexes which would house 18 families.

There was discussion of the possible motions.

Councilman T. Howard feels there's a way to compromise.

Town Planner Neville discussed the reasons why this parcel was zoned R1. He feels it is important to make it a unique case for future rezoning requests.

Discussion continued.

Town Attorney Poulson stated that there is no legal impediment on rezoning this parcel.

Councilman Frese motioned to follow the Planning Commission's recommendation. There was no second. The motion died.

Town Attorney Poulson concurred with Mr. Ettinger about how the property could be legally divided. He added that Council could stipulate no home occupations as a condition of the rezoning.

Councilman Frese motioned, seconded by Councilwoman Conklin to approve the rezoning request for Phillip P. Ettinger – Parcel 'E' from R-1 to R-2 district for the following reasons:

- a. The property is similarly situated to adjacent lots along north Main Street that include a mix of residential zoning districts including the R-2 district,
- b. With the application of unique design and development standards, the property could serve as a transition between the adjacent R-1 and R-3 zoning districts,

c. Rezoning to the R-2 district would 'correct' a mapping error that occurred at the time of annexation into the Town.

Motion carried.

Ayes: T. Howard, Conklin, Richardson, Frese

Nays: Jester

Abstain: J. Howard

8. Public Safety Committee Report of April 6, 2010

Mayor Tarr advised that the minutes are in the packet and asked for comments or questions.

Vice Mayor Jester mentioned the plan for the 4th of July. Town Manager Ritter advised that there is a meeting scheduled for Tuesday at 3:00 p.m. with Mr. Rush, Mr. Van Dame, Chief Lewis and himself.

Mayor Tarr stated that there will be major changes from the past to include the Fire Department.

9. Reestablishing the Beach Access Committee

Mayor Tarr stated that the Committee was deactivated in 1998. He stated that each organization will be calling to appoint members on the Committee. He advised that there will be a meeting the week of the 17th. He added that it is opened to Council and the technical advisors will be the U.S. Fish and Wildlife and the National Park Service. He expressed the importance of this issue.

10. Bids for Pension Street Pavement Project

Public Works Director Spurlock stated that there were 2 bids for the Pension Street Project. He explained the scope of work. He advised that Branscome's bid was \$176,497.80 and Gerald Moore's bid was \$206,752.64. He recommended that Council award the contract to Branscome with the bid of \$176,497.80. He advised that he hasn't talked to Branscome about an immobilization date. He stated that the way they arrived to the bid amounts is that the grading and compacting is at a fixed price. He continued to add that the cost of installation of the crusher run and asphalt are based on tonnage. He asked Council to endorse that Branscome build in a 20% contingency. He will give them a "not to exceed" number of \$211,800. Public Works Director Spurlock also added that in the Roads Budget they still have \$281,861.95 and is well within the financial capability. He also recommended using CTI as the inspector at a cost of \$5,366 to the Town.

Mayor Tarr stated that they have never used outside consultants for inspection services.

Public Works Director Spurlock expressed concerns regarding compaction of the road. He feels that there is no other way to ensure that the Contractor is installing the required materials to specifications.

There was discussion regarding a contingency verses change orders.

Councilman T. Howard moved, seconded by Councilman Frese to approve the bid from Branscome Eastern Shore in the amount of \$176,497.80 for the Pension Street Improvement Project. Unanimously approved.

Vice Mayor Jester moved, seconded by Councilman J. Howard to authorize Public Works Director Spurlock to have 20% in contingency funds to use at his discretion and if a change order is needed on the project. Unanimously approved.

Councilman Frese motioned, seconded by Vice Mayor Jester to award the services to CTI in the amount of \$5,366 for consulting and inspections on the Pension Street Project. Unanimously approved.

11. Mayor & Council Announcements or Comments

Vice Mayor Jester commented on the pedestrian safety on Maddox and Deep Hole. He asked if the Town was waiting for an approval of VDOT for a crosswalk.

Public Works Director Spurlock stated that this can be done in-house. He advised that he has requested Traffic Engineering to reevaluate that intersection. He also added that the intersection will be repaved prior to Labor Day and they will paint the crosswalks at that time.

Mayor Tarr wished the candidates that are running for Council luck and reminded everyone to vote.

Councilman J. Howard stated that if someone puts poles down the side of their property they are required to apply for a fence permit. He also stated that if there is a sign along the road or near a business and it is destroyed, they have to apply for a permit to replace the sign. He feels that these things should be revisited.

Councilwoman Richardson asked what the Town is going to do with the millings from Pension Street. Public Works Director Spurlock advised there will not be much left as it mostly concrete and sand based with a slim coat of asphalt.

Councilwoman Richardson suggested using what little bit of millings they get on LeKites Drive as the Town owns a portion of that road. Councilman J. Howard asked what half the Town owns. Public Works Director Spurlock advised that the Town owns approximately 1/3 and that section has been improved.

Councilwoman Richardson asked if they have given the Town a 10' easement for the waterline that runs the entire length of LeKites. Public Works Director Spurlock advised that the only way the Town will repair an easement is if the water main is threatened. He stated that the main is not in the road there. He also stated that with Council's blessings he will use some of the millings on LeKites.

Councilman T. Howard commented on the Beach Access Committee. He stated that a citizen suggested that the Town conduct a survey to visitors asking about using busses to Assateague.

Town Manager Ritter reminded Council of the Health Insurance Committee meeting on Thursday, May 6th at 9:00 a.m. He also reminded Council of the Harbor Committee meeting on Thursday at 6:00 p.m. He mentioned the Mother Earth Day celebration on Saturday, May 8th in the Robert n. Reed, Sr. Downtown Park.

Public Works Director Spurlock reminded Council of the Public Works Committee meeting on the 17th at 5:00 p.m.

12. Closed Meeting in Accordance with Section 2.2-3711(A) (1)&(6) of the Code of Virginia

- **Consideration of the Investment of Public Funds**
- **Possible Litigation**

Councilman Frese motioned, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1)&(6) of the Code of Virginia to discuss the consideration of investment of public funds and possible litigation. Unanimously approved.

Councilman Frese motioned, seconded by Vice Mayor Jester to reconvene in regular session. Unanimously approved.

Councilman T. Howard motioned, 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)&(6) 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, Frese, T. Howard, Richardson, J. Howard, Jester
Nays- None
Absent- None

Adjourn

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MAY 6, 2010
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Committee Members Present:

Bryan Rush, Chairman
April Hooper
Mollie Cherrix
Robbie Fisher

Call to Order

Mayor Tarr called the meeting to order at 9:05 a.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilman Frese to approve the agenda.
Unanimously approved.

1. USI Health Insurance Brokers Presentation of Various Health Plans

Ms. Buswell and Ms. Carruthers met with the Council and Committee members to bring more information to help in the process of choosing a health insurance carrier. They explained the differences between PPO's and HMO's. The difference being that with a PPO you can cross state lines and an HMO is in state only. PPO's tend to be more expensive because the plans are in and out of network and have no specialists, etc.

They gave information about several carriers and reasons why they would or would not work for the Town. Some companies were not in the market for groups under 200 people, some declined to quote and some simply were not competitive on pricing.

Once these carriers were weeded out the three choices that seem to best suit the Town are Blue Cross Blue Shield, United Healthcare and Optima Health.

The question was asked as to how many plan designs we can choose from within any given carrier. We should have the option to have at least three choices.

There was lengthy discussion on HSA accounts. Councilman T. Howard asked how this type of plan is received in companies like ours.

One option briefly mentioned was Local Choice. This is a self funded pool where they set the plan designs. They rate you individually as a group. If you choose to leave the plan they assess you a charge for premium/claim difference. You will have to pay out a difference which could be very costly. Also, you are not guaranteed the same plan or carrier year after year.

Discussion continued on the retirees. The retiree plan will need to be carved out. United of Omaha will probably be the carrier to take care of this portion of the insurance. This could probably be done by June 1, 2010.

The next meeting is set for May 20, 2010 at 9:00 a.m. We should be able to make a decision during this meeting and present our information to Council at their meeting that evening. If Council votes on their recommendation a meeting between USI and the retirees could take place on May 21, 2010.

Adjournment

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

Mayor

Town Manager

MINUTES OF THE MAY 20, 2010 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Committee Members Present:

Bryan Rush, Chairman
April Hooper
Mollie Cherrix

Robbie Fisher
Harvey Spurlock

Call to Order

Mayor Tarr called the meeting to order at 9:08 a.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilman Frese motioned, seconded by Councilman J. Howard to approve the agenda. Unanimously approved.

1. USI Health Insurance Brokers Presentation of Various Health Plans

Ms. Buswell and Ms. Carrithers met with the Council and Committee members to go over the different carriers and plans as well as final pricing. In addition to medical plans they also gave information on dental and vision plans.

Ms. Buswell did advise everyone that she had spoken with the present carrier, United Healthcare, and was waiting to hear back from them with an even lower quote than they previously gave.

She also stated that Anthem, by far, is providing the best rates. Out of pocket and deductible amounts could be higher. All Anthem plans allow you to go into Maryland and have no referrals. This was one of the major concerns in choosing a carrier.

Optima Health, however, quoted rates higher than what we are currently paying.

The quotes we have at the present time from United Healthcare reflect a 22.4% increase with minimal changes. This does include the retirees. By removing the retirees it reflects an increase of 17%.

When asked if we had any questions or comments, Chairman Rush noted that most of the services with Anthem look comparable to what we now have.

After looking at the different plan options the committee was in agreement to present Council with three Anthem plans in which the employee would be able to choose. These plans are priced differently and have different deductibles, etc.

There was discussion on the dental and eye plans as well. If these are offered, they would be offered at the employee's expense but can be done through payroll deduction.

Should Council go with the recommendation, the retirees will be put on a separate plan with United of Omaha. The monthly bill will be mailed directly to the Town. This plan is accepted by all providers that accept Medicare. The Part D portion of the Medicare, which is the prescription drugs, will be handled by First Health.

All agreed to shoot for a July 1st timeline rather than a June 1st timeline so there will be enough time for meetings to educate the retirees and make for a smoother transition.

Chairman Rush thanked everyone for their time and effort during this process.

Mayor Tarr thanked USI Insurance Services for their patience.

Adjournment

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

Mayor

Town Manager

***MINUTES OF THE MAY 20, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING***

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr advised that Councilman J. Howard asked to add item 4(a) to the agenda for discussion of the waiver of a permit for a fee. He also asked the pleasure of Council to switch item 3 with item 5. Council concurred.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson to adopt the agenda as amended. Unanimously approved.

1. Consider Adoption of the Minutes

• **Special Council Meeting of April 6, 2010**

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

2. Resolution on VDOT's FY 2011, Litter Grant Program

Councilwoman Richardson motioned, seconded by Councilman Frese to adopt the resolution for the VDOT Fiscal Year 2011 Litter Grant Program. Unanimously approved.



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2011, Revenue Sharing Program; and,

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

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

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

ADOPTED by unanimous vote of the Town Council on June 20, 2010.

John H. Tarr, Mayor

(SEAL)

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

3. Commercial Use Authorization to Conduct Business on Public Property.

Town Manager Ritter advised that approximately 2 weeks ago Mr. Greg Dickey with the VML Insurance Program conducted a routine insurance meeting. He advised that he asked Mr. Dickey about 2 business license applications regarding kayak businesses to use the Eastside boat ramp. He was then advised that should an accident occur on Town property the Town would be liable. He stated that the Town then issued 9 letters to the kayak and charter boat businesses asking them not to conduct business at the Town's launch sites. He added that the Park Service charges \$200 and requires an agreement, which they have mirrored the enclosed draft policy.

Town Manager Ritter then stated that he met with several people regarding this situation and developed an agreement, which is included in the packet along with the email from Town Attorney Poulson. He stated that they are looking at some type of agreement with commercial use authorization. He advised that Town Attorney Poulson feels they need an agreement along with a \$1,000,000 insurance policy requirement, which he felt is an average amount. He added that Council can determine the amount. He reviewed the language of the proposed agreement.

There was discussion regarding the liability and verbiage of the agreement. Council feels they should include the Town as a co-insured.

Councilman Frese feels that those with business licenses shouldn't have to incur an additional fee. He reviewed the verbiage further, requesting that "kayak" be added. He advised that this matter was reviewed approximately 8 years ago and they did away with it.

Councilwoman Conklin asked about the amount of insurance required. She feels that the Town should be more business-friendly.

Councilman Frese asked Mayor Tarr if the complaint was that the kayak businesses were using the ramps to conduct business. Town Manager Ritter interrupted that this was to determine if an entity from Ocean City could come and set up business at the Town's ramps. He feels that it is a gray area.

There was lengthy discussion regarding amount of insurance and naming the Town on their policies. They also reviewed the draft agreement and made suggestions.

Mayor Tarr then opened the floor for public participation.

- Capt. Bret Schoeberl stated that his insurance policy specifically states "off and on the boat" and "to and from their car". He asked if he left someone at the handicapped ramp if he was still liable. Town Manager Ritter responded that it would be covered.

Mayor Tarr stated that it isn't because of the boat slip. He added that it's because of the agreement that holds the Town harmless.

Mr. Schoeberl asked if he would have to sign anything else or have more insurance. Town Manager Ritter advised they would not.

- Mr. Ray Davis of Capt. Dan's tours doesn't feel there is a comparison between the kayak businesses, using the ramp addresses to conduct business versus the Island businesses that use the ramps but conduct business elsewhere. He advised that they are only picking up the passengers at the ramps. He doesn't feel this makes any sense.
- Mr. Tommy Daisey of Daisey's Dockside Cruises feels that the Town should be friendlier to those who live here and pay taxes here. He doesn't feel they should be put in the same category as those businesses from Ocean City. He also added that the National Park Service requires a policy of \$300,000. He explained that because his business isn't 51% of his income. He requested that those who work on the water as a second job should have the same opportunity to be offered a slip at the Harbor.

There was some discussion about subleasing slips.

- Mr. Ernie Bowden feels that they need to read the Harbor Ordinances. He stated that the Harbor is for loading and unloading commercial and recreational vessels. He stated that they are

not conducting business at the Harbor by picking up customers. He also added they cannot insure the Town as you have to have an interest in the property you're insuring. He added that the Harbor Ordinance states that all areas other than the slips are open to the public. Mr. Bowden added that the only difference is stepping from the ramp to the boat. He suggested adding to the agreement "no loading of passengers from the ramp". He stated that they can designate an area for this purpose because they can't discriminate. He expressed that if we don't like the ordinances, they should change them.

- Mr. Dan Davis, of Captain Dan's, asked if there was a statement regarding too much parking. He doesn't agree that if there are too many customers using the parking facility then they would have to be relocated.

There was discussion back and forth and Mayor Tarr expressed his concerns regarding legalities.

- Mr. Bob Boardman stated that before his business license was approved, he had to have adequate parking. He asked how this was possible to approve a business license to those out of town businesses.

Someone in the audience asked if all the kayak users purchased a launching permit.

Mayor Tarr stated that the trailers have the permits and the kayaks have stickers. He advised that some businesses have both.

- Capt. Mac MacDowell mentioned the letter he received from Town Manager Ritter. He stated that this upset his family and feels that it's out of control. He was led to believe that the Harbor Committee makes recommendations regarding the Harbor. He stated that he is stuck in the middle. He stated that if he pays for a slip in the Harbor it will all go away. He also added that he is only asking for a place to have people get on the boat. He would like for Council to come up with something to help the working watermen that don't have slips.

Councilwoman Conklin advised that she received a letter from a kayak businessman. He advised her that he transports all his passengers and kayaks in his own vehicle. He stated that he is not taking up a lot of parking and is a resident of Melfa, Va. He also has more than adequate insurance. She stated that she doesn't understand why he is getting the runaround. She added that it isn't fair to force people to buy that amount of insurance that they'll never need.

Discussion continued about the amount of insurance.

Councilman T. Howard asked if the Town has liability insurance on all of the Town property. Town Manager Ritter advised that there is insurance for the "public property". He stated that it is different when it is being used for business purposes.

- Mr. Jim White understands the intent. He referred to the proposed policy. He doesn't believe that it's the Town's responsibility to determine what the reasonable rate would be for a business. He also doesn't agree allowing the Town Manager "discretion".

Mayor Tarr feels a simple solution is to go back to the original way of business, except if anyone applies and names the Town property as their place of business, it wouldn't be allowed. He added that an alternative would be if they would sign a "hold harmless" agreement.

Vice Mayor Jester asked if they would be willing to sign a "hold harmless" agreement.

- Ms. Mary Dipetro stated that she has worked in the insurance field and attorney's office. She stated that anyone can sue for just about anything. She also stated that you have to be legally liable before you have any exposure. She added that if the Town's dock has a flaw, they would be pulled into the responsibility.

Mayor Tarr stated that the Town had that matter brought up when they built the Skate Park. He advised that the insurance company stated that there was no more liability than someone swinging on a swing set. He stated that it's public property.

Vice Mayor Jester asked if they could revise the agreement to hold the Town harmless.

Town Manager Ritter asked what he should allow for the coming weekend.

Mayor Tarr suggested allowing them to run their businesses as usual, until Council can decide how to handle this matter. He feels the business license is a separate issue.

- Mr. Spider Fleming asked Council to put the agreement off until after the summer.

Mayor Tarr interjected that business will be as usual and there should only be an agreement to hold the Town harmless.

Councilman Frese asked that letters be sent tomorrow rescinding the recent letters asking business to cease.

Councilman Frese motioned, seconded by Councilwoman Richardson to allow those businesses affected by the letter to return to business as usual. Unanimously approved.

The working watermen in the audience thanked Council.

Councilman T. Howard motioned, seconded by Councilman Frese to have Town Manager Ritter draft a "Hold Harmless" agreement. Unanimously approved.

4. Discussion on the Time of Regular Council Meetings

Councilman Frese stated that the meetings were originally moved to 6:00 p.m. from 7:30 p.m. to be able to have more public participation. He stated that there have been problems with the earlier time, but doesn't want to go back to the 7:30 p.m. start time.

Councilwoman Richardson feels that 7:00 p.m. is sufficient as there are a lot of people that work or take care of family members that would like to attend. She also suggested having the public participation at the beginning.

Councilman T. Howard feels that Council should vote on a time and keep it so people can schedule the meetings and be able to attend.

Councilwoman Conklin stated that regardless of the time the people who want to attend will be there. She agrees with Mayor Tarr that the important agenda items that people didn't want to miss could be moved later in the agenda.

Councilwoman Richardson advised that with all due respect, she still works and the Mayor runs a business. She stated that she doesn't get supper during those meeting nights. She feels it is a hardship. She also added that if they weren't so long-winded they would get out at a decent hour.

Mayor Tarr stated that there will be an organizational meeting in July at which they can discuss the meeting times.

Councilwoman Richardson motioned, seconded by Councilman Frese to move the Council meeting times to 7:00 p.m. Motion carried.

Ayes: Richardson, Frese, T. Howard, Jester

Nays: J. Howard, Conklin

Mayor Tarr announced that the next Council meeting will be at 7:00 p.m. He stated that to avoid the late evening meetings Council should review the agenda and possibly set time limits. He advised this will be reviewed and addressed at the organizational meeting in July.

4(a). Discussion of Waiver of a Permit for a Fee.

Councilman J. Howard explained that currently if there is a sign in your front yard and someone damages or destroys it, you would have to apply for a new sign permit and pay the fee. He would like to have the permit fee waived to replace a damaged sign.

There was questions regarding the permit requirements and Mayor Tarr asked about the fee. Town Manager Ritter advised that the fee for less than 25 square feet is \$45 and \$1.00 for each square foot in excess.

Councilman J. Howard stated that this matter came up because someone ran into a sign damaging it. He stated that it was reported to the police. He added that the sign was replaced and the owner received a letter to obtain a permit for replacing the sign and pay a fee.

Discussion continued.

Councilman J. Howard motioned, seconded by Councilman T. Howard that if a sign is destroyed by a motor vehicle or act of God or beyond the owner's control, a permit shall be required as in the Building Code. However, the cost of the sign shall be waived. Unanimously approved.

5. Insurance Broker Recommendations to Council

(a) Recommendation on the Retires over 65 years of age.

(b) Recommendation on the Employees and Retires under 65 years of age.

Ms. Lisa Buswell introduced herself and Mary Carrithers of USI Insurance Centers. She explained the different plans for employees and pre 65 retirees, along with the post 65 retirees.

Mayor Tarr reiterated that the recommendation from USI is Anthem Blue Cross Blue Shield using the KeyCare plans. He stated that those that take the KeyCare plans with the lesser premium, the remainder of the allowance will be placed into a health savings account for that employee.

Councilman T. Howard motioned, seconded by Councilman Frese to accept the recommendation from the Committee and USI for the employees pre-65 for the Anthem Blue Cross Blue Shield KeyCare 15, 25 and Lumenos 67 HSA plan along with those who take the Lumenos 67 HSA plan the additional difference in premium from the base KeyCare 25 will go into their health savings account. Unanimously approved.

Councilman Frese motioned, seconded by Councilman J. Howard to accept for the post 65 retirees United of Omaha First Health Medicare Supplement part D plan F. Unanimously approved.

Councilman Frese motioned, seconded by Councilman T. Howard that the Town fund the donut hole as needed for the post 65 retirees. Unanimously approved.

Councilman Frese motioned, seconded by Councilman T. Howard to accept the voluntary dental and eye care plans. Unanimously approved.

Mayor Tarr thanked the Healthcare Committee members for their hard work.

6. Mayor & Council Announcements or Comments

Town Manager Ritter reminded Council that there would be a meeting with Mr. Lou Hinds and Ms. Trish Kicklighter for the annual USF&W meeting at 7:00 p.m. at the Center.

Mayor Tarr stated this is the annual general meeting of the plans for the upcoming season and not specifically for the beach parking.

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

• Special Awards (Scholarship)

Councilman T. Howard moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(10) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(10) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

Nays- None

Absent- None

ADJOURN

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

Mayor

Town Manager

MINUTES OF THE JUNE 7, 2010 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:01 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the pledge of allegiance.

PRESENTATIONS

Mayor Tarr read three Certificates of Recognition: one for Mrs. Ernestine Helen Hall, the second one for Mrs. Mabel Louise Liscum and the third for Mrs. Sadie J. Ayres.

(Insert Certificates Here)

Mayor Tarr advised they were unable to attend the meeting, but would see that they received their Certificates.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor to the public.

- Mrs. Nancy Rosenberger explained an incident at the Downtown Park. She strongly urges Council to post “No Dogs Allowed” there. She added that there are parks that do allow dogs. Mayor Tarr directed Public Works Director Spurlock to look into the regulations regarding dogs at the Parks.
- Mr. Joe Justice of Chicken City Road approached Council regarding the drainage issues on his property. He requested an update especially since hurricane season is here. He also added that on his boundary line along Vacation Park Lane there is an overgrowth of poison oak. He advised it is coming from an adjoining property onto his. He asked what can be done because it is a health hazard.

Building and Zoning Administrator Lewis stated that they do not have a weed ordinance, however, if it is a nuisance he will be able to send a letter requesting that this be cleared.

Mr. Justice advised it is a nuisance.

Councilman T. Howard feels this should be taken care of possibly through the Nuisance Ordinance.

There was discussion as to contacting the Assateague Inn to have them clear the property line as it is a nuisance to the adjoining property.

- Mr. Bob Conklin, Recreation and Community Enhancement Committee, addressed Council that the Committee has suggested building an observation deck to be placed on the eastside of the Curtis Merritt Harbor overlooking the Ocean. He stated that they would like permission for the Town to undertake this as it would be very opportunistic for various aspects of life. They feel this would be another popular project. He advised that they envisioned a 20-30 foot platform. Mr. Conklin stated they spoke with Public Works Director Spurlock regarding the materials to use and the construction. He stated that a contractor quoted a price of \$30,000 to build this type of observation area. He requested that Council consider putting this into the budget for the future.
- Dr. William Baczek, the Island’s Dentist, stated that he pays for a business license every year. He also stated that there is no other doctor’s office paying for a business license. He feels he is being discriminated against. He has reviewed the Ordinance and sees that a business license can be overruled by Council. He advised that he is the only doctor paying a business license and has cost him \$10,000 over the course of 20 years. He stated that he does a service to the Town and requests that Council find a solution.

Mayor Tarr directed Town Manager Ritter to research this matter.

Mrs. Jenny Van Dame stated that the Island is blessed to have Dr. Bazcek and would hate to see him leave because he isn't appreciated or treated fairly.

- Ms. Helen Merritt addressed Council regarding signs, flags and balloons. She asked where the rules originate. She stated that they are regulating so much that a business owner can't have a picture of seafood on a flag because they sell seafood. She asked if they make the rules up, because she knows they voted on them. Ms. Merritt also stated that the business people are hurting enough. She doesn't feel Council is being fair to the local business people. She requested that Council review the Sign Ordinance and think about the local businesses.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Planning Commission has completed their work on the Home Occupation Regulations and is ready for Council's review at possibly the next meeting. He also stated that they are making progress on the update of the zoning map. They have followed through with the discussion of the directional signs for the new bridge. He advised that they have rescheduled the next meeting for June 15th. He is currently completing a couple of grants as the deadline is approaching such as the Cop's program and VDOT Revenue Sharing. He is also working on the report for the 2009 Enterprise Zone.

Councilman T. Howard asked if the Planning Commission has reviewed off premise directional signs. He was advised that the work that has gone into this has been geared toward standardization.

Councilman J. Howard asked if there were plans with VDOT for the improvements to the Main Street Maddox Boulevard intersection.

Public Works Director Spurlock advised that he sent a request to VDOT and the Traffic Engineering Division has expressed their understanding and agreement, but has not offered an official response.

There was further discussion about planning the corrections to the intersection.

Councilman Frese asked about off premise directional signs. Town Planner Neville stated that the Ordinance was written not to include off premise signs. He feels that to add it back should be done carefully.

Discussion continued and Town Planner Neville suggested collecting information and holding a workshop.

Vice Mayor Jester commended Town Planner Neville on his plan to update the zoning on the Comprehensive Plan.

Councilman J. Howard stated he would rather see the business map as opposed to adding signage.

Several members of Council commented on the need for advertisement.

Police Department

Major Mills reported that the Department, through donations to the Food Bank, medical supplies, heating fuel and recent charities, has given out over \$45,000 this past year to help different people throughout the Town. He stated that Chief Lewis wanted him to thank all those who helped and made donations.

Mayor Tarr thanked the Police Department on behalf of Council and himself for going above and beyond the call of duty for the community.

Public Works Department

Water Works:

Public Works Director Spurlock advised that they have completed the water service for the Refuge/Park Service. They've ordered materials for the Methodist Church drainage improvements. And they are continuing with daily routine operations continue.

Roads & Facilities

Routine seasonal upkeep and maintenance continues along with the spring cleanup that took about 10 days, which included debris collection. They have completed the Pension Street sidewalk removal and also completed cleanup at the Curtis Merritt Harbor. They have put mulch in at the Robert N. Reed, Sr. Downtown Park and conducted pothole patching. The P.M. activities for the emergency generator are complete.

Staff

Public Works Director Spurlock received the draft M. O. U. from Accomack County Public Works. This included the plan to take over the Convenience Center on Deep Hole Road. They will give current staff the first option for employment and has listed to be closed 1 day per week. He also reported that they have reviewed the easements for the Chicken City Road Intersection and there should be no impact on the properties. Pension Street paving should be completed by June 18th. They are planning repairs to the washout and collapse of the culvert on South Main Street on the east side of the road near Mr. Britton's property.

There was discussion about installing flood gates while they're repairing the culvert and completing the Master Drainage Plan. Branscome is currently paving Pension Street and will be doing some minor asphalt work along Maddox Boulevard and Main Street in the area of Marlin Street. The pavement markings will be scheduled after the completion of paving. The Cockle Creek water main has been repaired. They are planning to complete the drainage work on Margaret's Lane.

There was discussion regarding the purchase of a plainer. Mayor Tarr advised that there is an attachment for the skid steer and could possibly workout in the upcoming budget.

General Government

Town Manager Ritter reported that the 2nd notices for Business License renewals were mailed out. The office is receiving Blueberry Festival applications along with Meals and Lodging taxes. VDOT is planning the Bridge Grand Opening for possibly September 25th and has hired a consultant. He also announced the Swearing in Ceremony on the 24th at 5:00 p.m. with Mr. Sammy Cooper. He requested the comments from Council for Springstead. He also advised they were reviewing new tax software and would be discussed later in the meeting.

He reported Revenues for the month of May:

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate	\$612,745	\$610,328	(up) \$ 2,417
Personal Property Tax	\$172,326	\$182,143	(down)\$ 9,817
Meals Tax	\$436,438	\$435,636	(up)\$ 802
Sales Tax	\$ 87,723	\$ 97,334	(down)\$ 9,611
Transient Occupancy	\$558,872	\$560,395	(down)\$ 1,523
Water Rent	\$817,530	\$745,990	(up) \$71,540

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Council Budget Workshop Meetings of April 12, 13 & 20, 2010**
- **Regular Council Meeting of May 3, 2010**
- **Special Council Meeting of May 20, 2010**
- **Regular Council Meeting of May 20, 2010**

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

2. Public Hearing for the Fiscal Year “2011” Budget Consisting of:

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

Mayor Tarr declared the public hearing open.

Mrs. Hipple reviewed the budget in its entirety explaining the changes. She reviewed the revenue and expenditure charts for each fund comparing this year’s budget to last year.

Vice Mayor Jester discussed breaking down the different taxes and mentioned breaking down the salaries for EMS personnel.

Mrs. Hipple gave a breakdown for the department salaries.

Councilwoman Conklin asked about the Water Fund expenses. Mrs. Hipple also explained the revenue and expenses to Fund 25 which is the Broadband Project.

Mayor Tarr asked for any further comments.

Mrs. Peggy Thomas asked about the User Fee at the Curtis Merritt Harbor for those who rent slips. She also feels the Town is double dipping by collecting slip rent from the slip holder and again to sublease the slip if it isn't occupied.

Mayor Tarr advised that the slip holders get a free sticker for Harbor use only. Mrs. Hipple added that should they want to use the other launches they would have to pay for it.

Town Attorney Poulson asked about the line of credit and having to post a \$100,000 certificate of deposit. Mrs. Hipple advised that the line of credit is the certificate of deposit. This is just the collateral for the broadband grant and the Town will get this money back.

Mayor Tarr closed the public hearing. He advised Council the budget will be on the 17th agenda for approval.

Councilman Frese addressed the fees for two-sided copies. He stated that the fee in the budget is \$0.50. He believes that this comes under the FOIA laws. He stated that the standard cost is generally \$0.10 per page. He feels this is fair and reasonable and should be changed from \$0.50 to \$0.10.

Town Manager Ritter advised that the charge is also regarding the human side.

Councilman Frese stated that the human side is taken care in the FOIA laws. He doesn't feel this is a fair cost. He stated that Mrs. Hammonds gave him information from research she conducted that it costs the Town \$0.0397 per page to copy, which covers the rent, toner, maintenance and paper. Town Manager Ritter agreed.

Councilman Frese motioned, seconded by Councilman T. Howard to reduce the copy fee from \$0.50 to \$0.10 per page. Unanimously approved.

Councilman T. Howard apologized to Mrs. Hipple about his questioning of the decal fees from earlier in the meeting. He also commended her on a good presentation.

Vice Mayor Jester discussed the increase to the decal fee. Councilman T. Howard stated that he doesn't feel its right to raise the fee because the County raised their fee or "possibly" could take the difference.

There was further discussion about the fee.

Mayor Tarr reviewed the increases in the different fees and rates that are listed in the draft budget. He also commended Mrs. Hipple for explaining the shortfalls. He also stated that the Ordinance Committee will be reviewing fees.

Councilman T. Howard commended Councilman J. Howard and Councilman Frese for reviewing things to make them fair.

3. Public Hearing on the Real Estate Tax Rate

Mayor Tarr declared the public hearing open. He advised that the tax rate will be the same. However, the revenues went over by 1% due to the reassessment from the County. He continued that the Town will have to adjust back the tax rate amount.

Mrs. Hipple explained that the Code of Virginia states that if there is a general reassessment that you must do a rate adjustment that equals within 1% of last year's revenue, taking the new assessment amount and rolling back your tax rate. She stated that it is 5.9%, but the County cannot support a part of a percent. She concluded that they roll the rate up by .001 to have a round number and causes the Town to have a public hearing.

Mrs. Peggy Thomas asked about the water rates.

Mayor Tarr closed the public hearing.

4. Public Hearing on the Meals Tax Rate

Mayor Tarr opened the public hearing.

Mayor Tarr explained that the meals tax rate increase for the new budget is 1%, from 4% to 5 %.

Mayor Tarr closed the public hearing.

5. Public Hearing on a Lot Line Vacation

Mr. Turner stated he is before Council on behalf of Mr. Carlton Mason who normally uses an attorney from Virginia Beach. He stated that Mr. Mason's attorney would like to table this matter until next month to resolve any issues with the homeowners of the lot line vacation.

Town Attorney Poulson stated that he may not have all of the necessary documents to legally act on this matter. He stated that this matter should be re-advertised for two weeks.

Mayor Tarr stated that there will not be a public hearing as it is not ready to be heard.

Mr. Roth, Marsh Island, presented a necessary document to Council regarding restrictions and covenants of Captain's Quarters.

Councilwoman Richardson motioned, seconded by Vice Mayor Jester to postpone this matter until June 17, 2010 for further review and research. Unanimously approved

Mayor Tarr announced that this will be re-advertised in the Eastern Shore News or the Post.

6. Recommendation to Purchase Tax Software

Mrs. Hipple stated that the tax billing and collections system has never been updated and the current company that the Town works with will not be able to offer as they previously stated.

She advised that they have researched and found 3 companies; BAI, PCI USA and Southern Software. She stated that she along with Mrs. Hooper and Mrs. Fox have looked at the products online. She informed Council that Southern Software is willing to split the setup cost between the fiscal years.

Town Attorney Poulson asked about the contract. Mayor Tarr asked about the dates set in the contract. Mrs. Hipple advised that she set the date and it could be changed.

Mayor Tarr also expressed his concern about the statement that they don't guarantee 100% conversion. He asked if they did a sample. Mrs. Hipple stated they have received the information and they conducted a test conversion from the County's software. She advised that the conversion of the history of 10,000 delinquent tax bills is very important.

There was discussion regarding the delinquent taxes.

Mrs. Hipple is asking for approval to pursue the contract and obtaining the software for tax billing and collections.

There was also further discussion regarding the current software company.

Town Attorney Poulson asked for a list of things the Town is looking for in the software and company.

Town Manager Ritter advised that it is staff's recommendation to go with Southern Software.

Vice Mayor Jester motioned, seconded by Councilman J. Howard to approve the purchase of the tax software from Southern Software after Town Attorney Poulson and staff has reviewed and made additions/corrections to the contract and work with Harris is complete. Unanimously approved.

7. ESVBA and the Town Engineering Service Agreement

Town Manager Ritter stated that he and Town Planner Neville has reviewed the agreement and forwarded on to Town Attorney Poulson.

Town Attorney Poulson stated that there have been some additions, corrections and deletions from both parts and he would like to join both together.

Mrs. Hipple also informed Council that the ESVBA has asked for an irrevocable letter of credit and a certificate of deposit in the amount of \$100,000. She advised they are going to closing this week and has until tomorrow to complete the paperwork.

Town Attorney Poulson added that these are different things.

Mrs. Edwards thought that the letter of credit was option B.

Town Manager Ritter stated he feels that they need to approve the agreement.

There was further discussion.

Mayor Tarr directed Town Manager Ritter and Mrs. Hipple to contact the ESVBA regarding this matter.

Council concurred to have Town Attorney Poulson review the agreement prior to approval.

8. ESVBA and the Town Agreement for Network Build-Out

Council concurred to have Town Attorney Poulson review this agreement also prior to approval.

9. Mutual Aid Agreement with Department of Interior, U.S. Fish & Wildlife

Mayor Tarr stated that Town Attorney Poulson has reviewed the agreement and explained that whoever calls has to pay for the service.

Town Attorney Poulson explained some of the details of the agreement.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to approve the Mutual Aid Agreement with the Department of Interior, U.S. Fish & Wildlife. Unanimously approved.

10. Harbor Committee Report of May 6, 2010

Councilman T. Howard reported that subleasing is up. He stated that the surveillance cameras are actively running. He reported that the fish cleaning station has been moved. He also stated that Harbormaster Merritt has attended a workshop entitled "A Clean Marina Program". They have talked about and decided to install speed bumps at the Harbor. He advised that they had an update on the fuel system. The Boating Infrastructure Grant has been approved and they are waiting to hear from the Port Authority. There is a problem with the swells into the Harbor. He stated that at the Budget Workshop they decided to raise the daily rate by \$0.50 per foot, from \$3.50 to \$4.00 per foot.

Mayor Tarr stated that the roads at the Harbor are part of the VDOT system and before the speed bumps are installed they should be contacted.

There was discussion about the speed bumps, the stone piles and the fish cleaning station.

11. Recreation and Community Enhancement Committee Report of May 11, 2010

Councilman Frese asked for questions from the minutes in the packet.

There was further discussion about building an over-look at the Harbor.

Vice Mayor Jester asked about a walk-through from Ocean Boulevard Extended to Chicken City Road. They talked about building bridges over the low areas.

Mayor Tarr asked for more information and plans.

12. Public Works Committee Report of May 17, 2010

Mayor Tarr asked for questions regarding the report.

Public Works Director Spurlock asked to make a correction. He stated that the next scheduled meeting will need to be rescheduled as it is listed as July 6th as this is the date of the next Council meeting.

13. Resolution to Apply for VDOT Revenue Sharing Program

Public Works Director Spurlock stated that VDOT will match dollar for dollar and use these funds for the road lottery. He stated that the current budget has \$50,000 to go toward one private road.

Mayor Tarr stated that we will match VDOT roads money and would have \$100,000 to complete the work.

Public Works Director Spurlock stated that there is flexibility as to what road. He stated that the rules have to be worked out for the Lottery.

Mayor Tarr added that VDOT will have to research the paperwork to make sure the road can be added into the system.

Town Manager Ritter stated that this resolution allows the Town to apply for the Grant.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to approve the resolution to Apply for VDOT Revenue Sharing Program. Unanimously approved.



RESOLUTION

WHEREAS, the Town of Chincoteague Inc. desires to submit an application for an allocation of funds of up to \$50,000 through the Virginia Department of Transportation Fiscal Year 2010, Revenue Sharing Program; and

WHEREAS, the Town will provide \$50,000 for this program, to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia; and

WHEREAS, the Director of Public Works will prepare a prioritized list of eligible projects including the construction, reconstruction or improvement of Town streets for inclusion into the public street maintenance system;

NOW, THEREFORE, BE IT RESOLVED THAT: the Town Council hereby supports this application for an allocation of \$50,000 through the Virginia Department of Transportation Revenue sharing Program:

BE IT FURTHER RESOLVED THAT: the Town Council hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects.

ADOPTED This 7th Day of June 2010.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Town of Chincoteague on June 7, 2010.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

14. Mayor & Council Announcements or Comments

Councilwoman Richardson expressed her discontent regarding the new volleyball court at Memorial Park. She advised that there is a cost to the Town. She advised that the fence has been removed, there was manpower to build it, the middle school students are unable to practice there and the Coast Guard will not be practicing there any longer. She stated that the Coast Guard will be practicing on the mainland daily because of this.

Mayor Tarr stated that if the fence was put back up, there wouldn't be a problem.

Councilman J. Howard asked if there was another location to put the volleyball court.

There was discussion regarding the placement of the fence.

Councilwoman Richardson feels the Town should be good neighbors with the Coast Guard.

Discussion continued in-depth. Council expressed their disagreement.

Mayor Tarr asked Councilwoman Richardson for a list of concerns to be given to Town Manager Ritter and Public Works Director Spurlock.

Councilman T. Howard feels that the use and needs should be reviewed.

Councilman J. Howard suggested this matter be referred to the Committee.

Mayor Tarr stated that it looks nice.

Councilwoman Richardson also mentioned the Chicken City Road and Church Street intersection. She asked if there were plans for a light at the intersection.

Public Works Director Spurlock advised that they were. He also added that VDOT stated they were not widening the intersection any further to create a turn lane.

There was further discussion about the plans for the intersection.

Councilman J. Howard stated that he will be voting against the budget as he is dissatisfied with the way the Town is operating.

Councilman T. Howard talked about a parking issue on the curve in front of the old Bunting house. He expressed his concern of the potential for an accident there. He feels that the Public Works Director should review this matter.

Council continued to discuss this matter further.

Mayor Tarr thanked Mrs. Lane for writing the news letter. He also announced that July is the new Committee assignments and Town Manager Ritter will be issuing the current Committee listings and numbers. He asked Council to contact him about their assignments. Mayor Tarr asked Town Manager Ritter to give Council an updated list at the Harbor. He asked Town Attorney Poulson to review a dilapidated boat ordinance.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JUNE 17, 2010 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

Absent:

John N. Jester, Jr., Vice Mayor

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin suggested items 2 and 3 on the agenda be postponed as Vice Mayor Jester was out of town. She feels that this could be rescheduled and the items should be discussed with full Council.

Councilman Frese asked if there would be a special meeting to discuss these items before his term expires. Councilwoman Conklin advised that was her intent.

Councilman T. Howard agreed that they be postponed for full Council. Council concurred.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda, deleting items 2 and 3 and rescheduling those items on an agenda before Councilman Frese's term expires. Unanimously approved.

1. Presentation by PASS Marketing on a Bridge Celebration

Mr. Joe Lowrey came before Council regarding a bridge opening ceremony/celebration. He discussed the things to include in the celebration. He feels this would promote community spirit and pride. He stated that any celebration would require funding. He also stated that VDOT does not have the funds. He added that this is not a VDOT function.

Mr. Lowery explained the options: 1) Announce through the state system. 2) Invite approximately 300 people to attend an event. 3) Conduct a Family Fun Walk on the bridge then have a ribbon cutting ceremony.

Councilman J. Howard asked if there could be some improvements made before the Council commits to having a ceremony. He advised that he would like to see a property swap for more footage in the turn lanes.

A representative with Jacob's Engineering advised that the Department of Transportation has come up with some solutions for the Main and Maddox intersection issues. He stated that there are short-term solutions with American Bridge along with long-term solutions of property acquisition.

Councilman T. Howard asked if there was any idea as to the exact plan.

There was further discussion about the plans for the intersection.

Mr. Lowery continued and advised of the different funds to make the ceremony happen. He recommends a big event. He suggested a Family Fun Run or half marathon. He stated that the publicity would be nationwide. He believes that over 2,000 people would be in attendance. He informed Council that an organization that promotes health expos was interested in attending and setting up at the Community Center. He stated that this would be an event that would precede the actual race. Mr. Lowery explained in detail his ideas for attendance and participants. He suggested turning this into an annual event to promote tourism and community. He stated that they have informally labeled it the Chincoteague Challenge.

Mayor Tarr asked for a deadline.

Mr. Lowery asked for Council's endorsement for further planning.

Councilman T. Howard is concerned of the projected expenses of up to \$40,000 for this event.

Mr. Lowery stated that there are matching funds and they are prepared to raise money through Virginia Green, which is done through DEQ.

Councilman T. Howard expressed his concern of the cost. He doesn't feel this should be a quick decision. Mr. Lowery advised that they aren't asking for any money from the Town. They're asking for cooperation from the Police Department and for in-kind services.

Discussion continued.

Councilman J. Howard motioned, seconded by Councilwoman Conklin to move forward and endorse the planning of a bridge celebration. Unanimously approved.

Mayor Tarr feels this is a great opportunity for the community.

2. Beach Access Committee Revised

Mayor Tarr advised that Council has a membership list for the Beach Access Committee. He stated that this is before Council for some minor changes. He explained the Committee assignments. He stated that the Committee is asking to move the County Administrator and the Town Manager down so that they would be advisors and not a voting part of the Beach Access Committee. He advised that anything done at the meeting would be brought back to Council.

Councilman J. Howard motioned, seconded by Councilman T. Howard to the changes to the Beach Access Committee members. Unanimously approved.

3. Possible Adoption of the fiscal Year "2011" Budget, Consisting of

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

Town of Chincoteague

<u>Expenditure Name</u>	<u>Number</u>	FY'11 Expenditures	
FUND 10 - General Fund			
Fund 10 - General Fund/Department 50 - General Government			
<u>Salaries</u>			
Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	360,367
Emergency Medical Staff	5010-1002	\$	223,704
Overtime	5010-1003	\$	30,000

<i>Subtotal</i>		\$	641,911
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Benefits

Social Security	5020-2001	\$	49,106
Hospitalization	5020-2101	\$	60,765
Blood Bank	5020-2102	\$	100
Unemployment - All Employees	5020-2103	\$	5,000
Retirement	5020-2201	\$	63,550
Life Insurance	5020-2202	\$	2,589
<i>Subtotal</i>		\$	181,110

Expenses

Bank Charges	5030-3100	\$	3,000
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	13,000
Planning Commission	5030-3103	\$	40
Board of Zoning Appeals	5030-3104	\$	40
Building Permit Surcharge	5030-3105	\$	735
Board of Building Code Appeal	5030-3106	\$	25
Emergency Medical Clothing	5030-3107	\$	2,200
EMS Cell Allowance	5030-3108	\$	1,500
Insurance	5030-3401	\$	100,700
Auditing	5030-3501	\$	24,790
Donations	5030-3601	\$	6,600
Fire Department Donation	5030-3602	\$	19,650
Transfer to Civic Center (TOTAX - 17%)	5030-3701	\$	102,000
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$	60,000
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	10,000
Office Equipment/Software Maintenance	5030-4402	\$	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	\$	19,000
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	\$	11,000
Building Maintenance	5030-7301	\$	5,000
Electricity	5030-7401	\$	14,500
Heating Oil	5030-7402	\$	3,500
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
Telephone Bills	5030-8202	\$	18,000
Health Insurance - Retirees	5030-8401	\$	46,000
Insurance-Ret Spouses & Others	5030-8402	\$	20,796
Miscellaneous	5030-8501	\$	5,000
Cemetery Cleanup	5030-8600	\$	1,500
Va Commission for the Arts	5030-8700	\$	10,000
Transfer to Main Street Project	5030-8800	\$	19,610
Transfer to Trolley Fund	5030-8900	\$	20,000
VOLSAP For Volunteer Firemen	5030-8912	\$	2,640
<i>Subtotal</i>		\$	620,126

Capital Improvements

Office Equipment	5090-9709	\$	6,000
Bond - School Board Property	5090-9740	\$	69,626
Interest on Bond	5090-9741	\$	13,330
<i>Subtotal</i>		\$	88,956

Subtotal Fund 10 Department 50 \$ 1,532,103

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

Salaries

Salaries	6010-1001	\$	110,223
Overtime	6010-1003	\$	500
<i>Subtotal</i>		\$	110,723

Benefits

Social Security	6020-2001	\$	8,363
Hospitalization	6020-2101	\$	18,000
Retirement	6020-2201	\$	13,453
Life Insurance	6020-2202	\$	498

<i>Subtotal</i>		\$	40,314
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Expenses

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,000
Street Signs / 911	6030-4502	\$	3,000
Street Lights	6030-4503	\$	40,000
Gasoline/Diesel	6030-4701	\$	22,875
Oil/Grease	6030-4703	\$	2,500
Tools Shop	6030-4704	\$	2,000
Travel/Training	6030-4801	\$	1,250
Clothing / Uniforms	6030-5202	\$	1,175
Building Maintenance	6030-7301	\$	1,500
Equipment Repairs	6030-7302	\$	12,500
Safety	6030-7303	\$	750
Vehicle PMs	6030-7304	\$	1,000
Tires	6030-7305	\$	2,000
Garage Supplies	6030-7306	\$	2,000
Vehicle Repairs	6030-7307	\$	7,000
Electricity	6030-7401	\$	7,500
LP Gas	6030-7402	\$	2,000
Tipping Fees	6030-7501	\$	1,200
Sanitation Contract	6030-7501	\$	380,256
Miscellaneous	6030-8501	\$	1,500
<i>Subtotal</i>		\$	493,506

Capital Improvements

Vehicle	6090-9101	\$	25,000
Equipment	6090-9102	\$	10,000
Consultant	6090-9103	\$	48,857
Road Lottery Program	6090-9104	\$	50,000
<i>Subtotal</i>		\$	133,857

Subtotal Fund 10 Department 60		\$	778,400
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Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	31,504
Overtime	6110-1003	\$	10,000
<i>Subtotal</i>		\$	41,504

Benefits

Social Security	6120-2001	\$	3,103
Hospitalization	6120-2101	\$	1,290
Retirement	6120-2201	\$	626
Life Insurance	6120-2202	\$	20
<i>Subtotal</i>		\$	5,039

Expenses

Insurance	6130-3401	\$	8,100
Office Supplies	6130-4401	\$	200
Gasoline	6130-4701	\$	5,500
Tools & Small Equipment	6130-4704	\$	1,000
Chemicals	6130-4705	\$	44,610
Contract Spraying	6130-4706	\$	22,500
Travel/Training/Conference	6130-4801	\$	300
Uniforms	6130-5202	\$	500
Equipment Repairs/Maintenance	6130-7302	\$	1,500
Safety Equipment	6130-7303	\$	400
Vehicle Maintenance	6130-7304	\$	1,250
Sundry	6130-6101	\$	200
Cell Phone Allowance	6130-6204	\$	400
<i>Subtotal</i>		\$	86,460

Capital Improvements

Drainage	6190-9125	\$	63,294
<i>Subtotal</i>		\$	63,294

Subtotal Fund 10 Department 61 \$ 196,297

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

Salaries

Salaries	6310-1001	\$	175,062
Overtime	6310-1003	\$	1,000
<i>Subtotal</i>		\$	176,062

Benefits

Social Security	6320-2001	\$	13,299
Hospitalization	6320-2101	\$	39,000
Retirement	6320-2201	\$	21,367

Life Insurance	6320-2202	\$	792
<i>Subtotal</i>		\$	74,458

Expenses

Seasonal Decorations & Banners	6330-4100	\$	2,000
Tools	6330-4704	\$	750
Uniforms	6330-5202	\$	5,179
Public Restroom Supplies	6330-6260	\$	5,000
Electricity	6330-7401	\$	3,500
Sundry	6330-8501	\$	200
Park & Recreation Expense	6330-8590	\$	5,000
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	17,000
Transfer to Boat Ramp Reserve	6330-8701	\$	8,000
Donald J Leonard Park	6330-8800	\$	200
Island Nature Trail	6330-8900	\$	1,000
<i>Subtotal</i>		\$	49,829

Subtotal Fund 10 Department 63		\$	300,349
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Fund 10 - General Fund/Department 65 - Public Works Roads

Salaries

Salaries	6510-1001	\$	54,086
Overtime	6510-1003	\$	2,000
<i>Subtotal</i>		\$	56,086

Benefits

Social Security	6520-2001	\$	4,291
Hospitalization	6520-2101	\$	10,500
Retirement	6520-2201	\$	6,685
Life Insurance	6520-2202	\$	244
<i>Subtotal</i>		\$	21,720

Expenses

Snow Removal	6530-4102	\$	1,000
Pavement Maintenance	6530-4150	\$	232,097
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
Electricity	6530-7450	\$	49,000
Engineering	6530-8600	\$	5,000
<i>Subtotal</i>		\$	391,597

Subtotal Fund 10 Department 65 \$ 469,403

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	439,875
Overtime	7010-1003	\$	8,500
<i>Subtotal</i>		\$	448,375

Benefits

Social Security	7020-2001	\$	34,755
Hospitalization	7020-2101	\$	36,000
Retirement	7020-2201	\$	49,970
Life Insurance	7020-2202	\$	1,975
<i>Subtotal</i>		\$	122,700

Expenses

Gasoline	7030-4701	\$	19,500
Travel/Training	7030-4801	\$	7,000
Uniform Allowance (Officers)	7030-5201	\$	6,000
Uniforms - Town	7030-5202	\$	3,000
Office Supplies/Equipment Maintenance	7030-7300	\$	7,000
Equipment Repairs & Supplies	7030-7302	\$	3,500
Vehicle Maintenance	7030-7304	\$	5,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	3,800
Bicycle Patrol	7030-7904	\$	500
Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	5,000
Ammunition	7030-7907	\$	1,400
Police Drug Dog	7030-7908	\$	3,500
Cell Phone Allowance	7030-8203	\$	3,600
Sundry	7030-8501	\$	1,500
<i>Subtotal</i>		\$	95,300

Capital Improvements

Patrol Vehicle	7090-9650	\$	27,500
In Car Computers	7090-9670	\$	70,000
<i>Subtotal</i>		\$	97,500

Subtotal Fund 10 Department 70 \$ 763,875

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$	166,175
Overtime	7510-1003	\$	2,500
<i>Subtotal</i>		\$	168,675

Benefits

Social Security	7520-2001	\$	13,218
Hospitalization	7520-2101	\$	18,000
Retirement	7520-2201	\$	12,072
Life Insurance	7520-2202	\$	452
<i>Subtotal</i>		\$	43,742

Expenses

Travel/Training	7530-4801	\$	2,000
Uniform Allowance - Dispatchers	7530-5201	\$	1,400
Uniforms (Town for Dispatchers)	7530-5202	\$	500
Office Supplies/Equipment Maintenance	7530-7300	\$	20,000
E911 Line Fees	7530-8202	\$	7,000
911 Addressing	7530-8203	\$	600
Sundry	7530-8501	\$	100
<i>Subtotal</i>		\$	31,600

Subtotal Fund 10 Department 75 \$ 244,017

Total Fund 10 \$ **4,284,444**

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$	4,920
Electricity	2030-7401	\$	2,000
<i>Subtotal</i>		\$	6,920

Capital Improvements

Main Street Project	2090-9711	\$	237,380
<i>Subtotal</i>		\$	237,380

Total Fund 20 **\$ 244,300**

Fund 25 - Broadband Project**Expenses**

Legal Matters (Easements)	5255-5101	\$	3,000
Administration - ANPDC	5255-5200	\$	47,745
Business Technology Training	5255-5300	\$	6,000
<i>Subtotal</i>		\$	56,745

Capital Improvements

Construction	5259-9000	\$	274,500
Electronics	5259-9010	\$	105,000
Inspection/Construction Management	5259-9020	\$	19,000
Architect/Engineer/Design	5259-9030	\$	38,000
<i>Subtotal</i>		\$	436,500

Total Fund 25 **\$ 493,245**

Fund 30 - Curtis Merritt Harbor**Salaries**

Salaries	8010-1001	\$	22,905
Overtime	8010-1003	\$	200
<i>Subtotal</i>		\$	23,105

Benefits

Social Security	8030-2001	\$	1,760
Retirement	8020-2201	\$	2,385
Life Insurance	8030-2202	\$	105
<i>Subtotal</i>		\$	4,250

Expenses

Administrative Expense - Town	8030-3100	\$	7,000
Operation/Maintenance/Etc.	8030-7300	\$	18,734
Driveway Stones		\$	15,000
Sundry	8030-8501	\$	4,200

<i>Subtotal</i>		\$	44,934
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Capital Improvements

Fuel System	8090-9132	\$	179,850
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<i>Subtotal</i>		\$	179,850
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Total Fund 30		\$	252,139
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Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	30,000
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<i>Subtotal</i>		\$	30,000
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Benefits

Social Security	3020-2001	\$	2,300
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<i>Subtotal</i>		\$	2,300
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Expenses

Insurance & Bonding	3030-3401	\$	4,000
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Communication Service	3030-4400	\$	1,000
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Printing & Reproduction	3030-4401	\$	4,000
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Advertising & Promotion	3030-4402	\$	750
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Education & Training	3030-4403	\$	500
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Cleaning Supplies	3030-4404	\$	425
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Supplies & Materials (Other)	3030-4406	\$	200
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Membership & Dues	3030-4407	\$	125
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Travel & Meals	3030-4408	\$	1,100
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Fuel and Lubricants	3030-4701	\$	7,000
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Tires & Tubes	3030.4702	\$	600
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Uniforms	3030.4703	\$	500
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Parts	3030-4704	\$	1,000
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Drug and Alcohol Testing	3030-5201	\$	900
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Equipment Repairs/Maintenance	3030-7302	\$	9,000
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Rent	3030-8505	\$	12,000
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<i>Subtotal</i>		\$	43,100
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Total Fund 70		\$	75,400
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Fund 80 - Water

Salaries

Salaries	6210-1001	\$	197,991
Overtime	6210-1003	\$	3,000
Pump Duty	6210-1004	\$	13,500
<i>Subtotal</i>		\$	214,491

Benefits

Social Security	6220-2001	\$	15,146
Hospitalization	6220-2101	\$	33,000
Retirement	6220-2201	\$	24,472
Life Insurance	6220-2202	\$	895
<i>Subtotal</i>		\$	73,513

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$	2,500
Postage	6230-4403	\$	3,300
Gasoline & Diesel	6230-4701	\$	2,500
Tools	6230-4704	\$	750
Chemicals	6230-4705	\$	8,250
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	\$	750
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	45,364
LP Gas	6230-7402	\$	500
Distribution & Repairs	6230-8101	\$	30,000
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	\$	63,750
Loan Reimbursement to Fund 10 2 yrs left	6230-8602	\$	60,000
Regulation Compliance	6230-8750	\$	3,000
State Groundwater Permits	6230-8770	\$	6,300
<i>Subtotal</i>		\$	250,564

Capital Improvements

Water Main Extensions	6290-9101	\$	10,000
Interest on Water Bond Supply Line	6290-9504	\$	28,702

Water Bond - Supply Line Main Street	6290-9505	\$	95,169
Water Bonds	6290-9506	\$	165,209
Interest on Water Bond	6290-9507	\$	76,464
Waterline Line Replacement	6290-9600	\$	10,000
S.C.A.D.A.	6290-9860	\$	55,000
<i>Subtotal</i>		\$	440,544
Total Fund 80		\$	979,112
TOTAL ALL FUNDS		\$	6,328,640

Mayor Tarr advised that the only changes made to the Budget were the fee for copies from \$0.50 to \$0.10 and the dock sublease rent at the Harbor is at \$4.00 not \$4.50. He also mentioned adding the Broadband Fund to the budget. He also stated that because of the Broadband Fund the total amount of the budget changed.

Councilman Frese feels that the fees should be revisited and changed. Councilman T. Howard concurred that they should be reviewed and an amendment to the budget could be done at another time.

Mayor Tarr expressed his concern as Council and staff has been working on the budget for a couple months.

Discussion continued further.

Councilman Frese motioned, seconded by Councilman T. Howard to adopt the FY 2011 Budget including the real estate tax rate of \$0.06/100 of assessed value, tangible property tax rate of \$0.85/100, tangible property tax relief of \$0.63/100, excise tax (meals) at 5%, excise tax (transient occupancy) at 3%, including the General Government, Harbor and Water fee schedules and appropriate the funds for disbursement with the understanding that the rate schedule will be placed on the next Council agenda. Motion carried.

Ayes: Frese, T. Howard, Conklin, Richardson

Nays: J. Howard

Absent: Jester

Councilman J. Howard stated that the reason he voted against the budget is because he feels the Town is mismanaged and wasting money.

4. Consider Adoption of the State Motor Vehicle Code

Mayor Tarr explained this is a housekeeping item for yearly re-adoption.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the State Motor Vehicle Code. Unanimously approved.

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.
(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, ~~2009~~ **2010**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2009~~ **2010**. 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, 6-2-08, 7-1-09, **6-17-10**)

Sec. 58-3. Display of state license plate with current decal.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town,

Mayor Tarr asked for public comments.

- Ms. Nancy Lane thanked the Public Works Department and Public Works Director Spurlock for their assistance in cleaning out the planters out Town so they could replant.

5. Mayor & Council Announcements or Comments

Councilwoman Conklin thanked the Public Works Department for all they do.

Councilwoman Richardson asked Public Works Director Spurlock about the drain on Eastside near Sunnywood Manor. She asked that this be addressed by possibly putting a flap on the drain to Memorial Park. Public Works Director Spurlock advised he would look into the matter and make any corrections necessary.

Town Manager Ritter thanked Council for the hard work on the Budget.

Public Works Director advised that Pension Street is ready for the final grade. He added that Branscome is scheduled to return with the topcoat.

Mayor Tarr thanked Councilman Frese for accepting his position on Council and for his hard work.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JUNE 29, 2010 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Nancy B. Conklin, Councilwoman
James Frese, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PUBLIC PARTICIPATION

- Mr. Jim White commented on Business License taxes paid by Dr. Baczek and Dr. Pesinello. He feels that they should be refunded along with the zoning fees of \$35 paid by the small lawn care services. He read from the Town Code and quoted one of the Ten

Commandments “Thou shall not steal”. He feels that the Town should live up to standards that are reasonably and solidly based. He strongly urged Council to return the fees already collected.

- Mr. Ray Rosenberger supported Mr. White’s comments that the fees should not have been charged and should be refunded. He stated that the lawn care fees should be left alone. He commented on Building and Zoning Administrator Lewis’ letter regarding the fees. Mr. Rosenberger doesn’t feel the citizens should subsidize the cost of those functions only applying to individuals. He concluded that the fees are more than reasonable.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr stated that Public Works Director Spurlock has an item to discuss regarding the purchase of a backhoe. He suggested adding this item to the agenda.

Councilman Frese motioned, seconded by Vice Mayor Jester to adopt the agenda adding an item for the purchase of a backhoe. Unanimously approved.

0. Backhoe Purchase

Public Works Director Spurlock advised that they were under budget on the VDOT Roads Maintenance funds by approximately \$75,000. He advised that he has located a used backhoe. He described the equipment and package. He requested that Council approve the purchase in the amount of \$35,000. He also advised that the person he will be dealing with would like to purchase the Town’s JCB.

Councilman T. Howard motioned, seconded by Councilman Frese to purchase the backhoe at Public Works Director Spurlock’s request. Unanimously approved.

1. Cemetery Maintenance

Councilwoman Richardson explained some history of the Odd Fellow Cemetery. She advised that Mr. Rick Smith was given a grant to use a ground penetrating radar at the Cemetery. He found something like a footer, which is called a lich gate. She advised that he didn’t recover the findings but would need shells to fill in around it. She also discussed asking the Town employees to do routine cemetery maintenance approximately 3 times a year. She also stated that the Town Code states that the Town of Chincoteague is responsible for the upkeep of the cemeteries. She asked Council if they feel that the Public Works employees could maintain them.

Councilman J. Howard asked how many cemeteries were adopted. He also stated that those in the grass cutting business complained that the Town was taking business from them. Councilwoman Richardson advised of the cemeteries that need adopting which were the Mechanics and the Greenwood.

Discussion continued. There was a suggestion that the Town advertise the need of cemetery adoption.

Councilman T. Howard advised that there is a line item in the budget in the amount of \$500 each year. He also stated that any time there is a major cleanup Councilman J. Howard and the Town have assisted in hauling away the debris and anything else needed.

Council listed the cemeteries that needed attention.

Mayor Tarr requested that Town Manager Ritter list all the cemeteries and those that maintain them. He also requested a list of the organizations that have donated in the cemetery cleanup.

Councilwoman Richardson advised that staff immediately send a thank you for the donations. She stated that she has a book showing the cemeteries before and after they've been taken care of.

2. Request Investigation by Council on the Volleyball Court Construction

Councilman Frese feels this is something that should be looked into. He suggested a policy so that things like this can be made public and brought before Council. He advised that he is disturbed that the Volleyball Court was designed and put up without approval or knowledge of Council. Councilman Frese also stated there should be cooperation from all departments. He mentioned the Zoning Fee for the grass cutting businesses. He feels this should never happen again.

Mayor Tarr advised he likes the volleyball court.

Councilwoman Conklin stated that she doesn't see a problem with the location of the volleyball court.

Councilman J. Howard stated that the reason items go before the Recreation Committee and then before Council is so that it can be reviewed by several people. This is to advise of potential problems. He advised that the middle school does not have a field and they use this field. He also stated that the Coast Guard uses it for practice. He feels that if the Town puts things there without looking at the different programs this is what happens.

Councilwoman Richardson stated that she asked if anything else was going to be put at the Park approximately a year ago. She was advised by the Town Manager that a volleyball court would be put in front of the pavilion. She informed him at that time that this was not an appropriate place. She assumed that they would bring this matter to the Committee or Council. She also stated that the Coast Guard would not be using this field because it is a safety hazard for those playing in the outfield. She also stated that the Little League along with the middle school teams wouldn't be able to use it any longer.

Councilwoman Richardson also advised that this field was used for a helicopter landing and if anything else is added they wouldn't be able to use it. She reminded Council of the suggestion many years ago to sell the Park and the community wouldn't allow it. She stated that Mrs. Anne Whealton helped raise money for the equipment at the Park and the citizens should have some say as to what happens at the Park. She added that she doesn't mind a volleyball court, just the current location. She concluded that the citizens won't allow ball field to be done away with.

Councilman T. Howard advised that the ball field is still there and will remain there. He stated that the volleyball court is further from home plate than the Skate Park.

Mayor Tarr advised that he spoke to the Coast Guard. He stated that they don't want to be involved. He stated that if it's there they'll use it. He also advised that the Coast Guard didn't want their name involved as saying it was an issue. He stated that they were afraid of the collision with poles and suggested changing the volleyball court angle. He was advised that they run into the Skate Park fence during play also.

Councilman J. Howard asked if the Recreation Committee should keep a list of what and where things are going in the Park.

Vice Mayor Jester stated that he was unaware of the volleyball court but feels it is a great addition. He feels there are things to be done to make it safer. He also suggested fencing the playground area. He feels that the Committee could review the Park to make it better. He also mentioned enhancing the heliport area with possibly some lighting.

Councilman T. Howard stated that this land was made assessable and the Town has created 5 different parks for different uses. He doesn't see anything wrong with installing 2 poles and a net. He recommended better communication. He also feels that items like this should go before the Recreation Committee and then to Council. He commented that he likes the addition and that no one can say that the Town of Chincoteague is not trying to accommodate the needs of recreation.

Councilman J. Howard stated that this was wrong and Council shouldn't let it happen again. He stated that if they would have talked to each other it wouldn't have happened.

There was discussion of the middle school using the Little League ball fields.

Councilwoman Richardson stated that the property of the Little League ball fields behind the Community Center belongs to Accomack County.

Mayor Tarr advised that the Little League has a lease and the Coast Guard will be helping to build the new field so they will be able to use it. He advised that they are taking steps to make the volleyball court safer. He asked to bring the Coast Guard down there to give ideas to make it better for them.

Councilman T. Howard stated that the Town Manager should tell Council what is going on and explain how this came about.

Town Manager Ritter stated that there was a thought of putting a volleyball court in front of the pavilion. He stated that after talking to Councilwoman Richardson they realized that this wouldn't work. He then advised that he spoke with Public Works Director Spurlock and felt that it could go where it currently is. He stated that Mr. Barry Fisher donated the poles, the net was in the storage room and they brought sand from the beach. He advised they thought they were helping the community by adding another event. He stated that there wasn't any intention of misleading Council.

Councilwoman Richardson added that she isn't against the volleyball court. She expressed her concern about the safety.

Councilman Frese stated that this was brought up to make sure there was communication before something was done.

There was discussion about the Little League and what the Town does to help them.

3. Request for the Return of Taxes and Fees

Councilman Frese stated that the Business License for Dr. Baczek has been brought to Council's attention. He stated that the fees have been charged for 18-20 years along with fees for Dr. Pesinello. He advised that these two doctors are the only 2 that has been charged a Business License. He asked Council to correct this error by refunding their fees with interest. He feels that 5% interest is fair.

Councilwoman Conklin asked why Dr. Amrien and other doctors haven't been charged and only them. She asked if the doctors at the medical centers have to pay for a Business License. Councilman J. Howard advised they were employees of Eastern Shore Rural Health and that is a non-profit organization.

Councilwoman Conklin also asked why Dr. Baczek and Dr. Pesinello paid for a Business License. Town Manager Ritter stated that he asked Building and Zoning Administrator Lewis to research the minutes. He advised that there was no authorization to exempt those from the Business License. He also added that this has been going on for quite some time.

Councilman T. Howard feels this is an oversight.

Councilman J. Howard stated that the Town Attorney should make a ruling of what the state allows and set a procedure.

Mayor Tarr stated that there is a Business License Ordinance and doctors are set at the going rate. He advised that the only exemptions are for non-profit organizations. He asked how many years to go back to refund Dr. Baczek.

Dr. Baczek advised that he has all his receipts for the last 19 years.

Councilman Frese stated that with the receipts this should be granted.

Mayor Tarr stated that there have been veterinarians that have been charged.

Town Manager Ritter advised that the pharmacy is charged also under retail.

Vice Mayor Jester stated that it should be waived because this is for the benefit and health of the community.

Dr. Baczek agrees with Councilman Frese and feels that 5% interest is fair. He also suggested waiving the license for all healthcare providers. He advised that no other doctors will help in his office because his fees are too low. He stated that the Town is just too small to support Chiropractors as well.

Mayor Tarr feels this could be a future concern for Council to look at.

Dr. Baczek stated that he inquired about the License the first year he applied and was advised that everyone pays. He stated that he paid a Town of Chincoteague Business License fee and when he was in Parksley he paid a Business License fee there at that time also. He also added that Parksley and Exmore have invited him to do business there without paying for a Business License.

Councilwoman Richardson feels this is an oversight and should be rectified.

Councilman T. Howard stated that in the future the Town should take the steps to give the medical caregivers incentive to operate in the Town. Councilwoman Richardson added to have this put in writing.

Mayor Tarr stated that the State Code has to be reviewed first.

Councilman Frese motioned, seconded by Councilman J. Howard to refund the Business License fees to the doctors that were charged for the years the receipts or documentation thereof are provided plus 5% interest. Unanimously approved.

Councilman Frese mentioned zoning fees that were assessed in error. He feels that this was a misunderstanding by charging 3 individuals a fee in error and should be refunded. He attempted to make a motion.

Councilman J. Howard advised that Mr. Lewis stated they applied for a home occupation license. He also stated that most of those have a post office box. He stated that this has to do with parking requirements. He also added that no one came to his house to check parking.

There was discussion about the parking requirements and how the zoning fee came about. Councilman J. Howard asked why only 3 were charged and not everyone who cuts grass. Town Manager Ritter responded that there were only 3 business license applications after the April 2009.

Discussion continued.

Councilman Frese stated that 8 months into the fiscal year, Building and Zoning Administrator Lewis spoke with the County Zoning office about the zoning inspection fee. He was advised that when there is an inspection and setbacks or parking is involved the fee is charged. Councilman Frese stated that the budget was already set when this was imposed. He advised that Building and Zoning Administrator Lewis stated that the Town Council wanted the Town to abide by the County's Zoning Fee Schedule. Councilman Frese stated that it was then brought to Council and

they voted that this shouldn't have been imposed and to do away with the fee altogether. He does not feel that this was malicious.

Mayor Tarr stated that the charge to the grass cutting businesses were because there was an inspection as it was a home occupation parking inspection. He added that this was a legal fee voted on by Council and shouldn't be refunded. He advised that the line item was in the budget. He also asked why they aren't requesting to refund the other 80 that were charged.

Councilman J. Howard asked about specific charges and why.

Councilman Frese reminded Mayor Tarr that Council voted in June to drop the charge. He read the wording of the fee that was imposed.

Councilman Frese motioned to return any zoning inspection fees collected in 2009 after March 3, 2009. There was no second, the motion died.

Councilman Frese also wanted to discuss the philosophy and amounts of the fees that are currently imposed. He would like to review and address the fee schedule. He stated that those building or remodeling are increasing the value of their land thus causing more tax revenue. He asked if the land owner should be charged the "reasonable" fee as the charges are covered in the tax budget. He feels that it isn't fair that the land owner is paying twice, once for the fee and the second time for the increase in the tax. He then mentioned the Special Use and Conditional Use permits fees. He made specific fee changes.

Councilman J. Howard is disturbed that the Building and Zoning Administrator is trying to pay his salary by the cost of fees.

Councilwoman Conklin reminded Council that a few years ago Council requested that Building and Zoning Administrator Lewis was directed to itemize everything his department does. She stated that they asked him to do one thing and now they want him to give all the fees back. She stated that some things have to be advertised and inspections have to be done. She feels there should be the fees to offset those charges to the Town.

Mayor Tarr produced the County's fee schedule. He advised that the County's fees are almost double the Town's fees. He stated that there was a comprehensive study on the shore, the fees were brought back to Council and they were reviewed. He stated that he doesn't want to pay his tax payer dollars for someone else's improvements.

Councilman J. Howard feels the Town is no longer a friendly Town and should ease up on some of the regulations.

Discussion continued.

Vice Mayor Jester asked if this proposed change could change the budget and was advised it would.

Councilman T. Howard commented that the report from Building and Zoning Administrator Lewis was based on numbers and not in an arbitrary way. He asked why only a few was discussed to change. He doesn't want to vote without knowing why he would do it. Councilman Frese motioned, seconded by Councilman J. Howard to lower the fees for appeal to the Board of Appeals \$250, the First Offense fine \$25 and each offense thereafter \$50, Special Use fee \$250, Conditional Use fee \$500, Variance Application \$250, Special Use and Variance combined \$400, appeal the decision of Zoning Administrator \$50, proposed rezoning change \$450. Motion denied.

Ayes: Frese, J. Howard

Nays: Jester, T. Howard, Conklin, Richardson

4. Convenience Center Memorandum of Understanding with Accomack County

Councilwoman Conklin feels this isn't a fair trade. She would like the Town to continue to maintain it.

There was discussion regarding the allowance of commercial use at the recycling center. They also discussed the commercial/residential curbside collection and those allowances. Council was advised that the budget included the fees and charges for the Convenience Center.

MEMORANDUM OF UNDERSTANDING (MOU)

**Between
County of Accomack
and
Town of Chincoteague**

This is an agreement between the County of Accomack, hereinafter called the "County," and the Town of Chincoteague, hereinafter called the "Town."

I. PURPOSE & SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the implementation of the FY2011 County budget actions related to the operation of the Chincoteague Solid Waste Convenience Center, hereinafter called the "Center."

In particular, this MOU is intended to:

- Transfer the cost of operations of the Center from the Town to the County.
- Ensure consistent operations at all solid waste convenience centers in the County.
- Ensure that the County's Solid Waste Ordinance (Chapter 70, as amended) is applied uniformly at all solid waste convenience centers in the County.

II. BACKGROUND

The Center is currently being operated by the Town, with hauling/disposal service and technical assistance by the County and the County's contractors. The Town currently pays all staffing and utility expenses. In 2007, the County installed a waste compactor at the Center. The County currently pays for recycling services at the Center.

III. County RESPONSIBILITIES UNDER THIS MOU

The County shall undertake the following activities:

- Assume financial responsibility and management oversight for all staffing and utilities. The County expects to hire the Attendants currently working at the Center; pending standard County background checks, pre-employment physicals, and drug screening; should the current Attendants desire to become County employees.

An Attendant being transferred from Town to County employment will undergo a six-month probationary period, as do all regular County employees.

Accomack County Convenience Center Attendants are expected to be available to work at any location within the County, on a temporary or regular basis, as needs dictate. Effort is made to assign Attendants to centers close to where they reside, when possible.

- Maintain the Center in a manner consistent with other convenience centers in the County, to include mowing, weed-eating, spraying, and other general maintenance activities as necessary.
- Real estate to remain under Town ownership but be made available to the County for continued use as a solid waste convenience center with no fees.
- Ownership of existing Town-owned physical assets (e.g. attendant trailer, fencing, etc.) currently at the Center to remain with the Town but be made available to the County for continued use in solid waste operations with no fees. County will maintain and repair these assets as necessary.
- Operate the Center according to advertised hours of operation consistent with other convenience centers in the County, which are currently open six days per week from 7:00 AM to 6:00 PM.
- Ensure that the County's Solid Waste Ordinance (Chapter 70, as amended) is applied uniformly at all solid waste convenience centers in the County.

IV. Town RESPONSIBILITIES UNDER THIS MOU

The Town shall undertake the following activities:

- Facilitate the transfer of Attendants currently employed by the Town to County employment, should the Attendants desire and meet County pre-employment screening requirements.
- Real estate to remain under Town ownership but be made available to the County for continued use as a solid waste convenience center with no fees.
- Ownership of existing Town-owned physical assets (e.g. attendant trailer, fencing, etc.) currently at the Center to remain with the Town but be made

available to the County for continued use in solid waste operations with no fees. County will maintain and repair these assets as necessary.

- Transfer any existing information (e.g. site plans, drawings, equipment manuals) that may be beneficial to the continued operation of the Center.
- Facilitate the transfer of utility billings from the Town to the County. Support the changes outlined in this MOU, in letter and spirit, and assist the County in educating the public regarding these changes.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- This document is a Memorandum of Understanding, not a Contract, and is not legally binding on either party.
- This MOU may be terminated at any time, by either party.

VI. FUNDING

This MOU does not include the reimbursement of funds between the two parties. FY 2011 County budget actions provide sufficient funding to accommodate the proposed changes in the upcoming budget year.

VII. RECORD RETENTION

All records must be retained for three years from fiscal year closure. This requirement applies to fiscal records, supporting documentation and reports.

VIII. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective beginning July 1, 2010 and shall be in force until terminated by one or both parties.

The County and Town indicate agreement with this MOU by the signatures of their authorized officials below.

Signatures and dates

Steven B. Miner, County Administrator

Robert G. Ritter, Jr., Town Manager

Date

Date

Councilman J. Howard motioned, seconded by Vice Mayor Jester to accept the MOU. Motion carried.

Ayes: Richardson, J. Howard, Jester, Tarr

Nays: Frese, Conklin, T. Howard

5. Possible Adoption of the Beach Access Committee Questionnaire

Town Planner Neville explained how the questionnaire originated.

Mayor Tarr stated that the Committee would like the questionnaire be out by the July 4th weekend.

Town Planner Neville reviewed and explained the changes. He advised that he would hand out copies of the questionnaire to the motels. Consultant Joni Carter from the Marketing Source suggested in an email that they could possibly go out and complete a direct survey if the Town did not get a good response through volunteer distribution.

Council commented and agreed on the questionnaire.

6. Mayor & Council Announcements or Comments

Councilman T. Howard stated that there is always room for improvement and Council should keep an open mind to do what is best for the people.

Councilwoman Conklin commented on a light meeting schedule in July.

Councilman Frese thanked Council and everyone for his time of service to the Town Council.

Vice Mayor Jester requested that Council receive the calendar prior to the first meeting so they could plan ahead.

Mayor Tarr stated that they have tentatively scheduled the next meeting for the 6th. He requested that because of several Council appointments and inability to attend, they reschedule the next meeting for the 13th.

Councilman J. Howard stated that in no way does he mean that he does not like Chincoteague. He does realize that there are things that the Town could do better. He would like to help in any way he could to keep the people on the Island.

Councilwoman Richardson asked about plans for a sidewalk on the western side of Main Street near the bridge intersection.

Public Works Director Spurlock advised that this has been brought to VDOT's attention.

Councilwoman Richardson also stated that she didn't know about the turn-on fee for the Fire Company. She suggested an exemption for non-profit organizations.

Councilman T. Howard asked if the turn-on fee should be applied to the non-profit organizations. Public Works Director Spurlock advised that this fee is applied to everyone. He suggested that a solution would be to install a shut-off valve to avoid the Town's fee.

Councilman T. Howard stated that he doesn't think that any other non-profit organization would have a problem with waiving the fee for the Fire Company because they do a lot for the community.

Public Works Director Spurlock stated there are 4 or 5 sections of sidewalk to be poured along with a section of asphalt to be reworked on Pension Street.

Council commended the Public Works Department for a good job.

Councilwoman Richardson stated that she thanked Mr. Mears for the letter they wrote thanking the Public Works Department for such a good job on Pension Street.

Adjournment

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

Mayor

Town Manager

MINUTES OF THE JULY 13, 2010 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

John N. Jester, Jr. Vice Mayor

John H. Howard, Councilman

Ellen W. Richardson, Councilwoman

Nancy B. Conklin, Councilwoman

Tripp Muth, Councilman

Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM / PUBLIC PARTICIPATION

- Mrs. Clair Lott expressed her concerns to Council regarding the bridge intersection. She mentioned the speeding, crosswalks and safety.

Discussion continued and Public Works Director Spurlock advised that he spoke with Mr. Isdell of VDOT. He advised that VDOT is currently reviewing the issues at the bridge intersection.

- Mrs. Donna Mason reminded Council of the downtown businesses when VDOT decides

what to do about the intersection. She also reminded those present of the questionnaires about the beach issues.

- Mr. Richard Conklin addressed Council about the change of ownership of the Convenience Center and the schedule change. He expressed his objection that commercial trash was not allowed to be taken there. He feels that the Council is anti small business. He also stated that the Center should be opened 7 days a week.

Mayor Tarr explained that the Town didn't turn the Convenience Center over to the County. He stated that it already belongs to the County. He added that the Town was only supplying part-time labor. He added that the Town only owns the fencing, the trailer and the light pole.

Mr. Conklin asked if the Town could have kept it the way it was. Mayor Tarr advised that a few years ago the County sent a letter, which was mailed out to the businesses, regarding the discontinued use of the businesses or the green box site would be closed down. He stated that there was a sign of rules that the County posted.

Mr. Conklin feels that the Town could have saved \$30,000 a year elsewhere. He feels that the Town isn't helping small businesses. He stated that they can't have a banner or off premise signage and now they can't dump trash. He added that the Town takes the tax and won't give anything back.

Councilman J. Howard asked what kind of business should be allowed to bring their trash to the Convenience Center. He asked where the Town draws the line.

Discussion continued. Mayor Tarr reminded Mr. Conklin that it is Accomack County's green box site and not the Town's. He stated they could close it at any time. He stated that letters have been sent to businesses telling them not to dump there. Mayor Tarr stated that the Town didn't give it away. He added that they fought the County about the tipping fees of over \$100,000 over the last 3 years.

Mr. Conklin feels they get nothing for their taxes.

- Mr. Joe Justice came before Council again regarding the drainage issues on his property. He is very upset that nothing has been done. He discussed business license fees and commercial trash. He also mentioned that nothing has been done about the poison oak along his property line. He added that the letter that Building and Zoning Administrator Lewis sent has done nothing.

Mayor Tarr stated that they would have to discuss this matter with Town Attorney Poulson. He also stated that this is a civil suit matter between the property owners.

Councilman T. Howard feels that it isn't only a nuisance but a health hazard.

Mr. Justice asked why he can't get daily trash collection if he can't use the Convenience Center. He expressed again how upset he was before leaving.

- Mr. Buddy Gorsuch of Surfside Golf advised that he received a letter from Building and Zoning Administrator Lewis regarding the Banner Ordinance. He would like to see what he could do to modify or rectify this situation. He advised that he has 4 banners along the parking lot fence. He is now aware that he is only allowed 1 banner and has to have a permit for this. He advised that he is going to take the others down and get the permit. He just wanted to speak to Council about this. Mr. Gorsuch advised that the banners are so that the visitors to the Island will know what his business has to offer. He stated that they should allow more banners to get more business to pay more taxes to the Town. He asked about the process to change this ordinance.

Mayor Tarr advised that the Planning Commission is the place to start. He stated that they have worked on the Sign Ordinance for over a year and a half with several public hearings. He also stated that banners were allowed, there was a lot of public outcry and it was changed approximately 6 months ago.

Mr. Gorsuch feels this doesn't work.

Vice Mayor Jester suggested reviewing the Sign Ordinance first and then taking his concerns to the Planning Commission.

- Ms. Debbie Ritter advised she lives on Cherrix Lane and has had neighbor issues. She stated that they are renting a camper and it has no running water, sewage or electric. She called the Town and was referred to the Health Department. She advised that she was referred to Building and Zoning Administrator Lewis about a "grandfather clause". She then returned to Building and Zoning Administrator Lewis and requested to see the clause which didn't help. She asked Council how they would know if something is grandfathered if it isn't in writing.

Ms. Ritter then stated that she has been calling and no one calls her back. She then stated that she called Building and Zoning Administrator Lewis about a motor home that is still there and nothing has been done about it. She also stated that she has also responded negatively to the Police Department's survey. She advised that she has not received a response to date.

Mayor Tarr stated that Building and Zoning Administrator Lewis will research the matter and return to Council with the information.

Ms. Ritter also asked about accountability. She wanted to know who to speak to if she didn't get a response. Mayor Tarr asked her to speak to the Town Manager or himself.

- Mr. Robert Watson, Sr. stated that he has been complaining for the last 3 weeks, attended the Council meetings and spoke to the Mayor. He advised that a kayak business is being operated out of the Town boat launch. He stated that because of this business, there is no parking left and no one can use the Town's property. He also advised that there are boards loose on the piers and boards there are floating. His main concern is that he has brought it to the Town's attention and no one wants to do anything about it. He wants to know who is liable.

Mr. Watson also stated that there are no trash receptacles and the parking needs to be specifically marked. He feels that the kayak business needs to be charged for operating business on Town property. He asked about the lighting on the bridges. He stated that there were plans to put lights along the bridge but now they're not going to put as many. He is concerned with these issues and they need to be addressed. He thanked Council for allowing him to speak. Mayor Tarr advised him they would look into the items he discussed.

Councilman J. Howard advised that he would be invited to the next Harbor Committee meeting so these matters could be addressed.

Mayor Tarr invited Mr. Watson to meet with Public Works Director Spurlock regarding VDOT's bridge plans. He advised that VDOT decided not to put lighting on the bridges. He also added that the Town has sent letters requesting lighting along the entire causeway.

- Mrs. Helen Merritt stated that she came to Council last month asking for the Flag and Banner Ordinances. She advised that no one has contacted her to date. She asked Council if they make the ordinances to enforce it for everyone. She expressed her objections to the current ordinance.

Mayor Tarr stated that this was a sign ordinance formed by the Planning Commission.

Mrs. Merritt was very upset.

Councilwoman Conklin asked about using the vehicle in Mrs. Merritt's yard as a sign. Mrs. Merritt stated that Council can't control what is in her yard and the vehicle is waiting for repairs. Councilwoman Conklin stated that it could be construed as an off-premise sign. Mrs. Merritt advised her that if it is on wheels it is not considered an off-premise sign.

Mayor Tarr invited Mrs. Merritt and any member of her family to sit with the Town Manager and Building and Zoning Administrator for an explanation of the Sign Ordinance.

- Mrs. Peggy Thomas stated that at the last Council meeting there was a request for a \$35,000 observation deck at the Harbor. She expressed her opposition. She stated that the people of Chincoteague have been taxed enough.

- Mr. Jim Frese thanked the Town employees for their assistance during his term on Council. He also thanked Council and congratulated Councilman Muth and Councilwoman Richardson. He stated that there were complaints about the Eastside Ramp. He advised that he along with other employees of the Town is working on this matter diligently.

- Mrs. Lisa Smith of A.J.'s Restaurant also addressed the sign and banner ordinance. She advised that she was unaware of the ordinance and it wasn't easily obtainable online. She feels that with the current economy all the recognition they can get is necessary. She added that everyone needs to be able to promote their businesses. She also stated that she would attempt to take this matter to the appropriate Committees for discussion.

Mayor Tarr advised that the website is currently under construction.

STAFF UPDATE

Police Department

Chief Lewis stated that the Wallops Navy Military Police will not have the National Night Out this year because of the lack of funding.

Vice Mayor Jester commended the Police Department during the July 4th fireworks.

Public Works

Public Works Director Spurlock advised Council of the work that has been done for the month of June. Pension Street paving is complete, the part-time employees are working at the Harbor a few days a week for maintenance, curbs and white lines have been painted for safety. They completed the July 4th preparations, conducted routine maintenance and repaired the washed out DI on south Main Street. He advised that the Water Department has completed the fire connection at the Methodist Church, repaired the 8" main at Cockle Creek Bridge, installed a fire hydrant on Eastside Road and painted fire hydrants throughout the Island. They have also installed the backup generator for the wells along with routine operations of meter reading and leak repairs.

Public Works Director Spurlock also advised that for the month of July they are planning to replace the lift pump on Willow Street, prepare for Pony Penning, preparing for the fall paving project, cleaning shoulders and continuing to paint curbs and shoulders.

Councilman Muth asked if the crosswalks would be repainted.

Public Works Director Spurlock advised they would be painted also. There was discussion as to moving the stop line back at the intersection of Maddox and Main.

General Government

Town Manager Ritter advised that the Pony Penning Sales Permits and Blueberry Festival Permit sales have been coming in and this Friday is the last day according to the Ordinance for the Pony Penning Sales Permits. They are currently working with the VMRC on a joint permit application to put a fishing pier on the fender of the bridge at Bridge Street. This information will be brought to Council at a later time when all documents have been filed. They are currently working on year end and new FY entries. They have put \$115,000 in LGIP for the Harbor Fund, \$41,000 for the Water Fund and \$24,000 for Boat Ramp Repairs.

Town Manager Ritter also advised they are in the process of obtaining quotes for the repairs to the boards on the Town Dock. They have been actively working on the Healthcare enrollment. They have been working on the VDOT Revenue Sharing Grant for \$23,325 which will go for the repairs of Eastside Road near Piney Island Road. They have received the Port Authority money for the fuel system at the Harbor. They are completing the setup of the new website. He advised that they are waiting on the pictures and updated information. The Code updates are complete and delivered. Pony Penning preparations are underway along with the upcoming audit.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate	\$617,561	\$611,058	(up) \$ 6,503
Tangible Property Tax	\$174,219	\$182,702	(down)\$ 8,483
Meals Tax	\$483,971	\$480,703	(up) \$ 3,268
Sales Tax	\$ 95,066	\$102,077	(down)\$ 7,011
Transient Occupancy	\$604,959	\$620,001	(down)\$ 15,042
Water Rent	\$890,594	\$807,816	(up) \$82,778

Councilman T. Howard asked about the road lottery status using the Revenue Sharing money. Town Manager Ritter advised that the Revenue Sharing money is to be used for public roads. He explained that the road lottery will be a system that the Town would have to form the rules to consider the lottery before the process can begin. He suggested discussing the rules at the next Public Works Committee meeting.

Councilman J. Howard asked about checking the unsafe boards on the docks. He also stated that anything the Town does on the road lottery, Town Attorney Poulson should review first.

Councilman T. Howard stated that there is a matter of the lack of communication. He suggested that a simple phone call would reduce a lot of the friction and lack of confidence in the community.

Mayor Tarr asked if the deadline for the Pony Penning Sales Permit has been advertised. Town Manager Ritter advised that it has never been advertised. Mayor Tarr asked if they could get the word out.

Planning Department

Town Planner Neville advised that the Planning Commission is working on the Zoning map updates. They are working with the ANPDC on some grants. He also stated that they are planning a meeting with the County regarding wastewater treatment needs. He advised that there is a good response on the Beach Access questionnaire.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked if they could add item 2(b) to the agenda for the Downtown Park permitting.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the agenda with the addition of item 2(b) Permit for the Downtown Park. Unanimously approved.

- 1. Consider Adoption of the Minutes:**
 - **Regular Council Meeting of June 7, 2010**
 - **Regular Council Meeting of June 17, 2010**
 - **Special Council Meeting of June 29, 2010**

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

2.(a) Selection of the Vice Mayor

Mayor Tarr advised that Council has to select a Vice-Mayor for the next 2 years.

Councilman J. Howard motioned seconded by Vice Mayor Jester for Councilwoman Richardson to be the Vice Mayor. Unanimously approved.

Mayor Tarr congratulated newly elected Vice Mayor Richardson.

Councilman T. Howard commended Vice Mayor Richardson for her hard work throughout her years of service on Council. He also stated that she is well deserving of this position.

Vice Mayor Richardson thanked Council for the vote and advised she would do her best.

2.(b) Permit for the Downtown Park.

Town Manager Ritter advised that there is an application for use of the Downtown Park. He explained the use and stated that there will be no alcohol served. He also advised that according to the rules of this park an event such as this would have to come before Council as it is not a typical request.

Mr. Dean Orsini and Ms. Robin Rothschild, with WCTG Radio Station, explained that there would be a barge parked at the pier as a stage for the band allowing the other space for food service. He advised this event would benefit the Food Bank. He stated the time of the event would be 12:00 noon to 7:00 p.m. He stated that they had the Pony Phest last year but used the pavilion.

Councilman T. Howard asked about the alcohol. Mr. Orsini advised this part of the idea didn't work out and they want to work within the Town's Ordinances. He stated this would all be strictly Coca Cola sales. He also added that he met with the VMRC, the U.S. Coast Guard, and Mr. Dean Fisher who will be assisting with the placement of the barge and the Harbor Master to work out the details.

Vice Mayor Richardson asked if it was open to the public and when the event would take place. Mr. Orsini advised that it is open to the public and would be Saturday, July 24th from noon to 7:00 p.m. He added that they would announce the Pony Penning Sales Permit deadline of the 16th.

Councilman J. Howard motioned, seconded by Councilman Muth to approve the permit for the Downtown Park for the Pony Phest. Unanimously approved.

3. Setting the Date on a Joint Public Hearing on Home Occupation Ordinance

Town Planner Neville explained the purpose of the public hearing. He stated that the Planning Commission was asked to review the Home Occupation Ordinance. He advised that the Planning Commission feels they have adequately reviewed and made the recommendations to go to a public hearing or a joint work session.

Councilman J. Howard asked Town Planner Neville to review the districts.

Town Planner Neville stated there are new definitions listed. He advised of the other proposed changes and additions to each district. He also stated that a business license would be required for home occupations.

Discussion continued about the allowances and restrictions in the districts along with the ideas that they are making it too hard on a home occupation. They also discussed the grandfathered businesses and length to allow the grandfathered businesses. Council concurred that they would like a work session with the Planning Commission as there are concerns.

Mayor Tarr asked Town Planner Neville to make copies of the existing Ordinance along with the proposed Ordinance for Council to review and a work session would be planned.

4. Public Safety Committee Report of June 1, 2010

Mayor Tarr asked for questions concerning the recent report.

Councilman T. Howard asked about the Train the Trainer Class. Mayor Tarr advised that Mr. Rush has taken the class to be an instructor.

5. Proposal for Road Engineering on Eastside Drive

Public Works Director Spurlock explained the proposal from Clark-Nexen. He stated that this will tell the Town what needs to be done to that low portion of Eastside Road.

Councilman J. Howard asked when the drainage work at Wayne Road would begin. Public Works Director Spurlock advised that would begin in the fall.

Councilman T. Howard motioned, seconded by Councilman Jester to approve the proposal for road engineering for the repairs to Eastside Road. Unanimously approved.

6. Change in Code Chapter 18, Businesses, for Minimum Licensing Fee

Mayor Tarr advised that this is to change in the code what was changed in the budget for the minimum business license fee of \$30 to \$50.

Town Manager Ritter advised of the changes to the Town Code.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the change in the Code, Chapter 18, Businesses, for the minimum licensing fee change to \$50.00. Unanimously approved.

7. Committee Appointments and Assignments

Mayor Tarr stated that there is a definition and preamble of what each Committee has been doing. He asked if there were any questions regarding the assignments.

**Committee & Appointments
Mayor & Council
July 13, 2010**

Budget & Personnel Committee

Nancy Conklin – Chair

John Jester

Tripp Muth

Ordinance Committee

Terry Howard – Chair

John Howard

Nancy Conklin

Meals Tax Committee

Nancy Conklin

Harbor Committee

John Howard – Chair

Terry Howard

Recreation & Community Enhancement Committee

John Jester – Chair

John Howard

Tripp Muth

Public Works Committee

John H. Tarr – Chair

Ellen Richardson

John Howard

Planning Commission

Tripp Muth

Cemetery Committee

Ellen Richardson – Chair

Terry Howard

Public Safety – Police, EMS, EOC (see note 1.)

John Tarr- Chair

John Jester

Ellen Richardson

Liaison Committee

Meeting Day and Time

Subject to change by the
Chairperson

2nd Tuesday @ 5:00 PM
Every Other Month

2nd Thursday @ 5:00 PM
Every other month

As needed during the budget
process

1st Thursday @ 5:00 PM
Every other month

2nd Tuesday @ 5:00 PM
Every other month

1st Tuesday @ 5:00 PM
Every other month

2nd Tuesday @ 7:00 PM

1st Thursday @ 6:00 PM
As needed

1st Tuesday @ 5:00 PM
Every other month

John Tarr
John Jester
Ellen Richardson

As needed

Chincoteague Recreation & Convention Center Authority
Nancy Conklin

2nd Monday @ 3:00 PM

Notes:

1. Trolley's under Robert Ritter, General Government and Transportation issues under public works
2. Chairperson may call an additional meeting or cancel meetings subject to the importance of the agenda item ('s).

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Committee appointments and assignments. Unanimously approved.

8. Virginia Retirement System Plan II Adoption

Town Manager Ritter stated that this is a housekeeping item from the Virginia Retirement System. He advised that this is to bring forth Plan II which is the employees that are hired after July 1, 2010. He stated that Council can decide to continue the current contribution or have the employees hired after that date to pay 5% of the VRS contribution. He advised that the employees' contribution is currently 2% and the Town's contribution is 3%.

Council discussed the matter further.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the Resolution of the Virginia Retirement System Plan 2. Unanimously approved.

RESOLUTION

**Authorization to Pick-up the Employee's Contribution to VRS
Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Town of Chincoteague, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect

beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the Town of Chincoteague desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 3% of creditable compensation; and

WHEREAS, VRS tracks 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 day of August, 2010, the Town of Chincoteague shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to be phased in over three years according to the following schedule:

Year	Employer Share	Employee Salary Reduction Share
FY11	3	2
FY12	4	1
FY13	5	0

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 nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Town of Chincoteague directly instead of having them paid to VRS.

Adopted in the Town of Chincoteague, Virginia this 13th day of July, 2010.

John H. Tarr, Mayor

Authorized Signature

Robert G. Ritter, Jr. - Town Manager

9. Commercial Use of Town Facilities, Hold Harmless Agreement

Town Manager Ritter explained that at a previous Council meeting they requested that an agreement be drawn up for Commercial use of the Town's facilities.

Councilman Jester asked if the term "commercial" should be defined.

Discussion continued.



**TOWN OF CHINCOTEAGUE, INC.
Commercial Use of Town Facilities**

Form must be executed and submitted prior to the commercial use of any Town facility.

Submit to the Town of Chincoteague, 6150 Community Dr., Chincoteague, VA,
(757) 336-6150

Business Name: _____

Authorized Agent: _____

Title: _____

Address: _____

Phone: () _____

Facility(ies) to be used: _____

Purpose of usage _____

The above named person/organization accepts full responsibility for any damages or other adverse impact to Town facilities sustained as a result of the person's/organization's utilization of said facilities for any commercial purpose. It is further agreed that said facility(ies) shall be utilized in a manner consistent with the intended purpose and in accord with all policies and regulations. The above named person/organization also hereby releases and promises to indemnify, defend and hold harmless the Town of Chincoteague, Inc., its employees, agents, volunteers and officers from responsibility for any and all associated losses, claim of loss, injury, damage or expenses, to include attorney's fees, resulting from the named person's/organization's utilization of any Town facility.

Authorized Signature: _____ **Date** _____

Councilwoman Conklin motioned, seconded by Councilman Jester adopt the Commercial Use of Town Facilities, Hold Harmless Agreement. Unanimously approved.

Mayor Tarr feels this should be signed and the rules should be reviewed and put on the back of the agreement. He directed Town Manager Ritter to draft the rules and regulations to add at a later time.

10. Mayor & Council Announcements or Comments

Councilman Jester stated that he gave Town Manager Ritter a flash drive with the photographs of the old archived minutes. He would like to have a thank you letter sent out for this. He also would like a letter sent to VDOT to clean up the intersection from weeds. He commended North Accomack Little League Boys Baseball All-Stars for making it to the finals. He also commented on the article of Chincoteague being the “Best Beach Town in the United States”.

Councilman T. Howard thanked Councilman J. Howard for cleaning up the Greenwood Cemetery. He also feels that Council should listen to all the comments and take them under advisement.

Mayor Tarr stated that the Beach Access Committee has met twice. He stated that the surveys have been sent and they will be planning their next meeting with Mr. Hinds.

11. Closed meeting in Accordance with Section 2.2-3711(A)(3), (7) and (29) of the Code of Virginia.

- **Consideration of Acquisition of Real Property**
- **Legal Representation regarding Tax Rebates.**
- **Broadband Contracts Update**

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(3), (7) and (9) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(3), (7) and (9) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

Adjourn.

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

Mayor

Town Manager

**MINUTES OF THE AUGUST 2, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Terry Howard, Councilman

Absent:

Nancy B. Conklin, Councilwoman
Tripp Muth, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:04 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr presented Councilman Frese with a Certificate of Appreciation.



CERTIFICATE OF APPRECIATION

presented to

Honorable James T. Frese

Term: July 24, 2008 – June 30, 2010

Public service is one of nobility and dedication.

You have displayed these attributes

In the highest tradition during your term as
Councilman of the Town of Chincoteague.

On behalf of a grateful community, I,
along with the members of
the Chincoteague Town Council,
proudly present to you this recognition
of meritorious service.

August 2, 2010

John H. Tarr, Mayor

Councilman Frese thanked all members of Council and staff who worked very hard on his behalf.

OPEN FORUM/PUBLIC PARTICIPATION

Mr. Ken Webb commended the Town, specifically the Town employees on the Pony Penning Shuttle. He stated that they make a positive impression on the guests and visitors.

Mayor Tarr also thanked the volunteers for making it an easier job.

STAFF UPDATE

Planning Department

Town Planner Neville advised that he had an update on Central Utility Planning and the grant is moving forward. The Beach Access Committee has received over 1,000 survey responses and a full analysis will be given at the next Council meeting. He stated that they are receiving a lot of good suggestions. They are preparing a workshop for review of the Sign Ordinance. He advised that Mr. Fred Schmidt will be in Town regarding the Pony Pines Subdivision which is about to expire.

Police Department

Chief Lewis gave Council the July report. There were a couple of comments.

Public Works Department

Public Works Director Spurlock reported for the month of July:

The Water Department pumped, treated and distributed 29,449,000 gallons of water. He commended them for their hard work. They also replaced the lift pump and the pump for well 3B, which failed. They conducted routine fire hydrant maintenance and meter readings along with several service leak repairs.

The Public Works Department prepared for July 4th and Pony Penning along with routine road side trimming and pothole repairs. They assisted in ground maintenance at the Harbor.

Public Works Director Spurlock advised of the upcoming events which are the replacement of boards at the Town Dock and completing the Fall Paving Contract. They are also reviewing the Drainage Plan and planning drainage work. They're waiting for the easements and preparing to begin the Thornton Street drainage.

Councilman J. Howard asked when Wayne Road drainage would be taken care of.

Public Works Director Spurlock advised that this would be discussed at the next Public Works Committee meeting which will be Tuesday, August 3, 2010 at 5:00 p.m.

General Government

Town Manager Ritter reported that the Main Street Corridor Project is still in VDOT's hands. The Blueberry Festival took place causing an influx of activity in the office. Regarding the Southern Rivers Grant money, he advised that the Town has budgeted \$20,000 to look into the wastewater project with the possibility of transporting the wastewater to the mainland. He stated this is being put together by the ANDPC. He also reported that Pony Penning was very successful. Town Manager Ritter thanked all the volunteers and staff. He is also working on the Personnel Policy Handbook. He spoke with Mr. Preston Smith who is still working on the Boating Infrastructure Grant. He advised that there was a Broadband meeting. He reported on the revenues for July.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$ 63,816.00	\$59,637.00	(up)	\$ 4,178.00
Sales Tax	\$ 5,785.00	\$ 5,296.00	(up)	\$ 500.00
Transient Occupancy	\$ 80,534.00	\$77,729.00	(up)	\$ 2,800.00
Solid Waste	\$ 15,766.00	\$15,910.00	(down)	\$ 143.00
Water Rent	\$108,174.00	\$85,743.00	(up)	\$ 22,000.00

Town Manager Ritter stated that the new website is still under construction. They are waiting for pictures. The updated code is on the current website.

- Mrs. Donna Mason of the Waterside Motel came before Council regarding the trash situation. She feels that the money saved from allowing the County to take over the Recycling Center is not worth the health and hazardous conditions. She asked Council to revoke the agreement with the County.

There were comments about the recent problems with the overflow of refuse at the compactor.

Vice Mayor Richardson stated that she went by there and advised that the recyclables could be put there, but the compactor was full. She also was told that they were scheduling another pickup. She handed out letters with instructions of how to get to 2 other facilities on the mainland. She stated that she contacted Public Works Director Spurlock and a truck was put there to take some of the trash. She added that there were some highly upset people who expressed it to the attendant. Vice Mayor Richardson stated that the Town should work with Accomack on finding a solution.

Mayor Tarr stated that he spoke with the Supervisor about this matter.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked to add "Road Right-of-Way" under Closed Session.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda including the Road Right-of-Way for Closed Session. Unanimously approved.

1. Consider Adoption of the Minutes

Regular Council Meeting of July 13, 2010

Councilman T. Howard asked about the phone number listed in the minutes to be changed from 336-6150 to 336-6519.

Vice Mayor Richardson motioned, seconded by Councilman Jester to approve the minutes of the July 13, 2010 meeting with the stated correction. Unanimously approved.

2. Bridge Celebration Update

Mrs. Laureen Hansen, Public Affairs Manager with VDOT, spoke to Council about the plans for the Bridge Opening Celebration. She advised that they are unable to do such a large event with the current budget limitations. She presented an alternative to Council. They are proposing partnering with the Annual Chili Chowder Cook-off. They would like a formal ribbon cutting ceremony. She advised that the difference is that this is a ceremonial event without refreshments. She advised that the large event that Mr. Lowery was planning would take more time to pull off. Mrs. Hansen explained some preliminary plans. She also advised that Mr. Lowery intended to plan an event with sponsors to help with funding.

Councilman T. Howard asked about the medallions. They explained the intent and souvenirs which would be more suited for the Town's people.

Councilman Jester asked about the control-cab, a swing gate and arm that have been requested for about a year. He was advised that they would have to put in a request for those items.

Councilman Jester also asked who the invitees would be from VDOT. Mrs. Hansen advised it would be the Secretary, Governor, Senators, Delegates and so forth. She stated that they could do various types of invitations for the residents of the Island. Mayor Tarr advised he would get her a list and support them in any way they can.

A member of the audience asked if this would take away from the Chili Chowder Cook-off event. Mayor Tarr advised that this would only take a short amount of time. He feels this could enhance the event.

Mrs. Hansen stated that they would plan to make the ceremony before the event.

Councilman T. Howard asked about Mr. Lowery. Mrs. Hansen advised he is no longer a contractor with VDOT because of the expense. She advised that their budget could pay for logistics only and not refreshments.

Councilman Jester asked if there could be a farewell picture on the old drawbridge. Mrs. Hansen advised they would see what could be done and she would look into the safety factors.

Councilman Jester expressed his frustration with VDOT on the Opening Ceremony.

Mrs. Hansen stated she would try her best to make this in accordance with the Town's requests.

3. Closed Meeting in accordance with Section 2.2-3711 (A)(3&7) of the Code of Virginia.

- **Consideration of the Acquisition of Real Property**
- **Legal Representation on Tax Rebate**
- **Road Right-of-Way**

Closed Meeting in Accordance with Sec. 2.2-3711(A)(3 & 7) of the Code of Virginia to Go Into Closed Session for the Purpose of Consideration of the Acquisition of Real Property and Legal Representation on Tax Rebate.

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(3 & 7) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(3 & 7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

4. Possible Motion to Rescind the Motion Relating to the Request for the Taxes and Fees adopted at the June 29, 2010 meeting

Council did not make a decision and concurred to table the matter as further information was needed.

5. Mayor & Council Announcements or Comments

There were none.

Adjourn.

Councilman T. Howard motioned, seconded by Councilman Jester to adjourn the meeting at 9:05p.m. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE AUGUST 19, 2010
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

John H. Howard, Councilman

John N. Jester, Jr. Councilman

Nancy B. Conklin, Councilwoman

Tripp Muth, Councilman

Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OTHER

Assistant Chief Mills introduced a new officer to the Chincoteague Police Department, Ms. Jessica Thomas.

PUBLIC PARTICIPATION

Mayor Tarr asked for public input at this time.

- Mr. Steve Peccio with Assateague Explorers approached Council regarding the kayak and canoe launching issues. He stated that Ms. Mary Montessor, who is present, is the person to address this matter.

Councilman J. Howard asked where the office is located. Mr. Peccio advised it is on Burton Avenue just off of Willow Street.

Ms. Montessor stated that Mr. Mark Coulbourne had concerns and requested clarifications. She addressed operating a business on any public property on the Island. She asked about vehicular advertising on public property. She mentioned the municipal parking law and asked for clarification of the actual Town Ordinance.

There was lengthy discussion regarding the intended use and actual use of the launches. They also discussed the Ordinances and complaints regarding the ramp use of the kayak business.

Councilman T. Howard suggested the owner of the business meet with the Town Manager and possibly the Public Works Director and iron out the indifferences to make it work for everyone.

Ms. Montessoro suggested having a more kayak friendly launch with a sandy-bottom or soft place as the floating dock is useless.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discuss Options for Directional Signage

Town Planner Neville discussed the signage.

Mayor Tarr feels there are two different topics: the directional signage at the foot of the new bridge and the directional signage in the downtown area.

Town Planner Neville explained the landscape area for the bridge directional sign. He also explained the different types of directional signs and costs.

Council discussed the current landscaping and maintenance.

Town Planner Neville stated that Public Works Director Spurlock has talked with VDOT regarding landscaping. VDOT advised that they would prefer not to send a crew to weed and take care of the landscaping. They would rather the Town take over the landscaping and maintenance thereof. Town Planner Neville feels it would be in the Town's best interest to maintain this area. He presented options for a welcome sign including a masonry planter bed at the base and a long term plan to construct a fancier more expensive sign. He stated that a 'middle-of-the-road' cost approach to make a welcome sign could be accomplished in the short term.

Discussion continued as Council gave their opinions and suggestions. Town Planner Neville was directed to contact VDOT about placement and regulations.

Discussion then continued regarding directional signage. Town Planner Neville stated that a previous plan was to hire a specific company to research and come up with a uniform way finding design for signage throughout the Town. He expressed his concerns about the expense. He also informed Council that the Planning Commission is reviewing the portion of the Code that addresses off premise signs and public signs. He stated that the Comprehensive Plan has a reference in helping to make the Island more user-friendly. He then continued to describe the different sign ideas.

Council discussed and recommended a pamphlet in the kiosk at the downtown park for directions and information. They also talked about the types of directional signage.

Town Planner Neville suggested that if the Town isn't allowing any additional off premise signage this would be a way to help the businesses. He also suggested reviewing the Sign Ordinance.

Mr. Jim Frese feels there are two aspects: 1) to know where an area is and 2) to find the business.

A suggestion from the audience was to charge for creating a single map showing all Town Businesses in the Business License fees. There could be a box for the additional cost to be added to the signage. They feel that the entire Island should be uniform.

Town Planner Neville stated that Building and Zoning Administrator Lewis should be included in the planning process for guideline purposes.

Council suggested contacting the Chamber for their input also. It was suggested that they should probably go with the generic signs.

Council expressed their concerns for each idea along with the confusion of the current sign ordinance and the many definitions.

2. Review Draft Home Occupational Ordinance

a. Signs

b. Parking

Town Planner Neville explained the items in the packet and that Council should review and make decisions regarding changes. He also explained the Planning Commission recommended changes to signage size.

Councilman Jester explained that this came about because of the complaints of the signs for home occupations along with parking requirements.

Town Planner Neville stated that the current parking requirement is 2 spaces. He added that this does not mean 2 additional parking spaces. Council agreed that the requirement should be revised

Building and Zoning Administrator Lewis explained the current parking requirements.

Discussion continued about the need for parking for certain home occupations, such as grass cutting businesses and direct sales on or off premise.

Building and Zoning Administrator Lewis suggested having a box on the business license application for limited home occupation.

Town Planner Neville addressed the Uses Permitted by Right and stated that the idea is to get to the basic category of uses. He also stated that there are industrial uses that are not appropriate in residential districts. He also stated that currently the home occupation signs of any type shall not exceed 4 square feet.

Councilman J. Howard commented about maximum sign size.

Councilman T. Howard mentioned sandwich boards and feels the square footage should be changed. He also asked about the limited home occupation sign requirement.

Discussion continued regarding signage for home occupations.

Building and Zoning Administrator Lewis believes there is a flaw in the wording of the ordinance. He stated that the ordinance states “each” business instead of each parcel causing several signs.

Mayor Tarr explained what was being proposed, which is size and sandwich board limitations.

Town Planner Neville stated that they are recommending that limited home occupations be permitted in the R1 and R2 districts and home occupations be permitted in the R3 districts.

Councilman T. Howard feels that when there is a change in the residential neighborhood and a commercial business is allowed it changes the neighborhood altogether. He feels they are getting farther away from the original intent of the home occupation.

Councilman J. Howard suggested only allowing one sign for a home occupation.
Councilman T. Howard concurs.

Mayor Tarr reviewed the proposed changes and asked for Council’s input regarding “Limited Home Occupation” signs. He advised that it currently reads 8 square feet in area and shall not be more than 1 per dwelling.

There was lengthy discussion. Council agreed that one sign and 4 square feet was sufficient for limited home occupations. Council agreed that one sign and 16 square feet was sufficient for regular home occupations.

Town Manager Ritter suggested letting the Planning Commission review the proposed changes and schedule a joint public hearing for October.

3. Mayor & Council Announcements or Comments

Councilman Jester asked Council to make the decisions necessary for signage so that at the next workshop they can discuss the winter schedule for Public Works.

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

- **Consideration of the Acquisition of Real Property.**

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

Councilwoman Conklin moved, seconded by Vice Mayor Richardson to reconvene in regular session. Unanimously approved.

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

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

WHEREAS, Section 2.2-3711(A)(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- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin
Nays- None
Absent-None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE SEPTEMBER 7, 2010 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Terry Howard, Councilman
Tripp Muth, Councilman
Nancy B. Conklin, Councilwoman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mrs. Susan Krista, VIP Rentals, expressed her discord of the Recycling Center changes. She feels that the recycling center is not user friendly to commercial businesses. She explained the process and requested that Council revisit this issue and find a workable solution.

Councilman J. Howard asked what day her clients check out. Mrs. Krista advised usually Fridays.

There was discussion regarding collection and the possibility of having the collection days changed.

Mayor Tarr advised that a business that shows up with a pickup truck full will be turned away.

Mrs. Krista suggested finding an alternative to correct the problem before next year.

- Dr. William Baczek addressed Council regarding the refund he has not received that Council voted on in June. He is upset that this has gone on for 2 months. He advised that no other doctor has paid a license fee for Chincoteague. He stated that Mayor Tarr has researched this also. He explained that Dr. Wolffe who was on the Town Council and in his own private practice didn't have to pay for a business license. He feels this is discrimination and fraud. He asked if Town Attorney Poulson pays for his business license on Chincoteague.

Dr. Baczek then quoted the Code and again asked if the Town's attorney had a business license. He stated that Mayor Tarr met with him and they agreed that he would receive a credit for the years he paid the business license and use it to pay his taxes. He advised this didn't happen. He then stated that Councilman Frese helped him on June 29th and Council voted for him to receive the refund. He also advised that for years he has given the Town employees a 20% discount on his fees. He paid his license fees because he was told to he had to. He is very upset to find out that no other Town doctor has paid a license fee. He doesn't feel that it's fair that the Town Attorney doesn't have to have a business license.

Town Attorney Poulson advised that he does not need a Town license.

Dr. Baczek stated that he spent hundreds of thousands of dollars to have a dental office here. He also stated that he has nothing to keep him here.

Mayor Tarr stated that Council will be discussing this on another agenda item. He stated that the business license is \$500 per year. He also stated that when they met there was a balance of \$5,000 over a 10 year period not mentioning interest. He stated that the Town hasn't lost any records. He advised that the Town keeps the records based on the state retention schedule. He stated that the Town's records do not go back 25 years.

Dr. Baczek stated that they discussed the ball park figure, but it still didn't happen. He stated that he can retain legal counsel if necessary. He also asked if the Town wanted to keep a dentist on the Island.

- Mr. Mark Coulbourne, Assateague Explorers, stated that all the complaints regarding the kayak issues at the Eastside Boat Ramp have been taken care of. He apologized for not being available to attend the last meeting. He stated that he was upset that during one of his kayak tours the vehicles at the Eastside Boat Ramp had parking tickets on them and advised that his customers paid their tickets. He stated that there are 13 painted spaces for vehicles with trailers and 5 painted spaces for vehicles. Mr. Coulbourne read from the Code. He advised that others have been parking in the wrong spaces there also. He suggested that signage should reflect that the extended spaces require launch stickers. He also advised that he is doing his best.

Mr. Coulbourne read a letter from one of his clients. He explained the letter states that his client had a bad experience because of the fine and will not return to the Island. He feels this is bad publicity.

There was further discussion as to the issues of parking and commercial use on Town property.

Mr. Coulbourne asked Council to let him know what they want him to do and he'll do it. He wants to comply.

STAFF UPDATE

Police Department

Chief Lewis gave Council the August report for the Police Department. He reported that this Saturday is the Annual Poker Run and Block Party. He advised that the motorcycles should arrive around 1:00 p.m. and should last until 9:00 p.m.

Planning Department

Town Planner Neville reported that in September the Planning Commission will meet to review the composite of the new zoning districts and possibly schedule a workshop in October. He stated that he has been working with the ANPDC on the Hazard Mitigation Plan as well as the USF&W Planning Team. He will report on the directional signage at a later date. Town Planner Neville also reported on the survey response to date.

Public Works

Public Works Director Spurlock reported that he met with Mr. Cole of the Army Corps of Engineers to look at Ocean Blvd. Extension and discuss future plans. He advised that Mr. Gene Taylor volunteered to help the Town with this project. Public Works Director Spurlock also reported that he has been reviewing the preliminary report on the Eastside "slump". He believes there are no major structural issues and could be repaired in-house. They also have approval to clear the ditch along Dodd Street.

Water Works

Along with routine operations they have pumped 25,000,000 gallons to the Island.

Roads Department

Also conducting routine operations they have been completing roadside trimming and mowing, pothole patching and street sweeping. They have also completed the striping of the parking lots. He stated that the big issue for the fall is the drainage. They are planning to review the Drainage Master Plan on September 16th and review the priorities at that time.

Facilities

They are in the process of giving Watson Park a facelift. Public Works Director Spurlock advised Council of the drain field failure at Memorial Park. He stated that Roto-Rooter is scheduled to look at the drain fields on Friday to see if they can help.

Other

He stated that the width of Ocean Blvd. Extension goes from 40 to 50 feet. They're waiting for permission to clear as much as possible. He also stated that they need to decide to either use fill or boardwalk the path.

Councilman J. Howard suggested using fill. Public Works Director Spurlock stated that they are waiting for the DEQ to advise.

General Government

Town Manager Ritter reported that they have completed the revisions to the Broadband Agreements and will send them for Town Attorney Poulson's final review. He met with Mr. Preston Smith regarding the grant for the fuel pump at the Harbor. He advised they should be ready to bid it out in October. The Downtown Main Street Project is getting the final approval from VDOT. He also stated that the new website will soon be up and running. The holdup has been the pictures. He stated that the annual audit is completed. There were no issues and was outstanding. The final report should be issued in October. The new tax software will be installed this month along with training. Staff is reviewing the delinquent taxes.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$196,816	\$161,985	(up)	\$ 34,831
Sales Tax	\$ 18,478	\$ 15,792	(up)	\$ 2,686
Transient Occupancy	\$240,928	\$231,267	(up)	\$ 9,661
Water Rent	\$208,894	\$169,534	(up)	\$ 39,360

There was discussion about a vessel at the Harbor. Council feels there should be a letter sent to the owners asking them to remove the vessel.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr stated there are two items to add to the agenda; item 9a, which is a Resolution for National Preparedness Month and item 9b, which is regarding the paving contract.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda adding items 9a, Resolution for National Preparedness Month and 9b, Fall 2010 Paving Contract. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of August 2, 2010**
- **Regular Council Meeting of August 19, 2010**

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

2. Presentation by Virginia DEQ on the Local Water Supply Plan

Ms. Tammy Stephenson gave a brief PowerPoint presentation about water supply. She spoke of the comprehensive planning process and state water resources. She stated that this plan prepares

for a drought. She advised that the Town's Plan is due in November 2010. They will review all existing plans for consistency with the State requirements. She explained the process to adopt the plan.

Mayor Tarr asked if they will take all the plans and combine them into the DEQ state plan. Ms. Stephenson advised that the whole process is for the DEQ to sit around the table and pull together a plan that works.

Councilman J. Howard asked if this would help with the funds to possibly replace water meters. Ms. Stephenson stated there are no funds for this now. She is hoping that they would be able to fund those types of things in the future.

Mayor Tarr asked if the DEQ would be looking into an active testing plan since the cost to localities was prohibitive. Ms. Stephenson was unsure.

Mayor Tarr advised that this was a problem as part of the permitting process. He asked how a small locality could complete a test plan just for that locality.

Council reviewed the handouts Ms. Stephenson provided.

Mayor Tarr thanked Ms. Stephenson for attending.

3. Consider Appointment to the Planning Commission

Mayor Tarr stated that Councilman Muth's seat on the Planning Commission is now vacant. He advised that there are 5 who expressed their interest and completed a questionnaire: Michael Dendler, Helen Merritt, Nancy Lane, Spyridon Papadopoulos and Andrew Jorgensen. Mayor Tarr explained the process and opened the floor for nominations.

Councilman Jester nominated Mr. Spyridon Papadopoulos.

Councilman J. Howard nominated Ms. Nancy Lane.

Vice Mayor Richardson nominated Mrs. Helen Merritt.

Mayor Tarr closed the floor for nominations and conducted the vote:

Mr. Spyridon Papadopoulos – 3 votes, not a majority.

Ms. Nancy Lane – 2 votes, not a majority.

Ms. Helen Merritt – 3 votes, not a majority.

Mayor Tarr suggested that because neither of those nominated received the majority of votes there should be a special meeting to meet with the candidates.

Councilman T. Howard stated that he reviewed the questionnaires that were filled out and feels there are several good candidates. He feels Council should revote.

Mayor Tarr opened the floor for nominations once again.

Councilman T. Howard nominated Mr. Michael Dendler.

Councilman Jester nominated Mr. Spyridon Papadopoulos.

Councilman J. Howard nominated Ms. Nancy Lane.

Vice Mayor Richardson nominated Mrs. Helen Merritt.

Mayor Tarr closed the floor for nominations and conducted the vote:

Mr. Michael Dendler – 1 vote.

Mr. Spyridon Papadopoulos – 3 votes.

Ms. Nancy Lane – 2 votes.

Mrs. Helen Merritt – 3 votes.

Mayor Tarr stated that because neither candidate received a majority vote there will be a special meeting with the candidates to ask questions. He advised they would decide the meeting date at a later time.

Councilman T. Howard stated that Mr. Papadopoulos and Ms. Lane have applied for other committee or board positions within the Town. He expressed his disappointment that there couldn't be an appointment.

4. Appointment to the USFWS Interdisciplinary Planning Team

Town Planner Neville explained that this is for the work on the CCP. He asked Council if they thought it was a good idea and volunteered to be on the Planning Team. He added that the first item on the agenda is an economic analysis.

Mayor Tarr feels this is a good idea. He would like to err on the side of caution. He expressed his concern that Town Planner Neville is a Planner not an elected official.

Councilman Jester motioned, seconded by Vice Mayor Richardson to appoint Town Planner Neville as the Town's representative on the Planning Team. Unanimously approved.

5. Public Works Committee Report of August 3, 2010

Mayor Tarr stated that there were a couple of water usage adjustment requests. He stated that the Master Drainage Plan was discussed and will be an item on the Council workshop on Thursday, September 16th. He also reported that Clark-Nexsen will be present at that meeting to review the Master Drainage Plan. Mayor Tarr stated they discussed the road lottery that staff would be working on to bring back to another Committee meeting.

6. Harbor Committee Report of August 3, 2010

- Consider Bidding Out the Grass Cutting Contract for the Harbor Facilities.

Councilman J. Howard reported a few minor changes the Committee discussed. He advised that they recommended putting out a bid for a grass cutting contract.

There was a short discussion.

Councilman T. Howard motioned, seconded by Councilman J. Howard to put out the bid for a grass cutting contract for the Harbor facilities. Unanimously approved.

7. Recreation and Community Enhancement Committee Report of August 20, 2010

Councilman Jester reported that they are going to define the mission of what the Committee should be doing. He stated that there is no term listed on the Committee but feels there should be a 2-year term. They are also planning to invite the Garden Club to the next meeting to help decide what they could do to enhance the community. He stated they will be reviewing what should be done at the Parks throughout the Island to enhance them also.

8. Budget and Personnel Committee Report of August 10, 2010

Councilwoman Conklin reported that they are currently comparing the new Personnel Handbook with the old one. Their next meeting will be September 14th.

9. Ordinance Committee Report of August 12, 2010

- **Consider Revision to Code Section 22.127/Pony Penning Sales**

Councilman T. Howard reported that they discussed Code Section 22.127 regarding Pony Penning Sales. He stated that the Code states 7 days which puts the deadline on Saturday, however, the Town Office is closed on Saturdays. He stated that they are recommending that the Code states 8 days to make the deadline on Friday. He stated that they also discussed other matters.

Town Manager Ritter also explained that currently the Ordinance states 7 days and should be changed to 8 days to make the deadline on a Friday as opposed to Saturday as the Town Office is closed. He added that this is a housekeeping item.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to approve the revision to Code Section 22.127, Pony Penning Sales changing the deadline from “7” days to “8” days notice on the Pony Penning Sales Permit. Unanimously approved.

Mayor Tarr requested that staff mail letters to those who purchased a Pony Penning Sales Permit this year explaining the change.

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~~ **eight** days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale.

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 sale that 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.)

9a. National Preparedness Month Resolution

Councilman Jester motioned, seconded by Councilman T. Howard to adopt the National preparedness Month Resolution. Unanimously approved.

Councilman Jester stated that this is the week for 9/11 and reminded everyone to be prepared.



RESOLUTION

NATIONAL PREPAREDNESS MONTH

WHEREAS, September is National Preparedness Month, a time set aside to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses and communities; and

WHEREAS, the Town of Chincoteague has suffered both natural disasters and human-caused emergencies that have resulted in loss of life and property; and

WHEREAS, nearly three out of four Virginia residents do not have four essential supplies on hand to help during emergencies, with those supplies consisting of a family emergency plan, three days' food that won't spoil such as canned and packaged foods, three days' water amounting to one gallon per person per day, and a hand-crank or battery powered radio and extra batteries to hear emergency information; and

WHEREAS, those who are at least minimally prepared for emergencies recover faster and can help others who also may be affected, demonstrating community spirit in the face of adversity; and

WHEREAS, emergency preparedness is a shared responsibility, and every family that is able should prepare to be self-sufficient for the first 72 hours after disaster strikes; and

WHEREAS, the shores of the Atlantic Ocean puts Chincoteague at risk each year for the damaging effects of both offshore and inland hurricanes and tropical systems; and

WHEREAS, historically September begins the prime season for the threat of tropical systems and flooding throughout Virginia;
NOW, THEREFORE, I John H. Tarr, mayor, do hereby recognize September 2010 as **NATIONAL PREPAREDNESS MONTH** in the **TOWN OF CHINCOTEAGUE, VIRGINIA**, and I encourage all citizens to be ready by taking steps to prepare for emergencies at home, at work and in our community.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Town Manager

9b. Fall 2010 Paving Contract

Public Works Director Spurlock advised Council of the outcome of the recent bid opening for the Fall 2010 paving contract. He explained project and the bids. He stated that Branscome, Eastern Shore was the sole bidder with the following bid:

Base Contract (Maddox/Main)	\$295,514
Additive 1 (Cropper St.)	\$ 31,771
Additive 2 (Anderton Ave.)	\$ 25,960

Public Works Director Spurlock recommended that the contract be awarded to Branscome, Eastern Shore. He further recommended that the Town, in consideration of available funding and work scheduling, award the Base Contract and Additive 1 for a total contract not to exceed the value of \$327,285.

There was further discussion about filling potholes and the sidewalk at the catch basin going south at the new bridge. They also discussed the status of adding the sidewalk north of the new bridge and the time frames to begin the projects. They also touched on the current issues on the crosswalks.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to award the fall 2010 Paving Contract to Branscome, Eastern Shore, with the total contract not to exceed \$327,285. Unanimously approved.

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

- **Legal Representation on Tax Rebate**
- **Legal Matters – Probable Litigation**

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss Legal Representation on Tax Rebate and Probable Litigation matters. Unanimously approved.

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

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

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

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

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

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

Nays- None

Absent- None

11. Possible Motion to Rescind the Motion Relating to the Request for the Taxes and Fees Adopted at the June 29, 2010 meeting

Council agreed to comply with the previous motion to return tax fees.

Councilman Jester motioned seconded by Councilman J. Howard that "Council clarify henceforth no exemptions except under the business tax ordinance expressly provided as written under the terms of the ordinance". Unanimously approved.

12. Mayor & Council Announcements or Comments

There were none.

Adjournment.

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

Mayor

Town Manager

**MINUTES OF THE SEPTEMBER 16, 2010
CHINCOTEAGUE SPECIAL TOWN COUNCIL WORKSHOP**

Council Members Present:

John H. Tarr, Mayor

John N. Jester, Jr., Councilman

John H. Howard, Councilman

Terry Howard, Councilman

Tripp Muth, Councilman

Nancy B. Conklin, Councilwoman

Council Members Absent:

Ellen W. Richardson, Vice Mayor

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr added the following to the agenda:

(6) Christmas Decorations, (7) Eastern Shore Tourism Corporation and (8) Closed Session; Property Acquisition.

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

1. Storm Water Drainage Master Plan

a. Presentation by Consultant Clark Nexsen

b. Discussion

Public Works Director Spurlock introduced Mr. John Hurzke with Clark-Nexsen.

Mr. Hurzke gave a presentation about mapping out a Storm Water Drainage Master Plan. He explained what they would provide in the Master Plan along with grant opportunities, priorities, possible solutions, management goals and public awareness. He added that they comply with state and federal regulations. Mr. Hurzke continued to explain why a Master Plan is necessary. He suggested paying for storm water maintenance with grants or a storm water utility fee as this will create a steady stream of revenue. He also stated that a combined utility fee would help pay for the sanitary sewer study also.

There were questions and discussion about drainage and what a Master Plan should include and could do over time along with possibilities of funding.

Town Manager Ritter mentioned the Waste Water Study that the County is funding through the Southern Rivers funds.

Mayor Tarr thanked Clark-Nexsen for attending.

2. Possible Change in the Flood Ordinance, Sec. 30-19 Anchoring Fuel Tanks

Councilman T. Howard explained that at the last meeting of the Ordinance Committee they discussed the approaching deadline to be in compliance with the Anchoring of the Fuel Tanks Ordinance. He advised that the local Gas Companies were present and advised that the deadline was unrealistic. He stated that they voted and agreed to recommend to Council to extend the deadline to November 5, 2012.

There was discussion about the extension and the wording regarding the engineer stamp requirement.

Town Manager Ritter expressed his concern as to liability.

Council Members expressed their concerns regarding costs, responsibility, liability, deadlines and requirements.

Councilman Muth asked if the Town should uphold an ordinance that goes beyond the state Code.

Councilman T. Howard asked if the Town is liable by recommending FEMA guidelines.

Mayor Tarr asked about the verbiage for specifications. He stated that the only reason this was adopted was for safety.

Discussion continued.

Mayor Tarr suggested an addition to the verbiage from the FEMA recommended guidelines: "...strapping and anchoring fuel tanks shall follow the recommended guidelines or shall follow an approved engineering anchoring system." He suggested informing the residents of the requirements and deadline.

Councilwoman Conklin motioned, seconded by Councilman Muth to include the engineering anchoring system to the requirements and extend the deadline for compliance 2 years to November 5, 2012. Unanimously approved.

3. Discussion of Potential Consultant/Lobbyist to Represent the Town

Mayor Tarr stated that in the packet there is a brochure from a consulting firm. He advised that he and Supervisor Thornton met with the firm. He stated they are willing to make a presentation and put together a price of what it may cost for a year for their services. He stated that they lobby on the Town's behalf. He stated that they would also assist with any grant we decide to write.

There was discussion as to the benefits of hiring a firm such as this. Town Manager Ritter stated that there should be a Request for Qualifications put in the Eastern Shore News and look at the quality of applicants.

Councilman Muth motioned, seconded by Councilman J. Howard to put out an RFP for a governmental consulting firm. Unanimously approved.

4. Directional Signage Program Update

Town Planner Neville stated that at the last workshop there was discussion about directional signage at the new bridge site. He gave Council options of different signs, directional versus informational. He stated that he doesn't believe VDOT has to approve the location of the sign, but they would need to contact Miss Utility. He also mentioned the cost along with the actual construction. Town Planner Neville stated that it would be a reflective sign.

Council discussed the sign and landscaping.

Councilman T. Howard asked if the proposed sign was a temporary sign. Town Planner Neville stated that it does not have to be. He stated that they could make it a more permanent sign at a later date.

Councilman J. Howard motioned, seconded by Councilman T. Howard to go forward with the design and placement of the Welcome to Chincoteague sign. Unanimously approved.

5. Mayor and Council Announcements or Comments

Mayor Tarr mentioned the date for interviews for the selection of a Planning Commission member. He advised he will be speaking with Vice Mayor Richardson so there will be a full Council present at the interviews.

Town Planner Neville explained the press release for the Beach Access Questionnaire. He stated that they presented it to the Beach Access Committee and wanted to share it with Council prior to release. Council concurred with the press release.

Mayor Tarr stated that there should be a mass mail-out regarding the press release and FWS proposals for alternative transportation to the beach to go with the fuel tank information. Town Planner Neville explained what to include in the mail-out. He stated that they want everyone to know the comment period is open for the next 180 days. He was waiting for the presentation at next Tuesday's meeting to decide what to include in the mail-out document.

Mayor Tarr asked for Council's input regarding the Christmas Gathering. He stated that this is a social for the Committees and a separate event would be for staff.

Council discussed the matter and the date.

Mayor Tarr instructed staff to send Vice Mayor Richardson and Mr. Richardson an expression of concern as he just had surgery and is currently in the hospital.

Councilman Muth and Councilman Jester advised that the Annual Poker Run was a huge success.

6. Christmas Decorations

Mayor Tarr advised that Mr. Kevin Krome and Mr. Steve Potts have mailed a charitable letter out about donations for more Christmas decorations. He explained the different plans and ideas for decorations. He presented Council with a copy of the letter.

There was further discussion and Council agreed to go forward.

7. Eastern Shore Tourism Corporation

Mayor Tarr received a letter regarding Light Boxes and advertisement at the Eastern Shore of Virginia Tourism Commission. He stated that it is on a first come first serve basis in the amount of \$850 per year.

Councilwoman Conklin moved, seconded by Councilman T. Howard to pay the Eastern Shore of Virginia Tourism Commission \$850 for a Light Box advertising display for the Town of Chincoteague. Unanimously approved.

8. Closed meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia.

• Consideration of Acquisition of Real Property

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

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

Councilman Jester moved, seconded by Councilman T. 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- Jester, Muth, T. Howard, J. Howard, Conklin
Nays- None
Absent-Richardson

Adjourn

Councilman T. Howard motioned, seconded by Councilman J. Howard to adjourn the meeting at 8:31 p.m. Unanimously approved.

**MINUTES OF THE OCTOBER 4, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
John N. Jester, Jr., Councilman
John H. Howard, Councilman

Terry Howard, Councilman
Tripp Muth, Councilman
Nancy B. Conklin, Councilwoman

Council Members Absent:

Ellen W. Richardson, Vice Mayor

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Tarr asked for a moment of silence for Mr. Donald Leonard who was a past member of Council, a valuable member of the community and the Volunteer Fire Company. He also asked for a moment of silence for Town employee, Mr. Hal Clark for his untimely passing.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Joe Justice asked Council about closing off a ditch.

Public Works Director Spurlock advised that according to the Town Ordinance it shouldn't be blocked off. He offered to look into this further.

STAFF UPDATE

General Government

Town Manager Ritter reported that they have received the RFPs for economic development services. He added that they will be reviewed them at the next work session. He reported on the status of the Light Box at the Bay Bridge Visitor Center. He also reported on the status of the Fuel Pumps at the Harbor. They are in the process of obtaining the permit for the bridge fender to use as a fishing pier. He reminded Council of the Bridge Celebration on October 16th at 11:00 a.m. Town Manager Ritter advised that the new tax software will soon be up and running. He also stated that the new website draft will be ready in October. He then gave the September report on the Town's revenue:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$316,184	\$255,078	(up)	\$ 61,000
Sales Tax	\$ 30,632	\$ 26,089	(up)	\$ 4,543
Transient Occupancy	\$398,285	\$376,812	(up)	\$ 21,473
Water Rent	\$305,467	\$254,204	(up)	\$ 51,262

Public Works Department

Roads and Facilities:

Public Works Director Spurlock reported that they have been clearing Ocean Boulevard Extended. He stated they have constructed a pole shed for equipment, the damaged sidewalks have been replaced on Cropper Street and the shoulders have been cleared on Eastside Road along with a facelift to the downtown restrooms. He added that there has also been park maintenance and pothole repair.

Water Department

Public Works Director Spurlock reported that along with routine maintenance and meter reading they were pumping approximately 600,000 gallons a day and just recently dropped down to pumping approximately 300,000 gallons. He added that the routine ground storage maintenance continues.

Upcoming Events

Public Works Director Spurlock stated that the fall paving with Branscome is scheduled for October. They are preparing to replace a water main on Wagner Lane. They are also replacing failed storm water drains and culverts on Eastside Road. They will start Margaret's Lane drainage project also.

Councilman T. Howard asked about clearing the extension of Ocean Boulevard and the impact on wetlands.

Councilman Jester asked about SCADA. He also mentioned having the control box removed at the restrooms when they remove the traffic light.

Councilman J. Howard talked about planting trees at the different parks. He suggested putting a plaque on the pole shed in memory of Mr. Clark as he was a big part of building most of it.

Police Department

Chief Lewis advised that they received a grant in the amount of \$50,000 for police car computers. He reported that the motorcycle Ride of Kids on September 11th raised \$27,000. He requested to reserve the Robert N. Reed, Sr. Downtown Waterfront Park for next year on September 10th, 2011 for the same event.

Council approved.

Councilman J. Howard stated that they should all be commended. He added that he has received no complaints about this event.

Councilman T. Howard asked for a round of applause for the hard work in the community the Police Department does.

Town Attorney Poulson addressed the speed limit coming onto Chincoteague. He advised that there was a traffic study of the speed limit. He explained the changes and stated that they were approved in August. He added that the Suffolk office was supposed to get the changes completed. He stated that there is no construction there now and the changes have not been done as of yet. He suggested that the Town contact VDOT and have it corrected.

Mayor Tarr directed Town Manager Ritter to send a letter to VDOT.

Planning Department

Town Planner Neville stated that there will be a joint public hearing with the Planning Commission later in the meeting. They are making progress with the new zoning districts. He advised that the Planning Commission will be reviewing the permitted uses within the districts. He also reported on the presentation at the Community Center with Mr. Lou Hinds. They were collecting public scoping input for their Master Plan. He stated the Town will need to provide a

formal comment before January 18th. He also stated that the welcome sign will be ordered and up by next month.

AGENDA ADDITIONS/DELETION AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of September 7, 2010**
- **Council Workshop Meeting of September 16, 2010**

Councilwoman Conklin motioned, seconded by Councilman Jester to approve the minutes. Unanimously approved.

2. Joint Public Hearing with the Planning Commission on Zoning Ordinance Changes to Home Occupation

Mr. Ray Rosenberger called the Planning Commission meeting to order.

Town Planner Neville explained that the Public Hearing is about the Home Occupation Ordinance. He advised that the Planning Commission was asked to consider ideas such as signage and parking. He added that they reviewed other Home Occupation Ordinances from other communities. Town Planner Neville explained the changes and additions. He added that they also addressed signage. One change was to make it clear that only 1 sign would be permitted in a Home Occupation and size restrictions. Another change is to the Business License application by adding the Zoning Permit Application form for Home Occupations. He stated this could include the map of the property, the use and parking requirements. He also explained the square footage of the signage. This would give the Town a baseline to be able to address any concerns that would come up in the future.

Mayor Tarr opened the public hearing at 7:39 p.m.

Mrs. Peggy Thomas stated that years ago when a business closed they couldn't reopen that same business. Mayor Tarr stated that to be grandfathered would only be for 3 years. He added that after 3 years they would have to start over.

Mayor Tarr closed the public hearing at 7:41 p.m.

Councilman J. Howard asked about flags and sandwich boards. He stated that he would like residential property to remain residential. Mr. Rosenberger agreed.

There was a question about square footage of the new signage. Town Planner Neville read the signage requirements.

Town Attorney Poulson reviewed one of the definitions. He asked if the total gross floor area of the dwelling is livable square footage or would it include porches. Town Planner Neville advised it is the heated livable area of the dwelling.

Town Attorney Poulson also asked about the equivalent area within the accessory structure. He asked if it meant an amount which is equal to 25% of the house. Town Planner Neville advised that he was correct.

Discussion continued as to the idea and intent along with use of accessory structures.

Mayor Tarr stated that the Zoning Permit fits into the situation and could be no additional charge.

Town Planner Neville stated that the Zoning Permit Application is the Town's opportunity to work with the property owner to make sure that the use is in compliance with the Zoning Ordinance. He stated that by using the Zoning Permit it will provide documentation that the customer is following the rules to obtain a business license.

Council discussed the different parking requirements in R1, R2 and R3.

Town Planner Neville stated that for R1 and R2 there are limited sales and thus no need to require parking. He added that R3 requires parking.

Councilman T. Howard asked if the ordinance is prohibiting direct sales. He was advised it was not. Discussion also continued regarding the parking for Home Occupations.

Town Planner Neville again explained the differences between and reasons for the parking requirements in the R1, R2 and R3 districts. Mr. Rosenberger stated that at some point an ordinance would have to draw a line.

Councilman T. Howard suggested being careful with this Ordinance. He complained about the noise cars make pulling into the crushed shells in a business driveway.

Mayor Tarr read the requirements.

Councilman J. Howard explained that he purchased a large piece of land set back in the woods. He stated that he was unable to use it for his equipment because it wouldn't be on the same parcel as is business address.

Councilman T. Howard urged the Planning Commission to be careful on how loosely they write the ordinance.

Councilman Jester feels the Zoning Application is a good idea.

Mayor Tarr asked that they think about how many visuals are allowed at that business.

Town Attorney Poulson stated that the R2 has been limited.

Councilman T. Howard feels that a 16' sign isn't necessary. He added that he supports home occupations as long as they don't take away the character of the neighborhood.

Mr. Rosenberger added that there are no outside sales in townhouses.

Town Planner Neville stated that if Council wants to change the home occupations to the quiet residential use with a small sign then they can look into that.

Town Attorney Poulson feels that condominiums should be included.

Mr. Rosenberger suggested tabling the matter until there is a full Council.

Planning Commission members Mrs. Cherrix motioned, seconded by Mr. Potts to adjourn the Planning Commission meeting. Unanimously approved.

Mayor Tarr advised that if the changes are more restrictive there will be another public hearing.

3. Public Hearing on the Local Water Supply Plan

Ms. Tammy Stevenson with the Department of Environmental Quality gave a presentation. She explained the background of the regulations and explained the Plan along with the process.

Mayor Tarr opened the public hearing at 8:36 p.m.

Ms. Barbara Thackray urged people to use a rain barrel for irrigation to conserve water.

Mayor Tarr closed the public hearing at 8:38 p.m.

Town Attorney Poulson asked about alternate #4 and #5. He wanted to know if they affect the Town.

Ms. Stevenson advised that the plan doesn't require that it is that specific. However, it would be used on a grant application.

Mayor Tarr asked if the County has an original plan.

Ms. Stevenson was unsure.

There was discussion about the ownership of the surrounding properties of the wells.

Councilman Jester asked if the Town should look into land west of the current facility. He feels this could be an option if the aquifer was intruded by the seaside.

Discussion continued.

Town Attorney Poulson suggested omitting item #5.

Usage was discussed as was the possibility of salt water intrusion.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the resolution for the Town of Chincoteague Water Supply Plan. Unanimously approved.



RESOLUTION
to approve and adopt the Town of Chincoteague
WATER SUPPLY PLAN

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply plan and program to the Department of Environmental Quality (DEQ); and

WHEREAS, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9VAC25-780-70;
- A description of existing water use in accordance with the requirements of 9VAC25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9VAC25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9VAC25-780-100;
- A description of water management actions in accordance with the requirements of 9VAC25-780-110 and 9VAC780-120;
- A statement of need in accordance with the requirements of 9VAC25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9VAC25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, on October 4, 2010 the Town Council held a public hearing to accept public comment on the Chincoteague Water Supply Plan;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague hereby adopts the Chincoteague Water Supply Plan with the intent to submit the Plan to DEQ by November 2010. Approval and adoption of this plan and program indicates support for and general agreement with this water supply planning approach, and intent to monitor conclusions and to implement the recommendations presented in the plan as is warranted by actual conditions that develop during the planning horizon.

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague intends that the Chincoteague Water Supply Plan shall be revised to reflect changes in relevant data and/or program

elements at least once every five years and the plan shall be updated into the future and resubmitted to DEQ at least once every ten years, in accordance with the regulation and sound planning practice.

ADOPTED on this 4th Day of October 2010.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Town of Chincoteague on October 4, 2010.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

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

Mr. Aaron Hawkins with Robinson, Farmer, and Cox Associates gave a presentation of the FY10 Financial Report from the recent audit.

5. Storm Water Master Plan Proposal, Phase 1

Public Works Director Spurlock advised that they received the proposal from Clark-Nexen. He informed Council that the total cost for the Phase 1 of the Storm Water Master Plan is \$58,815. He reviewed the Proposal and advised that they gave a list of priorities along with a draft ordinance for the regulation of filling. He added that this was a budgeted item.

Council discussed ditches and resolutions to some of the drainage issues along Wayne Road. Mayor Tarr asked if the Town would get a GIS overlay for the work. Public Works Director Spurlock advised they would.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to approve the Storm Water Master Plan Proposal, Phase I at a fixed price of \$58,815. Unanimously approved.

6. ESVBA and the Town Agreements

• Engineering Service Agreement

Mayor Tarr advised that the Engineering Service Agreement has been discussed. The Network Build-Out Agreement has been moved to Closed Session.

Councilman T. Howard motioned, seconded by Councilman Jester to approve the Engineering Service Agreement. Motion carried.

Ayes: Jester, T. Howard, Muth, Conklin

Nays: J. Howard

Absent: Richardson.

7. Public Safety Committee Report of September 9, 2010

Mayor Tarr reviewed the report.

8. Ordinance Committee Report of September 9, 2010

Councilman T. Howard reviewed the report and advised that they discussed the deadlines for anchoring fuel tanks. They recommended to Council to postpone the deadline to November 5, 2012. He also stated this was approved by Council at their recent work session.

Mayor Tarr stated that the letter with the information will be mailed out as soon as the beach survey is completed.

Town Attorney Poulson asked if this extension affects the Town adversely with FEMA. Mayor Tarr advised that it isn't required on existing tanks.

Councilman J. Howard stated that the Gas Companies all felt this should be done.

Council agreed to send the criteria back to the Ordinance Committee to have it added to the Ordinance.

9. Budget and Personnel Committee Report on August 10, 2010

• Consider Job Description for the Director of Transportation

Councilwoman Conklin reviewed the report. She stated that they are recommending approval of the new job description for the Director of Transportation.

Mayor Tarr asked Town Attorney Poulson about giving a part-time employee the authority to evaluate performances, conduct disciplinary action and hire part-time employees. He stated that if this is an administrative position then the bus drivers should be in the line item chart. He asked what the handbook says about part-time employees.

Councilman Jester requested that the employee layout show the Transportation Department.

There was brief discussion.

Mayor Tarr stated that the line item chart and pay grade has to be added to this before Council can approve the description.

Council concurred.

10. Closed Meeting in Accordance with Section 2.2-3711(A)(3) & (5) of the Code of Virginia.

• Discussion of Real Property

• Discussion to go into a Contract : Network Build-Out Agreement

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(3) & (5) of the Code of Virginia to discuss real property and the network build-out agreement. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(3) & (5) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

11. Mayor and Council Announcements or Comments

Mayor Tarr thanked Town Planner Neville for attending.

Town Manager Ritter stated that the Harbor Committee has postponed the meeting. He also advised that Trick-or-Treating will be Saturday, October 30th instead of Sunday October 31st.

Councilman Jester commended the Police Department and Fire Departments on their hard work for paying tribute to Mr. Hal Clark. Councilwoman Conklin agreed.

Councilman T. Howard thought and spoke highly of Mr. Donald Leonard. He also feels that Mr. Hal Clark was noble in his efforts in the Community. He thanked Town Planner Neville, Public Works Director Spurlock and Chief Lewis for their hard work.

Councilman J. Howard gave Mr. Leonard's history of how he started the Refuge Motel. He enjoyed serving on Council with him.

Councilman T. Howard also spoke of Mr. Leonard's history on Council.

Adjourn

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

Attest:

John H. Tarr, Mayor

Robert G. Ritter, Town Manager

MINUTES OF THE NOVEMBER 1, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Terry Howard, Councilman
Tripp Muth, Councilman
Nancy B. Conklin, Councilwoman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATIONS

Mayor Tarr presented a Resolution of Respect to the family of Mr. Donald J. Leonard.



**A RESOLUTION
OF THE**

CHINCOTEAGUE TOWN COUNCIL

WHEREAS, Donald J. Leonard served Chincoteague well for many years in many capacities; and

WHEREAS, he served faithfully as a member of Town Council from 1990 to 1994, and throughout his life played a vital role in the development of this community; and

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

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of Brother Donald J. Leonard, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed tremendous service to the people of the Town of Chincoteague by his work with the Council and this community; and

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

IN TESTIMONY WHEREOF, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 1st day of November 2010.

John H. Tarr, Mayor
ATTEST:

Robert G. Ritter, Jr., Town Manager

Mayor Tarr also gave a Resolution of Respect to the family of Mr. Harold Clark.



**A RESOLUTION
OF THE
CHINCOTEAGUE TOWN COUNCIL**

WHEREAS, our citizens have been shocked and grieved by the untimely death of William H. Clark, an honored and respected employee of the Town of Chincoteague; and

WHEREAS, Hal was a very capable, honest, energetic and trustworthy employee, loved by all, and faithful in the performance of his duties; and

WHEREAS, we mourn his loss and extend to his family our sincere sympathy in this hour of their bereavement;

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of William H. Clark, the Town of Chincoteague lost a valuable employee, whose tremendous service will be missed by his coworkers and all citizens.

DATED, this 1st day of November, 2010

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter, Jr., Town Manager

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation and input.

- Ms. Nancy Lane expressed her approval of the purchase of the downtown property. She feels this would benefit the Town for parking. She thanked Council for the nature trails. She welcomed Council to the new facility of the YMCA.

STAFF UPDATE

Planning Department

Town Planner Neville updated Council of the recent work of the Planning Commission. He stated that they are still reviewing and planning a work session regarding zoning. They have been collecting comments about beach access. He is currently receiving comments about the

newsletter. He stated that the next step for the Wildlife Refuge CCP is the Economic Study. The Town has successfully submitted the Water Supply Plan to DEQ. He stated that directional signage was also discussed.

Police Department

Chief Lewis stated that VDOT has placed the proper speed limit signage on the new bridge. He issued a copy the Arrest Report for October. He also advised that on December 4th will be the annual toy run and food bank.

Public Works

Public Works Director Spurlock updated Council on the progress of the Ocean Boulevard Extension Project. He also explained where Clark-Nexsen is with the drainage study. He stated that the paving on Maddox and Main is tentative to begin next week. He reported that with routine operations the water main has been installed on Wagner Lane. Under Roads and Facilities, the tool shed has been finished and the sidewalks have also been completed on Cropper Street.

Public Works Director Spurlock reported that the work on the failing culverts on Eastside Road will begin tomorrow. He stated that the Margaret's Lane Project is scheduled to begin following the Eastside Project. They will be installing some open ditches along Wayne Road and additionally along Maddox Boulevard in the Town's right-of-way.

General Government

Town Manager Ritter reported that the speed limit signs were rectified along the new bridge. He stated that the website should be launched by the end of the month. He advised that they are finalizing information. He stated they are working on specs for the Harbor Fuel System bid along with the Personnel Handbook. Town Manager Ritter reported that staff is currently working with Southern Software for the tax billing conversion. He advised that staff is diligently working to get the program running. He reported that real and personal property taxes arrived in zip code order and the employees are putting them in alphabetical order for payment purposes, which is time consuming. He informed Council that the semi-annual cleaning is underway for the office complex. Town Manager Ritter reported the revenue for the month of October:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$379,937	\$304,441	(up)	\$ 75,516
Sales Tax	\$ 41,361	\$ 36,276	(up)	\$ 5,085
Transient Occupancy	\$466,977	\$436,881	(up)	\$ 28,000
Water Rent	\$476,601	\$363,711	(up)	\$ 17,800

Town Manager Ritter stated that because Christmas Day and New Year's Day are both on a Saturday, staff would like to observe the holiday on the Thursday and Friday before the holiday. Councilman J. Howard requested that this be discussed at a later time.

Councilman Jester asked if the new website would be a registered domain. Town Manager Ritter advised it would.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of October 4, 2010**
- **Council Workshop Meeting of October 21, 2010**

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

2. Accomack County Board of Supervisors Update

Supervisor Thornton reported that she was aware of the problem with the tax bill order. She stated that she would like to have some workshops with the U. S. Fish and Wildlife about beach access. She also touched base on the theft of the laptop and advised that it is still under investigation. She added that the employee is no longer with the County. She also mentioned and explained the Storm Water Ordinance process and requirements. Supervisor Thornton mentioned the Chesapeake Bay runoff and redistricting issues.

Councilman J. Howard asked if the County donated to the Little League.

Supervisor Thornton advised they do not. She stated that they donated \$1,000 to help develop the Park but they are not on a donation schedule. She mentioned anchoring gas tanks and that the County has not adopted the ordinance. She reported that the County has agreed to do an overlay district of Wallops, which is to establish a transit corridor because of the size of the Mars project. She stated that the Meals Tax is on the referendum and will strictly go toward the public schools of approximately between \$500,000 and \$700,000. She feels this would keep property taxes down.

There was discussion about a NASA related company moving to Princess Anne. They feel economic development should be a priority.

There was also further discussion regarding the computer theft and investigation.

3. Public Hearing on a Lot Line Vacation for Mr. Carlton Leonard

Building and Zoning Administrator Lewis explained that the property is located on Leonard Lane. He stated that Mr. Carlton Leonard and Mrs. Charlene Leonard, approximately 5 years ago, split the lot and now wish to remove the lot lines. He stated that it has been properly advertised.

Mayor Tarr opened the Public Hearing at 7:55 p.m. There were no comments and Mayor Tarr closed the Public Hearing at 7:56 p.m.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to approve the Lot Line Vacation for Mr. Carlton Leonard. Unanimously approved.

4. Public Hearing of the Purchase of Real Property

Mayor Tarr explained that this is a parcel of property on the waterfront adjacent to the Robert N. Reed Downtown Waterfront Park.

Town Manager Ritter gave a PowerPoint presentation of the property location and ideas of the property after purchase. He advised that once Bridge Street is closed and used for parking this will enhance the Downtown Park and fishing pier.

Mayor Tarr opened the Public Hearing at 7:57 p.m.

- Mrs. Nancy Lane encourages the negotiations to purchase this property as it is an opportunity to enhance downtown area.
- Mrs. Linda Scholler stated that the Park is one of the best investments of the Town. She feels that this would add parking and space for downtown events and shopping.
- Mrs. Kat Edwards expressed her support for the purchase of the property. She feels this is a needed step to provide “open space”. She stated that it adds to the economic development of the area. She supports this as it was originally in the Master Plan. Mrs. Edwards stated that when the Grant Manager found out that the Town was preparing to purchase this parcel they were very excited.
- Mr. Ray Rosenberger agreed with the previous speakers and strongly recommends the purchase of the property as it is an investment for the future.
- Mr. Jonathan Richstein feels this parcel is needed for the Library along with parking.
- Mrs. Jenny Van Dame feels the Town should buy the property.
- Mrs. Sandy Venkman stated they have been coming to the Island for over 30 years and as a new resident feels that with all the advances the Town has made with the Park there has been a center created to enrich not only for the community but for the tourist. She feels this would enrich the Town.
- Mr. Dean Orseno stated that as a member of the Main Street Merchants they feel the purchase would benefit the community as a whole as well as the Main Street Merchants.
- Mr. Fred Scholer asked what the down side would be.

Mayor Tarr stated that it would cost the tax payers money. He stated that it is developable land and the current owner could develop this property.

Mr. Scholer agrees and stated that there is a Greenworks Program which is a grant that would help in the purchase of this property.

Mayor Tarr closed the Public Hearing at 8:10 p.m. He asked Council’s pleasure.

Councilwoman Conklin motioned, seconded by Councilman Muth to negotiate a price and return to Council for approval. Unanimously approved.

Town Attorney Poulson requested to review the contract and terms before they vote to purchase.

5. Possible Adoption of the Zoning Ordinance Changes to Home Occupations

Town Planner Neville explained that the statement of intent played a large part in the changes. He stated that the commercial uses were secondary uses. He highlighted the changes in the current Code and stated that the first 16 items are consistent with the current Ordinance. He also reviewed the staff report. He advised that there has been a Public Hearing and the comments have been taken into consideration. He suggested having Town Attorney Poulson review the changes.

Councilman T. Howard referred to uses of a residential neighborhood. He feels this is saying that there wouldn't be any more noise or congestion with the home occupation than there would be without. He feels that there is more of an impact on the area.

Councilman Jester stated that it isn't really changing. He added that the only change is the signage size. He stated that the new category is from the complaints from the home occupations which is the parking requirements.

Discussion continued about conducting business from the home or retail sales versus using the home address and no additional traffic and/or equipment. There was also discussion about changing the neighborhood.

Councilman J. Howard feels there's got to be a way someone can still do work on their own property.

Councilwoman Conklin stated that since Building and Zoning Administrator Lewis is being pointed out she would like to discuss it. She feels that his business isn't making any noise. She feels they should live and let live a little. She mentioned Councilman T. Howard selling some things out of his yard and not hurting anything.

Councilman J. Howard stated that he doesn't like to see it in residential areas and have the same opportunity as a commercial business. He stated that he is running a business out of his house and parks his vehicles there. He asked where else he could park his business vehicles legally.

Mayor Tarr stated that Building and Zoning Administrator Lewis didn't create the problem. He advised that there were people that came before Council that wanted more signs and flags. He reminded Council that they voted for it and then decided it was too much and wanted to change it. He stated that they are now trying to decide where to allow a business. He reminded that Councilman J. Howard wants a welder in his neighborhood and was willing to put up with that noise.

Mayor Tarr stated that Home Occupation and Limited Occupation were in the existing Ordinance. He advised there were changes to the R1 and R2 regulations regarding Home

Occupations. He also stated that there are small commercial businesses in a R3 area and is the only place a Home Occupation is allowed.

Councilman T. Howard asked about R3 Home Occupations. Town Planner Neville advised that this is a proposed change to also have Limited Home Occupations in an R area. He stated that the Planning Commission discussed and felt that the idea of allowing both would create the diversity they were looking for.

Councilman T. Howard stated that Chincoteague is a hodge-podge of uses. He stated that there was no zoning years ago and Council has to decide if they want to keep the character of the residential neighborhood or allow it to stimulate the economic development. Town Planner Neville stated that the concerns that were raised aren't far away from same issues resolved by the Planning Commission.

Councilman T. Howard asked a few questions about what is allowed in the districts.

Councilman Jester asked what the residents of the neighborhoods want Council to do. He added that there should be guidelines in place.

Councilman T. Howard agreed that this was a valid point. He stated that they voted to allow the flags and sandwich boards and then decided it wouldn't keep in the traditional character of the residential areas. He added that this is why they went back on it. He stated that a 16 square foot sign and 16 square footage of display on several houses in a neighborhood would be like having a 32 foot sign.

Councilman J. Howard stated he would admit he made a mistake when he voted for it. He also stated that with the flags, sandwich boards and merchandise in the windows there were a lot of calls. He added that if Building and Zoning Administrator Lewis didn't have all the signs, like a put a sign on the Causeway, beside the Dollar Store, or a trailer with a sign or 2 big signs in windows at different locations and have all that stuff in the yard and call it a Home Occupation. He firmly stated that it's a full fledged business. He added that he has more benefits than a business does.

Town Planner Neville added that the proposed Ordinance addresses the signage issue in two spots. He explained the proposed changes. He is confident that there are enough limitations on this Ordinance.

Councilman T. Howard stated that he could live with the Ordinance without the 16 square foot sign.

Mayor Tarr suggested that they review the items and changes one at a time in a workshop. He stated that the whole purpose was to protect what happens in the residential areas. He also asked Town Attorney Poulson to review the draft ordinance.

Town Attorney Poulson stated that there aren't any banners or signage allowed in a R3. He also stated that the Ordinance pertaining to a R1 district is alright the way it is currently written.

Town Planner Neville added that the ordinance can be as restrictive as they feel is necessary.

Mayor Tarr asked if they could legally control vehicles with signs on them.
Town Attorney Poulson stated there is some control because of the zoning issue.

Councilman T. Howard asked if the vehicle was exempt because of the sign ordinance.

Building and Zoning Administrator Lewis stated that the Ordinances contradict each other.

Town Planner Neville thanked Council for their input and stated that the workshop will help in refining the Ordinance.

Councilman T. Howard thanked Town Planner Neville for his work.

Mayor Tarr stated they would set the date.

6. Resolution to Adopt Accomac Street into the VDOT System

Public Works Director Spurlock stated the proposed resolution is to have Accomac Street incorporated into the Roads Maintenance System.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the Resolution to Adopt Accomac Street into the VDOT System. Unanimously approved.



**RESOLUTION
TOWN COUNCIL
TOWN OF CHINCOTEAGUE, INC.
ACCOMAC STREET
EASTERN SHORE DISTRICT
VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, certain streets on the attached sketch entitled Accomac Street, located entirely within the corporate limits of Town of Chincoteague, and described on the attached Form U-1 (Rev. 1-1-07), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

WHEREAS, the street meets the requirements established by the Virginia Department of Transportation; and

WHEREAS Accomac Street was established prior to July 1, 1950 has at least 30' of R/W and at least 16' of hard surface; and

WHEREAS, the above streets serve a genuine public need; now, therefore, be it

RESOLVED, by the Chincoteague Town Council this 1st day of November 2010, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Urban System for maintenance, as provided in 33.1-41.1, Code of Virginia;; and, be it

RESOLVED FURTHER, that this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (30) feet with necessary easements for cuts, fills and drainage; and, be it

RESOLVED FINALLY, a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

Attest:

Hon. John H. Tarr, Mayor

Robert G. Ritter, Town Manager

7. Discuss FEMA Reconstruction Grant for Mrs. Michelle Mardis Project

Building and Zoning Administrator Lewis stated that over a year now Mrs. Mardis has been asking for help to get her house raised above flood elevation. He advised she has proceeded with the process and the state has a program to assist her with grant money to rebuild her home. He stated that she could receive a grant between \$90,000 and \$150,000. He informed Council that the Town would have to front the money and be reimbursed with the grant funds.

Councilwoman Conklin asked how the Town knows that FEMA would repay the money.

Building and Zoning Administrator Lewis has talked with the Zoning Administrator in Northampton who has worked with this grant before and they received the money as long as all the documentation is completed and turned in for repayment.

Councilman J. Howard asked if this was in writing. Building and Zoning Administrator Lewis explained that FEMA visited the site and understands that raising the house wouldn't work. They are trying to get \$150,000 to demolish and rebuild.

Councilman T. Howard asked why the Town would have to front the money if FEMA is going to pay it. Building and Zoning Administrator Lewis stated that this is standard operations for this sort of grant.

Councilman T. Howard stated that the need is there or they wouldn't agree to the grant.

Building and Zoning Administrator Lewis stated they are making sure the Town does their part to make sure the minimum FEMA requirements are being met.

Mayor Tarr stated the difference is that this is an individual as opposed to a group.

Building and Zoning Administrator Lewis stated they are currently doing a cost analysis and the grant hasn't been written as of yet. He wanted Council's approval so they could begin to write the grant. He informed Council that it is a 90% grant to Mrs. Mardis and she would have to come up with the additional 10% and it would not fall on the Town.

Mayor Tarr stated that the Town has never done a FEMA grant. He advised that the ANPDC has done the FEMA grants and they have been notified about this one. He explained the fee percentages and feels it's questionable if the Town will receive all the fees back.

Council expressed their concerns of receiving the funds back.

Mayor Tarr asked if staff could research and return with more information before they commit.

Town Attorney Poulson asked what makes Mrs. Mardis' situation different from anyone else. Building and Zoning Administrator Lewis stated that she is the only "severe repetitive loss" in the area. He stated that if the Town chooses not to put the money up then the process stops.

Councilwoman Conklin stated that the Town can't get into the business of loaning money to repair homes. She asked if there was enough potential to build the house after all the engineering fees.

Discussion continued about the fees and who is responsible for paying them.

Building and Zoning Administrator Lewis stated that the ANPDC was involved for others and he doesn't see why they can't assist with this one.

Supervisor Thornton commented about the expenses for the Tangier Island FEMA Grant.

Town Attorney Poulson feels they should look at the plans before they financially commit.

Mayor Tarr directed staff to gather all the information possible to send to the ANPDC so they could possibly administer the grant.

8. Planning Commission Appointment

Mayor Tarr opened the floor for nominations.

Councilman Jester nominated Mr. Spyridon Papadopoulos.

Vice Mayor Richardson nominated Mrs. Helen Merritt.

Councilman Muth nominated Ms. Nancy Lane.

Mayor Tarr closed the floor for nominations. He asked for a vote from Council for Mr. Spyridon Papadopoulos.

For: Jester, T. Howard, J. Howard, Conklin.

Mayor Tarr announced that with a majority of Council vote of 4 members Mr. Papadopoulos is the newest member of the Planning Commission.

9. Public Works Committee Report of October 5, 2010

Mayor Tarr reviewed the report. There were no questions or comments.

10. Recreation and Community Enhancement Committee Report of October 12, 2010

Councilman Jester reported that the focus has been on the Parks. He advised they have been looking into the Skate Park half pipes. He stated that Public Works Director Spurlock has been in contact with the company for warranties and repairs. He also advised that Town Planner Neville gave the Committee information on sprucing up the Watson Park.

Councilman Jester asked the Cultural Alliance for a list of things they would like to see at the Robert N. Reed, Downtown Waterfront Park. He advised they have issued a large list. They are also looking into a kayak launch at Memorial Park. He feels this would free up the Eastside Boat Ramp. He met with Mrs. Jane Wolffe and Ms. Donna Leonard who are working with a landscaper at the Donald J. Leonard Park. This is being paid for by donations and the plans should be completed and ready to begin by spring.

11. Budget and Personnel Committee Report of October 12, 2010

• Consider Job Description for the Trolley Service

Councilwoman Conklin stated they have been reviewing the job description for the Trolley Service and the draft for the Personnel Policy Handbook.

Mayor Tarr stated that at some point the draft Personnel Policy Handbook should be sent to Town Attorney Poulson for his review.

Councilwoman Conklin stated that they have received comments and suggestions from the department heads.

Mayor Tarr asked for input from the job description for the Trolley Service.

There was discussion about the physical examination that is required with the CDL license and the actual passenger license or permit.

Town Attorney Poulson asked if the CDL license should be a requirement before hiring.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Trolley Service job descriptions. Unanimously approved.

Bus Operator Job Description

Part-Time (\$10.00 - \$12.50)

GENERAL DEFINITION AND CONDITIONS OF WORK:

Under the guidance of the Transit Manager, the Bus Operator will operate a public transit vehicle in a safe and efficient manner. Bus Operators will operate a public transit vehicle over designated fixed routes or as otherwise directed. Bus operators pick up and drop off

passengers at bus stops or hub locations in accordance to time schedules. Operators are responsible for the safety of passengers in compliance with applicable policies, rules and motor vehicle regulations. This position reports to the Director of Transportation.

This is heavy work requiring the exertion of Wheelchairs (electric, empty): up to 300 lbs., push pull, *Occasional*; Manual lifting of ramp: 50 lbs. Offeree required with two hands when lifting the ramp, waist to shoulder, *minimal*; Manual lowering of ramp: 50 lbs. Offeree required with two hands when lowering the ramp, 79" to waist, *minimal*; Manual operation of a wheel chair lift, *Minimal*; work requires climbing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to receive detailed information through oral communications; Ability to understand both written and oral instructions, and/or to make fine distinctions in sound; visual acuity is required for use of measuring devices, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, and hazards

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Provide satisfactory service to passenger. Promote positive passenger relations to all passengers including those passengers requiring special needs.
- Ensure vehicle safety by thoroughly conducting pre-trip inspections for vehicle readiness.
- Operate a transit vehicle in a safe and efficient manner in compliance with all Federal, State and local rules and regulations
- Adhere to designated route(s) on designated schedule(s) according to operational requirements
- Safely pick-up and discharge passengers; collecting fares and accurately count passengers.
- Submit daily reports, and record and report mechanical problems.
- Politely answer passenger questions concerning schedules and routes.
- May be required to safely operate a wheelchair lift and passenger restraint devices for disabled passengers
- Required to complete pre-trip, post-accident and incident reporting forms
- Must maintain a clean vehicle and/or report unclean and/or unsafe vehicle related items
- knowledge test maintain a neat appearance, report to work in uniform with closed toe shoes
- Must have the ability to communicate through a two-way radio communication system.
- Ability to perform duties, also, as defined in the Trolley Dispatcher/ Scheduler Job Description.
- Bus drivers must be alert to prevent accidents. The person will be required to work independently and report any unusual route or service issues in a timely manner.

KNOWLEDGE, SKILLS AND ABILITIES:

Ability to obtain a CDL permit with a passenger endorsement. To qualify for a CDL, employees must pass a DMV on rules and regulations within 30 days of hire date and pass a DMV road test within probationary period in order to perform their essential job

functions. Drivers must have strong customer service skills. All drivers must be able to read and speak and understand the English language.

EDUCATION AND EXPERIENCE:

A high school education is required as a minimum. Other combinations of experience and education that meet the minimum qualifications may be substituted. Must be able to obtain a Commercial Driver's License with a passenger endorsement and drive a Trolley Bus.

SPECIAL REQUIREMENTS:

Federal Motor Carrier Safety Regulations require drivers to be at least 21 years old and to pass a physical examination once every 2 years. Drivers may not use any controlled substances, unless prescribed and permitted to drive by a licensed physician. Persons with epilepsy or with diabetes controlled by insulin are not permitted to be bus drivers. Drivers will be tested for alcohol and drug use as a condition of employment and submit to periodic random tests. Drivers must also pass a criminal background investigation as a condition of employment.

While performing the duties of the job, the employee is required to sit for extended periods of time. As a normal function of the job, the employees periodically kneel, push, grasp, pull, bend, walk for short distances, and climb entrance steps. The employee occasionally works in extreme outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals. The employee must occasionally lift and/or move up to 50 pounds. The noise level in the work environment is moderately loud when performing standard driving duties.

Bus Operators must present a positive image and appearance. Must communicate with passengers and co-workers in a pleasant courteous fashion at all times. Must enjoy working with the public. Drivers need an even temperament and emotional stability because driving in heavy, fast-moving, or stop-and-go traffic and dealing with passengers can be stressful.

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DIRECTOR OF PUBLIC TRANSPORTATION

Part Time Position

(Annual Salary \$9,000 - \$14,000)

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs complex professional and difficult administrative work overseeing the trolley system: does related work as required. Work is performed under general supervision. Supervision is exercised over all trolley personnel.

This is sedentary work requiring the exertion of up to 20 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires climbing, crouching, reaching, standing, walking.

fingering, grasping, and repetitive motions; 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; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts at or within arm's length, operation of machine, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surrounding and activities; the worker is subject to inside and outside environmental conditions, extreme cold, noise, hazards, and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Planning, organizing and directing the public transportation system, responsible making sure all maintenance and repair of trolley system records are kept up; keeping up with RTAP changes; coordinating work with other departments and Town Manager; maintaining records and files; preparing reports.

Plans, organizes, directs and coordinates the activities of all Public Transportation;

Plans, schedules and manages department's workload;

Ensures projects comply with town standards; ensures quality control of projects;

Designs projects; prepares bid specifications and bid package for support service contracts;

Ensures project comply with specifications;

Purchases materials and supplies for the department;

Prepares a variety of correspondence concerning department operations: enforcement of town policies, inter-agency communications, civic groups and other individuals or agencies;

Participates in the selection of private contractors for services;

Makes field inspections of public transportation projects to ascertain status; maintains quality control;

Establishes operating policies and procedures;

Monitor progress on public transportation projects and other capital improvements;

Provide technical and administrative support to committees;

Handles correspondence, prepares a wide variety of reports on department activities as requested;

Recommends operational changes to the Town Manager;

Evaluates employee performance; takes disciplinary action; hires employees for department, subject to Town Manager's approval; Direct Department during Town wide emergencies such as hurricane and floods;

Receives citizen inquiries or complaints and handles appropriately;

Prepares department budgets and monitor their expenditures;

Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Comprehensive knowledge of the practices of public transportation, comprehensive knowledge of municipal public transportation planning; ability to review and analyze public transportation: ability to formulate comprehensive operational policies and procedures: ability to prepare technical reports: ability to supervise the work of staff; ability to establish and maintain effective

working relationships with Town officials, other public officials, associates, State and Federal agencies, and the general public; Skill in the operation of standard office and word processing equipment (Excel and Word).

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in accounting or related field and extensive experience in a responsible position in the supervision of people.

SPECIAL REQUIREMENTS:

Possession of a driver's license valid in the Commonwealth of Virginia.

**TROLLEY
DISPATCHER/SCHEDULER
Part-time (\$9.00 - \$11.50)**

GENERAL DEFINITION AND CONDITIONS OF WORK:

This is a full-time position that will ensure operational effectiveness of a transit system by coordinating the daily schedules involving bus operators to cover various bus shifts. Work includes operation of two-way radios, dispatching drivers and vehicles, answer telephone and process customer service and clerical skills. Dispatchers are responsible for relieving drivers for routine breaks. This position reports to the Director of Transportation.

This is heavy work requiring the exertion of Wheelchairs (electric, empty): up to 300 lbs., push pull, Occasional; Manual lifting of ramp: 50 lbs. Of force required with two hands when lifting the ramp, waist to shoulder, minimal; Manual lowering of ramp: 50 lbs. Of force required with two hands when lowering the ramp, 79" to waist, minimal; Manual operation of a wheel chair lift, Minimal ; work requires climbing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for use of measuring devices, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions, and wearing a respirator.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Operates base radio and maintains radio contact with drivers or other fixed station units;
Transmits messages and ensures accurate receipt and understanding;
Receives telephone calls from the public and relays information to the appropriate persons.
Receives radio calls from drivers, transmits messages via radio or telephone, to appropriate persons;
Reports necessary information to the Transit Management concerning passenger or driver issues;
Logs information relating to calls received over the telephone or transmitted by radio;

Files data and performs other routine clerical tasks;
Enters and updates information on a computer or log using standard office programs;
Demonstrates continuous effort to improve operations, customer service and maintain schedules.
Use remote phone and radio while dispatching to deliver brochures to various determined locations.
Use telephone to call business and sell trolley tokens.

KNOWLEDGE, SKILLS AND ABILITIES:

Experience in the operation of two-way radios and/or telephone equipment, including some experience in general clerical work; must have computer experience, organizational skills, and the ability to multi-task while handling shifting priorities. Must be able to communicate and work effectively with coworkers, passengers, supervisors and all levels of the organization.

EDUCATION AND EXPERIENCE:

A high school education is required as a minimum. Other combinations of experience and education that meet the minimum qualifications may be substituted. Must be able to obtain a Commercial Driver's License with a passenger endorsement and drive a Trolley Bus as necessary to ensure all services are covered.

SPECIAL REQUIREMENTS:

Possession of a valid Virginia driver's license. Must be able to pass a required physical and be able to operate a handicap lift and secure a wheel chair in a confined space.

Mayor Tarr requested that Town Manager Ritter get the new jobs on the Classification Chart for approval.

12. Cemetery Committee Report of October 13, 2010

Vice Mayor Richardson reported that the Greenwood, Bunting, Daisey and Mechanics' cemeteries have been cleaned by various volunteers and donations. She advised that there is a grave lid that needs to be repaired. She stated that this week is Cemetery Cleanup Week from the 8th to the 13th. Vice Mayor Richardson stated that Joseph Kambarn has been helping clear the Taylor Cemetery for community service for his school. She commented that she would like to go back to Taylor Cemetery and clear it off a little more to make his job a little easier. She invited all those who want to volunteer to come out on Saturday.

13. Mayor and Council Announcements or Comments

Councilman T. Howard commented approach on the western side of the new bridge. He suggested contacting VDOT to have them take care of it. He also stated that when the spur opens it could create the potential for an accident. He requested that this be addressed also.

Councilwoman Conklin commented on how nice the Downtown Park looks along with everything in the Town.

Councilman Muth stated that regarding the Home Occupation discussion, he feels they have to address the changes that are coming.

Councilman Jester asked Public Works Director Spurlock about the original plaque for the bridge. Mayor Tarr advised it was in the VDOT's Accomack office.

Councilman Jester complimented the clearing and cleaning that the Public Works Department has been doing.

Vice Mayor Richardson asked when the new spur would be opened and was advised that they are getting ready to pave it and shouldn't be long.

Town Manager Ritter stated that the Mr. Catron, consultant lobbyist with Alcalde & Fay will meet with Council Thursday at 5:00 p.m.

Mayor Tarr stated they can recess the meeting and reconvene Thursday at 5:00 p.m. He also asked if the land acquisition could be put on Thursday's agenda. He stated that staff is currently working on the capitol side of the draft 5 year budget. He stated that hopefully the Storm Water Management will have a 5 year plan also.

Councilman T. Howard wanted to thank those who participated in the Trick-or-Treat Street.

Recess

Councilman T. Howard motioned, seconded by Councilman J. Howard to recess the meeting until Thursday, November 4th, 2010 at 5:00 p.m. Unanimously approved.

MINUTES OF THE NOVEMBER 4, 2010 CHINCOTEAGUE RECESSED TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

John N. Jester, Jr., Councilman

John H. Howard, Councilman

Ellen W. Richardson, Vice Mayor

Terry Howard, Councilman

Tripp Muth, Councilman

Nancy B. Conklin, Councilwoman

RECONVENE

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to reconvene the meeting from Monday, November 1, 2010. Unanimously approved.

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

1. Discussion with Alcalde & Fay

Mr. Rob Catron with Alcalde & Fay introduced his firm and thanked Council for their confidence. He advised that he has worked with County officials in the past and stated that they will be looking forward to being the Town's resource in Washington, D.C.

Town Manager Ritter has talked with the department heads to construct a wish list of projects for Alcalde & Fay. He stated that the big issue is beach access and replenishment along with pony herd management and access for over-the-sand vehicles. Storm water drainage is also another big issue, funding for the Master Plan and the GIS system.

Mayor Tarr asked Mr. Catron if there was any project too small on the Washington or Federal side to handle. Mr. Catron stated that there are a couple ways that Local Governments get funding from Washington. He stated that one way is congressionally directed spending or grants either competitive or formula based. He explained the process and differences. He stated that for congressionally directed spending, he has never seen under \$100,000. He continued to explain the amounts of earmarks or grants. He briefly spoke about the beach access issue. He suggested getting Congress and the Governor involved or it isn't going to work. He added that they will help the Town as much as possible by raising the issue.

There was lengthy discussion about beach access, parking and the studies done. They also discussed the Fish and Wildlife Service's plans.

Mayor Tarr wanted to add a few things to the list. He stated that the Fire Company is looking into building a new firehouse in the future. He would like to look into a joint effort in finding the funds for this. He also mentioned sewage.

Mr. Catron stated that they will look into what's out there for grants.

There were further questions and suggestions. Mayor Tarr thanked Mr. Catron for attending.

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

- Discussion of Real Property**

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

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

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

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

WHEREAS, Section 2.2-3711(A)(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- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

3. Continue Discussion of Purchase of Real Property

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to go into a contract with the owners of the property adjacent to Bridge Street as long as the contract is acceptable with the Town Attorney and staff in the amount of \$325,000. Unanimously approved.

4. Mayor & Council Announcements of Comments

There was discussion about the Christmas Holiday(s) that the employees receive when the holiday falls on the weekend. Town Manager Ritter explained the Personnel Policy regarding such holiday.

Discussion continued. Council agreed to comply with the Personnel Policy as it has been the practice in the past.

Councilman T. Howard stated that the sample ballots weren't put in the paper ahead of time. He suggested that Town Manager Ritter meet with the election officials to have sample ballots in the Beacon prior to elections.

Town Manager Ritter asked if Council wanted to have the recessed meeting on November 21, 2010.

Council agreed to dispense of the meeting.

Mayor Tarr announced the Beach Access Committee meeting on November 19th, 2010 at 9:00 a.m.

Adjourn

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

**MINUTES OF THE DECEMBER 6, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

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

Terry Howard, Councilman
Tripp Muth, Councilman
Nancy B. Conklin, Councilwoman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- **Mr. Ray Rosenberger**, Chairman of the Planning Commission, thanked Mayor Tarr and Council for an enjoyable evening at the Town Christmas Social.

- **Ms. Laurie Walton**, of Marsh Island Drive, thanked Council for attending the tree lighting ceremony. She addressed Council about changes by VDOT and American Bridge without notifications to Marsh Island residents. She advised that at the last minute they decided to move a huge crane out on the new spur closing the road for approximately 25 minutes. She advised that she has endured the construction for the last 3 years. She stated there is a huge electrical meter box just outside her window. She met with them on Friday and the boxes are in the right-of-way just outside their buildings. She feels this has destroyed their property value and requested that Council contact VDOT to have the boxes relocated. She added they are also worried about drainage.

There was brief discussion.

STAFF UPDATE

Town Planning Department

Town Planner Neville reported for the month of November that the Planning Commission met twice and concluded work on the Comprehensive Map updates. He advised that the Marsh Island residents were in support of the Marsh Island zoning change from Commercial to Residential. He stated that the Planning Commission is hoping that at the January workshop they will have a report to discuss with Council. He also reported that the Beach Access Committee met twice in November and the report will be discussed later in the meeting.

Police Department

Chief Lewis reported that Saturday was the annual food and toy motorcycle ride. They plan to pass out the toys to the local children on the 17th.

Councilman J. Howard and Councilwoman Conklin asked Chief Lewis to advise the public of his recently received award.

Chief Lewis informed that he recently received the Jefferson Award from WBOC for his community service and donations.

Mayor Tarr advised that Chief Lewis was nominated for this award by his daughter Heather. He stated that there were only 6 recipients in this area who received the Jefferson Award. The winners will go on to the state and then possibly further.

There was applause in recognition of Chief Lewis' achievement.

Public Works

Public Works Director Spurlock reported:

Clark * Nexsen has made progress on the Storm Water Master Plan. There was a surprise inspection from OSHA. The inspection was favorable with only a few minor infractions. One infraction was an eyewash station at the reservoir on Willow Street. He advised that it was ordered and will be installed very soon. Mr. Robert Cole of the Army Corps of Engineers has approved the wetland delineation of the Ocean Boulevard Extension project so they can go forth with the permit application.

Public Works Director Spurlock also reported that they have replaced the concrete drainage on Eastside Road at the Church Street intersection. The ditches have been cleaned on Peaceful Lane and Dodd Street. The Town's parking lot has been cleared of weeds and the cracks have been filled. One of the tennis courts have been resurfaced with the partnership of the Tennis Association. The Shoulders have been cleared on Willow Street and Bunting Road. The Christmas decorations were put up. The water main has been replaced on Wagner Lane. The paving for Maddox Boulevard has been postponed until spring. They are planning to install the drainage on Margarets Lane by January. They are finalizing the plans for the Wayne Road Drainage Project with Branscome and they will be replacing the water meters at Oak Ridge Place.

There was discussion. Public Works Director Spurlock stated that Mrs. Megan McCook repainted the nativity scene and the Public Works employees repaired it.

General Government

Town Manager Ritter reported that staff has been working hard getting taxes out and collected. He reported on the status of the downtown property acquisition. He stated that they are finalizing the launch of the new website. He advised that Mr. Eric Schuester will be conducting training with the Chamber on December 9th and hopefully launching the Town's website. He asked for comments or changes regarding to the Committee meetings. He stated they have been working on the Employee Handbook at the Budget and Personnel Committee Workshop. He has been working on the 10-year capital improvement project list.

Town Manager Ritter reported on the Harbor fuel system. He is hoping to have it installed before the summer season. He reported on the Mardis property matter on Bunting Road. He

spoke with FEMA reviewing protocols. He also reported the revenues for the month of November:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$412,940	\$332,753	(up)	\$ 80,187
Sales Tax	\$ 52,201	\$ 45,083	(up)	\$ 7,118
Transient Occupancy	\$499,267	\$473,291	(up)	\$ 25,976
Water Rent	\$516,888	\$363,845	(up)	\$ 153,000

Town Manager Ritter also stated that he received an update from Mr. Tom Rackowski of VDOT and read it to Council.

There was discussion regarding the new bridge including hazards, demolition and the installation of 8 decorative street lights.

Legal Matters

Town Attorney Poulson advised that the title work has been completed on the purchase of the Bridge Street property. He stated that the Broadband Pledge Agreement has been drafted and will be finalized to submit to Council.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of November 1, 2010**
- **Recessed Meeting of November 4, 2010**

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

2. The Chincoteague Recreational & Civic Authority Appointments

Councilwoman Conklin advised that there are two terms that expire in December, Mr. Steve Potts and Mrs. Lynne Ballerini.

Mayor Tarr advised that Mr. Potts and Mrs. Ballerini would like to renew their terms. He added that Mr. Bill Fallon has resigned and his position will be advertised. He opened the floor for nominations to fill the first expired seat.

Councilman J. Howard nominated Mr. Steve Potts.

There were no more nominations. Mayor Tarr closed the nominations and called for a vote for Mr. Steve Potts. Unanimously approved.

Mayor Tarr opened the floor for nominations for the second seat.

Councilman T. Howard nominated Mrs. Lynne Ballerini.

Mayor Tarr closed the nominations and called for a vote for Mrs. Lynne Ballerini. Unanimously approved.

Mayor Tarr directed Town Manager Ritter to advertise the vacancy and place it on Channel 9.

Town Manager Ritter advised that next month he will be bringing a couple of vacancies because of expiring terms the end of December.

3. Beach Access Committee Report and Public Scoping Comments

Town Planner Neville reported that the Beach Access Committee adopted the final report and recommendations from the Questionnaire along with a draft letter providing Town comments to the US Fish and Wildlife Service. He stated that they plan to provide additional comments by mid-January. They will produce a newsletter informing of the list of the issues formed by the Town. He stated that it is important for the Town to officially participate. He also reported that in the newsletter they will list 10 comments along with explanations.

Town Planner Neville also reviewed the latest changes to the Beach Access Committee Report. The Beach Access Committee requested that Council approve and submit the Report. He also presented Council with information regarding using recycled Christmas trees to assist in the beach replenishment. He explained that by tying Christmas trees to snow fencing it will capture up to several feet of sand. He continued that the Town collects Christmas trees the first Thursday in January and if Council and the Fish and Wildlife approves they could be transported for this purpose.

There was discussion and minor change requests.

Town Attorney Poulson also made suggestions.

Town Planner Neville stated that he would show the suggested changes at the January workshop.

Council complimented Town Planner Neville on his packaging of the report.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the letter and report with the changes and send to the proper authorities as the official Town comments. Unanimously approved.

4. Christmas Home Decoration Judging (Judges)

Mayor Tarr announced the date and time for this year's judging, which will be Monday, December 20th beginning at 5:30 p.m. He directed Town Manager Ritter to place the information of the judging on Channel 9, in the paper and on the website. He also suggested asking the Chamber to send out an email.

5. Public Safety Committee Report of November 2, 2010

Mayor Tarr reviewed the report.

6. Ordinance Committee Report of November 10, 2010

- **Consider a new division to the Town Code Chapter 62, Division 5, Water Conservation, Section 120-123, and move current Division 5, to Division 6, Cross Control and Backflow Prevention**

Councilman T. Howard motioned, seconded by Councilman J. Howard to approve the new division to the Town Code, Chapter 62, Division 5, Water Conservation, Section 120-123, and move the current Division 5, to Division 6, Cross Control and Backflow Prevention, contingent on Town Attorney Poulson's review. Unanimously approved.

DIVISION 5. WATER CONSERVATION

Sec. 62-120. Definitions.

The following terms, when used in this section, shall have the meanings ascribed herein:

Impervious surface means any artificially created surface which cannot be penetrated by water or which causes water to run off the surface, including streets, driveways, sidewalks and rooftops.

Person means any individual, partnership, firm, corporation, limited liability company, or other legal entity in whose name water is provided and billed by the town.

Repeated or flagrant wasting of water means and includes those situations where persons who have received notice that they are wasting water continue to do so in the same manner. It does not mean those persons who waste water on solitary or isolated occasions.

Town water means all water that passes through the town's water distribution system. This term does not include town water that is sold by the town to other governmental entities.

Water waste means any of the following:

- (1) Using town water so that it falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches and other conveyances; or
- (2) Using town water to the extent that it is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances.
- (3) Knowingly allowing town water to escape through leaks, breaks, or malfunctions within the water user's plumbing or distribution system for any period of time beyond which such a leak or break should reasonably have been repaired or corrected.
- (4) Willfully or negligently wasting water in any other manner.

Sec. 62-121. Water waste prohibited.

- (a) The governing body affirmatively finds that a water supply emergency is reasonably likely to occur within the Town given the limited supply of public water available to the Town and the high demand for such water especially during certain periods of the year if water conservation measures are not taken or imposed as provided herein.
- (b) The Public Works Director or designee shall identify persons who waste water.
- (c) Whenever the director finds that any person wastes water, the director shall give such person oral or written notice of that fact
- (d) Whenever the director finds that any person repeatedly or flagrantly wastes water, the director shall serve upon such person a written notice ("notice of water waste" or "notice"). Such notice shall identify the person and the location at which water is being

wasted , shall identify the manner in which the water is being wasted, and shall specify a time within which the wasting of water shall cease. The notice shall also warn that more severe measures (such as imposition of civil penalties or restriction or termination of water service) may be assessed or brought against the person unless the wasting of water ceases within the time provided. The time given to cease wasting water may range from a requirement for immediate compliance to 30 days, depending upon the facts and circumstances of each case.

- (e) Any person who continues to waste water after the period of time specified in the notice for ceasing such activity shall be issued a citation and shall be subject to the civil penalty and enforcement procedures specified in section 62-122 below. The civil penalty shall be paid within 30 days of receipt of the citation.
- (f) This Ordinance is adopted pursuant to the provisions of §15.2-923 and §15.2-924 of the Code of Virginia of 1950, as amended.

Sec. 62-122. Penalties.

- (a) *Civil penalties.* Violations of this section shall subject the offender to a civil penalty as set forth in the town budget fee schedule, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited. A violation shall be deemed continuing if the same wasting of water takes place on one or more days at the same location described in the notice and citation.
- (b) *Other enforcement action.* Additionally, the director may restrict or terminate water service in accordance with law.

Sec. 62-123. Recycling.

- (a) *Carwashes.* All new carwash installations shall be equipped with an approved water recycling system.
- (b) *Continuous Flow Equipment.* All new construction, or repair/replacement, of continuous flow devices requiring a continuous water flow of five gallons per minute or more, not elsewhere covered by this section, shall be equipped with an approved water recycling system.

7. Mayor & Council Announcements or Comments

Councilman T. Howard commented on “Holiday” greetings verses “Christmas” greetings. He suggested emphasizing “Christmas”.

Councilwoman Conklin doesn’t see anything wrong with this either.

Other Council Members wished everyone a “Merry Christmas”.

Vice Mayor Richardson asked when the Town’s Deer Depopulation Program would begin. Town Manager Ritter advised it begins Wednesday.

There was discussion regarding the Deer Depopulation Program and the Food Bank receiving some of the meat.

Town Manager Ritter announced that the Town Employee Gathering would be Wednesday, December 8th at noon.

Public Works Director Spurlock advised that the Virginia Rural Water works Association is conducting training the next 3 days at the Center.

Mayor Tarr asked Town Planner Neville to look at the school dates for the new Planning Commission members.

Councilman T. Howard thanked other Council Members for the gift of a computer.

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

• Personnel Matters

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

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

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

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

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

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

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

Nays- None

Absent- None

ADJOURN

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