

MINUTES OF THE JANUARY 5, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman
John N. Jester, Jr., Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Karen Muth, with CIAO, stated that there is a need to guide and inform tourists due to an increase in activities and events. She advised of a list of organizations they would invite to coordinate with CIAO. She asked Council for their support and suggested using the kiosk at the Robert N. Reed, Sr. Downtown Waterfront Park. She gave an idea to tie several organizations together for the reopening of the WWII exhibit at the museum. She encouraged everyone to look ahead and match up planned events with unscheduled calendar dates. She suggested that the Town purchase banners to unify and tie the events together.
- Mrs. Jennie Van Dame commented that Chief Lewis is the best police chief ever. She added that he and his staff has done so many things for the community. She is very grateful, proud and will miss Chief Lewis.

STAFF UPDATE

Planning Department

Town Planner Neville advised that this evening is the Comprehensive Plan update public hearing. He stated that the Planning Commission met briefly December 9th to make the suggested changes from the Council workshop. He advised that they will meet again January 13th and asked Council if they had anything they wanted the Planning Commission to work on this year to let them know.

Town Planner Neville stated that the new FEMA Flood Maps need to be adopted prior to May 18th. He stated that there is a Council workshop scheduled for January 15th to review required changes to the Flood Ordinance and meeting dates to make sure that the adoption of the maps is on time. He advised of a Coastal Resiliency Feasibility Study request for the Army Corps of Engineers to help the Town. He hopes to get authorization so the Corps can participate in meetings with USFWS on the CCP. He stated that they have coordinated with Accomack County to request grant funds from the Federal Lands Access Program to make improvements on the Causeway. He explained it would be to widen sections of the shoulders between the bridges for

safety and bicycles. Town Planner Neville also stated that in January they are hoping to meet with officials of the Fish & Wildlife Service to review the Town's comments on the CCP.

Police Department

Chief Lewis stated that the monthly report has been included in Council's packet.

Public Works Department

Public Works Director Spurlock stated that they received the missing playground equipment which will complete the new tot swings.

Mayor Tarr reminded Council of the Public Works Committee meeting tomorrow at 5:00 p.m.

General Government

Town Manager Ritter reported that EMS responses for December were 58 which were 11 more than December of 2013, ALS response was 23, BLS 34 and all others were 1. He also reported that EMS staff has been seeking sponsorship for the \$3,000 per year commitment to sign the agreement with the United States Department of Interior Geological Survey for the tide gage. He suggested discussing this matter at the workshop.

Town Manager Ritter also stated that the Downtown Revitalization Phase 2D drawings will be submitted to VDOT this month for approval. He stated that Mr. Ronald Mason and Ms. Nancy Payne have retired from managing the Trolley History Tour. He also added that if they can't find anyone to take over the History Tour, the Trolley Director will assume those responsibilities. He added that Southern Software will be installing new accounting software later this month. Town Manager Ritter also reported that the quarterly newsletter should be published this week. He added that they have been working on the 5 year budget which will be presented at the workshop meeting.

Vice Mayor Richardson advised that the Public Safety Committee has been working on the tide gage for 3-5 years. She feels this would be a help to the working watermen. She understands that the Town has to make a commitment.

There was brief discussion about the commitment of funds for maintenance of the tide gauge.

Town Manager Ritter advised that Council will be discussing the full contract.

There was further discussion regarding the benefits.

Councilman Jester suggested putting the newsletter on Facebook.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese motioned, seconded by Councilman Jester to adopt the agenda adding under item #1 (b) Financial Report Presentation by Robinson, Farmer, Cox Associates. Unanimously approved.

1.
 - (a.) **Discuss Possible Appointment of a New Town Attorney**
 - (b.) **Financial Report Presentation by Robinson, Farmer, Cox Associates**

- (a.) Town Manager Ritter advised that there is an agreement from Ms. Cela Burge.

He stated that Town Attorney Poulson has recommended a few changes. He added that if there are any comments they should be made in executive session.

Councilman Frese questioned the hourly rates and the fixed amounts in the agreement.

Councilman Frese motioned to change all rates to an hourly basis. There was no second. Motion died.

Mayor Tarr stated that they shouldn't discuss the contract in regular session. He suggested addressing this matter in executive session.

Councilman Leonard motioned to accept the agreement as presented.

Mayor Tarr advised that the hourly rates have been questioned. He stated that if there is a change in the agreement, it should be done in executive session.

Councilman Leonard retracted his motion.

(b.) Mr. David Hughes with Robinson, Farmer, Cox Associates thanked Town Manager Ritter and Town Staff for their assistance with the audit. He added that the Town is fortunate to have this staff as they do a great job. He reviewed the Financial Report. He mentioned some changes in standards that won't affect the budget, but is an obligation to discuss in the annual financial report.

Mayor Tarr thanked Mr. Hughes.

2. Consider Adoption of the Minutes

- **Regular Council Meeting of December 1, 2014**
- **Special Council Meeting of December 4, 2014**

Councilman Ellis requested a change in the minutes from "Fire Chief Lewis" to "Fire Chief Thornton".

Councilman Ellis motioned, seconded by Vice Mayor Richardson to approve the minutes of the December 1, 2014 regular Council meeting and December 4, 2014 Council Joint Workshop meeting as changed. Unanimously approved.

3. Joint Public Hearing with Planning Commission on the updated Draft Comprehensive Plan

Planning Commission Chairman Rosenberger opened the Planning Commission's Public Hearing.

Town Planner Neville explained that the Town of Chincoteague adopted a fully revised Comprehensive Plan on January 4, 2010 that is designed to be a general guide for growth and future development for the next 20 years. The Code of Virginia (§15.2-2230) requires that at least once every five years, the Comprehensive Plan shall be reviewed by the local Planning Commission to determine whether it is advisable to amend the Plan.

Town Planner Neville advised that the Planning Commission held twelve (12) regular public meetings in 2014 to consider the proposed updates and also held two (2) public workshop meetings with Town Council in May and November to review the draft changes which it recommends. As required, the public hearing this evening was advertised in the Eastern Shore

Post for two weeks in advance and the Plan was posted on the Town website with copies available at the Town Office for Review.

Town Planner Neville stated that over the last 5 years the Town has accomplished many projects which help to implement the goals and objectives contained in the Comprehensive Plan and generate the need for an update. One big step was the completion of a comprehensive zoning map revision so that the Town Zoning Districts match up with the existing neighborhoods, business districts and open space land use areas identified by the Plan. Since the Downtown main Street area was named the Old Town commercial District, the Plan needs to be revised to match up in this one land use area.

Town Planner Neville then advised that new or renovated community facilities have been expanded in the last 5 years such as; the Island Activity Center, the new fishing pier, the YMCA, the Island Theatre, the Museum of Chincoteague Island and Mariner's Point. Another update is required by a change in State Code to adopt a policy on coastal resource management that encourages natural shorelines. As it turns out, the Town's demographics (population, age, etc.) in the last Census have not changed dramatically except for the resident population dropping by 17% from 4,324 to 3,600. Most of the drivers of the economy have maintained a good balance with little change over the 5 year period. New baseline economic data was incorporated from the FWS study.

Town Planner Neville reported that due to the continued economic recession, there have only been a few new developments such as the Fairfield Inn and Suites that count as growth, however there has been continued investment in home and business renovations. This positive news was moved up to the beginning of each chapter and Chapter 7 Housing was rewritten to reduce the emphasis on high density growth planning. Several goals and issues have been identified through the update process which will require additional consideration and work over the life of the Plan; Private roads, stormwater and drainage, public sewer, economic stability and environmental issues (floodplain, storm protection and water quality).

Town Planner Neville concluded that the Comprehensive Plan is designed to be a general guide for growth and future development for the next 20 years. The Primary Goal of the Comprehensive Plan seeks to manage and adapt to change over time in an economically and environmentally sustainable manner while retaining the most endearing and unique physical and cultural features of the Town and providing the setting for a harmonious community life. In other words: People love the Town of Chincoteague and want to continue to improve on its best qualities. He discussed the packet, exhibit 1 and Map 2. He stated that the hope and idea of the public hearing is to see if there are comments or concerns of the community which should be included in the updated document.

Mayor Tarr opened the public hearing.

Supervisor Wanda Thornton thanked the Planning Commission for their hard work. She advised of a few problems she'd like to address. She stated that the Coastal Resource Management section is being dictated by State Code. She stated that while this would work in a lot of areas, Chincoteague doesn't have the land to stand a plan like this. She stated they would have to have a lot of land for a natural shoreline. She encourages everyone to read the document and requirements of land for this purpose. She also suggested adding to the section which mentions "engineered sewage systems" that the Health Department requires inspections on a yearly basis.

Supervisor Thornton discussed the wastewater and sewage disposal issues. She feels that economics is what drives this. She agrees that it is important to research sewage disposal options for the Town of Chincoteague. She suggested changing it to the “feasibility” of the wastewater study. Supervisor Thornton added that the financial responsibility is on the County of Accomack and the Town of Chincoteague. She does not feel that the public should pay for engineering costs on a system which does not serve the entire Town.

Supervisor Thornton discussed the Maryland Coastal Bays. She read “Chincoteague will seek to continue working for a long range plan that reduces nutrient loads from septic drain fields do the surrounding waters of Chincoteague Island, on a voluntary basis”. She recommended changing it to say “identify and reduce nutrients in the waters around Chincoteague”. She feels this puts a bad light on the working watermen and water quality which is good not bad. She added that wildlife is a tremendous polluter.

Supervisor Thornton stated that she was glad that the Town applied for the grant to widen the shoulders along the Causeway. She suggested that this be added to the Transportation section stating “actively pursue shoulders or a bike path on Route 175 along the bridges”. She also stated that the County is looking into creating a Wetland Mitigation Board. She added that they can create it but the ANPDC agreed to do it. She stated that the wealth is going across the bay and it should stay within the locality. She advised that she has read the audit of the Nature Conservancy, which is a worldwide organization. She added that the County money is going somewhere else and not benefiting the Eastern Shore.

Supervisor Thornton also mentioned private roads. She stated that the County worked with VDOT and the attorney to create a document explaining the process by law to put a private road in the state system. She suggested putting it in writing. She also added that over 1,000 parcels are coming out of the flood plain with adoption of the new FEMA flood maps.

Mayor Tarr closed the public hearing. He advised that the Planning Commission will review the comments from this evening.

Chairman Rosenberger advised they will meet next Tuesday to review the comments making the appropriate changes to be presented to Council at their February meeting.

Councilman Taylor thanked Chairman Rosenberger and Town Planner Neville for their hard work. He stated that because of their hard work there aren’t disgruntled citizens present and that says a lot.

Chairman Rosenberger closed the Planning Commission section of the meeting.

4. County Update from Island Supervisor, the Honorable Wanda Thornton

Supervisor Thornton stated that Ms. Cela Burge is a great attorney. She advised that the County was notified that the Governor re-established Enterprise Zones. She added that Accomack County is now included in a Regional Enterprise Zone with Northampton County for the next 10 years. She also stated that they have been working on getting natural gas on the Shore as early as 2016 extending as far as Purdue. She stated that they are going to work on their Capital Improvement Plan addressing sewage treatment capacity for central Accomack County.

Supervisor Thornton also reported that the County had to refund Purdue a substantial amount of money because the state made changes in the building classification for tax purposes. She added

that because of this change it has caused the County to have a lot of money to make up in the budget. She stated that the School Board hired Mr. Bill Bergman as a P.R. manager. She then mentioned the FLAP Grant. She added that the Town should push for the Causeway shoulder widening for improved safety and emergency vehicle use.

Supervisor Thornton stated that a Solar Energy Conditional Use Permit application is proposed on over 950 acres. She advised that it has been a pleasure to serve the Island as Supervisor for the last 20 years. She reported that in 2016 she will not seek reelection. She loves the community and will continue to work for the residents.

5. Judging Results for Christmas Lights

Town Manager Ritter read the winner's list.

Judges Choice *

Faith Gregory
6126 Taylor Street

Most Themed *

Bobby and Linda Clift
8300 Sea Breeze Drive

Most Traditional *

Randy Jenkins
7815 East Side Drive

Honorable Mention

Bill and Ginger Birch
7079 Bunting Road

Arlene & Dill Wilgus
4169 Ridge Road

Mr. & Mrs. Alfred Johnson
3510 Ridge Road

Eddie and Gail Gray
4282 Ridge Road

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

Town Manager Ritter thanked the judges.

6. Agreement with ANPDC for Phase 2D Administration

Town Manager Ritter explained the agreement. He advised that Mrs. Edwards has done a lot of work for this Phase. He stated that the amount of the agreement is \$30,000. He added that the MAP 21 Grant money they have for this Phase has more restrictions and inspections which will require additional project coordination.

Councilman Jester motioned, seconded by Vice Mayor Richardson to approve the agreement with the ANPDC for Phase 2D Administration and Professional and Technical Services. Unanimously approved.

AGREEMENT FOR PROJECT ADMINISTRATION
AND
PROFESSIONAL AND TECHNICAL SERVICES

PART I

THIS AGREEMENT consisting of Part I, Part II and Appendices, such parts attached hereto, and made a part hereof, and herein called the "Agreement", entered into this ___ day of January, 2015, by and between the Town of Chincoteague, hereinafter called the "Town", and the Accomack-Northampton Planning District Commission hereinafter called the "Commission".

WITNESSETH THAT:

WHEREAS, the Town of Chincoteague has entered into an agreement with the Virginia Department of Transportation for the purpose of conducting the Main Street Corridor Enhancement Project (hereinafter referred to as the Project), with Federal financial assistance under Moving Ahead for Progress in the 21st Century Act (MAP-21) Funds.

WHEREAS, the Town of Chincoteague desires to engage the Commission to render certain services in connection therewith;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES.

The Commission shall, in a satisfactory and proper manner perform the tasks necessary to administer the Project outlined in the Narrative attached hereto and made a part hereof, as Appendix A, and identified as follows:

Chincoteague Main Street Corridor Enhancement Project Phase 2D

II. TIME OF PERFORMANCE.

The services of the Commission begin on January 15, 2015 and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purpose of this Agreement, except that, compensation for services provided prior to the execution of this Agreement.

III. ASSISTANCE AND DATA TO BE FURNISHED TO THE COMMISSION.

All information, data, reports, records, and maps as exist; available and necessary for the execution of the work as outlined above shall be furnished to the Commission without charge by the Town.

IV. FINANCIAL MANAGEMENT.

The Commission will make reasonable efforts to assure that the Town complies with Federal Standards of the Office of Management and Budget (OMB) Circular A-102 and Attachments B, G, N, and O; Federal Management Circular (FMC) 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments"; HUD Handbook 1900.2 "Financial Aspects of Administration of Grant-in-Aid, Loans and Contracts with Program Participants"; Title 11, Chapter 7, Code of Virginia, Virginia Public Procurement Act; and HUD Handbook IG 6506.2, "Audit Guide and Standards for Community Development Block Grant Recipients" or such financial management guidelines as may be required by the funding agency.

V. PROCUREMENT.

The Commission shall comply with the provisions of Attachment O (Standards Governing State and Local Grantee procurement) to Circular A-102 and Title 11, Chapter 7, Code of Virginia, and the Virginia Public Procurement Act as amended.

VI. BASIS OF COMPENSATION AND METHOD OF PAYMENT.

Upon compliance with the terms of this Contract, the Commission shall submit to the County requests for funds for expenses accrued by the Commission in implementing the grant activities.

Providing, however, that notwithstanding anything contained herein, the Commission shall provide:

Basic administrative services for a total compensation not to exceed \$30,000, or the amount as provided in the approved Project Budget,

Method of Payment

The Commission shall submit monthly statements for services rendered based upon its estimate of the total services actually completed at the time of the billing. The Town agrees to make prompt payments in response to these statements.

VII. MONITORING.

The Commission agrees to maintain an evaluation system whereby the Project can be continuously monitored. The system will include, but not be limited to, maintenance of the following information:

A. Progress of planned activities.

B. Project impact on stated objectives.

C. Documentation of matching funds.

D. Program documentation.

E. Program accounting.

The Commission agrees to provide status reports to the Town on a regular basis, and to appear at meetings of the elected body and upon request.

The Commission shall represent the Town when monitoring visits are accomplished by the Virginia Department of Transportation. The Commission agrees to take action to promptly resolve all findings of monitoring visits. Such action will be reviewed and approved by the Town.

VIII. TERM OF CONTRACT.

The provisions of the Narrative and the basis of compensation for the Commission's services provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the Program through completion. The

Commission's obligations to render services hereunder will extend for a period to include program start-up, implementation, and close-out.

The services of the Commission are to commence upon January 5, 2015, and continue through Substantial Completion and Close-out of the Project.

IX. TERMS AND CONDITIONS.

This agreement is subject to and incorporates the provisions attached hereto as Part II- Terms and Conditions.

X. DELIVERY OF SERVICES.

The Town and the Commission agree to use their best efforts to insure that all the services under this Agreement are provided at such times and in such places as will best meet the needs of the Project.

XI. COMPLIANCE WITH OTHER FEDERAL REGULATIONS.

The Commission agrees to reasonably comply with any of the following Regulations to which it may be subject and further agrees to reasonably assist the Town in complying with any such Regulations to which it may be subject.

Flood Disaster Protection Act of 1973 (P. L. 93-234)

HUD Lead-based Paint Regulations, 24 CFR, Part 35

Clean Air Act, as amended, 42 USC 1847 et seq.

Federal Water Pollution Control Act, as amended, 33 USC 1351 et seq.

Regulations of Environmental Protection Agency, 40 CFR Part 15, as amended Federal Labor Standards, 20 CFR Parts 3, 5, 5a of Department of Labor Non-Discrimination under Title VI of Civil Rights Act of 1965

Energy Policy and Conservation Act (P. L. 94-163) and energy Standards and Policies contained in the State Conservation Plan

IN WITNESS WHEREOF, the Town of Chincoteague and the Accomack-Northampton Planning District Commission have entered into this Agreement as of the date first above written.

TOWN OF CHINCOTEAGUE, VIRGINIA

Robert G. Ritter, Jr., Town Manager

Date

ACCOMACK-NORTHAMPTON PLANNING
DISTRICT COMMISSION

Elaine K. Meil, Executive Director

Date

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

Trolley Director Walsh explained the motions for the operating funds and the grant application resolution. He advised that they will be replacing the older trolley and the van. He stated that the local portion of the funding is coming from the sale of the trolley and van. He advised that it is his pleasure to be a part of the Pony Express team.

Town Manager Ritter advised that the funds from the sale of the trolley can only be used for capital expenses. He added that once they receive the grant the capital will be applied toward the match.

There was brief discussion and explanation of the motion.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the resolution dated January 5, 2015 for the fiscal year ending on June 30, 2016 (FY16) authorizing Robert G. Ritter, Jr. to apply for a grant to the Virginia Department of Rail and Public Transportation for \$79,750.00 to defray operating cost for the "the Pony Express". The Town of Chincoteague will be responsible for matching funds of \$24,000.00. Unanimously approved.

There was an explanation of the second motion.

Councilman Ellis motioned, seconded by Councilman Frese to authorize Robert G. Ritter, Jr. to apply for a Capital Grant to purchase one new trolley to replace the 2005 trolley and one new van to replace the 2007 van in our fleet. Grant request of \$223,000.00 would consist of 80% federal funding; 10% state funding and 10% Town funding of 22,300. Proceeds from the sale of prior trolleys (Approx. \$46,263) are held by the Town in a capital reserve fund and would be used to meet the Town's matching fund requirement. Unanimously approved.



Resolution Authorizing the Application for State Aid to Public Transportation for Fiscal Year 2016 beginning 07/01/2015

BE IT RESOLVED by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the of amount of \$79,750.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$24,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to

audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of The Town of Chincoteague Inc., on the 5th day of January, 2015.

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

8. Mayor & Council Announcements or Comments

Councilman Ellis advised that he will be attending certified training for the Planning Commission.

Councilman Taylor requested that the Town send a letter thanking the County for the upgrades to the Green Box Site. He agreed with Mrs. Van Dame that the Town is blessed with our Police Department. He also thanked Chief Lewis and the Police Department for their hard work for the community and the Town.

Councilman Frese advised that he has never heard anything negative about the Police Department. He feels the Town has the best Police Department with true leadership. He thanked Chief Lewis also.

Councilman Jester suggested a letter to the National Park Service expressing appreciation for the berms that were constructed to protect the beach parking areas.

Town Manager Ritter advised of a thank you letter from Town Attorney Poulson.

9. Closed Meeting in Accordance with Section 2.2-3711(A)(1)&(3) of the Code of Virginia

- **Real Property**
- **Appointment Letter with the Terms and Conditions with the Town Attorney**

Councilman Taylor moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(1)&(3) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Ellis moved, seconded by Councilman Leonard to reconvene in regular session. Unanimously approved.

Councilman Taylor moved, seconded by Councilman Leonard to adopt a resolution of certification of the closed meeting.

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

WHEREAS, Section 2.2-3711(A)(1)&(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- Richardson, Jester, Frese, Ellis, Leonard, Taylor
Nays- None
Absent- None

Councilman Taylor motioned seconded by Councilman Leonard to accept the new Town Attorney, Cela J. Burge's, contract as written. Motion carried.

Ayes: Richardson, Ellis, Leonard, Jester, Taylor

Nays: Frese

Absent: None

10. Possible Appointment for a New Town Attorney

Councilman Taylor motioned, seconded by Councilman Leonard to approve the contract as written with Ms. Cela Burge as the new Town Attorney. Motion carried.

Ayes: Leonard, Taylor, Jester, Richardson, Ellis

Nay: Frese

Absent: None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JANUARY 15, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman
John N. Jester, Jr., Councilman

Council Members Absent:

Gene W. Taylor, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Richardson, Leonard, Jester, Ellis, Frese,

Nays:

Absent: Taylor

1. Discuss Tide Gauge Agreement with U. S. DOI Geological Survey

EMS Supervisor Rush explained that discussions about the tide gage began after the 2009 twin nor'easters. He stated that they went the congressional route and had road block after road block. He also stated that they talked to different groups; NOAA and then on to the National Park Service. Supervisor Rush reported that over time a tide gage came about. He stated that they put markers in so they could work for a MOU with NOAA to get the data up and reviewed. He stated that there is Hurricane Sandy money that has to be utilized. He added that it would cost the Town \$3,000 per year toward the maintenance of the tide gauge. He then introduced Mr. Russ Lotspeich from the U. S. Geological Survey and Mr. Neil Wynn with the National Park Service.

Mr. Wynn explained that there were survey markers installed at the Curtis Merritt Harbor. He stated that they purchased the equipment and built the gauges. He advised that the price range is from \$50,000 - \$75,000. He added that they can set the gauge up to be recording data for future use. He stated that this is the last resort for a real time gauge.

Mr. Lotspeich explained the background. He stated that 30% of the operating funds come from congressional money. He also stated that the cost to operate the gauge is \$5,000 per year. He added that there are 12 gauges going in from the Sandy Project. He stated that they are allowed to match \$2,000 which brings the Town's portion to \$3,000 per year. He added that the agreement is 5 years because the last thing they want to do is put the gauge in for a year and do away with it. He discussed the data and retrieval which is every hour and can set up automated web services. Mr. Lotspeich stated that Chincoteague people won't be the only people who benefit from this.

Town Manager Ritter asked about other data that it collects.

Mr. Lotspeich advised that it collects data for every parameter the Town needs. He stated that the \$5,000 a year is for them to operate the equipment.

There was discussion about the information they would like on the database.

Mr. Lotspeich also stated that the data logger costs \$4,000-\$5,000, the water logger is \$3,000-\$5,000 and the antenna is \$500-\$600 each. He added that the operations and maintenance costs is included. He stated that if the whole thing goes, they will put it back in.

Discussion continued about the product being user friendly and phone apps that have been developed.

Councilman Jester feels this is a great thing. He added that the Inlet is 3-4 times larger than it was. He stated that it is very valuable.

Vice Mayor Richardson agrees. She advised that she was on the Safety Committee when they started discussing the tide gauge. She feels it would be beneficial to other localities as well as Chincoteague. She added that she would like to see it happen.

Supervisor Rush stated that after 6 months of data to review with Ocean City's and Wachapreague's tide gauges there would be a much better idea where the Town is during a storm and what to expect.

They discussed predictions and the capability of an email informing that the tide would be up in a couple of days or on the Causeway.

Town Manager Ritter stated that staff didn't feel comfortable approving the 5 year agreement without Council's direction. He suggested using boat ramp money to pay for it adding that boaters are going to want that information as well.

Vice Mayor Richardson motioned, seconded by Councilman Frese to enter into a 5 year contract with U. S. Department of the Interior Geological Survey and the funding to come from the boat ramp fees. Motion carried.

Ayes: Richardson, Leonard, Jester, Ellis, Frese,

Nays:

Absent: Taylor

Town Planner Neville mentioned that the next item on the agenda has to do with the new flood maps. He stated that one of the differences between the old flood maps and the new flood maps has to do with the vertical data that surveyors are supposed to use on the base flood elevation. He added that these gentlemen are the experts on figuring this out and wanted to ask them a question. He stated that with the new benchmarks that have been set at the Harbor, is that the go-to place for the surveyors to get the best elevation information. He asked if they would have to tie everything into those benchmarks or does the other one at the bridge need to be recalculated to provide information to the surveyors.

There was discussion which determined if the surveyors will be able to use this as a checkpoint, but unsure if they would want to use it as a benchmark.

2. Discuss the Flood Maps and Flood Ordinance for the Upcoming Public Hearing

Town Planner Neville explained that there were 2 things in preparing for this meeting. He stated that 1st was the obligation to adopt the new FEMA Flood Maps and Flood Study which are scheduled to be in effect May 18th. He added that ideally the Town would adopt the maps and submit a revised ordinance that dated the new maps prior to May 18th. He explained that, 30 days prior to this date FEMA automatically puts out a suspension notice from the Flood Insurance Program in the Federal Registry. He added that it is an unfortunate process and prior approval would avoid the suspension. He stated that the next question is, should the Town just adopt the minimum standards of the Flood Insurance Program or adopt higher standards which would give additional credits towards the Flood Insurance Discount Program. He thinks the conclusion is that the decision of adopting higher standards is complicated and probably not something the Town would want to rush into.

Town Planner Neville shared the Flood Insurance statistics provided by FEMA. He stated that there are currently 4,300 structures on the Island and only 1,016 Flood Insurance Policies. He also advised that the total premiums paid to date are \$1,100,000 with the paid losses of \$531,000. He stated that as a community, the Island has paid twice back the value. He added that there is \$206,000,000 of improvements on the Island.

Mayor Tarr asked if the freeboarding or the higher standards could be added at any time to the Town's Ordinances.

Town Planner Neville advised it could be added later. He stated that the Town's discount program is up for review every 5 years. He added that the Town had over 2,000 points in the discount program for items such as ditch cleaning and public information. He reported that every 1,000 points there is a 5% discount and the Town is currently receiving 10%. He recommended that Council proceed to advertise and adopt the minimum standards. He mentioned the few red-line changes.

There was discussion regarding more savings with more freeboard.

Town Planner Neville advised that the maximum points for freeboard is 500 and the average points given to a community is 178. He stated that the most benefit a community can receive is 1,000 – 1,500 points with the base preservation and documenting the conservation use.

There was further discussion.

Town Planner Neville added that he expects another visit from FEMA in June. He further reviewed the information in the packet, discussing the maps and elevations. He addressed the cross sections and that they made an appeal with the Fish & Wildlife Service to maintain the dunes for protection. He added that if they allow the over-wash to occur there would be a breach north of Chincoteague and the base flood elevation that FEMA says is out in the Ocean could recreate the 1962 storm. He also stated that the Town is required to adopt the FEMA Maps.

There were further comments and questions regarding the change in base flood elevation.

Town Planner Neville continued to review and explain the maps. He recommended that the FEMA Maps go to public hearing March 2nd at which time he hopes to receive Council's approval or direction. He stated that they are ready to send a postcard to every landowner regarding the changing maps.

Councilman Frese motioned, seconded by Councilman Leonard to move forward for the public hearing on March 2nd, 2015 on the proposed Flood Plain Ordinance. Motion carried.

Ayes: Richardson, Leonard, Jester, Ellis, Frese,

Nays:

Absent: Taylor

3. Review of the Draft Fiscal Forecast of Budget Years 2016-2020

Town Manager Ritter reviewed the draft 5 year fiscal budget projections. He reviewed expenditures, capital improvements, salaries, healthcare and miscellaneous. He also explained some of each department's expenditures.

There was further discussion. Council asked about salaries, retirees, capital improvements, revenues and mosquito control.

Mayor Tarr questioned the Island Nature Trail and grant.

Town Manager Ritter discussed the Safe Routes to Schools Grant and the matching funds along with the Main Street Rehabilitation Project. He continued reviewing Harbor, Trolley and Water expenses.

Council discussed a couple of items in the Water Division.

Town Manager Ritter then moved on and explained the revenues.

Discussion continued about the projected revenues and VDOT funding.

Town Manager Ritter suggested a type of retreat getting Council together to look at where they want the Town to be in 5 years. He stated that they could put together a capital project listing priorities of what they want to do for the future.

There was discussion regarding the Capital Project with VDOT for sidewalks and lighting on Maddox Boulevard and Deep Hole Road.

Mayor Tarr stated that it takes a long time to accrue the money and then to plan the project. He directed staff to find out the timeline for that project.

4. Council Member Comments

Town Planner Neville advised that the Planning Commission reviewed the public comments on the Comprehensive Plan. He handed out the proposed response to those comments. He added that this along with the Planning Commission's recommendation will be presented at the next Council meeting.

Mayor Tarr reported that they had a meeting with the U. S. Fish and Wildlife, the Park Service and their planners about the Town's recommended changes to the CCP. He stated that they are still reviewing all the comments. He also stated that the Town was able to stress the important points. He feels there are positive comments because of the upcoming and proposed projects in the area. He added that they discussed when they choose Alternative B, what the process is in making sure that the tourist receives the best visitor experience. He feels positive things have come from this including a backup plan with Congressional support.

There was discussion about the wilderness status.

Mayor Tarr advised that the new Refuge Manager does not plan to pursue further than the low water mark. He stated that he also plans to allow walking and bikes down the service road. He stated that they appreciate the agreement to meet about the Town's viewpoint and redlines. He added that he feels better about the meeting. He also stated that until the final document is out they won't know for sure.

Town Planner Neville advised it should be out sometime in June. He added that the Park Service will be putting out their General Management Plan around the same time.

Mayor Tarr warned that the General Management Plan could be bad regarding the Wilderness Area.

They commented further about the berm.

Adjourn

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

Ayes: Richardson, Leonard, Jester, Ellis, Frese,

Nays:

Absent: Taylor

Mayor

Town Manager

**MINUTES OF THE FEBRUARY 2, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

John N. Jester, Jr., Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Kerry Allison, Director of the Eastern Shore Tourism Commission, gave a PowerPoint presentation about their long-term goals. She reviewed each slide explaining statistics, social media and tourism experience. She advised that the Eastern Shore is included with Virginia Beach whenever economic impact data is collected. She stated that she is lobbying to have it changed. She also discussed demographics, the strategic pathway and their plans for advertising. Ms. Allison also mentioned the new consumer emails, events, mission, birding events and tax revenues. She continued reviewing the slides giving percentages and data from social media.

Mayor Tarr thanked Ms. Allison and asked her to advise the nonprofit organizations on the Island of her contact information.

Ms. Nancy Stern with Eastern Shore Rural Health, returned to Council giving an update about the Community Health Center. She advised that they are recruiting to fill positions. She stated that they perform operational analysis on a weekly basis. She mentioned patient concerns that they try to assess immediately. She assured that there will be a fulltime physician at the Community Health Center. She invited comments or suggestions.

Councilman Taylor complimented Dr. Chad.

Ms. Stern agreed and stated that they would like to retain him at the Community Health Center. She distributed the annual report and brochure to Council.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. David Landsberger talked to Council on behalf of CIAO. He updated Council on the renovations to the Island Theatre for which they have received grants to complete and other projects. He advised that they made changes allowing financial stability. He also added that they are focusing on more events.

Ms. Karen Muth also spoke about the upcoming CIAO events. She talked about bringing some off-season events. She mentioned the upcoming films and big band for the Valentine's Day weekend to incorporate with the Death by Chocolate event with the Downtown Merchants. She stated that they are beginning a Film Producer's Club. She continued listing plans for upcoming events. She asked Council to consider the Theatre as another artistic venue of the community.

Councilman Ellis commented on their accomplishments in a short period of time.

- Mrs. Linda Ryan, President of the Chincoteague Island Library Board, announced the 20th celebration of the Island Library. She informed Council of their additional programs for the celebration. She stated that they have extended their Saturday hours and have new merchandise for sale in the gift shop. She advised of the luncheon cruise with Capt. Carlton. She also announced the Elementary and High School poster contest. She asked everyone to check the Facebook and web pages for upcoming events and information. Mrs. Ryan also advised Council of the water leak in the fire suppression system. She stated that as a result of that leak the Library is temporarily closed. She added that they should be reopening by Saturday the 14th so they can participate in the Downtown Merchant's Death by Chocolate event. She invited everyone to stop by the Library.

- Mrs. Evelyn Shotwell, Director of the Chincoteague Chamber of Commerce, also addressed Council about the Eastern Shore Tourism Commission's training seminar in March. She advised of a reception at the Theatre that evening and tour of NASA, the Museum and the Wildlife Refuge. She will forward a finalized agenda upon completion. She announced that Chincoteague has been chosen in the top 15 for the Coolest Small Town in America. She stated that the voting stops on the 25th. She also added that Chincoteague is currently #2. Director Shotwell encouraged everyone to vote. She reminded Council of the Easter Decoy Show in April. She also thanked Council for their support.

- Mr. Spiro Papadopoulos of 5534 Warren Street came before Council regarding the vehicle decals. He understands that the reason there is a vehicle decal is for personal property tax collection. He feels this isn't proper to tax the honest people. He urged Council to address this issue. He also feels the waste collection fee does not belong on the water bill. He stated that it should be part of the real estate services and taxes.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report is included in the packet. He advised that the Planning Commission is pleased to present the updated Comprehensive Plan later in the meeting. He stated that they will be meeting again next Tuesday the 10th at 7:00 p.m. He mentioned the Flood Insurance Maps and Flood Study which will be discussed and possibly adopted at the next meeting. He stated that the meeting with the Community Rating System program has been scheduled for May 28th. He described possible changes to the Town floodplain management program which would provide the community with credit for insurance discounts at this meeting. Town Planner Neville commented on an article brought to his attention by Vice Mayor Richardson regarding the Army Corps of Engineers, Atlantic Coast Comprehensive Study.

Police Department

Major Mills stated that the monthly report has been included in Council's packet. He reminded Council of the Senior Luncheon March 11th at 11:30a.m. at Don's Seafood Restaurant.

Public Works Department

Public Works Director Spurlock stated that in addition to his report, the South Main Street sidewalk project will begin as soon as weather permits.

General Government

Town Manager Ritter reported that EMS responses for January were 69 which were 19 more than January of 2014, ALS response was 26, BLS 22 and all others were 21. He also reported that the new ambulance will be going into service this week. He stated that the agreement will be going out this week for the tide gauge. He stated that the Robert Reed Extension Project plans have been submitted to the DCR. He added that the DCR will be here in 2 weeks to review the Island Nature Trail Grant. He also advised that the grant has been approved.

Town Manager Ritter stated that staff has been working on mailing 2nd notices for taxes. He advised that a letter about the Convenience Center improvements has been mailed to the Board of Supervisors. He stated that a letter has been sent to the National Park Service superintendent about the low berm. He also stated that the Town has renewed the salt water fishing license for Memorial Park and Bridge Street. Town Manager Ritter added that the Community Event Calendar is posted and reminded Council that it is still in draft form. He stated that the local organizations are in the process of preparing their calendars so that we can add the events.

Vice Mayor Richardson asked about the difference of the real estate tax levy.

Town Manager Ritter advised that it's because of the delinquent taxes.

Mayor Tarr welcomed Town Attorney Cela Burge. He introduced her and thanked her for joining the Town.

Town Attorney Burge stated that it is an honor to serve the Town. She stated that she could only try to fill the shoes of Mr. Jon Poulson and looks forward to working with everyone.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Leonard motioned, seconded by Councilman Frese to adopt the agenda as presented. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

1. Consider Adoption of the Minutes

- **Regular Council Meeting of January 5, 2015**
- **Council Workshop Meeting of January 15, 2015**

Councilman Taylor and Ellis made the correction as to the invocation.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the January 5, 2015 Regular Council Meeting and January 15, 2015 Council Workshop Meeting as corrected. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

2. Chincoteague Cultural Alliance Presentation and Grant Request

Mr. John Beam submitted a packet explaining the grant and upcoming events to justify the grant. He explained that a large portion of the grant goes to “free programs” for the public. He listed the upcoming free programs. He discussed the 2nd Saturday and Farmer’s Market. He continued to discuss the upcoming plans and advised that they have been invited to staff a booth at the Chincoteague Volunteer Fireman’s Carnival. Mr. Beam stated that they are looking forward to having more of a presence in the community. He also stated that they have initiated a building fund and looking to purchase the building they currently occupy. He added that they are working with the USDA to secure a loan. He stated that the USDA will be interested to know and understand how important the Chincoteague Cultural Alliance is in the community. He invited those interested to a luncheon, Wednesday at their headquarters on Church Street.

Town Manager Ritter explained that the motion would be to authorize staff to complete and sign the grant application. He stated that this is a 50/50 match. He added that the total amount of the grant is \$10,000 and the Town’s match would be \$5,000 of the \$10,000.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the request for the Town to apply for the Chincoteague Cultural Alliance Grant and matching funds not to exceed \$5,000. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

3. Possible Adoption of the Updated Draft Comprehensive Plan

Town Planner Neville advised that they have been through a number of work sessions along with the public hearing last month where they received comments. He stated that the Planning Commission has addressed those comments. He reviewed the staff report which included 8 different topics including Coastal Resource Management, sewage disposal, new information about the new FEMA Flood Maps, transportation; widening shoulders on the causeway and the Town’s intention with the private roads. He added that a couple of updates to the map were also included.

Planning Commission Chairman Rosenburger feels that this project went very well as they took the comments and suggestions under advisement. He stated that they have been working on the update since 2013 to make sure the recommendations are viable for the Town. He added that he takes great pride in presenting the Updated Draft Comprehensive Plan to the Town for approval.

Mayor Tarr thanked the Planning Commission for their work on the updates.

Councilman Frese motioned, seconded by Councilman Taylor to adopt the Updated Draft Comprehensive Plan. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

4. Design Service for the Hallie Whealton Smith Drive Drainage Improvement

Mayor Tarr advised that Public Works Supervisor Spurlock included in the packet the engineering numbers which included changing pipes across Main Street to tie into the Hallie Whealton Smith Structure. He advised that he has received an estimated cost of construction of \$220,000 from the

engineering company. He added that Public Works Director Spurlock would like to have more time to work on this project to lower costs to the Town.

Public Works Director Spurlock feels that there are a lot of other ways to accomplish the same project without the extreme cost. He advised that his intention is to reevaluate and take it to the Public Works Committee.

Council agreed.

5. Recreation and Community Enhancement committee Meeting Report of January 13, 2015

• Eagle Scout Project at Mariners' Point

Mayor Tarr advised that Mr. J. T. Walker would like to present his Eagle Scout Project for Mariners' Point.

Mr. Walker gave Council a handout of his. He stated that the handout shows how he plans to anchor the memorial benches. He continued to review the plans.

Councilman Ellis asked if they were raising funds for the benches. Mr. Walker advised that he has help raising funds with the other Scouts and friends.

Councilman Ellis asked for an estimate of the cost. Mr. Walker responded that he is in the process of listing the materials to estimate the costs. He stated that donations can be made to the Troup so that he can purchase the materials.

Mayor Tarr stated that it looks like a very nice project and feels it will be a wonderful addition to the memorial.

Councilman Leonard motioned, seconded by Councilman Ellis to approve the Eagle Scout Project at Mariners' Point. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

6. Mayor and Council Announcements or Comments

Councilman Taylor stated that the young volunteers are keeping the Town going. He complimented the Planning Commission on their hard work on the Comprehensive Plan. He mentioned the Fire Company and stated that it takes the entire community to make Chincoteague great.

Councilman Ellis thanked Mayor Tarr for assigning him to the Planning Commission. He advised that he went to Richmond for the Certified Planning Commissioner Program. He stated that it was interesting, informative and helpful. He received textbooks and 7 assignments from the textbooks along with 7 exams. He advised that he will be returning to Richmond in April for the completion of the course. He added that it is an informative program. He added that the Commission works hard.

Councilman Leonard thanked the CCA and CIAO for all the work they do for the community. He added that people don't generally see all the work that goes into the functions they do.

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

- **Personnel**
- **Prospective Business**

Councilman Taylor moved, seconded by Councilman Leonard to convene a closed meeting under Section 2.2-3711(A)(1)&(3) of the Code of Virginia to discuss personnel matters. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

Councilman Frese moved, seconded by Councilman Leonard to reconvene in regular session. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

Councilman Frese moved, seconded by Councilman Ellis to adopt a resolution of certification of the closed meeting. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

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)&(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- Richardson, Frese, Ellis, Leonard, Taylor

Nays- None

Absent- Jester

8. Contract Negotiations with American Tower

Councilman Frese motioned, seconded by Councilman Leonard to allow Town Manager Ritter to negotiate a contract for an additional 10 years with American Tower. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

9. Appointment of New Chief of Police

Councilman Frese motioned, seconded by Councilman Leonard to make the offer as new Chief of Police to Major Randy Mills. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

Adjourn

Councilman Frese motioned, seconded by Councilman Leonard to adjourn. Motion carried.

Ayes: Richardson, Ellis, Leonard, Frese, Taylor

Nays: None

Absent: Jester

Mayor

Town Manager

***MINUTES OF THE MARCH 2, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING***

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

Arthur Leonard, Councilman Gene W. Taylor, Councilman Ben Ellis, Councilman

John N. Jester, Jr., Councilman James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

Mr. Ray Rosenberger stated that the Town has done so much with so little in clearing the roads of snow. He thanked the Public Works Employees for a great job.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report is included in the packet. He also advised that later in the meeting they will focus on the Flood Maps.

Police Department

Sargent Fisher stated that the monthly report has been included in Council's packet. He reminded Council of the Senior Luncheon March 11th at 11:30a.m. at Don's Seafood Restaurant. He stated that if anyone needs a ride to contact the Police Department by Tuesday so they can make arrangements.

Public Works Department

Public Works Director Spurlock stated that in addition to his report the Hallie Whealton Smith Drive drainage project will be discussed at the Public Works Committee meeting tomorrow night.

Vice Mayor Richardson also complimented and thanked the Public Works Employees for the great job of snow removal.

Councilman Taylor mentioned the two businesses on the traffic circle having issues with stormwater drainage and the pump.

Public Works Director Spurlock explained that there were failed pumps in the system and the repairs were supposed to have started two weeks ago.

Councilman Frese commended the Water Works and Public Works Department on the tremendous number of leaks they have found and taken care of.

Public Works Director Spurlock advised that they were up to 119 services turned off because of leaks. He reported that last Sunday they pumped over 1.2 million gallons of water within a 24 hour period.

General Government

Town Manager Ritter reported that EMS responses for February were 57 which were 2 less than February of 2014, ALS response was 28, BLS 15 and all others were 14. He also reported that there was a pre-bid meeting for the Robert N. Reed, Sr. Waterfront Park Project. He stated that the bids are due March 13th. He also stated that the Business License Renewals have been mailed and the Meals & Transient Occupancy has been closed out for the year. He also mentioned the upcoming newsletter for April and event calendar.

Vice Mayor Richardson asked about the weather briefings. She stated that she hasn't received one for over a year.

Town Manager Ritter advised that he would have Coordinator Rush email the emergency briefings to Council.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese motioned, seconded by Councilman Ellis to adopt the agenda as presented. Unanimously approved

1. Consider Adoption of the Minutes

- **Regular Council Meeting of February 2, 2015**

Councilman Ellis motioned, seconded by Councilman Taylor to adopt the minutes of the February 2, 2015, Regular Council Meeting. Unanimously approved.

2. Public Hearing and Possible Adoption of the FEMA Flood Maps

Town Planner Neville advised that the public hearing has been advertised for this evening. He stated that they are hoping for adoption of the proposed FEMA Flood Maps and minor changes to the Flood Plain Ordinance. He stated that the advertisement was placed for 2 weeks in the Eastern Shore News and the Chincoteague Beacon along with the Town's website. He added that this satisfies FEMA's requirements. Town Planner Neville stated that according to the State Code the Town is required to send first class notice to every property owner in the Town of the change. He stated that this will be the last step in the process.

Town Planner Neville then reviewed the history of the Flood Maps, the minimum standards with FEMA and gave an update on those already participating in the program. He stated that the Town

qualifies under the Community Rating System for a 10% discount on flood insurance. He reviewed the changes. He stated that the base flood level over the entire island is going down based on the new FEMA study.

Town Planner Neville advised that the recommendation of adopting the Flood Study is a simple business item to satisfy FEMA. He stated that the staff report has split the recommendation for Council to possibly move forward with the adoption of the maps and study today. He added that the maps have to be adopted or the Town will be dropped from the discount flood insurance program. He stated that there is a benefit for everyone on Chincoteague. He stated that the next recommendation is for amendments to the Town floodplain management regulations. He stated that the new maps go into effect May 18th.

Mayor Tarr stated that he would like to recess the public hearing until March 19th at 5:00 p.m. to finish discussing the Town's Ordinance with FEMA.

Mayor Tarr opened the public hearing on the possible adoption of the FEMA Flood Maps and revised Flood Ordinance, Ch. 30 of the Town Code. He invited public comment at this time.

Planning Commission Chairman Rosenberger concurred with the Staff recommendation. He stated that a lot of work has gone into this. There was no other public comment.

Councilman Frese motioned, seconded by Councilman Jester recess the public hearing until Thursday, March 19th at 5:00 p.m. Unanimously approved.

Councilman Frese motioned, seconded by Councilman Ellis to adopt the modified Flood Insurance Rate Maps and a Flood Insurance Study for the town of Chincoteague with an effective date of May 18, 2015 as provided by the Federal Emergency Management Agency. Unanimously approved.

There was discussion regarding the changes in the FEMA Flood Maps and the credits for the discounted flood insurance rates along with specific Flood Map changes.

Public Hearing and Possible Adoption of the Revised Flood Ordinance Ch. 30 of the Town Code. Mayor Tarr advised that this agenda item was advertised with item #2 and in the same public hearing.

Chincoteague Hometown Heroes Military Banner Program

Mayor Tarr advised of a proposed plan from the American Legion Auxiliary Post 159 regarding a Hometown Heroes Military Banner Program. He stated that they have met with Public Works Director Spurlock.

Public Works Director Spurlock advised it is the same sort of banner that the Town uses but will have the picture and name of the Chincoteague Hometown Hero.

There was further discussion.

Councilman Ellis motioned, seconded by Councilman Frese to approve the banners for the Hometown Heroes Banner Program and the Town to be responsible to install the banners. Unanimously approved.

Public Safety Committee Report of February 3, 2015.

Mayor Tarr stated that the report is in the agenda packet. He reported that they discussed the false alarms with the Fire Company which will be sent to the Ordinance Committee for further review.

3. Budget and Personnel Committee Report of February 10, 2015

- **Discuss Possibly Refunding the Decal Money to Electric Low Speed Vehicles for 2014.**

Mayor Tarr stated that the report is in the agenda packet. He also stated that Town Manager Ritter and Councilman Ellis are working on the evaluation documents. He mentioned that the Police Department is helping by showing the software to all of the department heads. He stated that there is one action item to refund the 2014 decal money paid for the electric low speed vehicles. He added that when this program was first initiated some vehicles had decals and some didn't. He advised there were 23 who purchased decals and it is the recommendation of the Budget and Personnel Committee to refund those 23 decal fees.

There was further discussion.

Councilman Frese motioned, seconded by Councilman Jester to refund the 23 decal fees for the electric low speed vehicles from 2014. Unanimously approved.

Mayor and Council Announcements or Comments

Councilman Jester commented on his call about the water issue.

Councilman Ellis complimented the Public Works Department on the snow removal. He stated that the Island is in much better shape than the mainland.

Councilman Taylor suggested holding a Council meeting without an agenda. He added that everyone is welcome to come. He stated that staff doesn't have to come but can as a citizen. He feels that they can work together to get things done.

There were a couple of comments regarding Councilman Taylor's suggestion.

Adjourn

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

Mayor Town Manager

MINUTES OF THE MARCH 19, 2015
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Ben Ellis, Councilman
Gene W. Taylor, Councilman
James T. Frese, Councilman
John N. Jester, Jr., Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced Mr. Rob Catron who came with an update of the Virginia General Assembly session and to answer questions.

Mr. Catron submitted a memo updating Council on the Richmond legislative session. He discussed the revenue projections which were increased twice. Education and transportation funding was also discussed. He mentioned the state budget that increases salary to the local and state employees. Mr. Catron also discussed the reinstatement of police funding. He spoke about the new Ethics Bill and explained the new laws about receiving gifts. He read “there is a cap of \$100 on tangible and intangible gifts from a lobbyist a company employing the lobbyist or an entity that is doing or attempting to do business with the locality”. He explained that if someone is doing business with the Town and takes the Town representative to lunch at a value of less than \$50 it doesn’t have to be reported. However, if it is over \$50 but less than \$100 the company who bought lunch will have to send a note with the value of the lunch for that person to use in their Statement of Economic Interest, which is to be issued twice per year.

Mr. Catron also explained the exception to the gift cap. He stated that if someone from the Town attends an event with over 25 people (a widely attended event) it does not have to be reported. He added that if it’s an individual long-time friend giving a Christmas gift it doesn’t have to be reported. He also stated that gifts from personal friends such as a lobbyist, a company employing a lobbyist or a company attempting to do business with this locality who is already a friend it doesn’t have to be reported. Mr. Catron stated that travel paid for by 3rd parties have to be reported. He also read that elected officials do not have to report expenses paid for by the locality as long as it is official business within the Commonwealth. He added that out-of-state travel paid for by the locality must be reported. He discussed some other changes.

He further discussed another issue at the federal level of Water Resources Reform and Development Act (WRRDA) which is the bill that authorizes the Corps of Engineers to do water projects. He added that the Herb Bateman Center was an earmark for this. He stated that the

new WRRDA bill changes the process to earmark the projects. He added that the Chincoteague Island Feasibility Study was 1 of 40 projects on the list to be funded. He mentioned other projects such as Federal Lands Access Program of widening the Causeway for a separate bike path to NASA. He also stated that the new CCP is supposed to be out by May but anticipates it in August. He suspects there won't be much notice to get the federal officials involved.

Mayor Tarr thanked Mr. Catron and stated that he works with staff quite a bit.

Vice Mayor Richardson commented on a recent visit from Senator Tim Kane and the need for the bike path on the Causeway.

There were further comments.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discuss Possible Revisions to the Flood Ordinance

Town Planner Neville advised of the question of Freeboard. He stated that this is a safety factor issue. He also stated that the FEMA Flood Maps were adopted and will go into effect May 18th. He added that it benefits all the property owners on the island. He explained that the base flood elevation for the 100 year storm event is lowering all over the island. He added that this helps when purchasing flood insurance. Town Planner Neville also stated that this helps existing structures to qualify for lower rates. He stated that what they are considering with the freeboard standards are that the Town has the opportunity to adopt an Ordinance in addition to the minimum FEMA requirement. He stated that the minimum requirement is that the lowest floor should be built above the base flood elevation. Town Planner Neville also stated that the Town could adopt an additional standard to the community of 2' or 3' as a possible local standard as a safety factor to help with the community's discount flood insurance program.

Town Planner Neville stated that the reason other communities don't typically adopt more than 3' freeboard is that the potential discount in flood insurance rates does not increase after this point. He continued that the current Flood Maps established a base flood elevation of 8 feet above sea level. He reviewed the chart and explained the base elevations. He also explained the FEMA model showing about a 3' freeboard would also raise new construction above the 500 year storm flood elevations. He added that anything more than a 3' freeboard isn't considered a significant improvement in safety. He stated that the Building Permit application would have to include the base flood elevation if adopted.

Town Planner Neville described his review of an alternative to adopt a variable freeboard elevation for each new flood zone on the island so that new construction would be elevated to the equivalent base flood elevation 8 from the old maps.

Vice Mayor Richardson asked if there was already a freeboard.

Building and Zoning Administrator Lewis responded that it isn't called that. He explained that the reason that some of the homes are built higher than the base flood elevation is because State Building Code requires that the ductwork has to be at or above the base flood elevation. He

continued that if the ductwork is under the house then the house would have to be typically 18” higher.

Mayor Tarr advised that this wasn’t spelled out in the Ordinance.

Councilman Frese stated that years ago it had to be level with the first floor and now any mechanical or ductwork has to be at the base elevation.

Town Planner Neville stated that a number of communities have adopted 1.5’ freeboard and the 18” from Building Code is consistent with that standard.

Mayor Tarr commented that the County had a 1’ freeboard.

Town Planner Neville also stated that from a staff perspective it would make sense to have a 3’ freeboard because it does a number of things. He explained it provides that safety standard and helps the community discount program review in May which benefits the entire community if the Town adopts the standard. He added that adopting a freeboard standard is recommended by FEMA and compensates for any errors in the FEMA model. He asked for direction of what seems to make sense from Council so that final Ordinance language may be presented at the April 6th meeting for a final decision.

Mayor Tarr stated that the public hearing was recessed from the last Council meeting. He would like to reconvene the public hearing.

Councilman Leonard motioned, seconded by Councilman Ellis to reconvene the public hearing. Unanimously approved.

Mayor Tarr declared the public hearing open and asked for public comments or questions.

Mr. Steve Engle with Vista Design, Inc. advised that they have been in contact with Town Planner Neville and agree with the freeboard recommendation for public safety, the Building Code, grading and stormwater. He feels it keeps the properties safe.

Mayor Tarr stated that there is a difference between a freeboard elevation and the FEMA base flood elevation for insurance rating purposes.

Town Planner Neville added that freeboard is a construction standard, the insurance standard is strictly related to the base flood elevation established by FEMA. He advised that he spoke with Mr. Charlie Banks, the State Floodplain Coordinator who works directly with FEMA, and he stated that if he ever hears an insurance agent is measuring from the freeboard elevation to let him know. He added that Mr. Banks will notify Philadelphia because that’s not the way the regulation is written.

Town Planner Neville stated that another reason that the Town has been working with Mr. Banks is to make sure that the freeboard standard is written as a requirement from the day of adoption forward. He added that FEMA is fine with that.

Councilman Taylor stated that if the 18” freeboard is adopted then they will get an additional discount on the flood insurance.

Councilman Frese asked how Building and Zoning Administrator Lewis will be inspecting the freeboard level from the base flood elevation or the ductwork.

Building and Zoning Administrator Lewis advised that it is his understanding that FEMA pulls the elevation from the subfloor. He stated that any freeboard should be from the subfloor. He added that Town Planner Neville will have to find out.

Councilman Frese asked that this be defined.

There were multiple comments.

Mayor Tarr stated that if an 18" freeboard is adopted then it'll be an additional 18".

Mr. Engle stated that generally the ductwork is below the freeboard.

Mayor Tarr stated that the Building Code states "base flood elevation".

Building and Zoning Administrator Lewis advised that the premiums have been unreal this past year. He added that now they can add on the house without having to jack the house up.

Councilman Taylor talked about measuring from the slab. He stated that for commercial with stormwater management the higher the structure will go and the crazier it gets. He stated that if you go up high it's tougher and you lose a lot of stuff. He personally believes that 18" on residential and 1" on commercial is sufficient.

There were brief comments.

Councilman Taylor doesn't feel commercial slabs need 18".

Building and Zoning Administrator Lewis talked about the slope for the commercial concrete slab.

Councilman Taylor asked if they even need 18".

Town Planner Neville suggested that they go back and review the Anchor Inn site as an example where the new Flood Map establishes Base Flood Elevation 4 on the land and 5 in the channel. He mentioned the Fairfield Inn building that was constructed at Elevation 7. He stated that if they don't require the freeboard of at least 2', he feels that Building and Zoning Administrator Lewis will be in a position to approve a building permit that meets the regulation but potentially exposes people to flood risk. He added that he is referring to property next to the channel. He feels they need to get close to the old standard with a freeboard requirement.

Building and Zoning Administrator Lewis advised that he spoke with some of the builders who stated they weren't going to build at the new flood elevation, they would build higher.

Councilman Taylor added that they are given that choice to build higher.

Building and Zoning Administrator Lewis stated that the inner part of the island isn't too bad. He added that the outer edge of the island is mostly commercial.

Councilman Frese stated that they have established that the 2' is reasonable. He feels that if anyone wants to go above it then its good.

Town Planner Neville stated that there is the logic that the more people who adopt the same standard, the more defensible it is in the future.

Councilman Taylor stated that in talking to the engineer for the new Fire Station site every time they go higher there is a total different ballgame. He added that when you raise it you're changing the dynamics with the fill on the neighbors. He added that if stormwater management wasn't part of this it would change everything. He continued commenting on the 2'. He stated again that it has to do with stormwater management.

Vice Mayor Richardson talked about the properties on Deep Hole Road and Chicken City Road intersection.

A gentleman in the audience stated that the building height limits should be factored into this also.

Mayor Tarr stated that it was done for a reason to stick with 3 stories. He feels it should be worded in such a way that there are no loopholes. He added that staff is currently reviewing this.

Councilman Frese suggested adding that once the freeboard elevation is added there is a maximum of 3 stories.

Mayor Tarr stated that staff has to review this.

Building and Zoning Administrator Lewis responded that staff has reviewed this. He added that other ordinances have a tendency to measure from the mid-roof system and not the peak roof system.

Councilman Frese suggested that a disclaimer could be put in the Ordinance not to exceed 3 stories.

Building and Zoning Administrator Lewis stated that in the Building Code it explains how to measure a 3 story house. He would like to look into this further.

Town Planner Neville stated that FEMA doesn't care about the change in building height and Council can look into this ordinance change at a later time.

Building and Zoning Administrator Lewis stated that if it is the intent of Council to add the freeboard height to the building height then it can say that until it goes through the process.

Councilman Taylor asked a gentleman in the audience if the 18" commercial freeboard is adopted how high a motel would be built.

The gentleman in the audience responded that for safety sake it would be up to the owners.

Councilman Taylor mentioned stormwater management.

The gentleman in the audience commented on the challenge of meeting stormwater management requirements and the need to raise site elevations for positive drainage.

There were no more public comments.

Mayor Tarr closed the public comments. He asked if there were any further questions for Town Planner Neville. He stated that there are 2 options of freeboarding and a chart that ties freeboarding into each zone. He asked for Council's direction.

Councilman Ellis feels it would be much easier on the administration of it to have a single freeboard requirement.

Mayor Tarr stated that it seems to be what other communities are doing.

Town Planner Neville stated that if Council still feels there is a risk factor at the north end of the Island they can adopt a voluntary freeboard which would be advisory. He feels this would be a wise thing to do to protect the Town Government and citizens of the Town.

Building and Zoning Administrator Lewis added that if they see that it isn't high enough during the year that it can be changed higher.

Town Planner Neville agreed.

Mayor Tarr doesn't feel it's that simple with FEMA. He stated that they could adopt a voluntary freeboard.

Town Planner Neville stated that there could be a brochure for a voluntary freeboard program at the north end to compensate for the possible error in the FEMA flood study.

Councilman Ellis recommended being consistent with other localities in Virginia and adopting a 2' freeboard standard so that the Town of Chincoteague would match Accomack County's ordinance.

Councilman Taylor expressed his concerns with commercial businesses and the 2' freeboard affecting the neighbors. He commented further about it being a matter of common sense. He agrees that it should be 18" for residential but feels it should be 1' for commercial.

Mayor Tarr stated that this is talking about stormwater management. He added that FEMA is talking about what is going to happen in a 100 year storm.

Councilman Leonard added that 6" more site elevation goes a long way.

Mayor Tarr added that there are 2 things to consider not just building and getting rid of the water in a normal day. He stated that for those who have lived here all our lives we know those areas that flood on a regular basis along with those areas that don't. He stated that if we're confident of what FEMA has done then freeboarding isn't necessary. He advised that he isn't confident.

Building and Zoning Administrator Lewis explained further that the deductible in a claim would end up being the value of the ductwork. He added that by making the ductwork go up it resolves the problem.

Councilman Taylor feels that 18" is a no-brainer.

Councilman Frese and Councilman Ellis asked how much will actually be saved on insurance.

Councilman Taylor explained a scenario of someone purchasing a house and paying flood insurance premiums. He stated that if they wanted cheaper rates they could lower them by installing flood vents.

Mayor Tarr stated that most of the insurance companies don't offer information about the discount in the beginning while the house is being built.

Building and Zoning Administrator Lewis added that there are a lot of non-Chincoteague people who purchase properties here and don't know about hurricane or flood tides.

Town Planner Neville stated that the other scenario would be that Assateague is no longer one island and there is a new inlet with water rushing in. He feels erring on the side of caution is wise.

Mayor Tarr commented.

Councilman Leonard feels that they should keep it consistent with the County.

Town Planner Neville reviewed the wording to the Ordinance regarding freeboard. He discussed the paragraphs in the Ordinance written for residential construction, non-residential construction, elevated structures, recreational vehicles and mobile homes. He mentioned the scenario of Inlet View Campground and asked what standard would apply and would the freeboard standard apply for elevating a mobile home. He doesn't believe that it should affect mobile homes but Council should discuss this.

Building and Zoning Administrator Lewis advised that FEMA came in and established that an existing mobile home park they can make the pier system 36" or at base flood elevation. He added that if they choose to go at flood elevation the freeboard should apply but adding it to a 36" pier could be a problem. He feels they need to figure it out as far as safety.

Councilman Ellis asked if the mobile homes are on wheels.

Building and Zoning Administrator Lewis stated that typically on a mobile home they will take the axels off. He added that it has a still frame. He also stated that there are some put way up there and when a storm hits the only thing standing would be the steel frame and the floor system. He stated that they have to comply with FEMA but they have to decide what is safe. Councilman Ellis asked if FEMA says it can be either or.

Building and Zoning Administrator Lewis advised that he was correct.

Mayor Tarr thought that a mobile home was categorized different.

Building and Zoning Administrator Lewis stated there was a different standard in an existing mobile home park.

Mayor Tarr stated that it's anywhere unless it's on a permanent foundation and you apply to have it switched from personal property to real estate. He asked how FEMA addresses this.

Building and Zoning Administrator Lewis stated that until they do those steps they are considered personal property and a mobile home. He added that until they remove the axels and put it on a permanent foundation and then put in to change it from personal property to real estate and the County converts it.

Mayor Tarr asked if FEMA addressed those differently.

Building and Zoning Administrator Lewis advised that they don't if it's in a mobile home park. He added that if it's not in a mobile home park it would be addressed as real estate. He stated that FEMA addresses it in a mobile home park.

Vice Mayor Richardson asked Building and Zoning Administrator Lewis that in a mobile home park it is 3'.

Building and Zoning Administrator Lewis advised that in a mobile home park the pier system can either be 3' or at flood elevation. He explained that there is one home in Ocean Breeze that went 1' higher than flood elevation. He added that the higher it is the more strappings and securing there is.

Town Planner Neville asked Council if they wanted to initiate the building height matter with the Planning Commission.

Building and Zoning Administrator Lewis advised that referring to the height the Building Code goes by midpoint but the Zoning Ordinance goes by the maximum height in feet.

Council concurred to send the height matter to the Planning Commission. They also discussed the freeboard matter briefly. They also mentioned the pitch of the roof on the 3 story building with the freeboard.

Councilman Frese asked how much would be needed for a motel between each floor for utilities.

A gentleman from the audience advised a 10' space is sufficient for each floor. He added that they like a ceiling height of 9'.

Mayor Tarr stated that staff will work on this further and bring it back to Council at the April meeting.

Town Planner Neville also stated that in comparison to other communities in Virginia, according the new maps the Island's ridgeline is no longer within the 100 year floodplain. He added that potentially they're still exposed to some risk of flooding and drainage issues. He stated that if they remove the requirements of the Floodplain Ordinance from the land that's coming out, then the Town should encourage people to plan for good positive drainage. He added that one way of dealing with that is to have a standard in the Flood Ordinance or some other ordinance to

encourage a minimum standard to raise the lowest floor above the surrounding grade. He asked Council if they want to put a minimum elevation standard in the Flood Ordinance for land outside of the special flood hazard area.

Mayor Tarr asked what the Building Code has regarding this.

Building and Zoning Administrator Lewis stated that the Building Code wants to have drainage 6' off the building and slope it out so they're not getting water under the building.

Town Planner Neville stated that it's something they need to be aware of once they adopt the new maps. He also stated that there will be certain properties on the island that will be able to build on a slab on grade and they will come to a Council meeting with concerns about flooding.

There was brief discussion about having your property removed from the flood zone.

Town Planner Neville stated he knows that Council has concerns about FEMA's over-reach and control of properties outside of the special flood hazard area shouldn't necessarily be in the Flood Ordinance. He added that there is a section in the Town Code that deals with drainage and could be built up a little. He stated that by doing this they could manage the flood risk for the entire Town. He will look into finding an ultimate solution.

Mayor Tarr asked if there was a gain by FEMA if it's put into this Ordinance.

Town Planner Neville stated that the Town would get credit for adopting higher standards outside of the flood zones.

There was discussion about freeboarding and the areas that are not in the flood zones.

2. Award of the Robert N. Reed, Sr. Waterfront Park Annex Bid Proposal

Town Manager Ritter explained that this is a portion of the Park annex that was purchased from Mr. Vesley. He stated that the project is through a DCR 50/50 grant that has been bid out with pre-bid meetings. He advised that there were 2 bidders; Branscome and Conrad Brothers. He stated that the bids came in over the budget and staff has done some costs cuts with Branscome. Town Manager Ritter stated that the Town can do the storm drainage work in-house to save \$10,000. He also stated that the furnishings were brand specific and didn't have to be which saves approximately \$15,000 a total saving of \$25,000. He stated they are recommending and asking for a motion from Council to award Branscome, the lowest responsive bidder, the Robert N. Reed, Sr. Waterfront Park Annex improvement project not to exceed the amount of \$155,137. He added that the alternate bid was for the kiosk and the Town will be doing this in-house also.

Mayor Tarr asked if they were able to compare to see where the higher bids were.

Town Manager Ritter stated that the bids were a lump sum bid.

There were comments.

Councilman Ellis asked if the furnishings would be ordered by the Town or Branscome.

Town Manager Ritter advised that Branscome will order the furnishings.

Mayor Tarr reviewed the savings. He asked if the cost of the kiosk that the Town is building going against the matching funds.

Town Manager Ritter advised it could along with in-kind services. He advised that they heard back from DCR.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to award Branscome the lowest responsive bidder the Robert N. Reed, Sr. Waterfront Park Annex improvement project for an amount not to exceed \$155,000. Unanimously approved.

3. Committee Member Comments

Mayor Tarr thanked Building and Zoning Administrator Lewis for attending.

Councilman Taylor asked about the 2' freeboard.

Mayor Tarr stated that until Council votes April 6th he can't positively say.

Councilman Taylor asked what the consensus of Council was.

Town Manager Ritter asked if this was about the ductwork.

Mayor Tarr responded that it is about a concrete slab.

Councilman Taylor advised that this is no conflict of interest as he isn't getting paid to do this.

Mayor Tarr stated that anyone who is going to get a building or build a building should wait until the decision is made. He suggested not spending someone's money without knowing what the outcome will be.

Councilman Taylor stated that he has the consensus and that's all he needs.

Councilman Ellis asked if the Town was going to do anything for Chief Lewis.

Town Manager Ritter advised it is April 2nd at 5:00 p.m.

Councilman Ellis mentioned the Landmark Plaza. He stated that when Building and Zoning Administrator Lewis receives a zoning request he basis it on Zoning and Building Codes. He stated that in the Comprehensive Plan there's constant reference to maintaining the character of the Town. He asked Council's pleasure regarding the Planning Commission. He asked if the Planning Commission should have a role in the review of the development plans to see that those plans are consistent with the Comprehensive Plan.

Vice Mayor Richardson thought this normally goes to the Planning Commission.

Building and Zoning Administrator Lewis stated that if it is a use permitted by right and they are meeting all the regulations then there is no point.

They discussed a couple of past plans that were sent to the Planning Commission.

Mayor Tarr stated that the Town would have to change the Ordinance that everything came in under a special or conditional use so that the Planning Commission would review the plans.

Town Planner Neville stated that he believes that the Planning Commission is discussing a sketch plan review which is non-binding and advisory. He added that this would give advice other than what the regulations are in the spirit of the community. He stated that there is a section in the subdivision land development regulations that say there is a (voluntary) sketch plan review process and that Building and Zoning Administrator Lewis does this regularly during office hours. He suggested that there is a line item in the Subdivision Ordinance to add which would be anything over a certain size would go to the Commission for review.

Mayor Tarr stated that they have to know this is a voluntary review. He added that most developers come and get hit with these proffers.

Planning Commission Chairman Rosenberger stated that Building and Zoning Administrator Lewis has nailed down the specifics of the subdivision.

Building and Zoning Administrator Lewis stated that it gets complicated. He added that the citizens could agree with the Planning Commission and there could end up with turmoil because it is ultimately approved by the Building and Zoning Department.

There was brief discussion about an upcoming development.

Mayor Tarr suggested the Planning Commission discussing this and having Building and Zoning Administrator Lewis attend the meeting for input and to work it out.

Vice Mayor Richardson discussed a message she received about the Crab House property.

Building and Zoning Administrator Lewis advised that according to the Burbages everything will be demolished except the yellow building.

Mayor Tarr added that there will be minor improvements for about a year. He added that they started demolition without a wetlands permit. He stated that the day Mr. Hank Badger was here felt everything would be fine. He added that they are arguing about the bottom, underneath where the Crab House was built. He stated that the tide didn't go out that far where there used to be pilings. He also added that the VMRC didn't follow through with their agreement.

Mayor Tarr stated that Mr. Burbage was trying to honor the Town's request to clean up the property. He also stated that the boat may stay and demolition may stop in the process until the permitting process has been done. He advised that he will contact Mr. Badger. He mentioned a neighbor having a problem with the drainage and easement. He stated that they have to put a project on the property in order to get the permit. He is certain they don't want another motel.

Councilman Leonard asked if they were going to bulkhead the slip to make it a continuous bulkhead.

There was discussion regarding the deck and bulkhead.

Mayor Tarr stated that they scaled the bulkhead back to appease the VMRC. He added that it actually changes it like it was originally. He again stated that he would contact Mr. Badger but was hoping it would be cleaned up before season. He advised that it was deemed unsafe.

Building and Zoning Administrator Lewis advised that the pilings were unsafe.

Vice Mayor Richardson asked when it would be done.

Building and Zoning Administrator Lewis discussed what was demolished.

Vice Mayor Richardson asked about the drainage easement alongside of Mr. Harry Deitch.

Mayor Tarr stated that it was a drainage ditch put in years ago from the previous owner to alleviate the flooding on Maddox Blvd.

Building and Zoning Administrator Lewis added that it was upgraded with the townhouse project.

Mayor Tarr added that it is the Town's drainage pipe.

Town Planner Neville asked if there was a performance schedule as to when the demolition would be done.

Mayor Tarr stated that VMRC has certain guidelines to approve or disapprove a permit. He stated that this was non-usable property underneath a building that the kitchen drained on for 30 years. He added that they were cleaning it up.

Councilman Frese mentioned that in part of the permit was an agreement for the owner to put the neighbors in a motel while the area was being cleaned out.

Mayor Tarr interjected that this was during the original permit and they wouldn't honor the original permit.

Adjourn

Councilman Frese motioned, seconded by Councilman Leonard to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE APRIL 6, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

J. Arthur Leonard, Councilman

Gene W. Taylor, Councilman

Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr welcomed the Police Chief Randy Mills and congratulated him on his new position within the Police Department.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Barry Abell read a statement to Council about the Chincoteague Island Waterman's Memorial, the Waterman's Cross at the Curtis Merritt Harbor and the efforts of the local Boy Scouts and himself. He explained the timeline of his and the Scouts' project. He expressed his concerns and the problems that he has with the Town allowing and taking over his project and renaming this portion of the Harbor "Mariner's Point" as opposed to the "Chincoteague Island Waterman's Memorial" without talking to him. He listed his issues along with how hard he and his son have worked on this project. He also listed how the problems should be resolved. He asked that Council update the verbiage in the Comprehensive Plan from "Waterman's Memorial" to the "Chincoteague Island Waterman's Memorial". He feels that it should be up to the people of Chincoteague to decide what they want, how it should be named and how this project should proceed.

Mr. Abell stated that they have come a long way in 9 years and they shouldn't lose focus on the fact that all of this effort, kindness and good will were all made in the name of the Chincoteague Island Waterman's Memorial along with making a great park for the Town of Chincoteague. He added that because of the lack of funds for a bronze statue at the Robert Reed Downtown Waterfront Park the Waterman's Cross at the Harbor may be the only Waterman's Memorial the Island will ever get. He read a portion of the response from Miss Gail Taylor, "This is the first I'd heard of the memorial. From firsthand experience, I know how events that happened in the article (i.e., The Marine Electric Sinking) can devastate a family. The memorial will be something we can all do to see that those lost at sea are not forgotten and they too, once loved, had lives and dreams."

Mr. Abell gave Council his information packet.

- Mr. Terry Howard approached Council regarding the Chincoteague Island Waterman's Memorial. He recalled the discussions in previous Council meetings and feels they should be careful of how they proceed. He stated that the Chincoteague Island Waterman's Memorial couldn't be more appropriate of what they're trying to do at the Harbor. He suggested changing

it in a vote from “Mariners Point” to “Chincoteague Island Waterman’s Memorial” because that’s what it is.

- Mrs. Angie Abell supported her husband and advised that at home she plays the devil’s advocate explaining that it’s the Town’s property and they can call it whatever they want. She added that Mr. Abell has done so much work and people have donated a lot of money for this. She suggested naming it Chincoteague Island Waterman’s Memorial at Mariners Point. She feels that the Scouts’ projects are being thrown away and doesn’t feel that Council would want that.

- Mr. Richard Conklin also supported Mr. Abell. He feels what he is doing is good adding that he has worked very hard. He stated that Mr. Abell has taken this project to heart. He presented Council with a few pictures and explained that the watermen suffer and work hard. He stated that Chincoteague became famous because of the oysters. He added that people came for the oysters and stayed in the Atlantic Hotel out of town. He also stated that they were shipping the oysters on the schooners and that’s how Chincoteague got started. He stated that if you’re a native of Chincoteague, a relative or yours worked on the water. Mr. Conklin stated that some of those people lost their lives and they should have a memorial. He also stated that they built Chincoteague and they are our forefathers and should be honored. He asked Council not to change the name on the Scout project to Mariners Point, it should be Chincoteague Island Waterman’s Memorial.

- Ms. Carol Abell Fisher Payne also supported Mr. Abell. She stated that she is a teacher at the high school. She also stated that she was fortunate to be married into the Barry Fisher family where she could recall many stories that Daddy Harvey Colona told. She stated that there isn’t a day that she doesn’t quote him. She recalled a few stories. She stated that she was proud to tell her daughter and will teach her grandchild the stories from Chincoteague. She also added that she teaches it in her classroom. She expressed that her brother is trying to support and keep this Island what the Island is. Ms. Payne stated that it is a small town fishing village that was started by people that had nothing. She added that we are extremely fortunate that people come here and enjoy what we have. She asked that Council keep this as part of our culture.

- Mr. Jon Richstein, owner of Sundial Books, also supports Mr. Abell and what he is doing for the Waterman’s Memorial. He stated that what upsets Mr. Abell was that Council hasn’t consulted him in the name change. He asked Council to keep the name of the Chincoteague Island Waterman’s Memorial.

- Mrs. Evelyn Shotwell, Director of the Chamber of Commerce, thanked Council for their support with a couple of the recent events. She also thanked them for helping with the Easter Decoy Show and moving tables. She stated that it was a good show. She also stated that they received the Trail Blazer Award for the Friday Afternoons on the Porch from the State Tourism Corporation. She again thanked council for their continued support.

Mayor Tarr stated that he has been trying to get up with Mr. Abell. He advised that Council has been on record for the last 9 years supporting the Waterman’s Memorial. He stated that the name change needs to be discussed. He added that they have to review who owns the property, who decides what goes there etc. He stated that Council has supported this project for years and is still here. He suggested sitting to a table and work it out.

Councilman Ellis asked when the name was changed.

Councilman Jester advised that the park was named Mariners Point in 2012. He stated that the confusion on the sign was never any intent to change the name of the Memorial. He also stated that he received a call from the father of the Scout doing the sign with the question of “what’s the area called”. He advised that his response was “the area is called Mariners Point”. Councilman Jester stated that it wasn’t meant to say that they have changed the name of the memorial. He stated that the park is Mariners Point and the memorial is the ship’s mast.

Mr. Abell interjected about where the memorial was to be put according to the minutes.

Mayor Tarr advised that Council has the minutes.

Mrs. Abell advised that they called the father of the Scout that put the sign up and asked why the sign was worded that way. She stated that he advised that it was protocol and the Town made him do it that way. She explained that this is why they’re here. They want the correct information on the sign.

Mayor Tarr stated that Council understands the issue.

Councilman Jester stated that when the Scout came before Council to put a kiosk there it wasn’t specifically focused on the ship’s mast.

Mr. Abell also asked that the advertisement be taken off the sign.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report is included in the packet. He also advised that the Planning Commission voted to recommend a Zoning Ordinance amendment to Council of Sec. 6.6.11 which would require a minimum of 4 parking spaces for small commercial businesses such as wayside stands. He stated that this has been an issue over the past few years. He also stated they want to make sure there is an adequate pull off area and parking area which is not included in the Zoning Ordinance at this time. He added that the Planning Commission will be meeting again April 14th and they will review requirements for land development applications to include conformance with the Comprehensive Plan.

Town Planner Neville also mentioned the plans for Phase II Playground Equipment. He briefly reviewed an idea in the Refuge Comprehensive Conservation Plan to make sure that the Army Corps of Engineers can assist the Town to work on the design of the recreational beach area and what it would take to be resilient to major storms. He added that they are currently in front of Congress for authorization of a feasibility study project. He provided an update on the Safe Routes to Schools project. He also mentioned the FLAP Grant applications for improvements along Maddox Boulevard by constructing sidewalks and bike paths, and shoulder improvements along the Causeway. He stated that the 20% match is covered by U. S. Fish & Wildlife and the National Park Service.

Police Department

Chief Mills stated that the Police Department has received 230 calls for service in March. He reported that they have completed the winter Deer Depopulation Program with a decrease in the numbers.

Public Works Department

Public Works Director Spurlock stated that in addition to his report they have started construction of the sidewalk at the foot of the bridge. He added that Branscome will begin work on the Robert Reed Park expansion.

Councilman Jester asked if there was a time frame of the paving of South Main Street.

Public Works Director Spurlock stated that the asphalt plant hasn't reopened as of yet and he doesn't have a date they are to begin work.

They discussed the sidewalk work.

General Government

Town Manager Ritter reported that EMS responses for March were 54 which were the same as March of 2014, ALS response was 32, BLS 15 and all others were 7. He also reported that they put their new ambulance in service. He reported that the tide gauge link has been emailed to Council. He stated that Downtown Improvement Project Phase 2D drawings and specifications have been submitted to VDOT to hopefully begin after the Christmas Parade and completed by next spring. Town Manager Ritter also stated that the Robert Reed Park Extension has started and should be completed June 15th. He stated that Southern Software and staff have been working on conversions. He advised that the quarterly newsletter has been submitted.

Vice Mayor Richardson asked why there is a difference of \$2,000 on real estate tax.

Town Manager Ritter advised they are above the budgeted amount however, the amount is less than what was collected last year at this time.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented.

Unanimously approved

4. Consider Adoption of the Minutes

- **Regular Council Meeting of March 2, 2015**
- **Council Workshop Meeting of March 19, 2015**

Mayor Tarr reported of a change on page 6 as Councilman Jester wasn't present at that meeting.

Councilman Taylor motioned, seconded by Councilman Jester to adopt the minutes of the March 2, 2015, Regular Council Meeting and March 19, 2015 Council Workshop Meeting as corrected. Unanimously approved.

5. Public Hearing, Ordinance to Vacate Subdivision Lot Lines in Oyster Bay II

Mrs. Christina Smith requested a simple vacation of lot lines between lots #295 and # 295A in Oyster Bay Community II. She explained that 295A is an odd shaped property as reviewed in

the building plan. She feels it would make a much nicer building plan with the appropriate setbacks making it one nice lot.

Mayor Tarr opened the public hearing at 7:53p.m.

Mrs. Cathy Bradley, from the Board of Directors of Oyster Bay II, asked if this is granted would the community fee collections be affected. She explained that currently they collect fees for each of the two lots and wanted to know that if the vacation of the lot line is approved would they still be able to collect 2 fees for the lot.

Mayor Tarr responded that he couldn't answer that.

Town Attorney Burge advised that the Town shouldn't answer that as it is a question for her Board. She stated that her understanding that when an interior lot line is vacated to become one, notwithstanding a factoring for frontage and size of lot, she feels the two lots shall become one. She added that this is not Council's call to make this determination.

Mr. Terry Bradley, resident of Oyster Bay II, explained that their concern is decreased revenue. He stated that this is a private community and should be a decision of the Association.

Mayor Tarr responded that this is a proper way to vacate a lot line in a subdivision.

Town Attorney Burge stated that the authority to vacate is in the governing body, not in the home owners' association.

Mr. Terry Howard asked if it has been properly advertised and is there any irrefutable harm to any of the other properties.

Mayor Tarr advised that it has been advertised and researched. Mayor Tarr closed the public hearing. He asked for comments from Council.

Councilman Frese motioned seconded by Councilman Taylor to approve the vacation of the lot line between lots #295 & #295A, Oyster Bay II. Unanimously approved.

6. Public Hearing, Ordinance to Vacate Subdivision Lot Lines on Grace Street.

Mrs. Sierra Birch explained that they want to vacate the lot line between lots #31 and #32 on Grace Street.

Mayor Tarr opened the public hearing at 7:58p.m.

There was no public comment.

Mayor Tarr closed the public hearing. He advised that it has been properly advertised. He asked for comments from Council.

Vice Mayor Richardson motioned seconded by Councilman Leonard to approve the vacation of the lot line between lots #31 & #32 on Grace Street. Unanimously approved.

7. Discuss Possible Adoption of the Revised Flood Ordinance Ch. 30 of the Town Code
Town Planner Neville reminded Council that what is being considered is the adoption of several of updates required by Mr. Charlie Banks the State Floodplain Coordinator. He stated that there seems to be a benefit to the community of also adopting the freeboard standard. He added that at the last workshop they proposed to adopt a 2' freeboard requirement and that would be consistent with what was adopted by Accomack County and a number of Virginia communities. He stated that it offers the benefit of additional discounts of the Flood Insurance Program. He called Council's attention to the ordinance sections referring to the adoption of the freeboard standard. He explained that they would retain the current requirements for existing structures and this section would not apply to areas no longer mapped in the floodplain.

Town Planner Neville explained the proposed changes further.

There were comments, a few questions and brief discussions about the revisions.

Councilman Ellis motioned, seconded by Councilman Taylor to adopt the amendments to the Town Floodplain Management Regulations to incorporate the new FEMA Flood Insurance Study, Flood Insurance Rate Maps and amendments including a local 'freeboard' standard taking effect May 18th, 2015. Unanimously approved.

8. Cemetery Committee Report of February 24, 2015.

- **Proclamation Designating April 11th – 17th as Cemetery Clean-up Week**

Vice Mayor Richardson stated that they are asking for approval of the Proclamation. She advised that the cleanup day will be on Saturday, April 11th at 9:00 a.m. to noon at the Greenwood Cemetery. She asked for volunteers.

Mayor Tarr read the Proclamation.



PROCLAMATION

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of April 11TH through 17TH, 2015, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 6th day of April, 2015.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Vice Mayor Richardson added that cleaning of the cemeteries can happen any time of the year.

9. Public Works Committee Report of March 3, 2015

Mayor Tarr stated that most of this was reviewed in Public Works Director Spurlock's report.

There were no comments.

10. Harbor Committee Report of March 5, 2015

- **Transient Mooring Permit Curtis Merritt Harbor**
- **Transient Mooring Permit Robert Reed Park & Town Dock**

Councilman Leonard stated that they fully discussed the permit process. He also advised that they had a vessel go down and floated within a day. He advised of the new Transient Mooring Permits which is presented to Council for approval.

Vice Mayor Richardson asked how long the waiting list was.

Councilman Leonard advised that it is very long. He stated that there is a pecking order which is the Chincoteague watermen at the top, then Chincoteague residents, Accomack County working watermen and then all others. He added that the all others list needs to be purged.

Town Manager Ritter stated that there will be a mail-out with the new application giving 30 days to respond before the list will be purged.

There was discussion about purging the list.

Town Manager Ritter advised that he emailed the new Transient Mooring Permits to the Harbor Committee and they liked it. He reminded Council that the transient mooring will begin soon.

Councilman Jester motioned, seconded by Councilman Frese to adopt the Transient Mooring Permits for the Curtis Merritt Harbor, the Robert Reed Park & the Town Dock. Unanimously approved.

11. Recreation and Community Enhancement Committee Report of March 12, 2015

• Discuss Possible Purchase of Playground Equipment

Councilman Jester stated that they have been working on the playground equipment for Memorial Park. He also stated that they would like to make a recommendation for the next purchase. He described the structures. He added that they were looking at the rocket theme however, the expense was too great. He explained the recommendation in the packet adding a plastic curbing as a border which is safer. He discussed the funds from the receipts at the grocery store. He also mentioned an idea of a dog park. Councilman Jester stated that they are looking into a sign recognizing all those making the new playground equipment possible.

There was discussion about equipment for the older kids, replacing the existing equipment and placement. They also discussed the age limit signage for the equipment.

Councilman Leonard is concerned with the existing rusty equipment that could potentially be dangerous. Councilman Taylor expressed concern for having enough separation between the different age group playgrounds.

Town Manager Ritter stated that if the playground company says it's good for a few more years then it's better to have the equipment than to remove it and have nothing.

Public Works Director Spurlock advised that it is structurally sound.

Town Planner Neville explained why there were two separate contracts.

Councilman Jester motioned, seconded by Councilman Leonard to approve the purchase of the playground equipment for the 5 – 12 age group for Phase II, Veterans Memorial Park playground improvements not to exceed \$28,379.39 (including freight). Unanimously approved.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the purchase of (3) benches, ramp, safety mats and assisted installation for Phase II, Veterans Memorial Park playground improvements, not to exceed \$11,502.66, plus site preparation, mulch, labor and equipment. Unanimously approved.

12. Ordinance Committee Report of March 12, 2015

- Discuss Changes to Chapter 62, Utilities, Division 2, Rates, Charges and Billing, Section 62-59, Water Billing Adjustments, (a)(2)**
- Discuss Changes to Chapter 26, Fire Prevention and Protection, Article III, False Alarms.**

Councilman Leonard explained that they discussed the water bill leaks and adjustments. He advised they lost 4.5 million gallons of water due to leaks because of a horrible winter. He added that the next item was the false alarms of the motels. He stated that the firemen are risking their lives to go to these false alarms. He added that other municipalities charge for false alarms, which corrects the problems. He stated that there is a system of commercial verses residential charges. He advised that the fees will be collected by the Town because the Fire Company can't do it. He referred to the packet for details.

Public Works Director Spurlock explained the intent of changes to the Water Bill Adjustments. He stated that the intent is to eliminate or reduce the amount of water loss because of ruptured pipes. He advised of the 4.5 million gallons of water loss noting that the numbers still coming in. He also mentioned the adjustment totals to date adding that they haven't all come in yet.

Public Works Director Spurlock explained that you can't request the adjustment if the leaks were in unoccupied properties. He stated that they have to mail the CCR (Water Quality Report) this year and they can add the changes in the Ordinance to the water customers.

Councilman Taylor stated that it certainly encourages customers to winterize their homes.

Mayor Tarr stated that they have had a 5 year adjustment for quite some time. He feels that all the plumbers and rental agencies should be notified.

Councilman Frese asked about the 5 year adjustment.

Mayor Tarr explained that there is a once in every 5 years adjustment. He added that in this Ordinance that will still be in effect.

Councilman Ellis motioned, seconded by Councilman Frese to approve the changes to Chapter 62, Utilities, Division 2, Rates, Charges and Billing. Section 62-59, Water Billing Adjustments, (a)(2). Unanimously approved.

AN ORDINANCE AMENDING WATER BILL ADJUSTMENTS

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE that Chapter 62, Utilities, Article II, Division 2., Rates, Charges, and Billing, Section 62-59, Water Bill Adjustments, (a) (2) of the Town of Chincoteague, Virginia, is hereby amended to read as follows:

ARTICLE II

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) Generally, adjustments shall be granted for all plumbing systems and material types. Leaks which occur as the result of ruptured pipes at unoccupied properties shall not qualify for adjustment. Unoccupied for purposes of this provision shall be defined as having had no person present for greater than seventy-two hours.

At their April 6, 2015, meeting a motion was made by Councilman Ellis, seconded by Councilman Frese, this Ordinance was adopted by the Town Council of the Town of Chincoteague.

Ayes:

Vice Mayor Richardson
Councilman Frese
Councilman Jester
Councilman Ellis
Councilman Leonard

Nays:

Councilman Taylor

6 Approved / 0 Disapproved this 6th day of April, 2015.

John H. Tarr, Mayor

Mayor Tarr stated that the 2nd part of the Ordinance Committee meeting was a request to discuss the changes to Article 3. False Alarms. He stated that Council has a new Ordinance entitled False Alarms. He asked for discussion.

Councilman Taylor stated that he doesn't have any problems with the Ordinance except the outcome of a class 1 misdemeanor. He feels that's a little hard.

Councilman Jester advised that this is consistent with other communities throughout the country. He feels that the only way they will repair a faulty alarm system is to force them with the Ordinance.

Town Manager Ritter commented.

Mayor Tarr explained that there is a new form developed that the Fire Company will fill out on-site of a false alarm. He added that some false alarms are considered good false alarms and some are because of faulty equipment at which time they will be noted on the form and forwarded to the Town.

Councilman Frese asked who would be charged.

Mayor Tarr stated that the owner of the business will be charged.

Councilman Frese gave an example of someone on vacation when the false alarm happened.

Councilman Jester explained that they are allowing 2 warnings and the 3rd time they will be charged.

Councilman Frese doesn't understand how someone can be guilty if they're out of town.

Town Attorney Burge responded that this is a very good point because the judge may not charge them. She explained that if they bring a receipt of repairs at the court date the judge could say repairs have been made and dismiss the case. She added that it could also go the other way.

Councilman Jester added that the action is that they need to take care of this. He feels that if they have a false alarm 3 times, then charge them \$100.

Town Manager Ritter referred to details of the packet. He stated that there are 3 chances in 90 days and after that 90 days is up the slate is wiped clean. He added that if there are 4 in that 90 days there will be a charge of \$100.

Councilman Frese asked how someone can be charged criminally for nonpayment.

Town Manager Ritter stated that if they aren't going to pay the fine, there should be a penalty with the judge deciding what the offense would be.

Town Attorney Burge stated that they are talking about 2 different things. She stated that their either issuing a summons which gets them into the criminal system or a civil ticket could be issued for them to pay. She added that the way this is written there is a criminal penalty where there is a summons that would be written and executed in court.

Councilman Taylor wants this Ordinance but wants it with a civil penalty. He agrees that if they don't pay then take them to court. He stated that he doesn't care if they double the penalty. He has a problem with a class 1 misdemeanor creating a criminal record.

Town Attorney Burge advised that she wasn't asked to review this particular Ordinance and she is asking individual questions as she reviews it. She would like to review the State Code's underlying authority to even have the ordinance. She added that it may even provide the civil or criminal penalties.

Town Manager Ritter advised that this was tailored off of other communities.

Town Attorney Burge is unsure if the State Code provides for civil penalties.
Town Manager Ritter expressed the seriousness of a faulty alarm system.

Councilman Frese agrees but feels that they shouldn't be charged criminally. He feels it's ridiculous and is morally wrong.

Councilman Jester stated that this is if they are negligent and doesn't maintain a safe place. He agrees with Town Attorney Burge.

Mayor Tarr stated that they should let the Town Attorney review it. He advised that his concern is that they have someone witness a violation but the Town is the one enforcing the violation. He isn't sure this will hold up in court.

There were a few brief comments. Council concurred to postpone a decision on this Ordinance until it can be researched further.

13. Possible Revision to Sec. 2.24 of the Zoning Ordinance, Building Height, Result of Freeboard

Town Planner Neville stated there is a problem in the Zoning Ordinance with the freeboard regulations and the maximum building heights. He stated that the recommendation is that Council start looking at the definition of building height, getting a recommendation from the Planning Commission and possibly having a public hearing. He added that Council suggested measuring the building height from the freeboard elevation if that applies.

Town Planner Neville also stated that Council requested information on other ways to measure the roof structure above 3 stories. He stated that in checking with communities of Delaware, Maryland, Virginia and the Carolinas, 2/3 of the ordinances measure it one way and 1/3 measures it another. He asked Council if they want to refer this to the Planning Commission and adopt a chance before May 18th, they would have to advertise a joint public hearing on May 4th.

There was further comments and discussion.

Mayor Tarr also suggested sending the matter of wayside stand parking to the Planning Commission and adding this to the public hearing.

Councilman Frese motioned, seconded by Councilman Jester to send these matters of building height limits and wayside stand parking to the Planning Commission and schedule a public hearing. Unanimously approved.

14. Mayor & Council Announcements or Comments

Councilman Jester stated that there is a great deal of confusion about the mariner's cross. He feels that when things are installed they need to consider; ownership, maintenance, liability and approval of what is allowed on signage. He stated that they need to be clear with price and procedures.

Councilman Ellis congratulated Chief Mills. He also mentioned the Chamber's webinars regarding infrastructure. He encouraged everyone to watch them for future plans and ideas.

Councilman Taylor understands that Mr. Abell's feelings are hurt. He feels that everyone should thank him for the work he's put into this. He added that they will work together to get it resolved and make it happen. He stated that they don't want advertising on the sign and they'll work hard to get it resolved together. He added that it is the Town's land and the Town is liable.

Mayor Tarr stated that there will be no Public Safety Committee meeting tomorrow night. He reminded Council of the Council workshop for the budget review on Wednesday.

Adjourn

Councilman Frese motioned, seconded by Councilman Leonard to adjourn. Unanimously approved.

Mayor

Town Manager

Minutes of the April 7, 2015 Town Council Special Meeting

Council Members Present

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
Ben Ellis
James T. Frese
John N. Jester, Jr.
J. Arthur Leonard
Gene W. Taylor

1. Call to Order.

Mayor Tarr called the meeting to order at 9 a.m. for the purpose of discussing the Town's Proposed FY'16 Budget.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. Agenda.

Mayor Tarr asked that a Closed Session be added to the agenda as the first order of business. Councilman Frese made a motion, seconded by Councilman Leonard to adopt the agenda as amended.

5. Closed Meeting in Accordance with Sec. 2.2-3711(A)(3) of the Code of Virginia to Discuss the Acquisition of Land for Public Purposes or Disposition of Publicly held Land.

Councilman Taylor motioned, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss the acquisition of land for public purposes or disposition of publicly held land. The motion was unanimously approved.

Councilman Leonard motioned, seconded by Councilman Frese to reconvene in regular session. The motion was unanimously approved.

Vice Mayor Richardson motioned, 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- Richardson, Frese, Leonard, Jester, Ellis, Taylor

Nays- None

Absent- None

6. Proposed FY'16 Budget.

Proposed Expenditure for all funds and departments were discussed at length by Council. The Town Manager is proposing 2% Cost of Living Adjustment to be effective in July 2015. Town Manager Ritter proposed a Pay for Performance increase of 1% to an employee's salary that Exceeds Expectations and a 2% increase for Exceptional performance.

The fire company has requested the Town to add one additional shift for EMS from Memorial Day to Labor Day. Town Manager Ritter stated that EMS Supervisor Rush feels that adding the additional shift in July only will cost \$35,000. Town Manager Ritter and EMS Supervisor Rush are to meet with the fire Company before the next budget meeting to discuss the adding and funding of additional EMS personnel.

The proposed FY'16 Budget has \$186,800 from the Recreation-Tourism Expense for the Town's match to the Main Street, phase 2D project (Fire house to Bridge Street).

Mayor Tarr asked that the \$5,500 for the Retiree Prescription Assistance come from the funds that have been saved from previous years for that purpose. Revenue needs to be adjusted with new line item – Transfer from Retiree Prescription Assistance \$5,500.

Mayor Tarr asked that \$30,000 be budgeted for Property Acquisition Reserve. The Dispatcher salaries are to be reduced by \$30,000.

Mayor Tarr asked that quotes be obtained to have the minute books back to 1908 be scanned and a copy in the Town Office, Library, and Museum. Mayor Tarr asked that the documents be searchable.

Mayor Tarr asked that \$8,000 be added to Recreation-Tourism Expense from the Recreation-Tourism Reserve for advertising of Town Events, Boat Ramps, Transient Boat Slips, etc.

Police Chief Mills asked for \$4,000 be added to the police expenses for Accreditation Certification. The Accreditation process requires us to pay for motel rooms and a meal for the review team. The review team only comes here every four years. Police Officers' salaries line item will be reduced by \$4,000 to fund this expenditure.

7. FLAP Grant from Fish & Wildlife.

The Fish & Wildlife has asked the Town if they can apply for the FLAP Grant for the Town of Chincoteague. Fish & Wildlife will write the grant and there is no monetary commitment needed at this time. The project is for bicycle lane on Maddox Blvd from Deep Hole Road to the entrance to the Refuge. Council was in agreement.

8. Recess of Meeting.

Councilman Frese made a motion, seconded by Councilman Leonard to recess the meeting until Tuesday, April 14, 2015 at 9 a.m. The motion was unanimously approved.

Mayor

Town Manager

**Minutes of the April 14, 2015
Chincoteague Town Council Recessed Special Meeting**

Council Members Present

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

Ben Ellis
James T. Frese
John N. Jester, Jr.
J. Arthur Leonard
Gene W. Taylor

1. Call to Order.

Mayor Tarr called the meeting to order at 9 a.m. to continue discussion of the Town's Proposed FY'16 Budget.

2. Invocation.

Councilman Taylor offered the Invocation.

3. Pledge of Allegiance.

Mayor Tarr led in the Pledge of Allegiance.

4. EMS Additional Service.

EMS Supervisor Rush stated that a meeting was held with the fire company (Mr. Thornton, Mr. Reed and Mr. Clark) to discuss the fire company's request to add an additional EMS person on each shift from Memorial Day to Labor Day. This additional service will cost approximately \$30,000 and will be for FY'16 (July and August 2015 and June 2016). Since the Town did not budget this item in FY'15, the fire company will reimburse the Town of Chincoteague for June 2015 cost. It was the consensus of Council that the \$30,000 be found within the proposed budget to fund the additional EMS services.

5. Proposed FY'16 Budget.

Council review the changes in expenditures as discussed at the last meeting along with the changes to accommodate the additional EMS services.

Council discussed revenues proposed for the FY'16 budget. Some minor adjustments were made and incorporated to balance the budget for each of the funds; General, Main Street, Harbor, Trolley, and Water.

The rates schedule for annual slip rental at the Harbor was discussed. The new rates include a 3% increase for annual rentals. Council discussed the rates and the fact that even though this is part of the proposed FY'16 budget, Council is being asked to vote on the rate schedule prior to the budget public hearing. Council is very uncomfortable with this practice. Town Manager Ritter stated that renewal rental agreements need to be mailed by May 1 in order to be paid by June 1. Council asked that in the future this matter be brought before Council prior to the budget process so that the public could provide input for any proposed increase.

Councilman Leonard made a motion, seconded by Councilman Jester to increase the Harbor annual rates by 3%. The motion was unanimously approved.

It was the consensus of Council to advertise a Public Hearing for the Proposed FY'16 Budget for June 1, 2015.

6. Purchase of a Side Arm Mower.

The FY'15 Budget included the purchase of a side arm mower within the Roads Department for \$25,000.00. Public Works Director Spurlock has located a used mower in Wakefield Virginia for approximately \$38,000.00. Public Works Director Spurlock went to Wakefield to inspect the mower and recommends that it be purchased. He asked that the additional money needed for the purchase come from the Mosquito Control Drainage Reserve.

Vice Mayor Richardson made a motion, seconded by Councilman Leonard to purchase the Side Arm Mower recommended by the Public Works Director at an approximate cost of \$38,000. The motion was unanimously approved.

7. Adjournment of Meeting.

Councilman Jester made a motion, seconded by Councilman Leonard to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

MINUTES OF THE MAY 4, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr announced that this is Student Government Day. He asked Miss Emily Haugh the Student Government Mayor to introduce each participant.

Student Government Mayor Haugh introduced the participants and their titles in the Student Government Day:

Miss Emily Haugh, Mayor
Mr. Jacob Rickman, Town Manager
Mr. Larry Harper, Chief of Police
Mr. Matthew Lindsey, Public Works Director

Mr. Seth Owens, Councilman
Mr. Mason Marshall, Councilman
Mr. Joseph Mills, Councilman
Mr. Hunter Leonard, Councilman
Mr. Reid Thornton, Councilman
Miss. April Zell, Councilwoman

Student Government Mayor Haugh advised that they took the day to discuss and decide what they would like to see changed.

Student Government Councilman Leonard stated that a matter was brought to their attention by the local businesses. He explained that the local businesses feel that during inclement weather they should prohibit on-street parking because it impedes the snow plows during snow removal. He stated that they feel this should be brought to Council's attention because it is regarding public safety.

Student Government Councilman Thornton suggested a water-waste treatment plant. He explained that they could start along Main Street and Maddox Boulevard. He added that there are Sunations everywhere and probably should be another small business. He then continued that having a water-waste treatment plant could open the door for other restaurants to come to the Island and taking over buildings already there instead of waiting for a restaurant to close up. He stated that Town Manager Ritter advised that it is something that will happen eventually and it is ultimately up to the Town Council.

Student Government Councilman Thornton also stated that in 10 or 20 years it's going to happen. He feels that it would be easier to have the businesses start using it and then phasing in the residential homes. He added that it is something to think about.

Student Government Public Works Director Lindsey explained that since the bridge moved, the downtown businesses feel that there should be signage for the downtown area. He stated that in Berlin and Onancock there are big signs that say "Historic Downtown". He feels this would be a good addition for the downtown area.

Student Government Town Manager Rickman feels there should be bike paths along Maddox Boulevard from Deephole Road to Main Street. He stated that tourist and students ride their bikes on the sidewalk and this isn't permitted. He also explained that when driving along Maddox Boulevard from Main Street to Deep Hole Road there are cars parked along the side of the road. He feels that there should be no parking along Maddox Boulevard because of the higher volume of vehicle and bike traffic. He stated that it would be safer. He also mentioned the snow plow issues due to on street parking there.

Student Government Mayor Haugh requested recycling bins beside the trash cans in the downtown area and parks. She feels this will give people the opportunity to recycle. She thanked Council for the opportunity as they have learned a great deal. She also thanked them for lunch and dinner.

Mayor Tarr advised that their suggestions will be referred to the proper committees for review. He asked them to come forward for pictures.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. John Richstein, owner of Sundial Books, thanked the Town for putting in the temporary parking signs. He would like better signage for the parking area behind the old bank building on Main Street and behind the American Legion as tourists don't know parking is there.

- Mr. Barry Abell approached Council again about the Waterman's Memorial. He stated that he has met with several Councilmen and the Mayor since the last Council meeting. He handed out copies. He stated that this affected the Boy Scouts, the Methodist Church and the Memorial. He wants to make sure the Waterman's Memorial gets it's just due and the Boy Scouts can get a chance to get their projects completed. He suggested taking out the advertising photo on the sign adding a non-descriptive waterman there along with the verbiage of "Chincoteague Island Waterman's Memorial at Mariner's Point at the Curtis Merritt Harbor, Chincoteague Virginia". He added that this will work until they get enough money to put the statue downtown. He added that they want to do what is right and asked Council to consider and vote on this tonight.

Mayor Tarr advised that this isn't on the agenda and couldn't be voted on this evening.

Councilman Ellis asked if this could be added to the agenda to be voted on.

Mayor Tarr stated that they could, but there may be others that didn't get the opportunity to come out about this matter.

There was brief discussion.

Mayor Tarr stated that it violates the Dill Rule passed about 20 years ago that it has to be on the agenda and properly advertised before it is voted on. He suggested putting it on the agenda for May 21st.

Mr. Abell thanked Council for all the interaction.

- Mr. Elva Whealton came before Council asking for help with Beacon Street, Cakey Lane and Whealton Court. He asked Council for free millings from the Town to use on his private roads. He stated that there are 19 people that are connected to these roads. He advised that he asked the Town for the millings and was told they don't sell or give millings away which is why he came to Council. He asked if there was any way that 19 taxpayers could have some help with their road. He added that this is at no expense to the Town. He pleaded with Council to give him millings for those roads to support those 19 people.

Mayor Tarr asked Town Manager Ritter how the contract was written about the millings.

Town Manager Ritter advised that the millings are an asset and stored in the Public Works area. He stated that those roads go along with all the privately owned roads on the Island. He asked how Council feels about using public assets on private roads. He reminded them that this has not been done in the past.

Councilman Frese asked Town Manager Ritter if they use the millings.

Town Manager Ritter advised that they are stored in the Public Works area and used by the Town.

Councilman Frese stated they are being used as fill or base. He stated that by law the millings cannot be put on private roads. He added that it is an asset and the Town can't do this.

Mr. Whealton advised that the road is terrible and he's asking for help for 19 taxpayers. He was advised in the office that millings aren't given away or sold.

Public Roads Supervisor Fitchett stated that they use it as base. He stated that he has had several requests for it. He also stated that there are so many private roads on the island he wouldn't know where to start. He added that there isn't enough to go around and asked who decides which roads get it and which don't. He stated that he lives on a private road also and if they need stone, some will pay for it. He also stated that as far as giving it away they haven't done it so far.

Mayor Tarr advised that the Public Works Director has been working on a Private Roads Policy. He stated that it isn't complete because of the legal issues. He stated that the Town has a rough draft. He added that there are approximately 26 miles of private roads on the Island. He advised that they are working on it.

Mr. Whealton asked if a contractor could purchase millings from the Town legally.

Mayor Tarr stated that if there is surplus it would be put out on bid.

Mr. Whealton asked to be put on the bidders list.

Town Manager Ritter advised that he could purchase millings from Branscome Eastern Shore.

Mayor Tarr asked staff to get Branscome's number for Mr. Whealton.

- Mrs. Linda Ryan, President of the Chincoteague Island Library Board of Directors, advised that the Chincoteague Island Library is celebrating their 20th year of serving the community. She stated that she is before Council to issue the whole community an invitation to the Open House on June 13th at 3:00 p.m. – 5:00 p.m. She stated that there will be refreshments, slide shows, tours, music and some things outside for the kids. She added that it's going to be a fun day and a chance for people to check out the library. She asked everyone to get the word out for the big celebration.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report with a brief summary included in the packet. He reported that he received an email from Mr. Charlie Banks, the State Coordinator letting us know that all the hard work on the Floodplain Ordinance has been approved by FEMA and the Town has been taken off the suspension list.

Police Department

Chief Mills stated that the Police Department has received 347 calls for service in April. He reported that he and Officer Butler participated with the EMS in the mock motor vehicle crash

last week at the high school. He added that Paramedic Kevin Holloway headed this up and did a good job. He stated that they try to drive home issues that the kids going to the prom need to be careful and not drive distracted.

Mayor Tarr and Vice Mayor Richardson thanked the Police Department and EMS for doing this for the kids.

Public Works Department

Supervisor Fitchett stated that in addition to the monthly report they finished the paving on South Main Street and will finish the patches around town tomorrow.

General Government

Town Manager Ritter reported that the Chincoteague Volunteer Fire Company has approved the financing of the special shift of EMS from Memorial Day to June 30th and after that the Town will pick up the expense to Labor Day. He stated that Hurricane Preparedness Week is May 24th - 30th adding that it is a tax free week on preparedness items. He reported that the Robert Reed Park extension has begun and should be completed by June 28th. He explained that they would like to add an extension going to the existing sidewalk not leaving a void in the current sidewalk to the new sidewalk. He also stated that they are still dealing with water leaks. Town Manager added that staff has been training on new software with Southern Software. He advised that staff is working on debt setoff for delinquent conversions.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked to add item 3b. Robert Reed Park Sidewalk which is in addition to the current sidewalk contract with Branscome Eastern Shore. He added this would be separate. He asked Town Manager Ritter if it is in such a time frame that it be put on the agenda this evening.

Town Manager Ritter stated that now is the appropriate time to be able to get the concrete trucks there to pour. He added that if they wait they can't drive across the sprinkler system and lawn.

Mayor Tarr asked about the procurement policy and sole source.

Town Manager Ritter advised that it is sole source for this portion because they are already doing work on the old Vesley property.

Mayor Tarr asked if it was in the best interest of the community to get them in there while they're doing work.

Town Manager Ritter advised that it is.

Councilman Ellis asked what the difference is between this and the signage vote at Mariner's Point.

Mayor Tarr stated that the difference is that this is an emergency procurement to be able to get the contractor out before the summer months. He added that he doesn't believe that the signage is of an urgent nature.

Councilman Frese feels that this is urgent because of the sprinkler system installation that can't be driven across by the concrete truck. He stated that it should be put in before.

Councilman Jester stated that there are enough leaks from the events there.

Mayor Tarr stated that if they don't put it on the agenda it will be addressed on the 21st.

Town Manager Ritter stated that they want to get this done before the pavers because they will put the sprinklers in after that.

Mayor Tarr asked Council's pleasure.

Councilman Jester motioned, seconded by Councilman Ellis to adopt the agenda adding item 3b. Robert Reed Park Sidewalk. Motion carried.

Ayes: Jester, Ellis, Richardson, Taylor, Frese

Nays: Leonard

Absent: None

Town Attorney Burge advised that you can't add an agenda item without all members of Council present. She is unsure of any procedures unique to this Council. She stated that if an amendment is presented to a full Council then they can make that decision. She explained that looking at the procurement section this is an ongoing and related to a competitive negotiation with an existing contractor on the property they have. She stated that the vote on the matter with all Councilmembers present stands.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 6, 2015**
- **Council Budget Workshop Meeting of April 8th & 14th, 2015**

Councilman Frese advised that he has made corrections at the office adding that he was present at the 8th and 14th Budget Workshops.

Town Manager Ritter advised that those changes have been made.

Councilman Frese motioned, seconded by Councilman Jester to adopt the minutes of the April 2, 2015, Regular Council Meeting and April 8th and 14th, 2015 Council Budget Workshop Meetings as changed. Unanimously approved.

2. Joint Public Hearing on the Zoning Ord.-Building Height, Result of Freeboard

Planning Commission Chairman Rosenberger called the Planning Commission meeting for the purpose of a joint public hearing on the Zoning Ordinance – Building Height as a result of Freeboard.

Town Planner Neville explained that the information is in the packet and they have found that the problem is in both the definition of building height and the height regulations in both of the zoning districts measuring building height from the base flood elevation. He stated that with the new FEMA flood maps they have areas with no base flood elevation because they're outside the special flood hazard areas. He added that they also have areas where new construction would meet new freeboard standards. He explained that what happens is the method of measuring building height needs to respond to those 3 basic conditions.

Town Planner Neville advised that they looked at other communities that addressed this matter and made an additional staff recommendation to model an ordinance change based on Deal Island, SC. He stated that they feel the language helps adopt the different choices for building heights necessary to allow for flexibility for residential and commercial structures. He explained that it starts at the midpoint of a sloped roof to allow for this flexibility. He also stated that another issue to the commercial buildings is typically for a hotel. He also explained this revision.

Town Planner Neville read and explained the redline recommendations. He stated that they took a conservative approach to spell out the freeboard specifications. He also stated that they maintain the height regulations at 36 feet.

Planning Commission Chairman Rosenberger feels that Town Planner Neville explained the process and intent well. He feels it is a change that provides the commercial establishments the ability to have a mechanical device that will not impact the 36' height. He added that there is concurrence with the Commission members.

Mayor Tarr opened the public hearing.

Mr. Elva Whealton asked if there were two different elevations that they are shooting from. He asked where he measures from.

Town Planner Neville advised that the method for any existing structure is measured by the FEMA base flood elevation. He added that for new structures it is measured by the FEMA base flood elevation plus 2 feet. He explained that this is a change that was adopted by Council. He also stated that areas outside of the floodplain should be measured from the existing elevation of the land and not the proposed elevation. There were a few comments.

Mayor Tarr closed the public hearing. He asked Town Planner Neville if the Planning Commission reviewed the updated staff recommendations.

Town Planner Neville advised that they have. He referred to the agenda packet advising that they adopted that with changes. He added that it is a little more conservative maintaining control over different conditions that may be invented.

Councilman Frese asked about the base elevation being at +2 feet at freeboard. He continued that it is from the new flood elevation +2 feet.

Town Planner Neville advised it was discussed and they were unsure how many people would use the full 36 feet. He stated that in the north end of the island it doesn't provide an incentive to build higher. He added that the idea was so that they couldn't sneak a 4th story in there.

There were further comments.

Town Manager Ritter asked if an elevator shaft could be exempt like a chimney.

Town Planner Neville advised that it is as well as church steeples.

The Planning Commission recommended that Council approve the changes as presented in the agenda packet.

Mayor Tarr advised that Council has 2 recommendations. He stated that 1 is from the Planning Commission and the other is an updated version from staff and either would work with one being stricter.

Town Planner Neville stated they are both similar one is more stringent than the other. He elaborated further. He stated that they were more interested in the areas outside of the floodplain. He recommended that Council approve the 1st redline change.

Councilman Leonard motioned, seconded by Councilman Ellis to accept the Planning Commission's recommendation of the Zoning Ordinance, Section 2.24, Building Height as a result of the Freeboard addition. Unanimously approved.

Town Code Appendix A – Zoning (Section 2.24)

Article II. Definitions - Sec. 2.24. Building Height

The vertical distance measured at the site of the structure from one of the following: base flood elevation, two (2) foot freeboard, or established grade, whichever is greater, to the highest point of the:

- a) surface of a flat or sloping roof; or*
- b) average height between eaves and ridge line of a gable, hip or gambrel roof; or*
- c) deck line of a mansard roof.*

All Zoning Districts (R1, R2, R3, R4, A, C1, C2, C3, C4, PSP, POS, RC)

Height Regulations

(1) Buildings may be erected up to 36 feet in height in accordance with Section 2.24 (definition of building height). No structure shall exceed three stories in height.

Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.

(2) No accessory building shall be more than 25 feet in height.

(3) Roof area extending above the maximum three story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.

(4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.

(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

(6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.

3. Bid Award for a Contract to Repave the Island Nature Trail.

Town Manager Ritter reported for Public Works Director Spurlock. He advised that it has been properly advertised. He stated it is part of the Recreation and Trails Grant Program of \$43,000. He stated that they received it approximately 2 months ago. He stated that they were asked by Council to put out for an emergency bid as there is a safety issue in the trail. He explained that

tree roots have caused the pavement to be uneven which could cause an injury. He advised that Branscome was the only bidder at \$53,700. He added that Public Works Director Spurlock recommended Branscome as the lowest qualified bidder according to specifications.

Councilman Leonard asked if the humps would be grinded out or would they pave over the top.

Town Manager Ritter believes they are grinding out the humps.

There were brief comments.

Mayor Tarr advised that there is a Trails Grant for \$43,000 and the match is \$10,750.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to award the bid to Branscome Eastern Shore for Contract 01-PAV-15, the Island Nature Trail Paving Project in an amount not to exceed \$53,700. Unanimously approved.

3b. Bid Award for Robert Reed Park Sidewalk

Town Manager Ritter advised that this is an emergency because they want to get the concrete trucks to the property prior to the completion of the waterlines and landscaping. He referred to the map explaining the limits to the DCR Grant. He mentioned that this will also enable easier handicapped access to the Library and will be built so that vehicles can ride over the annex portion for unloading at the pavilion. He advised that he worked with Branscome to reduce the cost and time frame. He added that the anticipated cost to the Town would be less than \$10,000. He further explained the scope of work.

Councilman Jester stated that it would make sense to put it in now.

Councilman Leonard asked if the money was currently in the budget.

Town Manager Ritter advised that they have a Phase 2d project that they aren't doing this year and they could use that money. He also stated that they have \$26,000 coming from American Tower from their contract.

There was brief discussion as to the ownership of that part of the property.

Town Attorney Burge discussed accepting a bid outside of competitive bidding. She referred to the procurement policy stating that construction can be done outside of competitive bidding when there is a determination in writing. She recommends that they write a paragraph identifying the reason to go outside of competitive bidding. She feels that it should be a specific reference to real property and construction. She added that this makes logical sense because they already have a contractor on the property doing that scope of work. Town Attorney Burge stated that because of the discussion here this evening it will be fine. She suggested that in the future they just write a paragraph explaining why.

Councilman Jester motioned, seconded by Councilman Leonard to accept Branscome's bid for the Robert Reed Park in the sum not to exceed \$17,815.00. Unanimously approved.

4. Possible Adoption of the Revised Title VI Policy – Pony Express Trolley

Town Planner Neville explained that this is to adopt the updated procedures. He stated that this is similar to the one adopted a few years ago with updates and a new format from DRPT. He also stated that this is the non-discrimination language. He stated that this is also a detailed annual report that will be updated annually. He asked Council to consider adopting the Title VI Policy.

There were questions.

Town Planner Neville added that they have already adopted a complaint and procedure policy.

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the revised Title VI Policy Procedures for the Pony Express Trolley. Unanimously approved.

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

Mayor Tarr stated that the week of May 9th through May 16th is the annual Paint-up, Fix-up Clean-up Week.

Vice Mayor Richardson motioned, seconded by Councilman Frese to adopt the Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week. Unanimously approved.

Councilman Jester asked if this included debris. He stated that some of the non-resident homeowners put things out on the sidewalk without calling it in. He feels they should pick it up anyway.

Vice Mayor Richardson explained that if it isn't called in and the Town picks it up and the customer didn't want it collected the Town has to reimburse that customer.

Supervisor Fitchett added that they go by the policy.

Mayor Tarr stated that they stick to the policy that they have to call it in.



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

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 9, 2015; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

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

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

1. That the week of May 9th – May 16th, 2015 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Mother 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 9 –May 16, 2015 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

6. Resolution on the 2016 VA Department of Transportation Revenue Sharing Litter Grant Program

Mayor Tarr stated that this is an annual program that the Town participates in.

Councilman Frese motioned, seconded by Councilman Jester to adopt the Resolution on the 2016 Virginia Department of Transportation Revenue Sharing 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 2016 Revenue Sharing Program; and,

WHEREAS, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Town 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 such approved revenue sharing project.

ADOPTED by unanimous vote of the Town Council on May 4, 2015.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

7. Resolution on Designating Hurricane Awareness Week

Mayor Tarr stated that this is also an annual resolution for Hurricane Preparedness Week from May 24th – 30th.

Councilman Leonard motioned, seconded by Councilman Frese to adopt the Resolution on Designating Hurricane Awareness Week. Unanimously approved.



RESOLUTION
Hurricane Preparedness Week 2015

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 24-May 30, 2015 has been designated "Hurricane Preparedness Week"; and

Whereas, with the Town of Chincoteague being an Island, is vulnerable to the devastating effects that 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 the local jurisdiction and local emergency management office. Such preventative action could save lives; and

Whereas, the Town of Chincoteague Emergency Management Division, 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 24th – May 30th, 2015 as "Hurricane Preparedness Week:

in the Town of Chincoteague.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

8. Proclamation in Recognition for National Public Works Week

Mayor Tarr advised that the Week of May 17th is National Public Works Week.

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the Proclamation in Recognition for National Public Works Week. Unanimously approved.



**Town of Chincoteague
Proclamation**

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, streets, parks, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

Now, therefore, I, Honorable John H. Tarr Mayor of the Town of Chincoteague do hereby proclaim the week of May 17 "National Public Works Week" in The Town of Chincoteague and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the Town of Chincoteague, Virginia this 4th Day of May, 2015.

Honorable John H. Tarr, Mayor

9. Proclamation in Recognition for National Police Week
Mayor Tarr stated that the National Police Week is May 10th – 16th.

Councilman Leonard motioned, seconded by Councilman Jester to adopt the Proclamation in Recognition for National Police Week. Unanimously approved.



Town of Chincoteague
Proclamation

National Police Week, May 10 – 16, 2015

To recognize National Police Week 2015 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Chincoteague Police Department;

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 117 officers killed in 2014 and 156 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 27th Annual Candlelight Vigil, on the evening of May 13, 2015;

WHEREAS, the Candlelight Vigil, in Washington DC, is part of National Police Week, which takes place this year on May 10-16;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the Town of Chincoteague formally designates May 10-16, 2015, as Police Week in Chincoteague Island, Virginia, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Given under my hand and Seal of the Town of Chincoteague, Virginia this 4th Day of May, 2015.

John H. Tarr
Mayor

Councilman Leonard asked for a proclamation for the General Government Staff.

10. Proclamation for Safe Boating Week

Mayor Tarr stated that in the packet there is a proclamation signed by the Mayor, U. S. Coast Guard and the Town Manager designating the week of May 15th – 22nd as the Safe Boating Week.

Councilman Leonard motioned, seconded by Councilman Frese 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 that grow each year. But with this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

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

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

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

WHEREAS, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, “Life Jacket. WEAR IT! a habit we can live with!”

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 15 through 22, 2015 as National Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 29th, day of April, 2015

Mayor John H. Tarr
Town of Chincoteague, Inc.

BMC. Hank Deatrich
Officer in Charge
U. S. Coast Guard
Station Chincoteague

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

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

11. Proclamation for Poppy Day

Mayor Tarr stated that there is a proclamation from the American Legion Auxillary #159 asking the Town to proclaim May 16th as Poppy Day. He added that they will be giving out poppies that day.

Councilman Frese motioned, seconded by Councilman Leonard to adopt the Proclamation for Poppy Day. Unanimously approved.



Poppy Day Proclamation

Whereas, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

Whereas, millions who have answered the call to arms have died on the fields of battle; and

Whereas, a nation must be reminded of the price of war and the debt owed to those who have died in war; and

Whereas, the Red Poppy has been designated as a symbol of sacrifice of lives in all wars; and

Whereas, the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower,

Now, therefore, I, John H. Tarr, Mayor of the Town of Chincoteague, Virginia, do hereby proclaim, May 16, 2015 as Poppy Day and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this week.

Dated this 4th day of May, 2015.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

12. Proclamation in Recognition of the 20th Anniversary of the Chincoteague Island Library.

Mayor Tarr explained that this proclamation is in recognition of the 20th anniversary of the Chincoteague Island Library on July 4th.

Councilman Jester motioned, seconded by Councilman Leonard to adopt the Proclamation in Recognition of the 20th Anniversary of the Chincoteague Island Library. Unanimously approved.



**PROCLAMATION
IN RECOGNITION OF
THE 20TH ANNIVERSARY OF THE
CHINCOTEAGUE ISLAND LIBRARY**

Whereas, on July 4th, 1995 a group of civic-minded residents, responding to the needs of a young and growing community, met with the objective of establishing a library in Chincoteague Island, Virginia; and

Whereas, these determined individuals founded the library in the Historic Downtown area of Chincoteague with a mere 3,600 volumes and opened its doors on July 4th, 1995; and

Whereas, from these modest beginnings the Library's collections grew along with the community, to the point that a new addition was erected in 2009, and now with a current collection of 12,704 items in the collection; and

Whereas, over the years, the Library has offered programs for all ages, outreach services, literacy initiatives, job search and small business resources, expanding information services, computer use, internet access and other means of community support and enrichment; and

Whereas, the Library has continued to serve the people of Chincoteague Island, Accomack County and visitors from near and afar as a place of learning, culture and community.

Now, Therefore, I, John H. Tarr by the virtue of the authority vested in me on behalf of the Chincoteague Town Council and as the Mayor of the Town of Chincoteague, do hereby extend to the Chincoteague Island Library sincere gratitude to its Board, staff and volunteers, past and

present for their accomplishments, commitment and dedication to the Town of Chincoteague, its residents and many visitors.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chincoteague to be affixed this 4th day of May, 2015.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

13. Mayor and Council Announcements or Comments

Councilman Taylor stated that he understands that it's hard to deal with hiring Branscome without competition. He stated that the Town deals with Branscome and the competition isn't heavily around here. He feels that with the money spent with Branscome maybe they can send some millings our way.

Councilman Ellis stated that the VML is in the process of sponsoring a series of training around the state. He stated that he attended one last week in Wachapreague dealing with sea level rise. He state they talked about the practical and legal aspects of sea level rise. He also talked about the students that participated in Student Government Day. He feels they took their jobs seriously and they did a good job. Councilman Ellis feels they should also proclaim the Mayor's birthday tomorrow.

Mayor Tarr thanked Councilman Ellis.

Councilman Leonard also commented on the Student Government Day. He stated that it was good to see how they realized how the government is handled and the way things are done. He added that hopefully they will see some of them in Council's seats.

Planning Commission Chairman Rosenberger stated that Saturday is Mother Earth Day and they have 6 rain barrels that helps with the water storage issues. He also stated that the Chamber did a super job with the Seafood Festival.

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

- **Personnel Matters**

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

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

Councilman Leonard 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- Ellis, Leonard, Richardson, Jester, Frese, Taylor
Nays- None
Absent- None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE MAY 21, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PUBLIC PARTICIPATION

- Mrs. Christy Bott thanked Council for helping with her son's Boy Scout project. She gave a summary of what her son did. She explained his plans and reasons behind the interpretive signage for the Memorial. She stated that he met with the Public Works Director inquiring about the process of working with the Town. She stated that he then went to the Recreation and Community Enhancement Committee and presented his idea. She continued that he then came before Council for approval. Mrs. Bott stated that the Eagle Scout Project is a multi-step process. She explained the lengthy process that her son went through all while learning much more than expected. She stated that he worked on this sign for over a year.

Mrs. Bott listed a couple of problems with the sign. She then stated that the name at the top of the sign was addressed and discussed at the Recreation and Community Enhancement Committee. She stated that they were corrected numerous times that this was called "Mariner's Point". She stated that her husband contacted Councilman Jester about this. She explained that the sign maker stated that signs are usually the name of the area and is at the top of the sign. She stated that she felt this was appropriate for those lost at sea and for those in the community who still make a living working on the water. She thanked Council for allowing her son and future Scouts' projects. She requested that the sign be left as is. She explained that her son made it with the best of intentions. She stated that he has worked hard and doesn't understand when he followed the proper procedures why his work will not stand. She also added that he wants to know what he will say to those businesses who generously donated for this sign.

Mrs. Bott concluded that her husband Chris, the Scout Master, has taught so many things to the boys in the community. She stated that these men care about the boys as individuals. She stated that Scouting makes a big difference in our young people's lives. She again thanked Council for all the support the Town has given them because these projects help the next generation to be important people in our community and for community service.

- Mr. Barry Abell reiterated the lengthy steps taken giving explanation as to how and when the sign was changed from Chincoteague Island Watermen's Memorial to Mariner's Point. He stated that there's a law of right and wrong. He stated that they are trying to do something good for the community. He also stated that he has been to the Council meetings and it has been a long process to get to a vote. He wants his son to learn to do the right thing, be honorable and have integrity in his work. He feels that what they see is a few mistakes made. He added that they do these things in good faith to honor people. He offered to purchase the new sign. He also stated it's to honor the cross that's been put there. He doesn't want to discourage the work young Mr. Bott has done. He suggested changing the sign to be nondescript and putting the Chincoteague Island Watermen's Memorial on it. Mr. Abell stated that they have made a beautiful spot. He stated that if Council would vote on this tonight he will pay for a new sign so the scouts can complete their projects.

Councilman Leonard asked Mr. Abell if he was giving up on the plans to put the Watermen's Memorial downtown.

Mr. Abell responded that he wasn't.

Councilman Leonard stated that it seems that he is dividing the Memorial. He added that by having one memorial at Curtis Merritt Harbor and then having another one downtown, it is being dividing. He stated that the funds should be saved for the Memorial in Town.

Mrs. Abell interjected that it's in the minutes that this was Phase I of the Memorial to raise awareness for the Watermen's Memorial. She stated that Mr. Abell feels like all that is being taken out of it, which is why he gave all the information to young Mr. Bott for his project. She added that Mr. Abell totally supported it to raise awareness. She stated that they asked Mr. Bott about the change and was advised it's Town protocol. She stated they are before Council to look for help.

Mr. Abell also stated that they are looking to get projects off the ground. He didn't realize that for a decent statue they would need so much money. He stated that they need to find a way to keep it going which is why they decided to put the cross up. He added that ANEC donated their poles and labor to put them up. He stated that Council told them they were doing a good job and keep going. He added that now they put a stop to everything and halfway through Council decided to only allow one Memorial. He feels that wasn't right.

Mr. Abell also stated that Boy Scouts come up every year and it's another way to keep awareness. He stated that everyone was in agreement to sell the boat and give the money to the Boy Scouts to get the project going. He added that this focus was on the Memorial and the Boy Scouts. He hopes someday that there will be a monument downtown. Mr. Abell advised he has asked NASA, the Navy and the Town for help. He added that no one wants to give the money. He asked what is confusing the issue and feels it's not confusing: Phase 1 was at the Harbor and Phase 2 is downtown. He stated that he doesn't want a Boy Scout to request to do a project at the Chincoteague Watermen's Memorial and a Councilman to change it to Mariner's Point.

Councilman Ellis stated that he saw the presentation talking about Phase 1 at the marina and Phase 2 out Town which received Council's blessing.

Mr. Abell discussed the sign making it nondescript and will pay for it to compromise. He stated that if they honored their commitment they wouldn't be here today.

Mrs. Bott stated that a new sign wouldn't be her son's project.

Mrs. Abell suggested a compromise of the sign would read: Chincoteague Island Watermen's Memorial at Mariner's Point.

Mayor Tarr stated that the floor is still open for public participation. He stated that there will be a review of anything that's going in a park from now on. He also stated that there wasn't a review process. He stated that since then there is a form that will show the due process with review of full Council of a final draft. He added that there have been kiosks before with a review of the plans. He stated that it is Council's fault. Mayor Tarr also stated that there was an agreement that young Mr. Bott could put his sign up to complete his project. He added that the sign went up yesterday and he signed off on it today.

Mr. Abell interjected that this isn't what was agreed to last week.

Mayor Tarr advised that it was. He explained that they agreed that the sign would go up so that young Mr. Bott could get his project out of the equation. He added that this came from Mr. Abell. He stated that they put it up before the meeting so that Council could decide the fate of the sign.

Mrs. Abell stated that this will sign-off on his project. She asked if Council could make their wrong right and put up their corrected sign.

Mr. Abell stated that this wasn't the agreement.

Mayor Tarr stated that by a legal vote of Council the sign is up. He added that it can't be taken down without a vote by Council.

There was discussion as to the position of the sign.

Mrs. Abell stated that this whole project has taken away from the cross and is now saying that all this land is in honor of those lost at sea. She continued that the Town and the Scouts are taking away everything that Mr. Abell has worked for. She feels that the sign isn't at the cross it's at the entrance. She added that this is what this man has worked on for years.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Taylor motioned, seconded by Councilman Frese to adopt the agenda as presented. Unanimously approved.

1. Discuss Signage at Mariners Point

Councilman Jester stated that there have been things said that he didn't say. He explained that he doesn't have the authority to say that they can have 2 memorials. He stated that he has been supporting Mr. Abell on this project for 2 years or more. He advised that he has helped sell tickets for the boat and promoting it. He stated that it is hard to raise money when you have 2 memorials. He added that he supports the bronze statue downtown. He also stated that he found in the plans for the downtown that they left out a spot for the memorial and had it put in. He stated that his concern is that it's hard to sell 2 projects with the same name.

Councilman Jester also stated that he discussed with Mr. Bott about an interpretive sign. He stated that the question came up about the name of the Park. He advised that he didn't tell Mr. Bott that it has to be named Mariner's Point. He stated that the location is Mariner's Point and was approved by Council. He explained that he has been in support of Mariner's Point and to clean up the area. He stated that it isn't true that he didn't support this or has said things he didn't say.

Councilman Ellis agreed with Mrs. Bott's statement. He stated that the original intent was to construct an interpretive sign about the Memorial. He added that it had nothing to do with the name of the location. He stated that the purpose was to present information about the Memorial. He advised that he spoke with Mr. Bott and it isn't clear of how the name came about. He feels that young Mr. Bott did everything he was told to do. He stated that the only reason he can't support their request is that the title should be of what that cross is about, which is the Watermen's Memorial. He added that it happens to be located at Mariner's Point. He stated that it bothers him and they should be celebrating what the Scouts have done.

Councilman Ellis stated that they went to a meeting with Mr. Abell to come to a compromise to get Mr. Bott's son the Eagle Scout by putting up the sign, signing off on the project and leaving it up for some time. He also stated that they didn't reach any agreement and he understood that nothing was going to happen until tonight. He added that he doesn't want young Mr. Bott to be penalized and they need to do the right thing. Councilman Ellis feels they don't need to name

the area down there. He stated that he feels the sign should be titled, it's not about Mariner's Point it's about the Memorial.

Councilman Frese stated there is nothing but good people involved and there is a misunderstanding as there is more than one project going on at once. He stated that Mr. Abell had the idea and the Boy Scouts have been interjected into the project. He stated that he was informed that it's not a cross down there, it is a ships mass. He did not agree with that. He feels that in today's times it is a cross and should be a cross. He added that this is what we follow as a Town, as the people and as the country. He disagrees with Councilman Leonard that we shouldn't have two locations for memorials. Councilman Frese stated that for over 50 years he thought that was Fisherman's Point. He added that these things happen and not because he is a liar or wants to deceive. He doesn't want to pit the Boy Scouts against the location. He feels they should all come together and call it a cross. He also feels there should be a statue at the Robert Reed Park. He suggested putting aside the misunderstandings and hurt feelings from those misunderstandings. He advised that he applauds and supports everyone for what they've done.

Councilman Taylor asked Mrs. Bott about her suggested compromise.

Mrs. Bott stated she would speak with Mr. Bott and her son about it. She feels this may be an appropriate compromise to show his work with the full title of "Chincoteague Island Watermen's Memorial at Mariner's Point".

Mr. Abell interjected that she hadn't talked to him once.

Mayor Tarr asked that they address Council.

Mrs. Bott stated that they wanted it to get into production which takes 9 week.

Councilman Taylor stated that they made a fine sign.

Mrs. Bott stated that she would talk to Mr. Bott and her son.

Mrs. Abell feels that mistakes were made and needs to be corrected. She added that it's still his work and still his sign.

Councilman Taylor stated that it's going to be quality.

Mrs. Bott feels that this fixes all the problems everyone has.

Councilman Taylor also stated that he wants to do his part and unify the Boy Scouts, the church or the community which would be admirable.

Mrs. Bott advised that the advertisement has been blocked out.

Councilman Taylor suggested adding to the sign signifying "Sponsored by the Boy Scouts of America" because more projects are coming.

Mr. Abell stated that at the last Council meeting two things were decided. He stated one was to wait until tonight's meeting to vote on whether they would change the sign or not. He added that

putting a sign there and putting a cover over it isn't what they want. He stated that they agreed last week that young Mr. Bott could go down there and take a picture but it wouldn't stay up. He added that that's what he agreed to and they would vote on whether they were going to get a new sign or not. Mr. Abell stated that he was going to buy a new sign. He asked Council which sign they were going to approve, his or young Mr. Bott's. He added that he is going by Council's rules. He suggested putting the new sign up that's nice, he will pay for it. He feels they need to maintain the integrity of the sign with a certain set of criteria. He wants a new sign and wants a vote on whether they get a new sign or not.

Councilman Ellis feels they need to address the location of the sign.

Mrs. Bott commented that her son has a problem with changing the sign. She stated that it is Council's call and doesn't want to seem petty but they are willing to add to the title.

Councilman Taylor stated that the main concern about the sign was the advertisement. He believes that an olive branch has been extended. He stated that a compromise has been done and the issues addressed.

Mr. Abell stated that they're going to doctor the sign and put it there.

Councilman Taylor responded that the sign is already there.

Mr. Abell feels Council is wrong and they should get a new sign. He stated that his opinion is to get a new sign and put it by the cross.

Councilman Leonard stated that Mr. Abell is discrediting young Mr. Bott's sign altogether. He added that they got his project for "his" Eagle Scout and now to take it down. He stated that it puts Council in a hard position to go against this Boy Scout who has put his heart and soul into this sign.

Mr. Abell advised that from day one he offered his help and to let him look at it before it goes into production. He suggested buying a new sign for the boy and doing it the right way.

Councilman Frese disagreed with Councilman Leonard. He stated that they agreed that it has always been the Chincoteague Watermen's Memorial.

Councilman Leonard interjected that young Mr. Bott has already done the work and the sign is up. He stated that they have agreed to work with the Town and change the name at the top.

Councilman Frese stated that Mrs. Bott stated that they should have contacted Mr. Abell. Mrs. Bott responded that she never said that.

Councilman Frese stated that he has never heard of a project that wasn't consulted before it was irrevocably done. He added that it wasn't the Boy Scout. He feels there was a lack of communication. He also stated that it's a lack of communication between Councilman Jester and Mr. Abell. He stated that there was a miscommunication or a complete lack of communication with Mr. Abell on the sign. He stated that the majority of the information on the sign was obtained by Mr. Abell.

Mrs. Bott stated that in a million years she wouldn't have guessed that the title would have caused all this.

Councilman Frese stated that he doesn't believe she did. He feels it was a rush to get the job done of having her son doing his project and they went ahead.

Mayor Tarr interjected that the Eagle Scout Project was brought to the Town of Chincoteague. He stated that it is the Town of Chincoteague's Eagle Scout Project. He added that the Town is the owner of the project, signed off on the project and should be reviewing the project. He stated that whatever the project and wherever he got his information, the Town didn't know anything about that and wasn't involved in that. He stated that the project was brought to the Town and approved. He also stated that as far as the Town checking with this person and that person, shouldn't be done like that.

Mrs. Abell stated that the idea was based on the Watermen's Memorial.

Councilman Jester stated that when he got the call from Mr. Bott about Mariner's Point he didn't have a clue that it is what was going on the sign.

Councilman Frese stated that he isn't pointing the finger of blame or criticizing anyone. He doesn't feel that this young man has suffered because he has a picture and credit for his sign.

Mr. Brian Walker, Assistant Scout Master and Delmarva Advancement Chairman, stated that as the chairman all Eagle Scout Projects for the region of the Delmarva Council has to go through him. He stated he has only done this for about a year now. He stated that listening this evening, once the Town signed onto the project, the project no longer belongs to the Scout. He added that in the advancement book, there is no expectation of longevity for a project. He stated that it's not something a Scout has to do to build a monument or something that's going to last 100 years. He stated that it's for the families, for the community and it's for them to learn how to do project management. He added that it's for them to be able to do those things in order to get their Eagle Scout rank. He stated that as of this moment, the block has been signed by Mayor Tarr as the beneficiary. He added that the project belongs to the Town and is no longer young Mr. Bott's.

Mr. Walker stated that as a dad, he knows that young Mr. Bott is affected. He informed Council of young Mr. Bott's face when he was told that the sign might possibly have to come down and be changed as he has done a lot of work that he is proud of. He stated that Council can do anything they want to it. He also stated that it was done so that when he comes home from college years from now to something that he did and is proud of that people will see coming into this town. He stated that he wasn't here for the name on the sign. He stated that young Mr. Bott is heartbroken.

Mr. Abell stated that he went to him with the thumb drive and told them to do this. He added that originally it was going to be a kiosk. He stated that young Mr. Bott called him asking for help and he agreed telling him to call it Chincoteague Watermen's Memorial and to show it to him before it is sent in for production. He advised that he didn't do that. Mr. Abell also stated that Councilman Jester, in April, told everyone that Mr. Bott called him and he told Mr. Bott to name it Mariner's Point. He stated that he is all about doing the right thing too. He added that when you sit there and give somebody something like that you expect them to do the right thing and honor their commitment.

Mr. Walker stated that it is the Town's property and this should be taken into account also. He added that it is a Boy Scout Project.

Councilman Ellis asked Mrs. Bott about her son's project last year, if he had a title in mind.

Mrs. Bott advised that she didn't think so. She stated that they did switch the name and they're willing to change the name at the top. She added that he thought that he was honoring the people there and honoring the area.

Mr. Abell stated that both of the project applications say Chincoteague Island Watermen's Memorial.

Mrs. Bott added that they did not think they were doing anything wrong. They are willing to change it to make it look nice.

Councilman Ellis stated that what they are doing is exactly what Mr. Abell is suggesting except putting up a new sign.

Mrs. Bott explained that her son found the two pictures and changing that and the title makes him feel like it's not his sign anymore. She stated that she is speaking on behalf of her son. She added that it's Council's choice and she was just stating how they feel.

Councilman Ellis feels that the problem came from the Town. He stated that Mr. Abell found out that the title had changed.

Councilman Leonard stated that it seems they found the fix by changing the title.

Mr. Walker asked if the proposal was only a title change and leaving the sign as it is.

Mr. Abell again stated that everything young Mr. Bott did was fine. He doesn't feel that having a man on the sign is good. He stated that he is just giving his opinion. He suggested changing the title and putting Mariner's Point at the bottom. He added that they shouldn't white out stuff and suggested putting another picture there. He feels they need to agree on this. He continued that instead of doctoring the old sign they can give him a new sign. He wants him to put it there. He added that you just can't come in and change the name on something. He wants to buy him a new sign. Mr. Abell stated that if he had seen it he would have told him it's not about the fishermen, it's about the men lost at sea. He added that when you're looking at a prominent businessman on the sign, you're crossing some lines there as well. He feels that they should use fishing boats and nondescript guys on there. He advised that he would have debated with young Mr. Bott and come to a compromise. He doesn't want to compromise on the fact that they need a new sign not a doctored sign.

Councilman Ellis asked if they can correct the sign and what would the quality be.

Mrs. Bott advised that they can do anything and it is of excellent quality.

Mr. Abell stated again he wants to buy a new sign.

Mayor Tarr advised that there should be two votes. He stated that 1 is about the location because it should be moved.

Councilman Frese asked for clarification as to the changes if this was agreeable to both parties. He explained that they would only change the title to put in the Chincoteague Island Watermen's Memorial. He added that the other way is to have another sign made up with the header changed and substituting two pictures. He asked what they are voting on.

Councilman Ellis asked what the thoughts were of both families involved. He asked if they would be comfortable with everyone coming together and deciding what should be in those pictures.

Mrs. Bott explained that they are fine with changing the name but she doesn't think her son would feel comfortable at this point going back and starting over.

Councilman Leonard motioned, seconded by Vice Mayor Richardson that the sign be moved to the top of the memorial. Unanimously approved.

There were a couple of comments clarifying that they were using the existing sign and only changing the title.

Councilman Leonard motioned, seconded by Councilman Taylor to only change the header on the existing sign to "Chincoteague Watermen's Memorial". Motion carried.

Ayes: Leonard, Taylor, Jester, Tarr

Nays: Ellis, Richardson, Frese

Mr. Abell told Council they should be ashamed of themselves.

2. Discuss Bench Location at Mariners Point

Mayor Tarr explained that in the packet there is the Eagle Scout Project and location of 3 benches.

Public Works Director Spurlock stated that young Mr. Walker has proposed to put 3 benches at the Memorial. He explained the location diagram in the packet. He added that Council has already seen the information and this is only about the location of the benches. He also added that the only thing they may do is move them back a little from the edge.

Councilman Frese feels that if they move them back a little people could sit to view the water and it would be safer.

Councilman Leonard commented that there is no lettering or information on the benches.

Mr. Walker stated that the pictures in the packet are the raw benches. He added that the design has been painted in gold and sealed. He stated that one bench has been painted with "J.T. Walker, Eagle Scout Project". He offered to take it off if necessary. He also explained the earth anchor change.

Mayor Tarr asked Mr. Walker if he would work with Public Works Director Spurlock. He stated that the Public Works Department will assist in any way they can.

Councilman Jester motioned, seconded by Vice Mayor Richardson to approve the location of the 3 benches for the Eagle Scout Project the Mariners Point according to the description from Public Works Director Spurlock. Unanimously approved.

Councilman Jester told young Mr. Walker he did a good job.

There was discussion regarding the Eagle Scout Project.

Mayor Tarr explained that the Eagle Scout Project was brought to the Town and the Town should be doing the review and not Mr. Abell. He added, who's to say what kind of boats the Town wants here. He stated that when they met with Mr. Abell, his last statement was to get young Mr. Bott out of it by putting the sign up and taking it back down.

Councilman Ellis stated that they voted and that's it.

Councilman Taylor and Councilman Jester agreed that the olive branch was extended and that means a lot.

Councilman Ellis also stated that what bothers him is that his project was approved in 2014 and this thing was originated 8 years prior.

Mayor Tarr explained that this is not the fact. He stated that it was not the cross, it was only the Watermen's Memorial. He explained that Mr. Abell didn't start Mariner's Point. He added that Mr. and Mrs. Bob Conklin started Mariner's Point. He stated they wanted it cleared off and filled and the Town turned them down because they felt it was unsafe. He stated the Mr. Conklin brought in pictures and the Town started fixing it up. He also stated that they named it Mariner's Point before the Memorial was presented at the new Mariner's Point. Mayor Tarr stated that Mr. Abell didn't have anything to do with Mariner's Point until 2012. He added that every presentation made was about the Robert Reed Park Watermen's Memorial.

Councilman Jester agrees that there was no problem with the cross. He stated that (at the time) Town Attorney Poulson almost had a heart attack about it. He added that this was when Councilman Leonard stated that it looked like a ships mass to him.

Councilman Leonard stated that earlier today he had a man on a tour that works for the ACLU and stated that by calling it the ships mass was genius. He stated that there are people who look for that to bring law suits.

3. Closed Meeting in Accordance with Section 2.2-3711(A)(1&3) of the Code of Virginia

- **Real Property**
- **Personnel Matters, Town Manager Contract**

Councilman Frese moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(1 & 3) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(1 & 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- Ellis, Leonard, Richardson, Jester, Frese, Taylor
Nays- None
Absent- None

3b. Personnel Matters, Town Manager Contract

Councilman Frese motioned, seconded by Councilman Leonard to approve the contract and salary as agreed for 1 year. Unanimously approved.

4. Mayor and Council Announcements or Comments

There were none.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE JUNE 1, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Clyde Morris, Community Tennis Association, asked for Council's support to construct a backboard on the existing courts. He explained that it's nice to have a backboard to practice on the strokes. He advised he spoke with Public Works Director Spurlock who will approve the final design. Mr. Morris advised that the Tennis Association will pay for all the costs. He stated that they will come up with a design and have the approval of Public Works Director Spurlock. He again asked for Council's support so they can move forward and work with Public Works Director Spurlock.

There were brief comments.

Mayor Tarr stated that this isn't on the agenda so it will be placed on the next meeting agenda so they can vote on it.

- Mrs. Marguerite Hiob addressed Council regarding the decline in local fishing due to commercial fishing.

Mayor Tarr advised that staff would get her the appropriate information for Mid-Atlantic Fisheries.

There was further discussion.

- Mrs. Donna Mason respectfully requests advance notice if the Town is going to block her driveways during road work. She informed Council that the Chincoteague High School Boys Baseball team is undefeated with 20 wins. She asked that if they see any of the players or coaches to tell them how proud they are of them. She invited everyone out Wednesday night for their next game.

Mrs. Mason also agrees with the decline in recreational fishing. She feels it will impact Chincoteague. She discussed the recreational beach issues. She stated that she is against moving the beach. She feels they need to talk to their congressmen, senators and anyone with a loud voice. She believes that once the recommendation comes out it will be too late. She stated she would like to see a public hearing with. She asked when their recommendation will come out.

Town Manager Ritter advised that it's supposed to come out the end of July or first of August.

Mrs. Mason stated that she would just like for them to keep the beach where it is. She suggested they do something in the water bills or the property tax bills of what is going on or could happen if we do nothing. She asked what she could do.

Mayor Tarr stated that they have been working on this for several years now. He also stated that everything Mrs. Mason has said has been written to our congressmen.

Mrs. Mason stated that they have spent all these years trying to keep the area from being a mosquito haven. She feels that where they want to move the beach is a swamp infested with mosquitoes. She suggested letting the property owners know.

Vice Mayor Richardson agreed with Mrs. Mason. She advised that she spoke with Town Planner Neville if the Town is doing everything possible to maintain the beach where it is and to sure up the south end cutting off the width at the Inlet so that we don't flood. She stated that she wonders if the Town is doing enough with the lobbyist.

Mrs. Mason reported that the Park Service pushed up the dunes and planted grass on them which prevented from wash-over this winter. She stated that it's all important. She feels that once they decide to move the beach they will cut that road off.

Councilman Leonard stated that the Town isn't the only community that's having this problem. He added that maybe all the states affected could get together and let them know that their choices in Massachusetts are affecting the Eastern Shore. He stated that it's about climate change and we're all going to be under water.

There was further discussion.

Mayor Tarr stated that they spoke with Senator Kaine who responded that we have already had a compromise giving the parking back. He advised that they can file a law suit and there have been other law suits filed on the CCP. He added that there are no political answers.

Mrs. Mason doesn't feel the Town should let it go. She stated that keeping it where it is isn't bothering anyone. She also added that keeping the dunes will protect it.

Mayor Tarr advised that Town Planner Neville has a couple of ideas that are being held back. He stated that the Town has been awarded a feasibility study with the Corps of Engineers. He added that the Town needs paying partners to come in and help.

Mrs. Mason expressed her frustration and concluded that this is important and the Town can't just do nothing about it.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the report is in the packet. He reported that last week they met with the flood insurance folks. He stated that they had some success under the new manual starting over with the points. He added that they are just over 1,000 points moving up from a 10% discount to a 15% discount. He feels it was a good meeting with a lot of paperwork. He stated that they are getting the extra bump-up.

Town Planner Neville stated that they don't close the book on the final point count for another 150 days. He added that the new discount wouldn't be in effect until next May. He also reported that there was mention of the Army Corps of Engineers feasibility study. He stated that the Corps can submit the Chincoteague Inlet Study that was requested into the President's FY'17 Budget. He stated that it's probably a 2 year project for the funding and to raise money. Town Planner Neville stated that the most important thing is to get this study started. He believes that they anticipate the CCP to come out the end of next month. He stated that the letters have been sent and they are working on other ideas. He also added that if they want the process to stop it will take legal action.

Police Department

Chief Mills stated that the Police Department has received 414 calls for service in May. He reported that there were 45 investigations. He also reported that they hosted a field trip from the Chincoteague Elementary School with the pre-K class. He stated that they were happy with their visit. He also stated that the annual bicycle rodeo is this Saturday at 9:00 a.m.

Councilman Leonard stated that he has had questions about traffic control at Maddox and Main Street. He stated that the comments he received were that the control has caused it to be worse.

Chief Mills stated that he has a new traffic control officer who is learning how to balance everything out. He stated that sometimes it is best to allow the lights to handle it. He advised of some complaints he has had about the light on Maddox and Main.

Mayor Tarr asked Public Works Director Spurlock if there has been a VDOT traffic study at that intersection.

Public Works Director Spurlock advised he would contact VDOT.

There were further comments.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He also stated that they were joined by 7 young ladies graduating from West Potomac High School in Alexandria, VA. He explained that they are participating in the SHOUT program (Seniors Helping Others Uniting Together). He advised that they will be here helping for the next 2 weeks with the Town, the Fire Company and Parks and Rec. He reported that he has been in negotiation with Branscom over the last few days to extend the contract at Bridge Street.

Mayor Tarr asked for the completion date at the Bridge Street Project.

Public Works Director Spurlock advised that without further information he wasn't able to give a completion date at this time.

General Government

Town Manager Ritter reported that EMS responses were 90 for the month of May which were 4 more than May of 2014. He stated that they had 42 ALS calls and 24 BLS and all other calls were 22. He stated that they will be starting on the Blueberry Festival Business License renewals. He reminded Council that they will be working on the quarterly newsletter to be

published in July. He added that the budget is on the agenda. He added that it has been advertised in the local newspaper.

Vice Mayor Richardson asked why the real estate tax revenue was less this year than last.

Town Manager Ritter advised that it actually surpassed the budgeted amount. He further stated that it is from the additional real estate from last year that has been collected.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of May 4, 2015**
- **Council Workshop Meeting of May 21, 2015**

Councilman Ellis referred to page 4 of the agenda packet regarding the Dill Rule. He advised that his communications about this rule referred to it as the Dillon Rule. He feels that for accuracy purposes the change should be made.

Councilman Jester motioned, seconded by Councilman Ellis to adopt the minutes of the May 4, 2015, Regular Council Meeting and May 21, 2015 Council Workshop Meeting as amended. Unanimously approved.

2. Public Hearing for the Fiscal Year 2016 Budget, Consisting of:

- | | |
|---|---|
| • Revenues for All Divisions | • Trolley Division Expenses |
| • General Government Fund Expenses | • Harbor Division Expenses |
| • Main Division Expenses | • Water & Gen. Govt. Rate Sheets |
| • Total Main Street Fund Expenses | |

Town Manager Ritter advised that it was advertised with proof on page 34 of the packet. He stated that Finance Director Hipple will review the graphs.

Finance Director Hipple reported that the total budget is \$7,740,969 with no increases in, personal property tax, meals or transient occupancy taxes, water rates or trash fees. She explained that the Safe Routes to Schools Grant Project is not completed and the Town's match is \$50,000 from long-term savings. She stated that the USDA Grant is for replacement of the in-car police cameras. She explained that \$25,000 is from the USDA and \$15,000 is from long-term savings. Finance Director Hipple also reported that 5% of Meals Tax for FY'16 will continue to go toward playground equipment rather than drainage. She added that Council has reviewed this commitment and will reassess the 5% each year with the budget. She further stated that FY'16 proposed budget includes a transfer to land acquisition reserve for \$30,000. She stated that the proposed budget includes a match to the Main Street Project of \$186,000 from Beach, Recreation, Tourism Expense.

Finance Director Hipple stated that \$8,000 from Beach, Recreation, Tourism Expense will be used for special tourism advertising by Mayor Tarr. She advised that the Harbor Fund is transferring \$22,887 from long-term replacement reserve for parking lot improvements on the east side of the Harbor to maximize spaces. She stated that the Town's match for the Trolley Grant for FY'16 is \$24,000. She also stated that included in the Trolley's budget is the replacement of one trolley and the van. She reported that the Water Fund will be making

upgrades to the water plant distribution at a cost of \$122,888. She announced that the Town and the Water Fund will pay off their \$1,200,000 bond in October of 2015. She explained that \$700,000 from this bond was used to help purchase the School Board Property and \$500,000 was used in the initial phase of the water main lining project.

Mayor Tarr opened the public hearing for the FY'16 Budget.

Mrs. Donna Mason asked what they were talking about with the water main lining project.

Public Works Director Spurlock advised that there is a 6" line that comes out on Willow Street that feeds the entire island.

Mrs. Mason suggested that when they have the money they should repaint the water tower with a logo.

There was a question and responses about the Trolley stops.

Mayor Tarr reported on the Harbor rent increase of 3%, which is the only proposed increase. He closed the public hearing. He asked Council for questions or comments about the budget.

Town Manager Ritter advised that the budget needs to sit for 10 days and will be on the agenda for approval on June 18th.

3. County Update from Island Supervisor, the Honorable Wanda Thornton

Supervisor Thornton stated that there are 77 people this year that will take advantage of early retirement. She stated they are averaging having to replace 52 teachers each year. She also stated that contrary to what is in the paper of it being a wash when they hire a lesser paid employee to take the place of a person who is retiring. She added that this didn't include recruitment and retention in the cost. She stated that at the exit interviews the reasons for those teachers leaving is because of the working conditions. She feels that by having to replace 52 teachers each year because of the early retirement program is causing a loss of about \$400,000.

Supervisor Thornton also stated that she was instrumental in getting the Army Corps of Engineers to come to the Navigational Partnership meetings. She stated that there is a push to create a different entity which is a scary thought that they could control the watermen, boat docks and a whole lot of things. She added that the County has taken steps in forming an informal Navigational Partnership for the Eastern Shore. She also added that when they finalize it they will include members from Northampton County. She feels that someone knowledgeable from the Town of Chincoteague should be a member also.

Supervisor Thornton also reported that the J.V. Study has been presented to the Board of Supervisors who sent it to the Planning Commission for their recommendations. She stated that they recommended that they didn't want to bring it back to the Board until the end of November. She objected to this adding that December is her last meeting. She suggested they send Town Planner Neville to that meeting. She also advised of copies she has for Council from NOAA about central sewage. She stated that she invited the Army Corps of Engineers to come to Accomack County to explain the steps they have to go through to do mitigation. She advised that they held a workshop.

Supervisor Thornton stated that the Nature Conservancy manages the Virginia Aquatic Trust Fund. She explained that when you pay the money in, you have 3 years to be able to find a project for that locality and water shed. She stated that since there is no mitigation bank on the Eastern Shore which is unacceptable when the Aquatic Trust Fund isn't being utilized on the Shore. She would like to find a project on the shore, preferably on Chincoteague. She feels that the shore is overlooked except for land conservation. She stated that the first line is that you mitigate property.

Supervisor Thornton mentioned the new voting machines. She stated that she will have one brought to the Center to try it out. She explained that you do a paper ballot which is then put into the machine. She also advised of a couple of glitches that need to be ironed out. She hopes that the other Supervisors that this should be addressed. She stated that it can be rectified and suggested that it be done before the next vote. She complimented the Town on the newsletter.

Supervisor Thornton commented on the CCP. She is on the same page and believes that the Town should take a slightly different approach. She feels the primary stand should be the health and safety of Chincoteague. She stated that she put a motion on the floor to write a letter to NASA to have a study conducted. She stated that NASA has a beautiful beach. She discussed the impact. She stated that in 1990 Congress enacted the Coastal Barrier Resource Act. She explained that legislative was implemented as a part of the Department of Interior's initiative to preserve the ecological integrity of areas that serve to buffer the U. S. mainland from storms that provide habitat for fish and wildlife. She stated that they are doing this on other refuges and we should be afforded the same opportunity. She feels they should go to Richmond asking them for help as they can utilize their strength to protect the health, safety and welfare of Chincoteague.

Supervisor Thornton also stated that the areas that won the fight with the CCP and got their areas pumped in are the ones who got the state and the federal agencies to band together. She feels this is the Town's only hope and needs to be done now. She suggested meeting with the Secretary of the Commonwealth and plead our case.

Councilman Ellis asked if the Superintendent of the School Board is taking any proactive steps to address the teacher turnover.

Supervisor Thornton stated that they are aware and issued the statistics. She stated that the Board of Supervisors have taken a stand and have agreed to let them continue on.

There was brief discussion about current retirement incentive verses the new retirement.

Supervisor Thornton also stated that the law changed on being able to do something on private roads. She added that Mr. Isdell will give a presentation to let the Town know what they can do. Mayor Tarr thanked Supervisor Thornton.

4. Recreation & Community Enhancement Committee Report of May 12, 2015

- **Possible Adoption of the Application for Community Park Improvement Project**

Councilman Jester discussed the recent playground equipment improvements. He stated that Ms. Donna Leonard has a fundraiser, selling discs with a rocket on it to help with the last of the new equipment. He thanked the Public Works staff for putting up the equipment.

Councilman Jester explained that there have been a lot of people coming to the Town to donate or help with improvements to the parks. He stated that they feel it should be in writing. He added that they let the applicant understand that once it's been done it is then Town property. He added that if something deteriorates it will have to be taken down. He stated that the application has to go to the Public Works Department for review also. He also stated that it makes the project clear so that it isn't a safety or maintenance issue for the Town. He recommended using the form improving it as they go along.

Town Attorney Burge asked if it would be a good time to allow the gentleman who made the request for the tennis court backboard fill it out.

Council agreed.

Mayor Tarr stated that the Committee recommended that they adopt the form.

Councilman Jester further explained the form and feels this will help.

Councilman Frese motioned, seconded by Councilman Leonard to adopt the Application for Community Park Improvement Projects. Unanimously approved.

5. Mayor & Council Announcements or Comments

Councilman Ellis commended the FVW on their suggestion and financing of the Hometown Hero's Program of the banners. He stated that they received an email from Town Attorney Burge regarding the Fire Alarm Violations and asked when they would be addressing this matter.

Town Attorney Burge expressed her concerns and will look into this matter further. She stated that she double checked the ordinance that was patterned by Suffolk's ordinance. She advised that she posted an inquiry to the Local Government Attorney's website. She had 6 or 8 responses of how other communities are dealing with this. She stated that they require registration of the fire alarm systems. She added that she will have more information by next month for Council to review.

Town Manager Ritter stated that Section 52.0911 specifically talks about the operator. He stated that the operator is the alarm company and the user is the hotel owner. He explained that the operator could be in Georgia or DC.

Town Attorney Burge stated that some communities are considering it under their health, safety, welfare component as a general provision. She added that she will post it on her matrix. She stated that it really doesn't address what they're hoping to accomplish.

Councilman Jester stated that on the law enforcement side, knowing where those alarms are and what they are would be a great benefit. He feels that having a registered system would benefit the Town.

Town Manager Ritter added that they are hoping to iron out some of the wrinkles and bring it back to Council.

Mayor Tarr advised that his concern is that in Suffolk they are all paid personnel and the Town relies on volunteers.

Councilman Jester commended the baseball team and suggested routing for them at the next game. He also mentioned that the school gave a plaque to Mr. Tom Derrickson. He stated that as a citizen of the community he has maintained the most beautiful baseball diamond and has done a fantastic job.

Councilman Frese suggested giving them a certificate.

Councilman Jester added that Mr. Derrickson works on this all year. He stated that when schools come here they can see a beautiful baseball diamond. He read a quote at the museum.

Mayor Tar advised that they are planning to do something for the baseball team but are holding off because the numbers are changing.

Councilman Leonard announced that the next baseball game is Wednesday at 4:00p.m. He informed Council that the Athletic Boosters are cooking. He also stated that it is going to be tough to get a baseball game in along with graduation on Wednesday. He added that the baseball team certainly needs a pat on the back.

Vice Mayor Richardson mentioned the electric vehicles and Town stickers.

Town Manager Ritter stated that he's been paying attention adding that some of those vehicles have tags from other states and won't need a sticker.

Vice Mayor Richardson also stated that those rental businesses don't have stickers on their electric vehicles.

Mayor Tarr asked about the rental vehicles that are licensed in Virginia.

Chief Mills advised that to know for sure if they require a Town sticker the actual tag has to be checked with the DMV and where it's registered.

Mayor Tarr added that no rental vehicles have a sticker.

Chief Mills stated that he would check it out and isn't aware of any exemption they would have.

Vice Mayor Richardson also discussed the Weed Ordinance. She asked if this was by complaint only or if when our Code Enforcement Officer saw it he would send a notice.

Town Manager Ritter advised that if the Code Enforcement Officer saw this he will send out a notice to cut.

Vice Mayor Richardson advised that she was told by a citizen that it had to be by complaint only. She stated that she will inform this person.

Councilman Leonard also announced that the Middle School Baseball Team won the district. He added that this is the 3rd year in a row.

Councilman Taylor added that the Middle School Girls Softball have won back to back district titles also.

Mayor Tarr stated that it goes back to the Little League which is where they get their start.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JUNE 18, 2015 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

6. Possible Adoption of the Fiscal Year 2016 Budget, Consisting of:

- | | |
|------------------------------------|----------------------------------|
| • Revenues for All Divisions | • Trolley Division Expenses |
| • General Government Fund Expenses | • Harbor Division Expenses |
| • Main Division Expenses | • Water & Gen. Govt. Rate Sheets |
| • Total Main Street Fund Expenses | |

Mayor Tarr advised that the budget has had proper advertising and had a public hearing. He added that it is now set for Council to make a vote on it.

Town Manager Ritter advised that at the last Council meeting there was a public hearing with Finance Director Hipple reviewing the budget. He reviewed the budget highlights again advising

the total budget is \$7,740,969 with no increase to real estate tax, personal property tax, water rates, transient occupancy tax or meals tax. He continued to read the highlights regarding the upcoming grants, transfers, the purchase of a new trolley van, water plant distribution upgrades and the payoff of the water bond. He added that \$700,000 from this bond was used to help purchase the School Board property and \$500,000 was used in the initial phase of the water main lining project.

Vice Mayor Richardson asked if the additional \$30,000 was put in the EMS payroll for the extra paramedic during the summer months.

Town Manager Ritter advised that it is included in the budget.

Councilman Frese asked about the fee in the amount of \$450.00 for the appeals to the Board of Zoning Appeals. He stated that he understands that this is the cost of the advertisement. He feels this is unfair. He added that there are two parties, one being the town and the other the applicant. He feels it's unfair for the applicant to be charged the whole fee. He feels it should be split and changed to \$225.00.

Town Manager added that the largest part of the \$450.00 is the advertising cost.

Councilman Frese stated that his point is that this is a dispute between the property owner and the Town. He added that the property owner has the right to appeal and is charged the whole amount. He feels it should be split between both parties.

Councilman Jester explained that this is an appeal on a decision made by the Town.

Councilman Frese interjected that this is an opinion made by the Zoning Administrator that's being appealed.

Town Manager Ritter explained that most cases that are sent to the BZA are hardship cases. He explained that in some cases they are unable to meet the setback causing this request for a variance. He added that they are bringing their case to the BZA so that they can build inside of a setback.

Councilman Frese doesn't think that the BZA is going against the law by agreeing with the homeowner. He asked why the homeowner should have to pay the entire appeal cost.

Mayor Tarr stated that when the BZA makes a decision there can be an appeal to the court. He also stated that when they appeal to the court they have to pay court costs. He added that this isn't a two party split.

Councilman Frese doesn't feel this is the same and the Town shouldn't equate themselves as the court. He stated that if it's a hard case then the Building and Zoning Administrator should go ahead and approve it.

Town Manager Ritter advised that he can't go against the Code, only the BZA can as long as it's a hardship.

Councilman Frese stated that he is only asking to cut the fee in half.

Councilman Taylor asked if the town could receive lower advertisement fee.

Town Manager Ritter advised that we are but it keeps going up.

Mayor Tarr stated that it isn't all advertising fees. He added that its administrative costs also. Councilman Jester stated that by changing this line item they would have to take the amount off somewhere else.

Councilman Ellis asked if there was an indication of the fee causing them not to be able to appeal.

Town Manager Ritter advised that under a hardship this is the cheaper route as opposed to purchasing new land and vacating property lines. Town Manager Ritter added that this can be changed at any time.

Councilman Leonard asked if this should be presented to the BZA members before it is acted upon. He stated that he understands what this is for and by lowering the fee could make a lot more work for the BZA. He feels they should be asked first.

Councilman Frese motioned, seconded by Councilman Taylor to reduce the fee for the Appeals to the Board of Zoning Appeals to \$225.00. The motion did not pass.

Ayes: Frese, Taylor

Nays: Leonard, Richardson, Jester

Abstain: Ellis

Councilman Ellis abstained because he felt he needed more information before he could vote on this issue.

Council agreed that it should be taken to the BZA and to obtain more information from the County.

Councilman Taylor commented.

Vice Mayor Richardson asked if the fee was higher at one time.

Councilman Leonard advised that the fee was actually lower than anywhere else in the state and it was raised because it was costing the Town to have the BZA.

There was discussion regarding the fee being a burden.

Mayor Tarr asked staff to put together a packet with a couple of years' worth of cases, staff time and fees for advertisements.

There was discussion about interest on the water bond.

Councilman Taylor motioned, seconded by Councilman Ellis to adopt the budget for the fiscal year 2016 as presented including the real estate tax rate of \$0.07/100 of assessed value, tangible property tax rate of \$0.85/100, tangible property tax relief of 70%, excise tax (meals) at 5%,

excise tax (transient occupancy) at 4%, General Government fee schedules, Water fee schedule and appropriate the funds for disbursement. Unanimously approved.

		FY'16 Budget Revenues	
<u>Revenue Name</u>	<u>Number</u>		<u>Budgeted</u>
Fund 10 - General Government			
Real Estate Tax Levy	4001-0100	\$	625,000
Tangible Property Tax Levy	4001-0125	\$	200,252
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$	35,000
Meals Tax	4001-0500	\$	698,772
Bank Franchise Tax	4001-0600	\$	46,000
Sales Tax	4010-0100	\$	140,000
Business License	4010-0200	\$	127,900
Motor Vehicle License	4010-0300	\$	80,000
Utilities Tax	4010-0500	\$	211,500
Transient Occupancy Tax	4010-0600	\$	996,795
Fines	4015-0100	\$	40,000
Interest on Savings	4020-0100	\$	25,855
Banner Donations	4041-0100	\$	3,000
Cemetery Cleanup Donations	4041-0150	\$	1,000
Robert Reed Park Donations	4041-0180	\$	3,546
User Fees	4041-0200	\$	25,000
Building Permits	4041-0500	\$	54,158
Zoning Advertisements	4041-0600	\$	2,000
Grants/Litter	4045-0100	\$	2,585
Sale of Capital Assets	4049-0100	\$	1,000
Health Insurance-Retirees Spouse	4051-0200	\$	7,500
VA Fire Programs	4051-0300	\$	11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$	6,815
Harbor Administration	4061-0105	\$	7,210
Rental Income - Trolley	4061-0106	\$	12,000
Tower Rent	4061.0107	\$	5,520
Communications Tax	4071-0100	\$	210,045
Personal Property Relief Act	4071-0200	\$	150,250
Mobile Home Sales Tax	4071-0300	\$	8,500
Recovered Cost from Water	4101-0200	\$	85,669
Public Works Miscellaneous	4201-0100	\$	10,000
Miscellaneous Income	4303-0100	\$	15,000
Solid Waste Collection Fee	4303-0400	\$	390,534
Law Enforcement Funds	4401-0100	\$	105,148
Police Miscellaneous	4401-0125	\$	1,000
Police Donations	4401-0150	\$	20,000
Police Grants	4401-0160	\$	10,000

USDA Grant	4401-0200	\$	25,000
Dispatch Revenue	4401-0200	\$	22,500
VDOT Maintenance Funds	4501-0100	\$	647,926
Road Permit Fees	4501-0101	\$	400
VA Commission for the Arts - Grant	4545-0140	\$	5,000
Safe Routes to Schools Grant	4545-0150	\$	425,145
Transfer from General Fund Savings	4701-1000	\$	65,000
Total Fund 10		\$	5,567,435

Fund 20 - Main Street Project

Program Income	4501-0100	\$	3,250
VDOT Grant	4501-0115	\$	407,200
Transfer from General Fund	4501-8900	\$	186,800
Total Fund 20		\$	597,250

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	200
Harbor Rent	4031-1000	\$	64,596
Subleases	4031-1002	\$	16,480
Dry/Winter Storage	4031-1003	\$	850
Loading Dock	4031-1004	\$	1,500
Fuel Revenue	4031-1058	\$	110,500
Transfer from Long-Term Reserve	4910-8900	\$	22,887
Total Fund 30		\$	217,013

Fund 70 - Trolley

Trolley Grants	4501-0100	\$	239,750
Program Income	4501-0110	\$	7,000
Transfer from General Fund	4501-8900	\$	24,000
Total Fund 70		\$	270,750

Fund 80 - Water

Water Rent	4101-0100	\$	1,041,661
Water Adjustments	4101-2200	\$	(500)
Waterline Extensions	4131-0100	\$	10,000
Service Connections	4131-0200	\$	10,500
Interest on Water Savings	4131-0300	\$	360
Miscellaneous	4131-0400	\$	500
Availability Fees	4131-0500	\$	26,000
Total Fund 80		\$	1,088,521

TOTAL ALL FUNDS**\$ 7,740,969**

<u>Expenditure Name</u>	<u>Number</u>	<u>FY'16</u> <u>Expenditures</u>
FUND 10 - General Fund		
<i>Fund 10 - General Fund/Department 50 - General Government</i>		
<u>Salaries</u>		
Mayor	5010-0101	\$ 4,800
Council	5010-0102	\$ 23,040
Town Office Staff	5010-1001	\$ 450,784
Emergency Medical Staff	5010-1002	\$ 308,442
Overtime	5010-1003	\$ 35,000
	<i>Subtotal</i>	\$ 822,066
<u>Benefits</u>		
Social Security	5010-2001	\$ 62,888
Hospitalization	5010-2101	\$ 70,410
Retirement	5010-2201	\$ 87,843
Life Insurance	5010-2202	\$ 2,020
Blood Bank	5020-2102	\$ 50
Unemployment - All Employees	5020-2103	\$ 6,400
	<i>Subtotal</i>	\$ 229,611
<u>Expenses</u>		
Bank Charges	5030-3100	\$ 3,750
Building Administrator Expense	5030-3101	\$ 100
Cleaning	5030-3102	\$ 14,748
Planning Commission	5030-3103	\$ 40
Board of Zoning Appeals	5030-3104	\$ 40
Building Permit Surcharge	5030-3105	\$ 900
Board of Building Code Appeal	5030-3106	\$ 25
Emergency Medical Clothing	5030-3107	\$ 2,400
EMS Cell Allowance	5030-3108	\$ 1,500
Insurance	5030-3401	\$ 109,000
Auditing	5030-3501	\$ 24,500
Donations	5030-3601	\$ 6,600
Fire Department Donation	5030-3602	\$ 29,050
Civic Center (TOTAX)	5030-3701	\$ 110,000
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$ 69,877

ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	12,000
Office Equipment/Software Maintenance	5030-4402	\$	29,000
Postage	5030-4403	\$	11,360
Tax Bills & Conversion	5030-4404	\$	1,500
Motor Vehicle License	5030-4501	\$	1,650
Travel & Training	5030-4801	\$	4,500
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	1,000
Town Manager's Expense	5030-4903	\$	250
Attorney/Legal Consultants	5030-5101	\$	50,600
Drug/Alcohol Testing	5030-5201	\$	1,500
Christmas Dinner	5030-5501	\$	2,300
Dues	5030-6101	\$	4,400
VML Conference	5030-6102	\$	1,000
Advertising & Website	5030-7101	\$	11,245
Building Maintenance	5030-7301	\$	19,405
Electricity	5030-7401	\$	9,000
Heating Oil	5030-7402	\$	5,500
VA Fire Programs/CVFC	5030-7601	\$	10,000
EOC Operations/Training	5030-7602	\$	2,000
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	6,200
Deer D-Pop Program	5030-7703	\$	1,200
Telephone Bills	5030-8202	\$	27,500
Health Insurance - Retirees	5030-8401	\$	26,500
Insurance-Retiree, Spouses & Others	5030-8402	\$	7,500
Retiree Prescription Assistance	5030-8404	\$	5,500
Miscellaneous	5030-8501	\$	5,400
911 Addressing	5030-8505	\$	600
Cemetery Cleanup	5030-8600	\$	1,500
Va Commission for the Arts	5030-8700	\$	10,000
Transfer to Main Street Project	5030-8800	\$	10,890
Transfer to Trolley Fund	5030-8900	\$	24,000
VOLSAP For Volunteer Firemen	5030-8912	\$	2,805
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$	54,399
Recreation-Tourism Expense 1% of			
TOTAX	5030-8914	\$	194,800
	<i>Subtotal</i>	\$	944,834

Capital Improvements

Property Acquisition Reserve	5090-9704	\$	30,000
Office Equipment	5090-9709	\$	2,000
Bond - School Board Property	5090-9740	\$	27,446
Interest on Bond	5090-9741	\$	206
Consultant	5090-9750	\$	50,000
Software	5090-9760	\$	4,000
	<i>Subtotal</i>	\$	113,652

Subtotal Fund 10 Dept 50 **\$ 110,163**

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

Salaries

Salaries	6010-1001	\$	112,858
Overtime	6010-1003	\$	570
	<i>Subtotal</i>	\$	113,428

Benefits

Social Security	6010-2001	\$	8,679
Hospitalization	6010-2101	\$	10,875
Retirement	6010-2201	\$	14,446
Life Insurance	6010-2202	\$	500
	<i>Subtotal</i>	\$	34,500

Expenses

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,300
Street Signs / 911	6030-4502	\$	3,000
Street Lights	6030-4503	\$	23,692
Gasoline/Diesel	6030-4701	\$	34,000
Oil/Grease	6030-4703	\$	3,000
Tools Shop	6030-4704	\$	3,050
Travel/Training	6030-4801	\$	1,250
Clothing / Uniforms	6030-5202	\$	4,410
Building Maintenance	6030-7301	\$	2,500
Equipment Repairs	6030-7302	\$	14,850
Safety	6030-7303	\$	1,250
Vehicle PMs	6030-7304	\$	1,400
Tires	6030-7305	\$	2,300
Garage Supplies	6030-7306	\$	2,500
Vehicle Repairs	6030-7307	\$	6,500
Electricity	6030-7401	\$	6,500
LP Gas	6030-7402	\$	2,100

Tipping Fees	6030-7501	\$	1,250
Sanitation Contract	6030-7502	\$	365,054
Miscellaneous	6030-8501	\$	1,800
<i>Subtotal</i>		\$	482,206

Capital Improvements

Vehicle	6090-9101	\$	25,000
Consultant	6090-9103	\$	20,000
<i>Subtotal</i>		\$	45,000

Subtotal Fund 10 Dept 60 **\$ 675,134**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	37,235
Overtime	6110-1003	\$	500
<i>Subtotal</i>		\$	37,735

Benefits

Social Security	6110-2001	\$	2,887
<i>Subtotal</i>		\$	2,887

Expenses

Insurance	6130-3401	\$	8,100
Office Supplies	6130-4401	\$	200
Gasoline	6130-4701	\$	4,600
Tools & Small Equipment	6130-4704	\$	1,000
Chemicals	6130-4705	\$	46,000
Contract Spraying	6130-4706	\$	24,000
Travel/Training/Conference	6130-4801	\$	300
Uniforms	6130-5202	\$	300
Sundry	6130-6101	\$	450
Equipment Repairs/Maintenance	6130-7302	\$	2,000
Safety Equipment	6130-7303	\$	400
Vehicle Maintenance	6130-7304	\$	1,000
<i>Subtotal</i>		\$	88,350

Capital Improvements

Equipment	6190-9124	\$	8,000
Drainage	6190-9125	\$	15,188
<i>Subtotal</i>		\$	23,188

Subtotal Fund 10 Dept 61		\$	152,160
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Fund 10 - General Fund/Department 63 - Public Works Facilities

Salaries

Salaries	6310-1001	\$	205,000
Overtime	6310-1003	\$	1,600
	Subtotal	\$	206,600

Benefits

Social Security	6310-2001	\$	15,683
Hospitalization	6310-2101	\$	29,200
Retirement	6310-2201	\$	23,328
Life Insurance	6310-2202	\$	875
	Subtotal	\$	69,086

Expenses

Seasonal Decorations & Banners	6330-4100	\$	3,000
Tools	6330-4704	\$	900
Electricity	6330-7401	\$	3,900
Sundry	6330-8501	\$	250
Robert Reed Park Donations	6330-8510	\$	3,546
Park & Recreation Expense	6330-8590	\$	26,893
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	22,000
Boat Ramp Repair Reserve	6330-8701	\$	3,000
	Subtotal	\$	65,489

Capital Improvements

Playground Equipment	6390-9200	\$	35,000
	Subtotal	\$	35,000

Subtotal Fund 10 Dept 63		\$	376,175
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Fund 10 - General Fund/Department 65 - Public Works Roads

Salaries

Salaries	6510-1001	\$	119,773
Overtime	6510-1003	\$	2,000
	Subtotal	\$	121,773

Benefits

Social Security	6510-2001	\$	9,162
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Hospitalization	6510-2101	\$	19,200
Retirement	6510-2201	\$	14,469
VSRS/Life Insurance	6510-2202	\$	500
<i>Subtotal</i>		\$	43,331

Expenses

Snow Removal	6530-4102	\$	1,000
Pavement Maintenance	6530-4150	\$	276,172
Sidewalks	6530-4201	\$	60,000
Traffic Control Operations	6530-4202	\$	1,500
Roadside Services	6530-4250	\$	3,000
Drainage Maintenance	6530-6250	\$	50,000
Traffic Control Devices	6530-7202	\$	20,000
Electricity	6530-7450	\$	66,150
Engineering	6530-8600	\$	5,000
<i>Subtotal</i>		\$	482,822

Subtotal Fund 10 Dept 65 **\$ 647,926**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	506,000
Overtime	7010-1003	\$	8,500
<i>Subtotal</i>		\$	514,500

Benefits

Social Security	7010-2001	\$	39,010
Hospitalization	7010-2101	\$	51,520
Retirement	7010-2201	\$	67,303
Life Insurance	7010-2202	\$	2,300
<i>Subtotal</i>		\$	160,133

Expenses

Gasoline	7030-4701	\$	22,230
Travel/Training	7030-4801	\$	8,000
Uniform Allowance (Officers)	7030-5201	\$	6,000
Uniforms - Town	7030-5202	\$	2,500
Office Supplies/Equipment Maintenance	7030-7300	\$	7,000
Equipment Repairs & Supplies	7030-7302	\$	4,100
Vehicle Maintenance	7030-7304	\$	5,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	3,900

Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	10,000
Ammunition	7030-7907	\$	2,500
Cell Phone Allowance	7030-8203	\$	3,100
Police Accreditation	7030-8301	\$	4,000
Sundry	7030-8501	\$	1,000
	<i>Subtotal</i>	\$	104,330

Capital Improvements

Patrol Vehicle	7090-9650	\$	29,000
Surveillance Equipment	7090-9675	\$	40,000
Safe Routes to Schools Project	7090-9685	\$	500,145
	<i>Subtotal</i>	\$	569,145

Subtotal Fund 10 Dept 70 **\$ 1,348,108**

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$	190,000
Overtime	7510-1003	\$	2,200
	<i>Subtotal</i>	\$	192,200

Benefits

Social Security	7510-2001	\$	14,354
Hospitalization	7510-2101	\$	17,175
Retirement	7510-2201	\$	15,200
Life Insurance	7510-2202	\$	590
	<i>Subtotal</i>	\$	47,319

Expenses

Travel/Training	7530-4801	\$	2,000
Uniform Allowance - Dispatchers	7530-5201	\$	1,600
Uniforms (Town for Dispatchers)	7530-5202	\$	500
Office Supplies/Equipment Maintenance	7530-7300	\$	14,000
Sundry	7530-8501	\$	150
	<i>Subtotal</i>	\$	18,250

Subtotal Fund 10 Dept 75 **\$ 257,769**

Total Fund 10 **\$ 5,567,435**

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$	2,000
Electricity	2030-7401	\$	1,250
	<i>Subtotal</i>	\$	3,250

Capital Improvements

Main Street Project Phase 2D	2090-9810	\$	594,000
	<i>Subtotal</i>	\$	594,000

Total Fund 20 \$ 597,250

Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$	30,143
Overtime	8010-1003	\$	200
	<i>Subtotal</i>	\$	30,343

Benefits

Social Security	8010-2001	\$	2,306
Retirement	8010-2201	\$	3,505
Life Insurance	8010-2202	\$	100
	<i>Subtotal</i>	\$	5,911

Expenses

Administrative Expense - Town	8030-3100	\$	7,210
Operation/Maintenance/Etc.	8030-7300	\$	33,649
Driveway Stones	8030-7305	\$	1,000
Fuel Purchase	8030-7315	\$	102,900
Sundry	8030-8501	\$	500
	<i>Subtotal</i>	\$	145,259

Capital Improvements

Parking Paving	8090-9134	\$	35,500
	<i>Subtotal</i>	\$	35,500

Total Fund 30 \$ 217,013

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	35,000
<i>Subtotal</i>		\$	35,000

Benefits

Social Security	3010-2001	\$	2,800
<i>Subtotal</i>		\$	2,800

Expenses

Insurance & Bonding	3030-3401	\$	2,800
Communication Service	3030-4400	\$	800
Printing & Reproduction	3030-4401	\$	2,200
Advertising & Promotion	3030-4402	\$	800
Education & Training	3030-4403	\$	1,500
Cleaning Supplies	3030-4404	\$	100
Supplies & Materials (Other)	3030-4406	\$	100
Memberships and Dues	3030-4407	\$	150
Travel & Meals	3030-4408	\$	1,500
Fuel and Lubricants	3030-4701	\$	9,000
Tires & Tubes	3030-4702	\$	600
Uniforms	3030-4703	\$	350
Parts	3030-4704	\$	750
Drug and Alcohol Testing	3030-5201	\$	1,300
Equipment Repairs/Maintenance	3030-7302	\$	7,000
Rent	3030-8505	\$	12,000
<i>Subtotal</i>		\$	40,950

Capital Improvements

Trolley & Van Purchase	3090-9001	\$	192,000
<i>Subtotal</i>		\$	192,000

Total Fund 70 **\$** **270,750**

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	237,978
Overtime	6210-1003	\$	3,578
Pump Duty	6210-1004	\$	16,097
<i>Subtotal</i>		\$	257,653

Benefits

Social Security	6210-2001	\$	19,710
Hospitalization	6210-2101	\$	30,040
Retirement	6210-2201	\$	30,461
Life Insurance	6210-2202	\$	1,142
	<i>Subtotal</i>	\$	81,353

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$	2,750
Postage	6230-4403	\$	4,000
Gasoline & Diesel	6230-4701	\$	5,600
Tools	6230-4704	\$	1,150
Chemicals	6230-4705	\$	13,913
Travel & Training	6230-4801	\$	2,500
Uniforms	6230-5202	\$	1,103
Dues/Licenses	6230-6101	\$	1,200
Building Maintenance/Rehab	6230-7301	\$	5,000
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	1,050
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	55,140
LP Gas	6230-7402	\$	575
Distribution & Repairs	6230-8101	\$	45,755
Supply Repairs	6230-8103	\$	17,375
Cell Phone Allowance	6230-8202	\$	2,200
Miss Utility	6230-8204	\$	1,000
Sundry	6230-8501	\$	200
Reimbursement to Fund 10	6230-8601	\$	85,669
Regulation Compliance	6230-8750	\$	4,500
State Groundwater Permits	6230-8770	\$	10,000
Transfer to Water Reserve	6230-8900	\$	4,504
Engineering	6230-9100	\$	5,000
	<i>Subtotal</i>	\$	271,184

Capital Improvements

Water Main Extensions	6290-9101	\$	5,446
Interest on Water Bond Supply Line	6290-9504	\$	10,304
Water Bond - Supply Line Main Street	6290-9505	\$	113,568
Water Bonds	6290-9506	\$	162,570
Interest on Water Bond	6290-9507	\$	39,055
Waterline Line Replacement	6290-9600	\$	12,000
Water Plant Distribution Upgrade		\$	122,888

Total Fund 80 \$ **1,088,521**

TOTAL ALL FUNDS	\$ 7,740,969
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WATER RATES, CHARGES AND BILLING FOR FY 16

A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$29 residential \$47 commercial	6,000 6,000	\$4.36 \$5.16
1	\$115	15,000	\$5.16
1.5	\$228	30,000	\$5.16
2	\$365	48,000	\$5.16
3	\$727	96,000	\$5.16
4	\$1,135	150,000	\$5.16
6*	\$2,272	300,000	\$5.16
8	\$3,634	480,000	\$5.16

*One meter currently in the system is to be charged \$6.52 per 1000 gallons over the allowed usage.

Connection Fees

New connections to the water system shall be charged at the rate below plus all additional related costs incurred by the town:

\$670 for a 5/8" or 3/4" Meter connecting pipe

\$1,176 for a 1" connecting pipe

\$1,570 for a 2" connecting pipe

Availability Fee Schedule

Meter Size (inches)	Availability Fee
5/8 & 3/4	\$3,708
1	\$9,270
1.5	\$18,540
2	\$29,664
3	\$59,328
4	\$92,700

6	\$185,400
8	\$296,640

Condominiums are charged an availability fee of \$3,819 per living unit but supplied by a master meter with the minimum billing based on the size of the meter.

Billing and other charges

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$75.00.
- 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
- An administrative fee will be applied to all Water main extensions, by the Town for a maximum of \$200 or 25%

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.

GENERAL GOVERNMENT FEES

Building and Zoning Permit Fees

Category	FY "16"
Res. New Construction: per sq ft	\$0.18
Res. New Const.: minimum fee	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00
Comm. New Construction: per sq ft	\$0.23
[plus \$5 per plumbing fixture (Chinco)]	
Comm. New Constr.: minimum fee	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00
Mobile Homes: per sq ft	\$0.18
Demolition of Structure: Residential	\$30.00
Demolition of Structure: Commercial	\$30.00
Removal/Installation fuel tanks:	
1000-3000 gallon capacity	\$115.00
Each additional 1000 gallon capacity	\$25.00
Installation of radio or communication tower:	
Up to 100 feet	\$115.00
Each additional 100 feet	\$45.00
Each Additional Attachment	
Piers or Bulkheads:	
Up to 300 linear feet	\$90.00
Each additional 100 linear feet	\$11.00

New Docks: per sq ft	\$0.18
Boat ramps & groins	\$115.00
Swimming Pools:	
Permanent Above-ground	\$60.00
In-ground	\$80.00
Commercial	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00
Installing New Sheathing-Residential while re-roofing	
Installing New Sheathing-Commercial while re-roofing	
Re-siding	\$45.00
Moved Buildings	\$80.00
For other work not listed:	
Residential	\$60.00
Commercial	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a
No inspection required	\$30.00
Inspection required:	
Per sq ft	\$0.13
Minimum fee	\$60.00
Appeals to the Board of Appeals	\$450.00
Administrative Fees:	
Lost permit (reissue)	\$30.00
Permit amendment (reissue)	\$30.00
Change of use	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00
For beginning constr. prior to obtaining BP:	
First offense	\$50.00
Second offense	\$200.00
Re-inspection fee	\$50.00
State Code Academy Surcharge	2.00%
Refunds: (% of amount paid)	
Permit issued, no inspections	75%
Foundation inspection completed	75%
Framing & foundation inspection completed	25%
Subdivision Review Fees (per each submitted plat):	
Up to 10 lots:	
Base fee	\$200.00
Each lot (in addition to base fee)	\$10.00
Over 10 lots or required new road construction:	
Base fee	\$500.00
Each lot (in addition to base fee)	\$20.00
Zoning Fees:	
Zoning inspections	\$0.00
Special use permit	\$450.00
Conditional use permit	\$1,500.00
Conditional use permit for Wind Mills	\$450.00
Variance application	\$450.00

Special use permit & variance application processed & presented at same time	\$540.00
Appeal decision of Zoning Administrator	\$450.00
Proposed rezoning change	\$730.00
Amendment to the zoning ordinance	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00
Site evaluation (subdivision)	\$100.00
Travel Trailer Park Fees:	
Up to 25 trailers	\$500.00
26-49 trailers	\$1,000.00
50 or more trailers	\$2,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Sign Permit Fees:	
Less than or equal to 25 square feet	\$45.00
Each sq ft in excess of 25 sq ft	\$1.00
Mobile Home Park Fees:	
4-25 mobile homes	\$1,000.00
26-40 mobile homes	\$2,000.00
41 or more mobile homes	\$5,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Transcript Fees (per page)	\$12.00
Document Fees:	
Comprehensive Plan	\$20.00
Zoning Ordinance	n/a
Subdivision Ordinance	n/a
Complete ordinances, incl zoning & subdivision	\$35.00
Excerpts from Ordinances & Other Town Documents: per page and/or double sided per page	\$0.10
Maps 36" x 44"	\$55.00
Contractors List (Class A & B)	\$0.00
New Address Fee	\$25.00
New Road Fee (at cost per MSAG)	cost
Elevators/Escalators/Lifts	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00
Carport or Garage: per sq ft	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00
Deck: per sq ft	\$0.18
Fence (> 8 linear ft. Total)	\$45.00
Fireplace	\$0.00
Foundation	\$60.00
<u>General Government Taxes and Fees</u>	
Real Estate Tax (\$___/100)	\$0.07
Tangible Property Tax (\$___/100)	\$0.85

Tangible Property Tax Relief (percent)	70%
Excise Tax; Meals (percent)	5%
Excise Tax; Transient Occupancy (percent)	4%
Vehicle Decals (annual)	\$27.00
Road Sudivision Review Fee	\$250.00
Side Walk Administrative Fee Maximum of \$200 or 25%	25%
Solid Waste Collection Fee (Residential per week)	\$2.00
Solid Waste Collection Fee (Commercial/Business per week)	\$2.00
Drainage Administrative Fee Maximum of \$200 or 25%	25%
Robert Reed Park, Fishing Vessels (per Day mon - fri)	\$15.00
Robert Reed Park, Fishing Vessels (per Day sat & sun)	\$30.00
Robert Reed Park, Recreational Vessels (\$ per ft. per Day)	\$1.00
Business License Minimum/Maximum	\$50/\$500
Retail, Repair, Personal, Business, Construction(\$0.13/\$100)	\$0.13
Wholesale (\$0.05/\$100)	\$0.05

7. Weekly Community Event Advertising

Mayor Tarr stated that last year they had an advertisement on CTG welcoming people to Chincoteague. He stated that after having a meeting of the nonprofits he asked Council if they would combine that with a weekly event of what's happening on Chincoteague and also promote the trolleys and parks. He added that the radio ad will change from week to week. He stated that the fee is about \$275 - \$300 per month for 3 months (July, August, September) as a trial period. He played a sample adding that it changes weekly.

Councilman Taylor motioned, seconded by Councilman Frese to approve the advertising through CTG not to exceed \$300 per month for 3 months. Unanimously approved.

Mayor Tarr stated that the Chamber advertises also and CTG will get with them for information and upcoming events.

8. Tennis Association Project Plan

Public Works Supervisor Spurlock stated that in the packet there is a copy of the Park Donation Form. He explained that there isn't a lot of detail because they haven't come up with a final design. He added that when they come up with the final design, he has to approve it. He gave the size details of the proposed backboard.

Councilman Ellis motioned, seconded by Councilman Leonard to approve the Park Donation from Mr. Richard Werksman, Treasurer of the Community Tennis Association an 8'x6' plywood backboard to be framed and attached to the court fence. Unanimously approved.

9. Consider Adoption of the State Motor Vehicle Code, Chapter 58, Traffic and Vehicles.

Town Manager Ritter explained that this is an annual adoption. He stated that this will go into effect July 1, 2015 and allows any changes in the State Code to be incorporated into the Town Code. He explained the minor changes.

Councilman Jester motioned, seconded by Councilman Leonard to adopt the State Motor Vehicle Code, Chapter 58, Traffic and Vehicles and to take effect July 1, 2015. Unanimously approved.

Chapter 58
TRAFFIC AND VEHICLES*
Article I. In General

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, ~~2014~~ **2015**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

Amendments to the above adopted and incorporated provisions of the laws of the Commonwealth of Virginia hereafter adopted by the Commonwealth of Virginia shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the Town.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2014~~ **2015**. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date

of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.
(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, **6-17-10**)

Sec. 58-3. Display of state license plate with current decal.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town.

10. Mayor & Council Announcements or Comments

Vice Mayor Richardson thanked Chief Mills for looking into the ruling of the electric cars for the rental places and for sending a copy to each Councilmember.

Councilman Leonard commented on the tragedy in the church in South Carolina. He expressed his condolences to those families.

Councilman Jester agreed. He also thanked Public Works Director Spurlock and staff for putting up the new playground equipment.

Councilman Taylor agreed that the playground looks good. He commented on how many people it takes in the community. He mentioned asking blessings for doing good.

Councilman Frese, regarding the tragedy in South Carolina, feels that the country is finally coming together against lawlessness and ungodliness. He is pleased to see the change.

Chief Mills advised that one of the officers has been helping at the Special Olympics. He stated that Officer Young will have a dunking booth the first two nights at the Carnival.

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

• **Real Property Issues**

Councilman Frese moved, seconded by Councilman Leonard to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss real property issues. Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3711(A)(1) 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- Ellis, Leonard, Richardson, Jester, Frese, Taylor

Nays- None

Absent- None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JULY 6, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr read a resolution:



A RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL

WHEREAS, Royce L. Jones served Chincoteague well for many years in many capacities; and

WHEREAS, he served faithfully as a member of the Town Council from 1996 to 2000, 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 Royce Jones, 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 published in the Chincoteague Beacon.

DATED this 6th day of July, 2015.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter, Jr., Town Manager

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Barbara Thackray from Coley's Lane, asked Council for help with drainage issues behind her property along Coley's Lane and Circle Drive. She presented Council with a letter that she read and a map showing the glade, drainage and ditch issues. She feels that the grade on her property and adjacent affected properties should be restored.

Councilman Taylor asked if the drainage was a Town easement.

Ms. Thackray was unsure. She further explained the map.

Councilman Taylor advised that the Town has to find out if there is a drainage easement. He feels that if there isn't, there probably should be.

There was discussion between Councilman Taylor and Roads Supervisor Fitchett regarding the drainage along Deep Hole Road and Chicken City Road.

Mayor Tarr stated that he will ask Public Works Director Spurlock and Roads Supervisor Fitchett to investigate this matter and report back to Council at the next meeting.

- Mr. Ray Rosenberger thanked the Eastern Shore Post and would like to see the Eastern Shore News and Beacon will follow suit. He advised that the Tidewater Emergency Medical Council recognized Mr. Bryan Rush as a stellar performer/leader for the Tidewater region. He stated that it was well deserved.

- Mrs. Mitzi Fitchett discussed the bicycles, mopeds and golf carts on the causeway. She expressed her extreme concerns as there could be a fatal accident because of this. She feels it's a matter of time before someone gets hit or a head-on collision occurs. She pleaded with Council to work with the County and the State to stop bicycles, mopeds and now golf carts on the Causeway.

Councilman Jester advised that he spoke with Chief Mills about 2 mopeds traveling 30 miles per hour on the causeway toward the Island. He added that there was a long line of traffic passing on double lines.

Mayor Tarr stated that mopeds and golf carts are illegal on the Causeway.

Chief Mills stated that golf carts aren't allowed on any road. He added that the low speed vehicles aren't allowed on a road if the speed limit is more than 25 miles per hour. He stated that there is no law that stops a bicycle from driving there. He doesn't believe that there is a law about mopeds but will check into it.

Roads Supervisor Fitchett stated that there used to be a minimum speed posted of 45 miles per hour.

Chief Mills advised that if the minimum speed was posted they could enforce it.

Mayor Tarr advised that they sent a letter requesting a minimum speed limit sign to be posted on the Causeway about a year ago. He stated that the engineers conducted a study and turned the request down.

Councilman Frese asked if there was a law regarding the speed limit on a limited access highway. He feels that the Causeway is a limited access highway.

Chief Mills stated that there is none to his knowledge. He explained that this refers to an interstate highway. He stated that the quickest way to get the most results is for the Police Department to visit the local moped rental businesses. He suggested asking them to develop their own policy telling their renters not to ride the mopeds on the Causeway or at least recommend that they don't.

Mayor Tarr asked Chief Mills to research the moped laws.

Chief Mills added that the low speed vehicles are not allowed on the Causeway at all because the speed limit is 40 miles per hour.

Mayor Tarr asked Town Manager Ritter to research the last time the Town sent a letter regarding the minimum speed limit.

There were brief comments.

Mayor Tarr advised that the Town is working on a grant with Accomack County, the Park Service and Fish & Wildlife to get a shoulder/bicycle route on Rt. 175 out the Rt. 13. Councilman Leonard mentioned the TEA-21 Grant “Bikes Belong” to help get a bike path along the Causeway.

STAFF UPDATE

Police Department

Chief Mills stated that the Police Department had an increase of 47 calls for service in June. He added that the Park Service had increased calls also.

Councilman Leonard asked Chief Mills that due to the lack of inspection stations, if there was any leeway on the state inspection stickers.

Chief Mills stated that the Code doesn’t allow anything but it is at the discretion of the officer. He added that he has been discussing ideas with Mr. Rush that will help the Town with fleet inspections. He also stated that he will discuss this with Assistant Chief Lewis as he has experience and contacts with the State Police.

Councilman Leonard asked if the citizens know where to go.

There was discussion regarding the mainland inspection stations and the feasibility of fleet inspections.

Mayor Tarr asked Chief Mills for a list of all inspection stations within Accomack County.

Chief Mills advised that he would gather that information.

Public Works Department

Roads Supervisor Fitchett advised that the report is in the packet.

Mayor Tarr stated that the mosquitoes are bad.

Planning Department

Town Manager Ritter reported for Town Planner Neville that in the packet there is a Planning Commission recommendation report. He reviewed the recommendations.

General Government

Town Manager Ritter reported that EMS responses were 97 for the month of June which were 11 more than June of 2014. He stated that they had 42 ALS calls and 38 BLS and all other calls were 17. He mentioned that they have added wind speed to the tide gauge. He also reported on the progress of the Robert Reed extension project which is on hold until the pavilion, benches and tables arrive. He explained the parking issues causing signage for 2 hour parking to go up. He discussed the end of fiscal year transfers. Town Manager Ritter reported that the newsletter will go out in this week’s Beacon.

Vice Mayor Richardson complimented Town Planner Neville and the Planning Commission on the information.

Councilman Ellis asked about the revision in wording of the Fire Alarm Ordinance.

Town Manager Ritter stated that Town Attorney Burge gave her recommendation and Mr. Rush reviewed and commented on those revisions. He added that they need to discuss this with Town Attorney Burge at the next regular Council meeting.

Councilman Ellis also asked about the cost of the appeal to the Board of Zoning Appeals.

Town Manager Ritter advised that it is on his desk to review.

Councilman Ellis mentioned the discussions regarding the Waterman's Memorial and getting back with Mrs. Bott.

Town Manager Ritter stated that the actual sign was ordered about a month and a half ago. He added that they are still in the process of having the sign redone. He stated that young Mr. Bott had extra money that will cover the new sign and it will be placed on the hill.

Councilman Taylor stated that Council beats-up on Town Manager Ritter, however he treats the Town and its funds like it's his own. He complimented Town Manager Ritter on a good job of managing the Town.

Town Manager Ritter stated that he didn't want to take all of the credit. He added that the Town has excellent staff.

Councilman Taylor agreed.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

- 1. Consider Adoption of the Minutes**
 - **Regular Council Meeting of June 1, 2015**
 - **Special Council Meeting of June 18, 2015**

Vice Mayor Richardson advised that on page 8, item 5 of the packet, instead of the VFW it should be the American Legion Auxiliary.

Councilman Leonard motioned, seconded by Councilman Ellis to adopt the minutes of the June 1, 2015 and June 18, 2015 Special Council Meeting as corrected. Unanimously approved.

- 2. Public Safety Committee Report of June 4, 2015**

Mayor Tarr advised that the report is included in the packet. He stated that Mr. Rush was supposed to be in attendance to receive his award. He stated that he was working on his 4th of July event duties and was unable to attend.

Councilman Jester stated that congratulated Mr. Rush.

- 3. Budget and Personnel Committee Report of June 8, 2015**

Mayor Tarr advised that the report is included in the packet.

- 4. Mayor & Council Announcements or Comments**

Councilman Jester mentioned the wayside stand and stated that the Town should require some sort of apron or pavement set back from the bike path.

There was discussion regarding the apron requirements.

Councilman Jester suggested defining the material. He also stated that there should be an Ordinance about sunken boats within the corporate limits of the Island. He asked if the Town could talk to the VMRC. He suggested looking at the Ordinances from Cape Charles and Virginia Beach.

There was further discussion and staff was instructed to research this matter.

Councilman Ellis commended Mr. Rush as the Tidewater's Region Nominee for the EMS Administrator. He also mentioned the traffic control officer at Maddox and Main Street. He feels he is doing an excellent job.

Councilman Taylor advised of internet speed complaints. He asked if anything can be done.

Town Manager Ritter stated that Mr. Ronald Banks with Eastern Shore Communications will attend the next meeting to give an update of what's going on here. He stated that there is Eastern Shore Communications, Charter and Verizon. He mentioned issues this past weekend with Verizon.

Councilman Taylor thanked all the Town employees. He added that he appreciates all they do.

Councilman Frese asked if there was any information regarding the fiber optic.

Town Manager Ritter explained that Eastern Shore Communications is operating off of the broadband. He stated that they will be at the next Council meeting on August 3rd for a presentation of what they're doing on the Island.

Mayor Tarr stated that there is a new wireless service currently operating in Exmore. He added that Eastern Shore Broadband has recently lowered their rates which may open up other avenues for others to go into business also.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE AUGUST 3, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATIONS

Mayor Tarr asked Chincoteague High School Varsity Baseball Coach, Will Thompson to bring the Ponies Baseball team before Council. He read and presented them with a Certificate of Recognition for all their hard work this past season. He advised that the certificate has the names of all the players.

Coach Will Thompson thanked everyone. He advised that the team worked very hard with only 2 days off the entire season. He stated that they worked Monday through Saturday and he praised their hard work and dedication. He thanked everyone for all of their support.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Tim Landolt, Vice President of Oyster Bay II Property Owners Association, came before council regarding a dispute with another board member, Mr. Phillip Ettinger who was also present. He explained that this is in reference to access to parcel E which abuts Oyster Bay II property along Hibiscus. He discussed this matter further asking that Council reconsider earlier determination of access for parcel E.

- Mrs. Jean Hubbard read a lengthy letter regarding multiple concerns of Mr. Ettinger's access to Oyster Bay II, Hibiscus.

- Mr. Jeff Shelton also an Oyster Bay II property owner, expressed his concerns regarding the new owners of the condos not being obligated financially or otherwise to the Oyster Bay II community.

- Mrs. Peggy Thomas asked about a tent that put up a few years back in the yard at her mobile home park. She stated that they allowed the kids to sleep in it. She stated that Building and Zoning Administrator Lewis advised the family they couldn't do this and made them take it down and they did. She also stated that on the 4th of July weekend she saw a pop-up camper pull

into the mobile home park. She stated that they set up all the way back near the cemetery. Mrs. Thomas stated that she told them this was against the law. She then stated that she contacted Building and Zoning Administrator Lewis of this. She advised that he contacted the police to have it removed. She added that a week later it was still there. She asked if this law has changed.

Mayor Tarr advised he couldn't answer this question. He asked Chief Mills if he was aware of this situation.

Chief Mills responded that he was unaware and would check the log and look into it.

Mayor Tarr stated that they will meet with Building and Zoning Administrator Lewis and Chief Mills about this.

Mrs. Thomas felt it was her duty to contact the Town but nothing was ever done.

- Mrs. Cathy Bradley, also a member of Oyster Bay II Board of Directors, discussed the issues with Mr. Ettinger and parcel E along Hibiscus. She requested that Council support their Association to keep their private community private.
- Mr. Pete Steffes explained a possible safety issue traveling north on Main Street near Savage Street. He advised that it is a left curve with a house on the left with a car parked in that small space along the road and a vehicle across the street causing it difficult to pass. He asked if someone would look into this.
- Ms. Theresa Bulger with the Swan Gut Ladies Club on Filmore Street stated that the folks they want to thank are the water meter readers. She stated that there are 4 of them and she gave gifts of flashlights for each of them. She thanked everyone.
- Mr. Phillip Ettinger explained his connection with Oyster Bay II Homeowners' Association along with the issues regarding access to his parcel.
- Mr. James Smith doesn't feel that Mr. Ettinger should have the last word. He commented about Mr. Ettinger's intentions and added that no one in the community is against development.
- Mr. Jeff Shelton responded to a remark made by Mr. Ettinger.
- There was further comments and a question if the zoning could be reversed.
- Mr. Ettinger presented a copy of a 1972 version of his plat that created the easement.
- Mr. Shelton stated that the Oyster Bay II Board of Directors are not going to allow access to their property. He stated they've put up a fence. He added that he has nothing personal against Mr. Ettinger.

Councilman Taylor asked about the private property between the road and Mr. Ettinger's property.

Mr. Shelton advised they own the swale and 15' across that.

Mayor Tarr stated that one part of the response from Mr. Poulson was that in any way it was a private property legal issue between 2 entities to iron out access to that parcel.

Council reviewed the plat.

Town Attorney Burge stated that she reviewed Mr. Poulson's letter. She agreed that private development with private roads and matters between owners of adjoining property remains a private and civil matter. She stated that she asked Town Manager Ritter if at the time of rezoning were there any written proffers. She added that he indicated that there were none. She also stated that she asked if there was any additional zoning and was told there was none. She understands that this was a straight up rezoning and this is a private matter between the Oyster Bay II Homowners Association and the property owner whose property was not subject to the covenants and restrictions of the earlier development.

Councilman Taylor asked about the 15' gap. He stated that if he wanted to have a subdivision he can't leave a 1' strip. He stated that when a developer puts in a subdivision and all the property is touching the road it is assumed he has the right to access unless it is specified. He added that if the property abuts the easement then it's assumed.

Town Attorney Burge added that you can't confuse the road with the easement area.

Councilman Taylor commented.

Mr. Shelton stated that their attorney is disputing this. He stated that one of the grievances is that the parties would come to an agreement as part of the zoning. He added that no agreement has come forward. He stated on the right side as you come in, they own the swale, they own the property. He added that he segregated the properties.

There were a couple of questions and comments from Council.

Mr. Shelton asked Council to reconsider rezoning that property and find another access to that property.

Mayor Tarr stated that this is a private property matter.

Councilman Frese asked how the road is deeded.

Councilman Taylor stated that it is probably still in the name of the developer.

- Someone stated that their attorney found that there is nothing in any land deed for Oyster Bay II to parcel A, B, C, D or for parcel E that conveys the rights to use Oyster Bay II roads.

Councilman Taylor stated that this is exactly his point and it was built back in the 70's. He added that this is how it was done with no deed for the right to use the road.

There were a few more comments from Council

Mayor Tarr closed the public participation.

STAFF UPDATE

Police Department

Chief Mills stated that Council has the monthly report in the packet. He advised that they had 471 calls for service and 38 investigations.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that he successfully acquired the annual amount of salt for the roads.

General Government

Town Manager Ritter reported that EMS responses were 108 for the month of July which were 3 more than July of 2014. He stated that they had 45 ALS calls, 44 BLS and all other calls were 19.

Supervisor Rush added that next month's report will reflect the additional calls they were able to handle due to the additional shift they've added. He stated that there were only 5 medical assists from the mainland for the month of July.

Town Manger Ritter stated that the Robert Reed extension project will be finalized in August. He added that they decided to use sod instead of grass. He stated that for the month of July Meals Tax is up \$49,000 and Transient Occupancy is up \$48,000.

Planning Department

Town Manager Ritter reported for Town Planner Neville. He advised that the CCP is scheduled to be released in September. He stated that at the workshop they will be discussing this issue.

Councilman Jester asked about switching the service bridge.

Supervisor Rush explained that the service bridge is the patient care reports. He stated that they were using Accomack County for this. He explained that they did not want anyone other than county employees on their server. He stated that they developed their own and are in the process of getting that data moved over.

Councilman Jester asked about the tide gage and if they can still obtain the tide reading.

Town Manager Ritter advised he put a link to the tide gage under Recreation on the webpage.

Supervisor Rush explained what they will see and stated that NOAA is interested.

There were further comments.

Councilman Jester thanked Supervisor Rush for sticking with it.

Councilman Taylor thanked the Fire Company and EMS for helping and the care of his daughter. He stated that they are all near and dear to his heart.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

• **Regular Council Meeting of July 6, 2015**

Vice Mayor Richardson motioned, seconded by Councilman Leonard to adopt the minutes of the July 6, 2015 as presented. Unanimously approved.

2. Certificate of Appreciation of the History Tour Founders

Mayor Tarr read and presented Certificates of Appreciation for Mr. Ronald Mason and Ms. Nancy Payne for their dedicated service and hard work in founding the History Tour.



CERTIFICATE OF APPRECIATION

Presented to

RONALD MASON

for countless hours of dedicated service to the envision, organize and implement the Town of Chincoteague's History Tour aboard the Pony Express. This program has provided many visitors with a greater understanding of our community.

Dated this 6th day of July, 2015.

Mayor John H. Tarr



CERTIFICATE OF APPRECIATION

Presented to

NANCY PAYNE

for countless hours of dedicated service to the envision, organize and implement the Town of Chincoteague's History Tour aboard the

Pony Express. This program has provided many visitors with a greater understanding of our community.

Dated this 6th day of July, 2015.

Mayor John H. Tarr

3. Certificate of Special Recognition to Mr. Bryan Rush

Mayor Tarr advised that Mr. Rush was the recipient of the 2015 Bruce W. Edwards, Outstanding EMS Administrator Award. He stated that Supervisor Rush was nominated by his EMS staff. He asked Paramedic Holloway to explain a little about the program.

Paramedic Holloway thanked Council for allowing them to attend the meeting to recognize one of their deserving recipients on the Eastern Shore. He explained that the Tidewater EMS Council represents all the EMS agencies in several municipalities in several Tidewater cities as well as 4 counties in the Tidewater area. He stated that they give awards each year to deserving EMS providers, instructors and administrators in recognition for their service in the EMS field.

Paramedic Holloway told of the awards ceremony which is done at a regional awards picnic. He stated that this year they were at Harbor Park in Norfolk, VA. He reported that they had a local recipient who was nominated by his EMS staff. He read:

“Ernest Bryan Rush has been a career EMS supervisor for Chincoteague since 1993.

Approximately 15 years he assumed the dual role of Emergency Management Coordinator on a daily basis. Bryan manages the daily operations of the Town’s EMS Division, which has grown from 2 employees in 1992 to the current staff of 9 employees. During the growth Bryan has instilled in his staff the key concepts of high quality patient care and compassion. Bryan’s work is largely responsible for the successful career, volunteer combination staff and system that serves Chincoteague Island today. Bryan is a detail oriented individual whether it’s conducting morning equipment checks or planning budgets, no detail is left unturned. If Bryan is on a project, he is highly respected not only in his division and local government but is respected in the County region as being a leader, friend, EMS and emergency management fields. Bryan has served as an EMT since 1990, later gaining ST, CT and paramedic certifications. He served as an EMT instructor until recently and is very active in the emergency management field and serves as the Town’s Emergency Management Coordinator under Emergency Management Director, Mayor John Tarr. In addition to his leadership in the EMS and Emergency Management fields, for the last 3 years Bryan has served as chairman of the Eastern Shore Disaster Preparedness Coalition, a group representing multiple assets and conducts quarterly meetings to plan for disaster responses in the local community.

Bryan also serves on the Town of Chincoteague’s Public Safety Committee and has previously been active with the Accomack County Fire Rescue Commission. Bryan Rush is known in this organization, the local government and regional circles as a manager and a leader. He leads by example and despite his many administrative obligations still functions as an active paramedic and until recently an EMS instructor. Bryan has the full respect of his coworkers both under and above him and manages an EMS Division that has one of the lowest turnover rates in the business. Bryan has been instrumental in the career EMS Division that works and functions in a combination system utilizing a volunteer fire station and equipment. Although, many arrangements like this nationally have failed Bryan has been successful in working with the

Chincoteague Volunteer Fire Company volunteers to deliver the highest quality patient care for the citizens and residents of Chincoteague Island and surrounding communities. Just recently he worked with CVFC management on a proposal to increase staffing for the busy summer months on request from the Chincoteague Volunteer Fire Company. Bryan Rush has one objective in EMS that being the care delivered to each individual patient. In a time when EMS systems were driven by data and response information Bryan has never lost sight of the individual patient and strives to make sure regardless of whether it is himself or one of his 9 staff members delivering the care that it is the best possible care for each individual patient.”

Paramedic Holloway stated that this is why they nominated Supervisor Rush and are pleased to announce that the 2015 winner of the Bruce W. Edwards Award for outstanding EMS Administrator in the Tidewater Region is Supervisor Bryan Rush.

Supervisor Rush received a round of applause.

Mayor Tarr asked Supervisor Rush to come forward. He stated that he felt it was appropriate to have those who nominated him be present this evening also.

Paramedic Holloway added that in addition to receiving this award, Supervisor Rush is automatically qualified for the Governor’s state EMS Award in the same category that they presented in November at the Virginia EMS Symposium in Norfolk. He stated that they look forward and hopefully bring back a state winner in that category. He read and presented a Certificate of Special Recognition to Mr. Bryan Rush for his outstanding service.



CERTIFICATION OF SPECIAL RECOGNITION

ERNEST “BRYAN” RUSH

WHEREAS, Ernest “Bryan” Rush has served the Town faithfully as a Paramedic since 1992, EMS Supervisor since 1993, and adding the responsibilities of Emergency Management Coordinator in 2004 and,

WHEREAS, The Tidewater EMS Council, representing the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, and Virginia Beach, along with the Counties of Accomack, Isle of Wight, Northampton, and Southampton recently selected Ernest “Bryan” Rush as the recipient of the 2015 Bruce W. Edwards Outstanding EMS Administrator Award as nominated by his EMS staff and,

WHEREAS, throughout his career with the Town of Chincoteague, Mr. Rush has worked diligently to assure the safety and well-being of the citizens and visitors of Chincoteague Island.

NOW, THEREFORE, I, John H. Tarr, as Mayor and speaking on behalf of Town Council and all our citizens, do hereby convey to Ernest “Bryan” Rush our congratulations for such a well-deserved recognition.

DATED this 3rd day of August, 2015.

John H. Tarr, Mayor

Again Supervisor Rush received a round of applause.

Supervisor Rush thanked Mayor Tarr, the Town Council and everyone in attendance. He stated that this is a long way since working in Public Works in 1990.

Mayor Tarr thanked Supervisor Rush and added that the community is a much better place because of him.

4. Certificate of Recognition Farmers Market Week

Town Manager Ritter explained that the Cultural Alliance has taken over the Farmers’ Market which has grown over the past couple of years. He added that the state has recognized a Farmers’ Market Week and staff has put together a proclamation. Town Manager Ritter read the Proclamation of Farmers Market Week.



Town of Chincoteague Proclamation

Virginia Farmers’ Market Week, August 2-8, 2015

To recognize Virginia Farmers’ Market Week 2015 in the Commonwealth of Virginia and the continued tradition of a Farmers’ Market in the Town of Chincoteague.

WHEREAS, farmers’ markets play a vital role in giving farms direct access to consumers and consumers direct access to farmers; and

WHEREAS, farmers’ markets provide the public with a convenient, fresh, competitively-priced source for high quality fruits, vegetables, eggs, honey, herbs, flowers, organic items, cheeses, baked goods, meats, seafood, homemade preserves and more; and

WHEREAS, farmers’ markets reinforce and maintain community identity and help to foster new businesses and encourage and support the growth of new entrepreneurs; and

WHEREAS, the economic impacts of farmers’ markets include direct benefits to farmers and business owners, but also indirect benefits to the community in stimulating downtown revitalization, enhancing parks and waterfronts and preserving farmland through economic viability; and

WHEREAS, farmers’ markets are good for the economy, good for consumers’ health and good for the community; and

WHEREAS, through the hard work and support of the Chincoteague Cultural Alliance, Chincoteague Island benefits from a farmers’ market on Saturdays from April to October and Wednesdays from May to September;

NOW, THEREFORE, BE IT RESOLVED that the Town of Chincoteague joins Virginia Governor Terrance R. McAuliffe in formally recognizing August 2-8, 2015, as Virginia Farmers' Market Week in Chincoteague Island, Virginia.

Given under my hand and Seal of the Town of Chincoteague, Virginia this 3rd Day of August, 2015.

John H. Tarr, Mayor

5. Update on the Island Wireless Broadband by Eastern Shore Communications

Mayor Tarr welcomed Mr. Ronald Van Geijn.

Mr. Van Geijn, President of Eastern Shore Communications, advised that they've provided service for Chincoteague since 2013. He stated that recent developments have allowed them to maximize and deliver better service. He explained that the frequencies cause in a delayed performance. He feels it's time to look at expanding on the north and south side of the island. He stated that they are on Main Street near the high school and to the south to about Waterside. He further discussed expansion. He advised they have discussed a solution for expanding the broadband to Eastside also.

Councilman Jester asked if they could use different frequencies.

Mr. Van Geijn advised they couldn't. He explained further. He also discussed utilizing the existing frequencies.

There were further comments.

Councilman Taylor expressed the need and requests for the high speed, uninterrupted internet service throughout the island.

Mr. Van Geijn explained that it takes some time. He believes that by next summer the island will receive an increase in megabits. He mentioned different sites.

There was further discussion.

Mayor Tarr asked if the sites would have to be generator powered.

Mr. Van Geijn advised it doesn't. He thanked the Town Council.

6. Discuss Changes to Chapter 26, Fire prevention and protection, Article III, False Alarms

Town Attorney Burge advised that there is a draft ordinance in the packet. She stated that she talked with a number of colleagues looking at other ordinances and penalties pertaining to these ordinances. She incorporated Supervisor Rush's draft with other municipalities along with the penalties. She stated that the Ordinance presented in the packet has two levels and it has addressed Councilman Frese's misdemeanor concerns. She was able to review the statutory sections. She advised that after further research the only other section for a penalty where there isn't already a penalty given speaks to a Class I misdemeanor. She and her colleagues feel they need to leave this. She added that they don't have to pursue this. She explained that a Class I misdemeanor is a fine of up to \$2,500 and can include jail time. She added that a Class 4

misdemeanor is a fine not more than \$250.00. She invited Supervisor Rush and Town Manager Ritter to comment also.

Town Attorney Burge also stated that the civil penalty applies everywhere and the criminal penalty only applies in a couple of sections. She referred to Sections 26-46, Penalty. She stated that the sections the Town would impose is the failure to train people to use and maintain the system. She added that another is to sell and install a system without prior approval. She stated that anything else is a Class 4 misdemeanor. She stated that when the false alarm occurs it allows the Town to go to the user, not the installer or the operator. She asked for questions.

Councilman Frese thanked Town Attorney Burge for taking his concerns into consideration.

Councilman Jester feels it makes sense.

Town Attorney Burge advised that it has been her practice to do the Resolution at the beginning of the Ordinance so that it establishes the authority.

Councilman Jester asked if there is any communication with the Fire Department.

Supervisor Rush advised that he has sent forms that the Chief Officers will have on the equipment to fill out. He stated that Town Attorney Burge has reviewed the forms so that they can capture as much of the information in the event that the Town needs to take legal action. He added that it isn't their intent to make money off of the event but to make sure the owners are doing the maintenance on the system. He added that the fee structure is spelled out in the Ordinance and the sole responsibility is the Chief Officer.

Town Attorney Burge stated that compliance is the goal not penalty.

Councilman Jester feels that the owners need to be educated prior to implementation of the Ordinance.

Supervisor Rush advised that his goal is to have the Chief Officers briefed on the Ordinance and their responsibilities by the 3rd Monday of this month.

Mayor Tarr feels the Town should make an effort to educate and hand deliver some who have been a problem. He added that the alarm companies should also be sent a copy of the new Ordinance.

Town Attorney Burge stated that if the Ordinance meets Council's approval, she submits the Ordinance for adoption and approval.

Councilman Jester asked about the effective date.

Supervisor Rush recommended, September 1st to have time to put out the information to the alarm users and make sure the Fire Department knows their responsibilities.

Town Attorney Burge suggested amending the effective date.

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the changes to Chapter 26, Fire Prevention and Protection, Article III, False Alarms. Unanimously approved.

Councilman Frese motioned, seconded by Vice Mayor Richardson to amend the effective date to September 1, 2015. Unanimously approved.

TOWN OF CHINCOTEAGUE, VA

August 3, 2015

**AN ORDINANCE REGULATING ALARM SYSTEMS IN
THE TOWN OF CHINCOTEAGUE, VA**

WHEREAS, the Town Council of the Town of Chincoteague desires to promote the public health, safety, and welfare of the residents of the Town of Chincoteague; and

WHEREAS, under the authority of § 15.2 – 1102 (Uniform Charter Powers), the Town Council of the Town of Chincoteague may exercise its powers to secure and promote the general welfare of the inhabitants of the Town as well as the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the Town and its inhabitants ; and

WHEREAS, it is declared to be in the public interest to exercise those powers to regulate fire alarm systems of the Town of Chincoteague; and

WHEREAS, under the authority of §15.2 – 911 of the Code of Virginia, the Town of Chincoteague may enact an ordinance to regulate the use of alarm systems;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Chincoteague that the following provisions be enacted regulating alarm systems in the Town of Chincoteague.

State law references; Uniform Charter Powers, § 15.2- 1102; Regulating alarm systems, §15.2- 911.

Chapter 26

**FIRE PREVENTION AND
PROTECTION**

Article III. - False Alarms.

Sec. 26-40. - Purpose. Sec. 26-41. - Definitions. Sec. 26-42. - Penalty. Sec. 26-43. Training of persons using system; maintenance of system. Sec. 26-44. - Automatic dialing devices. Sec. 26-45.- Deliberate false alarms. Sec. 26-46. - Service fee for false alarms. Sec. 26-47 – Exceptions. Sec. 26-48. – Billing; interest on unpaid charges.

Sec. 26-40. - Purpose.

The purpose of this article is to reduce the number of nuisance fire alarms and thereby protect

public safety by minimizing unnecessary use of the Town's emergency services (Volunteer Fire Company and Emergency Medical Services Division). This Article governs the installation and maintenance of alarm systems, establishes service fees for false alarms and provides a system of administration.

Sec 26-41. - Definitions.

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

Alarm system means any device or system, including but not limited to an answering service, automatic dialing service or indirect alarm transmittal system, which transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods which indicates a hazard or occurrence requiring urgent attention and to which law enforcement personnel or firefighters are expected to respond. The term "alarm system" shall not include a personal, direct telephonic call requesting emergency services.

Alarm user or user means the owner or occupant of premises protected by an alarm system.

Answering service means a telephone answering service that receives emergency signals from alarm systems and informs the Eastern Shore of Virginia 911 Communications Center.

Automatic dialing service means a device interconnected to a telephone line and programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Chief means any one of the volunteer fire department fire chiefs or their designee.

Commercial means any building/business required to have a Town Business License (Sec. 18-36)

False alarm means any alarm signal received by the Eastern Shore of Virginia 911 Communications Center which is not in response to an actual or possible emergency. False alarms include negligently activated signals, signals due to faulty, malfunctioning or improperly installed or maintained equipment, and signals purposely activated to summon fire, rescue and/or law enforcement personnel in non-emergency situations. False alarms do not include signals activated by unusually severe weather conditions, utility conditions or other causes which the chief determines were beyond the user's control.

Indirect alarm transmittal means any alarm system which causes a third party or answering service to notify the Eastern Shore of Virginia 911 Communications Center of an alarm activation.

Installer means any person who installs, services, monitors, sells or leases any alarm system.

Interconnect means to connect an alarm system to a voice-grade telephone line, either directly

or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Negligently activated signals means signals transmitted due to carelessness or negligence in installation, maintenance or operation of an alarm system, such signals being the result of the doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

Non-emergency situations means situations where an immediate response to a hazard or occurrence by fire personnel and/or rescue personnel is not deemed necessary to protect life or property.

Sec. 26-42. - Penalty.

Violations of Sections 26-43, 26-44, 26-45 and 26-48 shall be punishable as a Class 1 misdemeanor.

Any other violation of this Article shall constitute a Class 4 misdemeanor.

The Town Council may institute in the Circuit Court of Accomack County or in any other court of competent jurisdiction to restrain, enjoin or otherwise prevent a violation of this Article.

Sec 26-43. - Training of persons using system; maintenance of system.

It shall be the responsibility of alarm system users to provide training to employees, tenants or other persons about activation of the alarm system in emergency situations and about proper operation of the alarm system, including setting, activating and resetting the alarm. All instructions about alarm systems and procedures shall be in writing, suitable for distribution, and shall be available for inspection by the appropriate Town employees or agents of the Town herein being the chief of the Chincoteague Volunteer Fire Company Department. The user shall also be responsible for maintaining the alarm system in proper working order.

Sec 26-44. - Automatic dialing devices.

It shall be unlawful for any person to install, sell, lease, use or cause or allow to be installed, sold, leased or used, within the Town, automatic dialing devices or systems which are set or programmed to directly contact the Eastern Shore of Virginia 911 Communications Center without the prior approval of the Eastern Shore of Virginia 911 Communications Center and the Town's Building and Zoning Department.

Sec 26-45. - Deliberate false alarms.

It shall be unlawful for any person to knowingly activate or cause to be activated an alarm system in a non-emergency situation without just cause. This shall not prohibit periodic testing

of direct transmittal systems when the Eastern Shore of Virginia 911 Emergency Communications Center has been notified in advance.

Sec 26-46. - Service fee for false alarms.

Response by fire and/or rescue personnel to a false alarm shall result in fees in the following amount being assessed against alarm system users for false alarms resulting in response by fire and/or rescue personnel and occurring during any period of 365 successive days. Alarm system users shall pay such service fee for false alarms within thirty days of billing.

- A. Commercial Response by fire and/or rescue personnel:
 - 1. First false alarm... No charge
 - 2. Second false alarm... \$150
 - 3. Third false alarm... \$250.00
 - 4. Fourth false alarm... \$350.00
 - 5. Fifth false alarm... \$500.00 and each subsequent false alarm...
- B. Residential Response by fire and/or rescue personnel:
 - 1. First false alarm... No charge
 - 2. Second false alarm... No charge
 - 3. Third false alarm... \$50.00
 - 4. Fourth false alarm... \$100.00
 - 5. Fifth false alarm... \$200.00 and each subsequent false alarm...

26-47. - Exceptions.

Service fees shall not be charged for false alarms from alarm systems in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity. However, all other requirements of this article shall apply to such systems.

26-48. - Billing; interest on unpaid charges.

The chief shall notify the Town's Emergency Management Coordinator of each false alarm to which they respond by submitting the designated report form (EMFA-Form 1) and such information shall be retained and maintained by the Emergency Management Coordinator. At the end of each month, the Emergency Management Coordinator shall notify the Town Manager of the Town of Chincoteague of service fee assessments for false alarms by submitting form EMFA-Form 2. The form shall provide the date of the each false alarm, name of the alarm system user, the address of the false alarm, and the amount due for the false alarm. The Town of Chincoteague Town Manager shall bill for any due service fees. Any account more than thirty days in arrears shall be subject to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than thirty days in arrears. All monies collected as a result of enforcement of this ordinance shall be earmarked for Emergency

Management (EOC Operations/Training).

26-49. Effective date.

This ordinance shall become effective September 1, 2015.

John H. Tarr, Mayor

Attest:

Robert Ritter, Town Manager

Mayor Tarr thanked Town Attorney Burge for her work on this matter.

7. Mayor & Council Announcements or Comments

Vice Mayor Richardson addressed parking on Pension Street near the stop sign at Church Street. She stated that years ago there was no parking from Union Baptist Church's Pension Street entrance to the Church Street stop sign. She advised that turning from Church Street onto Pension Street with a car parked on the west side could result in an accident. She requested this be investigated to possibly make this area a no parking zone once again.

Town Manager Ritter stated that he spoke with Public Works Director Spurlock to address this at the Public Works Committee meeting.

There was brief discussion as to this being changed, and the State Code referring to no parking within so many feet of a stop sign.

Public Works Director Spurlock advised that he will look into this matter.

There were further comments.

Councilman Leonard congratulated the Town on another successful Pony Penning with all their hard work for the Shuttle system. He stated that he appreciates their hard work and feels they were doing their job.

Councilman Jester agreed with Councilman Leonard and stated that the people on the buses, the volunteers, the Police, Fire, EMS and Public Works all come together for the event. He added that the articles they see in the New York Times and the Wall Street Journal all have a positive story.

Councilman Ellis also agreed and stated that they did wonderful work.

Councilman Taylor agreed and stated that there are a lot of young firemen coming up. He added that he knows there will be a Pony Penning after we're gone. He stated that the volunteers help keep this going and we couldn't do it without them. He expressed his appreciation.

Councilman Frese admires the volunteers and is thankful for them all. He expressed his respect for Supervisor Rush and his crew.

Mayor Tarr advised of an article in the Baltimore Sun of how the Pony Swim has lasted for 90 years with the same enthusiasm.

Town Attorney Burge asked if she should continue to review the Oyster Bay II matter. Mayor Tarr advised that at the present time it's a private property matter and if anything changes he will let her know.

Adjourn

Councilman Leonard motioned, seconded by Councilman Frese to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE AUGUST 18, 2015 CHINCOTEAGUE SPEICAL TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

There was none.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discussion of Final CCP/EIS Town Review

Mayor Tarr thanked everyone for attending this special Council meeting. He stated that he met with Refuge Manager Kevin Sloan and his staff. He stated that the CCP is scheduled to come out in the next 2-3 weeks. He stated that Mr. Sloan advised that the Town's recommendations are supposed to be included in those documents. He felt that there should be a letter sent to Ms. Wendy Webber about the CCP because over the past few years we have not had the opportunity to work close together with USFWS on issues related to Town and the Chincoteague with the National Wildlife Refuge and the National Sea Shore. Mayor Tarr stated that Town Planner Neville has created a Memorandum of Understanding that has been used in another Refuge that was signed. He added that it isn't quite as specific as theirs. He asked Town Planner Neville to review the cover letter and the changes that have been made.

Town Planner Neville explained that there was another discussion of the 30 day review time. He stated that they wanted to plan for the response when the final CCP is released in the coming weeks. He stated that several options came out of a discussion on moving forward. He recommended following through on 5 years of the participation and listen to what they have to say. He stated that the letter focuses on one issue which is that the NEPA process hasn't worked. He pointed out that if everyone is going to work together in the future this process won't work. He feels that the MOU should state that they need to work together on a regular basis which suggests a quarterly meeting. He asked for input from Council to finalize this letter to take the first step out. He added that Ms. Wendi Webber, Mr. Kahan and Kevin Sloan are the 3 key decision makers and that's why the letter need to be addressed to them.

Town Planner Neville stated that at this point the Town has to take a stance and attempt to build trust in the future. He stated that he has taken a look at Prime Hook in Delaware. He advised that once the final CCP for Prime Hook was submitted it was 2 months until the Director signed it to make it final. He added that it was then another 2 years before they came out with the environmental assessment. He feels it's reasonable to think this will happen also.

Mayor Tarr explained that once the CCP is out they won't be accepting any comments.

Town Planner Neville advised that the 30 days is advertised as a public review in the local register, not public comment. He stated that during the 30 day period the document goes to 2 groups. He stated that it goes to the EPA which has to do a review to show that they have followed the NEPA environmental impact assessment correctly. He added that the second group is the Commonwealth of Virginia for the requirement for the state to review the federal consistency. He stated that the first 30 days is a chance for people who have a concern of what is going into the final CCP to challenge the decision. He also stated that it has to be based on the grounds whether the NEPA process was followed. He added that once the document is signed, there is a 6 month window to challenge any federal agency based on administrative procedures. He stated that it isn't necessarily what's in the document it's whether they followed the right procedures.

Town Planner Neville stated that there is a 30 day window and a 60 day window. He stated that if something isn't right in the CCP it has to go back through the EIS process.

Mayor Tarr stated that the 2 major issues are the relocation to the north. He stated that there isn't anything there for them to sell. He added that there hasn't been a study done. He also asked what will happen to the south end. He stated that it has been set up with the Army Corps of

Engineers to hopefully move forward with a study. He feels this will help with the south end. He stated that they haven't showed where 8.5 acres will work.

Town Planner Neville stated that when the CCP comes out and there is a fatal flaw there is an opportunity to slow down or stop the process. He feels that at this point they need to continue on the path of working together for public access and use.

Council reviewed the draft letter and the changes to the draft MOU. There were further questions, comments and discussion regarding the draft MOU.

Town Planner Neville commented that he is anxious to see if they have taken the Town's recommendations. He mentioned the grant and added that they can't just study the natural process, they have to talk about how it's working with the people and the community and if the natural features are going to protect the investment the people have made in the shoreline. He feels that if the Town can keep them on target it will work well.

They discussed Prime Hook.

Town Planner Neville stated that it is his understanding that the state of Delaware had a statewide shoreline management plan that states they need to do things to protect the shoreline. He added that their state agencies came out during the public comment period.

Councilman Jester feels that the problem is that the state isn't backing this.

There were comments, and further discussion to plan for the potential outcome of the CCP.

Town Planner Neville advised that NASA is very concerned and the Nature Conservancy has a stake in this also to study different options of ways to protect the shoreline. He also stated that the ANPDC has a starter grant with NOAA for the Chincoteague Inlet facility. He stated that these are big issues that the Town alone can't deal with. He feels that in the long run the Town needs a cooperative stance.

Council commented and expressed their concerns. They also discussed plans and procedures to follow after the CCP comes out.

Mayor Tarr read from the Master Plan. He stated that item 1 is to maintain the current recreational beach. He feels that their management practices need to be spelled out. He also felt they should ask for this in the MOU before the CCP rolls out. He asked for comments, corrections, additions or deletions to the letter and the MOU.

There were comments about maintaining the beach and current parking. There was also discussion about assistance from Virginia agencies and letters that have been sent.

Town Planner Neville explained that the VMRC has an obligation to support the commercial fishing operations. He added that they are a better partner. He stated that they modified the Memorandum regarding the service, but they want to include Accomack County as well as VMRC. He feels it's important to include them. He stated that the Town of Chatham, MA had a similar situation with Fish and Wildlife and should be familiar with this format. He added that they need to work together with Fish and Wildlife to figure out the process over the next couple of years.

Mayor Tarr added that the other option is to send nothing and wait for the CCP to come out.

Town Planner Neville added that this is deliberate and sets a stage.

There were further comments.

Mayor Tarr stated that they looked at 4 different draft copies of the MOU. He also stated that they could be more specific if necessary.

Councilman Jester and Councilman Leonard agree that they should be proactive.

Councilman Leonard motioned, seconded by Vice Mayor Richardson that the Town of Chincoteague send the letters and MOU as drafted and revised to Ms. Wendi Weber and Mr. Scott Kahn as soon as possible. Unanimously approved.

2. Mayor & Council Announcements or Comments

Mayor Tarr thanked Town Planner Neville for working so hard over the past few weeks.

Town Planner Neville stated that he is just as interested in the outcome.

Councilman Jester stated that the research that Town Planner Neville has done has caught them off guard.

Town Planner Neville thanked Council.

Councilman Ellis and Councilman Frese thanked Town Planner Neville for everything.

Mayor Tarr also thanked Town Planner Neville and stated that he will be reading the CCP when it comes out because it wasn't just his job, his heart was in this. He stated that they can't take any action. He asked Town Manager Ritter about the process of filling the new position.

Town Manager Ritter advised of the plans and process from the last time.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE SEPTEMBER 8, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Mayor Tarr advised that Delegate Robert Bloxom was present this evening.

Delegate Bloxom reported that the Staff Session House Joint Resolution 756 was approved unanimously by the House and Senate. He explained that it is celebrating 50 years with the Assateague Island National Seashore Act of 1965.

He presented the certificate to Mrs. Debbie Darden, Superintendent of the National Seashore.

Mayor Tarr thanked Delegate Bloxom.

Mrs. Darden thanked everyone. She explained how the photograph came to place. She gave the history of the signing of the original Resolution. She added that she wanted to have all of the officials sign the Resolution celebrating 50 years. She thanked everyone. Mrs. Darden told Council of the upcoming anniversary events and invited everyone.

Mr. Kevin Sloan, Refuge Manager, feels they have a great partnership and looks forward to partnering with the Town and continuing with the Park Service for another 50 years.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Evelyn Shotwell, Chamber Director, gave Council an update from the summer and upcoming events. She stated that they were down in August for the numbers through the door. She advised that the Facebook traffic was up. She reviewed the different ads the Chamber has placed. She gave a handout of those ads and the upcoming events.

There were further comments.

STAFF UPDATE

Police Department

Chief Mills stated that Council has the monthly report in the packet. He advised that they had 400 calls for service. He stated that they've been preparing for the Poker Run. He reminded Council of the 11th Annual Poker Run, Auction and Block Party downtown on Saturday.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that the sidewalk and park expansion projects should be completed in the next 2-3 weeks. He also stated that VDOT approved the plans for the Safe Routes to Schools Project.

Mayor Tarr asked for an update regarding the Street Scape Project.

Town Manager Ritter stated that Mrs. Edwards sent an email informing VDOT that they had the easements of those who wanted to be included. He added that they are waiting for VDOT's approval.

Mayor Tarr asked if VDOT knew there was a timeframe.

Town Manager Ritter stated that they were told and he will remind them.

Councilman Jester asked about paving.

Public Works Director Spurlock stated that it will be in the spring because of the other work that needs to be done before paving.

There were further comments.

General Government

Town Manager Ritter reported that EMS responses were 109 calls for the month of August which were 13 less than August of 2014. He stated that they had 14 ALS calls, 44 BLS and all other calls were 25. He stated that Mutual Aid was required from Memorial Day to Labor Day they had 23 in 2014 and this year was 13.

Town Manager Ritter stated that September 22nd there will be a bridge closure for about 45 minutes. He advised that VDOT will advertise this also. He reported that the General Government staff is now operating on the new software system. He stated that the Code book has been updated. Town Manager Ritter also stated that staff is closing out the FY 2015 for the upcoming audit. He added that they are also preparing for the quarterly newsletter.

Planning Department

Town Manager Ritter advised that the Planning Commission will meet tomorrow night. He stated that they had a public hearing last month regarding parking standards for wayward signs and the sketch plan review process. He advised that they will be voting tomorrow night and sending it to Council for the October meeting.

Town Manager Ritter reported that the Town will receive an update on the CCP Thursday, September 10th at the Wildlife Refuge.

Councilman Jester asked about an announcement regarding the Marsh Island marina application through the VMRC.

Councilman Taylor advised that it was approved.

Mayor Tarr asked about keeping the old software and the costs to use the old software.

Town Manager Ritter responded that they will keep the old system for the history at no additional cost or maintenance. He also advised that this is backed up off-site.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of August 3, 2015**
- **Special Council Meeting of August 18, 2015**

Vice Mayor Richardson stated that there should be a change to the Recreation and Community Enhancement Committee meeting minutes from Donna “Mason” to Donna “Leonard”.

Councilman Ellis motioned, seconded by Councilman Frese to adopt the minutes of the August 3, 2015 and August 18, 2015 Special Council meetings as corrected. Unanimously approved.

2. Public Hearing, Ordinance to Vacate Subdivision Lot Lines

Mr. Jon Poulson, Attorney for the Francine D. Maestri Trust explained that they are from Clifton, VA. He gave her Chincoteague family ties. He stated that in 1943 the Davis-Watson heirs divided the property on the west side of Main Street at Poplar Street extended. He explained that lots 1-6 are owned by Walter Thompson of the Comfort Suites who is in favor of this lot line vacation.

Mr. Poulson advised that they are requesting to vacate the lot lines between the parcels on Main Street. He added that these lots except for lot 10 are 30ft wide. He stated that there are 2 existing storage buildings on the 3 lots. He added that they want to remove the storage buildings and build a home on the 1 lot. He suggested that this is a good thing and respectfully requested Council’s approval of the vacation of the lot lines.

Councilman Jester stated that he is aware of this property and they have done a great job fixing it up. He stated that he is also familiar with this family.

There were comments.

Mayor Tarr opened the public hearing.

There were no comments.

Mayor Tarr closed the public hearing. He asked if this has been properly advertised.

Town Manager Ritter advised it has.

Councilman Jester motioned, seconded by Councilman Frese to approve the Ordinance to Vacate Subdivision Lot Lines of Francine D. Maestri Trust between parcels #030A50600000700 and

#030A50600000800, between parcels #030A50600000800 and #030A50600000900 along with the lot line between parcels #030A50600000900 and #030A50600001000. Unanimously approved.

Mr. Poulson thanked Council.

3. Public Safety Committee Report of August 4, 2015

Mayor Tarr reported that the minutes to the Public Safety Committee were included in the packet. He asked if there were any questions.

There were none.

4. Budget and Personnel Committee Report of August 11, 2015

- **Possible Adoption of a New Job Description**

Mayor Tarr stated that they reviewed a new job description, employee evaluations and boat dock funding which was sent to the Harbor Committee for review. He stated that the employee evaluation review is ongoing. He also stated that the new job description is an action item for this evening.

Public Works Director Spurlock explained the new job description of Maintenance Supervisor. He stated that this employee is a hands-on supervisor. He stated that the Public Works Department has been staffed by primarily laborers and equipment operators. He explained that he is trying to transition to a workforce to maintain the Town's assets. He stated that creating this position is to have someone to direct the operations along with doing the work himself. He added that this position is directly over the Town Mechanic. Public Works Director Spurlock stated that the only change is that the work is performed under regular supervision "of the Public Works Director".

Councilman Taylor motioned, seconded by Councilman Frese to approve the new job description of Maintenance Supervisor with an hourly pay of \$15.49 - \$24.15 with 1 change in the 1st paragraph adding "of the Public Works Director". Unanimously approved.

5. Recreation and Community Enhancement Committee Report of August 11, 2015

- **Possible Motion to Approve Signage for the Playground at Veterans Memorial Park**

Councilman Jester stated that Ms. Donna Leonard discussed the floating dock at the Donald Leonard Park along with a beach area launch. He stated that a floating dock in the Bay could be a little rough. He felt that a beach launch would work better.

There was brief discussion.

Councilman Jester also stated that they discussed a kiosk at Memorial Park. He stated that the Island Grocery Store sold the ponies and rockets again this summer for the park equipment. He stated that they now have new equipment for both the young and older children. He stated that they wanted to put in a little pony coral. He explained that it would be ponies on springs inside of a split-rail fence.

Councilman Jester stated that another grant application has been submitted to hopefully pave Ocean Boulevard extended, beside the Dollar General to the Libertino Garage. He stated that

they have an item for possible motion tonight. He reviewed the proposal of the signage for safety purposes.

They further discussed the sign material and guarantees.

Public works Director Spurlock suggested looking into the Alumalight sign.

Mayor Tarr asked staff to research the materials and durability and bring it back to Council for the next meeting.

6. Mayor & Council Announcements or Comments

Vice Mayor Richardson mentioned a gentleman that came before Council in August regarding a safety issue of on-street parking along Main Street in the area of Savage Street. She asked if this matter has been assessed.

Public Works Director Spurlock stated that the gentleman was talking about the car parked in the yard on the west side of Main Street.

Vice Mayor Richardson stated that the problem is the on-street parking on Main Street in that area.

Public Works Director Spurlock stated that the problem is that the house is too close to the road. He added that the Town can't do anything about that. He suggested that the Public Safety Committee review this to possibly make that area no parking.

There were further comments.

Mayor Tarr stated that the Public Safety Committee will review this matter further.

Councilman Leonard asked Public Works Director Spurlock about no parking on the Pension Street corner next to the Baptist Church.

Councilman Ellis advised that he plans to speak with Pastor Eley.

Councilman Jester discussed the Road Scholar Program. He advised that the Director will attend a meeting to help figure the value of this program as they bring people to the Island, motels and restaurants.

Councilman Taylor thanked Chief Mills for continuing the fundraisers that Chief Lewis started. He stated that it is needed in this community.

Councilman Frese asked if the Town was going to do anything with the intersection of Main Street and Church Street regarding the bump-out forcing traffic into the oncoming lane.

Councilman Taylor stated that the reason it is there is to give pedestrians a safe place to cross.

Councilman Frese feels that having a vehicle cross into the oncoming lane isn't safe either.

Town Manager Ritter advised that they will refer this to the Public Works Committee to return with prices to correct this.

Councilman Jester also thanked the unknown person who cleaned the weeds under the United States Post Office sign.

Mayor Tarr asked if staff could have VDOT's engineers look at this intersection.

Public Works Director Spurlock stated that there is more going on at that intersection. He agrees that a traffic engineer should be involved.

They discussed the electrical pole which has always been there.

Vice Mayor Richardson stated that the electric pole is fine. She added that it's the new light pole that's in the way.

Council commented further.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE SEPTEMBER 17, 2015 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

There was none.

STAFF UPDATE

Town Manager Ritter advised that the Safe Routes to Schools Project will be advertised for bids in the paper. He also reported that the U. S. Coast Guard Dredging Project will begin tomorrow, September 18th, 2015.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Preview of the General Management Plan

Ms. Deborah Darden, Superintendent of the Assateague Island National Seashore came before Council with a PowerPoint presentation to review the GMP. She stated that the Park is 37 miles in Maryland and Virginia. She also stated that the boundary goes out into the water. She added that it is approximately 50,000 acres with 2.15 million visitors annually. She stated that this includes Chincoteague National Wildlife Refuge and Assateague State Park. She also added that a lot of the information in the GMP pertains to Maryland only. Ms. Darden advised that they need to respond better to the natural coastal processes and the effects of climate change and sea level rise. She stated that they want to make sure that their traditional facilities and infrastructure are sustainable. She doesn't feel this is happening in Virginia. She added that they are older facilities that need upgrading. She stated that Backcountry Management is a protection of wilderness character.

Ms. Darden stated that they still have unresolved legal issues with commercial fishing, aquaculture & horseshoe crabbing. She stated that most of the GMP is how to deal with the climate change and sea level rise. She stated that there are 4 alternatives. She explained that Alternative 1 is the continuation of current management which remains the way it is. She explained in Alternative 2 that in Maryland only, they would do what a lot of other coastal communities do. She continued to explain the plans to maintain the dunes in Maryland. She stated that they feel that over time it would be expensive and they would keep everything the way it is in the developed area.

Ms. Darden stated that the preferred alternative is Alternative 3, Sustainable Recreation and Climate Change Adaptation. She discussed the changes to Maryland as far as relocating facilities to make those facilities continue on as much as possible. She added that this is taking what they are already doing in Virginia and applying it to Maryland. She stated that they have to create a plan to relocate the administrative facilities in Maryland. She mentioned the over-the-sand vehicle route.

Town Manager Ritter stated that it was discussed before that if a breach occurred and healed the OSV would no longer be allowed to go any further than that.

Ms. Darden advised that the language has been taken out and that this is not what they are saying now. She explained that breaches are complicated and they would do any alternative to work with the community on a breach management plan or study. She also stated that they talked about working with the mainland and getting a boat across. She also mentioned the watershed.

She briefly discussed Alternative 4 which is when the Park Service loses anything, for example facilities, infrastructure, campsites, they would be gone.

Ms. Darden continued to explain what is common to all alternatives of interest to Virginia. She stated that they have tried to learn from the past storms. She also stated that it is important that everyone from Maryland and Virginia is part of the Breach Management Plan. She added that it is to take into the full account the impact of a breach on all the surrounding properties. She also stated that they need additional seasonal housing in Virginia for lifeguards and interpretive rangers. She added that they need an updated Wilderness Study which was done in 1974.

Councilman Leonard asked where the wilderness would be in the Wilderness Plan.

Ms. Darden stated that the way it is written now it doesn't take into consideration the OSV, hunting and other uses.

Councilman Leonard also asked if the Wilderness Study is going to be part of the GMP.

Ms. Darden responded that it would be a follow on study. She feels this is good with the Assateague Mobile Sports Fishermen.

Councilman Jester asked about the marine sanctuary.

Ms. Darden advised that this was gone.

Mayor Tarr stated that the map is not correct in the CCP.

Councilman Leonard asked if the map in the official CCP is incorrect and the CCP is signed, does the map become "official", even if it's not correct.

Ms. Darden does not believe so because it has to come from the Wilderness Study and not the CCP. She also added that they are going by the 1974 map and drawn that way to include the Marsh Islands. She added that there is an opportunity for a study.

Ms. Darden explained the changes to the commercial shell-fishing and fin fishing. She stated that there has been commercial shell fishing for years and permission is entirely up to the state. She also stated that commercial fin fishing is prohibited unless specifically authorized. She added that it is not specifically authorized on Assateague.

Councilman Jester asked if this was a congressional decision.

Ms. Darden responded that the CFR states that commercial fishing is prohibited unless congress specifically says it's ok.

Councilman Jester stated that it's the bureaucracy saying it isn't ok.

Ms. Darden advised that it is. She added that for 50 years they have not enforced this provision. She discussed the horseshoe crabs which are classified as wildlife adding that horseshoe crabbing is prohibited in Park waters. She stated that in the 3rd area is aquaculture. She added that agriculture is aquaculture and it is simply prohibited in the Parks unless specifically authorized by congress.

Councilman Jester stated that he feels they are saying they want to leave the commercial fishing alone.

Ms. Darden stated that the ocean bottom belongs to the state, however the Park Service has jurisdiction over the water. She stated that the GMP states that over a long period of time they would slowly eliminate commercial fishing. She added that this is only in Park Service waters not the areas outside of the boundaries. She stated that this includes Tom's Cove and along the bay side areas also. She added that this is a hard thing and hopes to work with the community and the state over a long period of time.

Councilman Jester stated that this is history.

Mayor Tarr added that this isn't just tradition and history it's a way of life. He stated that a lot of working watermen will pass this on to their sons and grandsons. He stated that it's a lot of revenue generated from the oyster and clam beds. He also stated that they're saying over a period of time we won't have that industry here anymore.

Councilman Jester stated that this is frustrating. He commented on the aquaculture industry being paired with agriculture.

Ms. Darden stated that they would like to work together to get where they need to be. She stated that they need to know what the intention of congress was when they passed this legislation.

There were brief comments.

Ms. Darden stated that there's a long section giving a description of aquaculture in hard waters. She feels Congress was aware that this activity was occurring, but they can look at this.

Mayor Tarr stated that at that time they didn't own or have rights to the water column.

Ms. Darden stated that they intended something but would like to know what those intentions are.

Town Manager Ritter commented on the easement the access authority had and purchased by the 1965 National Seashore Act.

Councilman Jester stated that there are no agricultural activities in the Park unless authorized by congress per a CFR.

Ms. Darden stated that she would forward that information to Council.

Councilman Taylor stated that he owns waterfront property beside Tom's Cove Campground. He explained that he doesn't own to the center of Assateague Channel it goes to low water. He stated that even though the deed says it, he only owns to low water. He reiterated that according to the state he has a deed that says what he owns to the center of the Channel, but he doesn't really own it.

Ms. Darden added that she doesn't believe that anyone is thinking they own to the bottom. She stated that they own the column. She stated that they hope that this is aspirational. She added that the federal register with the newsletter will be out within the next two weeks in October. She stated that they will be holding public meetings the 3rd week in November. She added that they will be taking public comments doing the best they can to respond to those comments. She then stated that they will analyze the comments in a couple of months so they can analyze the comments. She mentioned the couple of additional months to get through the Washington bureaucracy and approval. She anticipated the final GMP at the end of summer of 2016 and the record of decision will be out by fall of 2016.

Someone commented that it was sad to hear about the aquaculture.

Someone else asked if something initiated the change.

Ms. Darden stated that it's something Washington is trying to do with all the National Seashores. She added that all of the National Seashores have something very similar to Assateague. She stated that Washington is bringing all of the National Seashores into compliance.

2. Consider Advertising Ad in the 2016 Chincoteague Chamber Visitor Guide and Other

Mayor Tarr stated that there is a whole page left for advertisement. He was advised that the Chamber would help develop the page with Town staff. He feels it could promote the parks and boat ramps. He advised that the cost is \$1,852.50.

Councilman Frese motioned, seconded by Taylor to approve the Town's advertisement in the 2016 Chincoteague Chamber visitor Guide. Unanimously approved.

3. Possible Motion to Approve Signage for the Playground at the Veterans' Memorial Park

Town Manager Ritter advised that they brought back the sign materials to choose from.

Public Works Director Spurlock explained the difference in sign materials.

Town Manager Ritter advised of the cost differences.

There was discussion.

Councilman Taylor motioned, seconded by Frese to approve the proposed signage on Aluminate for the playground at the Veterans' Memorial Park. Unanimously approved.

Town Manager Ritter advised that he checked with the VML for the language "play at your own risk". He stated that VML's Safety Specialist advised that the Town has immunity for operations of parks and recreation. He added that it was suggested that if there is space it wouldn't hurt to put it on the sign, but doesn't have to be. He asked for Council's pleasure.

There was discussion and Council concurred that it wasn't necessary for the additional verbiage.

4. Mayor & Council Announcements or Comments

Councilman Ellis advised that Senator Lewis will be at the Kiwanis' meeting at 6:30 p.m. regarding vehicle inspection stations on the Island.

There was further discussion.

Mayor Tarr stated that the YMCA will have a campaign for an addition to the YMCA. He stated that he would like to send a letter of support for this addition. He also stated that they would be working on a letter regarding the CFR and water columns.

There was further discussion about the possibility of having congress allow aquaculture.

Councilman Leonard expressed his concern about the wilderness area.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE OCTOBER 5, 2015 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Mrs. Gail Heartley of Island Foods presented a check in the amount of \$2,224.00 from the fundraiser for the Memorial Park Playground Fund.

Mayor Tarr thanked Mrs. Heartley and Island Foods for conducting the fundraiser once again this year.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Henry Wiler stated that he is a new owner on the Island. He discussed the CCP. He expressed his concern that there is no maintenance on the berm. He feels that if it isn't maintained, Tom's Cove will soon be Tom's Inlet and expose the southern end of the Island to the ocean.

Mayor Tarr stated that Council has had the same concerns and has expressed this to the U. S. Fish and Wildlife Service.

- Ms. Amy McDonald spoke on behalf of the local fishermen and watermen of Chincoteague. She stated that they have been working the area before there was a National Park. She stated that a lot of people on this island rely on the little bit of area for an income. It affects families, children and the whole Eastern Shore. She stated that they keep the area and waters clean so that people will continue to come and visit. She stated that in the southern end is very important. She feels that if it's not rebuilt there won't be a southern end of Chincoteague to worry about.

- Mr. Eddie Watson of Chincoteague stated that he is currently a working waterman. He advised that he was employed with the National Park Service for 10 years. He stated that if the beach keeps deteriorating we will lose the south end of Chincoteague. He stated that the inlet is now 2½ miles wide and if the beach comes into Tom's Cove, Chincoteague will be a disaster with flood waters. He strongly urged Council to get on U. S. Fish and Wildlife and the Park Service to install a tall 50' dune to protect Chincoteague. He stated that if it wasn't for Chincoteague they couldn't get to Assateague.

Councilman Taylor thanked Mr. Watson for all they did for years to protect the beach.

STAFF UPDATE

Police Department

Captain Fisher stated that September 12th was the annual Poker Run. He advised that it was a success even with the washout during the auction. He added that the ride was nice. He also stated that they were unable to have the street dance so the band was moved upstairs in Chatties.

Councilman Jester suggested considering a Plan B for next year in case this happens again.

Captain Fisher advised they will plan to possibly reserve the Center as a backup plan.

Mayor Tarr stated that the community appreciates the hard work that the Police Department puts into it.

Captain Fisher stated that they enjoy doing it.

Public Works Department

Public Works Director Spurlock advised that the Robert Reed expansion and sidewalk project was pushed back a week and should be completed this week. He also advised that the report is in the packet.

There was discussion of storm debris.

General Government

Town Manager Ritter reported that EMS responses were 95 calls for the month of September which were 8 more than September of 2014. He stated that they had 11 blood pressure screenings. He added that if anyone wants to have their blood pressure taken for free they can stop by the Firehouse. He also stated that they were able to do tidal flood gage monitoring and it was very helpful. He added that the NOAA tide screen showed the actual height the tide would be. He feels this new tool is a great mechanism for any type of storm.

Town Manager Ritter stated that in the Robert Reed Park the sprinklers and sod should be put in this week. He also stated they are working with the credit card vendor to get the online payment tool on the website. He advised that the auditor will be here within the next month. He also stated that the quarterly newsletter will be out next month.

Planning Department

Town Manager Ritter advised that they met last month. He stated that on the upcoming meeting they will discuss temporary construction fences. He stated that staff is still receiving people regarding the new FEMA Flood Maps for insurance purposes. He advised that the Safe Routes to School Project request for bids went out and there will be a pre-bid meeting October 13th and receiving bids October 23rd. He stated that they plan to bring the bid recommendations to Council at the November meeting.

There was discussion about the tide gage and weather forecasts during the storm. They also discussed the loud “boom” and being unfounded vs. undetermined. They also talked about the new software reports.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the agenda with one addition, item 6, Adoption of the Declaration of a Local Emergency. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of September 8, 2015**
- **Council Workshop Meeting of September 17, 2015**

Councilman Leonard motioned, seconded by Councilman Jester to adopt the minutes of the September 8, 2015 and September 17, 2015 Council Workshop meetings as presented. Unanimously approved.

2 Public Hearing, Zoning Ordinance on Wayside Stands

Town Manager Ritter advised that this was properly advertised. He stated that the new verbiage will add “a minimum of 4 parking spaces shall be provided including libraries, museums and wayside stands” to the old section. He added that the current library and museum are grandfathered.

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

Town Attorney Burge asked if this exempts the existing library and museum. She asked if they will be legal however, non-conforming.

Town Manager Ritter explained that the museum has the parking. He added that the library does not. He stated that the library would be grandfathered or exempt.

Mayor Tarr stated that a new library or museum would have to conform to the new verbiage.

Councilman Ellis motioned, seconded by Councilman Leonard to approve the proposed amendment of Section 6.6.11 of the Town Code. Unanimously approved.

Change from:

Old Section (Current)

6.6.11. Any other commercial building not listed above, built, converted, modified or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building and one parking space for each regular, full-time employee or full-time equivalent in the building or on the premises whose primary duties are in the building or on the premises. (Including libraries and museums.)

Change To:

New Section

6.6.11. Any other commercial building not listed above, built, converted, modified or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building and one parking space for each regular, full-time employee or full-time equivalent in the building or on the premises whose primary duties are in the building or on the premises. A minimum of four (4) parking spaces shall be provided. (Including libraries, museums and wayside stands.)

3. Public Works Committee Report of September 1, 2015

Vice Mayor Richardson advised that the report is in the agenda packet. She stated that she had nothing further.

4. Harbor Committee Report of September 3, 2015

Councilman Leonard stated that the report is in the agenda packet.

There was discussion about the boat ramp at the Harbor.

5. Budget and Personnel Committee Report of August 11, 2015

Mayor Tarr reported that at the next workshop meeting they will be bringing the new evaluation form for the Police Chief and the Town Manager along with a review of the organizational chart.

Town Manager Ritter stated that at the workshop meeting in October they will review the evaluation forms for the Police Chief and Town Manager. He explained that once this has been approved each Councilmember will be given a form to turn in by November for the Budget and Personnel Committee to review and bring the final results at the December Council meeting.

Mayor Tarr added that they will hold another workshop meeting for goals and objectives.

6. Adoption of the Declaration of a Local Emergency

Town Manager Ritter advised that there was only \$27,000 worth of damage during this storm as opposed to Hurricane Sandy which was \$1,918,000. He explained that a tree clipped the side of a house which costs approximately \$25,000 and \$2,000 worth of protective measures.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation for the Declaration of a Local Emergency. Unanimously approved.



PROCLAMATION

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Town council of the town of Chincoteague does hereby find that:

1. Due to the heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from an early October Nor'Easter; and
2. A condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that at 12:00 p.m. (noon) on October 2, 2015, an emergency now exists throughout said Town of Chincoteague; and:

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Emergency the powers, functions and duties of the director of Emergency Management and the emergency management Organization of the Town of Chincoteague shall be those prescribed by the state law and the ordinances, resolutions and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

Dated: October 5, 2015

Town Council of the Town of Chincoteague

Attest: _____
Robert G. Ritter, Jr., Town Manager
Town of Chincoteague, Inc.

7. Mayor & Council Announcements or Comments

Councilman Taylor also discussed maintaining dunes. He wants to know if the Park Service is going to maintain the dunes for the safety of the residents of Chincoteague or are they going to maintain it for the birds. He feels the Town has a battle on their hands.

Mr. Watson added that when he first went into the Park Service he was told to run a sand fence from parking lot 1 to parking lot 5. He stated that you'd be surprised what that protects and does. He also stated that if you put a dredge in the ocean it would cost something like \$12,000,000 or more to pump sand. He stated that they removed the sand fence and the dunes. He was told that they had to remove the sand fences because the ocean would gradually take the sand away. He stated that they pushed the dunes down and the ocean came up and now the beach is mostly gone. He also stated that they are going to lose the beach.

Mr. Watson stated that the only other thing they have is the old Coast Guard Station. He advised that the Park Service maintained it but the U. S. Fish and Wildlife owns it. He feels it isn't right that the Park Service has to ask the U. S. Fish and Wildlife permission to do what they want and need to do. He feels it's time to call the federal government and make our demands.

Councilman Jester commended all the Town employees for the last few days for directing traffic and cleaning up the roads. He also commended ANEC for a quick response for the power lines knocked down on East Side Road. He added that the beach looks pretty good. He feels they need to look at the flooding issues at the foot of the bridge.

Public Works Director Spurlock stated that he has identified another low spot north of the bridge intersection.

There was discussion about finding a solution to this problem.

Councilman Leonard agreed that the bridge intersection flooding is a bad situation. He also stated that the Park Service is taking the legacy from Chincoteague. He added that his ancestors moved to the Island as fishermen and they are taking it away.

Mr. Watson stated that the Park Service's new superintendent has looked back 50 years and stirred up a mess.

Councilman Leonard interjected that he doesn't believe that it's just her. He feels that she is the messenger. He stated it's coming from above her. He stated that before they were gillnetting off the beach they were pound netting off the beach. He wants them to realize that it's not for the Parks sake it's our way of life.

Vice Mayor Richardson stated that Ms. Darden will have a public meeting in November.

Mayor Tarr stated that this was just a pre-meeting with the local watermen and the GMP will roll-out in November. He explained that the GMP is a yearlong process. He advised that they

have met with the Senator and Representative. He stated that the Marine Products Board has met with the Governor and expressed their concerns.

Mr. Watson stated that they lucked out on the storm. He stated that if it had been worse we could have lost the beach. He added that this is why they need to maintain the beach.

Mayor Tarr advised that they have been working with the Army Corps of Engineers for a study. He stated that there are other studies that need to be conducted. He advised that they asked for an MOU with the Wildlife Refuge to be included in all the meetings regarding beach resiliency and parking.

Councilman Frese stated that if they want to defund the fishermen then the U. S. Fish and Wildlife should be defunded.

Councilman Jester advised that he spoke with Mr. Mel Olsen and was advised that Virginia was reluctant to go into an agreement because of the seafood industry, which was why there was specific wording included.

Mayor Tarr stated that they are confusing aquaculture with agriculture and they don't allow agriculture in the Park. He asked for financial data from the fishermen for their meeting with the Senator.

Ms. McDonald stated that she knows someone with the Virginia Seafood Alliance who works with the Governor and she'll get the information together.

There was further discussion about storm debris collection. Storm collection will be done over the next couple of weeks.

Mayor Tarr asked that this be advertised.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE OCTOBER 6, 2015
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING
WITH THE CHINCOTEAGUE ASSATEAGUE BEACH ACCESS COMMITTEE**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman

Beach Access Committee Members Present:

Honorable Wanda Thornton
Evelyn Shotwell
Mary Alice Birch
Deborah Christie
Ronnie Malone

James T. Frese, Councilman

Call to Order

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the agenda. Unanimously approved.

1. Review of Final CCP

Mayor Tarr welcomed Mr. William Neville thanking him for the work he's done on the CCP. He asked Mr. Neville to review the changes.

Mr. Neville stated that he tried to read through line by line. He stated that the new CCP is a better more mature document. He also stated that it is now a plan and not just a policy document. He feels that now is the time for review and the 30 day period is up this Friday. He stated that there will be comments from the state and the EPA. He also stated that the document still talks about alternatives A, B and C with a recommendation of alternative B. He stated that they will not change the content but will change the formatting. He also added that what they saw from the Delaware Prime Hook Project was that there were a few minor wording changes.

Mr. Neville talked about a statement in the last CCP which referred to the land base. He explained that it states that as long as the land base is there it will be maintained. He feels that we have raised the question of the resiliency. He stated that they questioned that if the recreational beach moves to the north if they were going to maintain that beach. He stated that their response was they will "consider" implementation of resiliency actions. He feels this is a problem.

Mr. Neville explained that there are 3 opportunities to have Town input. He stated that stage 1 was to talk to DEQ who were responsible to review the document for federal consistency. He stated that they were to see if the actions posted in the plan were consistent with state law. He advised that the 2nd opportunity was for the EPA to do a final review of the EIS. He explained that this isn't a formal process to write the comments but they do have a website to let them know your concerns. He also advised that the 3rd opportunity is to send a letter to Ms. Wendi Webber. He suggested this will give a better working relationship with the Fish & Wildlife Service and Park Service.

Mr. Neville stated that the good will is to draft a letter in support and list the things that need to be worked on. He feels there is an advantage in the final adoption of the CCP. He believes there are enough avenues that say they will move forward with the adjacent community. He advised that Town Manager Ritter sent a letter last week to the DEQ which went through with a series of concerns. He stated that it asked the state to step up and ask the Fish & Wildlife to maintain the dunes, which is written in the state law. He added that it is unclear if they will write that letter.

He was informed that they have been passing the letter around to figure out how to respond to the issues that the Town sent.

Mr. Neville would like to have a copy of that response letter also. He explained that they don't have to send communication to the EPA unless there is a challenge. He stated that this is the communication that should be sent this week. He also stated that it probably won't stop the process. He added that it will let the Fish & Wildlife Service know that during consideration of the relocation of the beach it needs to be done by either an environmental assessment or under a full EIS. He stated that Fish & Wildlife wants to do the simple process. He suggested having the EPA let them know that's not sufficient and it should be by the full process.

Mr. Neville also stated that the final step was to see that the CCP didn't slide across the finish line. He stated that there are portions of the responses that the community can rely on. He stated that there was a question as to a strong enough commitment to maintaining the current beach while the study of the relocation is there. He read that they responded they are committed to ensuring the visitor experience is maintained. He added that the National Park Service is the federal agency charged with the restoration and rehabilitation of the parking lots. He feels this is a good thing. He added that they have clearly handed off the recreational beach area to the Park Service. He stated that it mentions emergency management funds if this happens. He feels this is official. He reviewed further that they acknowledge the visitor experience and the Town's concerns are documented.

2. Discussion and Comments

Supervisor Thornton agrees with Mr. Neville. She feels there are so many questions in the document. She stated that the County and the Town has no representation on that committee. She feels it's strictly made up of an environmental group. She asked how they can study the cost on the Eastern Shore and not include either county involved. She stated that she and the County complained. She added that they have now included Mr. Mike Mason. She feels with the current representation that Chincoteague doesn't have a chance. She remembers working on the last Master Plan which was a cooperative plan between the communities and the Fish & Wildlife and this document was not. She added that the suggestions weren't listened to.

Supervisor Thornton advised that they promised 8½ acres and 1,000 parking spaces. She stated that Mr. Lou Hines then advised that it would only be 500 parking spaces. She continued that Mr. Hines told Mayor Tarr 1,000 and he had changed his mind. She doesn't understand how the Town can trust people that do this consistently over a period of time. She stated that according to the government if the 8½ acres and 500 parking spaces weren't enough then they would reevaluate it. She added that the EIS contradicts that by saying that it's too much damage to the habitat. She feels there are so many things in the document that we won't get through another EIS. She was told by Mr. Hines that the northern area will be managed just like the area we have now. She stated that the dunes will be pushed back, the elevation will be sloped. She stated that a storm will flood the interior of Assateague and the salt water will kill most of the trees which would be much more devastating. Supervisor Thornton also stated that there are many unanswered questions in the document that the Town will be stuck with depending on who is in charge. She questioned them for using all biologists who will choose a place that would least be utilized by the piping plover. She stated that this was their mission. She also stated that the Town has no guarantees, but they should have had social geologists and an engineer to look at the beach to tell the Town where the most sustainable place is if they wanted to move it.

Supervisor Thornton also stated that Congress appropriated money and regulations for a National Seashore. She stated that they are arbitrarily abandoning it. She advised that all of the National Seashore is going to be used for the piping plover. She stated that she met last week with the Coastal Resiliency people. She stated that without Assateague, Chincoteague is doomed. She stated that she's asked them to fund the study and advised that NASA is willing to help fund the study. She stated that the Nature Conservancy or Fish & Wildlife hasn't offered to fund the study and they received millions from Hurricane Sandy. She feels that they have lost touch and the only thing they care about is protecting anything but the health, safety and welfare of Chincoteague. She feels the Town should voice their concerns. She stated that there should be some documentation from the Town.

Mayor Tarr stated that they all agreed that alternative B doesn't give any guarantees of anything. He stated that if they choose alternative B the Town wants a full blown EIS for the next phases. He also stated that they will also have to have a resiliency project adding that the team was picked very quickly which didn't include the Town. He reviewed the 3 points Mr. Neville reviewed. Mayor Tarr stated that they mailed a strong letter to DEQ that they haven't been stepping up to the plate. He stated that they also passed this on to other agencies.

Supervisor Thornton stated that she is on the committee with Mr. Kirk Pale and sees him frequently. She feels he's reasonable.

Mayor Tarr advised that he will get her a copy of the letter and they will also get Delegate Bloxom and Senator Lewis a letter that the agencies haven't been doing the review. He added that they passed it to a lower subordinate on the list who shouldn't be responding.

Supervisor Thornton stated that the Town needs to voice our concern and document it. She feels that if something happens in the future then the Town has documented their concerns.

Mayor Tarr stated that if the EPA could help with the EIS then the letter should be drafted. He added that an EA is not acceptable.

Supervisor Thornton suggested sending a copy to the Army Corps of Engineers because they are a key player. She reiterated the importance of documenting the concerns of devastation.

Councilman Jester quoted from the CCP that they would "consider" the implementation. He added that this isn't a commitment.

Mr. Neville read the quote "U. S. Fish & Wildlife Service is committed to 'exploring' the implementation of resiliency strategies."

Mayor Tarr stated that the MOU they agreed to was to have all the local people on the team that was working on the resiliency group. He added that they agreed to the MOU but set a team without the local representation.

Supervisor Thornton stated that they are going to study the whole area and not include either form of government. She added that there is something wrong.

Councilman Jester stated that it isn't consistent with Virginia Coastal Zone laws.

Supervisor Thornton also added that it isn't consistent with the Seashore Act that Congress passed. She stated that it states that they will work with the Army Corps of Engineers to stop this. She added that they overlook what they want to overlook. She feels that a letter should be sent to every Congressman in the United States. She also stated that the Town Council and a member of the Army Corps of Engineers met in the offices downtown years ago. She stated they discussed the health and safety of the residents of the Island. She advised that they were working on Fowling Gut at the time. She advised that the Army Corps of Engineers representative said that she could care less of the health, safety and welfare of the residents of this island. She added that she asked Council to send a letter to every Senator and Congressman in the United States informing them of what she said in front of witnesses. She stated that the representative from the Army Corps of Engineers wasn't heard from again.

Mr. Neville stated that it's clear that with the combination of what the Park Service has in their GMP, Fish & Wildlife has in the CCP and NASA has in their procomatic EIS is going to control every aspect of the Town's economy. He stated that it is a concern for the future that the Town isn't going to be able to control their own destiny.

Supervisor Thornton stated that their idea is to have no motorboats going up and down the Assateague Channel. She stated that if they purchase any more land on Chincoteague they will enforce the other half a mile. She stated that they have a big plan on what they want to do. She added that they can destroy the economy on the Island and we're all considered insignificant. She also stated that the engineers and Army Corps of Engineers want to protect Chincoteague and Fish & Wildlife says "no". She stated that they are supposed to replenish on the refuge.

They discussed a beach in Delaware where they built up the dunes.
Supervisor Thornton stated they need to make the state aware and lobby the state.

Councilman Taylor stated that if the southern end of the beach is used for mitigation it is being maintained for the piping plover. He added that the piping plover wants a low flat wash-over beach. He stated that this doesn't protect Chincoteague. He stated that there is a wide gap between piping plovers and the residents of Chincoteague. He also stated that they can't support Alternative B just for this reason.

Mr. Eddie Watson stated that if the piping plover's nest area is broken up they'll move.

Supervisor Thornton added that there are multiple nesting areas on the barrier islands south of us. She stated that the Nature Conservancy owns everything between Maryland and Virginia giving them ample area to nest.

Mr. Watson stated that Fish & Wildlife is the worst enemy that Chincoteague has. He stated that they could care less about Chincoteague.

Councilman Taylor stated that they are thankful for what they get. He stated that they haven't addressed the mitigation. He suggested mitigating somewhere else. He stated that they obviously don't care about the health, safety and welfare of the residents of Chincoteague if they're maintaining the low flat wash-over beach for mitigation. He also stated that there are over 55,000 acres and they can mitigate somewhere else.

Mr. Watson stated that when the beach washes over we've lost the piping Plover and Chincoteague because the ocean will come into the Curtis Merritt Harbor.

Supervisor Thornton also stated that they haven't discussed the Chincoteague ponies. She stated that there is documentation in the Fish & Wildlife's regulations that there will be no grazing. She stated that they aren't enforcing it at this time because the public sentiment across the country would be outraged. She doesn't know how they can look over this part of their regulations.

Councilman Leonard stated that somewhere in the document there is a mention of the state that talked about the ponies and how they should be removed. He added that the federal government stated they couldn't be removed. He stated that they are using the state against the Town just like they used the state against aquaculture.

Supervisor Thornton stated that this is our fault. She stated that the only way to get results in the state government is to go from agency to agency until they listen. She stated that it's worth the time and effort in the end. She suggested going to the person in charge and they're usually reasonable. She stated that the County is willing to help Chincoteague in any way they can. She added that they have to unite together and have a delegation that is willing to dedicate their time and effort to do it.

Mr. Watson added that they need to get the dunes up as soon as possible. He stated that if they get the brunt of a hurricane then the ocean will come and Tom's Cove will be gone. He feels it's time to make a stand.

Mayor Tarr stated that since they only have until the 11th, the DEQ letter will be sent to local elected officials asking why this has been passed down from department heads. He stated that the letter is requesting an EIS, beach resiliency and moving the beach north.

They further discussed strategies of sending letters and immediately making calls after the meeting.

Supervisor Thornton stated that the community wasn't involved. She stated that she was involved in the last Master Plan. She stated that they all worked together listening to concerns. She stated that the public wasn't listened to at all with this Master Plan.

There were further comments.

Supervisor Thornton feels Delegate Rob Bloxom will help a lot.

Mr. Watson stated that the Governor of Virginia will help.

Supervisor Thornton also stated that they realized that the Town was interested in fairness as were they. She added that they were able to reach a common goal and document. She knows this can be done again. She feels that most people are reasonable and want what's best.

Someone also asked how Chincoteague and Accomack County was not included in the planning.

Mayor Tarr explained the teams and studies who excluded the Town and County. He thanked everyone for attending. He stated that staff will be sending letters and making calls. He also advised that they will send copies to the Council and the Committee.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE OCTOBER 15, 2015 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

Council Members Present:

Gene W. Taylor, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

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

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discuss the Possibility of Installing Red Cedar Wood on all Steel Beams in the New Shelter at the Robert Reed Downtown Park.

Town Manager Ritter showed pictures of the new pavilion. He described and explained the different materials.

Public Works Director Spurlock also explained the project and advised that Branscome stated that it will be to cover all steel beams.

Town Manager Ritter also stated that the current project has met the budget. He added that it went a little over because of the change order for sod. He asked if Council wants to use red cedar wood on all of the steel beams.

Councilman Frese feels it's a waste of money.

There was further discussion.

Councilman Ellis asked what the benefit would be.

Public Works Director Spurlock stated that it is aesthetics and long term maintenance.

Mayor Tarr stated that he feels the architect missed the design and this was supposed to help with it. He agreed with Councilman Frese that it isn't worth \$8,000 to cover it. He suggested waiting until a later time when it needs attention or maintenance and to possibly do it then.

There were further comments. Council feels overall it looks pretty good. Council concurred that it is a lot of money.

Councilman Ellis motioned, seconded by Councilman Frese to not approve the contract to put red cedar wood to cover the steel beams. Motion carried.

Ayes: Leonard, Frese, Jester, Ellis

Nays: None

Abstain: Richardson, Absent: Taylor

2. Discuss the New Evaluation Forms Developed by the Budget and Personnel Committee:

- **Town Manager Evaluation Form**
- **Police Chief Evaluation Form**
- **Process and Schedule**

Mayor Tarr stated that they have developed 2 forms. He asked Councilman Ellis to review the final draft.

Councilman Ellis explained that during the evaluation of the Town Manager last December, there appeared that the goals or objectives were not identified. He stated that in the Council workshop there were concerns and frustrations that there were no goals or objectives. He also stated that they felt there was no true meaning for Town Manager Ritter of the evaluation. He added that they didn't identify any strengths, or improvement suggestions. He stated they didn't identify goals or objectives that they wanted him to focus on this year. He also stated that they gave Town Manager Ritter a huge responsibility as he is in charge of the day-to-day operations. He feels there was no feedback on the form and there was no direction.

Councilman Ellis stated that the Budget and Personnel Committee decided they needed to improve the process by creating a more active involved evaluation form for Council. He stated that he was asked to explore ways to accomplish this. He advised that he reviewed several evaluation forms and processes from 15-20 different jurisdictions. He stated that he found the best practices and developed a rough draft to achieve what the Mayor and the Committee wanted to accomplish. He advised that he met with Town Manager Ritter about the process. He also

stated that the Town Manager had concerns and suggestions. He advised that he then presented it to the Budget and Personnel Committee who had some suggestions.

There was lengthy discussion with questions, suggestions and clarifications. They discussed the timeline.

Mayor Tarr discussed creating a time schedule of when they need to turn the evaluation forms in. He suggested having a meeting once a year with Council, department heads and committee chairmen to plan ahead for the next 5 to 10 years.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the new evaluation forms with the proposed changes. Unanimously approved.

Mayor Tarr thanked Councilman Ellis and Town Manager Ritter on the hard work they did on this document.

There was discussion about adding verbiage to the Police Chief's evaluation regarding the requirements for officer certifications.

Chief Mills advised that these things are audited during the accreditation recertification. He added that the audit is in January.

Council decided to add "ensuring that all officers have met DCJS certification requirements" to the Police Chief's evaluation form.

Councilman Frese and Vice Mayor Richardson agreed to add to their motion, the additional statement to the Police Chief's evaluation "ensuring that all officers have met DCJS certification requirements". Unanimously approved.

3. Mayor & Council Announcements or Comments

Councilman Jester asked who was overseeing the Harbor.

Town Manager Ritter advised that Public Works Director Spurlock has the Public Works staff cleaning. He stated that he is speaking with customers for slip rental.

Councilman Jester suggested a sign at the Harbor giving the appropriate numbers to call for service. He also suggested looking at the restroom hours at the Harbor. He suggested possibly installing automatic locks.

There was discussion regarding automatic locks.

Adjourn

Councilman Frese motioned, seconded by Councilman Leonard to adjourn. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE NOVEMBER 2, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Evelyn Shotwell, Director of the Chincoteague Chamber of Commerce, invited Mayor Tarr and Council to participate in the annual Christmas parade on December 5th. She informed the audience of the online applications.
- Mrs. Lisa Smith, of 4421 Main Street, came before Council regarding the proposed “No Parking Zone” along North Main Street. She expressed her disapproval of the proposal. She feels that this isn’t a parking issue but rather a speed issue. She stated that there are other ways to eliminate the problem than to post a no parking zone.

Mayor Tarr thanked Mrs. Smith and asked Public Works Director Spurlock to address this matter.

Public Works Director Spurlock stated that with the proposed “No Parking Zone” is for 3 parking spaces. He explained that it is one space immediately south of Savage Street and 2 spaces between Savage and Tarr Streets. He stated that there is no intent to go all the way to the high school. He also stated that because the houses on the west side of Main Street are so close to the road that those traveling south are cheating to the middle line. He added that because of the parked cars on the east side of Main Street those traveling north are cheating to the middle line to avoid hitting those parked cars.

- Mrs. Diane Daugherty, of 4403 Main Street, advised she spoke with Public Works Director Spurlock as did her neighbor Dr. Bare. She read a letter from Dr. Bare also regarding the “No Parking Zone”, who is a non-resident owner of 4417 Main Street. She read of his opposition and potential hazards due to speeding if the no parking zone is posted. He feels that excessive speed and driver texting is the problem. He mentioned the overgrown shrubbery and

vegetation from 4433 Main which has since been removed. He lauded the Town for attempting to improve the safety of all citizens and improving the site distance is a step in the right direction. However, he added that removing parking and encouraging higher speed traps is not a step in the right direction.

Mrs. Daugherty added that she was watching the radar at the high school and witnessed speeds of 40 and 50 mph. She applauds the radar sign but suggested enforcement with it.

Vice Mayor Richardson showed pictures taken from the school bus. She stated that those who live on the island know that area and to look for it. She added that those who don't live here or know the area aren't looking or slowing down there. She expressed her concerns for safety and feels something has to be done. She explained the pictures. She also stated that she doesn't know what the answer is. She added that the Safety Committee and Public Works Director Spurlock have been working on it.

Mrs. Smith suggested that police enforcement would slow people down.

- Mr. Henry Wilder advised that he just moved in the area from the DC area. He stated that there are cameras everywhere in DC and it slows people down. He added that there are cameras in the school zones to help slow them down as well.

Mrs. Smith interjected that this would be an expensive solution, but feels her neighbors would be willing to donate to that.

Mr. Wilder stated that the company who provides the cameras will place the cameras for a fee for each ticket issued.

Mayor Tarr stated that because this isn't an agenda item he asked the Police Department and the Public Works Director to conduct further investigation for the December meeting.

STAFF UPDATE

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that things are slowing down a little now.

Councilman Jester asked about the alarms in the report. He asked if these alarms were coming from the same addresses.

Chief Mills stated that he doesn't feel this is a problem, but will check the different addresses. He added that alarms are usually up a little when there is a storm.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He added that the Safe Routes to Schools Construction had 1 bid to be discussed later in the meeting. He stated that it has been sent to VDOT for final approval.

General Government

Town Manager Ritter reported that EMS responses were 66 calls for the month of October which were 8 less than October of 2014. He added there were 30 ALS calls and 18 other calls. He also

reported that the EMS staff successfully assisted the Chincoteague Volunteer Fire Company in obtaining re-licensure for EMS operations with the Commonwealth of Virginia. He added that the EMS inspection was done by the Virginia Office of EMS on October 8th. He also stated that there was a conference call with VDOT to go ahead with advertisement for Phase 2D. He reported that the new no fee payment portal has been updated on the website and is very popular.

Town Manager Ritter advised that the Personal Property Taxes have been mailed and staff is currently preparing the Real Estate Taxes. He stated that the quarterly newsletter was in the latest Beacon.

Planning Department

Town Manager Ritter advised that the Planning Commission decided to have a public hearing in November to consider the Zoning Ordinance on the new BZA regulation set by the State and public hearing on adding construction fence to the Town's ordinance.

Councilman Jester asked if there is a fee for the new online payment portal.

Town Manager Ritter advised there are no fees.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of October 5, 2015**
- **Special Joint Council and Beach Access Committee Meeting of October 6, 2015**
- **Council Workshop Meeting of October 15, 2015**

Councilman Taylor advised that he was absent at the October 15th meeting, therefore he couldn't lead in prayer. He advised that Councilman Ellis led in prayer.

Councilman Ellis motioned, seconded by Councilman Jester adopt the minutes of the October 5, 2015, Special Joint Council and Beach Access Committee Meeting of October 6, 2015 and October 15, 2015 Council Workshop meetings as corrected. Unanimously approved.

2. Discuss Bids on the Safe Routes to Schools

Town Manager Ritter advised that the total grant amount for the Safe Routes to Schools Project is \$500,145, consisting of \$425,145 in grant funds with the Town's match of \$75,000. He reported that there was 1 bid from Branscome Eastern Shore in the amount of \$350,678.44. He advised that Public Works Director Spurlock recommends the award of bid in the amount of \$350,678.44 to Branscome Eastern Shore.

Town Manager Ritter also stated that there is a second part of the project, which is the lighting for the Safe Routes to School Project. He explained the cost to install underground primary, transformer, and secondary to 14 proposed decorative street lighting for the multi-use trail and sidewalk along Hallie Whealton Smith Drive. He stated that ANEC's underground installation will be \$51,004.16 and the connection fee will be \$20.00 totaling \$51,024.16. Town Manager Ritter recommended awarding the contract for lighting to ANEC based on being sole source for Chincoteague for the amount of \$51,024.16. He added that the total for both projects will be

\$401,702.60 and are within the project budget funded by the FHWA Safe Routes to School Program. He also stated that leaves \$99,000 extra in the project budget if anything happens.

Councilman Jester suggested using the extra funds to pave the area between the Center and the elementary school.

Town Manager Ritter explained that the Safe Routes to Schools Program are strict to follow what it written in the grant. However, he offered to make the call to see if it can be amended.

Public Works Director Spurlock mentioned the Local Assistance Program with a VDOT Certified Inspector which will be a cost to the Town because there isn't anyone that is VDOT certified to inspect the project.

Vice Mayor Richardson explained to the public that this project is a grant to make a paved trail from the elementary school to the high school with lighting.

Vice Mayor Richardson motioned, seconded by Councilman Frese to award Branscome the bid for the Safe Routes to School Project in the amount of \$350,678.44. Unanimously approved.

Vice Mayor Richardson motioned, seconded by Councilman Frese to award ANEC the bid in the amount of \$51,024.16 for lighting as part of the Safe Routes to School Project. Unanimously approved.

3. County Update from Island Supervisor the Honorable Wanda Thornton

Supervisor Thornton stated that there has been a lot going on. She advised that they met with the School Board and the entire topic of conversation was about revamping Accomac Elementary School for some type of use. She stated they have tried to have it considered a historical structure. She stated that instead they decided to see if it could be rehabbed. She stated that poultry houses are causing a tension in the County. She feels there should be additional setbacks rather than being able to build a chicken house right next to a residence. She also stated that there are very little industrial commercial businesses within the County.

Supervisor Thornton advised that she asked to put the JLUS Study on the agenda for November to make some sort of decision. She stated that December is her last meeting. She advised that the Planning Commission has been looking at this and making decisions. She stated that it won't make an impact on Chincoteague but will make an impact in land value near that facility. She reported that there was one house on Chincoteague that qualified to elevate the house.

Supervisor Thornton stated that farmland had a good yield and the price per acre has gone up to almost equivalent to the rest of the land value in the County. She stated that the Eastern Shore Chamber would like to play a larger role with economic development. She asked that with 94% of the land zoned agricultural how much growth will the county have. She added that zoning will need to be reevaluated along with regulations and a cost estimate. She reported that Mr. Norman Pitt who was head of the Stormwater Management and Erosion, Sediment Control has resigned from the County. She stated that a week later his assistant also resigned. She added that they don't have anyone experienced in stormwater or sediment and erosion control. She advised that they have hired a human resources person. She stated that the County gave Resolutions to Jordan West, Ray Wimbrow, Lee Kleckner, Bruce Sharp, and Frank Kerns who were the surfers who actually saved those school children's lives. She explained they were on a

fieldtrip and went into the water during the severe nor'easter. She added that some of the students would not have survived if they hadn't reached the children right away. She stated that Mr. Bryan Rush and Mr. Kevin Holloway were both very instrumental as well.

Supervisor Thornton had the County contact the state about the fire hazards with all the dead trees down. She stated that they met last week at the Town office. She stated that she was looking for money and assistance, but they evaluated and determined that there is an issue for potential forest fires. She stated that the grant money they have available is insignificant. She also advised that the County will be closed Wednesday the 25th, the 26th and 27th for Thanksgiving. She has received several calls about the asbestos and nowhere to dispose of asbestos shingles. She added that they are working on an agreement with Snow Hill to haul it there and pay a tipping free.

Supervisor Thornton stated that it has been an honor to serve the Town of Chincoteague for 20 years on the Board of Supervisors. She thanked everyone for the help they have provided.

Vice Mayor Richardson and Mayor Tarr thanked Supervisor Thornton.

4. Adopt a Proclamation Declaring November 8th – 14th, 2015 as Cemetery Cleanup Week.

Vice Mayor Richardson advised the Cemetery Committee met and decided that the fall cleanup week will be November 8th through 14th.

Mayor Tarr read the proclamation.



PROCLAMATION

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of November 8TH through 14TH, 2015, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 2nd day of November, 2015.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Vice Mayor Richardson also advised that they will be cleaning the Whealton Cemetery behind the high school football field, Saturday at 9:00 a.m. She invited everyone to help.

5. Public Safety Committee Report of October 6, 2015

- **Possible Motion to Split the Application Fee for ESVA911 Antenna on American Tower**

Mayor Tarr advised that the report is in the packet. He stated that the 911 Center has applied to use the tower through American Tower. He stated that they were given permission but also billed \$1,500 for the application fee. He advised that the Chincoteague Volunteer Fire Company is willing to split the cost with the Town and the new equipment will be installed on the tower to help the Fire Company and EMS workers to have equipment onsite to work on Chincoteague. He felt it was best to bring to Council.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to spend \$750 in part with the Chincoteague Volunteer Fire Company for the American Tower Application Fee. Unanimously approved.

6. Recreation and Community Enhancement Committee Report of October 13, 2015

- **Possible Motion to Approve Playground Equipment at Veterans Memorial Park**

Councilman Jester stated that the minutes are in the packet. He explained that the primary focus is the playground equipment at Memorial Park. He stated that they are looking to get approval for small ponies on a spring for small children. He advised that the Committee is recommending that they purchase 3. He explained that they were looking at purchasing more. He added that the manufacturer has specifications of how far they have to be from each other. He referred to the pictures in the packet. He also informed Council that the dome is in rough shape. He stated that the Committee recommends purchasing a new dome.

Vice Mayor Richardson asked if there was any money for this purchase.

Councilman Jester advised there is money from the drainage fund and from the grocery store fundraiser. He added that Ms. Leonard advised they are having problems with the boat and graffiti.

Public Works Director Spurlock advised that they have found a product called Anti Graffiti Coating. He stated that it is highly recommended. He added that it can be written on but can be easily cleaned off.

They discussed the signage to be put up and the benches that were ordered.

Councilman Ellis motioned, seconded by Councilman Leonard to purchase 3 ponies on a spring and a dome. Unanimously approved.

7. Mayor & Council Announcements or Comments

Councilman Jester feels that the surfers should be recognized by the Town also.

Councilman Ellis reminded that the evaluation forms need to be turned in.

Councilman Taylor thanked Supervisor Thornton and said that her energy is far more than can be paid for. He expressed his gratitude for her efforts. He stated that her energy is still going to be needed.

Councilman Frese stated that Supervisor Thornton has never been noted for giving up or quitting. He thanked her for everything over the years.

Public Works Director Spurlock advised that there will be a Public Works Committee meeting after they vote tomorrow at 5:00 p.m. He stated that a gentleman from Neptune meters will be doing a demonstration on automated meter readings.

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

• Council Appointments

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

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

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

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

WHEREAS, Section 2.2-3711(A)(1) 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, Leonard, Taylor, Ellis, Richardson

Nays- None

Absent- None

Adjourn

Councilman Leonard motioned, seconded by Councilman Frese to adjourn. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE DECEMBER 7, 2015
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Tom Gery of 4425 Main Street came before Council regarding the parking issue along North Main Street. He advised that he and his wife understand that it is a very dangerous corner and for school buses. He asked for citizen parking outside of school hours. He also thanked Mayor Tarr, Council and Staff for the downtown Main Street upgrades. He added that it is beautiful and a lot of hard work has gone into it.

Mayor Tarr stated that this will be addressed at a future date with all the options. He requested any comments to be submitted to Public Works Director Spurlock.

STAFF UPDATE

Police Department

Chief Mills advised that the monthly report is included in the packet. He stated that there are a couple of vacancies within the Department. He also stated that they had a full time dispatcher opening which was filled with one of the part-time dispatchers, Mr. Benjy Holloway. He also added that they have hired a new police officer, Mr. Wayne Winter who is currently employed at NASA. He stated that the Department is hosting a class called Community Engaged Policing. Chief Mills advised that it will be in the winter and is already full. He announced that the Annual Toy Run was held last Saturday with the most motorcycles enrolled. He also announced that next week there will be a luncheon at Don's Seafood for all of the Island past Chiefs of Police.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that regarding the Safe Routes to Schools Trail Project the Town is waiting for VDOT approval. Mayor Tarr asked about the last phase of the Downtown Revitalization Project.

Public Works Director Spurlock advised that because there were minor changes to the bid documents the entire package has to go back to VDOT. He added that once they approve it there will be an advertisement of at least 10 days.

Councilman Ellis asked about the parking issue along North Main Street.

Public Works Director Spurlock recommended that this area could be designed as a No Parking Zone from 7:00 a.m. – 8:00 a.m. and 3:00 p.m. – 4:00 p.m. Monday through Friday. He added that Chief Mills issued a report generated from the portable radar trailer. He stated that the peak travel is between 7:00 a.m. – 8:00 a.m. and 3:00 p.m. – 4:00 p.m.

Councilman Ellis asked if between Tarr and Savage Street was enough area to provide for the no parking zone.

Public Works Director Spurlock advised that this will have to be monitored and subject to broadening the area.

Councilman Frese asked if VDOT has been contacted about this.

Public Works Director Spurlock advised they have not been contacted.

Vice Mayor Richardson asked if the bike racks are included in the Safe Routes to Schools Program.

Public Works Director Spurlock advised that they are.

Vice Mayor Richardson asked if there was still \$9,000 available.

Public Works Director Spurlock stated that they are doing some field engineering instead of the prefab bike rack design for a fraction of the cost.

General Government

Town Manager Ritter reported that the EMS Division has extended the hiring process for part-time staff until January 2016. He advised that they have completed Phase 2D. He also stated that the tax deadline was December 7th. He stated that they will stop using dual software by January. He reminded Council of the quarterly newsletter to be published in January.

Town Manager Ritter also reported that all department heads have completed the employee evaluations. He stated that at the Leadership meeting, U. S. Fish and Wildlife Director, Ms. Wendy Webber has signed a record of decision to approve the CCP mid-November.

Councilman Leonard asked if it was possible to obtain a copy of what Ms. Webber signed.

Councilman Frese asked for an update on the Town's webpage. He stated that there is still October information listed.

Town Manager Ritter advised that he will have this corrected.

Councilman Ellis asked if they could have an update on the Town Planner and Town Attorney positions.

Town Manager Ritter stated that they are negotiating with a potential Town Planner. He advised that this will be discussed further in executive session.

Councilman Jester commented on the webpage and feels it's a valuable tool to be able to compare information from year to year.

Planning Department

Building and Zoning Administrator Lewis advised that there will be a couple of changes coming up. He stated there is a new motel project on Main Street.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

11. Consider Adoption of the Minutes

- **Regular Council Meeting of November 2, 2015**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the November 2, 2015 regular Council Meeting as presented. Unanimously approved.

12. Public Hearing, Ordinance to Vacate Subdivision Lot Lines

Mr. Jon Poulson, attorney for the Francine D. Maestri Trust explained that this pertains to lots 7, 8, 9 and 10. He stated that there is a 10' road that runs on the south side of lot 10. He stated that the road is a periphery road. He added that it goes nowhere and is solely for lot 10. Mr. Poulson advised that in a signed agreement in October 2015 the Chincoteague Hotel has claimed they have no interest in lot 10. He added that the only entity who has any interest in the road is lot 10. He also stated that once the lot line is vacated, the periphery road will go into lot 10. Mr. Poulson added that this is not a public road.

Mayor Tarr opened the public hearing.

- Mrs. Mary Chrisman stated that she and her husband object to this. She asked to approach Council and reviewed her photos. She explained that she and her husband own the property adjacent to the 10' road. She stated that the road is at the back of their property. She read the map number to her property and advised that this is the only access to the back of their property. She further reviewed the photos. Mrs. Chrisman also explained that they own part of the entrance to the waterway. She then stated that if the road is vacated they will have no access by walking or by vehicle to access their property.

Mrs. Chrisman stated that this is the first she has heard that this is a subdivision as it is not listed in any deed that this area is a subdivision. She reiterated that they use the road as a means of access to their property. She asked Council not to approve the ordinance to vacate the road. She added that she has owned the property since the 1980s.

Councilman Taylor asked if there was a copy of the deed that mentions the road.

Mrs. Chrisman advised that they do and it states that their property is bound by a 10' road.

Councilman Taylor then asked if this gives them access to the road.

The surveyor advised that in every plat he reviewed, it does not list a 10' road. He added that none of the deeds define who has access.

Mrs. Chrisman added that it is a pickup road.

Councilman Frese asked about the property.

Councilman Jester asked if their garage blocks their access in the lane on the south side of the Comfort Suites.

Mrs. Chrisman advised that it does. She added that there is no other access to that lot.

Councilman Leonard asked if they own the boat ramp.

Mrs. Chrisman stated that they share the boat ramp with the applicant.

Councilman Taylor asked if the deed gives them to the water.

Mrs. Chrisman stated that it does.

Councilman Frese stated that on the plat it looks like it is short from going to the water.

Mrs. Chrisman explained that the map is not correct and their property goes all the way to the water. She added that this is the only access to their parcel and they would like to use their land for which they bought it.

Councilman Frese asked if they own lot 153 which abuts 1A.

Mrs. Chrisman stated that it does, however, their garage is there. She referred to the photos and explained further.

Councilman Taylor stated that if the garage wasn't there they could legally get to that property. He stated that legally they can get to that property but it's obstructed by their own garage. He stated that the original owners did not deed off the road.

Mr. Poulson stated that he doesn't believe there has ever been a deed to the road. He added that this is subject to the easements.

Councilman Taylor asked when the lots were deeded off was the road deeded.

Mr. Poulson responded that the road was for the subdivision and under the law the roads did go to the municipality unless something on the plat states something different.

Councilman Taylor then asked if the Town of Chincoteague owns the road.

Mr. Poulson stated that the only people that have any interest in the road are lots 10 and arguably lots 1-6.

Councilman Taylor asked about ownership.

Mr. Poulson added that under the Virginia Code if it is vacated, it then goes to the adjacent lot, i.e. lot 10 by statute.

Councilman Taylor wanted to know as of today, who owns the road.

Mr. Poulson responded that it wasn't the Chrisman's and it was maybe the Watson Heirs from 1943.

There was further discussion regarding ownership and not easements.

Councilman Taylor stated that it is hard for the Town to give something away that they don't own.

Mr. Poulson stated that under the Code you have the right to vacate the road. He added that it isn't a question of giving away something they didn't own. He stated in 1943 there probably wasn't a subdivision law.

Councilman Taylor stated that the "original" person didn't convey the road but gave the people the right to use that road.

Mrs. Chrisman asked if by law the Town could deny them access to their own property.

Mr. Poulson advised that they have no access.

Mayor Tarr stated that if they have had access for over 15 years would they still be entitled to that access.

Mr. Poulson stated that it has to be adverse.

Councilman Jester asked if there have been any conversations with the owners.

Mrs. Chrisman advised that their boat trailer tire was on the other property and that they received a letter advising of the property lines. She added that they moved the boat trailer.

Councilman Taylor asked that if this was his subdivision and he didn't convey the road and he still owns the road could the Town legally vacate the lot line to the road even though he owns the road.

Mr. Poulson stated that in 1943 the David Watson Heirs from 70 years ago may own the road. He then reviewed the plat. He showed the lots 1-10 and detail of ownership. He explained that the crucial thing is the 2 lots in the front are not legally part of the subdivision and have no rights in the 10' road. He then showed another lot stating that the Lizzy Watson lot is owned by the Trust and the access is Main Street. He stated that the David W. Watson lot is owned by the Chrisman's. He added that they own 2 other lots, lots 18 and 19 to the back and they have owned them since 1985. He stated that lots 18 and 19 subdivision took place in 1910. He stated that when those Watson Heirs subdivided it and it was 4 lots involved, the 3 Chrisman lots and

other lots with their own set of roads and was a totally different subdivision. He stated that Lizzy Watson and David Watson were never part of this subdivision and those lots can't have any part of any subdivision roads.

Council reviewed the plat, the property lines, easements and roads.

Mr. Poulson then addressed the canal which was man made and is part of lot 10 and the southwestern boundary line running down the southern side of the canal. He added that the Chrismans have no right to the canal.

Mrs. Chrisman interjected that this was not correct. She stated that maybe they need to get a lawyer. She stated that their deed to the long parcel in the back gives them to the low watermark.

Mr. Poulson stated that they can't own the water and showed where the property line runs. He also stated that the manmade canal is part of lot 10. He suggested having the Chrismans bring a letter from a local real estate attorney that says they have the right to use the 10' road and the right to use the canal.

Mrs. Chrisman stated that they have a right to access their own land.

Councilman Frese again addressed the 10' road.

Mr. Poulson showed the plat and stated that it comes from the 1910 plat.

Councilman Taylor asked about what the plat says and if it joins and does it join the 10' right of way.

Mr. Poulson stated that the hotel has acknowledged by an agreement that the slip is manmade and owned by lot 10 Trust. He added that they received the Town's permission through the Corps and then it was dredged.

There was further discussion.

Mayor Tarr asked if there were anyone else that wishes to speak during the public hearing.

Mrs. Chrisman again stated that they have used the 10' road since the 1980s. She feels like it wouldn't be right for the Town to deny them use of a parcel of land they purchased with the knowledge that the road was there. She stated that they didn't know they would need a lawyer to oppose the ordinance.

Mr. Poulson showed the copy of the 1985 Chrisman deed for lots 18 and 17. He stated that it runs back to a 10' lot. He added that nothing in the deed gives them a right to use the 10' outlet or the canal.

Mrs. Chrisman stated that this is not what they are arguing. She explained that they are arguing that they should have the right to access the property they own as part of that slip.

Mayor Tarr closed the public hearing. He asked Council if they had any further questions.

Town Attorney Burge verified the issue of the 10' road. She stated that there has been no evidence presented to Council that the Chrismans have claimed a right deeded or otherwise to utilize the right of way. She stated that it is plain law that the Town Council has the jurisdiction to vacate private property, in this case a road. She also stated that it is case law that where there is a single property that is bounding something. She continued that when something is vacated it's typically done, divided between the two adjoining properties. Town Attorney Burge stated that here, in the case of one area of subdivision, before there was a subdivision ordinance the idea that all this property is divided into smaller lots or parcels at one time in this case the 1940s makes this one subdivision. She added that this makes the particular roadway down the one side makes the side a peripheral or almost frontage kind of lot for that particular use. She feels there is no evidence that makes the Town know or believe they have any right over the 10' strip. She also stated that usage by custom is a whole other issue. She stated that in the issues of law presented before you, there is no evidence that says this can't be vacated by law.

Councilman Taylor asked for the big plat. He reviewed the plat and asked if their client owned either one of the properties. He mentioned that there is a difference in the plat of David W. Watson and David R. Watson.

Councilman Frese was trying to understand that on the south side of the property, the 10' wide dedicated road is the road in question. He asked about the 10' road on the back side of that same property.

Mrs. Chrisman advised there was not.

Mr. Poulson corrected her and stated there is a 10' road part way and a 12' road that comes in.

Mrs. Chrisman showed the picture of their garage where the Comfort Suites' fence is all the way to the back of the garage leaving no road there.

Councilman Frese then asked about the 10' road where the garage is.

Mr. Poulson reviewed the plat and pictures explaining where the roads are.

Councilman Frese feels there was enough time for both parties to have researched this prior to the public hearing.

Mr. Poulson stated that Council's decision on vacating can be appealed in court.

Councilman Leonard motioned, seconded by Councilman Taylor to table the vacation of the subdivision lot line for further research. Motion carried.

Ayes: Leonard, Taylor, Jester, Richardson, Ellis

Nays: Frese

Absent: None

Mr. Poulson asked if this was going to be on the agenda for the January meeting.

Mayor Tarr responded that he would like it to come back to Council in February.

Mr. Poulson stated that he has provided their records and requested that the Chrisman's provide him with any legal documents at least 2 weeks prior to the Council meeting.

Mayor Tarr agreed and advised that this will be on the February meeting agenda.

13. Public Hearing on the Zoning/Subdivision Ordinance, Article IV, Commercial District, Temporary Fence

Mayor Tarr opened the public hearing. He asked Building and Zoning Administrator Lewis to explain the changes.

Building and Zoning Administrator Lewis explained that this came into place because of the last couple of large construction projects. He stated that this will protect equipment and supplies. He also stated that in this it allows a 6' chain length fence without filler strips. He added that prior to the temporary certificate of occupancy permit is issued the fence has to be removed.

Mayor Tarr asked for comments from the audience.

Councilman Frese asked if this applies to a residential building.

Town Attorney Burge explained it's only in the commercial district.

Mayor Tarr closed the public hearing.

Councilman Frese motioned seconded by Councilman Leonard to adopt and add sections 4.1.27., 4.4.39., 4.7.31. & 4.10.28 to the Zoning/Subdivision Ordinance, Article IV, Commercial District Temporary Fence. Unanimously approved.

ARTICLE IV. COMMERCIAL DISTRICTS*

Add to sections 4.1.27., 4.4.39., 4.7.31. & 4.10.28.

(1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90° angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.

(2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90° angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.

(3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed

and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

(4) A chain link safety fence may be erected for commercial construction projects provided such fence does not exceed 6' in height and is located within the property boundaries of the said project. Such fence shall not be altered with filler strips along the front lot line and 25' back from said lot line. The fence shall be removed prior to "Certificate of Occupancy" is issued.

14. Public Hearing on the Zoning Ordinance, Changes Regarding State Code and the BZA.

Mayor Tarr opened the public hearing.

Building and Zoning Administrator Lewis advised on July 1st the state changed certain regulations in the appeals section of the Code. He explained that this will change the Town's existing section to make it in compliance with the State Code.

Mayor Tarr closed the public hearing.

Town Attorney Burge advised that one change dealt with a height of a building or structure. She also addressed a typo correction. She added that this bring this current with the State Code. She asked Building and Zoning Administrator Lewis and the Planning Commission to review a section dealing with notice provisions for property owners within 300'. She stated she didn't find authority for this in the State Code. She added that this is already in the Town Code and she feels it should be reviewed.

Councilman Leonard motioned, seconded by Councilman Jester to approve the Zoning Ordinance changes regarding State Code and the BZA. Unanimously approved.

Town Attorney Burge stated that variances and criteria have been loosened up by the State Code.

Councilman Leonard stated that this is giving the BZA more authority than before.

Mayor Tarr wanted to make sure the BZA is aware of this.

AN ORDINANCE AMENDING / REPLACING THE ZONING, BOARD OF ZONING APPEALS

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE that the Zoning Ordinance, Article II. Definitions Section 2.173 Variance and Article VIII. Board of Zoning Appeals of the Town of Chincoteague, Virginia, is hereby repealed and replaced with the following, to read as:

ARTICLE II, DEFINITIONS

Sec. 2.173. Variance.

Variance means, in the application of a zoning ordinance a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would

unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or a conditional zoning.

ARTICLE VIII. BOARD OF ZONING APPEALS

Sec. 8.1. Board of zoning appeals (BZA).

8.1.1. A board consisting of seven members shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses. Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.

8.1.2. The term of office shall be for five years, except that original appointments shall be made for such terms that the term of at least one member shall expire each year. Members of the board of zoning appeals appointed and qualified at the time of the enactment hereof shall continue to serve the balance of the term for which they were appointed.

8.1.3. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least 15 days' notice.

8.1.4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

8.1.5. The board shall choose annually its own chairperson and vice-chairperson who shall act in the absence of the chairperson.

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

Sec. 8.2. Powers of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

8.2.1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance. The decision on such appeal shall be based on the board's judgement of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

8.2.2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in section 2.173 the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvement thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance: (ii) the granting of the variance will not be of substantial detriment to

adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and; (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

The board of zoning appeals shall require the applicant for a special use permit to submit written comments from all property owners within 300 feet of the boundary line of the property upon which action is to be taken, when application is made to appeal for a variance, the applicant shall submit signatures from all adjoining property owners including the property owners across the street or across bodies of water adjacent to or dividing two properties. The Board of Zoning Appeals may require the applicant to submit written comments from additional property owners.

No variance shall be considered except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

In granting a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is proposed within an area of the site or part of the structure for which the variance is required, the approval of an additional variance shall be required.

8.2.3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

8.2.4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

8.2.5. No provision of this section shall be construed as granting any board the power to rezone property.

8.2.6. To hear and decide applications for special exceptions as may be authorized in this ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a

permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

Before issuance of a special use permit the board of zoning appeals shall consider the general character of the surrounding neighborhood in order to facilitate the preservation and creation of an attractive and harmonious community. The board of zoning appeals shall also consider the environmental effect on scenic, historic and waterfront areas including the property rights and values of adjoining and nearby property owners.

The board of zoning appeals shall have the authority to establish such conditions as it may deem necessary to assure and protect the health, safety, convenience and welfare of the general public within the district. Conditions may include, but need not be limited to, additional requirements for area, frontage, setback, side and rear yard, lighting, noise and odor control and location of streets including ingress and egress.

The board of zoning appeals may also impose such other conditions relating to the use for which a special use permit is granted as it may deem necessary in the public interest, including time limitations.

The board of zoning appeals shall not extend or renew any special use permit, or any conditional use permit previously granted, without the applicant complying with the procedures as set forth in section 8.4 of this ordinance.

All special use permits granted by the board of zoning appeals shall expire one year after the date of issuance unless construction or the use for which said permit was granted has actually commenced.

The board of zoning appeals may require a guarantee or bond with sufficient surety to ensure that any of the conditions which may be imposed pursuant to this article are being and will continue to be complied with.

8.2.7. To revoke a special exception if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first class mail rather than by registered or certified mail.

State law reference—Similar provisions, Code of Virginia, § 15.2-2309.

Sec. 8.3. Rules and regulations.

8.3.1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

8.3.2. The meeting of the board shall be held at the call of its chairperson or at such times as a quorum of the board may determine.

8.3.3. The chairperson or, in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

8.3.4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

8.3.5. All meetings of the board shall be open to the public.

8.3.6. A quorum shall be at least four members

8.3.7. The board shall act on all matters that are properly before it.
(Ord. of 4-3-1995)

8.3.8 A. The non-legal staff of the governing body may have ex parte communications of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

B. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 request additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.

C. For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

D. This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.

Sec. 8.4. Appeal to the board of zoning appeals.

8.4.1. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance. Notwithstanding any Charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

8.4.2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a

stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

8.4.3. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

State law reference—Similar provisions, Code of Virginia, § 15.2-2311.

Sec. 8.5. Appeal procedure.

8.5.1. Appeals shall be mailed to the board of zoning appeals c/o the zoning administrator, and a copy of the appeal shall be mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment established by the town council payable to the treasurer.

(Ord. of 11-4-1996; Ord. of 5-1-2000) (*Amended 1/18/07*)

Sec. 8.6. Procedure on application or appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of at least four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(Ord. of 4-7-1997)

State law reference—Similar provisions, Code of Virginia, § 15.2-2312.

Sec. 8.7. Certiorari to review decision of board.

8.7.1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town, may present to the circuit court for the county a petition that shall be styled “In Re: date Decision of the Board of Zoning Appeals of The Town of Chincoteague” specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

8.7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

8.7.3. The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

8.7.4. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

8.7.5. Costs shall not be allowed against the board, unless it shall appear to the court that, it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the board may request that the court hear the matter on the question of whether the appeal was frivolous.

State law reference—Similar provisions, Code of Virginia, § 15.2-2314.

At their December 7, 2015, meeting a motion was made by _____, seconded by _____, this Ordinance was adopted by the Town Council of the Town of Chincoteague.

Ayes:

John N. Jester

Ellen Richardson

Gene W. Taylor

Ben Ellis

Nays:

John A. Leonard
James Frese

_____Approved / _____Disapproved this _____ day of December 7, 2015.

John H. Tarr, Mayor

15. Chincoteague Island Chamber of Commerce Update

Chamber Director Shotwell reviewed a report she gave to Council. She thanked Council for their help with the parade Saturday evening. She reported that Chincoteague received the award of 2nd Coolest Small Town in America. She also state that the Virginia Visitor Corporation seminar was on the Island and thoroughly enjoyed. She stated that they received the Trailblazer Award issued during the seminar. She reported that RFV TV was in town this summer filming the pony swim. She advised that it aired in October. She also stated that the Travel Channel aired a segment in February for Sand and Surf Hotspots where Chincoteague was 81st. She reviewed the magazines that did articles on Chincoteague. She talked about the new visitor guide to come out in January. She stated that the Antares rocket launch is one of their features in 2016. She feels this has been a great year.

Chamber Director Shotwell also reported that they reached over 1.3 million people this year on Facebook. She listed paid advertising they placed in different guides, magazines and a book in Ocean City. She stated that they hosted the Annual Seafood Festival, Oyster Festival and the Easter Decoy Show. She referred to the tourism numbers from 2014 to 2015. She stated that Accomack County has had an increase of 5.9% in taxes. She added that Chincoteague is the largest contributor in the County's tax base. She stated that she is proud of this and the Town has a lot to offer with a beautiful place to show off and showcase. She talked about the Motor Coach Packages. She added that space tourism will be back in the picture in 2016.

Chamber Director Shotwell stated that they were able to work with Virginia Tourism Commission on a few projects. She also added they are working on a grant. She concluded that it has been a good year and she expressed her thanks for all the help.

Council thanked Chamber Director Shotwell for a great year.

Councilman Jester mentioned the videos that were posted. He feels there has been an increased in the tourism revenue on the Island because of all that the Chamber has done.

16. Resolution, IRS Requirement for the CVFC to be Eligible for the Tax Free Loan

Mayor Tarr explained that this is required as part of the loan package for a tax free bond for the new building. He advised that there was a public hearing at the firehouse last week. He stated that there was no outside attendance. He added that there is a resolution that needs to be passed. Councilman Ellis asked about the statement "This approval does not in any way, stated or implied, constitute any financial involvement or obligation of the Town of Chincoteague, Inc."

Town Manager Ritter stated that the Town is not financially obligated.

Mayor Tarr added that the Town is acknowledging that the Fire Company is applying for a tax free bond. He stated that the Town can also apply for a tax free loan later down the road.

Councilman Taylor stated that if the Town doesn't do this the Fire Company won't get their loan tax free.

Town Attorney Burge stated that the disclaimer is there in bold to point out that fact and endorses the Fire Company.

Councilman Leonard motioned, seconded by Councilman Taylor to adopt the Resolution for the Chincoteague Volunteer Fire Company to be eligible for a tax free loan. Unanimously approved.



RESOLUTION

Whereas the undersigned Mayor of the Town of Chincoteague Incorporated (hereinafter referred to as "Municipality") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), hereby approves the entering into by the Chincoteague Volunteer Fire Department of an Agreement in an aggregate principal amount not to exceed four million dollars (\$4,000,000) to finance a firehouse consisting of one building, approximately 21,000 square feet and will be located at 5175 Chicken City Road.

Therefore, this approval is given following a public hearing held at the Chincoteague Volunteer firehouse located at 4028 Main Street Chincoteague Island, Virginia, on November 30, 2015, at 6:00 o'clock p.m. in their meeting room and is solely for the purpose of satisfying the requirements of Section 147 (f) of the code. **This approval does not in any way constitute any financial involvement or obligation of the Town of Chincoteague Inc.**

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Chincoteague Volunteer Fire Department has provided firefighting and other services for the Municipality for many years and the Chincoteague Volunteer Fire Department hereby agrees to meet the requirements to continue to provide firefighting and other services for the Municipality

Dated this 7th day of December 2015

Chincoteague Volunteer Fire Department:

Municipality:

Ronald H. Malone Jr., President _____

John H. Tarr, Mayor _____

Fire Chief Thornton thanked Mayor Tarr and Council. He stated that this has been a 4 year project and with the help of Taylor Bank they should be able to finish this project by 2016. He also advised that they have ordered a new fire truck under the ICO Project. He again thanked the Town.

17. Budget and Personnel Committee Report of November 10, 2015.

Mayor Tarr advised that the report is in the Council's packet. He stated that they went into closed session to review the Chief and Town Manager evaluation to be presented to Council in closed session this evening.

18. Cemetery Committee Report of October 28, 2015

Vice Mayor Richardson reported they began to clean up at Hallie Whealton Cemetery. She stated that the School Board had been in there so there wasn't a lot left. She stated that when they completed this they went to the Redmen Cemetery to clean up there as well. She thanked the Public Works staff for their hard work. She stated that Mr. Hubb cleans the Deep Hole Road Cemetery and Mr. Doug Marshall has been cleaning the Holy Ridge Cemetery. She thanked all the volunteers and the Town for everything they've done.

19. Committee/Commission Appointments and Recommendations

- **Building Code Board of Appeals**
- **Curtis Merritt Harbor Committee**
- **Planning Commission**
- **Chincoteague Recreation & Convention Center Authority**
- **Recreation & Community Enhancement Committee**

Mayor Tarr explained that this is the time of year to review the Committees vacancies or renewals.

Building Code Board of Appeals:

The term for Mr. Ernest D. Holston will end on December 31, 2015. He has voiced his desire to be reappointed.

Mayor Tarr opened the floor for nominations.

Vice Mayor Richardson nominated Mr. Ernest D. Holston to serve another term of 5 years on the Building Code Board of Appeals.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved.

Curtis Merritt Harbor Committee:

The term of Mr. Michael Handforth will end on December 31, 2015. He has voiced his desire to be reappointed.

Mayor Tarr opened the floor for nominations.

Councilman Jester nominated Mr. Michael Handforth to serve another term of 2 years on the Curtis Merritt Harbor Committee.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved.

Planning Commission:

The term of Mr. Spiro G. Papadopoulos, P.E. will end on December 31, 2015. He has voiced his desire to be reappointed.

Mayor Tarr opened the floor for nominations.

Vice Mayor Richardson nominated Mr. Spiro Papadopoulos, P.E. to serve another term of 4 years on the Planning Commission.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved.

Recreation & Community Enhancement Committee:

The terms of Mrs. Linda Ryan and Mr. David Johnson expire on December 31, 2015. Mrs. Ryan advised that she does not wish to be reappointed. Mr. Johnson has voiced his desire to be reappointed. Mrs. Donna Leonard has also asked to be considered for this Committee as well.

Mayor Tarr opened the floor for nominations for the 1st vacancy.

Councilman Jester nominated Ms. Donna Leonard to be appointed to a term of 2 years on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations. He called for a vote and by majority vote Ms. Leonard will serve on the Committee for a term of 2 years.

For: Frese, Jester, Taylor, Richardson, Ellis

Against: None

Abstain: Leonard

Mayor Tarr opened the floor for nominations for the 2nd vacancy.

Vice Mayor Richardson nominated Mr. David Johnson to be reappointed for a term of 2 years on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved.

Chincoteague Recreation & Convention Center Authority:

The terms of Mr. William Chrisman and Ms. Laurie Walton will expire on December 4, 2015. Both Mr. Chrisman and Ms. Walton have voiced their desire to be reappointed. Mrs. Evelyn Shotwell has also submitted a letter expressing her desire to be considered to serve on the Authority.

Mayor Tarr opened the floor for nominations for the 1st vacancy.

Councilman Frese nominated Mrs. Evelyn Shotwell.

Vice Mayor Richardson nominated Mr. William Chrisman.

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

Councilman Frese, Councilman Jester, Councilman Ellis and Councilman Leonard voted yea for Mrs. Shotwell and Vice Mayor Richardson and Councilman Taylor voted nay for Mrs. Shotwell.

Mrs. Shotwell will serve a term of 4 years on the Chincoteague Recreation and Convention Center Authority by majority vote.

Mayor Tarr opened the floor for nominations for the 2nd vacancy.

Councilman Taylor nominated Ms. Laurie Walton.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved.

Board of Zoning Appeals:

The terms of Mr. Donald Thornton and Mr. Edward Moran will expire December 31, 2015. Mr. Thornton has voiced his desire to be reappointed. Mr. Moran advised that he does not wish to be reappointed.

Mayor Tarr advised that this is not an appointment by Council it is an appointment by the judge. He asked Town Attorney Burge to send a letter to the judge advising of the 2 vacancies and that Mr. Thornton wishes to be reappointed. He asked staff to advertise the vacancy.

Town Attorney Burge advised that the Town makes the recommendation to the judge. She added that those interested should contact the Town.

Councilman Frese nominated Mr. Donald Thornton to serve a term of 5 years on the Board of Zoning Appeals.

Mayor Tarr closed the nominations. He called for a vote and it was unanimously approved. He directed staff to forward a letter of recommendation to the Circuit Court Judge for reappointment

Mayor Tarr directed Town Manager Ritter to advertise the vacancy.

20. Discuss Retaining the Consultant for Additional 6 Months

Mayor Tarr stated that there is a letter in Council's packet from Mr. Rob Catron of what he is working on.

Town Manager Ritter stated that they have budgeted 6 months of the consultant services for the FY 2016 budget. He stated that the consulting services has been done on a 6 month basis. He advised of the upcoming NPS General Management Plan and feels the Town will need the consultant services. He stated that the U. S. Fish and Wildlife has recently signed the CCP and the Park Service GMP will be coming out as well. He asked Council's pleasure to continue for another 6 months adding that it will come from the Recreation and Tourism Reserve. He stated that they can do a budget amendment in January or February.

Mayor Tarr stated that without going through the budget he doesn't want to commit to taking the funds from the Recreation and Tourism Reserve.

Town Manager Ritter stated that Council needs to vote if they want to continue with the services for another 6 months.

Vice Mayor Richardson motioned, seconded by Councilman Leonard to retain the consultant Alcade & Faye for an additional 6 months. Unanimously approved.

21. Mayor & Council Announcements or Comments

Councilman Taylor stated that the Town of Chincoteague has a lot to offer.

Councilman Ellis asked about a letter the Town received from an attorney representing a resident who was raising concerns about mosquito control.

Town Manager Ritter advised that this has been referred to VML who is handling this for the Town.

Town Attorney Burge stated that she has had communications with VML as well.

Councilman Ellis stated that there is a webinar this Friday directed to elected officials. He also wished everyone a very Merry Christmas and Happy New Year.

Councilman Jester thanked everyone, the Police Department, the Public Works Department and General Government along with everyone in the Fire Department for a great year. He stated that it's nice coming back into a community where you know who your neighbors are.

Councilman Leonard also thanked everyone in the community for their part. He also wished everyone a Merry Christmas and Happy New Year.

Vice Mayor Richardson wished everyone a Merry Christmas and healthy New Year. She suggested that everyone take time and enjoy their family because life is very short. She also thanked the Fire Company, Public Works Department, General Government and the Police Department for doing their jobs and going beyond. She added that this is what makes us better and a community. She feels that's what people like about Chincoteague.

Mayor Tarr thanked Town Attorney Burge for staying on for a year. He stated it has been enjoyable and thanked her for the kind comments.

Town Attorney Burge stated that she couldn't thank the Town enough. She added that it has been a great opportunity, pleasure and honor. She thanked Council.

Mayor Tarr thanked Fire Chief Thornton.

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

- **Council Appointments**
- **Town Manager & Chief of Police Evaluations**
- **Attorney Appointment**

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

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

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

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

WHEREAS, Section 2.2-3711(A)(1) 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, Leonard, Taylor, Ellis, Richardson

Nays- None

Absent- None

Adjourn

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

Mayor

Attest: Town Manager