

MINUTES OF THE January 4, 2016
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.

- Mrs. Jenny Van Dame complimented the Public Works employee who is tending to the Downtown Park. She feels he is doing a beautiful job which reflects well on the Public Works Department and the Town.

Mayor Tarr directed Public Works Director Spurlock to let the employee know.

Councilman Jester advised that his name is Mr. Donnie Thornton.

STAFF UPDATE

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that they do a lot during the Christmas season. He reported that they helped 58 children in the town, which are approximately 27 families. He stated that they were also able to do something extra through the Atlantic Fire Department. He advised of the luncheon they held for the former Chiefs of Police. Chief Mills reported that only 1 was unable to attend. He stated that their first recertification review which is done every 4 years will be January 21st. He added that they were also able to send out food cards for needy families.

Councilman Taylor thanked Chief Mills and his department for their charity work. He feels it's good that the Town can share with the community. He understands the hard work and thanked them as it is very important.

Public Works Department

Public Works Director Spurllock advised that the report is in the packet. He reported that all the documents have been submitted to VDOT for the Safe Routes to Schools Project. He stated that it will take 2-3 months before it will be approved to begin.

General Government

Town Manager Ritter reported that EMS responses were 48 calls for the month of December which were 10 less than December of 2014. He added that there were 22 ALS calls. He stated that in the EMS Division they are advertising for a part-time staff in January for the summer season. He also stated that staff will be fully off of the Harris Software System this month. He reported that there was an annual audit which went very well.

Town Manager Ritter advised that staff is working on the quarterly newsletter to have in the Beacon by the end of this week. He stated that the Planning Commission will meet next week. He also added that it will be a joint meeting with the Wastewater Advisory Committee. He stated that he asked FWS for a PDF of the final signed version of their CCP which took place in late October 2015. He stated that the edited version will be posted in a couple of weeks. He also reported that he spoke with FEMA to see what the Town needs to accomplish to get the 15% off of flood insurance. He added that there are a few things left to complete.

Councilman Ellis asked if there has been any progress in the selection of the new Town Planner and the Town Attorney.

Town Manager Ritter advised that they made offers to the first 2 top choices which were declined. He mentioned selecting 2 more from the previous list to conduct interviews and if that did not pan out then he would re-advertise.

Mayor Tarr stated that he would like to discuss the Town Attorney matter in closed session. He welcomed the new Island District Supervisor, Mr. Billy Joe Tarr. He thanked him for coming and stated that Council looks forward to working with him in the future.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman Taylor to adopt the agenda adding item 8) Closed Meeting in Accordance with Section 2.2-3711(A) (1) & (3) of the Code of Virginia. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of December 7, 2015**

Councilman Taylor motioned, seconded by Jester to adopt the minutes of the December 7, 2015 regular Council Meeting as presented. Unanimously approved.

2. Certificate of Appreciation

Mayor Tarr read and presented a Certificate of Appreciation to the Honorable Wanda Thornton.



CERTIFICATE OF APPRECIATION

PRESENTED TO

THE HONORABLE WANDA J. THORNTON

WHEREAS, Wanda J. Thornton has served Chincoteague well for many years in numerous capacities, including 20 years as Islands District Supervisor on the Accomack County Board of Supervisors; and

WHEREAS, these years of service have been marked by exemplary dedication to the best interests of Chincoteague and Accomack County as she has worked constantly for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, she has earned the admiration and high regard of those with whom she has come into contact, and the affection of her fellow public servants; and

WHEREAS, her performance of the duties and responsibilities to the citizens of Chincoteague and Accomack County has been characterized by excellence;

NOW, THEREFORE, BE IT RESOLVED that I, John H. Tarr, Mayor, the Chincoteague Town Council and all our citizens, do hereby express our sincere appreciation to The Honorable Wanda J. Thornton for her distinguished service.

DATED this 4th day of January 2016.

John H. Tarr, Mayor

Mrs. Thornton thanked everyone and stated that it has been an honor to serve the community for so many years.

Mayor Tarr also added that Mrs. Thornton served on Council for 7½ years.

3. Judging Results for Christmas Lights

Town Manager Ritter read the results:

Judges Choice *

Bill and Ginger Birch
7079 Bunting Road

Most Themed *

Mr. & Mrs. Alfred Johnson
3510 Ridge Road

Most Traditional *

Faith Gregory
6126 Taylor Street

Honorable Mention

Arlene & Dill Wilgus
4169 Ridge Road

Mr. & Mrs. Alex Hubb
3015 Ridge Road

Eddie and Gail Gray
4282 Ridge Road

Bobby and Linda Clift
8300 Sea Breeze Drive

Town Manager Ritter also thanked the judges.

Mayor Tarr thanked Public Works Director Spurlock and the Public Works staff for the Christmas decorations, putting them up and maintaining them. He added that the island looked beautiful.

Public Works Director Spurlock advised that he would pass this on to his department.

4. Approval of Phase 2D, Downtown Main Street, Streetscape Project Bids

Town Manager Ritter advised that this is the last phase of the Downtown Rehabilitation Project. He stated that it goes along the east side of the road from Cleveland Street to just past the firehouse and then going across the road to the west side back to Bridge Street. He stated that there was a pre-bid meeting on November 30, 2015. He reported that the budget currently has a total of **\$594,000** for the project, consisting of **\$407,200** in grant and Town match of **\$186,800**.

Town Manager Ritter advised that staff is recommending that the contract be awarded to lowest responsive qualified bidder, Conrad Brothers for the base and alternate bid for a total bid in the amount of five hundred sixty four thousand three hundred sixteen (\$ 564,316.00). He added that they will still need to pay for the site inspections through VDOT.

There were a few comments.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve Conrad Brothers as the low bidder for Contract 01-190-124, C 501, Chincoteague phase 2D, of the Downtown Rehabilitation Project in the amount not to exceed \$564,316.00. Unanimously approved.

Mayor Tarr advised that even though Town awarded the contract this still has to go back to VDOT for approval along with the same process as the other grants. He added that this could be time consuming.

There was brief discussion about the project delays because of VDOT review and approvals.

5. Motion to Approve the Trolley Operating Funds, Grant Application Resolution
Town Manager Ritter advised that this is the annual housekeeping resolution for the Trolley operating funds and grant applications.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the operating funds, grant application and resolution. Unanimously approved.



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2017 beginning 07/01/2016**

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 4th day of January, 2016.

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

6. Discuss Fee for Vacation of Lot Lines

Town Manager Ritter explained that State Code 15.2.2273 spells out the fee of \$150.00 for vacation of lot lines. He advised that the Town's fee is \$250.00. He added that staff is recommending that the fee be lowered by \$100.00 to be in compliance with the State Code in the amount of \$150.00.

There were a couple of questions about the past charges and refunding the money. Council agreed to go back to the beginning of the current fiscal year.

Councilman Frese motioned, seconded by Councilman Jester to reduce the fee for vacation any subdivision plat from \$250 to \$150.00. Unanimously approved.

7. Mayor & Council Announcements or Comments

Mayor Tarr announced that the Council workshop will be moved from January 21st to January 14th.

Councilman Taylor thanked Mrs. Thornton for her many hours of dedication. She stated that if she hadn't there would have been so many things that would have been slipped through. He added that Mrs. Thornton has always known what was going on.

Councilman Jester stated that he was out of town for the holidays but was able to watch Facebook with all the decorations and the horseshoe drop. He feels that Mr. Steve Potts and Mr. Kevin Krome should be recognized for their hard work. He stated that they have been a boost to the economy by bringing people into the area and making Christmas bright and beautiful.

Councilman Leonard feels that they shouldn't fall asleep with the Park Service. He stated that if they can't get it by legal means they'll take it by force.

Vice Mayor Richardson announced that the Public Works Committee meeting has been cancelled. She stated that there are a lot of volunteers that do a lot of work on the Island. She mentioned the groundbreaking for the new pavilion at the museum. She stated that it's wonderful and thanked all the volunteers for all they do. She added that she has seen a lot of change, some good and some not. She stated that there are a lot of good people who come to the island and retire here offering a helping hand with their expertise.

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

- **Land Acquisitions**
- **Attorney Appointment**

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

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

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

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

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

VOTE: Ayes- Jester, Frese, Leonard, Taylor, Ellis, Richardson

Nays- None

Absent- None

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE January 14, 2016 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 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 Frese motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Unanimously approved.

1. Discuss Long Term Planning Considerations for Future Capital Expenditures

Mayor Tarr feels that this is an opportunity to look into what Council visions are for the next 5, 10 and 15 years. He thanked the Planning Commission for also participating in the task.

Town Manager Ritter stated that the main thing he would like to get out of this meeting is an opportunity to do strategic planning for 5, 10 and 15 years out. He feels they should look at the top 3 items and narrow it down over the next 5 years. He would like to go around to each Councilmember to express their number 1 projects.

Mayor Tarr agreed and asked each Councilmember for their **5 year Capital Expenditures list**.

Vice Mayor Richardson feels that the flooding at the foot of the bridge is her number 1 needed project.

Councilman Frese stated that they need to address the Assateague questions. He listed:

- a) Because there is no representation. b) This is having a direct effect on the potential to take out the island because of the change in the dynamics of the north end of the Assateague.
- c) We're not getting representation or cooperation from the U. S. Fish and Wildlife and the Department of Interior. He feels the Town has to pressure the state and consider legal attacks. He added that once it goes we won't have anything on Chincoteague to worry about.

Councilman Ellis also agreed with Vice Mayor Richardson about water drainage problems mainly on Maddox and Main. He feels his #1 issue is that there should be some decision on wastewater. He stated that it has set since 2013. He suggested getting the information and making a decision.

Councilman Jester also agreed with Councilman Frese that Assateague is an issue for the community. He stated that they should look into the municipal building as a headquarters for the community. He feels that when a power failure lasts a long period all of the building needs to work on the backup. He stated that the exterior of the building is showing age and should be addressed.

Mayor Tarr agreed that Assateague is an issue. He stated that there are some things in the fire to push on since the CCP was adopted. He stated that they need to plan the next step with a study. He added that they need to get Mr. Catron with Alcade and Faye to move this along. He also stated that the Town isn't getting representation. He also stated that because of the growth on

Chincoteague, he feels the Town needs to have a plan with the larger projects. He added that the Planning Commission should be able to weigh in on these projects and come before Council to be voted on. He added that Chincoteague has grown to a point that the Town needs to get a handle on it. He mentioned traffic. He also stated that he doesn't want to stop it but it should be structured.

There was discussion about traffic, transportation grants and what the Town can do to make this better.

Vice Mayor Richardson stated that her second choice would be the south end of Assateague.

Councilman Frese advised that his second is that the roads on the Island are too narrow. He would like to see if anything could be done.

Mayor Tarr added that one of his 5 year plans was to pull the shoulders on the roads to increase the road width.

Councilman Ellis stated that broadband expansion would be his second choice.

They discussed the problem and the recent lowering prices for broadband.

Mayor Tarr advised that they have a meeting next week with the Eastern Shore Broadband to obtain property to put poles up to accommodate the expansion. He stated that they are talking about new types of equipment.

There was discussion as to where and who is connected to broadband.

Councilman Jester would like to see the Town do something with the Island Activity Center. He feels that this is a place of activity for the Island. He would like to see the building fixed up and made extra equipped for further activities. He mentioned the new Pickleball program.

Mayor Tarr stated that they are making progress with adjoining property there.

Town Manager Ritter suggested looking to purchase the parcel where the Recreational Football team practices parcel A.

Mayor Tarr feels that if they work with the CCA it would be a wonderful place for the Farmer's Market to grow. He also added that he has about 15 more projects that can be done in about a year. He also feels that terrorist training is necessary because of the large festivals the Island hosts. He suggested going to the next level.

Chief Mills advised that they have scheduled training next month.

There were comments and discussion about communication.

Mayor Tarr asked for Council's 5 year plans.

Vice Mayor Richardson asked about losing the grants for the shoulders along the traffic circle and the Causeway.

Town Manager Ritter stated that the Town didn't get the grant.

Vice Mayor Richardson feels this should be looked into further.

Public Works Director Spurlock advised that he has talked with VDOT and they are looking at sidewalks, lighting and drainage to the traffic circle.

Town Manager Ritter stated that this is in the Capital Improvement Projects. He added that those projects take about 10 years to happen.

Council understood this and felt they should keep pushing.

Councilman Jester suggested adding lighting along Maddox Boulevard.

Councilman Frese asked what equipment the Town needs to extend the roadways. He suggested adding this to the budget.

Mayor Tarr stated that they could call VDOT as the burden doesn't have to be all on the Public Works Department.

They discussed the equipment and opportunity along with specific areas.

Councilman Jester mentioned the sidewalk heights along Main Street toward downtown. He would like them uniform with the Downtown enhancement project. He also asked if the Capital Improvements list for the Harbor would be separate.

Mayor Tarr stated to include the Harbor.

Councilman Leonard stated that his number 1 is more studies on wastewater and preparing to implement it. He feels that finishing the plan for the Maddox Boulevard bike path, lighting and sidewalks should be second. He added that he would also like to see the flooding at the foot of the bridge corrected.

Mayor Tarr stated that VDOT is still reviewing this issue.

Public Works Director Spurlock advised that he has request a stormwater consultant to do an elevation study to identify the problem at the foot of the Bridge area. He added that he should have this proposal next week.

Mayor Tarr wanted to know if anything happened to the Town Manager who would be the 2nd in command in the office.

Town Manager Ritter stated that Public Works Director Spurlock should be and he has most of the passwords.

Mayor Tarr asked if the employees knew that he would be the 2nd in charge if there is an incident while the Town Manager is out.

EMS Supervisor Rush advised that this is in a section in the EOP that refers to an emergency situation and in the Continuity Operations Plan also addresses that.

Mayor Tarr feels it's important. He then asked Department Supervisors for their suggestions for the Capital Improvement Projects.

Public Works Director Spurlock stated that they need automated water meters and system.

Mayor Tarr stated that this isn't included in the 5 year budget.

Public Works Director Spurlock advised that it will be discussed after this session.

EMS Supervisor Rush stated that in the 5 year plan, they need to look at hiring 4 additional full-time EMS providers. He feels that with the temperature of the volunteers they don't have a lot of backfill coming in on a young level.

Mayor Tarr asked if they have reviewed the 5 year plan to evaluate the volunteer and paid working together to see what would be needed 3 and 5 years from now.

EMS Supervisor Rush responded that they have not because everything is crisis management.

Mayor Tarr suggested that the EMS Board, the paid personnel and Town Manager Ritter should meet to determine where they see things going 3 years out and then at 5 years out. He stated that Council needs to see where it's going and possibly marry it together. He feels EMS Supervisor Rush can make this happen with his contacts.

Chief Mills talked about the new body cameras. He discussed the in-car camera system. He stated that the in-car camera systems work hand-in-hand with the body cameras. He stated that some of the other equipment is getting old. He asked to add tasers and new in-car cameras. He advised that the current system is a monster to try to get a video.

There was discussion of additional security cameras in the building.

Chief Mills stated that those things aren't as expensive and could be included in the upcoming budget.

Councilman Taylor feels that the causeway should be elevated. He stated that the Town should think about changing out the asbestos water pipes when they are paving a road.

Planning Commission Chairman Rosenberger stated that at their next meeting in February they will come up with a priority list.

Town Manager Ritter wants to add the purchase of the adjacent land by the Island Activity Center. He advised that the youth football league uses this property. He added that if it is developed they won't have anywhere to practice. He stated that there will be paving in the spring from the Harbormaster's office to Mariner's Point. He also stated that the next paving at the Harbor will be the inner circle along the bulkhead with striping to add additional parking spaces.

Public Works Director Spurlock stated that with the Harbor electrical upgrade they should include lighting. He feels replacing the fixtures within the next few years with LED would save money.

Councilman Jester asked about replacing the boardwalks around the Harbor.

Public Works Director Spurlock stated that the boardwalk is fine but the finger piers should be checked. He stated that there is a constant complaint about swell protection.

Mayor Tarr stated that they've done the Ocean Boulevard Extended bike bridge. He would like to see it paved all the way through and designated as a bike path.

There was further discussion about the bike path.

Public Works Director Spurlock advised that this would be paved when they do Ocean Boulevard in the spring.

Mayor Tarr asked for their 10 year Capital Improvement Plans.

Councilman Taylor would like to try to acquire the property where the water wells are. He also would like to see more reliable high-speed internet throughout the island.

Councilman Jester stated that he would like to see more parking at Memorial Park.

Councilman Leonard would like to see wastewater for Main and Maddox. He would like to keep up with the beach access and to retain the lawyers to do so. He would also like to have floodgates installed. He also added to have the upgrades at the Harbor.

Councilman Ellis stated that he would like to see the Main Street revitalization continue north from Church Street toward the bridge.

Mayor Tarr stated that he believes that the Master Plan was to brick the sidewalks to the bridge.

There was brief discussion.

Councilman Ellis would also like to maintain the water system.

Councilman Frese feels there should be a water tank at the north of the island.

Public Works Director Spurlock stated that there is a contract to receive bids to upgrade the line coming out of Willow Street. He explained that currently there is one 6" line feeding the entire island. He added that where it goes into Willow Street it is 7-8" below the asphalt. He advised that this was in last year's budget to upgrade to a 10" line and should eliminate the pressure issue even to the north end of the island.

Vice Mayor Richardson stated that she would like to see the streets with partial sidewalks extended the entire length of the street. She also would like to see better lighting along those streets.

There was brief discussion.

Mayor Tarr would like to consider purchasing the downtown fish dock. He stated that this would increase the boat ramp and facilities. He stated that in some point in time the Town should consider the trolley run to the beach. He feels that in 10 years the Town will know where the parking lot will be and how it is working. He would want it controlled by the Town of Chincoteague and not U. S. Fish & Wildlife. He also stated that he had all new automated water meters on his list but hopes this happens before this.

EMS Supervisor Rush would like to see in the 10 year period a dual purpose emergency management EMS utility vehicle which would double as a portable command capability. He stated that they are currently using the Fire Company's vehicle. He stated that 8 -10 years out they also may have to look at purchasing an ambulance.

Councilman Frese wanted to know the cost of a new ambulance.

EMS Supervisor Rush advised that within the state contract approximately \$140,000 - \$145,000. He added that they could get a state grant to offset those costs. He also added that equipping it would cost another \$125,000 - \$150,000. He stated that with the 1st ambulance order it would be close to \$300,000.

Chief Mills stated that by that time they would need a new repeater/radio system. He also added that with the increase in tourism there may be a need for another couple of full time officers.

Transportation Director Welsh stated that they will need to replace 2 trolleys.

Town Manager Ritter stated that realistically 5 – 10 years out he would like to see the wastewater completed for Main Street and Maddox Boulevard. He would like to have a new well on the mainland and agreed that they may need to look into purchasing land.

Public Works Director Spurlock feels that the Willow Street reservoir should need updating or upgrading. He would also like to purchase the downtown dock and consolidate the Main Street Corridor. He suggested running the boardwalk both ways and tying the motels into it.

Mayor Tarr asked for their 15 year wish list.

Town Manager Ritter stated he would like to visit the possibility of a community swimming pool.

Public Works Director Spurlock stated that by then they will need to replace the Memorial Park Playground equipment along with the equipment at the other parks, infrastructure upgrades and maintenance.

Councilman Ellis also had maintenance and improvements to the infrastructure; parks, boat ramps and center. He asked about the Causeway closure during a storm.

Mayor Tarr stated that they raised the Causeway about 20 years ago and feels this could be a VDOT project that could be done.

EMS Supervisor Rush stated that he has EOC upgrades and conform to new standards.

Councilman Leonard would like to see North Main Street widened. He stated that the causeway needs to be raised and widened. He also mentioned a community pool.

Councilman Jester stated that we are an island community without a boat. He feels the Harbormaster should be able to check the bulkhead. He also stated that the police could assist the U. S. Coast Guard as well as EMS emergency use. He asked to have this put on the 5 year plan.

Chief Mills stated that he didn't have anything for the 15 year list but feels there should be a video camera system at the drawbridge for the 5-10 year list.

Mayor Tarr suggested that Chief Mills contact VDOT as they do record both ways at the bridge.

Councilman Jester stated that there are cameras at the Harbor and at Memorial Park. He feels there should be cameras downtown as well.

Public Works Director Spurlock advised of a salesman who tried to sell him a camera surveillance system that does license checks.

There were comments.

Councilman Taylor stated that South Main Street is an issue. He feels there are areas that are prone to water and should be checked into. He stated that they need to have a new reservoir. He would like to see all of the asbestos water lines gone within 15 years.

Transportation Supervisor Welsh stated that they will need to purchase another trolley and a van.

Planning Commission Chairman Rosenberger feels they need to consider rehab or rebuild the Town Complex.

Councilman Frese feels that they need to do something about the generator.

There was discussion as to what the generator operates in the Municipal Complex.

EMS Supervisor Rush discussed adding heating and air conditioning to the generator. He stated that this would be a recovery center if there is a catastrophic event.

Councilman Leonard asked about the Center and the capability of housing people.

EMS Supervisor Rush advised that there is an MOU with the Elementary School because they have a generator. He stated that if there is an event that large they could house people there. He added that they would want to get schools in session as quickly as possible and the use would be limited. He stated that they would rely on the county for an auxiliary site. He also stated that the Community College wants to expand. He added that as part of the VDEM through the Eastern Shore Disaster Preparedness Coalition they could register the expansion as a state shelter.

There were further comments.

Mayor Tarr stated that they should look to buy a large tract of land for events. He suggested using Memorial Park for the events such as the Seafood Festival or Oyster Festival. He stated that they would need adjacent land for parking. He added that if there was more parking near Memorial Park it would enhance Pony Penning and possibly do away with the bus system. Mayor Tarr directed staff to put the list together for Council to review and make a priority list. He added that there should be a ball park figure to see if this is financially attainable.

2. Review of the Draft Fiscal forecast of Budget Years 2017-2021

Mayor Tarr stated that Town Manager Ritter included a forecast. He doesn't feel they should discuss it at this time.

Town Manager Ritter suggested that everyone primarily look into FY17 of the forecasted budget.

Mayor Tarr asked if there was anything that they want to review at the next meeting.

3. Mayor & Council Announcements or Comments

Councilman Ellis feels this is a very helpful process.

Mayor Tarr stated that if there is anything to add to the list contact Town Manager Ritter.

There was brief discussion.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE FEBRUARY 1, 2016
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. Mary Chrisman came before Council concerning the 10' road behind her home. She stated that Town Manager Ritter has answered most of her questions. She asked if this issue was going to be rescheduled for the Council meeting in April. She also invited Council to see the road that they will be voting on.

- Mr. Steve Potts came before Council to give an update on Christmas by the Sea/ChincoteagueChristmas.com. He stated that this was started to attract more visitors and lengthen the season for enhancement of commerce and the community. He reported that in 2014 the Horseshoe Drop was picked up by Travel and Leisure, listed in the top 20 wackiest ball drops in the country. Mr. Potts also stated that in 2015 the Horseshoe Drop video went viral with 44,250 views in less than 2 days. He stated that each year more and more visitors are coming to Chincoteague for the holidays.

Mr. Potts reported that all the events are heavily attended. He listed those events. He stated that the Horseshoe Drop drew between 1,100 and 1,200 people. He added that the Polar Plunge was the biggest to date with over 2,000 spectators and 125 people that plunged. He stated that the Polar Plunge video also went viral with over 80,000 views.

- Mr. Potts stated that he was also before Council on another note. He stated that he has served on committees since he was 28 years old. He stated that he has been President and Vice President of the PTSA, Chairman and Vice Chairman on the Eastern Shore Tourism Commission and Vice Chairman of the Chincoteague Center Board. He stated that whatever board he has

served on has been to the best of his ability. He stated that for the past 2 weeks he has considered resigning from the Chincoteague Center Board. He was told that one Board Member was heavily influenced or told by the Town how to vote at a recent meeting. He would like to know who, why and if there is a plan for the Center that needs to be discussed or shared with the entire Board. He added that it is not prolific for another Board Member who has attended 2 of 7 meetings who also serves on the Town Council and does not participate to help the Center but to disparage it.

Mr. Potts also stated that it is the Council's responsibility to look into his concern. He stated that he can work with mostly anyone. He is aware that every entity and mission must evolve to survive. He would like to move forward in a productive manner. He stated that you can't lead from behind. He added that if you don't show up for practice you shouldn't expect to be on the team. He asked Council to give serious consideration into these matters.

STAFF UPDATE

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that they underwent their 1st year accreditation assessment and it went well. He advised of a couple of formalities. He also announced that the Annual Senior Luncheon will be March 9th at Don's Seafood Restaurant.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that the Town is still in clean-up mode. He also stated that anyone who has brush or debris that needs to be picked up should call the Town office no later than the close of business Friday.

Mayor Tarr asked if a preconstruction date has been set for the Downtown Project.

Public Works Director Spurlock advised that they haven't set a date yet. He stated that they are waiting on VDOT's review of the signed documents.

General Government

Town Manager Ritter reported that the EMS Division will be completing their interviews for part-time provider so they can get them oriented before the summer season. He also reported that the Emergency Management Team is working on daily weather monitoring and continuing preparations for the shore wide exercise for March and hazard mitigation process is underway.

He stated that on Phase 2D they have sent out the agreement and when they get it back they will set up the preconstruction meeting. He stated that the Robert Reed extension is completed and they're waiting for reimbursement from the DCR. He also stated that 1,209 2nd tax notices have been printed and mailed. Town Manager Ritter also stated that the FY 2015 financial audit has been completed and distributed to Council. He added that staff is working on Business License renewals and preparing for the upcoming annual decal sales. He advised that the quarterly newsletter has been published and the event calendar has been included in the packet.

Town Manager Ritter stated that they received information that the GMP has been released and there are 90 days to respond. He reported that the Safe Routes to Schools documents have been submitted and the Town is waiting for them to be returned to set the preconstruction meeting.

Mayor Tarr asked about the MOU with the U. S. Fish and Wildlife.

Town Manager Ritter stated that they are currently working on a MOU which encompasses the U. S. Fish and Wildlife, the National Park Service, the Town, the County, the Army Corps of Engineers and a DCR representative. He also stated that he has relayed his concerns.

Mayor Tarr advised that they have been in contact with the U. S. Fish and Wildlife and the Park Service. He reported that they will have parking lot 1 open as soon as possible. He added that parking lot 2 will be opened by Easter and parking lots 3 & 4 will be open by Memorial Day. He added that they worked with the Army Corps of Engineers last year to get a project selected. He explained the process to have the project selected along with the funding process to do a study for the Inlet and Assateague. He feels this should go through.

Councilman Ellis asked about the problems with the payment module on the website.

Town Manager Ritter explained that when a “check” payment is completed on the website it takes several days for the check to clear as opposed to the debit/credit card payments which clear immediately.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of January 4, 2016**
- **Council workshop Meeting of January 14, 2016**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the January 4, 2016 and Council Workshop Meeting of January 14, 2016 as presented. Unanimously approved.

2. Presentation of Recent Trends on Economic Data for Tourism on the Eastern Shore

Ms. Kelly Allison advised that she would like to update Council looking at the region as a whole on the data collected regarding the economy. She acknowledged Chamber Director Shotwell who is the leader of the tourism on the Island. She also acknowledged Mr. Steve Potts who is on the Eastern Shore Tourism Board. She mentioned the regional highlights. She stated that at the end of every year they get the previous year’s data. She stated that for the 2nd year in a row they are the 2nd fastest growing in the state for both Northampton and Accomack Counties. She reported the visitor spending total of \$254 million last year. She added that the tourist that visit the shore have spent \$6.6 million in taxes. She reported that the tourism jobs from 2009 – 2014 rose 9% overall. She stated that the payroll went up 20%. She also stated that the growth and visitor spending during this time was up about 22%.

Ms. Allison reported that the growth in lodging tax is up 43%. She added that in 2012 Chincoteague increased their lodging tax up to 6% which has been raised a couple of times in the last 5 – 6 years. She stated that on the local level there was an almost 700% increase in the website visits from 2011 until the end of last year. She also stated that if someone goes through the trouble of ordering a Travel Guide then they are more likely to come to the area. She stated that from 2013 the Facebook likes have grown almost 2,000%. She explained the marketing guide. She also explained the transient occupancy tax. Ms. Allison described their services. She reviewed the direct marketing budget and marketing strategies. She discussed handmade and homegrown sales. She stated that people are generally traveling to local towns to learn and see the local culture. She added that people want to see oysters and how they are grown. She mentioned free internet researches for tourism. Ms. Allison continued discussing the different tourism websites like TripAdvisor. She also stated that they need volunteerism. She mentioned workshops and development as they are getting more and more sophisticated. She stated that they need tourism development, mobile sites and research studies. She also discussed the tourism data that Richmond needs. She thanked Council.

Councilman Ellis stated that the bottom line is that their efforts and groups like them and the Chamber have a direct positive correlation with tourism. He added that with communities such as this, the economy is driven by tourism. He also added that the Town should be making more use of the kinds of things they are providing.

Ms. Allison stated that they should all look at ways they can help in the economy. She understands the struggle but they should do a more in-depth look at what is drawing the people here. She added that it is a worthwhile effort.

3. Chincoteague Cultural Alliance Presentation and Grant Request

Mrs. Cindy Oehm, President of the Chincoteague Cultural Alliance gave a presentation. She stated that the CCA has been in existence for about 12 years. She also stated that they have started the 2nd Saturday Art Stroll which is a huge success. She stated that they have grown to over 100 events a year which covers every aspect of the artisan world. She listed the different events such as the Coffeehouse, the Chincoteague Island Theatre Company and 3rd Thursday performances. She added that most of the events are free or at a very low cost to the public. She stated that the reason she is before Council is to talk to Council about grant money and to explain the plans for the future building. She stated that the old elementary school cafeteria is the current home of the CCA. She announced that in early December they signed the papers to purchase the old school property on Church Street. She explained that this opens up to many things such as a programing for seniors. She stated that they have access to the Virginia Commission of the Arts Grant. She stated that it is a matching grant of \$5,000 and asked the Town to support the matching funds in the amount of \$5,000.

Mrs. Oehm listed what the grant money actually goes for: Free cinema series in the Robert Reed Park with 5 movies scheduled this summer, music on the dock and a traveling theatre company to perform Shakespeare all in the downtown park. She thanked Council for their assistance and left a brochure.

Town Manager Ritter advised that it is included in the budget. He added that they have to apply for the grant before April 1st.

Vice Mayor Richardson motioned, seconded by Councilman Taylor to apply for the Virginia Commission of the Arts Grant with matching funds of \$5,000 for the Chincoteague Cultural Alliance. Unanimously approved.

4. Recommendation from the Planning Commission on Wastewater Committee By-Laws

Mayor Tarr advised that this was a recommendation from the Planning commission on the Wastewater Committee By-Laws.

Town Manager Ritter reported on the changes.

Mayor Tarr explained that the Wastewater Advisory Committee would like to become a sub-committee of the Planning Commission. He stated that in order to do this it has to be approved by the Town Council.

Wastewater Advisory Committee Chairman Papadopoulos explained they are asking Council to approve that the Wastewater Advisory Committee will become a Planning Commission Sub-Committee so they could proceed with future plans. He also mentioned that this allows them to apply for a \$10,000 grant.

Planning Commission Chairman Rosenberger feels this fits in nicely with the Comprehensive Plan.

There were questions about the Committee members owning and/or residing on the Island.

Mayor Tarr stated that when it was discussed at the Planning Commission it was suggested that they have 3 members that are residents and property owners along with 2 at-large members that own property but didn't have to live on the Island. He read Section 2.1.

Council discussed and agreed to the change in Section 2.1 to "or at least 2 members shall..."

Councilman Ellis motioned, seconded by Vice Mayor Richardson to approve the Planning Commission's Wastewater Sub-Committee By-Laws as corrected. Unanimously approved.

By-Laws Wastewater Advisory Committee A Chincoteague Planning Commission Committee

January 12, 2016

ARTICLE 1 – OBJECTIVES

This Committee, established in conformance with the resolution adopted by the Chincoteague Town Council on February 1, 2016, and ARTICLE – 5 – EMPLOYEES, CONSULTANTS,

SPECIAL STUDIES of the Chincoteague Planning Commission By-Laws of April 5, 2010, hereby adopts the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia, as amended. The official title of this Committee shall be “Wastewater Advisory Committee”.

This Committee shall promote the orderly development of the Goal as presented in the Chincoteague Comprehensive Plan Approved February 2, 2015, to “Continue study and preliminary engineering for the feasibility of developing public sewer collection and treatment facilities”.

ARTICLE 2 – MEMBERS

2.1. Said Committee shall consist of seven (7) members, one of whom shall be an ex officio member, the Mayor of Chincoteague and another ex officio member, the Chairperson of the Planning Commission, and the remaining five (5) hereafter referred to as appointed members. Such members shall be residents of the locality or at least two (2) shall be owners of real property in the locality.

2.2. Said Committee shall also have three (3) Non-Voting members, the Town Manager, the Director of Public Works and the Town Planner.

2.3. The term of a Committee member shall expire on December 31 at which meeting the successor’s term shall begin.

2.4. Committee members are expected to attend all regularly scheduled meetings.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

Use same as Planning Commission By Laws.

ARTICLE 4 – DUTIES OF OFFICERS

Use same as Planning Commission By Laws.

ARTICLE 5 – QUORUM

5.1 A simple majority of voting members of the Committee shall constitute a quorum. A majority of a quorum shall have the authority to transact Committee business. A quorum shall be established at roll call and shall be maintained during the course of a meeting.

ARTICLE 6 – PUBLIC MEETINGS AND NOTICES

6.1 All meetings of the Committee shall be open to the public.

ARTICLE 7 – ORDER OF BUSINESS

7.1 Call to order

7.2 Roll call

7.3 determination of a quorum

7.4 Review of Agenda

7.5 Old Business

7.6 New Business

7.7 Adjournment.

7.8 Parliamentary procedure in Committee meetings shall be governed by Robert’s Rules of Order, most current edition.

ARTICLE 8 – HEARINGS

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

ARTICLE 9 – AMENDMENTS

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

5. Bids on Water Line at Water Plant

Public Works Director Spurlock advised that the bid opening was 4:00 p.m. Friday. He reviewed the bids stating that the low bidder was Branscome Eastern Shore. He mentioned the alternatives and doesn't see the value of adding that section. He recommended that Council award the base bid to Branscome Eastern Shore in the amount of \$180,437.19.

They discussed the bid discrepancies.

Mayor Tarr asked if Branscome was using any subcontractors.

Public Works Director Spurlock advised they weren't as far as he knows.

Mayor Tarr explained that this is a project to potentially increase the water flow island-wide.

Councilman Frese motioned, seconded by Vice Mayor Richardson to award Branscome Eastern Shore the base bid for the Willow Street Water Plant Waterline Upgrade Project in the amount not to exceed \$180,437.19. Unanimously approved.

6. Adoption of the Declaration of a Local Emergency

Mayor Tarr explained that due to the last storm the Town of Chincoteague declared a State of Emergency at 12:01a.m. on January 23rd, 2016 and is a requirement by law and this is an after the fact declaration of local emergency.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt 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:

Due to the heavy snow, heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from a January Nor' Easter; and

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 12:01 am on January 23, 2016, an emergency now exists throughout said Town of Chincoteague; and:

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the Town of Chincoteague shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

Dated: February, 1, 2016

Town Council of the Town of Chincoteague

Attest:

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

7. Recommendation to Extend the Auditor's Contract

Town Manager Ritter stated that the current contract with Robinson, Farmer, Cox and Associates expired and was \$24,000. He explained the fee schedule over the next 5 years. He advised that there is an add-on to the current contract as there were no other bids when they put this bid out. He added that it saves the Town by doing this as an add-on.

Councilman Ellis motioned, seconded by Councilman Frese to approve the extension the auditing contract from FY 2015 to FY 2020 with Robinson, Farmer, Cox Associates. Unanimously approved.

8. Mayor & Council Announcements or Comments

Vice Mayor Richardson thanked the Town as a whole for their work during the storm and snow.

Councilman Leonard also thanked everyone for working together. He also announced that he is running for Council again.

Councilman Jester also thanked everyone in the Town for doing a great job.

Councilman Ellis asked if there was an update regarding the hiring of a Town Planner.

Town Manager Ritter advised the 2nd interview was postponed.

Councilman Taylor stated he spent 5 hours on the beach earlier today. He gave an update of the breach on the south end. He stated that the Park Service is working feverishly. He added that they want all of the parking lot opened as quickly as they can.

Councilman Frese also thanked all aspects of the Town for their hard work during the storm.

Mayor Tarr advised that they have one item to discuss in closed session.

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

• Attorney Appointment

Councilman Leonard 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 Jester 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

10. Approval to Hire New Town Attorney

Councilman Taylor motioned, seconded by Councilman Jester to go into a contract with Attorney David Rowan to fill the Town Attorney position. Unanimously approved.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE FEBRUARY 11, 2016
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
Gene W. Taylor, Councilman
John N. Jester, Jr., Councilman
James T. Frese, Councilman

Council Members Absent:

Benn Ellis, Councilman
J. Arthur Leonard, 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 asked if there was anyone in the audience who had anything to bring before Council.

There were none.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes: Richardson, Frese, Taylor, Jester

Nays: None

Absent: Leonard, Ellis

1. Discuss Long Term Planning Considerations for Future Capital Expenditures

Town Manager Ritter explained the Capital Improvement List that was included in the agenda packet. He created a Capital Work Plan which is not in any priority or order. He stated that Council needs to discuss funding for the projects. He also stated that what he would like to do is continue working on the 5 year Capital Work Plan to keep it up quarterly. He suggested that Council could review and work on the 10 and 15 year Plan yearly.

Councilman Frese feels that several of the 21 items could be done simultaneously and within the first 5 years.

Town Manager Ritter feels it would be a good exercise each year to review the 5 year plan. He stated that once the 5 year list is compiled then they could look into funding. He suggested that if they couldn't finish the entire project in a year they could put the money aside for the next year or two to complete. He advised that item #1 is drainage and flooding for the Main Street and Maddox Boulevard intersection.

Council discussed costs and funding for the drainage at Main Street and Maddox Boulevard intersection.

Mayor Tarr asked Public Works Director Spurlock to explain where the Town is on this project. He added that the flapper gate has already been installed.

Public Works Director Spurlock stated that the check valve has been in about a year. He stated that after the valve was installed, water was still coming in just north in front of Dewey Tarr's house and running back down Main Street. He advised that they now have permission to build up that area. He stated that it is still hard to tell until you have a flood event. Public Works Director Spurlock stated that this is not part of the Urban Maintenance Funds. He added that he went to Suffolk with Town Manager Ritter to meet with VDOT. He stated that they were told of a new procedure of how VDOT is now doing capital improvements. He added that they have eliminated the 6 year improvement plan and replaced it with a HB2 Program where you have to compete for a grant. He stated that the next round to submit projects is in the fall.

Public Works Director Spurlock also stated that they need to resubmit the Maddox Boulevard improvements plan. He apologized that he hasn't had the chance to research this in length. He

also stated that they have the opportunity to research this project or to look at the Maddox and Main intersection.

Town Manager Ritter also explained the change. He stated that they just received the HB2 guidelines which are about 160 pages.

Councilman Frese asked if FEMA could help.

Town Manager Ritter stated that they would see if there are any grants that would pay for this.

There were comments from Council.

Mayor Tarr stated that if they look at this as a top priority project then staff will look into this giving the steps to get it done.

Town Manager Ritter explained the process.

Public Works Director Spurlock stated that the practical thing to do is use the flood tide level when they close the Causeway as a benchmark. He stated that if the tide is across the Causeway who would care if the intersection is flooded. He added that the minor flooding at the intersection is also a deterrent to keep people off of the Causeway.

Council continued with discussion.

Mayor Tarr stated that they need to know what steps are to be taken and the estimated cost.

They discussed elevation and agreed that the elevation of the Maddox and Main Street intersection is #1 on the priority list.

Town Manager Ritter continued to review the list. He stated that they received the 1st MOU and had some issues with it. He also stated that it has been revised and sent back yesterday. He reported that the Army Corps of Engineers is doing a study on Assateague and the Inlet. He also stated that they mailed letters to the dignitaries on February 2nd letting them know how important this study is. He added that this could be up to 20% local funding.

Council agreed that this should be #2 on the priority list.

Mayor Tarr asked if they could add "C" under item #2. He explained that the Park Service is working on an Emergency Plan to protect the newly replaced (south) parking lots when they are built. He added that they have secured funding and they will have an emergency plan done this time which should happen by April.

Town Manager Ritter continued to review the list. He asked Council if the Island road width increase should remain as item #3. He stated that they need to designate which road they should begin with.

Mayor Tarr feels this should be further down the list.

Public Works Director Spurlock interjected that they can clean up the shoulders in-house.

Councilman Taylor stated that he has offered his property along East Side.

Mayor Tarr feels that pulling the shoulders is a maintenance thing and shouldn't be on a long-term list.

There were comments.

Town Manager Ritter continued on to #4 as the wastewater decision, studies and implementation.

Mayor Tarr feels this item shouldn't be in the 5 year plan. He feels it should be on the steps they're getting ready to take within the next 5 years.

Town Manager Ritter continued with #5 as the broadband expansion.

Public Works Director Spurlock advised that he received a call from the Charter contractor about extending their broadband across the Causeway.

They discussed broadband access already offered.

Councilman Jester asked if this was a conflict between Eastern Shore Communications and Charter.

Mayor Tarr stated that it is. He feels the equipment is getting better and explained what Charter has and what they need. He stated that they share the bandwidth, Crisfield has been completed and they plan to start on Chincoteague next.

Town Manager Ritter stated that the next item is #6 which is to purchase a generator to support everything in the Municipal Building. He advised that they have contacted Mr. Thornton for a quote to resize the generator.

Mayor Tarr doesn't feel this should be on the Capital Plan as it will be done in 3 to 4 weeks. He asked that this be taken off the list.

Town Manager Ritter stated that the next item is #7 Island Activity Center maintenance and upgrades. He stated that they could set \$5,000 aside for the next 5 years to possibly add air conditioning.

Public Works Director Spurlock suggested installing a new gym floor also.

Town Manager Ritter stated that they will refer these issues to the Recreation Committee. He stated that item #8 is planning for future growth. He asked if the Council and the Planning

Commission should review future large projects for Council Approval as a possible conditional use.

Council discussed this and agreed that the Planning Commission should research different options.

Planning Commission Chairman Rosenberger made a few comments.

Town Manager Ritter stated that the Planning Commission will have this item on their agenda for March.

Council commented further about the current zoning laws, restrictions and using the guide book.

Town Manager Ritter stated that terrorist training is #9.

Chief Mills stated that they have been in training all week. He stated that they have plans to further train and hosting classes in the fall as well. He added that they don't have a written policy.

Town Manager Ritter stated that they are going to start on the Emergency Operations Plan.

EMS Supervisor Rush added that they have to have this revised and adopted by June of 2017.

Town Manager Ritter suggested including terrorist training, response and include large events.

They discussed this matter further.

Town Manager Ritter also added that #10 which is to purchase adjoining property to the Island Activity Center. He explained that it can be additional parking or for the youth football field for practices. He added that there is another baseball field on that property which is used for practice purposes.

Councilman Taylor asked the amount listed was an estimate.

Mayor Tarr advised it was appraised and goes all the way to the Union Baptist Church property.

Town Manager Ritter continued to item #11 which is Maddox Boulevard walking/biking paths from the traffic circle to the Main Street Bridge. He commented further.

Mayor Tarr asked if this was a project that could be done. He stated that there isn't enough room for a bike or walking path along Maddox Boulevard.

Town Manager Ritter explained that to make this happen there would have to be no parking along Maddox Boulevard.

Councilman Jester suggested bike lines along Ocean Boulevard.

Town Manager Ritter stated that they could do it from the Traffic Circle to Deep Hole Road.

Mayor Tarr feels it should go from the Traffic Circle to Chicken City Road then to the bike path that is already there and across to Ocean Boulevard.

Town Manager Ritter stated that they are going to bring to Council a recommendation from the Recreation and Community Enhancement Committee to pave the Ocean Boulevard Extended trail with the money from Recreation.

Vice Mayor Richardson stated that if they assign the path a bike path they wouldn't receive urban money.

Public Works Director Spurlock explained that it is considered alternative transportation, but he will research this further.

Town Manager Ritter added that they want to obtain an easement through Coach's Lane that goes through the road by Maria's to Maddox Blvd.

Discussion continued.

Town Manager Ritter stated that #12 is Rt. 175 to have shoulders. He stated that this was a County applied FLAP grant and was put on tier 2 which means they won't get the grant.

Council discussed this and agreed that the Town has no control over the Causeway as it belongs to VDOT. They concurred that a shoulder is needed and not a bike path.

Mayor Tarr stated that this shouldn't be on the Town's 5 year plan.

Town Manager Ritter stated that #13 is to increase lighting on Maddox Blvd. He advised that they are sending a letter to ANEC to increase lighting.

Public Works Director Spurlock stated that he has contacted ANEC and they are sending someone to look into it.

Town Manager Ritter stated that #14 is sidewalks on Main Street to match the Downtown from Church Street to the bridge at Maddox Blvd.

Councilman Frese asked if they are going to narrow Main Street.

Town Manager Ritter advised that it would not. He stated that they don't want to use VDOT's money to do this. He added that they want to discuss this with Branscome. He also added that the urban maintenance money can be used to replace any kind of concrete but the banding would have to be paid for by the Town.

Public Works Director Spurlock explained that the projected cost would be from the urban maintenance money.

Town Manager Ritter continued to #15 auto-read water meters and system upgrades. He stated that they are going to the Public Works Committee with the estimated implementation cost to complete 1/3 of the Town.

Public Works Director Spurlock would like to do the entire Town.

Mayor Tarr asked about funding.

Public Works Director Spurlock explained what they've done on Ocean Blvd. He stated that automated meters gives water accountability.

There was discussion about water loss.

Public Works Director Spurlock stated that leaks, flushing fire hydrants and firefighting is unmetered water loss. He added that 88% is extremely good for accounted water usage.

There were further comments.

Councilman Taylor doesn't feel it should all be done at one time in case an unexpected large expense comes up.

Mayor Tarr stated that the bond payment that is currently being made will definitely pay for this project.

Town Manager Ritter stated they will bring the financial plans to the next Public Works Committee. He stated that #16 is hiring 4 additional EMS providers.

EMS Supervisor Rush stated that he met with the Fire Department and they are working on a strategic plan with all the EMS providers to try to encourage them more. He stated that they are forthcoming and willing to put forth money to get this project going. He added that he suggested to attempt to engage the current EMS providers for another year and then look at it in depth. He further explained that it would be 4 more full time providers. He stated that realistically this will probably be implemented July of 2017. He added that if the re-energizing meeting helps, they may be able to put this off until July 2018, which is his goal.

There were a few questions.

EMS Supervisor Rush explained that there were 905 EMS calls last year. He stated that taking that number and the number of responders there is a hole in response. He also stated that the EMT that turns 18 is usually lost to college. He added that their level of care is a high level of care. He also stated that there are 3 ALS providers in the Volunteer Fire Company. He stated that they have to find a way to get those volunteers to run more calls. He stated that the EMS is the heart and soul. He added that they are willing to come to the table and help fund it. He explained that there are funding objectives to look into.

Mayor Tarr asked if there are any plans for Fire/EMS training.

EMS Supervisor Rush advised he doesn't believe so. He stated that there are staffing strategies they could use further down the road. He doesn't feel they need to look at the firefighting side of it, they need to look at EMS staffing right now.

Councilman Taylor asked about training the staff in-house.

EMS Supervisor Rush advised that it would be too costly. He stated that they could do a cadet program by hiring individuals to put them through the training process. He explained that ALS training can't be done in-house. He stated that it has to be done through an accredited school such as Tidewater Academy. He stated that EMT training is done on the shore. He added that the continuing education is done on the Island to help the responders in the north end of the county. He also stated that they are working on a plan to get those EMTs that are on the roster back out and running calls. He would like to get this through 2017 and maybe revisit this in 2018.

Councilman Taylor asked how much the Fire Company was willing to help.

EMS Supervisor Rush advised that the Fire Company is willing to help 50%.

Town Manager Ritter advised that #17 is for police equipment such as new in-car cameras and software along with new Tasers.

Chief Mills explained that the in-car camera should be integrated with the body worn cameras they currently have. He added that the videos have to be treated as evidence.

Town Manager Ritter asked if they have to be done this year or could they wait a couple of years.

Chief Mills responded that the cameras need to be done. He stated that they tried to get them through a DMV grant. He also stated that getting an entire system which includes other components will give more benefits. He also stated that it is under \$10,000. He added that it completes the process of the body worn cameras. He stated that he could replace half this year and half next year. He also stated that the laptops in the cars need to be replaced if not this year they should be next year.

Councilman Frese feels this should be brought to the top and not put off.

Councilman Taylor suggested purchasing half in the new budget and the other half in next year's budget.

Chief Mills agreed.

Mayor Tarr asked if there was anything in the SOP for use of cameras.

Chief Mills stated that it wouldn't hurt to review the policy and update it. He added that DCJS just came out with a new policy to build on.

There was brief discussion about the Virginia laws regarding body worn cameras.

Town Manager Ritter moved on to #18 to evaluate the Causeway. He stated that this is a VDOT item. He also stated that this isn't a Town project and should be removed. He suggested sending a letter to VDOT giving the tide and flooding information.

Town Manager Ritter stated that #19 is to evaluate asbestos pipes. He stated that they can do samples to identify any problem.

There was discussion regarding the asbestos pipes and the need to determine the problems. They discussed the cost for evaluation.

Councilman Taylor expressed his concerns for safety.

Town Manager Ritter advised of the chemical that is put into the system which lines the whole system. He also explained that if a line breaks, the pressure will drop and an immediate investigation is underway to determine the cause.

Councilman Taylor asked if the pipes have the National Sanitary Foundation approval.

Mayor Tarr advised that he is sure that it does have the approval or it couldn't have been installed. He agrees that there are better products that have come along since then.

Councilman Taylor explained that he was just questioning the safety of the pipe.

There was discussion and Council agreed to bring it to the budget hearings.

Councilman Taylor excused himself from the rest of the meeting as he has a prior commitment.

Town Manager Ritter stated that #20 is Harbor electric upgrades. He stated that they need an engineer to design a new system and the cost estimates. He also added that they would like to replace the lighting with LEDs. He suggested an energy audit.

Mayor Tarr stated that they don't need an energy audit. He also stated that the cost to do electric upgrades will be about \$250,000. He stated that they need an engineer and the design will be free from the company who will inspect and sell the new equipment.

Town Manager Ritter advised that #21 is the swell protection at the Harbor. He stated they need to get a quote for a rock jetty on the south side of the entrance to the Channel.

There were comments and Council agreed to have a study.

2. Recommended By Laws from the Public Safety Committee on the Creation of a Subcommittee Called the Firewise Council Advisory Committee (FCAC)

Town Manager Ritter advised that at the last Public Safety Committee meeting they met with the Firewise Council of Virginia. He stated that they have grant funding if the Town establishes a

Firewise Council for a one time amount of \$5,000. He explained that they were looking at all of the dead wood created by the pine bark beetle. He stated that to get the one time grant of \$5,000 Council has to create the Firewise Council.

EMS Supervisor Rush advised that the Firewise Council is part of a National Firewise Council through the Department of Forestry of Virginia. He stated that they are going to different communities throughout Virginia to establish the councils. He stated that the initial objective is to mitigate fuel loads. He also stated that they need to establish a Council which would be a sub-committee of the Town Council. He added that this new Council will have to have a chairman, secretary and a treasurer. He believes that the treasurer will help in the application of the grant.

EMS Supervisor Rush advised of the \$5,000 grant and the Town would have to come up with \$1,000. He stated that they can apply in-kind services. He stated that the contract for debris removal during Hurricane Sandy was \$700,000-\$800,000 to remove that amount of debris. He listed the action plans they have: Roadside widening, chipping and removal of fuel stacked by the roadside, public information of fuel loads, billboard information as well as community workshops and demonstrations. He asked Council if they feel they can do it realistically with \$4,000. He feels there's validity in the project, however false benefit.

Councilman Jester feels that they can spend the money on public education. He added that beyond the public education isn't what they expected.

EMS Supervisor Rush suggested putting information in the newsletter and then inviting the public to a seminar. He commented further and stated that a Plan would have to be developed. He also stated that they would have to go into the community and select members from the Fire Company, real estate and insurance agents.

Council commented further about tree removal.

EMS Supervisor Rush stated that there was one mitigation strategy that the U.S. Fish & Wildlife would like to do a fire break at the north end at Wildcat. He feels this could be something to work on locally.

They discussed the possibility of a firebreak.

Mayor Tarr stated that there are no large sums of money to help.

Public Works Director Spurlock stated that when they came to the Island the gentleman had an eye for the potential problems. He feels Council should do something to raise public awareness. EMS Supervisor Rush agreed that there is potential. He gave examples of those potential problems.

Mayor Tarr asked if EMS Supervisor Rush could come up with an estimated plan to help educate the public and bring it to budget hearings.

Councilman Frese stated that once a month the Town picks up bulk trash. He asked why the Town couldn't do the same with tree limbs and pine shats.

Public Works Director Spurlock advised that this is being done quarterly.

Mayor Tarr added that they just did a storm debris collection. He also stated that the landfill tipping fees were waived through the end of the month.

EMS Supervisor Rush added that Council was given a copy of the by-laws if they were to decide to create the committee.

Council discussed and agreed to not take action in adopting a formal plan but for the Town to form a plan itself.

3. Mayor & Council Announcements or Comments

There were none.

Adjourn

Councilman Frese motioned, seconded by Vice Mayor Richardson to adjourn. All present were in favor and the motion was carried.

Ayes: Richardson, Frese, Jester

Nays: None

Absent: Leonard, Ellis, Taylor

Mayor

Attest: Town Manager

MINUTES OF THE MARCH 7, 2016 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.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation. He introduced the new Town Attorney, Mr. David Rowan. He also introduced and welcomed the Island's new Supervisor, Billy Joe Tarr. He opened the floor for public participation.

- Ms. Donna Leonard stated that 22 years ago her father went to Mayor Tarr letting him know that he needs to get involved. She advised that he was reluctant but did. She expressed how proud she was of that day. She thanked Mayor Tarr for the job he has done and leading the Town with dedication and with a level head. She stated that he did this without a lot of fighting. She feels he has made everyone proud. She added that he will be missed. She also thanked her father for going to him that day.

- Supervisor Tarr came before Council for clarification. He stated that the budget proposal of a \$0.03 tax does not affect Chincoteague. He stated that the County is paying for their own EMS.

- Mrs. Wanda Thornton also addressed Council. She stated that she hasn't heard Council address the GMP with the Park Service. She stated that they wouldn't be here if weren't for the aquaculture. She also stated that they are working on resolving the lease between the VMRC and the Park Service. She added that it doesn't support any type of commercial activities, specifically aquaculture. She stated that unless there is another fix, they can terminate the lease with VMRC. She feels this is something that they need to be aware of.

Mrs. Thornton also read a page of the GMP. She reviewed a few of the things that Council should address. She suggested having someone review the document and prepare to comment on it. She stated that she spoke with Mr. Mike Darrow with the Army Corps of Engineers who feels the recent storm damage is worse than Sandy on Assateague. She feels the most important thing is the health, safety and welfare of the people of Chincoteague. She added that they have an agreement that has been enforced for 12 years. She mentioned the short-term restoration project. She advised that the short-term project for Assateague, Maryland which was 1.4 million cubic meters of sand cost \$19.1 million which is 5 years' worth. She stated that they are currently working on the long-term project. She also stated that the Army Corps of Engineers will furnish \$1 million per year and the Park Service will furnish \$1 million per year for 25 years. She added that it is still being done today. She further stated that the reason the money is being spent is because the people lobbied and got the state and citizens to lobby for the money. She expressed her discord that we can't do this for our seashore. She stated that someone needs to understand that the Inlet is only 2 ½ miles wide. She favored a study that should be funded but will take 2 years. She is concerned for the next 2 years.

Mrs. Thornton feels everyone needs to be aware. She added that they are trying to take the livelihood of the people in aquaculture away. She added that aquaculture has taken a hit and now they're going to take the duck blinds away.

Mayor Tarr advised that staff is reviewing the GMP and will meet with Council at the work session. He stated that they will go over all the points they want to fight for.

Mrs. Thornton thanked Council.

STAFF UPDATE

Town Manager Ritter introduced the new Town Planner, Mr. Ronald Marney who began March 2nd.

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that they had 256 calls for service in February including a bomb threat. He reminded everyone that the Senior Luncheon is Wednesday, March 9th at 1:00 p.m. at Don's Seafood. He stated that they have some crime prevention information to give them. Chief Mills also stated that they had formalities to complete to get their 1st recertification for accreditation. He advised that the association will be here next Wednesday to present them with the award.

Mayor Tarr congratulated Chief Mills.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that the final phase of the street scape project has started. He also stated that there is a pre-construction meeting for the Safe Routes to Schools Project. He added that the materials have arrived for the Willow Street plant upgrade. He feels they shouldn't see any impact.

General Government

Town Manager Ritter reported that the Emergency Medical Service responded to 50 calls for the month of February which is 7 less than February 2015. He stated that there will be an exercise Thursday in response to the threat of improvised explosive devices (IED). He stated that this is a mock drill between 9:00 a.m. and noon on Thursday. He reported that the CDC was on the shore to make sure that their plans to receive and administer the national strategic stockpile and bioterrorism event were acceptable. He also mentioned phase 2d. He reported that staff is currently working on the Business License renewals and the Town decals will go on sale March 15th. Town Manager Ritter also stated that they will begin working on the quarterly newsletter for April. He stated that staff has been working on the budget. He added that the event calendar has been updated and posted to the website.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

1. Consider Adoption of the Minutes

- **Regular Council Meeting of February 1, 2016**
- **Council Workshop Meeting of February 11, 2016**

Councilman Leonard corrected an item on page 14 regarding the property lines of the Smith Street properties. He stated that the property doesn't go all the way to Union Baptist.

Vice Mayor Richardson also made a typo correction on page 12 change "chad" to had in the bottom paragraph.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the February 1, 2016 and Council Workshop Meeting of February 11, 2016 as corrected. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

2. Presentation from the Museum of Chincoteague Island

Mrs. Ennis Barbery Smith, the Executive Director of the Museum of Chincoteague Island, thanked the Town for all their continued support of the museum. She advised that she would like to review the roles that the Museum plays. She stated that they see it as an economic engine, a hands-on education source, a leader in community collaborations, a keeper of local treasures and a place where people come and share traditions and stories. She stated that the Museum supports the local economy with the Road Scholar Program which brings 15-40 people who wouldn't be visiting the Island if it weren't for this program. She reviewed the activities in this program. Mrs. Smith stated that through the Scholar Programs there was \$250,000 distributed in the local economy.

Mrs. Smith also stated that the Museum is a highly rated local attraction. She feels that they are making Chincoteague a more attractive place to visit. She added that people who visit museums and other types of cultural or heritage activities typically spend more money. She stated that the next role is a hands-on education source. She discussed the different activities. She stated that the volunteers are who make this happen. She reviewed more activities they conducted last year. She mentioned the 3rd Annual Heritage Days. She stated that they bring together different organizations to do their own events at their own location. She advised that this year they are focusing on the U. S. Coast Guard. She talked about artifacts. She advised that they worked with the U. S. Fish and Wildlife in sharing decoys and hunting items for exhibits. She also talked about the video history interviews. She stated that they are a place to pass on traditions and stories. She explained that last summer they had a program called the Summer Living History Series. She added that the Chincoteague people have come through many different things and are resilient. She stated that the people pass on the heritage but the Museum will help carefully preserve that heritage. She also stated that going to the Museum can be a focus of the heritage of Chincoteague whether it be looking at an exhibit or watching a video.

Mrs. Smith stated that the Museum would like to grow and they look forward to meeting with Council in the next few weeks for their support. She introduced some of the Board members.

Councilman Ellis stated that it is a real reflection on Mrs. Smith, the Board members and the volunteers that they can accomplish all that has been accomplished with one staff member.

Mayor Tarr invited the public to go to the Museum. He thanked Mrs. Smith.

3. Public Hearing, Ordinance to Vacate Subdivision Lot Line

Mayor Tarr opened the public hearing.

Mr. Austin Smith advised that there is a packet showing the 2 lots that he owns. He is requesting to vacate the property line between those 2 lots.

Councilman Leonard asked if this was behind his current house.

Mr. Smith responded that it is beside his current house.

There were brief comments.

Mayor Tarr invited the public to comment. There were no comments and Mayor Tarr closed the public hearing.

Town Manager Ritter advised that this has been properly advertised.

Town Attorney Rowan advised that everything is in order.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the Ordinance to vacate the subdivision lot line on lots #28 and #29, Grace Street for Austin and Teresa Smith. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

4. Public Safety Committee Report of February 2, 2016

Mayor Tarr advised that the minutes are in the packet. He stated that Council has already acted on the Fire Wise request at the workshop meeting. He also stated that Town Manager Ritter reviewed the upcoming Emergency Services exercise this Thursday.

Councilman Ellis asked if the fire hydrant problem on East Side Road was corrected.

Public Works Director Spurlock advised it has been corrected.

5. Harbor Committee Report of February 2, 2016

Councilman Leonard stated that the information is in the packet. He stated that the oyster shells project is continuing. He stated that the parking area will be paved sometime this spring and this will make the area more presentable and provide more parking. He added that when they finish the oyster shells it will be paved over.

Vice Mayor Richardson stated that when Harbormaster Merritt was out it lacked a little bit of work. She stated that since his return it is much better.

Councilman Frese inquired about a discussion regarding a monthly or yearly fee with the waiting list.

Councilman Leonard stated that the list has grown so long that they are trying to clean the list up. He stated that there will be a minimal fee to be on the list.

6. Bids on 2016 Pavement Project

- **Possible Motion to Approve Funding for Ocean Blvd. Extended Bike Trail Pavement (from the Recreation and Enhancement Committee Report)**

Public Works Director Spurlock advised that there is a summary in the packet. He stated that the Town received 1 bid from Branscome Eastern Shore. He stated that there are 3 elements of work coming from separate fund sources. He advised that they will finish Ocean Boulevard, Pension Street to Clark Street as part of the Urban Maintenance Program, paving at the Harbor as a \$40,000 item and paving the Ocean Boulevard trail.

Mayor Tarr asked if it was one contract.

Public Works Director Spurlock advised that it is one contract which is called unit price contract. He stated that it's slightly more than the asphalt.

Town Manager Ritter stated that the next agenda item could be included in this as the Recreation and Community Enhancement Committee recommended the approval of the Ocean Boulevard extended paving. He added that the 5% is coming from the Meals Tax for recreational projects.

Vice Mayor Richardson clarified the Ocean Boulevard and Pension Street paving.

Public Works Director Spurlock commented further.

Mayor Tarr stated that he would rather roll in the motion for the Ocean Boulevard extended pavement into item #6. He feels they should approve the project first.

Councilman Leonard motioned, seconded by Councilman Ellis to approve the paving project of the Ocean Blvd Extended Bike Trail. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

Councilman Taylor motioned, seconded by Vice Mayor Richardson to approve the award of bid to Branscome Eastern Shore not to exceed the amount of \$385,303 for the multiple spring paving contract. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

7. Recreation and Community Enhancement Committee Report of February 9, 2016

Town Manager Ritter advised they discussed playground equipment for phase 3. He stated that they decided to wait until spring to install the spring rocking horses and new dome. He stated that they are looking for funding of the new “LOVE” chairs. He advised that Chamber Director Shotwell is researching grant funds for replacement of the “LOVE” chairs. He suggested having a chair building party with the Public Works Department cutting the wood and having the public come in, donating time to put them together and paint them. He added that they discussed paving Ocean Blvd. extended, future projects for the Donald Leonard Park and the signboard to be put at the Veterans’ Memorial Park. He explained that it will be storyboard that will tell the history of the pony swim.

Mayor Tarr asked if they should involve someone from the Chincoteague Volunteer Fire Company in the process.

Town Manager Ritter agreed. He added that they are in the beginning stages.

8. Adoption of a Memorandum of Understanding with the USFWS

Town Manager Ritter stated that during discussions of the CCP the Town wanted to put together a Memorandum of Understanding with the U. S. Fish & Wildlife to be able to create and develop the new parking lot that they want to put north. He stated that this is so the Town can have a seat at the table. He advised that they addressed the Town’s concerns about the status of the cooperating agency. He added that they are guaranteed to have a seat at the table at all times.

Councilman Frese stated that this is the first he has heard of this. He stated that he doesn’t understand. He also stated that this isn’t the Town’s MOU it’s the Department of Interior’s MOU. He suggested getting a legal opinion in its entirety. He also stated that he can’t understand where Virginia’s rights are protected. He added that it seems they can get rid of the Town’s rights at any time they want. He doesn’t feel it’s worth anything when the Town sits down at the bargaining table. He doesn’t want to be a party to find out that in the future it does nothing for the Town with the possibility of hindering us. He stated that he wouldn’t vote for this.

Mayor Tarr stated that Council asked for the MOU when the Beach Committee was meeting. He stated that the Town asked to be the cooperating agency when the CCP was done. He added that Mrs. Thornton took it to the County where it was turned down. He explained that a cooperating agency can only be started at the beginning of a process. He stated that they were further along in the process and the final letters were sent to Congressman Rigell and to the Wildlife Service regarding moving the beach north. He explained that the Town named the other players as part of that MOU. He stated that this is something that the Town asked for.

Councilman Frese stated that he remembers very well Mrs. Thornton talking about those things some of which went over his head. He stated that at that time they were talking about the parking and protection at the south end of Assateague Island. He stated that now they’ve included the fishing and fin fish.

Mayor Tarr stated that this is U. S. Fish & Wildlife not the Park Service.

Councilman Frese stated that the top of the MOU states it is the U. S. Department of Interior.

Mayor Tarr explained that this is the EA or EIS that they're going to do to look at moving the beach to the north. He stated that the Town asked for a seat at the table as a cooperating agency. He also stated that Accomack County has been asked to participate. He stated it was on their agenda. He stated that the state, the Park Service and the Army Corps has been asked to have a seat.

Mrs. Thornton stated that not everyone is in agreement.

Mayor Tarr stated that he has talked with the Army Corps and they have seen the agreement.

Mrs. Thornton stated that she received a reply and hasn't seen an agency that has signed it. She also stated that she did speak with a representative about it. She added that they have had zero support in the previous plan.

Mayor Tarr stated that this is why he has asked for it in this plan. He stated that the agreement is non-binding and the Town can get out of it at any point.

Councilman Ellis stated that the wording is contradicting. He read some examples of this. He feels it's inconsistent. He stated that if any of the participating agencies has a disagreement it wouldn't matter. He stated that in the National Environment Assessment Act it says that any environment assessment process will conclude with one of two possible decisions. He stated that the 1st possible decision is with no possible impact, no significant environmental problems from the proposed action. He added that the 2nd possible decision is the determination to proceed to the preparation of a full environmental impact statement, which is a more comprehensive process. He expressed his concerns given the history of this process. He feels that by signing this document that he is rubber-stamping any of their decisions.

Mayor Tarr stated that he disagrees. He feels that if the Town isn't at the table shaping how they want it to look then how else will the Town have input. He stated that this is an avenue to get on the team to help shape what the Town wants.

Councilman Ellis stated that this will come out with no significant impact.

Mayor Tarr explained that it's not just the environmental impact. He stated that it's going to be the design, the road systems and the facility. He stated that the EA is on the total project not just the 8.5 acres.

Councilman Ellis stated that if you read the National Policy Act it identifies several things that have to be examined.

Councilman Frese would like the legal opinion because it doesn't matter what the Town says or does.

Mayor Tarr agrees and stated that in the CCP process this did happen. He feels that being at the table will allow input.

Councilman Taylor agrees that the Town needs to be there and work together. He commented further.

Councilman Ellis stated that last year the Town requested a full environmental impact study. He stated that this request was supported by our Congressman, the Senator and the state legislative representative. He asked if there was any response.

Town Manager Ritter advised he didn't receive a response to that request.

Councilman Ellis added that in the National Policy Act the first step is an EA. He understands wanting to be at the table. He asked if they, the Fish and Wildlife, have the authority under the EA to do everything they said in this. He stated that in 2014 the government accounting office conducted an audit. He added that there is transparency in accountability.

Councilman Leonard asked if the County signed on.

Supervisor Tarr advised that they haven't as of yet because of the same paragraph the Town mentioned.

Councilman Ellis added that if there is information to be distributed to the public it has to be preapproved by Fish and Wildlife.

Councilman Frese asked for more time. He would like a legal opinion. He also stated that it is the very existence of the Island.

Councilman Taylor stated that they are more conservation than they are recreation. He agrees the Town does need to be at the table to meet with them.

Vice Mayor Richardson feels they need a legal opinion.

Councilman Frese motioned, seconded by Councilman Taylor to have a legal opinion completed of the draft Memorandum of Understanding with the U.S.F.W.S. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

9. Cemetery Committee Report of February 23, 2016

• Possible Motion to Accept the Proclamation of Cemetery Clean-up

Vice Mayor Richardson reported that they met February 23rd. She stated that they decided to have the cleanup on April 2nd. She added they would like to have Cemetery Cleanup week beginning April 2nd through April 8th. She also stated that they would like to start Saturday, April 2nd at 9:00 a.m. to noon at the Mechanics Cemetery. She explained that is basically to remove the flowers that have blown over for those who cut grass there. She asked for a correction from "November" to "April" on page 46 of the Cemetery Committee minutes.

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 2nd through
8th, 2016, 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 7th day of March 2016.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Councilman Leonard motioned, seconded by Vice Mayor Richardson to approve the
Proclamation of Cemetery Cleanup Week. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

10. Mayor & Council Announcements or Comments

Councilman Frese advised that they have been making progress at the Chincoteague Center.

Councilman Taylor commented on the damage done by the pine bark beetles along with the number of downed trees from recent storms. He suggested purchasing a large chipper.

Councilman Frese asked if they accepted the affected trees at the landfill.

Public Works Director Spurlock advised that the County Landfill will accept them and waived the tipping fees for the storm debris from the last 2 storms.

Councilman Frese mentioned the number of trees still down.

Public Works Director Spurlock advised of the amount that was collected this last month.

Councilman Ellis stated that he struggled with the MOU. He feels it's extremely important that the Town have a seat at that table. He feels that with the way it's written the Town would have a seat and not a voice.

Mayor Tarr advised of other MOUs that the Town looked at during the CCP process from other agencies and municipalities. He stated they will look at those again.

Councilman Leonard mentioned the passing of a great lady, Nancy Reagan. He stated she lived a good long life of 94 years.

Vice Mayor Richardson announced the opening of the Museum on Saturday. She stated that it is well worth it.

Councilman Leonard stated that they had a Carvers' Forum at the Museum and he was surprised at the turnout.

Vice Mayor Richardson also added that they are fortunate to have a great Museum along with the volunteers.

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

• Council Evaluation Goals & Objectives

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

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

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

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

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

Ayes: Leonard, Richardson, Ellis, 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) 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 Ellis to adjourn. Motion carried.

Ayes: Leonard, Richardson, Ellis, Frese, Taylor

Nays: None

Absent: Jester

Mayor

Attest: Town Manager

MINUTES OF THE MARCH 17, 2016 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

J. Arthur Leonard, Councilman

Benn Ellis, Councilman

Gene W. Taylor, Councilman

James T. Frese, Councilman

Council Members Absent:

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 welcomed Delegate Bloxom.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Richardson, Leonard, Ellis, Frese, Taylor

Nays: None

Absent: Jester

1. Discuss US National Park Service GMP and EIS for Assateague Island National Seashore

- **Presentation to Council by Deborah A. Darden, Superintendent**
- **Comments and Concerns**

Mayor Tarr welcomed Ms. Debbie Darden.

Ms. Darden handed out information to those present. She advised that the northern most parking lot will open tomorrow and parking lots 3 and 4 will be done by May 1st. She added that parking lot 2 will be completed before Memorial Day. She stated that came before Council to review the GMP and what affects Virginia the most. She reviewed general information about the seashore. She explained the boundary which was established by a map as part of the legislation that was established in 1965. She stated that the map is essentially the same map and was updated in the Federal Registry in 1985. She also stated that this was clarified with meets and bounds. Ms. Darden stated that it would never go more than half a mile which moves when the beach moves. She added that the boundary doesn't get bigger. She also added that the water is subject to the jurisdiction of the United States.

Ms. Darden stated that Assateague has an important role in protecting Chincoteague and Wallops. She also stated that the Park Service has to take part of working toward resiliency for Assateague, Chincoteague and Wallops. She stated that all units of the Park Service have a GMP. She advised that there are 410 units of the National Park System now. She stated that a General Management Plan is good for 15-20 years and generally longer. She stated that these are guide documents. She also stated that the last GMP was formed about 30 years ago. She reviewed what is typically in the GMP along with boundary adjustments which aren't an issue in Virginia.

Ms. Darden then reviewed the background of what went into the GMP. She stated that the island moves westward. She stated that they have to figure out how to manage when they have large

storms that require change. She also stated that they need to recognize those resources and major issues. She explained that if the Island moves they can move the facilities. She mentioned the plan to move the beach north, climate change, etc.

Ms. Darden stated that they looked into 4 alternatives. She stated that the first is to continue to do what they are currently doing. She stated that the second one is maintaining traditional beach recreation. She stated that the third is sustaining recreation while adapting to climate change. She also stated that the fourth is letting the beach evolve naturally. She added that this generally has to do with Maryland. She stated that in continuation of current management it doesn't affect Chincoteague as much, because they adopted the CCP to move north with the parking.

Ms. Darden continued to explain that they aren't going to make any changes in direction. She stated that alternatives 2, 3 and 4 have actions that are common to all. She stated that the GMP does affect the U. S. Fish & Wildlife Service CCP action on relocation of the recreational beach. She stated that they are as committed as the Fish & Wildlife is to ensuring the current parking lot is operating until the new beach is built. She also stated that the second is to work with partners and the Mid Atlantic Coastal Resiliency Institute formed by NASA to ensure resiliency of Assateague, Chincoteague and Wallops Island. She added that they need to develop a breach plan. She advised that they have been told that the breaches in Maryland may have an effect on the breaches in Virginia. She concluded that they need to prepare an updated Wilderness Study. She explained that it goes from the ocean to the bay. She advised that if they want this to continue they need a new study.

Ms. Darden also talked about aquaculture and horseshoe crab harvesting. She stated that they know how important that the aquaculture and fishing is to the industry. She stated that the GMP states that commercial shell-fishing belongs to the states and the states manage this. She added that the Park Service has no management of the shell-fishing. She explained that it's different than aquaculture which is agriculture and agriculture isn't allowed in National Parks. She stated that there is an exception when they are part of a historic scene or activity and they can issue a permit that allows that activity. She stated that it's one permit for Virginia which would be issued for all of the Park Service to continue and there would be no change and this would allow aquaculture. Ms. Darden talked about horseshoe crabs. She explained that they are considered wildlife and is considered prohibited. She advised that they would work with VMRC on this issue. She stated that the GMP doesn't consider commercial fin-fishing and no actions will be taken by NPS and the fin-fishing will continue.

Ms. Darden reported that the issue of the wash-houses was to insure that the sewerage is correct. She stated that it is important that they find the areas that are unclear and clarify the language. She further explained the Maryland alternatives. She stated that the public meetings are March 29th, 30th and 31st and the public meeting for Chincoteague is at the Center on the 31st. She advised that the comments are due (postmark) by May 1st. She stated that over the summer they will review and respond to all of those comments. She added that by fall they will have the final GMP and the Regional Director should have it signed by the winter of 2016.

Mrs. Thornton thanked Ms. Darden and stated that she has been a huge help. She discussed the problem with the duck blind. She read an excerpt, that the rest of Virginia is exempt and added

that Accomack won't do the leasing. She mentioned aquaculture and stated that when they go into an agreement with the VMRC they can also terminate the agreement.

Ms. Darden stated that she respected the comments. She asked everyone to comment and that they will do their best to respond.

There was another comment regarding duck-blinds, aquaculture and the economic impact of the Island. He stated that they were talking about beach replenishment in Maryland. He asked why there isn't any talk about beach replenishment in the Hook and Harbor areas.

Ms. Darden stated that hunting is specifically authorized by their legislation and they are strong supporters. She feels there's a way to work on the issue with the duck-blinds. She also addressed the resiliency, she stated that they don't own that land and they are willing to work on a plan to protect Chincoteague and Wallops.

Councilman Taylor asked if horseshoe crabbing could be considered as a historical harvest.

Ms. Darden asked how long they have been harvesting horseshoe crabs out of Tom's Cove.

Councilman Leonard advised they've been doing it forever.

Councilman Taylor advised that it's being done for cancer research, environmental and medical purposes. He feels the government needs to work together for a win-win situation.

Ms. Darden urged them to comment so the government will work with them. She stated that the CCP calls for the harvest to stop in Tom's Cove and that decision has already been made.

Councilman Taylor asked if the Town has VMRC's approval would the NPS would go along with it.

Delegate Bloxom commented that the VMRC is not relinquishing any authority and they're working on a written response to the CCP. He added that sooner or later it'll probably go to court.

Councilman Frese stated that in addition the Town has to remember that when it comes to the horseshoe crab they are bled, not killed, and then returned to the water. He added that this isn't harvesting.

Ms. Darden stated that these are things they need to comment on. She feels this is a good argument that they are medically used. She stated that if the use is historic it will give them another avenue to explore.

Delegate Bloxom stated that in your comments on the GMP you should refer to the historic years. He stated that the catch is controlled by the state and inland fisheries. He suggested that in the letter it needs to say in a historic perspective that since a certain time this has been done.

Councilman Taylor discussed the OSV zone and feels it has to be addressed because it isn't at an elevation that would protect Chincoteague.

Ms. Darden advised there were discussions about this and they were attempting to maintain the berm but it keeps getting washed away.

Someone commented about replacing the sand fence.

Ms. Darden stated that it isn't her decision but she believes it is something they are looking into.

Ms. Denise Bowden advised that they have been told from the beginning that they won't do certain things.

Mayor Tarr advised that they are looking into this.

Councilman Taylor asked about the breaches.

Ms. Darden responded that on the land the Park Service owns they are working with everyone on a strategy that deals with the breaches. She added that they would like the Breach Management Plan to be in line with the alternative they chose. She stated that the alternative that was chosen is for the breach to be managed so they can continue all the activities on the beach.

Councilman Taylor stated that this is what he wants to hear. He added that they need height to protect the Island.

Ms. Darden added further that they want everyone involved.

Someone asked if there would be no more horseshoe crabbing or will it slowly wind down over a period of 5, 10 or 30 years.

Ms. Darden stated that they want to work with the VMRC formulating a reasonable schedule and do it over multiple years. She stated that it was never intended to stop it immediately.

Someone advised that not all the crabs are used for biomedical some of them are used for bait. He added that there is no one more interested in preserving the horseshoe crab than we are. He stated that he purchased a license with the VMRC with a daily catch limit. He also stated that they make sure to work within their guidelines so everyone will stay on the same page.

Ms. Darden stated that they are looking forward to meeting with the VMRC. She added that they will probably have to go to court to make that decision. She is interested in seeing all of the information from VMRC and the historic use. She added that the Park Service will consider all of those comments.

Mrs. Thornton stated that she isn't convinced that they are on our side. She feels everyone should be contacting the VMRC to demonstrate that this is a serious issue.

Mayor Tarr stated that Rob has been the single person dealing with VMRC.

Someone stated that this is a dying way of life. He stated that this isn't just a job it's a way of life. He also stated that they have to worry about the market, the weather and now they have to worry about it being taken away.

Ms. Darden stated that she understood and apologized.

There was a man in the audience that explained his gentle process of catching horseshoe crabs and releasing them to the water. He advised that they stay at the low watermark and won't disturb wildlife.

Someone else advised that they don't use nets or rakes and they collect them by hand causing the least impact.

Comments continued.

Ms. Bowden stated that it's a fine line with the regulations. She stated that the federal government is good at shutting down America one town at a time. She stated that anyone who works on the water works hard and their concerns are valid.

Ms. Darden stated that the meeting on the 31st is an open house meeting to look at the boards. She stated those who created the plan will be there and they can answer questions directly. She added that this is not a hearing where there is a court reporter. She added that it will be an open house. She stated that they are asking that people write the comments. She advised the open house is March 31st to ask questions and the comments are to be in by May 1st.

Someone asked if the open house was just a loophole for the public to jump through and they are going to do what they want anyway. He asked if this is just another step for the NPS.

Ms. Darden advised this isn't. She stated that she was here 6 months ago saying they were going to stop aquaculture and fin fishing. She also stated that the comments that were submitted helped the regional director in Washington, DC understand what was important. She added that they came back with changes. She feels they need the arguments to show what this National Park needs.

Someone asked who owns the Park Service.

Ms. Darden responded that the people of the United States of America own the Park Service. Mrs. Thornton stated that they need the Secretary of Natural Resources of the State of Virginia. She also stated that the only way to get that is to lobby. She stated that they may not pay attention to Chincoteague but they will pay attention to the state of Virginia. She stated that the state of Virginia needs to stand up.

Councilman Leonard wanted to know that when the final draft GMP comes out, will the government agency have time to comment.

Ms. Darden stated that if one of the agencies has a huge problem with what they have done this would be their time to let them know.

Someone advised that the VMRC will do nothing until NPS has come up with a draft general management plan. He stated that they could not do anything until a plan is written in sand to know exactly what they're dealing with.

Ms. Darden stated that the VMRC advised they were going to send comments.

Mrs. Thornton urged people to call them and express their concerns.

Someone else in the audience stated that this isn't unique to the watermen. He added that it's going on all over the United States.

Mayor Tarr thanked Ms. Darden.

2. Adoption of a Memorandum of Understanding with the USFWS

Town Manager Ritter explained that there is an email from Town Attorney Rowan giving his understanding of the MOU and how to proceed. He also handed out a MOU that includes NASA.

Town Manager Ritter advised that he spoke with Mr. Miner and Supervisor Tarr earlier today and they are in agreement and will sign if the Town signs.

Mayor Tarr stated that this is where the Town stands about the issue.

Town Manager Ritter reviewed a couple of changes from the Montana MOU.

Mrs. Thornton commented and advised she is in agreement as well.

Councilman Taylor stated they need a seat at the table.

Councilman Frese motioned, seconded by Councilman Leonard to sign the Memorandum of Understanding with the U. S. Fish & Wildlife Service. Motion carried.

Ayes: Richardson, Leonard, Ellis, Frese, Taylor

Nays: None

Absent: Jester

3. Discuss a Possible Letter to be sent for the Re-Appropriation of the Paul S. Sarbanes Grant Funds

Mayor Tarr advised that this is a fund that's been around a long time. He stated that Mr. Kevin Sloan believes they can get the funds moved over. He stated that this was the \$1.5 million to do part of the flat grant that was originally denied for the bike trail from the traffic circle to the NASA Visitor Center. He stated that they needed a letter of support which is included in the packet.

Town Manager Ritter stated that this is the #1 Capital Improvement Project. He explained that this will work out well and the foot of the bridge needs to be done also.

Mayor Tarr stated that it is good money for a good project.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to send a letter for the re-appropriation of the Paul S. Sarbanes Grant Funds. Motion carried.

Ayes: Richardson, Leonard, Ellis, Frese, Taylor

Nays: None

Absent: Jester

4. Legislative Update

Mr. Rob Catron updated Council regarding projects that he's been working on for the Town. He stated that the General Assembly adopted a 2 year budget totaling approximately \$105 billion. He also stated that there was a recession in 2009 and 2010 and the rainy day fund was depleted. He advised that at the end of this budget cycle they will have replaced the rainy day fund to about \$845 million. He stated that in the VRS this budget fully funds the obligations and during the recession the state did not make payments to the VRS. He added that they are now making the payment and the VRS is fully sound. He stated that in the k-12 schools the state support was over \$900 million. He also stated that he received an email from the Superintendent of Public Education who advised that Accomack County will receive \$32 million from the state this budget year, in 2017 will receive \$34 million and will increase to \$35.7 million for 2018.

Mr. Catron also mentioned the lottery proceeds which were supposed to go to public education. He explained that the lottery proceeds will return to the locality. He stated that the state employees are in line for a 3% salary increase this November. He also stated that the local but state supported employee will receive a 2% salary increase effective December 1st. He discussed 599 funding which is state funding that goes back to the localities. He added that it goes back to police departments. He advised that they discussed annexation and the moratorium has been extended to 2024. He mentioned a couple of the bills.

Mr. Catron stated that on the back of the document he went through Senator Lewis' and Delegate Bloxom's agendas and pulled bills related to the Eastern Shore. He explained bill 282 and in January he spoke to Mayor Tarr about creating a fund for beach replenishment. He stated that the Town now has a contingency fund. He advised that the bill was passed to create a contingency fund for beach replenishment. He stated that neither the House appropriations nor the Senate finance agencies have put funds into this. He stated that they can ask for funds from the feds now that the fund has been created.

Mr. Catron also discussed a bill regarding turtle excluder devices to keep them out of crab pots. He added that this was passed. He again reviewed the shoreline resiliency fund. He stated that there are low interest loans through the Virginia Resources Authority. He then stated that everyone heard what VMRC was going to do about harvesting crabs. He stated that Senate Bill #643 was passed by both chambers and scheduled to go before the Governor. He stated that this bill directs the VMRC to monitor any effort by the Department of Interior to expand federal jurisdiction regarding fishing or shellfish harvesting in the waters adjoining Assateague and to

preserve the right and ability of the Virginia watermen to such waters. He added that this directs them to be pro Virginia. He also advised that the Commonwealth Space Flight Fund will increase the amount of money through 2024.

Mr. Catron advised that regarding the duck blind conversation earlier, he spoke with Senator Lewis about whether they should seek the Attorney General's opinion. He stated that they are asking for a draft opinion. He stated that he would be happy to help. He also added that Mayor Tarr will be writing a letter about this. He referred back to the Coastal Resiliency matter and stated that Congress passed the Water Resources Reformed Development Act a couple of years ago. He advised that this was to set up a scheme where Congress could direct funding to specific projects of the state. He added that 5-6 years ago Congress banned air-marks. He feels this was the worst thing they could have done. He stated that this created a mechanism where we send a project for the Corps to consider a study. He stated that the only project in Virginia that the Corps listed was the Chincoteague Inlet Study. He stated that this year Congress was supposed to adopt another updated Water Resource Development Act bill. He advised that they are working with Senators Kane and Warner and Congressman Rigell to insure that the Chincoteague Inlet Study is in that bill so they can get funded and approved to get the study.

Mr. Catron stated that this issue has been discussed for years. He added that it has been authorized but not funded. He stated that this will be a complete assessment as to why the Inlet is getting wider along with the impact and other issues related to this. He mentioned a local project regarding flooding at Maddox and Main Street. He added that they are going to continue to work on this project. He stated that they are working on a bicycling and walking path from the entrance to the Refuge to the NASA Visitor Center. He also stated that the Town submitted a proposal last year that is currently being reviewed. He advised that this is in the tier 2 level and they are looking for other grant opportunities. He added that this will widen the Causeway.

Mr. Catron feels that Ms. Debbie with Secretary Ward with the Natural Resources of Virginia should be invited before the May 1st deadline for the comment period. He suggested discussing what the federal government is doing to negatively impact the Island's ability to earn a living.

Mayor Tarr thanked Mr. Catron.

5. Mayor & Council Announcements or Comments

Vice Mayor Richardson mentioned the "Little Beach". She feels this matter needs to be looked into further.

Councilman Frese asked about the evaluation of the Maddox Boulevard and Main Street flooding. He asked if it was necessary to spend \$27,000 to know what they already know, that the intersection is low and floods.

Town Manager Ritter advised that they need to spend this amount for a survey to receive the data for the HB2 application.

Councilman Frese feels a picture would be sufficient.

Mayor Tarr explained that this is the cost for an engineer and hasn't been approved to be spent by Council.

Councilman Frese advised that he will discuss this later.

Councilman Ellis asked who the Town's representative is for the environmental assessment planning team.

Town Manager Ritter advised that he is, however, Mayor Tarr will be attending the first meeting.

Councilman Ellis asked how many jurisdictions charge sticker or decal fees. He was informed that most counties and jurisdictions in the state do not do this.

Town Manager Ritter advised that the Town orders the decals for the towns in the county and get those stickers at a bulk price.

Councilman Ellis stated that if other counties and jurisdictions in the state don't require them then why would the Town.

Vice Mayor Richardson advised that you pay for the decal in the county taxes. She explained that you don't have to go get a decal but you pay for it.

Mayor Tarr stated that it has been a healthy discussion within Council.

Town Manager Ritter advised that Finance Director Hipple was at a workshop and gave information about this. He stated he will pull that information.

Ms. Bowden stated that the requirement to have the people come into the Town office is how they collect personal property taxes.

Mayor Tarr stated that the Town's collection rate is much higher because they are able to collect personal property taxes when they purchase the decal.

Councilman Taylor thanked the public for attending. He stated to Mr. Birch that he isn't wasting his time. He added that they will lose what they're not willing to fight for.

Mr. Birch commented about the decals. He stated that originally the decal fee was supposed to be temporary. He asked why it's still going on.

Mayor Tarr advised that the state of Virginia allows the Town to charge a locality decal fee. He believes it's in the amount of \$32 or \$33 and the Town charges \$27. He advised that if the Town doesn't charge this fee then the County can come in and charge for it.

Mr. Birch stated that if someone doesn't pay the personal property tax they won't get their decal. He made a suggestion to give the decal at cost when the personal property taxes are paid. He also mentioned boat ramp stickers. He stated that the Town charges for the slips at the Harbor. He was informed that in Saxis they can't charge to use the ramp at their Harbor because it's

federally funded. He also stated that Saxis stopped charging and so did Greenbackville. He added that a Councilman advised that he wasn't being charged if they are a slip holder.

Town Manager Ritter advised that the boat ramp fees goes toward maintenance, upkeep and paving.

Mr. Birch stated that he thought that was what the slip rent was for.

Mayor Tarr advised that the boat ramp fees go into a separate fund which is approximately \$27,000 a year. He stated that the Harbor rent goes into the Harbor fund and none of it goes into the general fund. He added that they are spent only on the Harbor or the boat ramp.

Mr. Birch stated that he is talking about the ramp at the Harbor.

Mayor Tarr advised that they don't have a separate sticker for that ramp as they do for the other ramps on Chincoteague. He added that Greenbackville and Saxis only have one boat ramp.

Mr. Birch asked if he went down there to use the Harbor's ramp would he have to have a sticker.

Town Manager Ritter advised that if he had a slip there he could.

Mr. Birch advised that regarding the ramp itself, because it was from federal grant money they couldn't charge for it.

Town Manager Ritter stated that the ramp itself and the parking lot gets rebuild and maintained with the user fee funds. He stated that the Harbor money does not go toward the boat ramp or parking area. He also stated that it gets pretty expensive.

Mr. Birch asked again.

Mrs. Thornton stated that the County does not charge for the boat launches. She stated that those harbors belong to the Towns. She stated that this isn't about the harbors it's about the boat ramps.

Councilman Frese asked who paid for building the boat ramp.

Town Manager Ritter advised that federal funds did not build the ramp itself. He added that the federal funds went toward the bulkhead and the slips.

Councilman Frese stated that he doesn't believe that.

Town Manager Ritter stated that if they had to rebuild the boat ramp they would use the funds from the launch fees.

Mr. Leonard Jester discussed the kayak businesses using the Town property to launch. He stated that they use the boat ramp, block it up and will not move. He asked what they pay to use it.

Town Manager Ritter responded that they are supposed to have the boat ramp permit for the trailer that pulls the kayaks.

Mr. Jester asked why they can just leave them there.

Town Manager Ritter stated that about 4 years ago Council discussed this matter and decided to leave things the way they were and allow them to do it.

Mayor Tarr interjected that Council decided to have a discussion with those businesses monopolizing the boat ramps. He stated that they advised them that if it got out of hand they would close the use of those kayak businesses. He added that if it is out of hand they need to go back and talk with those businesses.

Town Manager Ritter stated that it happened once last year. He added that it was the Science Consortium group that wasn't charging a rental.

Mr. Jester advised that when you go into the Park by the Skate Park, kayaks are parked in that area where if someone is coming you have to stop to let them by. He added that someone isn't doing their job.

Ms. Bowden stated that she puts her boat over once a year and puts it at a private dock. She also stated that at the end of the season she pulls the boat up. She advised that she purchases a yearly sticker specifically to launch the boat once and pick it up once. She asked if there was a day pass.

Town Manager Ritter responded that there is a weekly pass.

Vice Mayor Richardson advised that it is \$20 for the boat sticker.

There were brief comments as to what the sticker is for.

Adjourn

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

Ayes: Richardson, Leonard, Ellis, Frese, Taylor

Nays: None

Absent: Jester

Mayor

Attest: Town Manager

**MINUTES OF THE APRIL 4, 2016
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Taylor 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

Chief Mills introduced Mr. Derrick Mays who is the Program Coordinator for the Virginia Law Enforcement Professional Standards Commission. He spoke to Council about the professional standards of the Police Department. He advised that within a 4 year period it is harder to keep the accreditation. He stated that the 1st time the Chincoteague Police Department had 0 returns. He also stated that at their 1st recertification they had 0 returns. He stated that this tells us of the quality Police Department that you have when they receive a “job well done” by a 6 commission member board. Mr. Mays stated that it takes pride and integrity to do their job. He also stated that it shows the dedication of the entire Police Department. He added that from the Chief all the way down they are worthy of accreditation and they’re worthy of their praise. He read and presented Chief Mills on behalf of his Department with the award of reaccreditation.

Mayor Tarr stated that Chief Mills and his staff deserve all the praise and honor for not only the accreditation but for everything they do in the community.

Councilman Jester advised that this is a difficult task. He stated that this means they’ve been recognized by professionals that they meet a lot of standards. He added that it means a lot and he congratulated the Police Department.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Wanda Thornton addressed Council regarding the GMP meeting. She stated that she asked Ms. Darden if they would extend the comment period another 30 days. She was hoping that the Town Council and the Board of Supervisors would also request an extra 30 day comment period. She feels that the public needs to be educated on the document. She stated that this is the worst written document she has ever seen. She also stated that the aquaculture has been taken care of. She added that there are other things that need to be addressed.

- Ms. Denise Bowden stated that as a child she was taught to “ride with and walk against traffic”. She stated that there are so many pedestrians and bicyclist sharing the road. She suggested signage throughout the Town reminding people to “ride with and walk against traffic”. She feels that this is about public safety and feels with the upcoming season it should be addressed.

Mayor Tarr advised of the upcoming Public Safety meeting and this will be discussed.

Vice Mayor Richardson asked if there was a brochure of bicycling safety.

Town Manager Ritter advised there are some of the bicycling safety brochures in the Town Office that are handed out to the bicycle shops as well.

Vice Mayor Richardson asked if they could be handed out to the school children.

There was discussion as to when the bicycle rodeo is and they could hand out those brochures there.

Vice Mayor Richardson advised that the Parks and Recreation Committee made a brochure. She stated that the brochure shows what side to ride on along with the hand signals. She suggested adding the signage with the “Share the Road” signs to ride with the traffic and walk against.

- Mrs. Mary Chrisman stated that she spoke with Public Works Director Spurlock about the Harbor. She stated that she decided to go and commented about how lovely Mariner’s Point is. She also stated that the compass is there with the two very nice plaques. She added that the Boy Scouts have done a marvelous job.

Councilman Ellis asked if there were any plans to make the access to Mariner’s Point easier for the elderly.

Public Works Director Spurlock advised that they don’t have any plans at this time.

- Mr. Jim White stated that 8 months ago there was discussion at a Council meeting about parking on Pension Street near the stop sign at Church Street. He stated that this was supposed to be looked into and was referred to the Public Works Committee. He advised that he hasn’t heard anything after this. He stated that at the same meeting the Main Street and Church Street intersection was also referred to the Public Works Committee. He stated that a VDOT traffic engineer was supposedly involved.

Public Works Director Spurlock responded that regarding to the intersection of Church and Main Streets they had a VDOT Traffic Safety Engineer look at the intersection and the entire street scape project. He advised that the engineer stated that this is the best example of that type of intersection he has ever seen. He added that there is no intent to make any changes to the bump-out. He also stated that regarding the intersection of Church and Pension Streets the curb painting was extended and the no parking sign was moved after Councilman Ellis spoke with the church pastor.

- Chamber Director Shotwell thanked Mayor Tarr for all the help he has given her personally and the Chamber over the years. She stated that there are bicycle safety books at the Chamber office and offered to help get that information out. She thanked Public Works Director Spurlock and the Public Works staff for getting the LOVE chairs back together. She added that hopefully they will be painted next week and put back in the park. Chamber Director Shotwell stated that the March visitation was up 94%, January visitation was up 55% and February was up 53%. She added that if that's any indication the Island is in for a good year. She asked everyone to vote for Chincoteague for the Best Coastal Small Town USA.

Mayor Tarr thanked Chamber Director Shotwell for her kind words. He asked Public Works Director Spurlock to elaborate on the LOVE chairs.

Public Works Director Spurlock advised that he gave a set of rough drawings to the Maintenance Supervisor and he ran with it building the chairs.

Chamber Director Shotwell stated that they received a grant from the VEC to rebuild the chairs.

STAFF UPDATE

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that they had 296 calls for service. He reported that in March the officers completed their refresher training for the tasers including a course for excessive force. He stated that the Senior Luncheon was a huge success with 185 in attendance.

Planning Department

Planning Director Marney reported that they are continuing to work on the Flood Plain Act with a training session scheduled. He advised that they are working on Ordinances to cover micro-homes. He also stated that he assisted Public Works Director Spurlock with a loan application for the auto-read water meter project.

Public Works Department

Public Works Director Spurlock advised that the report is in the packet. He stated that Planning Director Marney did an outstanding job putting the information together for the loan application. He stated that the Hallie Whealton Smith drainage design has been finalized. He also stated that Accomack County has arrived with the ditch witch. He reported that they will be doing drainage work in Misty Meadows and Highland Park.

Councilman Leonard asked if the Main Street Project was on track.

Public Works Director Spurlock advised that it is in the process of getting back on track. He stated that the concrete is being scheduled. He added that there are a lot of requirements with VDOT. He also stated that the pavers have been delivered.

General Government

Town Manager Ritter reported that the Emergency Medical Service responded to 66 calls for the month of March which is 12 more than March of 2015. He stated that there were 32 ALS calls,

20 BLS calls and there were 14 other calls. He stated that EMS has been working on the orientation for the 2 new part-time staff; Cory Pashkowitz and Thomas Copenhaver. He stated that they have received the final DCR Grant disbursement for the Robert N. Reed Downtown Water Front Park Project. He reported that they are working on Business Licenses which are due April 30th. He added that decals went on sale March 15th and due to be displayed by April 15th. Town Manager Ritter also stated that they have finalized the quarterly newsletter.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Ellis feels that this is a long agenda along with items that are going to be lengthy along with a closed session regarding employee matters. He asked Mayor Tarr if he would give any consideration to postpone the closed meeting matter to a later date. He explained that last year the same situation was addressed in the May Council Workshop meeting. He added that the agreement isn't due until June 1st.

Town Manager Ritter stated that there is another item under personnel matters from the Harbor Committee to discuss during closed session as well. He feels they need executive session.

Mayor Tarr stated that it has been properly advertised that they are going into executive session to discuss personnel matters.

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of March 7, 2016**
- **Council Workshop Meeting of March 17, 2016**

Councilman Frese motioned, seconded by Vice Mayor Richardson to adopt the minutes of the March 7, 2016 and Council Workshop Meeting of March 17, 2016 as presented. Unanimously approved.

2. Public Hearing, Ordinance to Vacate Subdivision Lot Line for Mr. & Mrs. Thomas Bowden.

Mayor Tarr opened the public hearing.

Town Manager Ritter advised that the public hearing has been properly advertised.

Mayor Tarr asked if there was anyone from the audience that wished to speak regarding the vacation of the subdivision lot line for Mr. & Mrs. Thomas Bowden. There were no comments and Mayor Tarr closed the public hearing. He asked Council's pleasure.

Vice Mayor Richardson motioned, seconded by Councilman Ellis to adopt the Ordinance to vacate the subdivision lot line between parcels 030A5-4-67 and 030A5-4-68. Unanimously approved.

3. Public Hearing, Ordinance to Vacate Subdivision Lot Line

Mayor Tarr opened the public hearing for Mr. & Mrs. David Knight.

Town Manager Ritter advised the public hearing was properly advertised.

Mayor Tarr asked if there was anyone from the public to bring before Council regarding this request. There were none and Mayor Tarr closed the public hearing. He asked Council's pleasure.

Vice Mayor Richardson motioned, seconded by Councilman Frese to adopt the Ordinance to vacate the subdivision lot line between parcels 030A1-6-36B & 37B. Unanimously approved.

4. Public Hearing on a Deed of Gift (Parcel C)

- **Possible Adoption of a Resolution for the Deed of Gift**
- **Possible Adoption of a MOU with Chincoteague Cultural Alliance**
- **Possible Adoption of the bid for a Shared Septic System for the Island Gym**

Mayor Tarr advised that this is the public hearing regarding the Deed of Gift of Parcel C.

Town Attorney Rowan advised that this is a deed of gift from JAD Associates to the Town. He stated that the deed states as part of taking the property the Town will give up the rights to use the septic easement on other properties of JAD. He stated that the easement gave significant value to the property. He added that before the Town agreed to waive the rights to the septic easement they felt a public hearing was appropriate.

Mayor Tarr opened the public hearing. He advised that this is to accept the deed of gift from JAD Associates to the Town of Chincoteague. There were no comments and Mayor Tarr closed the public hearing. He asked if there were any questions from Council or staff.

Councilman Frese stated that he has several feelings on this. He stated that first he questioned the Deed of Gift. He feels this is causing the Town to give up a valuable asset and having to put in a new septic system with a large sum of money. He stated that he resents this because it's not a gift. He stated that a gift is one of which that there is no quid-pro-quo and this isn't. He also resents further for whatever reason there was no knowledge disseminated to Council and was a shock to him. He stated that he studied this and is more confused. He doesn't agree with this and feels they are asking the taxpayers of Chincoteague to forfeit sums of money and to pay sums of money taking away from the kids' playground equipment. He stated that this whole thing is sour.

Councilman Taylor stated that a lot of people don't think that the gym and the property gets used. He stated that at some point he would like to see another gym built. He advised that it is used by the middle school, the recreation programs and the U. S. Coast Guard. He asked about the cost of the shared septic system.

Town Manager Ritter referred to the information in the agenda packet.

Councilman Jester explained that they would remove the current failing septic system. He stated that they would be working with the Cultural Alliance who does a lot for the community. He stated that they are trying to tie together adjacent properties for community events. He added that the Coast Guard has saved the Town about \$30,000. He feels this property is a huge asset.

He agreed that it needs improvements and added that is actively used. He stated that looking at the entire picture it is a positive thing to do.

Councilman Taylor read that the total septic system would cost \$29,145 and the Town's portion would be \$14,573. He stated that as a person that deals in land he would definitely give \$14,000 for that land.

Councilman Ellis stated that the property, when it was first mentioned, was to be used for overflow parking for the gym events. He asked if there was adequate parking for the gym.

Town Manager Ritter advised that there are times that the gym parking is full. He stated that it could be used for overflow parking. He added that it could be paved for basketball courts and additional Pickleball courts.

Councilman Ellis stated that parcel C services the septic for the CCA building and the gym. He asked if the easement served the Center in perpetuity.

Town Manager Ritter advised that it was.

Councilman Ellis stated that when the CCA purchased the land and for whatever reason chose to give up the easement as part of their building was concerned.

Town Manager Ritter stated that it was sold to the CCA by the owners of the property without the easement.

Councilman Ellis stated that they have an easement in the package. He stated that they have 1 year in the agreement to get their own septic. He stated that the CCA knew they were going to have to purchase a septic system.

Mayor Tarr interjected that they were prepared to do that until the Town stepped in with the deed of gift to the Town. He stated that its cost effective for the Town to go in with them as opposed to each installing a new septic system.

Councilman Ellis stated that if the Town doesn't accept lot C then the Town won't have to purchase a septic system because there is already a system.

Councilman Jester stated that the Town will have to purchase a septic system. He stated that this system is over 20 years and the drain fields don't go beyond 20 years. He also stated that at some point the Town will have to purchase a drain field.

Councilman Ellis asked whose responsibility it is.

Mayor Tarr advised that it's the Town's responsibility.

Councilman Frese stated that his septic has been at his house for 25 years and functioning very well. He stated that some of the soil is good and if taken care of it will function for more than 25

years. He also stated that they are paying for half of the system and paying for half of the expense. He stated that it's no detriment to the CCA because they are on the hook for half of the system.

Mayor Tarr asked Public Works Director Spurlock about the septic system, the drain field and current system that is serving the CCA along with the Island Activity Center.

Public Works Director Spurlock advised that there is a combined system with the Island Activity Center and the CCA. He stated that there is a small holding tank at the back door of the gym. He advised that it is failing rapidly. He stated that it is pumped to a larger holding tank to the property owned by the CCA. He explained that when they give up their easement that tank is going away. He stated that the Town will be forced to do something at that point. He added that there is a good possibility that the Town will not be able to get a permit from the Health Department to use the system across the street. He also stated that there has been soil analysis there as well.

Councilman Frese questioned the septic across the street. He would like to talk to the Health Department as this isn't his understanding.

Councilman Ellis asked about the septic capacity on lot A that serves the gym.

Public Works Director Spurlock stated that there is a very small tank right at the back door of the gym. He believes its 250 gallons with a transfer pump that pumps it to the large tank.

Mayor Tarr added that the Town's perpetual easement is 300 gallons of drain field capacity.

Town Manager Ritter added that this is in the sewage easement limitation agreement.

Councilman Frese stated that the Town could put a tank running a line under the road over to the easement with whatever size tank is needed. He stated that they wouldn't need that 300 gallon tank along with the 250 gallon tank. He doesn't feel they're talking about all that money and the easement would still be in perpetuity for the Town's use.

Mayor Tarr added that's right until those drain fields go bad.

Councilman Frese still wants to talk to the Health Department and see because that's not his understanding.

Councilman Taylor stated that both the CCA and the Town's properties if needed they could put an above ground system if they had to. He stated that the reason to do it together is because the restrooms are next door and it would be a shared or combined thing. He stated that they both could do it separately with the Town could put a \$16,000 system in and the CCA could put a \$16,000 system in. He understands why they would want a shared system to help support them. He stated that whether they acquire the property or not they will get parcel C and put a system on their own property for \$16,000. He advised that the mass drain field would support a whole school. He added that he doesn't want to be responsible for replacing that system. He also

stated that the above ground system is by far better for the environment. Councilman Taylor also stated that the Town doesn't need the upkeep of the massive drain fields for only 2 restrooms.

Town Manager Ritter stated that the joint system that they are requesting to partner in will be on the CCA property and the Town agreed to pay for the little bit of electricity.

Mayor Tarr stated that with 2 individual above ground systems there will be twice the maintenance on 2 separate systems. He stated that they are looking at the future to share the cost of the maintenance of that system as 50/50. He added that Council did hear about all of this in closed session. He feels it's a win-win situation for everyone. He explained that they are taking a building lot that has \$40,000-\$50,000 worth of value to give up drain fields here on Chincoteague. He added that they are getting that building lot for \$14,500 and putting in a new system.

Councilman Ellis added that there are going to be more expenses. He asked if there were any estimates to bring that up to some usage.

Public Works Director Spurlock stated that this will vary dramatically on what is decided. He stated they can clean it up in-house. He added that to pave it would be no more than \$10,000. He stated that if they intend to pave it and put additional basketball courts and parking area or whatever the Committee decides that area to be, the cost would be minimal.

Councilman Ellis asked if this area was designated as a subdivision.

Town Manager Ritter responded that this was the School Board property.

Councilman Ellis stated that the survey talked about the subdivision of lands of JAD Associates.

Mayor Tarr interjected that it isn't a subdivision. He stated that it used to be one parcel and it was divided into parcels A, B and C. He explained that A is across the street and B is the CCA property.

Councilman Ellis stated that the Town has subdivision ordinances and asked if the Town needs to do anything to be in compliance with that.

Councilman Frese stated that a parcel of land could be subdivided into 3 lots but if more it had to come under the subdivision laws.

Mayor Tarr again stated that it isn't a subdivision.

Councilman Ellis asked about the septic system estimates.

Public Works Director Spurlock explained the breakdown of gallons per bedroom. He stated that this system is easily expanded to a larger system.

Mayor Tarr stated that they were looked into by Boggs and Bundick along with the 2 engineers. He stated that this system was highly recommended by the engineers. He stated that they

recommended they apply for the 900 gallon permit so that it could easily be expanded to the 1,200 in the future without going back for a permit from the Health Department. He stated the quote is based on the 900 gallon. He added that this is actually costing the CCA some money as they didn't have to have a system that large. He stated that it is the best interest of the community to put in the larger system.

There was brief discussion about cost and where the information is in the packet.

Councilman Ellis stated that when they received the information this is what they received. He stated that he believes they talked about using the property as parking. He stated that it is about process and not the property itself. He also stated that it concerns him because this the first that he has heard about a public hearing on the MOU between the Town and the CCA in the newspaper this past Thursday. He added that he didn't know they were considering the MOU. He stated that it seems to him that Council should have seen it first. He stated that the MOU was signed by the CCA President in February 2017. He asked how they signed off on this when Council didn't hear about this until March.

Town Manager Ritter advised that this was supposed to be on the March meeting and was pulled off the agenda because it needed to go to a public hearing. He advised that he contacted Town Attorney Rowan who researched this and advised it needed a public hearing.

Councilman Ellis asked Town Manager Ritter why they had to read about it in the newspaper instead of hearing about it from the Town.

Councilman Taylor asked if the closed session was recorded.

Town Manger Ritter advised he would look into it.

Councilman Ellis stated that it bothers him that it was dropped on him tonight for an approval.

Town Manager Ritter stated that the CCA approved this knowing that Council would have to approve it.

Councilman Ellis responded that he understands but they had the information in mid-February and Council didn't get it until the end of March.

Councilman Frese stated that it's costing the Town money and he doesn't think they should cost them more. He stated that the Town has spent \$7 million on the downtown. He added that most of that was in grants. He also stated that the Town put up almost $\frac{3}{4}$ of a million of the taxpayers money. He asked when the Town starts thinking about the taxpayers. He added that the Town never cuts taxes. He feels the Town is proud to raise meals tax and on the tourist. He stated that he didn't know that the Town Attorney was working on this until it was in the packet. He advised that he contacted Councilman Ellis and Vice Mayor Richardson and they didn't know anything about it either. He stated that he is either dense and didn't pay attention or he is not in the circle. Councilman Frese stated that he is a member of Council and he feels the whole thing

has escaped him. He stated that when he reads “deed of gift” and reads through this realizes it’s not a deed of gift, its barter.

Councilman Leonard asked if it was a plus for the Town.

Councilman Frese sharply responded that it wasn’t.

Councilman Leonard asked if he didn’t believe a \$50,000 or \$60,000 piece of property is a \$14,500 value for the Town.

Councilman Frese responded that it’s great but it’s not a deed of gift.

Councilman Leonard stated that it’s a plus for the taxpayer.

Councilman Frese interjected that if you’re selling something to the Town you tell us you’re selling it and what your price is. He feels this thing is so convoluted he couldn’t figure it out.

Councilman Leonard stated that if someone offered him \$20 and he had to give them \$5 back he would take that offer every time.

Mayor Tarr advised that when this was first brought to Council, it was about purchasing the property to enhance the property at the old gym.

Councilman Frese stated that he doesn’t recall that.

Councilman Jester stated that they did discuss it. He stated that it would enhance the community.

Mayor Tarr stated that Council was given the plat. He asked why the plat would be given if they weren’t going to talk about it. He also stated that they went out and instead of having to make an offer on a piece of property, the property was offered to the Town with one stipulation. He stated it was to release the sewer rights of the 300 gallons over to parcel A. He added that in doing so Public Works Director Spurlock had it evaluated. He also stated that the pumping system was evaluated a couple of months prior to that. He stated that today they are pumping illegally and it needs to be fixed. He also stated that the whole system needs to be fixed and is pumping illegally. He added that it doesn’t have an alarm and needs maintenance. He also stated that there was a price of \$4,000-\$5,000 to get everything to normal. He advised that the research was done on the drain fields and they have failed. He feels this is a win for the Town. Mayor Tarr stated that they are going to spend money on the system they have or they can get a piece of property and buy a sewer system.

Councilman Taylor stated that he remembered the closed session about being interested in the property. He stated that when Councilman Leonard was leaving his statement was that they won’t have to buy that property.

Councilman Frese suggested that Councilman Taylor buy the property.

Councilman Taylor advised that this no problem and he would gladly donate \$16,000 for a septic for the Town.

Councilman Ellis stated that Public Works Director Spurlock advised this would come from the 5% disposition from the Meals Tax which is budgeted at \$35,000 for playground equipment. He stated that they approved a pavement extension last month for the Ocean Boulevard extension to come out of the same fund to the tune of \$21,000. He also stated that the Recreation Committee has made some substantial improvements to the parks. He asked if all of that is paid for with donations.

Councilman Jester advised that it's a combination from the Police Department, the grocery store and 2 years of donations as well as the playground fund.

Councilman Ellis stated that \$21,000 was appropriated last month, this is \$15,000 and some of it was used for playground equipment which is more than the \$35,000.

Town Manager Ritter advised that there was a line item in the budget specifically for the playground equipment that was just purchased.

Councilman Frese asked how much was in the fund for the playground equipment.

Councilman Jester responded that they decided that with the money from the Police Department and the grocery store they agreed to take every other year of the money from the 5% of Meals Tax.

Councilman Frese stated that they are earmarking certain things and do everything else in the world with the rest because it's not marked for.

Town Manager Ritter stated that the line item is called "Recreation" so it can go towards recreation items.

Councilman Frese stated that they allocated it for something else.

Town Manager Ritter responded that they didn't realize that they were done with the playground equipment. He stated that they thought because the gym is a recreational facility it would fit under the umbrella of recreation. He also stated that it's coming to Council and if they choose not to do it they can look for another source.

Councilman Jester feels it's a no brainer. He feels it will enhance the recreational facility with the Town. He stated that it's not just for kids, it's for adults. He added that they are also getting a new septic system. He mentioned the events that the CCA brings to this community. He also stated that they are working together to bring people to the community to spend Meals Tax and Occupancy Tax. He sees the terminology being an issue. Councilman Jester also stated that there is a positive point of doing this in making a nice recreational point for adults and kids.

Councilman Ellis stated that on page 48 there is a resolution and thinks the last sentence is a misprint. He read the sentence.

Town Manager Ritter stated that it should state April.

Councilman Ellis also stated that in the proposed 2017 Budget on the last page is a memorandum from the Finance Director. He stated that she was to examine ways that the Town could come up with funds to purchase parcel A to a tune of \$250,000. He asked if this was tied in together as some plan to use it for recreation. He asked what they would use the property for.

Town Manager Ritter advised that it is used for youth football and Little League. He stated that if it's developed it will never be open space again. He added that if they could keep that open space alongside the gym then it can be used for football and soccer along with other things. He stated that it's a draft budget and if it isn't wanted then at Wednesday's meeting it can be removed.

Councilman Ellis feels this raises red flags in his mind.

Town Manager Ritter stated that it was discussed.

Mayor Tarr stated that it came up in February and was discussed as one of the 5 year or 10 year plan.

Councilman Ellis stated that it was and it was listed in the document for the Planning Commission to consider.

Mayor Tarr added that this is why it was forwarded to budgeting. He added that you can't implement things without plans.

Councilman Ellis asked if the property was for sale and that was the assessed value of the property according to the appraisal. He asked if that is what the Town pays.

Mayor Tarr advised it isn't. He stated that this is a decision of Council.

Councilman Ellis added that it is a decision for JAD Associates as well.

Mayor Tarr stated that it is for sale.

Councilman Frese stated that he has heard how the whole system on that lot has failed. He asked if this could be postponed for another month to check with the Health Department to see if it's failing. He feels if it is then it's a horse of a different color.

Councilman Ellis asked how long it takes to install a septic system.

Public Works Director Spurlock advised that an above ground system takes 2-3 days.

Councilman Ellis stated that the CCA has until December before they have to terminate the lease. He added that they have time.

Councilman Frese asked again that this be postponed for a month.

Mayor Tarr advised that they are still in the public hearing. He asked if anyone had anything else to come forward.

Ms. Jane Wolffe advised that if there are any questions she is willing to answer as she knows as much about this property as anyone. She stated that their goal was to save this property for the public good and luckily the CCA came along to purchase that part of the property. She stated that they rented the property for 10 years charging the Senior Citizens less than the loan payment. She stated that Arthur cut the grass on this property on his own for 10 years. She added that he is one of her partners on the property. She stated that the drain field on parcel A was installed in 1970. She advised that Mrs. Stacy Hart, who is an engineer, has looked at this system. She contacted the Health Department and was advised that everything that's permitted is the new Pete moss system.

Ms. Wolffe also stated that she contacted their attorney to help the CCA and the Town. She stated that Town Attorney Rowan was the CCA's attorney when they purchased the property and knows the situation. She stated that Mrs. Stacy Hart has worked with the Town to help form a more affordable system. She also added that JAD has repaired the system over and over. She stated that even when the County owned the building and property JAD paid for the maintenance and repair to that system. She stated that they had an appraisal done and thought about putting the property up for sale. She added that they thought better of it and offered it to the Town because it's adjacent to the gym. She feels they are trying to help the Town. She mentioned the huge drain field on the lot with large concrete tanks that are in the way for the sports teams.

Ms. Wolffe is hoping they can do this or they can sell the property to pay off the outstanding mortgage. She estimated payment out of their pockets of \$1,000 per month over the years to maintain the property for the uses which estimates up to approximately \$10,000 per year for over 10 years. She stated that she is tired of that. She stated that it's up to Council. She added that it was 2 parcels, parcel A where the drain field is and parcel B, the lot CCA purchased. She mentioned the fence that was put up. She stated they tried to work with the CCA of what they could spend. She stated that the CCA was able to use lot C as long as they could maintain it. She advised that they surveyed the property and kept lot C. She stated that their first thought was to sell it. She also stated that after they discussed it further they decided to offer it to the Town. She believes that the surveyor put "subdivision" because they took lot C out of the parcel B.

Councilman Ellis asked what the rationale for eliminating the easement was when they were doing all of this.

Ms. Wolffe advised that it is a big piece of property with a system that is no good to anyone. She stated that it would be the Town's responsibility to repair it if anything happened. She stated

that the CCA will not be using it because they're putting in a new system. She added that it will be the Town's responsibility to maintain it.

Mrs. Patricia Farley, Vice President of the CCA, stated that she chaired the building acquisition. She advised that everything Ms. Wolffe stated is exactly correct. She stated that the septic fails when they have a number of people using it. She also stated that they, JAD and the Town have all had it evaluated. She added that it will need replacing. She mentioned an issue with parcel C. She stated that they do not use it and the only plan they have for it is during the Artful Flea as an exit route. She stated that they would contact the Police Department for traffic control.

Councilman Ellis stated that he saw the easement for entrance and exit to and from parcel B.

Mayor Tarr interjected that the easement goes away when parcel C is sold.

Councilman Taylor stated that there were only 2 bids on this property, his being one. He stated that he had a discussion with the other bidder explaining that if they didn't take it he would have developed on it. He stated that he understands why it was purchased by JAD and offered to the Town because Mr. Donald Leonard had a vision to have recreation for the youth. He stated that he understands why and knows what they are saying is true. He feels it is best and thanked the Leonard family for this.

Ms. Wolffe added that she understands what Councilman Ellis is saying about parcel A. She explained that they wanted the Town to have the first opportunity to buy it before it goes into the open market. She stated that they would like the Town to consider if they would have use for it and if it was in the budget.

Councilman Ellis asked if parcel A was big enough for parking for special events.

Mayor Tarr stated that staff was going to look into pros and cons about the property to bring to the meeting. He advised that Town Manager Ritter has started contacting all of those who use the property and the gym. He added that they hope to have that information before the next meeting. He explained why all 3 things are on the table at once which is because they're all tied together. He stated that if they don't accept the deed of gift and accept the sewer easement they can't enter into an agreement with the CCA and there is no since to approve the Town's share in the septic system. He stated that it had to go all into one agenda item because it is all tied in together.

Councilman Ellis stated that it would have been helpful to have received the information from the Town Manager or Public Works Director in advance so that they could do their homework.

Town Manager Ritter apologized.

Councilman Ellis appreciated the response.

Councilman Frese stated that he feels the same way, like he was left out in the cold. He stated that the more he read and studied this he couldn't figure it out.

Councilman Ellis asked if this was tabled for a month would this make any difference in what the CCA or JAD plans to do.

Mrs. Farley responded that they need a new septic system.

Mayor Tarr advised that there is a workshop scheduled for the 21st.

Councilman Leonard feels that it gives enough time.

Mayor Tarr asked Council if postponing this matter until the 21st is sufficient.

Council concurred.

Mayor Tarr announced that this will be postponed until the workshop meeting on the 21st.

5. Budget and Personnel Committee Report of March 8, 2016

- **Possible Motion to Approve Dispatch Position Descriptions**
- **Possible Motion to Approve Facility Supervisor Position Description**
- **Possible Motion to Approve the Harbor Rate Schedule**

Chief Mills stated that since the Town no longer has the 911 dispatching he would like to update their position duties and description. He reviewed the certifications that are no longer necessary along with fine tuning the positions.

Mayor Tarr asked if there were any questions. There were none.

Councilman Frese motioned seconded by Councilman Jester to approve the Dispatch Position Descriptions. Unanimously approved.

Public Works Director Spurlock stated that the Facilities Maintenance Supervisor worked out even better that he had imagined. He stated that the only part that would make it better is to make this a salary position. He also stated that there is a salary range listed. He also added that he and the Town Manager haven't met to decide the salary of this position but did create the range. He added that it will give them a lot more scheduling flexibility within the Public Works Department.

Mayor Tarr stated that the Maintenance Supervisor job description is already on the books. He advised Council that their job this evening is to change this position from a nonexempt to exempt.

Public Works Director Spurlock added that the salary range needs to be approved as well.

Mayor Tarr asked if there were any questions.

There was brief discussion about the change from an hourly rate to a set salary.

Councilman Ellis asked if the change will cost the gentleman in this position.

Public Works Director Spurlock advised that it won't if he has anything to do with it. He added that the gentleman in that position is a tremendous asset to the Town.

Councilman Ellis discussed total income.

There were a few comments.

Vice Mayor Richardson asked when this starts.

Town Manager Ritter responded that once it is approved it can start.

Public Works Director Spurlock stated that once approved they need to finalize the salary and salary range. He stated he would bring the range back to the workshop.

There were questions about the salary range.

Public Works Director Spurlock asked if he could finalize this and bring it back to the workshop.

Council agreed.

Mayor Tarr stated that the 3rd part of the Budget and Personnel meeting is the adoption of the Rate Schedule for the Curtis Merritt Harbor. He referred this to Town Manager Ritter.

Town Manager Ritter stated that they usually discuss this at the draft budget schedule. He stated that Mayor Tarr suggested this be discussed separately before Council. He explained that the slip lease is from June 1st to May 31st. He stated that the increase is 3% per year. He stated that under recreational vessels sub-permit rate they thought to increase the weekly rate from \$55 to \$70. He also advised they are changing the monthly rate from \$220 to \$250. He added that this is at the Harbor Master's recommendation.

There was brief discussion.

Mayor Tarr stated that these are the proposed changes to the rate schedule.

FISCAL YEAR 2017
Rate Schedule
Curtis Merritt Harbor
(June 1, 2016 – May 31, 2017)

25 ft Slip \$473.00
30 ft Slip \$534.00
40 ft Slip \$802.00
50 ft Slip \$1167.00
Slip at head of Collector Pier \$1283.00

Loading Dock fees are \$7.00 per day after 4 hours for commercial vessels and \$10.00 a day for recreational vessels with a \$25.00 minimum.

Sub-permit rate for Commercial Vessels: \$4.50 per day or any portion of a day.

Sub-permit rate for recreational vessels: \$15.00 per day or any portion of a Day with a \$ 30.00 minimum or \$70.00 a Week (7 days) or \$250.00 a Month (30 days) any size slip.

Nets or other items left on dockside for storage over 3 days will be charged a \$10.00 fee per day.

Boat repair area for with a Harbor permit is \$10.00 per day after 7 days per season haul out.

For Non Harbor resident Boat repair area will be \$15.00 a day charge after the first 8 hours.

Fees or Penalties for leaving the work area not cleaned \$50.00 one-time penalty per haul out. If payment is not received all Harbor and Town Property privileges will be prohibited.

Trailer parking with Harbormasters permission, short term (less than Two weeks) \$5.00 per day. Trailer must have a tag and a user fee sticker.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the Harbor Rate Schedule. Unanimously approved.

6. Resolution to Accept Woodland Drive into the Urban Maintenance Program

Public Works Director Spurlock stated that this is a standard resolution when the Town adds a road into the VDOT Urban Maintenance Program which requires a U2 Form and a Council Resolution. He stated that the Maddox family has tentatively agreed to a deed transfer to the Town. He stated that he has conferred with VDOT and it meets all the requirements. He stated that VDOT Planning Department has reviewed it.

Councilman Frese asked about the width.

Public Works Director stated that the right-of-way is 50' wide. He added that the paved width is only 16' wide which is allowable because the road has been there since 1951.

Councilman Ellis stated that this action was placed on hold because the road was upgraded.

There was discussion between several Councilmembers.

Councilman Ellis asked if this is accepted into the program would the Town have any fiscal responsibility.

Public Works Director Spurlock advised that the Town would as they do with any other road adopted into the program. He added that every year VDOT pays the Town based on the amount of lay miles in the system.

Councilman Frese motioned, seconded by Councilman Taylor to adopt the Resolution to Accept Woodland Drive into the Urban Maintenance Program. Unanimously approved.



RESOLUTION

TOWN COUNCIL TOWN OF CHINCOTEAGUE, INC.

WOODLAND DRIVE

EASTERN SHORE DISTRICT VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, certain streets on the attached sketch entitled Woodland Drive, located entirely within the corporate limits of Town of Chincoteague, and described on the attached Form U-1 (Rev. 1-1-07), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

WHEREAS, the street meets the requirements established by the Virginia Department of Transportation; and

WHEREAS Woodland Drive was established prior to July 1, 1950 has at least 30' of R/W and at least 16' of hard surface; and

WHEREAS, the above streets serve a genuine public need; now, therefore, be it

RESOLVED, by the Chincoteague Town Council this 4th day of April 2016, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Urban System for maintenance, as provided in 33.2-319, Code of Virginia,; and, be it

RESOLVED FURTHER, that this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (30) feet with necessary easements for cuts, fills and drainage; and, be it

RESOLVED FINALLY, a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

Attest:

Hon. John H. Tarr, Mayor

Robert G. Ritter, Town Manager

Town Attorney Rowan stated that the resolution refers to a Code section which is provided for 33.1-41.1 Code of Virginia. He advised that the new Code section is 33.2-319.

Public Works Director Spurlock advised that he would make the revision.

7. Resolution for a Water Meter Project

Town Planner Marney advised that he assisted Public Works Director Spurlock with the loan application package which included a wide variety of documentation the past 3 fiscal years budgets. He added that it included proposals for the upcoming year. He stated it was submitted this past week and covers everything for the budgeted project. He also stated that it will cover all costs which were \$965,000. He advised that the Town should hear back from this in June.

Public Works Director Spurlock stated that the resolution will authorize the Town to apply for the loan. He stated that there is no obligation whatsoever of either party at this point. He also stated that this is a loan for the auto-read meter project with an interest rate of 1.5%.

Councilman Frese asked if this was for the entire island.

Public Works Director Spurlock advised that it is.

Councilman Ellis asked if this is the Neptune meters.

Public Works Director Spurlock stated that it is and it's something they will have to work out with the Virginia Department of Health. He stated that they have already started a sole-source justification. He advised that they have exclusions and the majority of the meters in the system currently are Neptune. He also stated that the details will have to be worked out if the loan is approved. He added that VDH advised there is a 99% chance the loan will be approved.

Councilman Ellis stated that at the Public Works Committee meeting in November they decided to have a pilot study. He asked if this was being done.

Public Works Director Spurlock stated that it is being done. He stated that they have installed 41 meters and they could almost be read sitting in the office. He also stated that the most attractive thing about this system is that they aren't going to justify costs by not having to go out and read meters every month. He added that they get real-time leak detection. He advised that this is a

fixed base system where the transmitter will be at the top of the water tower and will literally update computers in the office up to every minute.

Councilman Frese stated that as he recalls if there's a leak somewhere it will pick it up.

Public Works Director Spurlock added that it will issue a leak alarm. He explained that it looks for a constant steady flow for an extended amount of time.

Councilman Frese asked how long it will take to put in.

Public Works Director Spurlock stated that it takes a couple of months to do the whole island. He also added that this amount includes a contractor doing the work.

Councilman Frese motioned, seconded by Councilman Leonard to adopt the Resolution for a Water Meter Project. Unanimously approved.



A RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL

WHEREAS, the Town of Chincoteague is seeking to upgrade our water system by replacing mechanical water meters with a fixed based AMI system; and

WHEREAS, this improvement to the Town's water system will upgrade the registers for newer water meters, change out aging meters and install associated software to allow for improved water accountability; and

WHEREAS, the Town of Chincoteague has applied to the Virginia Department of Health, Office of Drinking water for a loan to implement this project;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council acknowledges the application of a loan from the Virginia Department of Health for such improvements.

BE IT FURTHER RESOLVED that the Mayor of the Town of Chincoteague, or his designee is hereby authorized and empowered to execute in the name of the Town of Chincoteague all loan documents necessary to secure funds and implement the approved project.

DATED this 4th day of April, 2016.

John H. Tarr
Mayor

ATTEST:

Robert G. Ritter, Jr.
Town Manager

8. Mayor & Council Announcements or Comments

Councilman Frese reported on the Community Center. He stated that Mrs. Shotwell was voted in as Chairman of the Board. He stated that she has stepped in and doing a lot of investigation. He feels she's doing a fantastic job.

Councilman Taylor congratulated the Police Department and Dispatchers. He stated that this directly tells what they are doing to keep a safe community. He stated that he has been places in Virginia where he doesn't feel safe. He thanked the Department for continuing what the past Chief has done.

Councilman Ellis also congratulated the Police Department for receiving the accreditation. He asked about the meeting with Ms. Darden and there was a suggestion to have the Secretary of Natural Resources visit the island to speak with the watermen. He asked if this was pursued.

Town Manager Ritter stated that he understands that Delegate Rob Bloxom is looking into what type of language the Secretary would be using and he will forward it to the Town. He stated that they can invite her to come.

Councilman Ellis stated that the monuments and plaques look good at Mariners' Point. He stated that it's something that the people can be proud. He understands that he's been moaning and groaning about the process. He requested that if there are things that are coming up for discussion he would like information and analysis from staff along with their recommendation. He stated that he didn't know all of the information brought this evening.

Councilman Jester mentioned the Airbnb which is where you go online to rent someone's bedroom. He stated that it would be interesting to go to the site for Chincoteague to see if there are Airbnb rentals are going on here.

Chamber Director Shotwell advised that they are in the area and it should be looked into further.

Councilman Jester expressed his concern because of the rental homes that pay Transient Occupancy taxes and have to meet the parking requirements.

Vice Mayor Richardson stated that she is proud of the Police Department and they have worked very hard. She stated that she hasn't heard anyone speak badly of them. She also stated that at Mariner's Point the tide and waves are beating it up. She suggested doing something quick before it is lost.

Town Manager Ritter advised that there is someone coming Thursday from the Army Corps of Engineers to look at it.

Mayor Tarr stated that they met with the Colonel and was advised that it's something they could do and that they have funding for this.

Vice Mayor Richardson mentioned the flooding in Ocean Breeze. She stated that its a canal running through Ocean Breeze.

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

• Personnel Matters

Councilman Jester 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 Jester to reconvene in regular session. Unanimously approved.

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

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

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

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

VOTE:

Ayes- 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 APRIL 21, 2016
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

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

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Councilman Frese stated that at the last full council meeting he misspoke about the property being sprung on Council and knowing nothing about it. He advised that by listening to the minutes it was discussed in closed session. He stated that while he didn't understand what it was all about, he misspoke in error. He apologized to Mayor Tarr, the Councilmembers and to the citizens.

1. Discuss Possible Letter to be Sent to the U. S. National Park Service for Draft GMP and EIS

Mayor Tarr advised that Council has been working on this with staff. He also stated they have gone over it with Delegate Bloxom.

Town Manager Ritter stated that the issue after reading the GMP has been narrowed down to a few items. He reviewed those items. He stated that the National Seashore Act basically wants to regulate all of the watch houses and hunting blinds. He also stated they addressed aquaculture. He read the public law and feels it is an outreach on their authority. He also read information regarding leasing lands which should be verbiage added in the alternatives. He stated that we want to support a continued way of life for horseshoe crabbing. He read the language under fin fishing "oyster watch house, duck blinds, aquaculture and horseshoe crab harvesting should all be treated the same as fin fishing. They all have the same historical and culture value to our community and all or a part of our way of life in the past and future. The Seashore Act of 1965 did not give up any of the Commonwealth rights to allow and control any of these activities but actually promote them." He stated that they thank them for their GMP and looking at some of our concerns previously. He asked if anyone has any more information that they think should be hit on. He reminded Council that they have until the end of the month.

Councilman Jester asked if they were going to send Rev. Johnson's letter.

Councilman Ellis likes the stronger language. He asked what would be next if these things are not changed or included.

Town Manager Ritter advised that the next approach would be litigation.

Councilman Frese suggested enlisting the help of the statesmen.

Town Manager Ritter agreed.

Mayor Tarr advised that Delegate Bloxom and Senator Lewis will address the state's rights in their letters. He advised that Delegate Bloxom expects the state of Virginia taking them to court. He stated that if there are any additions, corrections or changes to forward them to Town Manager Ritter.

Councilman Jester asked to include their letters with this one showing that they concur.

2. Discuss Parcel "C"

- **Possible Adoption of a Resolution for the Deed of Gift**
- **Possible Adoption of a MOU with Chincoteague Cultural Alliance**
- **Possible Adoption of the Bid for Shared Septic System for the Island Gym**

Mayor Tarr stated that this has been brought back with more information.

Town Manager Ritter stated that everyone received a copy of the memo that was issued yesterday. He apologized that they didn't get everything out to them as they didn't receive all of the information until yesterday. He stated that they received the Boggs report on the septic system. He stated that the IAC has a pumping tank which gravity feeds a tank on the CCA property. He also stated that the tank pumps to the field tank drains on parcel A. He added that the small tank at the IAC is failing. He advised that the Town would have to replace the tank and put the proper pumps and alarms in that tank to pump it over to the drain fields using parcel A. He stated that this would be approximately \$6,000 or more if the field drains or force main

going over to the field drain collapses. He advised that it hasn't actually been going to the field drain.

Councilman Frese asked where it has been going

Town Manager Ritter responded that it's actually a cesspool. He stated that on the MOU the CCA agreed to be a partner with the Town on an easy treat low pressure discharge system of about 900 gallons per day. He stated that this system is expandable if the Town wants to expand it to a 1,200 gallon per day system which would cost \$14,573. He explained that the life expectancy is about 20 years on a septic system. Town Manager Ritter stated that the other tangible benefit of dealing with the 3 step process is the benefit to the shared system with the CCA. He added that it eliminates the easement on parcel A and obtains parcel C which enhances the Town's ability to deliver recreation opportunities for the future. He stated that it could be additional parking, overflow parking with basketball courts, volleyball courts or anything. He referred to the report. He stated that the conclusion states that it is unsatisfactory. He also stated that Public Works Director Spurlock spoke with the Health Department.

Public Works Director Spurlock advised that the \$6,000 estimate is the best case and is to just install a tank and a pump that would service the Island Activity Center. He stated that this is assuming that the rest of the system is intact. He advised that the gentleman from the Health Department from Accomack County stated that in no uncertain terms would the Town get a permit to repair or replace the drain fields across from the gym. He also stated that due to current regulations and the known soil composition on Chincoteague it is highly unlikely to get a permit. He added that this forces the Town into some type of secondary treatment system such as an easy treat system.

Councilman Frese asked if this would be in conjunction with the existing drain fields.

Public Works Director Spurlock stated that it would not. He added that if the drain fields have indeed failed the Town would not be able to use them anymore. He explained that they could not be repaired or replaced by permit.

Councilman Frese asked if a letter was given to that effect.

Public Works Director Spurlock responded that they can't do that without doing a complete soil analysis on those drain fields.

Councilman Frese stated that there isn't a soil analysis and they last 20 years.

Public Works Director Spurlock stated that they are comparing regulations that were put in some time in the 70s. He stated that the sewage regulations are very different today. He added that there are very few locations on the Island that can be permitted for a drain field system.

Councilman Frese asked how many systems were installed in the 70s or before that are still functioning.

Public Works Director Spurlock responded that he has no idea.

Councilman Frese stated that they couldn't make a judgement then.

Mayor Tarr interjected that the report from Boggs stated that of the 22 drain field lines only 4 are functioning properly. He added that 18 have gone bad and this report was 2 years ago. He added that a full sewage report was done on the property.

Councilman Ellis asked if this was done 2 years ago for the CCA.

Mayor Tarr and Town Manager Ritter advised that this was correct.

Councilman Ellis then asked how many times in the 2 years since the report was done has the IAC system failed.

Town Manager Ritter responded that it hasn't failed. He added that it isn't pumping over to the field drains. He corrected himself and stated that it has since failed because it isn't pumping over to the field drain. He added that it isn't pumping correctly.

Councilman Frese asked where it is pumping.

Town Manager Ritter stated that it is acting more of a cesspool than anything.

Councilman Ellis and Councilman Frese commented that they are surprised that the Health Department hasn't been on this.

Councilman Ellis stated that if there haven't been any failures then how long is it operational.

Town Manager Ritter asked him to repeat the question.

Councilman Ellis rephrased the question by asking has Boggs indicated how long this system is operational.

Councilman Jester stated that it isn't operational now.

Public Works Director Spurlock asked them to keep in mind that using the large tank is no longer an option because there were conditions in the purchase of that property. He stated that the Town is looking at the best case scenario to spend \$6,000 to pump over to a failing drain field. He added that they are nearing the situation where they have to do something.

Councilman Taylor stated that even if he's saying the drain field is perfect, the difference between the \$6,000 and the \$14,000 is \$8,000. He then asked if the property is worth \$8,000. He stated no matter what, they have to spend \$6,000 to put a tank and pump system. He added that the only thing on the mass drain field is the Town. He stated that it could last 20-30 years. He mentioned the CCA building being expanded to a senior citizen building and feels they

should go to the 1,200 gallon system to start with. He added that it is an \$8,000 difference and he feels the property is worth \$8,000.

Councilman Frese asked if Councilman Taylor feels it's worth \$8,000 plus giving up the drain field easement with 20 lines on it.

Councilman Taylor responded that they only have a 300 gallon per day if that. He stated that the Town can put an above ground mound system on that property.

Mayor Tarr added that they have a price of \$25,000 to put a new system into the Island Gym if it was a standalone system.

Councilman Frese stated that they put one in for the Sea Tag that cost \$28,000 or \$29,000. He also stated that this is a heck of a lot more than 300 gallons a day.

Mayor Tarr added that this falls under a commercial property.

Councilman Frese responded that his is commercial property as well.

Mayor Tarr stated that it's whether they want to pay \$8,000 now or \$28,000 later.

Councilman Frese stated that 300 gallons a day isn't going to cost \$8,000.

Mayor Tarr advised that they were given a price of \$25,000 for a new above ground system.

Councilman Frese wanted to know how many gallons this supports.

Mayor Tarr responded whatever the legal amount for the use of the building which goes by the square footage.

Councilman Frese stated that they are comparing apples to apples.

Mayor Tarr stated that he is only referring to the Island Gym and not his place.

Councilman Frese stated that he knew for a fact because he had to pay for it.

Vice Mayor Richardson asked what it would cost the Town to do a current inspection. She stated that she looked into the tank earlier today and it is pumping into the large system.

Councilman Jester asked if it was pumping into the drain field.

Vice Mayor Richardson advised its pumping into the tank itself.

Mayor Tarr interjected that the drain field isn't working.

Vice Mayor Richardson stated that it isn't full.

Councilman Jester stated that it isn't full which is why they're not seeing problems. He stated that it doesn't make sense to deal with a 40+ year drain field. He stated that to get a new cleaner system would make all the sense in the world.

Councilman Taylor asked if parcel C was worth \$8,000 or not.

Councilman Frese doesn't feel this is the question before Council. He stated that the question before Council is what's happening today, tomorrow and so on. He also stated that today they have in perpetuity a drain field they can pump across the street. He stated that they aren't going to assume any other liability for any other party or operational control or financial obligations with a dual system. He does not agree with a dual system. He feels they can do anything they want and the Town has to pay for half of it. He stated that it isn't in the best interest of the Town and taxpayers. He also stated that they have a drain field across the street in perpetuity and when or if it fails they will only have to put in a \$6,000 tank with proper pump.

Mayor Tarr added that this isn't the total.

Councilman Frese advised that he isn't convinced that it's more than that if they need it. He also isn't convinced that they need it.

Mayor Tarr stated that he will call the Health Department tomorrow and guarantees there will be a repair to the system by the CCA and the Town.

Councilman Frese stated that Public Works Director Spurlock has talked to the Health Department. He added that he can't understand if it's that bad he's surprised they haven't come here to inspect it.

Mayor Tarr stated that he doesn't think they were told it was bad or the pumping system is bad. He doesn't think anyone that is working for the Town would do that. He stated that they asked about the use of the drain fields across the street and what a repair permit would be if they had to do a repair on the drain fields.

Councilman Ellis asked for 5 minutes to put some things on the table. He stated that he isn't necessarily opposed to this idea for a new joint system. He stated that for one it isn't a lot of money. He added that two, the CCA provides a very valuable service for the citizens of this community. He stated that what bothers him is the process that is being used. He also stated that it keeps raising red flags in his head. He asked to share this with Council. He stated that he made an incorrect statement. He advised that on April 4th he stated that it was the first time he heard of the possible gift of parcel C from JAD and the idea of a joint septic system of CCA. He stated that he was told at that time it was discussed in January. He advised that he reviewed the minutes and there was a closed meeting on January 4th.

Councilman Ellis stated that the closed meeting wasn't on the original agenda and was proposed by Mayor Tarr at the meeting which was 2 topics to discuss. He explained that one was discussion about the Town Attorney and the other was acquisition of property. He stated that they do not have minutes for the closed session. He advised that he had a copy of the disc that

was kept from that meeting. He stated that he listened to that several times. He prepared a summary of the closed meeting. He advised that it is not verbatim. He gave Council a copy and suggested they listen to the recording and review his notes. Councilman Ellis stated he has provided Council with a timeline of this entire matter. He stated that this covers from January 4th to the April meeting.

Councilman Ellis asked if it was ok to briefly discuss these items with Council and the public. He stated that at the January 4th closed session was not on the agenda and was added with Council approval. He understands that closed sessions are not to be discussed in public. He stated that during the closed session the public was informed for the 1st time of the gift of parcel C to the Town in return for the Town's termination of the sewage easement of parcel A. He stated that the possibility of working with the CCA of a joint septic system was also presented to Council for the 1st time at that meeting. He shared statements of what they were told at that meeting.

Councilman Ellis advised that they were told specifically by Mayor Tarr that if they decided to accept the gift of parcel C then no immediate action was required with regard to terminating the sewer easement of parcel A. He also stated that no immediate action was required for a new joint system to be installed. He stated that Mayor Tarr advised that he has been meeting with the CCA for about a year and a half while they were trying to purchase the property. He also advised that Mayor Tarr stated that he had not read the document. He stated that he has read the document and is sure Council has now as well. He stated that Mayor Tarr advised at that time that he had not read the document and has talked to the CCA and they would have 2-3 years or until the property was sold to put in a new septic system. He also advised the Mayor Tarr stated the Town would have the same type of agreement and would not have to do anything right away.

Councilman Ellis advised that Mayor Tarr stated that if Council was interested in pursuing the gift of a parcel of land under the proposed condition that Council would be provided with more information of actual costs of a new septic system which is required by the Health Department. He also stated that Mayor Tarr stated that Public Works Director Spurlock would speak to the CCA to get some accurate true numbers about costs and he would come back to Council for a decision. He advised that Mayor Tarr added that they would have an opportunity to meet with someone from CCA concerning the matter. Councilman Ellis stated that this was on January 4th. He referred to the timeline, January 4th was the first time this was mentioned and there was no rush as nothing had to be done right away. He stated that they had a matter of 2-3 years to terminate the agreement and get a new system.

Councilman Ellis reported that the next meeting with Council was the January 14th workshop meeting. He stated that he has gone through the approved Council minutes and there were 5 meetings after the January 4th meeting. He advised that the comments were taken directly from the minutes. He stated that on January 14th they were dealing with something that Mayor Tarr asked Council to address which was a 5 year capital expenditure request. Councilman Ellis advised that in that meeting Councilman Jester stated that he would like to see something done with the IAC. He stated that Councilman Jester expressed that this is a place of activity for the Island and would like to see the building fixed up and made extra equipped for further activities mentioning pickleball.

Councilman Ellis stated that Mayor Tarr advised that they were making progress with the adjoining property there. He was unsure if Mayor Tarr was talking about parcel A or parcel C. He stated that Mayor Tarr felt that if they worked with the CCA it would be a wonderful place for the farmers' market to grow and there were several other projects included for next year. Councilman Ellis informed Council there was no mention made in that meeting of parcel C. He also stated that there was no mention made about a joint septic system. He continued that the next Council meeting was February 1st and nothing related to parcel A, parcel B, parcel C or a septic system was mentioned in that meeting. He stated that the next meeting was February 14th and they discussed long-term planning considerations for capital expenditures. He stated that Town Manager Ritter added #10 on the list he prepared which was similar to what the Planning Commission used. He stated that this was to purchase the adjoining property of the IAC, which was parcel A. He continued that Town Manager Ritter advised it could be used for additional parking or for youth football practices along with a baseball field on that property. He stated that Councilman Taylor asked about the amount on the appraisal. He stated that Mayor Tarr advised that parcel A was appraised and goes all the way to the church property. He again stated that nothing was said about a gift of parcel A or parcel C or a joint septic system.

Councilman Ellis read further on the timeline that the next meeting was March 7th and nothing was mentioned about parcel A, parcel B, parcel C, deed of gift or a joint septic system. He stated that the next meeting was March 17th and again nothing was addressed about any of these topics. He stated that the initial discussion was January 4th about accepting a deed of gift of parcel C with a condition. He added that the initial meeting was January 4th when a joint septic system was mentioned and wasn't mentioned later in January, February or March. He advised that at the January 4th meeting they were told it was 2-3 years away. He stated that at the April meeting that this was the first time he had heard about it. He stated that he may have had a short-term or long-term memory problem but he had put it away. He stated that he mentioned it in the budget workshop last week. He advised he keeps a separate file of matters coming up before Council any time soon so that he can do his homework and research in order to speak intelligently making intelligent decisions for the taxpayers of the Town. He stated that in January when it said 2-3 years away he piled the information in the folder for that meeting and put it away.

Councilman Ellis stated that he was surprised to read in the Beacon and later that afternoon in the Council packet that they were having a public hearing about this matter. He added that in the packet it was a possible adoption to accept the gift, a possible adoption of the MOU with the CCA and possible adoption of a shared septic system. He stated that the way this came about raises red flags. He doesn't understand that something that was raised 3 months ago has to be decided on at a particular meeting. He stated he has a lot of questions before he can vote on this for staff and the Town Attorney who is now out due to illness and won't return any time soon. He feels they need legal advice. He also has questions for the CCA on how this evolved and for JAD the grantor in this case. He stated that a red flag has come up and it isn't a lot of money but he isn't comfortable voting with the questions. He advised that if he had some satisfactory answers he may be more than happy.

Councilman Taylor asked if the CD could be played to the meeting.

Mayor Tarr stated that they could play it. He advised that a few things were left out of some scenarios which was exactly all of Council on January 4th was in favor of going forward with pursuing this piece of property. He added that they were also in favor of working on the deal with the CCA in the fashion that they did.

Councilman Ellis interrupted that there wasn't a vote.

Mayor Tarr responded that everyone in that room was in favor of going out and pursuing this.

Councilman Ellis again interrupted stating that in all due respect, everyone wasn't in favor.

Mayor Tarr asked for the floor. He stated that from January 4th to April 4th there were several meetings with staff, sewage engineers, attorneys, JAD, the CCA because this was a 3 part deal as you can see in the agenda packet. He added that it had to be worked out between 3 different parties before it could be brought back to Council. He explained that this is why it took from January 4th to April 4th to bring back. He stated that he wasn't sure what the conversation was about putting it off for the 3 years and would like to go back and listen to that part. He also stated that at that time he wasn't sure the CCA purchased the property. He stated that he did not know what was in their document at that time. He also added that they had "X" amount of time to get rid of the sewage off the property. He stated that he assumed that he was given the same amount of time. He explained that this is why it wasn't brought back to Council. He added that when they bring things back to Council and they haven't done all of the due diligence then Council is upset. He then stated that if they do their diligence Council is upset.

Mayor Tarr stated that staff doesn't know what to do. He advised that they researched prices on new systems. He also stated they surveyed the current pumping station which is illegal and they have gone over the tank system. He also advised they met with Bundick and Boggs on the site. He stated that they located drain fields with the Town's equipment along with surveys. He added that they did this with due diligence of the Town and staff. He is unsure of what else they can do. Mayor Tarr stated that Council can't be involved in micromanaging every little detail of a deal that's put together. He commented that this is what staff is for. He stated that he apologizes if anyone feels left out. He stated that several years ago a policy was passed that Council packets go out on Thursdays. He explained that this was for one simple reason so that if anyone has any problem with anything that is in the packet they could come into the office and talk with staff to get their answers before they come to the Council meeting. He added that if they couldn't get their answers it was removed off of the agenda.

Mayor Tarr stated that it is the same for this evening. He stated that if they had questions for staff about the meeting they should have asked. He added that staff hasn't seen them.

Councilman Jester asked Councilman Ellis to define red flags. He takes it as a negative comment that indicates something is wrong.

Councilman Ellis responded that it is meant that way.

Councilman Jester asked him to define and asked if it was occlusion and wanted to know what he was trying to say.

Councilman Ellis advised that he is trying to say that with all due respect that the statement was a direct quote: “2-3 years or until the property was sold” which was stated on January 4th. He stated that when the information came out on March 31st in the packet there was a copy of the easement that indicated that there would be 1 year from the date of purchase. He stated that he understands that and isn’t questioning that. He again stated that Council was told 2-3 years or until the property is sold. Councilman Ellis stated to Mayor Tarr that he understands that he had staff working on this from January through April. He also stated that it seems to him that it would have been wise at some time in February or March to at least apprise or make Council aware of what was being done rather than Council thinking that this something that was not coming down the road but rather put on his doorstep on March 31st.

Mayor Tarr stated that if they had thought that this was a major issue like responding to the CCP there would have been multiple meetings of the Town Council over a long period of time. He advised that they were told at the January 4th meeting that it was a good idea to go forward. He added that this is what staff did.

Councilman Ellis stated that he still feels they were not answering questions.

Councilman Frese stated that he would like to make an observation. He stated that the question is to assume the Town said they didn’t want to do anything and what would the CCA do. He stated that he assumes they would put in a system that would cost \$14,000 or \$15,000 on their property. He stated that if he’s wrong someone tell him.

Mayor Tarr advised that the CCA was prepared to put in their own system and is prepared today to put in their own system at a cost of \$20,000 - \$22,000.

Councilman Frese asked if this was for 900 or 800 gallons per day.

Mayor Tarr responded that they wouldn’t need that much.

Councilman Frese stated that it wouldn’t cost that much and he knows for a fact because he was given a price by one of the people that put it in.

Mayor Tarr stated that he can’t help what price Councilman Frese puts together.

Councilman Frese stated that he didn’t price his. He added that he priced the CCA’s. He also stated that he priced it within the last week.

Mayor Tarr added that they may need to talk to him about it so they can get a cheaper system.

Councilman Frese asked that his point is would they be able to function as they are now without the Town. He believes the answer is an obvious, yes. He then asked why they would want to take the Town onto their system. He stated that the Town makes it a larger system and puts in the electrical service agreeing to pay the electric item. He understands why they would do this.

He asked if it would harm the CCA if the Town does not go in with them. He doesn't think so. He asked for someone to speak up if it would. He then stated that it then resolves to the Town looking at this question as representatives of the taxpayers and citizens of Chincoteague. He does not think that a joint system is in either party's best interest because the Town doesn't know. He also stated that the Town doesn't have any say over what can and cannot be done in those properties affecting those systems. He stated the Town could do something that affects the system because it's a joint system. He also stated that they could do something that affects the system. He asked why put either party in that, when it's not necessary. He doesn't see any need for it. He also stated that he doesn't buy the fact that a great big system can be put in for \$29,000 which the Town knows about. He added that it's going to cost pretty close to that if the Town doesn't go on it. He stated that the figures don't add up. He also stated that it's the way it looks to him.

Mayor Tarr asked Mr. Jim Dayton with the CCA who has worked with the sewage engineer and the pricing to explain the pricing for Council.

Mr. Dayton advised that the pricing that the Mayor stated is correct.

Councilman Frese asked if he had prices because the Town hasn't seen them.

Mr. Dayton responded that they are the CCA's prices and the Town has their own prices.

Councilman Frese stated he received a rough estimate.

Councilman Ellis stated that in the closed session Mayor Tarr stated that the cost for the Town to have their own system, which Public Works Director Spurlock got from Bundick was \$25,000. He also stated that Public Works Director Spurlock advised that in conversations he had with the CCA they had received lower prices. He added that the specific figures he received were \$10,000, \$12,000 and \$15,000.

Mr. Dayton responded that they have had prices between \$15,000 and \$22,000.

Councilman Frese asked if this was for a single system.

Mr. Dayton advised that it is for a single system.

Councilman Ellis asked if they could pursue this.

Mayor Tarr responded that they could if they wanted to.

Councilman Ellis stated that when the CCA purchased this there was an article in the paper in November 2015. He advised that they had 2 major expenses coming up. He stated that one was the installation of a new heating, ventilation and air conditioning system and the second was and independent septic system separate from the Town. He stated that at that time he is assuming they were intending to put their own septic system in because there must have been a condition of the sale of the property to the CCA that they terminate the lease.

Mr. Dayton stated that the newspaper isn't a legal document. He stated that the septic system has failed and is a cesspool.

Councilman Ellis asked Mr. Dayton if they were intending to put in a system separate and apart from the Town.

Mr. Dayton responded that they were.

Councilman Ellis then asked what the manner was of which the subject came up. He asked if they contacted the Town or did the Town contact the CCA.

Mr. Dayton stated that there have been many conversations over several years. He feels that neither of them are addressing Councilman Taylor's question.

Councilman Frese asked which question.

Mr. Dayton responded that it's the question of acquiring parcel C for essentially \$8,000.

Councilman Frese commented.

Mr. Dayton feels it is the win/win item in this situation.

Councilman Ellis stated that when he says "red flag" that parcel C has nothing to do with the septic system on parcel A.

Mr. Dayton agreed that the septic system has nothing to do with parcel A.

Councilman Ellis asked about the connection between accepting parcel C and even having to give up the easement they've had for 30-40 years. He doesn't see the connection.

Mayor Tarr responded that JAD in their contingency to the Town if parcel A is accepted the sewage and encumbrances have to be removed off of parcel A. He added that this is within a certain amount of time which is the same amount of time as they have given the CCA if they accept parcel A as a gift. He stated that it made common sense instead of putting in 2 systems in costing \$25,000 each to combine the systems sharing the cost and maintenance. He added that this is how all of the conversations got started. He stated that if they don't want parcel C and didn't think it would be a good idea then they wouldn't be here today. He also stated they would be repairing the sewage system.

Councilman Frese asked if it was to be repaired, where it would be.

Mayor Tarr was unsure because they haven't addressed it.

Councilman Frese stated that this should be taken into consideration. He asked where the Town would put the system.

Mayor Tarr stated that if a new system was to be installed on the Town's property they would have to have it looked at. He explained that they would probably go on the north side of the gym along with rerouting the piping that comes out of the gym on the south side to make it go to the north side. He added that it's the only space the Town has.

Councilman Frese stated that this would be the tank and the drain field would be across the street.

Councilman Taylor responded that this would be an above ground self-contained system.

Councilman Frese asked where that would be put.

Councilman Taylor stated it would go right where the LP gas tank is.

Councilman Frese asked if it was Town property.

Councilman Taylor advised it was.

There were comments as to where the gas tank was.

Councilman Ellis stated that he still doesn't see any correlation between parcel C and terminating the easement.

Mayor Tarr explained that the connection is that this is the terms of accepting the property if the Town wants it. He added that if they don't want it there is no correlation. He stated that if they want the property they have to remove the septic and encumbrances off of parcel A and this is what is in writing and what the deal is. He stated that someone is giving you a piece of property and they would like to have the septic and encumbrances. He added that if he doesn't think that's a good deal then no.

Councilman Jester stated that he went over there to look at the IAC and at times the parking lot is full. He added that there are a lot of activities there. He asked why not have the adjacent area which can provide many benefits? He stated that they are putting a package together for the complete area. He asked why they wouldn't want to work with the CCA. He commented that they aren't lepers. He stated that they have brought many good things to this community. He also stated that they bring people to the community who spend money in our community. He stated they have done a great deal of things for the art community from the little kids up to the elderly people. He added that by not doing this it is like sticking a thumb in their eye. He stated that this is a small community. He grew up here and learned something by living here and that's to cooperate with people, to live together. He also stated that what they are saying is not working together and it's not the way he grew up here.

Mayor Tarr asked Councilman Ellis if what he was saying is that at the January 4th closed meeting Council didn't agree that this was a good deal and go out and work on it.

Councilman Ellis thinks that it was the general consensus.

Mayor Tarr responded that this is what he thought and doesn't know why they're here.

Councilman Frese stated that he didn't hear anything in the interim. He also stated that apparently Mayor Tarr, Councilman Leonard and Councilman Jester...

Councilman Jester interrupted him advising that he only knew what they said in the meeting. He advised that in March he wasn't in the state that he was in Nevada. He also stated that when he saw the packet it just made sense. He commented that it doesn't take a rocket scientist to figure it out.

Mayor Tarr advised Councilman Frese that in that meeting he said it was a good deal and asked why the Town wouldn't do it.

Councilman Frese asked who said it was a good deal.

Mayor Tarr responded to Councilman Frese that he did. He stated that he can ask Councilman Ellis because that is what he said.

Councilman Frese stated that he thought they were supposed to be sober when they came to those meetings.

Councilman Taylor stated that he thinks they need to play the CD.

Mayor Tarr stated that they don't have to and that was the exact wording that was stated on the CD.

Councilman Taylor stated that he is in the middle because he wants the property for the kids.

Mayor Tarr responded to Councilman Taylor that he has said that if the Town doesn't want it then he does.

Councilman Taylor stated that he does. He asked if he could speak because he actually wants the property. He stated that if they don't want to have a joint system they can move the gas tank and have a self-contained on the property. He agreed that as long as you have to pipe within 60' of it that it would be about \$16,000. He stated that it would be the Town's to maintain without sharing. He stated that as long as they get their easement off of their property we can get parcel C. He stated that it would be another \$10,000 up charge to get lot C.

Councilman Frese stated that he didn't understand what he was trying to say.

Councilman Taylor explained that instead of doing a joint septic system with the CCA, which he is in favor of, the Town can put an above ground system of at least 400 gallons a day. He stated they already have to spend \$6,000 to pump it across the street to have a tank and pump station. He then stated that they could have their own system for \$16,000 they could get an above ground system that pumps 400 gallons a day on the property and still get parcel C. He added that they are still removing 400 gallons per day because it won't be going across the street, it will be going on the Town's property.

Councilman Frese reiterated that Councilman Taylor was saying that for \$16,000 the Town can move the tank and put one on the Town's property.

Councilman Taylor interjected that this is to have the Town's own above-ground system instead of going across the street on lot A. He also stated that they are 100% correct. He explained that the Town doesn't have to do anything and they have an easement for the rest of their life for 400 gallons a day going across the street. He added that if a deal is better to have a Town owned above ground new system that's also better for the environment along with getting a piece of property for less than \$10,000.

Councilman Frese stated that if you look at it like that he is all for it. He stated that he has one other thing but can't say it.

Councilman Taylor asked about the other 2.

Councilman Frese stated that if that were changed to more along the lines of what he was just talking he believes he would think a lot differently about it. He added that with the present system he doesn't agree. He stated that there is one other item but he can't bring it up in open session. He also stated that he would rather discuss it in closed session.

Councilman Ellis stated that his concern is not the joint system. He stated that he doesn't have a problem with it. He stated that his issue is the process. He also stated that his red flag is that one of the conditions for the CCA to purchase the property is to give up their easement. He asked if this was correct.

Ms. Jane Wolffe responded that this was also a condition of the bank.

Mayor Tarr stated that it was because of the sewer report.

Ms. Wolffe advised that it was.

Councilman Ellis stated that the condition for the Town to receive parcel C was to give up the easement. He asked what was so important about having the easements terminated.

Ms. Donna Leonard stated that drain fields don't last forever. She advised that it is a very old system and a failing system. She stated that whether the Town doesn't want to go into the deal, the Town puts their own system in or not or not going in with the CCA and the drain fields fail then stuff is going to start getting deep at the IAC.

Councilman Jester asked why you would want to keep a 40 year old drain field that's full of stuff.

Ms. Leonard stated that it can't be repaired or replaced and there is nowhere to pump to because the drain fields are completely failed.

Councilman Leonard stated that you have all the activities that are currently on that field and would have to stop if this system failed. He added that sewage would be leaching you wouldn't want your kids playing in sewer.

Ms. Leonard also stated that you have a perpetual easement but the life of the drain field isn't perpetual.

Councilman Ellis asked if JAD was planning on selling this property if the Town doesn't receive it.

Ms. Leonard responded that they haven't put it on the market yet. She stated that the intention in the beginning was for all of that property to be of community good. She also stated that they are going through the process of determining what would be best for the community good. She added that Councilman Taylor could say that the community doesn't want it and it could be sold for development. She also added that this isn't what they want.

Councilman Jester stated that this is where the cheerleaders practice.

Councilman Ellis stated that he went and got the deed for the property when it was given. He stated that he knows there are restrictions that goes with that easement that says the property cannot be developed. He stated that no structure, no building or anything like that can be put on it as long as that easement is in effect. He stated that quite frankly it's what raised the issue that it is a money thing. He just wanted to know the situation up front.

Councilman Taylor stated that they can build on the property and they just can't build over the drain fields.

Councilman Ellis responded that it states that for parcel A there is a restriction in the deed that says no building, structure or anything like that can be placed on parcel A while that easement is in effect.

Mayor Tarr stated that he doesn't believe this is true because one has already been put there.

Councilman Ellis asked Mayor Tarr if he wanted him to read it.

Mayor Tarr responded that he isn't an attorney and stated that he could read it if he would like to.

Councilman Ellis read "it is the deed as a covenant or restriction running with the land which shall be binding on any grantee or subsequent owner of said real estate no buildings or other improvements shall be erected, constructed or maintained on that portion of tract II, parcel A. Wherein, such easement is situated except with the written consent of the School Board."

Mayor Tarr stated that he agrees with him except the easement is the sewer easement which is the drain fields.

Councilman Taylor stated that it's just that portion and they can build everywhere else. He stated that naturally you can't build on top of a septic system. He added that you have to be 10' away.

Ms. Wolffe stated that with giving lot C to the Town they are giving land that has been appraised for over \$40,000. She stated that the only way to recoup that value is to add value to parcel A. She stated that they would sell parcel A, of course. She asked who wouldn't do that if they owned a piece of land. She also stated that the Town could put in a new septic system. She asked why they would ever need the easement to that lot once the new septic system is put in and that's inevitable. She stated that Ms. Leonard has a story of what they found in those lines. She added that there is no wonder why those 4 lines are working out of 22. Ms. Wolffe also stated that they have had problems with the house drain system and they are in the process of getting a permit to put a new system on the house property. She stated that they are already taking steps to prevent more problems for the house septic system.

Ms. Wolffe stated that it was just an idea that they had to help the Town and would help them. She stated that if they need to sell that property, if the easement is there then that's that piece of property that they would not be able to include in parcel A. She stated that they know that they can't build and any future owner can't build or use that piece of property.

Councilman Ellis stated that he understands and appreciates what she said about the deed. He stated that it was his understanding that it included all of parcel A. He added that he stands corrected on that.

Ms. Wolffe stated that she doesn't want the Town to miss the opportunity to receive this gift. She also stated that they can certainly sell the piece of property with no questions about it. She added that it was just something they wanted to do as a family. She stated that if the Town doesn't want it then its fine.

Councilman Ellis stated that he understands that her family has done a great deal for the Town.

Councilman Frese added especially their father.

Mr. Dayton stated that the final issue on this is if the Town decides not to go in on the shared system the CCA will move forward with a new septic system on their own. He stated that they have a time line and will have to do it almost immediately. He stated that once they do it the Town will then have the opportunity to have a less expensive new septic system. He added that after that with the CCA, the new septic system will no longer be available so that any repair and maintenance to the system will cost the Town more than it does now. He stated that this is a consideration.

Councilman Taylor stated that what he likes about the joint system isn't about the cooperation. He stated that they can double the size of the system and they both aren't using it at the same time. He stated that it's not just cooperating with the CCA and he wants to cooperate. He stated they are doubling the size of the system and they both won't be using it at the same time. He added they will have the double capacity. He understands they can go on their own and the Town can go on their own. He stated that all they would have to do is move the gas tank and put

a 450 gallon per day system in. He also agreed that they can put a \$16,000 system in if they don't want to go in with the CCA. He stated that he doesn't see anything sinister. He advised he's been working with land his whole life and understands why they want to get rid of it to get that small portion back naturally and that's what the swap is for. He said it's not about not getting to use the whole piece of property and it's nothing sinister. He added that they just don't get to use the part with the drain field on it. He stated that he thinks it's a good deal even if they had to do it on their own for some reason they didn't want the joint system to double the capacity with the CCA they can move the tank and put it there. He stated that they have room if they don't want the joint ownership with someone. He also stated that he can respect that going in on our own and the Town being the only one to take care of it. Councilman Taylor stated that this would be a Council's decision. He added that as far as seeing something sinister, there isn't anything sinister. He advised that he has been dealing with land since he was 13 and there's nothing sinister there. He stated they are getting back that section and they're getting back where they traded that land.

Councilman Leonard stated that he's been silent through most of it and was asked to leave during that closed session. He stated that what he is about to say is just his feelings as a part of JAD. He stated that when they purchased that property the only thing they had in mind for that property was the community. He stated that what would benefit is the Town of Chincoteague. He also stated that they purchased that property with the intent that they were going to do something with that property in whole for the Town. Councilman Leonard advised that they have spent out-of-pocket money to see whether or not they could use the old structure that was there. He stated that for years they tried to rehab the old structure, the school building itself. He stated that most knew the old school building and went to that building for either in high school or elementary school. He added that it broke his heart when they had to tear that building down. He stated that it was something that couldn't be saved. He stated that they wanted to use that property for the community. He reminded Council that the seniors lost their building in town. He stated that they approached JAD and they had the building they could use. He also advised that they rented them the building for what it cost them.

Councilman Leonard stated that unfortunately the seniors couldn't have a building anymore, it stayed vacant and the CCA moved in there adding that yet again it's another community organization. He stated that if they were looking at max profit or max gain on the money the first thing they would have done after buying that building is to have torn everything down and started developing it. He added that this is not their intention. He advised that the back field is being used for community activity. He stated as his 1/3 ownership of JAD all he wants to see on that lot is the continuation of youth sports, YMCA, the CCA or something. He stated that if they don't keep that property, look around the island, the property is getting to be a valuable commodity around this island. He advised that if the Town doesn't do something with it someone else will. He again stated that with his 1/3 ownership he wants to see it stay in the community.

Councilman Frese asked if he could go into closed session.

Mayor Tarr advised that they couldn't go into closed session because it wasn't approved and the agenda has already been approved.

Councilman Frese stated that it was added in January.

Mayor Tarr explained that it was asked to be put on the agenda before it was adopted. He stated that he will be glad to try to help in some other way.

Councilman Frese asked if he would step outside and he will tell him what his problem is and see if he has a way out of it.

Mayor Tarr stated that he won't. He stated that they don't operate that way. He asked if there were any other Councilmembers that had any questions for the CCA or JAD. He asked Councilman Ellis if he had enough information from CCA and JAD.

Councilman Ellis advised that he does have enough information.

Councilman Frese stated that he still thinks there's a problem. He asked if this could be extended.

Mayor Tarr advised that it is up to Council. He stated that it has been postponed once already to get information, for Council to bring their concerns to staff and to get any information they needed to get. He stated that they have to poll Council on that.

Councilman Ellis asked that they have until December 7th to terminate the easement.

Mr. Dayton advised that they have until December 15th to be off the drain field. He stated that in order for the building to be used at this time it requires a lot of maintenance on the CCA's part to make the tank capable of accepting the implement from the building. He stated that it is included where the drain line runs from the IAC to their tank. He advised that he has been doing maintenance on the system for over a year and he is tired of it. He stated that if Council sees fit not to approve this that its fine but they are ready to proceed on their own. He advised he is in charge of all of the maintenance on the building. He stated that essentially they want to go now as the busy season is coming up and they want to get this up as soon as possible. He added that he can't leave Town during an event because of the problems.

Councilman Ellis stated that he is trying to say that they don't have to have it until December but for practical purposes they need it right away.

Mayor Tarr stated that in their agreement and resolution they have 12 months. He added that if they are going to do a shared system they are going to have to work out that timeline and make it happen. He asked the consensus of Council.

All of Council agreed to postpone once more.

Mayor Tarr stated that by general consensus of Council they have agreed to postpone item #2 until the May meeting. He stated that it is very disturbing as Mayor as this is the 2nd meeting they've had on it. He stated that if Council has questions and answers that they need that's what staff is here for. He also stated that they are trying to work with a family that's gifting the Town

a piece of property with one caveat that they remove the sewer and encumbrances off the piece of property. He stated they are working with a group that does a lot for the Town of Chincoteague. He advised that he is ashamed that they have to sit there and talk about coercion and red flags when everyone in the room is trying to work together. He stated that it really concerns him as mayor.

Councilman Ellis asked if he could respond to that.

Mayor Tarr advised he would have his chance.

3. Possible Motion to Approve Facility Supervisor Position Description

Public Works Supervisor Spurlock stated that he went to the Budget and Personnel to make this change in position from a non-exempt to an exempt position. He stated that the hourly rate has been resolved and the range and personnel handbook is identical to the Roads Supervisor position. He stated that the salary has been reviewed and established.

Town Manager Ritter advised that the packet shows the correct salary range and the highlights in the new document is in addition to what they already have.

Public Works Supervisor Spurlock expressed the importance of this position and feels that they should make it exempt as the Town acquires more facility, like the IAC. He feels they are transitioning more from the labor to the maintenance. He feels it's an overall cost savings to the Town.

Councilman Taylor motioned, seconded by Councilman Frese to approve the Facility Supervisor Position Description as changed and salary range as established. Unanimously approved.

4. Mayor & Council Announcements or Comments

Councilman Frese advised that he is disappointed in the ranker that's going on. He stated that he has some very strong feelings on it. He stated that he is unable to say because of the participants. He wanted to make this known.

Councilman Ellis stated that he is disappointed in Mayor Tarr's comments. He stated that when he was elected for the position he was elected to represent all of the citizens of this Town. He also stated that he takes his responsibilities very seriously and before he makes any decision on a vote he wants to be sure he understands all of the aspects of that situation and all of its ramifications. He also added that the questions he had tonight were better answered by the Leonard family and the CCA. He stated that the questions he had for staff were essentially when the MOU was developed, why it was given to CCA in February and Council not seeing it until the April meeting. He stated that if Mayor Tarr is upset, so be it. He also stated that he is going to find out what he needs to find out before he has to make a decision on a vote.

Mayor Tarr stated that he respects Councilman Ellis' opinions and feels that's exactly how he should operate. He stated that when the word coercion is used.

Councilman Ellis interrupted and stated that he didn't use the word coercion. He stated that he

used the words red flag.

Mayor Tarr advised that he used the word coercion at the April 4th meeting.

Councilman Ellis stated that he did not.

Mayor Tarr advised that he did and continued that when he does this without going out to get the facts then he has a problem.

Councilman Ellis corrected Mayor Tarr on the pronunciation of coercion and he advised that he did not use that term.

Mayor Tarr stated that it's the Chincoteaguers' term for coercion.

Councilman Leonard stated that he has been on the Town Council for 4 years now. He stated that for 4 years it's been a pleasure to serve on this Council. He advised that they even had a lawyer commend Council for how well the Council worked together. He stated that the past couple of meetings, he is glad Celia isn't present to see them. He also stated that Council has had a lot of heated conversations that he isn't going to play a part of. He stated that they have had other actions take place that made him question a couple members. He added that it is still a pleasure to serve on the Town Council. He knows that it's still the process that has to take place. He also stated that if they're all not heard they're all not working. Councilman Leonard stated that as long as they can work together and he means together and not separately with any hidden agendas it would be a great thing.

Councilman Taylor stated to Councilman Frese that it was a lot of ranker tonight. He stated that it takes a big man to do what Councilman Frese did. He stated that he did it at a Council meeting and in public. He stated that he is proud of him. He thanked the Girl Scout and 3 Boy Scouts in attendance. He advised to the Scouts to grow up and be strong because they are growing up in a world that they are going to have to be strong. He urged them to stay strong, stay off drugs, alcohol and cigarettes. He added that they are going to need every brain cell to get through this tough life. He again thanked them for coming. He stated that he wished that they had acted better. He added that our future looks great.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE MAY 2, 2016
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Taylor 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.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr welcomed the students that participated in Student Government Day.

Student Government Mayor Sam Stanfield thanked the Town and Council for taking them around to show the students what the Town does. He also thanked the Town for the meals they provided.

Student Government Mayor Stanfield introduced the participants: Mayor; Sam Stanfield, Town Manager; Samantha Kelly, Chief of Police; Justin Newsome, Public Works Director; Cody Britton, Councilmembers; Garrett Gilfoyle, Jakeil Handy, Hannah Lilliston, Luke Betts, Lily Orlando and Noah McGee.

Student Government Mayor Stanfield advised that at their Student Council meeting their 1st agenda item was to remove some of the houses along Maddox Boulevard that serve as eyesores. He also added that they could provide tax incentives for those lots to become businesses or public parking for the businesses that already exist. He stated that the 2nd agenda item was to hire 4 new full-time EMTs. He added that they felt that one EMT on duty at all times was insufficient to provide the help necessary to make sure all of the citizens are safe at all times. He also stated that it would be worth the cost.

Student Government Mayor Stanfield continued to the 3rd item on their agenda which would be to enforce a no parking zone along Maddox Boulevard during the peak summer season between early June and mid-August. He stated that this would reduce the congestion down the road during the summer. He also stated that they would like to put together money to purchase a big screen television for the Emergency Operations Center to provide better video conferencing with other departments to better communicate in case of an emergency. He concluded that they would also like to implement public wastewater on the main business district on Maddox

Boulevard and Main Street. He added that they could try to encourage more diverse businesses like restaurants that can't afford to bring their septic up to standards on their own.

Mayor Tarr thanked the Student Government participants and stated they did a great job. He also thanked Principal Karen Taylor for allowing the students to participate each year. He invited the participants to take their respective seats for pictures. He also announced that most of them will be voting for the first time tomorrow.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Chamber Director Shotwell updated Council on the Seafood Festival. She advised that the tents are up and are within 200 tickets of being sold-out. She thanked Public Works Director Spurlock and the Public Works Department for getting the LOVE chairs back. She advised that the Chamber applied for a grant to fund the rebuilding of the chairs.

Mrs. Shotwell also advised that she is the Chairman of the Board of Directors for the Chincoteague Recreation and Convention Center Authority. She thanked Town Manager Ritter and staff for their help over the past few weeks with a few logistics. She informed Council that Mrs. Hanratty resigned as Executive Director of the Center. She also advised that a couple of their Board Members, Mr. Potts and Mrs. Ballerini resigned. She stated that with the help of Ms. Heady, Administrative Assistant, Mr. Fernandez, Maintenance Contractor and the help of the Board Members Councilman Frese and Lori Walton the community yard sale went on as planned.

Mrs. Shotwell reported that they hosted the Tyndall benefit, the Delmarva Firemen's Convention and will host the Town elections tomorrow. She advised the Mr. Bill Borges was hired as interim director to assess the Center's policies, bylaws, infrastructure, events, revenue streams and so forth. She added that he will provide guidance as the new board members are appointed by the Town and acclimated to the job at hand. She also stated that this will give a full Board of Directors time to hire a new Executive Director without feeling rushed. She feels that Mr. Borges is a great choice. She mentioned the Center's office hours and added that the Facility Maintenance position will be advertised soon. She stated that the Board of Directors is reviewing new revenue streams, marketing avenues, new community projects and partnerships. She mentioned that the facility is opened during the Trolley Tour for restroom breaks and to speak with personnel about the Center. She thanked Council and staff for their support.

Mayor Tarr welcomed Mr. Borges.

- Mrs. Jane Wolffe advised that the Maddox Campground property was recently sold to Mr. Burbage, who is a developer on Chincoteague. She stated that there is a lot of marsh around the campground from the Village over to the Farmer's Daughter restaurant. She explained that it extends from Maddox Boulevard all the way over to the road that goes to Piney Island on Eastside Road. She also explained the adjacent marsh areas are zoned C4, Resort Commercial. She stated that when the Town did the remapping the thought that this could be developed was pretty far from anyone's mind. She feels that it isn't far from anyone's mind today. She stated

that it could be filled if they were mitigating other marshlands anywhere else. She asked the Town to immediately speak with Mr. Burbage to keep the surrounding marsh areas untouched. She asked what the Town can do to make this happen. She would like Mr. Burbage to be onboard to preserving those marsh areas. She feels if those areas are developed there would be great disappointment. She added that there are already plans to develop the surrounding marshland.

- Mrs. Wanda Thornton stated that she agrees with Mrs. Wolffe. She stated that this worries her. She explained that 20 years ago when they were working on the Master Plan the government was working on a plan to not allow motorboats to go up and down the Assateague Channel. She stated that if the government gets a hold of any of that marshland they can use their half a mile jurisdiction that they claim they have on the water column. She added that they already have half a mile from the east and if they take half a mile from the west then no one can travel through there except by canoe or kayak. Mrs. Thornton stated that it would be extremely devastating to all of our working watermen, the tour boats and everything else. She stated that her concern is that they will mitigate that marshland to get whatever else they want. She believes that the Park Service and Fish and Wildlife will be standing in line. She stated that Mr. Burbage has an overboard disposal approved at the original place downtown where the Crab House was located. She stated that Mayor Tarr knows Mr. Burbage and could talk to him.

Mayor Tarr stated that they would be glad to have Mr. Burbage come in and speak with himself, the Town Manager and Mr. Rosenberger as the Chairman of the Planning Commission. He welcomed the Island's District Supervisor, Mr. Billy Joe Tarr to the meeting.

STAFF UPDATE

Planning Department

Planning Director Marney reported that the Planning Commission's regularly scheduled meeting for April was cancelled. He advised that the next meeting will be May 10th. He reported on the Safe Routes to the School Trail that they have submitted a reimbursement request in the amount of \$117,507 and should hear back within the next few weeks. He also reported that the Wastewater Advisory Committee met last month and discussed the wastewater from the Town. He reported that there is a RFQ to submit for an opinion of professional guidance for managing the Town's wastewater treatment. He reported that they are waiting on the U. S. Fish & Wildlife Service and VDOT on the Safe Routes to the School. He advised that there will be a meeting for the Hazard Mitigation Plan Committee this Thursday. He will be fielding questions anyone will have on Maddox Campground. He stated that they also discussed various ordinances regarding micro-homes and food trucks.

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that in April they had 346 calls for service. He reported that in April of 2015 they had 347. He stated that they are up in calls for the year through April at 1,100 calls for service and in 2014 they were at 905. He added that they are up over 200 calls for service so far this year from last year. Chief Mills advised that Capt. Fisher and Officer Butler went down-the-county for the Special Olympics and the torch run. He stated that they provided the drunk goggles and the golf cart.

Public Works Department

Public Works Director Spurllock commented that they went from pushing snow to cutting grass. He referred to the monthly report that was included in the packet. He stated that in addition to their routine duties they have 4 major projects going on. He stated that the paving is complete. He also stated that the Willow Street project is their biggest concern. He explained that flushing and disinfection is in progress this week before they can restart the water mains.

General Government

Town Manager Ritter updated the report from the Emergency Medical Service, they responded to 62 calls for the month of April which is 13 more than April of 2015. He stated that there were 38 ALS calls, 16 BLS calls and there were 7 other calls. He also stated that Emergency Management facilitated a MOU between the USCG and the CVFC referencing fire and EMS responses. He also reported that there is a planned ANTARES launch between July 6th and July 15th. He hopes that this gets pushed back to August as July isn't a good month for the Island. Town Manager Ritter also advised that they are preparing for July 4th and the bussing. He reported that the website's new collections/payments are being used frequently which is beneficial. He also added that they are heavy into business licenses which were due April 30th.

Town Manager Ritter stated that the applications for the fishing piers have gone out. He added that they worked on the response letter to the National Park Service regarding the GMP and EIS went out Friday.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 4, 2016**
- **Council Budget Workshop of April 6 & 13, 2016**
- **Council Workshop Meeting of April 21, 2016**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the April 4, 2016, April 6 & 13, 2016 and the Council Workshop Meeting of April 21, 2016 as presented. Unanimously approved.

2. Discuss Parcel "C".

Councilman Frese stated that this is a difficult subject. He stated that Council has to remember first and foremost that their first obligation is to the taxpayers and citizens of Chincoteague. He also stated that they need an attorney present to answer the legal questions. He feels they should have the Health Department present to answer the numerous sewage questions. He read the water usage on the property. He advised that the majority of the gallons per day are coming from the house. He stated that the gym is hooked up to its own tank on its own lot. He also stated that it doesn't seem to be under stress and he added that he isn't an expert. Councilman Frese advised of a possible rupture in the line to the existing drainfields. He added that he couldn't see any of this either. He also stated that if there is a rupture or blockage it would be a relatively easy repair or fix. He asked why JAD, LLC would want the sewage easement if they are pushing the purchase of parcel A. He asked if the CCA tank or the drainfields was failing.

He asked if liquid was seeping up on the ballfield. He added that he hasn't seen it. He feels that they need a professional to tell them this. He also mentioned that there is a conflict of interest with a member of Council.

Mayor Tarr advised that they weren't getting into the audience for discussion this evening. He advised that they looked at the water flow as well. He reminded Councilman Frese that the CCA didn't take over the building until September of 2013. He stated that when he reviewed the water flow since 2013 between the Island Activity Center and the CCA are within 1,000 gallons of each other. He also stated that they had the attorney look at all 3 documents before it was brought to Council. He stated that he made changes to the documents and caused Council to have a public hearing because he thought it was the right thing to do. He again stated that the attorney looked at all 3 items. Mayor Tarr reminded Council that they saw a sewage report 2 years ago on the drainfields as far as having a sewage inspection done. He also stated that as far as a conflict of interest he doesn't feel there is a conflict of interest. He stated that Councilman Leonard was asked to leave the room when this property was discussed. He added that Councilman Leonard will not be voting or talking about this issue because he is part of JAD. He concluded that everything has been done legally, aboveboard and there is no conflict of interest.

Councilman Frese responded that he didn't say things weren't done legally and aboveboard. He stated that there was a question that the attorney refused to answer and he never got that answer.

Mayor Tarr stated that he has said all he is going to say about what Councilman Frese has given Council to review.

Councilman Frese stated that he has documentation from the official records. He advised that he stands by them. He stated that he has official records from the courthouse and is willing to show anyone.

Councilman Taylor asked if what they have now in the septic system is 300 gallons per day.

Town Manager Ritter advised this was correct.

Councilman Taylor stated that 300 gallons per day is less than what is required for a 2 bedroom home which is 400 gallons per day. He stated that if this septic was perfect then it is still worth it to him to give up the 300 gallons per day easement and the Town pay under \$20,000 to have a new above ground system. He added that it is better for the environment and to have a piece of property that adjoins the gym which they can expand the use for the children, youth and young adults along with the possibility of a senior center. Councilman Taylor stated that for \$20,000 they aren't only getting a piece of property they are getting a brand new system. He added that he would like to see this.

Councilman Jester stated that they would be giving up a 30+ year drainfield. He agrees with Councilman Taylor to get a new system makes all the sense. He also stated that to work with a civic organization means a great deal and is a no brainer deal. He feels they've discussed this over and over and wants to get on with it.

Councilman Ellis stated that he had a lot to say at the workshop meeting. He advised that at the end of the meeting he either misread or misunderstood a statement in the septic easement of the parcel. He stated that had he not had this understanding in his mind, he would not have made some of the statements that he made at the last meeting. He understands that he upset some people and he made very accusatory statements. Councilman Ellis apologized for this. He wanted Council to know it was an honest mistake and he read it numerous times and misinterpreted it. He advised that on Friday morning he met with Public Works Director Spurlock at 6:45am. He stated that Public Works Director Spurlock showed him around the area. He advised that Public Works Director Spurlock felt it was not up to par. He also stated that if he has learned over the years working in the schools is that he cannot be an expert on everything. He added that he needed to rely on folks who have expertise that he doesn't have. He accepted what Public Works Director Spurlock told him. He stated that it appears to him that at a minimum if they are going to keep what they have they will have to put up at least \$6,000 to be legal with the Health Department.

Councilman Ellis stated that if the Town goes on their own septic system it will be approximately \$25,000 for the Town. He stated that he and Public Works Director Spurlock discussed parcel C. He stated that he spent a lot of time over the last 2 weeks going over this and going to the property. He described a broken PVC pipe that leads to the drainfields. He stated that if this breaks open the Health Department could come and shut it down. He stated that he has learned from it. He stated that he still has questions about the process but it can be addressed in the future. He also stated that they are going to have a new mayor and councilmembers and it will be addressed.

Vice Mayor Richardson expressed her concerns. She stated that at the budget meeting they received a sheet on how they could pay for the piece of land. She asked why the Town would want to give up an easement if they planned to buy that vacant piece of land. She stated that everyone received the handout and she said she didn't get it but it was in her packet. She added that they didn't discuss how they could fund that piece of land. She again asked why Council would give up the easement if this was the intent down the road.

Councilman Taylor stated that if they were going to use that as a soccer and football field he would feel better to have an aboveground system than to have the kids playing on that property with drainfields that were very old. He doesn't want the Town's children playing on this.

Mayor Tarr responded that it started out as parcel A and before they got done they had discussed 2 pieces of property. He added that the other piece was a piece adjoining Memorial Park. He also stated that Councilman Taylor brought it up at that budget meeting to consider both pieces in the future.

Councilman Ellis stated that he separated parcel A purchase from the other parcel. He stated that if the money is in the budget then that is down the road. He feels they need to do something about the septic. He stated that this has to be decided on. He also stated that he has done a lot of reading on septic and joint septic systems. He added that there are various pros and cons. He stated that as far as he is concerned the purchase of parcel A is not the concern.

Councilman Frese stated that the tank that is connected to the gym appears in every aspect to be functioning. He stated that if there is a break in the line it is a relatively inexpensive process to run a new line from the back of the building, across the street and to the drainfields the Town already has access to. He also stated that the amount that the gym uses doesn't take much of a drainfield to support it. He feels it's better than paying \$14,500 for a new system along with the CCA paying the same. He doesn't feel the CCA needs to spend \$29,000 for the combined volume of what the gym and the CCA will use. He knows that the current system appears to him to be good and functional. He added that it is not cracked or broken. He doesn't see the CCA losing anything by the Town not coming in with them. He also stated that by combining they would have to put in a system twice as big. He doesn't see the gain. He believes they are holding down the costs. Councilman Frese stated that if they have to pay \$5,000 on replacing that short pipe is overspending. He doesn't think they have to spend \$14,500. He also doesn't understand the reluctance to go with a loan for the same cost if the Town went in with them. He stated that every figure came right from the official records of the court or Town. He also stated that he has one other item that concerns him that can't be discussed in open session. He concluded that if he has to vote then he has to vote.

Councilman Jester stated that parcel A is a separate issue. He also stated that they planned to purchase property in the FY17 budget. He stated that while drainfields may appear to work when it is inspected they may not be working. He added that the Town faces the potential of going alone at some point and spending \$28,000 on our own and right now it's half the cost. He stated that the Activity Center is a great place that they acquired from the County and fixed up by the U.S. Coast Guard. He feels there is potential for it to be more useful. He also stated that it's adjacent to the CCA with all of their events and it is a great location for community events. He feels it's a no brainer issue.

Councilman Taylor motioned, seconded by Councilman Jester to adopt the Resolution for the Deed of Gift of parcel C from JAD, LLC. Motion carried.

Ayes: Taylor, Jester, Ellis

Nays: Frese, Richardson

Abstain: Leonard

Mayor Tarr stated that they also have a possible adoption of a MOU with the Chincoteague Cultural Alliance which states the entity of who is responsible for maintaining and operating the sewer system.

Councilman Jester motioned, seconded by Councilman Taylor to adopt a MOU with the Chincoteague Cultural Alliance. Motion carried.

Ayes: Taylor, Jester, Ellis, Leonard

Nays: Frese, Richardson

Abstain: None

Mayor Tarr stated that the third part is to adopt the bid for a shared septic system for the Island Activity Center.

Councilman Taylor motioned, seconded by Councilman Jester to adopt the bid for a shared septic system for the Island Activity Center in the amount of \$14,573. Motion carried.

Ayes: Taylor, Jester, Ellis, Leonard

Nays: Frese, Richardson

Abstain: None

3. Support Letter for Transportation Investment Generating Economic Recovery (TIGER) Grant.

Town Manager Ritter stated that the Town applied for a Federal Lands Access Program (FLAP) grant for the Maddox corridor to Main Street. He stated that it was a total project cost of \$2,000,000, which is an 80/20 match. He also stated that \$1.6 million was the grant and the Town would have a \$400,000 match to come up with. He stated that they were unfortunate in receiving the FLAP grant. He stated that he asked Council's authorization at a recent Council meeting to send a letter for the Paul S. Sarbanes Transit in Parks (TIGER) grant to be re-appropriated for the Maddox Campground which is the same project as the FLAP grant.

Town Manager Ritter explained the project costs and grant amounts. He stated that the Town will not be asked to contribute any money toward the bike path for the bicycle facilities along Maddox Boulevard. He also stated that if the grant goes through the Town saves over \$400,000. He added that the County requested a letter of support for the TIGER grant for \$1,065,000 and the rest of the grant funds. He explained that the Town found out about the grant application in April and it was submitted last Thursday. He stated that it has funding for the road going out into the new parking area.

Mayor Tarr stated that it started out with the Town having matching funds in the amount of \$500,000. He also stated that the second time the proposal came the match came back at about \$500,000. He added that the third time it came through which was Monday morning as a final draft using the Paul Sarbanes money as the final match and the TIGER grant as the other part of the match. He stated that there are no matching funds for the Town. He explained that it's a much larger grant than what is on Chincoteague. He stated that it's a federal grant that's being proposed. He also stated that if the EA goes well that money can be used to help with the infrastructure later. Mayor Tarr stated that the part that goes on Chincoteague is \$2.5 million with no match.

Town Manager Ritter stated that they requested a letter of support.

Mayor Tarr stated that the County voted on this and accepted the offer to apply for the grant and it passed unanimously. He added that it has been worked on by their Planning Department and the ANPDC.

Councilman Ellis stated that the bottom line is that the Town would have a bicycle facility from Main Street all the way up Maddox.

Town Manager Ritter added that the Town is saving \$400,000.

There were a few comments about how this will give the bicycles a larger path and help with the traffic in the Town.

Councilman Ellis motioned, seconded by Councilman Leonard to approve the letter of support for the Transportation Investment Generating Economic Recovery (TIGER) Grant. Unanimously approved.

4. Public Safety Committee Report of April 5, 2016.

- **Recommendation to Council to Institute a No Parking Zone on Main Street Between Burgess Street and Savage Street.**

Mayor Tarr advised that the report is in the packet and asked for questions or comments. He explained that they have a recommendation from the Public Safety Committee to institute a no parking zone on Main Street between Burgess Street and Savage Street. He advised that Chief Mills has worked on this and issued data.

Vice Mayor Richardson stated that it is supposed to be Savage Street to Burgess Street. She stated that there is a memo and she showed a picture. She stated that what was suggested was from Old Mill Lane to Burgess Street.

Mayor Tarr stated that it's the same area and the same problem.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the suspension of parking zone on Main Street between Old Mill Lane and Peterson Street. Unanimously approved.

5. Recreation and Community Enhancement Committee Report

Councilman Jester stated that they had a presentation from Mr. Dean Orsino and Ms. Laurie Walton about a memorial for the old bridge downtown. He stated that they have been talking to someone about creating a sculpture for the Downtown Park. He also stated that the Committee asked him for more details on the sculpture and where it could be placed. He added that Ms. Walton stated that the money is coming from the Holiday Christmas Tour of Homes. He added that they would bring information back for Council's approval.

Councilman Jester also reported that they have been working on the Memorial Park playground. He stated that with the help of the Public Works Department the dome is up and the ponies on springs are complete. He thanked all those who donated and the Police Department for giving money each year along with the Island Grocery Store for the last two years. He added that it's something that the Town can be proud of.

Mayor Tarr advised that Mr. Orsino met with Public Works Director Spurlock. He stated that he would also like to do a storyboard about the old bridge and Causeway.

Councilman Jester stated that he explained that there is the old bridge cab and he feels where the fishing pier is now is a great place to show part of the Island's history.

Vice Mayor Richardson asked Councilman Jester if the Committee has mentioned the bridge tender's house and possibly making a museum out of it.

Councilman Jester feels it would be a great place for a small museum. He added that it needs fixing up. He stated that it's a great project for the next Council.

They commented further.

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

Mayor Tarr announced that Spring Clean-up, Paint-up and Fix-up Week is May 7th – 13th, 2016.

Councilman Taylor stated that this was one of the Student Council's main things, litter on the side of the road.

Councilman Jester stated that they need to get the word out to everyone. He also stated that when he went to the elementary school it was a big thing. He feels it's something that everyone should try to do.

Councilman Jester motioned, seconded by Councilman Leonard to adopt the Resolution for Spring Clean-up, Paint-up and Fix-up Week for May 9th – 16, 2016. Unanimously approved.



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

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 7th, 2016; 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 7th – May 13th, 2016 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, 2016 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

7. Resolution on the 2017 Virginia Department of Transportation Revenue Sharing Litter Grant Program

Mayor Tarr explained that the next Resolution is for the 2017 Virginia Department of Transportation Revenue Sharing Litter Grant Program.

Town Manager Ritter stated that it's something that is done every year so that the Town can obtain the Litter grant.

Councilman Taylor motioned, seconded by Councilman Leonard to adopt the Resolution for the 2017 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 2017 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 2, 2016.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

8. Resolution on Designating Hurricane Awareness Week

Mayor Tarr stated that Hurricane Preparedness Week is set for May 22nd – 28th, 2016.

Councilman Jester motioned, seconded by Vice Mayor Richardson to adopt the Resolution for Spring Clean-up, Paint-up and Fix-up Week for May 22nd – 28th, 2016. Unanimously approved.



RESOLUTION

Hurricane Preparedness Week 2016

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 22-May 28, 2016 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 22nd – May 28th, 2016 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

9. Proclamation in Recognition for National Public Works Week

Mayor Tarr also stated that the Town of Chincoteague would like to claim National Public Works Week as the week of May 15th, 2016.

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation of 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 15, 2016 "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 2nd Day of May, 2016.

Honorable John H. Tarr, Mayor

10. Proclamation in Recognition for National Police Week

Mayor Tarr stated that they have a proclamation in recognition of National Police Week which is the week of May 15th – 21st, 2016.

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



Town of Chincoteague

Proclamation

National Police Week May 15 – 21, 2016

To recognize National Police Week 2016 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, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 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, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 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 28th Annual Candlelight Vigil, on the evening of May 13, 2016;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 15-21;

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 15-21, 2016, 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 Day 2nd of May, 2016

John H. Tarr, Mayor

11. Proclamation for Safe Boating Week

Mayor Tarr advised that they have a proclamation for Safe Boating Week which is May 21st – 27th, 2016.

Councilman Leonard motioned, seconded by Councilman Taylor 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 21 through 27, 2016 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, 2016

Mayor John H. Tarr
Town of Chincoteague, Inc.
U. S. Coast Guard

CWO. Hank Deatrich
Officer in Charge

Station Chincoteague

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

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

12. Proclamation for Poppy Day

Mayor Tarr also advised that Poppy Day is May 21st, 2016 and they ask that all citizens pay tribute to those who made the ultimate sacrifice for freedom. He stated that they have a proclamation.

Councilman Leonard motioned, seconded by Councilman Jester to approve the Proclamation for Poppy Day. Unanimously approved.



**American Legion Auxiliary, Unit #159
Chincoteague, VA 23336**

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 Chincoteague, Virginia, do hereby proclaim, May 21, 2016 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 2nd day of May, 2016.

_____, Mayor

Attest:

_____, Town Manager

13. Mayor & Council Announcements or Comments

Councilman Taylor commented to Chief Mills that it's a great job when they can do their part with the County and vice versa.

Councilman Ellis commented that it was nice to see a full Council room. He stated especially under the circumstances. He also stated that it's important to attend the meetings and make their voices be heard. He added that without anyone in the audience the Council is on their own and it's not necessarily a good thing. He also stated that tomorrow is Election Day giving everyone an opportunity to vote. He suggested doing their research and elect the candidate that most represents them.

Councilman Jester stated that they just passed 2 proclamations, one for Public Works and one for the Police Department. He stated that he would like to ask everyone to recognize those departments. He stated that they are fortunate to have a great Public Works and Police Department that do things every day and night without everyone seeing all that they do. He added that they deserve thanks. He also stated that they do a great job not only for those who take a paycheck but for those who really appreciate their community.

Councilman Leonard asked to recognize Mrs. Helen Merritt. He stated that he has been on Council for 4 years and hasn't seen her at a meeting until tonight but he was glad she was present.

Mrs. Merritt stated that she believes she is the oldest member present. She stated that she has attended many meetings in the past. She stated that her husband was a politician and she attended many. She added that she kind of got tired of it. She also stated that she couldn't hear everything being said and suggested better acoustics.

Councilman Leonard stated that it is a very good suggestion and thanked Mrs. Merritt for coming out. He also stated that it is very important to come out to the elections tomorrow and vote. He stated that if they don't vote then they don't have a voice. He asked everyone to come out and support all those candidates that are running and let their voice be heard.

Councilman Ellis thanked the Chincoteague Kiwanis Club, Mr. Bob Zoller and Lexi Hubb for putting on and hosting the Meet the Candidates. He feels it was an interesting evening.

Mayor Tarr stated that he would also like to reiterate what Councilman Leonard said. He believes most of the candidates are present this evening. He wished them the best of luck. He stated that it's nice to have a community where you have more running than the seats available. He feels it shows that the community is interested in what's going on. He wished them luck and stated that he would see them at the next Council meeting.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE JUNE 6, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

Mayor Taylor 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 recognized and thanked Supervisor Tarr for attending the meeting.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Loretta Ganoe advised that she has had some communications informing her who would be the oversight entities for the Maddox Campground. She advised that she has contacted VMRC to inquire if a joint permit application had been submitted. She stated that Mr. Hank Badger who is an environmental engineer sent her a letter stating that they haven't received a joint permit application from Bluewater or Burbage for the Maddox Campground. She also stated that he advised that he went to the campground with their agent. She stated that he doesn't believe at that time they decided to submit anything.

Ms. Ganoe stated that last week when they decided to build a water park at that facility she contacted Mr. Badger to see if they had discussed this with them. She advised that Mr. Badger's response was that a water park wasn't mentioned and a discharge permit would be required by DEQ. She also stated that he advised that a permit from VMRC would not be required unless a structure outfall was proposed channel-ward of the mean low water. She also added that he contacted DEQ. She wanted Council to know what she knew and offered her contact information.

- Ms. Denise Bowden stated that she had two things to bring before Council. She mentioned a request she made about signs throughout the Island to "ride with and walk against" traffic patterns. She feels this would be beneficial to residents and visitors. She also thanked Mayor Tarr for his years of service.

Mayor Tarr thanked Ms. Bowden. He added that the Police Department has been reviewing rules and reviewing other brochures.

- Mrs. Jenny VanDame commended Mayor Tarr for his many years of service and wished him many years of success. She stated that he is a gentleman, respectful and very patient. She added that for his replacement she feels he will have some of the qualities that the present Mayor has. She feels he will be able to fill the Mayor's shoes.

- Ms. Linda Ladas, Cakey Lane, addressed Council about the conditions of her road. She stated that her neighbor was before Council and was advised of a draft policy regarding road maintenance of private roads. She asked about the status of this policy.

Town Manager Ritter asked Ms. Ladas to contact the office so they can email the Policy. He added that the Policy is posted on the website as well. He explained that it is a grading policy

where the applicant must get 100% of the signatures of the adjoining property owners. He stated that this is for liability issues adding that the property owners would have to purchase the stone.

Ms. Ladas asked if this process could take effect now.

Town Manager Ritter again stated that she would have to get 100% of the signatures of those property owners. He added that there are forms for the signatures in the Town office.

- Councilman Ellis advised that he received a phone call from Mr. Barry Abell who sent an email. He asked if the letter could be read at the meeting in his absence. He read the letter in its entirety which was about a letter he received from Town Manager Ritter regarding 2 monuments at the Mariner's Point erected without Council's permission. He stated that 2 applications were included with the letters. The letter then went into detail about the memorial, how Mariner's Point came to be and the signboard at the Harbor. He then explained a personal chain-of-events that led him to use the monies raised to put up the memorial. Mr. Abell advised he is guilty of putting in the 2 granite stones and listed the reasons why. He stated that he is willing to meet at another time about this matter. He would like to make things right and requested to be a part of the meetings of the Recreational and Community Enhancement Committee. He feels that the memorial reflects the land that it rests upon to recognize all of those lost at sea.

STAFF UPDATE

Planning Department

Planning Director Marney reviewed the Planning Report that was included in the agenda packet. He mentioned the recent Planning Commission meeting and the upcoming public hearing on the Sign Ordinance changes. He also reported on the FEMA flood insurance rate maps advising he was working on credits for the 15% discount. He advised that the Town is waiting on the reimbursement for the Safe routes to School Trail. Planning Director Marney also stated under the Wastewater Advisory Committee RFQ they received 4 responses which were reviewed at the June 1st meeting. He added that all 4 responders will provide an oral presentation. He reported that he attended the Transportation Advisory Committee meeting on May 24th with discussions about the flooding at the base of the bridge. He also advised that he attended the 1st meeting of the Accomack Wallops Working Group on May 25th. Town Planner Marney reported that they have received a conditional use permit application for Maddox Campground. He stated that due to an issue of their public notification they will not be at the June 14th meeting. There will be a special meeting for this on July 12th at 5:00 p.m.

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that in May they had 361 calls for service, which is up by about 20 from last year. He also stated that the Department presented 5 scholarships to graduating seniors from the high school. He stated that they participated in the DMV Click it or Ticket Program. He also added that they cancelled the Bicycle Rodeo because of inclement weather. He advised that they also hosted the elementary school pre-K field trip to the Police Station.

Public Works Department

Public Works Director Spurlock stated that the only information he would like to add is that starting tomorrow morning there will be milling in the downtown area. He advised that there will be no road closures but they will be down to one lane. He also stated that next week Main Street will be closed to through traffic from Jester Street to Cleveland Street. He added that all businesses will be accessible.

Councilman Taylor asked if there would be enough milling to put a dent in the road for the woman who came about her private road.

Public Works Director Spurlock advised there wouldn't be enough.

General Government

Town Manager Ritter updated the report from the Emergency Medical Service. He stated that they had the busiest May ever recorded. He reported that they responded to 103 calls for the month of May which is 13 more than May of 2015. He advised that the EMS staff is now trained in video intubation which is a camera into the airway so they can precisely place a breathing tube. He stated that they are preparing for the Antares launch which is now scheduled for July 15th. He also stated that they have been working on delinquent Business Licenses. Town Manager Ritter advised that June is open enrollment for insurance. He stated that the swearing in ceremony is June 29th at 5:00 p.m. He added that they are working on the quarterly newsletter.

Councilman Jester asked Town Manager Ritter if during the meeting with NASA they discussed the safety zone and taking the beach.

Town Manager Ritter responded that they didn't at that time. He added that there will be a meeting on the 15th at which time they will be able to release that information. He stated that they were disappointed that they didn't have a blast zone and whether they were going to have any closures at the beach along with the viewing sites.

Councilman Jester asked if they gave a launch window.

Town Manager Ritter advised the launch window is 11:30 a.m. on July 15th. He also added that they may push it back to August as they have a couple of launches scheduled with Space-X that's supposed to be launched in July.

Councilman Ellis stated that he had a couple of comments regarding the event calendar. He asked for it to be updated.

Town Manager Ritter responded that he will check into and correct this.

Councilman Ellis also asked for the agenda for each of the meetings to be published once again on the website.

Town Manager Ritter advised this would be done as well.

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 May 2, 2016**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the May 2, 2016 Regular Council Meeting as presented. Unanimously approved.

2. Presentation by the Chincoteague Island Library

The Island Library President, Linda Ryan approached Council with a PowerPoint presentation. She reviewed the history of the Library which has been open for 20 years. She reviewed the programs that are all open to the public. She reported on the number people who utilize the Library regularly. She reviewed the different programs which include the Children's Programs, Tales for Tots, Summer Reading Challenge along with special programs including the Salisbury Zoo.

Mrs. Ryan stated that Chief Mills read to the children along with the U. S. Coast Guard. She stated that they visited Mr. Roe Terry with the Chincoteague Volunteer Fire Company and the Chincoteague Bay Field Station. She stated that they also have adult programs. She added that they have wifi both inside and out at the Library that is used by many people. She reported that there are 6 computers for resident and visitor use.

Mrs. Ryan continued to report that the Library has been a member of the Chincoteague Chamber of Commerce for over 10 years, the Downtown Merchants and they participate in their many events. She stated that they belong to Chincoteague.com which has installed a new webcam. She stated that they have been recording and transcribing oral history of island residents. She added that they now partner with the Chincoteague Museum to continue with the Oral History Program. She continued by thanking Mrs. Nancy Cunningham who administers the very active Facebook page where they support many of the local organizations and programs.

Mrs. Ryan continued to explain that the majority of the funding comes from private donations. She advised of the Eastern Shore Public Library and their many ways of support. She stated that the Town of Chincoteague donated some of the land and some of the funding for the new addition. She added that they are very appreciative for their support. She stated that last year Captain Carlton Leonard sponsored a luncheon cruise. She announced that this year Captain Carlton Leonard will sponsor a sunset moonrise cruise on June 20th.

Mrs. Ryan explained the future plans for the Library which includes hiring a fulltime librarian. She concluded that they have been successful in their fundraising efforts. She stated that they take pride on not being a burden to the taxpayers. She also stated that because of the increase in operating and programming costs they now need assistance from the Town. She stated that although their impact on the community cannot be measured in dollars, they are hopeful that the Town will realize their value in improving and enhancing the lives of both residents and visitors by supporting their effort.

Councilman Ellis stated that in terms of financial support the only support the Library doesn't raise is for the part-time librarian which is paid for by the Eastern Shore Library.

Mrs. Ryan advised that the ESL pays for the broadband and they help with computers and printers. She stated that they have had enough success with the fundraising that they have been able to purchase their own computers. She added that the Town also pays for their water which is also used at the Park. She reported that their budget this year is \$24,000 and traditionally they raise about \$20,000 in private donations.

Mayor Tarr thanked Mrs. Ryan and all that the Library does for the community. He referred this matter to staff for review.

3. Presentation by the Chincoteague Island YMCA

Ms. Missy Denault with the Chincoteague Island YMCA also came before Council. She reviewed what the YMCA is doing. She advised that they have a Curious Kids Pre-School Program for 3 hours a day 4 days a week. She stated they have swimming lessons at the Comfort Suites and the Refuge Inn for children from 3 to 13 years old. She continued that they have an after school program for ages 5 – 12 years old. She stated that they are getting ready for 8 weeks of camps ranging from pre-school to art and sports. She also stated that they reach out off of the Island for a water safety program and chess along with other things.

Ms. Denault stated that they help out with the Island's soccer program. She stated that they do sports with the kids at the Island Activity Center. She also stated that they offer palates, yoga, step classes, core classes and Zumba. She stated that they reach out as far as they can. She added that they also have a senior program every other Thursday for a senior social. She would like to see them offer it more often. She stated that they are open for partnerships. She advised that they are preparing to increase the YMCA. She showed pictures of the YMCA and reviewed the plans for upgrades. She also advised that they will have new top of the line equipment. Ms. Denault went on to explain the plans for the YMCA surrounding property such as a playground and basketball court. She stated that they are looking at starting the upgrades in July. She thanked Council for allowing her to come this evening and added that they are always looking at partnering.

4. Public Hearing for the Fiscal Year 2017 Budget, Consisting of:

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

Finance Director Hipple highlighted the FY 2017 budget. She advised that there are no new taxes or increase in taxes this year. She stated that the total budget is \$6,823,714. She reviewed the different funds their expenses and the revenue to offset. She advised that 2 bonds were paid off this fiscal year. She explained that one of the bonds was for the water tower and was paid off in October. She continued that the other bond was for the purchase of the Donald Leonard Park property was paid off this fiscal year as well. She also stated that whenever there is an upgrade or repair in the water division it is expensive. She explained that they are moving funds to the water reserves. She added that the Town is putting in wireless meters to give the Town a better

system of reading meters. She also stated that the 5% Meals Tax will go to drainage again this year. She added that the Police Department will be replacing their in-car cameras. She concluded by explaining the transfers to the reserve accounts.

Finance Director Hipple also stated that it has been an honor and privilege working with Mayor Tarr.

Mayor Tarr thanked Finance Director Hipple. He opened the public hearing.

Mrs. Peggy Thomas asked about the wireless water meters. She asked if all meters will be replaced. She asked if the customers would be charged for the new meters.

Mayor Tarr advised that they would not be charged. He explained that the reason for the wireless meters is not for the ease of the workers. He stated that it is because of the winter 2 years ago with the water loss. He also stated that with the number of tourist based homes that are unoccupied it is hard to know when a break happens. He added that it will work off of software in the office that will detect a leak and alert the Town Office. Mayor Tarr stated that it will read the meter every 15 seconds. He also stated that they can set parameters to where it can be a big help to the Public Works. He added that it can hopefully help those that have a water leak save some money.

Mayor Tarr closed the public hearing. He advised that the budget has to sit and they will be voting on the budget on June 16th.

5. Joint Public Hearing with the Planning Commission on Zoning Ordinance 8.2.2

Mayor Tarr called a joint Council and Planning Commission to order. He asked Town Planner Marney to explain the reason for the public hearing.

Town Planner Marney advised that the Planning Commission discussed an amendment to the Zoning Code at their March 8th meeting. He stated that the Code change is necessary because the existing ordinance was identified as not in compliance with the State Code by the previous Town Attorney. He stated that the existing permit to submit written comments from all property owners within 300' of the boundary line of the property upon which the action is to be taken. He also stated that this is more restrictive than the State Code which only requires that all abutting properties and those across the street or road be notified. He added that to rectify this, the exact wording used by the State was proposed after discussion by the Planning Commission and forwarded to Council for approval after a joint public hearing.

Mayor Tarr opened the public hearing adding that this is a housekeeping item because the Town's Code is more restrictive than the State Code.

There were no comments.

Mayor Tarr closed the public hearing. He asked if the Planning Commission had a recommendation.

Planning Commission Chairman Rosenberger advised that they recommend that the proposed change in the Zoning Ordinance 8.2.2 in the 3rd paragraph regarding the BZA be accepted.

CURRENT ZONING: 8.2.2 (3RD PARAGRAPH)

No special exception may be granted except after notice and hearing as provided by §15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of the abutting property and property immediately across the street or road from property affected, the board may give such notice by first-class mail rather than by registered or certified mail. ~~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.~~

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the changes to the Ordinance 8.2.2 of the Town Code as presented. Unanimously approved.

6. Joint Public Hearing with the Planning Commission on the Sign Ordinance, Political Campaign Signs

Mayor Tarr opened the joint public hearing with the Planning Commission on the proposed changes to the sign Ordinance, Political Campaign Signs. He explained that it is increasing the banner from 30 to 32 square feet in section 7.4.4 under Banners and in 7.4.5 Political signs from 16 to 32 square feet. He asked if Town Planner Marney had anything further to add.

Town Planner Marney stated that it is the same as the last one as the Town Attorney pointed out. He stated that the temporary signs are more restrictive than the permanent ones.

There were no comments.

Mayor Tarr closed the public hearing. He asked the Planning Commission Chairman for their recommendation.

Planning Commission Chairman Rosenberger advised that they recommend that the proposed change in the Sign Ordinance 7.4, Temporary Signs and 7.4.5, Political Campaign Signs be accepted.

CURRENT ZONING ODINANCE ARTICLE VII SIGNS

Sec. 7.4 Temporary Signs

7.4.4 Banners. On-premises banners shall not be more than ~~30~~ 32 square feet in area. Total banners shall not exceed one per residence and one per business. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Nonprofit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII

of the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

7.4.5 Political campaign signs. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed ~~16~~ 32 square feet in area and be located on private property. Political signs may not be placed in the sight distance triangle, and shall be removed no later than 14 days after the election has occurred.

Councilman Frese motioned, seconded by Councilman Jester to approve the proposed changes to the Sign Ordinance for Political Campaign Signs. Unanimously approved.

7. Mayor & Council Announcements or Comments

Councilman Taylor thanked Mayor Tarr for all the time he has put in. He stated that it has been a true pleasure as he has taught him a lot. He added that they haven't always seen eye-to-eye but they have never argued about things and always worked it out.

Councilman Ellis commended the Chamber of Commerce and their luncheon was superb. He stated that the businessman and citizen of the year were worthy recipients. He also stated that this is the last Council meeting for Mayor Tarr and Councilman Jester. He stated that it was his personal privilege and honor to serve with and learn from these 2 gentlemen.

Councilman Jester stated that today is June 6th which was D-Day and 4,000 were killed just going ashore. He recommended going to the WWII memorial in Washington. He stated that when he retired in 2006 he didn't think he would be a member of the Town Council. He stated that he had been through some rough years with 911 at the Pentagon. He stated that he would come home to take it easy and someone recommended he run for Town Council. He decided to run and ended up running again. He feels it was his way to do something for his community that he loves. He stated that it has been a real pleasure working with the Town staff and they have a fantastic staff that does so many things. He stated that the community doesn't really know what all this government does.

Councilman Jester stated that when you turn on the tap it's not just water it's a \$10,000,000 operation to get you that glass of water. He also stated that it's so many things that the Town does with a Town staff that does a fantastic job. He added that it has been a pleasure working with the members of Council. He also stated that when he retired and came back he didn't know Mayor Tarr. He stated that he has gotten to know him and he is a great guy that has put in many hours over the years for the Town well beyond what the rest of Council does. He thinks it's time for him to relax. He also stated to the new Council and Mayor to look forward and not backwards. He added that status quo isn't any good. He feels this Town needs to keep moving forward and servicing the community. Councilman Jester commented further for Council to continue looking forward and not be afraid to change.

Councilman Jester stated that in regards to Mr. Abell's letter there are a lot of incorrect things and misquoted things. He advised that he never told the Scout to change the sign. He stated that he advised that all he told him was that the Park is named Mariner's Point. He thanked his wife

for putting up with this for 8 years. He thanked the community and the volunteers for all they do for the community.

Councilman Leonard congratulated Mr. Eddie Lewis, Mr. Gene Wayne Taylor and Ms. Denise Bowden for winning the election. He stated that the next time they come to a Town Council meeting they will be sitting in these seats. He invited everyone to come out on the 29th at 5:00 p.m. to watch them be sworn in. He also thanked Councilman Jester and Mayor Tarr for serving the community for all the years. He also thanked Mayor Tarr for the opportunity of being the Mayor of Chincoteague. He advised that when they had their meeting he had a positive explanation of what goes on in the Town and how he thought it should continue to go. He thanked them for opening his eyes and keeping him involved in the Town.

Vice Mayor Richardson stated that Wednesday is the High School's graduation and Council is invited. He stated that the scholarships were already given at a separate ceremony. She added that the Council has been invited and there will be reserved seats for them. She also stated that it has been her privilege and pleasure to serve with Councilman Jester and Mayor Tarr. She advised that she didn't really know him until serving with him. She also appreciates the knowledge he has and has learned a lot from him. Vice Mayor Richardson stated that she has known Mayor Tarr for a long time. She doesn't believe they've had any knock down drag out fights but she appreciates his knowledge.

Mayor Tarr stated that he isn't going to give any long speeches as he wears his emotions on his sleeves and the thanked everyone.

8. Closed Meeting in Accordance with Section 2.2-3711(A)(1&2) of the Code of Virginia.

- **Real Property**
- **Council Appointment for the Town Attorney**
- **Personnel**

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

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

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

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

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

VOTE: Ayes- Jester, Frese, Leonard, Taylor, Ellis, Richardson
Nays- None
Absent- None

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE JUNE 16, 2016 CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

Mayor Taylor 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.

Prior to Public Participation Mayor Tarr presented Councilman John Nelson Jester, Jr. with a plaque which he read. He advised that it has been an honor and pleasure serving with him. He added that he learned a lot from him.

Councilman Jester thanked him.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Lawrence Henry Lederer advised that he is trying to get together an Eagle Scout project by the Watermen's Memorial such as a picnic table. He asked for information.

Mayor Tarr stated that once he decides on the project he can meet with Town Manager Ritter and Public Works Director Spurlock and work out the details. He requested a sketch that will be returned to Council for approval.

- Mr. Spiro Papadopoulos requested to add an item on the agenda for Council to discuss mosquito control, contract spraying and chemicals. He explained that everyone has experienced that aerial spraying is the most effective with the upcoming issues of public health regarding the Zika Virus. He stated that everyone wants to know what contract spraying means. He also suggested discussing the trash fee that is included in the trash bill. He asked how the money is used and for what purpose.

Mayor Tarr asked Public Works Director Spurlock to address the mosquito control budget.

Public Works Director Spurlock stated that the contract spraying is only the aerial spraying. He stated that there is a second line item for the insurance which is cost associated with the aerial spraying.

Mr. Papadopoulos asked how they arrived to the aerial spraying figure.

Public Works Director Spurlock advised that this is 6 flights.

Mr. Papadopoulos asked if it is \$4,000 per spraying.

Public Works Director Spurlock stated that this is just the cost for the airplane. He further stated that the additional cost is the insurance and the chemicals. He added that the cost of an individual flight is in excess of \$13,000.

Mr. Papadopoulos stated that the decision to spray by airplane is based on the number of complaints they receive. He added that there is always some sort of excuse that the weather isn't permissive. He asked if 6 would be enough for the season.

Public Works Director Spurlock advised that it isn't based on phone calls. He explained that they actually go out and get mosquito population counts at different sites on the island.

Mr. Papadopoulos stated that they definitely don't have a site up-the-neck.

Public Works Director Spurlock advised there are 2 sites on the north end of the island. He stated one is Wildcat and the other is by the high school.

Mr. Papadopoulos feels this leaves a lot of areas unprotected. He suggested adding more test sites for the spraying.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Possible Adoption of the Fiscal Year 2017 Budget, Consisting of:

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

Town Manager Ritter highlighted the FY 2017 budget. He stated that the total budget is \$6,823,714. He also stated there are no tax increases or water rates. He reviewed some specific budgeted items.

Mayor Tarr asked if Council had any questions regarding the budget. There were none. He also asked if anyone from the audience had any questions. There were none. He added that the budget has been properly advertised.

Town Manager Ritter reminded Council that the motion has to appropriate the funds for the *disbursement* of the budget.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to adopt the budget for the fiscal year 2017 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

Expenditure Name Number FY'17 Expenditures

FUND 10 - General Fund

Fund 10 - General Fund/Department 50 - General Government

Salaries

Mayor	5010-0101	\$ 4,800
Council	5010-0102	\$ 23,040
Town Office Staff	5010-1001	\$ 431,561
Emergency Medical Staff	5010-1002	\$ 315,165
Overtime	5010-1003	\$ 35,000
Subtotal		\$ 809,566

Benefits

Social Security	5010-2001	\$ 58,000
Hospitalization	5010-2101	\$ 78,043
Retirement	5010-2201	\$ 75,000
Life Insurance	5010-2202	\$ 4,354

Unemployment - All Employees	5020-2103	\$ 7,420
Subtotal	\$ 222,817	
Expenses		
Bank Charges	5030-3100	\$ 4,000
Building Administrator Expense	5030-3101	\$ 100
Cleaning	5030-3102	\$ 14,750
Planning Commission	5030-3103	\$ 40
Board of Zoning Appeals	5030-3104	\$ 40
Building Permit Surcharge	5030-3105	\$ 923
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	\$ 110,000
Auditing	5030-3501	\$ 25,500
Donations	5030-3601	\$ 9,600
Fire Department Donation	5030-3602	\$ 21,000
Civic Center (TOTAX)	5030-3701	\$ 110,000
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$ 74,000
ANPDC Membership	5030-4030	\$ 7,000
Scholarship	5030-4301	\$ 1,000
Office Supplies/Publications	5030-4401	\$ 12,500
Office Equipment/Software Maintenance	5030-4402	\$ 35,600
Postage	5030-4403	\$ 11,360
Tax Bills & Conversion	5030-4404	\$ 1,538
Motor Vehicle License	5030-4501	\$ 1,800
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	\$ 2,500
Dues	5030-6101	\$ 4,650
VML Conference	5030-6102	\$ 1,000
Advertising & Website	5030-7101	\$ 11,300
Building Maintenance	5030-7301	\$ 19,880
Electricity	5030-7401	\$ 12,000
Heating Oil	5030-7402	\$ 5,650
VA Fire Programs/CVFC	5030-7601	\$ 10,250
EOC Operations/Training	5030-7602	\$ 2,050
Special Projects	5030-7701	\$ 7,500
Pony Penning Expense	5030-7702	\$ 6,200
Deer D-Pop Program	5030-7703	\$ 1,200
Telephone Bills	5030-8202	\$ 28,200
Health Insurance - Retirees	5030-8401	\$ 28,500
Insurance-Retiree, Spouses & Others	5030-8402	\$ 5,500

Retiree Prescription Assistance	5030-8404	\$ 4,600
Miscellaneous	5030-8501	\$ 5,400
911 Addressing	5030-8505	\$ 400
Cemetery Cleanup	5030-8600	\$ 1,500
Va Commission for the Arts	5030-8700	\$ 10,000
Transfer to Main Street Project	5030-8800	\$ 35,000
Transfer to Trolley Fund	5030-8900	\$ 25,000
VOLSAP For Volunteer Firemen	5030-8912	\$ 2,875
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$ 251,691
Recreation-Tourism Expense 1% of		
TOTAX	5030-8914	\$ -
Subtotal		\$ 985,671
Capital Improvements		
Property Acquisition Reserve	5090-9704	\$ 25,000
Property Acquisition	5090-9705	\$ 254,000
Office Equipment	5090-9709	\$ 4,000
Consultant	5090-9750	\$ 50,000
Software	5090-9760	\$ 6,528
Subtotal		\$ 339,528
Subtotal Fund 10 Dept 50		\$2,357,582

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

Salaries

Salaries	6010-1001	\$ 116,808
Overtime	6010-1003	\$ 598.50
Subtotal		\$ 117,407

Benefits

Social Security	6010-2001	\$ 8,982
Hospitalization	6010-2101	\$ 12,245.00
Retirement	6010-2201	\$ 14,500.00
Life Insurance	6010-2202	\$ 515.00
Subtotal		\$ 36,242

Expenses

Office Supplies & Equipment	6030-4401	\$ 500
Street Maintenance	6030-4501	\$ 1,300
Street Signs / 911	6030-4502	\$ 3,000
Street Lights	6030-4503	\$ 24,000
Gasoline/Diesel	6030-4701	\$ 31,500
Oil/Grease	6030-4703	\$ 3,000
Tools Shop	6030-4704	\$ 3,000
Travel/Training	6030-4801	\$ 1,250
Clothing / Uniforms	6030-5202	\$ 5,720
Building Maintenance	6030-7301	\$ 3,500
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	\$ 1,000
Sanitation Contract	6030-7502	\$ 370,282
Miscellaneous	6030-8501	\$ 1,800
Subtotal		\$ 487,252
Capital Improvements		
Vehicle	6090-9101	\$ 45,000
Equipment	6090-9511	\$ 25,000
Subtotal		\$ 70,000
Subtotal Fund 10 Dept 60		\$710,900

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$ 38,538
Overtime	6110-1003	\$ 500
Subtotal		\$ 39,038

Benefits

Social Security	6110-2001	\$ 2,986
Subtotal		\$ 2,986

Expenses

Insurance	6130-3401	\$ 8,100
Office Supplies	6130-4401	\$ 200
Gasoline	6130-4701	\$ 4,400
Tools & Small Equipment	6130-4704	\$ 1,100
Chemicals	6130-4705	\$ 46,000
Contract Spraying	6130-4706	\$ 24,000
Travel/Training/Conference	6130-4801	\$ 300
Uniforms	6130-5202	\$ 200
Sundry	6130-6101	\$ 450
Equipment Repairs/Maintenance	6130-7302	\$ 2,000
Safety Equipment	6130-7303	\$ 400
Vehicle Maintenance	6130-7304	\$ 1,200
Subtotal		\$ 88,350

Capital Improvements

Equipment	6190-9124	\$ 8,000
Drainage	6190-9125	\$ 35,000
Subtotal		\$ 43,000
Subtotal Fund 10 Dept 61		\$173,374

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

Salaries

Salaries	6310-1001	\$ 212,688
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Overtime	6310-1003	\$ 1,700
Subtotal		\$ 214,388
Benefits		
Social Security	6310-2001	\$ 16,401
Hospitalization	6310-2101	\$ 33,580
Retirement	6310-2201	\$ 27,224
Life Insurance	6310-2202	\$ 1,021
Subtotal		\$ 78,226
Expenses		
Seasonal Decorations & Banners	6330-4100	\$ 8,000
Tools	6330-4704	\$ 900
Electricity	6330-7401	\$ 3,800
Sundry	6330-8501	\$ 300
Park & Recreation Expense	6330-8590	\$ 31,352
Vandalism Repairs	6330-8600	\$ 2,000
Boat Ramp Expense	6330-8700	\$ 22,000
Boat Ramp Repair Reserve	6330-8701	\$ 3,000
Subtotal		\$ 71,352
Subtotal Fund 10 Dept 63		\$363,965

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

Salaries		
Salaries	6510-1001	\$ 124,265
Overtime	6510-1003	\$ 2,000
Subtotal		\$ 126,265
Benefits		
Social Security	6510-2001	\$ 9,506
Hospitalization	6510-2101	\$ 22,080
Retirement	6510-2201	\$ 15,011
VSRS/Life Insurance	6510-2202	\$ 596
Subtotal		\$ 47,194
Expenses		
Snow Removal	6530-4102	\$ 1,000
Pavement Maintenance	6530-4150	\$ 290,427
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	\$ 69,458
Engineering	6530-8600	\$ 5,000
Subtotal		\$ 500,385
Subtotal Fund 10 Dept 65		\$673,843

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$ 485,000
Overtime	7010-1003	\$ 8,500
Subtotal		\$ 493,500
Benefits		
Social Security	7010-2001	\$ 37,753
Hospitalization	7010-2101	\$ 57,000
Retirement	7010-2201	\$ 67,035
Life Insurance	7010-2202	\$ 2,323
Subtotal		\$ 164,111
Expenses		
Gasoline	7030-4701	\$ 17,500
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	\$ 7,500
Equipment Repairs & Supplies	7030-7302	\$ 4,500
Vehicle Maintenance	7030-7304	\$ 5,000
Drug Enforcement	7030-7901	\$ 5,000
Academy Dues	7030-7903	\$ 3,800
Bicycle Patrol	7030-7904	\$ 300
Community/Youth Programs	7030-7905	\$ 20,000
Grant Funded Expenditures	7030-7906	\$ 10,000
Ammunition	7030-7907	\$ 3,000
Cell Phone Allowance	7030-8203	\$ 3,100
Police Accreditation	7030-8301	\$ 4,000
Sundry	7030-8501	\$ 1,000
Subtotal		\$101,200
Capital Improvements		
Patrol Vehicle	7090-9650	\$ 29,000
Surveillance Equipment	7090-9675	\$ 40,000
Tasers	7090-9687	\$ 15,000
Subtotal		\$ 84,000
Subtotal Fund 10 Dept 70		\$842,811

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries		
Salaries	7510-1001	\$ 195,000
Overtime	7510-1003	\$ 2,500
Subtotal		\$ 197,500
Benefits		
Social Security	7510-2001	\$ 14,900
Hospitalization	7510-2101	\$ 23,000
Retirement	7510-2201	\$ 14,000
Life Insurance	7510-2202	\$ 590
Subtotal		\$ 52,490
Expenses		

Travel/Training	7530-4801	\$ 3,000
Uniform Allowance - Dispatchers	7530-5201	\$ 1,600
Uniforms (Town for Dispatchers)	7530-5202	\$ 500
Office Supplies/Equipment Maintenance	7530-7300	\$ 14,500
Sundry	7530-8501	\$ 150
Subtotal		\$ 19,750
Subtotal Fund 10 Dept 75		\$269,740
Total Fund 10		\$5,392,215

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$ 2,000
Electricity	2030-7401	\$ 1,250

Subtotal		\$ 3,250
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Capital Improvements

Main Street Project Phase 2D	2090-9810	\$ 35,000
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Subtotal		\$ 35,000
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Total Fund 20		\$38,250
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Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$ 28,651
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Overtime	8010-1003	\$ 200
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Subtotal		\$ 28,851
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Benefits

Social Security	8010-2001	\$ 2,420
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Hospitalization	8010-2101	\$ 3,000
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Retirement	8010-2201	\$ 3,680
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Life Insurance	8010-2202	\$ 100
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Subtotal		\$ 9,200
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Expenses

Administrative Expense - Town	8030-3100	\$ 7,426
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Operation/Maintenance/Etc.	8030-7300	\$ 32,988
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Driveway Stones	8030-7305	\$ 1,000
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Fuel Purchase	8030-7315	\$ 110,000
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Sundry	8030-8501	\$ 1,000
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Subtotal		\$ 152,414
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Capital Improvements

Parking Paving	8090-9134	\$ 15,000
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Subtotal		\$ 15,000
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Total Fund 30		\$205,465
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Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$ 35,500
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Subtotal		\$ 35,500
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Benefits

Social Security	3010-2001	\$ 2,840
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Subtotal		\$ 2,840
Expenses		
Insurance & Bonding	3030-3401	\$ 3,000
Communication Service	3030-4400	\$ 800
Printing & Reproduction	3030-4401	\$ 2,200
Advertising & Promotion	3030-4402	\$ 900
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	\$ 10,000
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

Subtotal		\$ 42,250
Total Fund 70		\$80,590

Fund 80 - Water

Salaries

Salaries	6210-1001	\$ 246,903
Overtime	6210-1003	\$ 3,756
Pump Duty	6210-1004	\$ 16,901

Subtotal		\$ 267,560
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Benefits

Social Security	6210-2001	\$ 20,468
Hospitalization	6210-2101	\$ 34,546
Retirement	6210-2201	\$ 31,604
Life Insurance	6210-2202	\$ 1,185

Subtotal		\$ 87,803
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Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$ 2,500
Postage	6230-4403	\$ 4,000
Gasoline & Diesel	6230-4701	\$ 5,700
Tools	6230-4704	\$ 1,200
Chemicals	6230-4705	\$ 14,608
Travel & Training	6230-4801	\$ 2,500
Uniforms	6230-5202	\$ 1,158
Dues/Licenses	6230-6101	\$ 1,200
Building Maintenance/Rehab	6230-7301	\$ 5,000
Safety	6230-7303	\$ 500
Vehicle Maintenance	6230-7304	\$ 1,100
Raw Water Purchase (NASA)	6230-7400	\$ 500
Electricity	6230-7401	\$ 57,897

LP Gas	6230-7402	\$ 600
Distribution & Repairs	6230-8101	\$ 48,041
Supply Repairs	6230-8103	\$ 18,250
Cell Phone Allowance	6230-8202	\$ 900
Miss Utility	6230-8204	\$ 1,000
Sundry	6230-8501	\$ 200
Reimbursement to Fund 10	6230-8601	\$ 88,239
Regulation Compliance	6230-8750	\$ 5,000
State Groundwater Permits	6230-8770	\$ 10,000
Transfer to Water Reserve	6230-8900	\$ 149,262
Engineering	6230-9100	\$ 5,000
Subtotal		\$ 424,355
Capital Improvements		
Water Main Extensions	6290-9101	\$ 5,000
Interest on Water Bond Supply Line	6290-9504	\$ 6,218
Water Bond - Supply Line Main Street	6290-9505	\$ 117,654
Water Bonds	6290-9506	\$ 149,042
Interest on Water Bond	6290-9507	\$ 32,558
Waterline Line Replacement	6290-9600	\$ 12,000
Wireless Meters		\$ 5,003
Subtotal		\$ 327,475
Total Fund 80		\$1,107,194
TOTAL ALL FUNDS		\$6,823,714

Town of Chincoteague
FY'17 Budget Revenues

Revenue Name	Budgeted	Number
Fund 10 - General Government		
Real Estate Tax Levy	4001-0100	\$ 634,200
Tangible Property Tax Levy	4001-0125	\$ 204,257
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 35,000
Meals Tax	4001-0500	\$ 740,000
Bank Franchise Tax	4001-0600	\$ 50,000
Sales Tax	4010-0100	\$ 140,000
Business License	4010-0200	\$ 128,500
Motor Vehicle License	4010-0300	\$ 80,000
Utilities Tax	4010-0500	\$ 210,000
Transient Occupancy Tax	4010-0600	\$ 1,006,763
Fines	4015-0100	\$ 40,000
Interest on Savings	4020-0100	\$ 15,000
Banner Donations	4041-0100	\$ 2,432
Cemetery Cleanup Donations	4041-0150	\$ 1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 50,000
Zoning Advertisements	4041-0600	\$ 2,000
Grants/Litter	4045-0100	\$ 2,585

Sale of Capital Assets	4049-0100	\$ 500
Health Insurance-Retirees Spouse	4051-0200	\$ 8,100
VA Fire Programs	4051-0300	\$ 11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$ 6,400
Harbor Administration	4061-0105	\$ 7,426
Rental Income - Trolley	4061-0106	\$ 12,000
Tower Rent	4061-0107	\$ 5,520
Communications Tax	4071-0100	\$ 200,000
Personal Property Relief Act	4071-0200	\$ 164,250
Mobile Home Sales Tax	4071-0300	\$ 7,700
Recovered Cost from Water	4101-0200	\$ 88,239
Public Works Miscellaneous	4201-0100	\$ 10,000
Miscellaneous Income	4303-0100	\$ 15,000
Solid Waste Collection Fee	4303-0400	\$ 394,439
Law Enforcement Funds	4401-0100	\$ 107,251
Police Miscellaneous	4401-0125	\$ 1,000
Police Donations	4401-0150	\$ 20,000
Police Grants	4401-0160	\$ 10,000
Dispatch Revenue	4401-0200	\$ 22,500
VDOT Maintenance Funds	4501-0100	\$ 673,843
Road Permit Fees	4501-0101	\$ 400
VA Commission for the Arts - Grant	4545-0140	\$ 5,000
Transfer from General Fund Savings	4701-1000	\$ 214,000
Transfer from Land Acquisition		\$ 40,000
Total Fund 10		\$5,392,215
Fund 20 - Main Street Project		
Program Income	4501-0100	\$ 3,250
Transfer from General Fund	4501-8900	\$ 35,000
Total Fund 20		\$38,250
Fund 30 - Curtis Merritt Harbor		
Interest on Harbor Savings	4031-0100	\$ 225
Harbor Rent	4031-1000	\$ 66,534
Subleases	4031-1002	\$ 17,400
Dry/Winter Storage	4031-1003	\$ 850
Loading Dock	4031-1004	\$ 2,650
Fuel Revenue	4031-1058	\$ 114,186
Transfer from Long-Term Reserve	4910-8900	\$ 3,620
Total Fund 30		\$205,465
Fund 70 - Trolley		
Trolley Grants	4501-0100	\$ 48,590
Program Income	4501-0110	\$ 7,000
Transfer from General Fund	4501-8900	\$ 25,000
Total Fund 70		\$80,590

Fund 80 - Water

Water Rent	4101-0100	\$ 1,060,334
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		\$1,107,194
TOTAL ALL FUNDS		\$6,823,714

WATER RATES, CHARGES AND BILLING FOR FY 17

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 one-time seasonal shut-off and turn-on fee shall be waived.**
- 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.

1. Consider Adoption of the State Motor Vehicle Code, Chapter 58, Traffic and Vehicles

Town Manager Ritter advised that this is a routine housekeeping item that has to be done each year. He added that this is only correcting 2015 to the current year 2016.

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, 2016. 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, ~~2015~~**2016**, 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, ~~2015~~ **2016**. 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,

2. Consider Adoption of the Office of Drinking Water State Revolving Fund Loan

Public Works Director Spurlock stated that the memo included in the packet shows a total amount of the package which is \$965,400. He stated that they gave two options. He explained that Option 1 is a hardship with a hook requiring the Town to adjust the rates to their target rates. He explained the current residential water rate per quarter which is \$29 per quarter. He stated that to go along with Option 1 would require that the rates be raised to \$49 per month.

Public Works Director Spurlock also stated that they based this on statewide rates. He suggested Option 2 and the term would be selected between 1 and 20 years. He feels this would be an 11 year term with an annual payment of under \$100,000. He stated that what he needs is concurrence from Council to respond in agreement to the letter selecting Option 2 with an 11 year term.

Vice Mayor Richardson asked if this was for the whole island.

Public Works Director Spurlock advised that it is. He added that this is also for antennas on the water tower, the data system and software.

Councilman Taylor asked how much the Town was paying on the Water Bond that was recently paid off.

Public Works Director Spurlock stated that it was right at \$60,000.

Councilman Taylor then asked when the other water bond is due.

Mayor Tarr advised it is either 2018 or 2019.

Councilman Taylor also asked how much that bond payment is per year.

Town Manager Ritter stated that one is \$117,654 per year and the other water bond is \$149,042 per year.

Councilman Taylor proposed that when the water bonds are paid off he would like for the payments to go directly towards paying off this new water bond.

Town Manager Ritter also advised that currently they have \$149,262 going into the water reserves from this budget.

Mayor Tarr stated that all of this is being paid out of the water revenues. He added that when the bond goes away the money stays in the water fund. He feels they need to look at some of the money going into capital improvements and maintenance on the system. He added that this is the initial cost. He suggested looking at the life of the meters and start putting away money for the replacements.

Public Works Director Spurlock explained that this is why they didn't pick a 40 year term.

Mayor Tarr stated that they are recommending a rate review each year to make sure that what the Town is doing is sufficient.

Public Works Director Spurlock advised that this is done each year.

Councilman Jester feels that the Town will save a lot of man hours.

Public Works Director Spurlock added that it is better allocation.

Councilman Jester also stated that there will be a big savings for the customers.

Public Works Director Spurlock also stated that it will save in property damage as well.

Mayor Tarr asked about the test project.

Public Works Director Spurlock advised that it is going great.

There were a few more comments.

Councilman Frese stated that the water rent that everyone pays is covering this upgrade now.

Public Works Director Spurlock agreed. He added that by the time the state processes all of the paperwork the first payment isn't due until the system is installed which will probably be August of 2017.

Councilman Frese reiterated that the water payments go into the water fund and by the time the first payment is due the Town will have the money to make the payment.

There were comments about the water reserves and the money being put away.

Public Works Director Spurlock advised that they will submit a letter approving the selection of Option 2 and it won't go to settlement until approximately April 2017.

Councilman Frese motioned, seconded by Vice Mayor Richardson to proceed with Option 2 of the Office of Drinking Water State Revolving Fund Loan for the purchase of auto-read water meters. Unanimously approved.

3. Mayor & Council Announcements or Comments

Councilman Leonard announced that the Swearing in Ceremony has been moved to May 28th at 5:00 p.m.

Councilman Jester stated that it has been a pleasure. He wished the new Council luck and stated that they should enjoy themselves.

Councilman Ellis asked about the paving for the Safe Routes to Schools. He stated that it will be right up against the road. He asked if there was going to be any guardrails or fencing.

Public Works Director Spurlock stated that there will be a fence on the ditch side but not on the road side.

Councilman Ellis commented about cars parking along the roadside during baseball games.

Public Works Director Spurlock stated that he and Chief Mills discussed this earlier. He stated that it won't damage the trail but there may be some issues.

Councilman Ellis stated that there are new FOIA requirements which go into effect the beginning of next month. He asked if the Town had a FOIA officer.

Town Manager Ritter advised that he has a FOIA officer.

Councilman Taylor stated that Mayor Tarr will be missed. He also stated that he worked well with every political entity. He added that Mayor Tarr stated that we are one with the Park Service. He also stated that you miss the people you work with. He added that when you look around it's changed for the better. Councilman Taylor also stated that the first time you run for Council and it's time to vote he asked himself "do I vote for myself?" He knew these are people they need. He thanked Mayor Tarr for the times they stuck up at the meetings. He also stated that he wasn't just talking to the public.

Councilman Frese told Mayor Tarr that they've had their differences and their agreements. He stated that he admires him. He feels he's done a great job and provided leadership. He also feels all of the citizens of Chincoteague admire him.

Councilman Frese thanked Councilman Jester and stated that he has served admirably.

Mayor Tarr stated that it has been a pleasure. He also stated that the Town has a lot of small issues and a few larger issues. He expressed concerned about social media and feels the Town needs to use it more. He stated that social media can travel very fast. He feels the Town has to think about being on social media every day getting the facts out. He would like the Town to look at this. He trusts those elected will take care of those issues.

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

- **Council Appointment of the Town Attorney**

Councilman Leonard moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss Council Appointment (*Town Attorney*). Unanimously approved.

Councilman Leonard moved, seconded by Vice Mayor Richardson 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) 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 JULY 5, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Vice Mayor
Edward W. Lewis, Jr., Councilman
Denise P. Bowden, Councilwoman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Leonard opened the floor for public participation.

- Mr. Dave Smith of 4421 Main Street came before Council about no parking along the street in front of his house. He explained that he lives in a 1 parking space home. He feels it's a safety issue that speeds up the traffic. He also mentioned his 80 year old mother and father-in-law who have to park 70-80 yards away from the house. He feels it's a safety issue and Council should look into this for another meeting's agenda. He gave Council a copy of the map.

Mayor Leonard advised that they will send this matter to the Public Safety Committee. He added that they have already met about this. He stated that Mr. Smith will be notified when the Public Safety Committee will discuss this.

Mr. Smith doesn't understand why he wasn't sent anything in the mail about the change in parking.

- Ms. Fran Gery of 4425 Main Street also came before Council regarding the no parking zone in front of her home. She stated that it was her understanding that the reason for the no parking was because of the school buses. She feels that as a resident she is very concerned about the traffic and speeding along that stretch of road. She added that because of the parked cars it slowed down the vehicles and now it has caused higher speeds. She stated that it is a safety issue.

Mayor Leonard again stated that they will have a Public Safety Committee meeting where it will be discussed.

- Mr. John Bare of 4417 Main Street thanked Public Works Director Spurlock for addressing the issue. He advised that he analyzed the data. He stated that they begrudgingly accepted the loss of the 3 parking spaces in the area. He also stated that they didn't see any need of the actions that were suddenly taken without notification. He commented further that from the Curtis Merritt Harbor to the grave of Captain Chandler there is no other place along Main Street that has that length of linear footage of restricted parking. He stated that the big white truck parked near Old Mill Lane was a traffic collar. He advised that they feel betrayed by the Public Safety Committee. He looks forward to meeting with the Public Safety Committee.

- Ms. Nancy Payne of 6258 Circle Drive advised that they are having a problem with hearing from the back of the room. She suggested that Council and speakers talk directly into the microphone. She also suggested that Council consider putting the chairs a little closer and moving the podium for speakers to be seen by everyone. She feels it would be a little friendlier.

- Mrs. Peggy Thomas of 7805 Eastside Road, complained about the mosquitoes. She asked if the mosquito control was being charged to the water bills or the tax bills.

Public Works Director Spurlock advised that it is part of your taxes.

Mrs. Thomas stated that she isn't getting what she's paying for. She stated that the plane only flew over the house once. She also stated that there is no way they can hit over her house, Assateague Channel and Ridge Road with one swipe no matter how big the sprayer is. She feels something has to be done.

Mayor Leonard agreed and stated that they've had a breeze the last couple of days.

Councilman Taylor commented.

Mrs. Ina Rae Adams of 4143 Sunnywood Drive asked Council who cuts the grass at the Bunting Road Cemetery. She stated that they planted grass there and the cutting and weed spraying is coming up so far there's no grass there. She explained that they cut the grass and take care of their father's grave. She asked who did it, who authorized it and how does she stop it.

Councilwoman Richardson asked Mrs. Adams if it is on the hill going down towards LeKites.

Mrs. Adams advised it is and that someone has been spraying and cutting so far up it's almost to the tombstone.

Councilwoman Richardson stated that it wasn't done deliberately and the Town helps maintain the 5 cemeteries. She stated that it will be addressed.

- Mr. Roy Tolbert of 3339 Kingsberry Kourt added that the whole half of the cemetery is dead because it's been sprayed. He stated that all of his lots are dead and he feels it's intentional and not by mistake.

Mayor Leonard advised that the Town will look into it.

Mr. Tolbert also stated that he would like to address the mosquito problem. He asked that they spray more than one time a month.

- Mrs. Wanda Thornton congratulated everyone in the election. She stated that she noticed the appointment for the Community Center Authority on the agenda. She feels that it's been lost along the way and a fair way is that half of the people on the Authority are those who collect the Occupancy Tax.

Mayor Leonard asked if it should be a Town representative.

Mrs. Thornton stated that the Town Council is represented. She feels that those businesses that collect the tax should have the opportunity. She added that she didn't see those interested in the packet. She also congratulated the Wastewater Advisory Committee. She feels that there is so much that the public doesn't know about the wastewater. She advised that she has researched the minutes and advised that on April 2, 2012, Mayor Tarr wrote the State Board Commission requesting to allow Sunset Bay Utilities to extend their services to everything between Maddox Boulevard and Bunting Road. She added that she can't find anyone who knew anything about this unless they were associated with the Town. Mrs. Thornton stated that those included in that district didn't distinguish between residential and commercial. She stated that the people don't

know they are in a service district. She also stated that they are getting ready to appoint a consultant tonight to look at feasibility with taxpayers money on putting central sewer down Maddox Boulevard. She added that this abuts Sunset Bay's utility service district. She advised that she read the information from the State Corporate Commission. She added that the people who run for election are sitting there saying they want a transparent government. She feels the public needs to know all of this.

Mrs. Thornton continued to state that the Wastewater Advisory Committee has worked very hard. She also stated that they were given a charge to complete a 2-year study work plan by June 2013. She added that they were to review the wastewater needs for the community and review the preliminary engineering for a phase I sanitary sewer system along with reviewing and make recommendations on alternatives for wastewater treatment and disposal collection system and force main routing. She also added that they were to provide suggestions for acquisitions for properties for possible treatment plants or pump station sites. She stated that they were also to serve as a liaison to the public and Town Council. She feels this would be great if the people on Maddox Boulevard wants sewer. She also stated that she doesn't feel the tax burden should be put on the rest of the taxpayers of this community. She advised that she paid for her own sewer system. She stated that people who are upgrading their systems are paying for it all. She feels the taxpayers pay enough now.

Mrs. Thornton stated that the Town makes money on the garbage collection. She stated that she has reviewed the budget and the Town makes \$25,000 off of garbage and taking in more than is spent. She feels that there is a whole lot more that the people need to know. She stated that Council needs to know if the people want central sewer. She added that Sunset Bay is \$10,000 for a 3 bedroom plus the availability fee plus \$1,200 per year for the use. She stated that she couldn't find any more associated costs from the State Corporation Commission information. She feels that there's a whole host of information that the public needs to know before Council spends taxpayers' dollars. She stated that the consultant is \$50,000.

Town Planner Marney interrupted that this isn't what this is about this evening. He stated that it is about getting permission from the Town Council to go into and find out what the scope is and to negotiate the fee. He added that nothing is finalized, no one has been appointed and no money has been spent tonight.

Mrs. Thornton suggested that everyone read the Wastewater Committee meeting minutes from the last meeting. She stated that she thinks the world of everyone on the Committee but she isn't willing to pay her tax dollars to subsidize the commercial businesses on Maddox Boulevard. She feels it would be great to get it but doesn't feel that it should be at everyone else's expense. She brought information that she would like to make available to Council.

- Ms. Alice Hogan of 7180 Fiddler Bay Lane thanked Council for putting the bike path in from Chicken City Road to the Family Dollar. She stated that those along the Assateague Channel are still waiting for Council to make a decision to change the Zone from C3 to C4. She explained that they have some active potential development issues with Maddox Campground. She feels that they should think about what they want that space for and if they want it developed or not. She stated that she went to the Planning Commission and advised that they seemed like

that will never happen. She wanted to bring this to Council's attention and doesn't want this lost in the course.

- Mrs. Mary Chrisman of 4235 Main Street congratulated Mayor Leonard and members of the Town Council. She stated that the Town and Fire Company had a wonderful 4th of July fireworks display. She stated that over the years there have been individuals that are not in the Fire Company who have given their time and effort working on the fireworks making sure they come off in a timely manner. She stated that her husband wanted her to mention Mr. Charlie Patton who is no longer with us was one of the first people who started out with the fireworks. She added that through his efforts and others they have the nice display that they had last night.

- Ms. Kathy Cherrix along with Mrs. Karen Quillen, Ms. Joanne Moore and Mr. Richard Anderson, all of Quillen Drive came before Council regarding the drainage ditch between the Town's property and Quillen's Mobile Home Park. Ms. Cherrix stated that the ditch behind the Community Center isn't working sufficiently and draining across the parking lot onto their properties. She feels the reason is because the ditch isn't open at the other end or not deep enough to handle it. She stated that the water comes full force swirling onto their properties. She also stated that the water is just sitting in the ditch that causes flooding in their yards.

Mrs. Quillen added that her patio had 3" of water in it.

Ms. Cherrix presented pictures.

Mrs. Quillen advised that she spoke with Public Works Director Spurlock explaining that if the other end of the ditch was cleared out and if the swale was dug out and thrown out where the line is it would create a berm so that the water wouldn't come onto their properties.

Ms. Cherrix also stated that if they would dig the ditch out it would help.

Public Works Director Spurlock advised that he has called in a locate to do some ditch repair.

STAFF UPDATE

Planning Department

Planning Director Marney stated that the Planning Report that was included in the agenda packet. He also stated that everything is progressing normally and there is nothing out of the ordinary. He added that the highlights for the Planning Department is the Wastewater Advisory Committee which will again meet July 9th. He also stated that the reimbursement with the DEQ is moving along and they have requested information from the consultant on the Main Street Project.

Police Department

Chief Mills advised that the monthly report is included in the packet. He added that the calls for service were almost identical to July of last. He also stated that the Department worked on their booth at the Carnival to earn money for the charity and the Poker Run.

Public Works Department

Public Works Director Spurlock stated that the Safe Routes to Schools Trail is substantially complete with the exception of the bike shelter to be built at the elementary school. He also stated that the Downtown Revitalization Project is almost complete. He added that they still have to put up signage and the landscaping will be done as well.

Mayor Leonard asked if there were supposed to be lights for the Safe Routes Projects.

Public Works Director Spurlock advised that ANEC was there today boring to put in the lights. He stated it is the same as the Downtown area.

There was discussion regarding distinction between the bike/walking path and the road. They also discussed when ANEC was putting up the light fixtures next week.

Councilwoman Bowden asked about park benches for bicyclist and walkers along the Hallie Whealton Smith path.

Public Works Director advised that they could purchase benches and it would come from the Parks and Recreation Fund.

General Government

Town Manager Ritter updated the report from the Emergency Medical Service. He reported that they responded to 101 calls for the month of June which is 12 more than June of 2015 and added that it makes it the busiest June ever. He advised that the EMS, Police and everyone did a great job with the 4th of July. He added that the EMS special shift is in place for July and August. He reported that the planning for Pony Penning is ongoing. He stated that the ANTARES launch is planned for August. He added that there will be a meeting in July for the hazard area and planning. He also reported that the General Government is working on the Blueberry Festival, the newsletter is completed and will be in the Beacon on the 14th.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of June 6, 2016**
- **Special Council Meeting of June 16, 2016**

Councilman Taylor motioned, seconded by Councilman Frese to adopt the minutes of the June 6, 2016 Regular Council Meeting and June 16, 2016 Special Council Meeting. Unanimously approved.

2. Selection of the Vice Mayor

Councilman Taylor motioned, seconded by Councilman Frese to elect Councilwoman Bowden as the Vice Mayor. Unanimously approved.

3. Joint Public Hearing with the Planning Commission on Zoning Ordinance 7.4.12 Pennants

Planning Commission Chairman Rosenberger advised that they have a quorum and their meeting is open.

Mayor Leonard advised that this is from the Planning Commission's suggestions on Pennants. He asked if there was any discussion with the Planning Commission.

Planning Director Marney stated that this came up a couple of meetings ago where a gentleman had applied for a permit to place American flag pennants along the frontage of his business. He stated that he was denied due to the length of the pennant in question. He also stated that due to the nature that he wanted to have a patriotic display and he approached the Planning Commission feeling that maybe there would be an exception to the patriotic display. He explained that this is what the amendment would be. He added that it gives a duration and length. He also stated that it makes sure to indicate that it be accurately detailed per the United States Code.

Mayor Leonard referred to the packet.

Councilwoman Richardson asked Planning Commission Chairman Rosenberger if there was intent. She understands that on that evening there was no permit required. She asked if "no fee" should be included on the permit.

Planning Commission Chairman Rosenberger advised that she was correct. He added that the intent is that there is no fee, but require a permit so that the Building and Zoning Administrator could verify that it was a real American flag.

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

Vice Mayor Bowden doesn't see any issue with this at all. She stated that it has been discussed and if you can't fly the American flag in any way shape or form then you might as well pack it up and go home. She stated that she has no issue with the way it is written.

Planning Commission Chairman Rosenberger stated that as far as the Planning Commission, it is their recommendation that this be accepted.

Councilman Frese stated that he has an issue to require any citizen to have a permit to fly the American flag. He feels it's a right that has been earned many times over by millions of service people who have fought this country. He believes that as long as it is an American flag which meets the criteria of the federal laws then Council has no right to require anyone to have a permit. He wants to strike the requirement to have a permit even if it's free.

Town Manager Ritter stated that the reason the permit is involved is because the front face of the main structure is how long the pennant can be. He stated that right now anyone can put a pennant a lot longer than the front façade of their building. He also added that the intent is to keep the same length or shorter.

Councilman Frese stated that the law states that you can't have a pennant longer than the width of the building. He also stated that you shouldn't have to have a permit.

Town Manager Ritter advised that it is a free permit so that Building and Zoning Administrator Lewis could inspect it.

Councilman Frese stated that you don't need a permit to fly the American flag. He stated that he doesn't feel they should subject the citizens to go and get a permit for an American Flag.

Town Planner Marney interposed that he wanted to play devil's advocate. He stated that what Town Manager Ritter is saying is accurate. He added that to an extent he wants to put out his own fault. He stated that it's still a pennant. He explained that to him it's an American flag and he had the privilege to put them up at his other job. He stated that there are stringent requirements as to what constitutes an American flag. He also stated that these will never meet that. He explained that their requirements are material, placement, heights in regards to a structure and heights in regards to other flags. Town Planner Marney also stated that these are pennants, a plastic replica. He stated that the Planning Commission is just trying to prevent this from becoming a nuisance and out of hand. He also stated that it has nothing to do with limiting patriotism. He added that it's a way to keep track of.

Councilman Frese stated that he wanted to play angel advocate. He stated that everyone knows what an American flag is. He stated that it's not a pennant or triangular piece or a shirt. He stated that there are federal laws which dictate the length verses the width, the number of stripes and the number of stars.

Councilman Frese continued that the Town doesn't need someone to be sitting in an office to tell us whether we have an American flag or not. He stated that the Town shouldn't subject the citizens to an inspection of whether it's an American flag or not.

Mayor Leonard feels he's missing the point. He stated that they aren't talking about flags. He stated that they are talking about pennants. He also stated that everyone has a God given right to fly a flag. He added that a pennant is something completely different. Councilman Frese stated that he was talking about a flag.

Planning Director Marney stated that this addresses pennants and doesn't address the flag.

Councilman Frese stated that you can put anything you want about a pennant. He advised he was talking about a flag.

Planning Director Marney stated that this is about pennants. He added that this is specifically addressing pennants. He also stated that this is what this alteration is for. He stated that if Council wants to strike this then he has no objection to that. He stated that was only giving his logical thoughts on it. He stated that they are talking about pennants with the likeness.

There was further discussion.

There was a question from the audience. She asked if it would be allowed if it were a Mexican restaurant or store putting up a Mexican flag and banner across the front of the store.

Planning Director Marney responded that it wouldn't be allowed. He stated that this specifically addresses American flag. He explained that it is defined in the United States Code and the Executive Order that created the standards of the American flag and nothing else.

She asked if this leaves the Town open for a law suit of allowing one without the other.

Planning Director Marney stated that this is a question for the attorney.

Mayor Leonard asked if there was any further discussion.

Councilman Lewis asked if this was any pennant or just American flag pennants.

Planning Commission Chairman Rosenberger stated that it is just American flag pennants.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the amendment with the additional statement of "No Fee Required" to Zoning Ordinance 7.4.12 Pennants. Unanimously approved.

7.4.12. Pennants. There shall be no more than two fifty foot (50') long pennants, or one (1) one hundred foot (100') long pennant per business. Such placement shall not exceed two (2) times per calendar year not to exceed two (2) consecutive weeks for each placement. Nonprofit organizations are exempt from the above time limit provided the pennant or pennants are removed within seven day after the event has ended. Placement of such pennants must comply with Article VII of this ordinance. Pennants shall not be placed closer than ten feet (10') from any property line. A permit is required. Pennants displaying the likeness of the American Flag are exempt from the above time & length limits. These pennants shall be no longer than the front façade of the main structure. The likeness of the American Flag must follow all the proper detail, proportions, and design as given in Executive Order 10834 / Chapter 1 of Title 4 of the United States Code. Any such pennant shall comply with all other applicable provisions of Article VII, except as expressly excepted. A permit is required.

4. Eagle Scout Project

Mr. Larry Lederer with the Island Boy Scout Troop 323 came back to Council about his Eagle Scout Project request. He would like to build a picnic table at the Waterman's Memorial. He advised that it will be a picnic table on top of the deck with the Boy Scout logos on the table top. He feels it will benefit the community and tourist as they visit the Waterman's Memorial. He advised that as soon as he gets approval and funding he will begin. He stated that the deck will be cemented and anchored so it won't blow over or be stolen. He is requesting approval from the Town.

Councilwoman Richardson asked if it was one table that he is requesting to build.

Mr. Lederer advised that it will be only one table.

There was further discussion about placement and not being close to the edge.

Mayor Leonard stated that the project will be built at Mariner's Point which is a Town Park. He wanted to clarify this. He stated that Mr. Lederer stated that it will be at the Waterman's Memorial.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the proposed Eagle Scout Project of a picnic table at the Mariner's Point as presented. Unanimously approved.

5. Committee Appointments and Assignments

Mayor Leonard referred to the committee appointments and assignments that are included in the packet.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Committee appointments. Unanimously approved.

Mayor & Council Two Year Committee Appointments July 5, 2016 – June 30, 2018

Meeting Day and Time

Budget & Personnel Committee

Ben Ellis - Chair

Gene Wayne Taylor

Arthur Leonard

Subject to change by the

2nd Tuesday @ 5:00 PM

Every Other Month

Ordinance Committee

Gene Wayne Taylor – Chair

Denise Bowden

Jim Frese

2nd Thursday @ 5:00 PM

Every Other Month

Meals Tax Committee

Jim Frese

process

As needed during the budget

Harbor Committee

Arthur Leonard – Chair

Ben Ellis

1st Thursday @ 5:00 PM

Every Other Month

Recreation & Community Enhancement Committee

Denise Bowden – Chair

Eddie Lewis

Gene Wayne Taylor

2nd Tuesday @ 5:00 PM

Every Other Month

Public Works Committee

Ellen Richardson – Chair
Arthur Leonard
Eddie Lewis

1st Tuesday @ 5:00 PM
Every Other Month

Planning Commission

Ben Ellis

2nd Tuesday @ 7:00 PM

Cemetery Committee

Ellen Richardson – Chair
Jim Frese

1st Thursday @ 6:00 PM
As needed

Public Safety – Police, EMS, EOC

Arthur Leonard - Chair
Eddie Lewis
Denise Bowden

1st Tuesday @ 5:00 PM
Every Other Month

Liaison Committee

Arthur Leonard
Ellen Richardson
Denise Bowden

As needed

Chincoteague Recreation & Convention Center Authority

Ben Ellis

2nd Monday @ 3:00 PM

Notes:

Trolley's under Robert Ritter, General Government and Transportation issues under Public Works Chairperson may call an additional meeting or cancel meetings subject to the importance of the agenda item ('s).

6. The Center Appointments

Mayor Leonard advised that two individuals have resigned from the Chincoteague Recreation and Convention Center Authority. He listed the following individuals who have shown interest for the two vacancies:

Lee D. Armbuster
Harry Stanely Thornton
Jack G. Van Dame
Cynthia Leonard Wilder
Robert "Bob" Zoller

Mayor Leonard explained that they will do the nominations for one position. He opened the floor for nominations for the 1st vacancy of Mr. Steve Potts whose term ends December 4, 2018.

Councilman Frese nominated Mr. Lee Armbuster. All were in favor.

Mayor Leonard stated that there is another vacated seat of Mrs. Lynn Ballerini whose term also ends December 4, 2018. He opened the floor for nominations for the 2nd vacancy.

Councilman Taylor nominated Mr. Bob Zoller. All were in favor.

Councilman Ellis stated that there were 5 applicants for 2 vacant positions. He feels this is unique. He stated that each of those applicants were truly outstanding. He advised that they were requested to write a resume and answer 4 questions. He also stated that Council has filled the vacant positions but have 3 folks who are willing and capable of serving. He stated that they aren't taking advantage of them. Councilman Ellis also stated that they received an opinion from an attorney in November 2015 about the Center Authority. He advised that the State Code states that the Center Authority is composed of a minimum of 5 members and a maximum of 17. He also stated that in the Town Ordinance approved in 1991 that created the Authority and in its By-Laws indicates it will be composed of 5 members. He added that it also indicates that membership or anything about that Ordinance can be modified. He suggested and asked for interest from Council to consider changing the Ordinance to have something like the State has which includes a minimum of and a maximum of. He doesn't feel the Town is taking advantage of the folks who are willing to do something with excellent ideas about the management, organization and how the Center could better serve the community. He feels this should be something they could consider.

Councilman Taylor agreed that those people are highly qualified and he would be honored to have these people serve on other committees.

Town Manager Ritter advised that he will send this to the Ordinance Committee.

7. Harbor Committee Report of June 2, 2016

- **Recommend a Future Travel Lift**

Mayor Leonard advised that the main issue besides of the parking lot being paved was the completion of a boat lift. He stated that in the original plans there was a boat lift and they are trying to finish what the Harbor was supposed to be. He also stated it was supposed to be a Harbor of Refuge. He added that if a vessel came into the Harbor that was damaged they don't have a way to help them. He added that they are asking the Town Council for approval to continue looking into a lift.

Councilman Taylor stated that they also need to look into a jetty. He feels Council needs to get involved in this as soon as possible.

Mayor Leonard advised that the Army Corps is going down there to look at it. He stated that because it is a Harbor of Refuge it gives it a higher priority. He believes that the jetty is on the scope for the Corps of Engineers. He stated they had a meeting and they are going to study the Inlet and what's happening to the beach. He believes that they have passed the budgetary steps to make this happen. He advised that he will call to see where the Town is.

Town Manager Ritter stated that there is an actual place holder in the water Resources Development act made for this this project and next would be put funding in it.

Mayor Leonard stated that they need to discuss the travel lift.

Councilman Frese stated that there is an investor group that wants to buy and operate the travel lift itself. He added that the only thing the Town would have to supply is the 2 railways.

Town Manager Ritter stated that a few years ago Fisher's Marine was going to put one in but felt they wouldn't get enough work out of it. He added that the gentleman that expressed interest has an investment group. He explained some of the details.

Mayor Leonard stated that they aren't spending money tonight. He advised that they are looking for the go-ahead so they can tell the investor group that the Town is behind them.

Councilman Ellis asked about funding.

Mayor Leonard stated that the investment group is funding the travel lift itself. He stated that most of the engineering has been done.

Councilman Frese stated that this would be a facility and would be the Town's responsibility to supply that for the people.

Councilman Frese motioned, seconded by Councilman Lewis to approve the commitment of a travel lift. Unanimously approved.

8. Public Safety Committee Report of June 7, 2016.

• Possible Adoption of the Towing Ordinance

Mayor Leonard stated that staff is requesting that Council pass a motion to amend Chapter 58, Article VI, Stopping, Standing and Parking to require parking signs and establish vehicle towing regulations. He stated that it is in red in the packet.

Chief Mills advised that there is language to be removed and add which will bring the Town's Parking Ordinances up with State Code. He stated that it puts the Town into an agreement with the tow companies. He continued that it gives a working arrangement where they benefit by being on the list to be called. He added that it also benefits the Town with a discounted rate if towed on the Island. He also stated that it takes the liability away from the Town by passing this. He advised of the specific way signage should be worded. He added that it keeps a close watch on the tow companies to make sure they're in compliance with certifications and insurance. He also stated that it adds new regulations regarding special events such as Pony Penning "No Parking" signs.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Towing Ordinance. Unanimously approved.

Purposed ordinances are as follows:

Section 1. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the

purpose of standing or parking such vehicle or for any person to stop, stand or park any vehicle in such lot or lot area. All such violations where the property has been properly marked, the vehicle shall be towed and stored for safe keeping.

Section 2. Violation of parking regulations on Town-owned or leased property prohibited. It shall be unlawful for any person to park any motor vehicle of a type or in a manner which violates the provisions of any rule or regulation restricting the parking of motor vehicles.

Section 3. Presumption of guilt of vehicle owner violating Section 2 in any prosecution under Section 2, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such rule or regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Code of Virginia, Section 46.2-600 shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time during which such violation occurred.

Section 4. No parking area for Special Events

There shall be no parking on the last Wednesday in July from 0500 until 1600, on Ridge Road from Pony Swim Lane to Bunting Road. There will be no parking on Beebe Road or Main Street from Beebe Road to Davis Street.

There shall be no parking during the 4th of July Fireworks on the following streets, Jester Street, Willow Street and Pension Street.

Any violation of this ordinance shall be towed at owner expense.

Section 5. No Parking Maddox Blvd.

There shall be no parking on Maddox Blvd. from May 1 until September 1. Any violation of this ordinance shall be towed at owner expense.

Sign Requirements

Must be Permanent signs, clearly visible during daytime and nighttime hours, shall be posted at all entrances to the parking area that conspicuously disclose that such Vehicle shall be towed.

Signs, at a minimum

Shall be made of metal

18 inches high and 12 inches wide

Contain Reflective graphics

Contain International towing symbol

Contain "Towing Enforced"

Allowable length of parking

Contain "If towed call 757-336-3155"

If posted on a government road must meet VDOT requirements

9. Selection of a Wastewater Consultant

Wastewater Advisory Committee Chairman Papadopoulos congratulated Mayor Leonard and Council and advised he is looking forward to working with them. He stated that the Wastewater

Advisory Committee was established in May 2011. He stated that it was formulated in July. He advised that it is comprised of himself as the Chairman, Mr. Mike Tolbert as the Vice Chairman, Mr. Scott Chesson, Mr. Kelly Conklin and Mr. Tommy Clark. He stated that they defined and worked on the goals. He advised that they issued 2 newsletters giving the progress. He added that he gave regular progress reports and briefings to Council.

Wastewater Advisory Committee Chairman Papadopoulos stated that they are following a particular process to address an issue which is an economic engine of tourism for Chincoteague. He stated that they have defined that Maddox Boulevard from the Museum all the way down Main Street south to Bunting Road is the primary commercial corridor that is reflected in the zoning of the Town. He also feels they need sewerage. He stated that there isn't sewer infrastructure that will serve any future businesses on that corridor. He stated that a survey was performed with businesses where the feedback was overwhelmingly in favor of a sewer system. He stated that they haven't received direction from Council. He feels the next step is the cost to install and operate along with the reserves for replenishment, repair or renewal.

Wastewater Advisory Committee Chairman Papadopoulos stated that engineer studies and costs is what is needed. He stated that they have developed a list of 10 firms, 8 of whom have expressed interest. He reported that 3 have been invited for interviews which took place on June 21st and 22nd. He advised that those on the Selection Committee were; Planning Commission Chairman Rosenberger, Councilman Ellis, himself, Public Works Director Spurlock, Town Manager Ritter and Town Planner Marney. He stated that they went to the trouble of creating 20 items for the selection criteria. He stated that they were individually scored and the selection was made on the ranking. He announced that the 3 firms were; Clark Nexen, GMB and Duffield. He stated that Duffield was the most likely firm.

Wastewater Advisory Committee Chairman Papadopoulos stated that they want to place the burden of construction on the Maddox Boulevard corridor businesses. He stated that it will be the businesses that want to get on that utility to pay for it and not the taxpayers of Chincoteague. He also stated that last year there was a conference on Virginia Tourism. He stated that the Chamber of Commerce came back in November and stated that there is a micro grant of \$10,000 payable to the Chamber of Commerce for driving tourism. He stated that he met with the Chamber of Commerce and assisted them in the completion of the application. He advised that the Chamber members wanted this micro grant to be used for wastewater. He stated that the Chamber of Commerce was awarded \$10,000 which was given to the Town to help.

Wastewater Advisory Committee Chairman Papadopoulos reported that the Committee wants Council to allow them to move forward with scope and fee negotiations. He also advised that they have to follow the Virginia Procurement Act. He stated that once they find a firm based on qualifications then they can enter a fee negotiation. He also stated that once they establish that, then they can return to Council. He added that there is no expense to the taxpayers at this time. He stated that the recommendation from the Wastewater Advisory Committee and staff is to move to proceed with scope and fee negotiations with Duffield Associates and bring the results of the scope and fee negotiations back to Council for approval. Wastewater Advisory Committee Chairman Papadopoulos added that he is sorry that nothing has been done. He stated that the Wastewater Advisory Committee meets with an open agenda.

There was brief discussion.

Councilman Frese referred to the survey of the Maddox Boulevard businesses and asked if they are all willing to put up the money.

Wastewater Advisory Committee Chairman Papadopoulos responded that they are willing to learn how much it's going to cost. He stated that the Committee has never told them how much because they didn't know.

Councilman Frese asked if these people know they are going to be responsible for these costs.

Wastewater Advisory Committee Chairman Papadopoulos responded that they do not know. Councilman Frese asked Wastewater Advisory Committee Chairman Papadopoulos who would be responsible.

Wastewater Advisory Committee Chairman Papadopoulos stated that they would rather find out what they need to do first and how much it costs then come back to discuss the money.

Councilman Frese stated that the people are for it but he doesn't know if they're willing to pay for it. He stated that he is worried about where the money will come from.

Mayor Leonard stated that this is what they want to find out. He explained that they have been doing a lot of background work and now they need to further refine it.

Councilman Ellis stated that the word scope was used. He asked if this will give the Town an idea of what the cost will be and what it will look like if they move forward.

Wastewater Advisory Committee Chairman Papadopoulos stated that this is the idea of what they are going to do.

Councilman Ellis stated that right now they can't go to citizens with a number and this is where the Town gets the number.

Wastewater Advisory Committee Chairman Papadopoulos stated that this was correct. He stated that it's important to remember that the Town can have the E.P.A. force the Town to do it. He also stated that the Town will be in panic mode to comply. He stated that the fact is that the Town doesn't have a clean town as far as wastewater is concerned along with several failing fields especially in the commercial corridor. He discussed the Sunset Bay wastewater system and those who have chosen to participate.

Councilman Frese asked if the same thing is going to happen on Maddox Boulevard or if the Town will be stuck with that. He also asked if they could duplicate what has been done on Main Street.

Wastewater Advisory Committee Chairman Papadopoulos stated that it is a completely different issue. He also stated that Sunset Bay has an advantage because they are proactive by installing their overboard discharge system.

Councilman Frese stated that Wastewater Advisory Committee Chairman Papadopoulos said they spoke with Maddox Boulevard and they were all for it.

Wastewater Advisory Committee Chairman Papadopoulos stated that those who participated in the survey all agreed.

Vice Mayor Bowden explained that if she sees a toy that she would like to buy, she's going to inquire about the price before she buys it. She stated that they are just getting their facts together and it's either yes or no.

Councilman Frese understood but, is concerned that it could cost \$50,000.

Wastewater Advisory Committee Chairman Papadopoulos stated that what he has is in the Virginia Public Procurement Act and cost wasn't discussed.

Councilman Taylor asked why they were more impressed with Duffield than GMB.

Wastewater Advisory Committee Chairman Papadopoulos stated that he doesn't have the ranking.

Town Planner Marney stated that he has the rankings in his office. He added that they were within a handful of points of each other.

Wastewater Advisory Committee Chairman Papadopoulos explained that it's very common when you have very qualifying firms. He mentioned the evaluation criteria and that the Committee members ranked each firm individually.

Councilman Ellis stated that there has been some discretion about the need for a referendum. He also stated that neither the citizens nor Council can make a decision without more information. He added that they are asking to move forward to get that information before they make a decision.

Wastewater Advisory Committee Chairman Papadopoulos stated that this is what he has been saying. He stated that they want Council to give the approval to move on to the next step. He also stated that in the spirit of transparency the citizens and Council have been made aware of where they are. He stated that they need to know what they want to do and the cost.

Councilman Ellis stated that once they get that information they can make the decision.

Mayor Leonard thanked the Wastewater Advisory Committee as they have worked very hard.

Councilman Taylor motioned, seconded by Vice Mayor Bowden to approve Duffield Associates as the Wastewater Consultant and for the Wastewater Advisory Committee to negotiate the scope and fees. Unanimously approved.

10. Approval of Banking Account Signatures

Mayor Leonard advised that it is customary to make the change in bank signature cards with the change in Mayor and Council.

Councilwoman Richardson made a motion, seconded by Councilman Lewis that Mayor Leonard and Vice Mayor Bowden are approved to sign the bank signature cards. Unanimously approved.

11. Mayor and Council Announcements or Comments

Councilman Taylor stated that the Town is very fortunate to have the volunteers. He mentioned the volunteers that don't live on the Island. He added that it benefits the Town. He thanked the Boy Scouts for all their hard work. He also stated that it is nice to see a full house. He requested to give Town Planner Marney the tools he needs to get the Town up to speed online.

Councilman Ellis stated that Mrs. Ryan with the Island Library Board made a presentation at the June meeting. He stated that there was interest among Councilmembers about possibly providing financial support from the Town. He asked if this would be put on the Budget and Personnel Committee agenda. He also thanked Town Manager Ritter for getting the agenda on the Town's website.

Councilman Lewis asked about purchasing new chairs for the audience in the Council chambers.

Vice Mayor Bowden stated that Mrs. Chrisman talked about the Fire Company and the Town. She stated that the Chamber has a big part along with funding and getting the word out as well. She also mentioned the yellow line on Main Street. She stated that she was disheartened to find out that the residents weren't kept up to speed on the whole process. She expressed the importance of communication.

Councilwoman Richardson stated that she appreciated working with those on the past Council and looking forward to working with the new Council. She feels that they should work and pull together. She stated that she knows a lot about that (yellow) line. She advised that she has witnessed a lot of near misses of a head-on collision. She understands the parking issues but also believes that they were notified.

Public Works Director Spurlock stated that they were given the information that they were addressing the issue. He added that he is unaware if they knew and the final decision may not have been sent out.

Councilwoman Richardson stated that they (yellow lines) are there for the benefit for everyone.

Mayor Leonard thanked everyone. He stated that he wants the public to come out. He added that if they don't come and speak then they can hold the peace.

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

• **Council Appointment for the Town Attorney**

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

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

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

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

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

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

VOTE: Ayes- Jester, Frese, Leonard, Taylor, Ellis, Richardson

Nays- None

Absent- None

13. Town Attorney Appointment

Councilman Taylor motioned, seconded by Councilman Frese to hire William W. Fox, II as the Town Attorney accepting his engagement letter and fee schedule. Unanimously approved.

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE AUGUST 1, 2016
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Vice Mayor
Edward W. Lewis, Jr., Councilman
Denise P. Bowden, Councilwoman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

Mayor Leonard welcomed the new Town Attorney, William Fox.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Leonard opened the floor for public participation.

- Ms. Barbara Walker, Merritt Drive, came before Council to express her concerns regarding safety because of the mosquito truck. She advised that it isn't all of the drivers. She stated that there are children in her neighborhood and she has heard other complaints. She stated that one of the drivers is driving very fast. She expressed the safety issue with the children and asked Council to slow him down.

- Chamber Director Shotwell gave a handout of statistics of the recent events. She thanked the Fire Company, the Town and Public Works for everything last week. She stated that there were many people on the Island and crowds were bigger. She reported that in the Chamber office they were up 18% from last year. She advised that they saw 757 people in the office last week and 397 phone calls which were up 5%. She advised that there was good television coverage from several stations. Chamber Director Shotwell talked about the views of a video she and Mrs. Moore posted of the swim and Pony parade.

Chamber Director Shotwell also stated that they start in January with the availability for Pony Penning. She stated that they delivered Shuttle information to every business and every Chamber member along with putting it on the website and Facebook. She added that the information is out there to help everyone get around. She advised that information is found on the Chamber's website or on the Town's or Fire Company's websites. She also reported that there is a video regarding Ford Magazine which was done during the Spring Roundup. Councilman Ellis thanked Chamber Director Shotwell and the Chamber for everything that they do.

Vice Mayor Bowden stated that she noticed on the Pony Parade route there were many more people than she has seen in the past. She also stated that in the information stand there were more first timers. She also thanked the Chamber.

Mayor Leonard stated that if anyone knows anyone who would like to volunteer for the Pony Shuttle to please come into the Town Office. He advised that this was a deficiency this year.

Chamber Director Shotwell stated that they noticed a lapse on Thursday when the Trolleys stopped running at 1:00 p.m. She advised that she noticed a lot of people without transportation until 5:00 p.m. She suggested looking into extending this on Thursday. She added that she didn't notice this for the swim back on Friday.

- Mrs. Peggy Thomas of Eastside Road came back to Council regarding the mosquitoes. She asked why they would only spray over her house one time. She stated that 2 and 3 years ago they sprayed all over the marsh and back and forth.

Mayor Leonard explained that the airplane that sprays has improved their method of spraying. He stated that they only have to spray once as opposed to 3 sprays.

Mrs. Thomas stated that the mosquitoes get in her car before she does. She added that they aren't doing any good as far as she can see.

Vice Mayor Bowden stated that she has heard this all week long. She stated that Public Works Director Spurlock could answer this better. She is unsure if they're using a different chemical or not making enough passes. She stated that personally the coverage has been inadequate.

Mrs. Thomas advised that the campers from Tom's Cove left.

Councilman Frese agreed with Mrs. Thomas.

Mayor Leonard welcomed Island Supervisor Billy Joe Tarr.

STAFF UPDATE

Planning Department

Planning Director Marney stated that the Planning Commission didn't meet in July and the next meeting is scheduled for August 9th. He advised that their topic will be the possible amendment regarding tattoo parlors. He stated that regarding the CRS and FEMA, he was able to get in contact with Ms. Groves and they worked out the mailer and is in the process of going out. He discussed the annual review. He advised that they will not do the annual review in August because they are in the process of doing the 5 year review that started last year. He also added that they are not going to have to do recertification.

Planning Director Marney discussed the savings that will go from 10% to 15%. He stated that everything else is pretty much the same. He also reported that they sent a response letter regarding a draft environmental assessment at Wallops where they are expanding an area for restricted air space. He explained what was in the letter. He also stated that the comments were

due today but has been extended until September 1st. He added that they are holding public workshops at the visitor center.

Police Department

Chief Mills advised that the monthly report is included in the packet. He reported that there were 400 calls for service.

Public Works Department

Public Works Director Spurlock stated that the only addition to the monthly report is with the exception of a couple of street names and street lights the downtown revitalization project is completed.

Councilman Ellis stated that last month there were 4 ladies raising concerns about the drainage between the Municipal property and Quillen's Mobile Home Park. He advised that Mrs. Quillen expressed how satisfied and happy she was with the quality of work that was done.

Public Works Director Spurlock stated that after the plane goes over and the counts are taken the counts go to virtually 0. He stated that sometimes they fly too soon and they're still in a very active hatch. He advised that the mosquitoes have a 7 – 10 day gestation period. He also stated that the plane puts out a very fine mist which carries more by the wind with a longer hang-time killing more mosquitoes. He added that they did a count this morning and counted a significant number in various locations on the Island. He feels the plane has made a significant impact. He reiterated that it is all a matter of timing.

Councilman Taylor asked how long the Town has been using the current chemical.

Public Works Director Spurlock advised that it was being used well before he started working for the Town.

Mayor Leonard added that there are different types of mosquitoes. He explained that there are mosquitoes you see in the morning and there are those that come out after dark. He added that the plane can't affect those.

Public Works Director Spurlock stated that they have to be out during the spray to be effective. He further stated that there is a breed of mosquito which is notorious for being night biters.

Vice Mayor Bowden explained that she can be on Ocean Boulevard and not see a mosquito but go over to Highland Park and be eaten up. She doesn't understand. She feels that they should make a couple more passes over.

Public Works Director Spurlock suggested that those in Highland Park are coming over from Assateague.

Vice Mayor Bowden stated that personally she would like to see a few more passes with the plane.

Public Works Director Spurlock stated that the plane sprays a little more than 30 gallons. He added that they can put out more chemicals above what the manufacturer recommends.

Vice Mayor Bowden feels they're having more issues than in the past. She advised that the complaints she received have been about mosquitoes.

There was discussion about changing equipment and spraying more along with more passes.

General Government

Town Manager Ritter updated the report from the Emergency Medical Service. He reported that they responded to 157 calls for the month of July which is 49 more than July of 2015. He advised that this is the busiest July on record. He added that this doesn't include 28 incidents at the Pony Swim and 74 treated by the medical reserve during the 2 day swim. He also reported that ALS calls were 63, BLS calls were 56 and others were 38. He reported that the ANTARES launch is still scheduled for the 22nd. He stated that they will be meeting with NASA tomorrow. He added that the fireworks celebration went off successfully. Town Manager Ritter reported that NOAA installed a weather monitor on a buoy. He also added that they will meet this week with the cooperative agencies with the U. S. Fish and Wildlife and Park Service to review beach parking.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

• Regular Council Meeting of July 5, 2016

Vice Mayor Bowden asked for a correction on page 20 under the votes to add Bowden and remove Leonard.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to adopt the minutes of the July 5, 2016 Regular Council Meeting as corrected. Unanimously approved.

2. Ordinance Committee Report of July 14, 2016

- Possible Adoption of Chapter 26, Fire Prevention and Protection, Article I, In General Section 26-5, Statewide Fire Prevention Code**
- Possible Adoption of Chapter 54, Taxation, Article II, Property Tax, Division 2. Real Estate Tax, Section 54-61, Levied**

Councilman Taylor stated they discussed allowing tattoo art in the Town and it was sent to the Planning Commission to review it and allow it in the most professional way. He stated that he appreciates it being on the agenda to be open and honest to discuss. He also stated that the other one is a statewide Fire Prevention Code. He asked if Mr. Surran would like to explain this.

Mr. Surran stated that the statewide Fire Prevention Code has been in effect since 1987 and is the law of the land depending on how it's enforced. He stated that Accomack County voted to enforce the Fire Code in 1990. He also stated that it was under the Building Department and since that gentleman has retired it has been moved to the Department of Public Safety to take

over enforcement of the Fire Code. He also stated that in April he was appointed as the County Fire Official.

Mr. Surran continued that he was asked to send a letter to the Town informing of the change. He further explained that it allows the Town to adopt enforcement for the County to take care of this. He stated that he would be able to inspect the commercial buildings making sure they are in compliance with the Fire Code. He stated that he usually begins with the buildings with higher hazards. He went on to explain what he inspects. He stated that when he finds anything that needs to be corrected he files a report and gives them sufficient amount of time to make those corrections.

Mr. Surran stated that the Town utilizes the State Fire Marshall's office to review new construction plans making sure the right fire suppression system is installed. He would be able to consult as well.

Councilwoman Richardson asked if there was a charge to the Town or to the individual.

Mr. Surran advised that there is no cost to the Town or the owner. He stated that violation of the Fire Code is a misdemeanor if it comes to it. He added that there are no associated fees.

Councilman Taylor stated that there are extreme situations and to work with them is appreciated.

Mr. Surran added that they aren't out to write tickets they want to make things right.

Councilman Taylor also stated that our tax payer dollars are paying for this. He stated that he appreciates the county coming and doing this for the Town. He also thanked Supervisor Tarr.

Mayor Leonard asked if there is a way to send information to the businesses letting them know of the situation.

Mr. Surran stated that one of the things he did with the County is work with the Chamber of Commerce and send out notices to businesses giving the things he looks for. He went to businesses giving them his business cards explaining that he would be inspecting the next week and what he will be looking for. He also stated that he has an occasional complaint that he has to address.

Mayor Leonard asked for discussion from Council.

Councilman Taylor stated that this has been to the Ordinance Committee and they recommend approval.

Vice Mayor Bowden stated that she advised at the Ordinance Committee meeting they brought up a violation. She understands this is a safety thing and has to be done. She stated that as Chamber Director Shotwell pointed we have many more visitors and the Town needs to keep them safe.

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt Chapter 26, Fire Prevention and Protection, Article I., In General, Section 26-5, Statewide Fire Prevention Code. Unanimously approved.

Sec. 26-5. Statewide Fire Prevention Code

The Town of Chincoteague adopts enforcement of the Virginia Statewide Fire Prevention Code in its present and future editions. Through agreement, the Accomack County fire official will be used as the town fire official.

Councilman Taylor stated that the next item is a change to Chapter 54. He explained they had wrong tax dollar numbers in there.

Town Manager Ritter explained that they were inserting the language annually. He added that it hasn't been changed showing a real estate tax rate of 10% which should only be 7%. He also stated that in 1994 the Town did away with the Mosquito Control Authority. He explained that at that time Town Attorney Poulson advised that if they didn't have a Mosquito Control Authority they couldn't collect taxes for it. Town Manager Ritter stated that they rolled the mosquito control tax into the real estate taxes at that time. He added that this is a housekeeping item to keep up what they have been practicing in the past.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt Chapter 54, Taxation, Article II, Property Tax, Division 2. Real Estate Tax, Section 54-61, Levied. Unanimously approved.

Sec. 54-61. Levied.

(a) There is levied an annual tax on real property within the corporate limits at ~~the a~~ rate **established annually as a part of the adopted budget for the town** ~~\$0.10 per \$100.00 of valuation,~~ which tax shall be administered as provided generally in Code of Virginia, § 58.1-3200 et seq.

(Amended 06-02-03)

~~(b) There is hereby levied an annual tax on real property and mobile homes within the corporate limits at the rate of three cents per one hundred dollars (\$0.03/100) of valuation, which tax shall be used for the control of mosquitoes by drainage, fogging, larvaciding, aerial spraying, etc. within the corporate limits. Revenue received shall be maintained as an enterprise fund of the town. The mosquito control program shall be administered by a two member committee of council.~~

~~(Code 1977, § 6-1; Ord. of 6-18-1998; Ord. of 10-19-2000 (b)) (Amended 06-02-03)~~

Secs. 54-62—54-90. Reserved.

Councilman Taylor then stated that they also discussed making a change to the Community Center Authority to allow more volunteers for the board. He stated that after discussing this with Town Attorney Fox they decided to leave it as it is for now to keep the continuity. He added that this has been tabled to keep it as it is and review at another time. He expressed his appreciation for those who volunteered to be on this committee. He added that Council's job is easier because of the time the volunteers put in.

3. Proclamation in Recognition of Farmers Market Week

Mayor Leonard explained the Proclamation.

Town Manager Ritter read the Proclamation.



Town of Chincoteague

Proclamation

Virginia Farmers' Market Week, August 7-13, 2016

To recognize Virginia Farmers' Market Week of August 7-13, 2016, 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 7-13, 2016, as Virginia Farmers' Market Week in Chincoteague Island, Virginia.

Given under my hand and Seal of the Town of Chincoteague, Virginia this 1st Day of August, 2016.

John Arthur Leonard
Mayor

Councilman Taylor stated that agriculture and aquaculture has to have each other's backs. He trusts our local agriculture and aquaculture rather than those from other areas and states.

4. Mayor and Council Announcements or Comments

Vice Mayor Bowden stated that this was probably one of the smoothest and easiest Pony Pennings she has experienced in the 26 years she has been in the Fire Company. She stated that the Chamber did a fantastic job. She also stated that the Town did a fantastic job with the trolleys and everything else. She added that this was the first year in 26 years that she has had no complaints about anything. She thanked the Town's hard work with the Trolleys and the Chamber for everything they do.

Councilman Lewis thanked the Police Department, the Public Works Department and Town Office crew for a great job during Pony Penning Week.

Councilman Ellis stated that Mayor Leonard made him chairman of the Budget and Personnel Committee. He would like to see the Committee proactive. He advised that if Council has something they want the Budget and Personnel Committee to work on during the fiscal year to get it to Town Manager Ritter or himself. He would like to get together some sort of work plan to identify where they want to go.

Councilman Taylor stated that mosquito spraying is what everyone is dealing with. He advised that he went to the Zika virus class that the County sponsored. He stated that those mosquitoes weren't in the United States then, but are now in Florida. He also stated that it's scary and they aren't saving one dime in the budget because this year is different. Councilman Taylor stated that they will have to spray more times. He also stated that they made a commitment to the public that the Town would do their very best to keep the mosquito count down. He asked the citizens to bear with the Town. He suggested reminding everyone to empty standing water in dog bowls, boats and tires.

Mayor Leonard congratulated the whole Town of Chincoteague. He stated that Pony Penning is Chincoteague Homecoming and it is shared with many visitors. He also stated to take in that many people in a week to share the experience says a lot for the Town. He also stated that the Fire Company did a great job manning everything at the carnival. He added that you take the good with the bad.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE AUGUST 18, 2016
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Edward W. Lewis, Jr., Councilman
Ellen Richardson, Councilwoman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discuss Long Term Planning Considerations for Future Capital Expenditures

Mayor Leonard mentioned that the Plan is in the packet. He asked the new Councilmembers if they had anything to add.

Vice Mayor Bowden stated that when she was running for Council she was thinking about improvements to the Post Office. She stated that there isn't much land and the Post Office building is privately owned. She would like to see if anything can be done to obtain more land for parking. She added that it's the busiest Post Offices on the Eastern Shore with the least parking.

Councilman Frese asked if the Town could approach the Methodist Church about allowing Post Office parking if the Town puts the parking lot under their insurance umbrella. He also suggested offering rental.

Mayor Leonard suggested opening the fence large enough for foot traffic.

Councilman Frese feels the Town would have to pass a Resolution prior to adding this to the insurance.

Town Manager Ritter asked why the Post Office isn't going to the Methodist Church about this. He feels the Post Office should have done this before it got to this point.

Councilman Frese agreed and added that the Town is dealing with the federal government and it would take quite a bit of time.

Councilman Taylor stated that there can't be complaints or they may close this Post Office. He feels the cheapest and easiest way to do it is the way to go.

Mayor Leonard asked Councilman Lewis if he had anything to add to the list.

Councilman Lewis stated that he would like to see sidewalks all the way down Maddox Boulevard.

Town Manager Ritter stated that this is on the 5 year plan.

Mayor Leonard added that the lights have been approved. He stated that sidewalks, lights and bike paths are definitely in the plan.

Town Manager Ritter stated that they went to the U. S. Fish & Wildlife about a month or so ago. He reported that they obtained the Sarbains money of \$1.5 million which will put the sidewalks in from the traffic circle to the bridge. He added that they are doing the paperwork , the Town will do the work and draw down from those funds.

Councilman Taylor asked where the Town is on the ownership matter.

Town Manager Ritter stated that Town Attorney Fox has talked with the County and will report back.

Mayor Leonard asked if the different departments had anything to add.

There was nothing from the departments.

Mayor Leonard stated that a community pool is listed on the 15 year plan. He stated that he has received comments at the public meetings. He added that the riptides at the beach have been strong and feels a community pool would help the community greatly. He requested that it be moved up.

Councilman Lewis stated that the Town of Onley has a nice pool. He suggested contacting them.

There was brief discussion.

EMS Supervisor Rush stated that when he came before Council in February they could potentially hold off another 2 years for more full time staff. He stated that with the numbers

from this summer this won't happen. He advised that they are getting the accolades but also getting the people here. He added that the last 3 months have been the busiest months ever. EMS Supervisor Rush also stated that they are currently on pace to set a record for August as well. He stated that the Fire Company has approached him and they approved to continue the special shift through Columbus Day weekend which will be paid by the Fire Company. He feels that this needs to be on the radar. He added that they have done everything they can to raise volunteerism up. He also stated that there is no way this community can keep up without adding personnel to do it.

Councilman Taylor stated that this came up in the Youth Council. He asked if it would be sufficient if they could charge at the rate to be fairly self-sufficient and the Town partners with them.

EMS Supervisor Rush stated that he will have to go back to the Fire Company. He feels there is a shared responsibility. He also stated that every charge for the run goes to the Volunteer Fire Company. He stated that greater than 85% of the calls have a Town employee on the ambulance.

Councilman Taylor stated that they are all for the partnership because it's cheaper.

EMS Supervisor Rush stated that they could do a shared funding or a diminishing fund where they would start paying "x" percentage and over the years increase.

Councilman Taylor would like to see if the Fire Company would increase their fees to be able to maintain the 2.

EMS Supervisor Rush responded that they are charging the maximum amount allowed by Medicare.

Councilman Taylor feels that shared funding would be the best.

Mayor Leonard asked if there has been discussion on acquiring another piece of equipment. He added that you can have all the EMTs you want, but if you don't have the ambulances to support the calls. He mentioned that the ambulance can get called to the mainland.

EMS Supervisor Rush stated that there is a grant to replace the oldest ambulance. He doesn't feel adding another ambulance is the answer. He advised that just with the current staffing they can staff 2 ambulances. He added that with 3 ambulances they are asking for more responsibility.

Councilman Taylor stated that a lot of the calls are going to Assateague and other areas in the County.

Councilman Lewis asked if they have talked to the U. S. Fish & Wildlife for financial assistance for ambulance service. He stated that they got money from them for 911.

There were brief comments.

EMS Supervisor Rush commented further and advised that he will bring this up at the next Fire Company meeting.

Vice Mayor Bowden stated that the demands have gotten so great. She feels that it's not only what the community needs but the demand on the volunteers.

Councilwoman Richardson commented.

Mayor Leonard asked if they could send out a small vehicle with medical equipment and one responder.

EMS Supervisor Rush stated that when a patient is transported there has to be 2 EMS personnel. He also stated that they currently have in place through the state an order that if treatment requires paramedic skills they are also required to have a minimum of an EMT onboard. He added that they received a variance that allows them to respond without the driver being an EMT. He stated that they do have a command vehicle used for a 3rd ambulance call with an EMS provider to render care until an ambulance from the mainland can arrive.

There was discussion about the County's Sprint vehicle. They also discussed the unnecessary ambulance calls.

EMS Supervisor Rush explained that you can't refuse to transport.

Vice Mayor Bowden stated that you may get called out for a laceration and think they need a Band-Aid but when you arrive, their whole arm could be split open. She added that you don't know what it's going to be.

Councilman Taylor asked if Council was alright with the 2 and 2.

Council concurred.

Mayor Leonard asked if the Town has the capital available to split that with the Fire Company.

Town Manager Ritter stated that they can look at the budget as they are building it, see how to fund it and bring it back to Council.

Mayor Leonard stated that they can tighten their belts in some other areas.

Town Manager Ritter reviewed the 5 year Work Plan and where they are in the process.

They discussed certain items in depth. They talked about budgeting for the upcoming items.

Town Planner Marney explained the Planning Commission's suggestion of formalizing the review process of what Building and Zoning Administrator Lewis already does. He stated that they will focus on commercial development. He advised that the previous Mayor, Mr. Jack Tarr suggested that there be a site plan process where there is a technical review then on to the

Planning Commission. He stated that it's a happy method minimum requirement. He concluded that it is essentially a forum for public comment and formalizes the process.

Town Manager Ritter explained that part of the reason that Mr. Tarr wanted this was because he feels the new motel is out of character. He added that this would give an opportunity for input for different siding along with the sewage treatment plan being installed entirely above ground.

Town Planner Marney stated that this process will follow the State Code.

There were comments.

Vice Mayor Bowden feels that if this was in place it would have eliminated the uproar about the waterpark.

Town Planner Marney stated that this was his thought. He stated that currently they can't tell Mr. Burbage what to do and this isn't intended to tell anyone what to do. He also stated that this allows people to give their 2 cents in an appropriate format. He stated that he likes the concept of the Town not telling people what to do but to make suggestions. He feels those comments are good to have. He stated that in following the format that the state has they can do a preliminary plan approval letter which can be good for 5 years. He added that they can have a one-time extension.

Councilman Taylor stated that they need to have some examples of what the Town would like to have. He added that they need good suggestions. He stated that this will give them something to go by with examples.

Councilwoman Richardson asked if this was what they were trying to do with the Comprehensive Plan.

Planning Commission Chairman Rosenberger advised that it is. He stated that it would be design guidelines.

Councilman Taylor stated that they should ask for visuals to see if they're staying within the character.

Planning Commission Chairman Rosenberger explained that it is surprising when a developer comes in with their plans at how receptive they are to suggestions that would reduce confrontation for them. He feels it's a real plus for the public to participate and to get that out of the way.

Town Manager Ritter continued on to the 5 year work plan list. He briefly reviewed; terrorist training, the purchase of the adjoining property to the Island Activity Center parcel A, Maddox Boulevard walking/biking paths from the circle to the bridge and lighting on Maddox Boulevard. He also briefly reviewed upgrading the sidewalks from the downtown to the bridge. He advised that the Town received a document approving the loan for the automatic meters.

Public Works Director Spurlock advised that the loan was tentatively approved in their draft budget. He added that in all likelihood it will be approved.

Town Manager Ritter continued reviewing the list with a system upgrade, hiring 4 additional EMS providers, purchase new police equipment, evaluation of asbestos pipes, Harbor electric upgrades, swell protection at the Harbor and an employee salary study. He stated that they discussed this at the Budget and Personnel Committee meeting and it will be discussed at the September Council meeting. He also stated that Springstead gave a proposal of \$7,500 to complete the study. He added that the Budget & Personnel Committee agreed to have this done and forward to Council for approval. He asked for further questions or if there are any items on the 10 year plan and 15 year plans that they want moved up.

There was further discussion.

2. Closed Meeting in Accordance with Section 2.2-3711(A)(1 & 19) of the Code of Virginia.

- **Personnel (Police)**
- **Public Safety (Police)**

Councilman Frese moved, seconded by Vice Mayor Bowden to convene a closed meeting under Section 2.2-3711(A)(1 & 19) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Frese moved, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

Councilman Taylor moved, seconded by Councilman Ellis 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 & 19) 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- Bowden, Richardson, Lewis, Ellis, Taylor, Frese
Nays- None
Absent- None

3. Committee Member Comments

Councilwoman Richardson discussed what Mr. Lederer went through for his Eagle Scout Project. She would like this put on the next Council meeting agenda.

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE SEPTEMBER 6, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Leonard opened the floor for public participation.

- Ms. Louisa Flannigan of 5122 Main Street, asked Council to have the Planning Commission delay the conversation regarding the C4 Zoning until there's an appropriate amount of time that the public can be informed. She also asked that they contact all of the property owners adjacent to the C4 properties giving them the necessary information and ample time before the public comment period. She feels it's an important issue and everyone should be informed.

- Ms. Nancy Payne of the 4296 Main Street, read a letter she sent to Council in March of

2015 regarding her commercial property at the corner of Maddox and Main Street. She advised that at that time she was going to put the property on the market. She stated that the Maddox house has been designated as an essential part of the Downtown Historic District and put on the National Historic Registry. She stated that those related with the History Tours met with the Town Council. She added that they were hoping that the government would appreciate the tourist attraction value and being proactive in moving forward to have the district designation completed as Historic. Ms. Payne stated that no action has been taken. She advised that Accomac, Onancock and Tangier Island have Historic Districts on the National Historic Registry. She also stated that only one site, which is the Hill house has been listed on the National Historic Registry. She feels this makes the property vulnerable for demolition and a possible intent for the new owner to build a larger structure.

Ms. Payne explained that listing the structure in the National Historic Registry will preserve the historic value. She feels it's time that the Town should establish a Historical District. She added that the sign at the bridge refers to the historic downtown but it is only words. She asked for a member of Council to form a group to discuss this issue to find out the facts. She added that someone from the National Historic Registry would be more than willing to come and discuss this.

Vice Mayor Bowden stated that she agrees with Ms. Payne. She commended Ms. Payne and would love to work on something like this.

Ms. Payne gave Council a copy of the letter and the National Historic Registry information.

- Mr. Ron Mason of 6122 Leonard Lane, advised that he agreed with Ms. Payne. He stated that this house is the first house you see when you come over the bridge. He stated that since Ms. Payne has lived there and had an art gallery he has parked in the parking lot. He stated that in the winter there isn't a problem getting out on Maddox. He added that in the summer the traffic is so busy he has a hard time getting out. He also stated that currently there is nothing to stop a business from going in there. He asked what they would do about the traffic at that point. Mr. Mason stated that it is a big piece of property. He feels a few cars at the wrong time of the day could really mess up that intersection.

- Mrs. Christina Zoller of 3454 Main Street, addressed crosswalks on Maddox Boulevard. She noticed that there were a lot more vehicles this summer. She was saddened to see a man in a wheel chair trying to navigate across Maddox Boulevard. She explained the number of pedestrians and bicyclists that utilize Maddox. She feels it is hard to cross the street. She asked for a crosswalk at least across from the YMCA.

Councilman Ellis asked if she was requesting a crosswalk like the ones down Town.

Mrs. Zoller stated that she would like that. She also added that in the summer with the heavy traffic she doesn't know how it will work. She talked about the children crossing from the YMCA. She expressed the need for more sidewalks as well.

- Ms. Laurie Ganue of 6342 Cleveland Street, also addressed the C4 matter. She gave

credit to the Planning Commission for finding what the problem was. She feels that the public and social media comments indicate that there is confusion regarding the C4 zoning. She also feels the issue is going to have substantial effect on the property values across the island. She asked Council to delay the public hearing on the C4 zoning and permitted uses. She also suggested having a public information forum. She stated that there has been no documentation presented.

- Ms. Alice Hogan of 7180 Fiddler Bay Lane, stated that she has C4 zoning on 2 sides of her property. She stated that she attended the last Planning Commission meeting and feels it's a very complicated issue. She also stated that this would affect land values and referenced the intent of the Town Council from many years ago to now. She feels it is of great concern. She requested delaying any action until more information can be made available and allowing public discussion.

- Ms. Barbara Early of 6383 Pine Drive, advised that she is speaking on behalf of the Board of the Piney Island Property Association. She stated that they were surprised to learn of the plans to change the existing zoning to C4 zone. She advised that 15 properties on Piney Island are contiguous to the C4 zone. She requested to be able to participate in the discussion regarding such. She also stated that they attended the Planning Commission and feels that the focus was not clear on the intent at that time. She advised that she received a packet for the Planning Commission meeting with a memo from Town Planner, Ronald Marney which stated that a proposed Code modification will make C4 the most permissive commercial zone by adding all of the uses of the lesser commercial zones to C4, because that was what was previously intended.

Ms. Early stated that they have been scrutinizing uses for each of the lesser zones. She stated that they found there are 25 uses by right, adding that there is 42 in C4. She added that such an increase of 67 uses is far too significant to change on short notice without an extended inquiry from land owners. She feels they could respond more appropriately if there was a forum between land owners and the Planning Commission.

- Mrs. Nancy Cunningham of 6319 Clark Street, advised she is on the Board of Directors of the Library and the Facebook administrator. She stated that they have 1,800 followers. She thanked the Town for the communication during the storm this weekend on Facebook. She reviewed the summer month's events at the Library. She reported that for August: 1,400 items were put into circulation, 250 patrons used the Library's computers and 247 used the wifi, there were 63 new patrons and some were non-residents, 2 adult book clubs that meet twice a month. Over 300 children (visitors and residents) attended the Children's Programs this summer. The programs were; Nature Conservancy, NASA Visitor Center, Chincoteague Bay Field Station, Master Gardeners, Bella Hula-hoop, Chincoteague Pony Center, Lego's Booth, Salisbury Zoo, Zoo to You Program along with 8 story times and craft stories and songs held weekly.

Mrs. Cunningham also stated that they had a summer reading challenge as an incentive program for grades k-12. She stated that they have a year-round Tales for Tots, Story and Crafts Program which will start up again in October. She advised that it is free and open to the public. She stated there are volunteer readers from the community that is held in the fall, winter and spring.

She stated that the annual fundraising mailing will go out the end of September, the proceeds of which funds all of the operating expenses. She also stated that the Board is working hard to supplement with fundraising events throughout the year. Mrs. Cunningham added that they held the sunset cruise in June and thanked Captain Carlton Leonard. She also mentioned the 1st Labor Day yard sale. She thanked all the past supporters from the town, visitors and patrons. She added that they are very proud of their over 20 year history in serving the residents and guests of Chincoteague. She also stated they are proud to provide 40 hours of service per week. She suggested that everyone go to the Library's website, follow them on Facebook or just stop by.

- Mrs. Peggy Thomas of 7805 Eastside Road discussed the rezoning of her property. She commented that 50' from Eastside Road in is commercial, the rest is a mobile home park and it's residential. She advised that when she purchased the property it was all commercial. She also asked how the Town got a brewery on the island. She asked why no one had anything to say about it.

Town Manager Ritter advised that there is no exemption for this in the Town Code. He added that it is allowed by right.

Mrs. Thomas stated that this is an incorporated Town and none of the officials have anything to say about it.

Vice Mayor Bowden responded that you can't stop people from making a living. She stated that when she opened the wine store downtown she had to go through the proper channels. She stated she had to have a business license and put the ad in the paper.

Mrs. Thomas stated that they used to have to vote on things. She advised that the only place she saw anything about it is in the paper. She doesn't understand that they have to vote on one thing but don't have to vote on the other.

Vice Mayor Bowden also stated that the Town Code allows for it and it doesn't prohibit it and gives them a right to do it.

- Mrs. Donna Mason of 3766 Main Street, agreed with everything everyone has said this evening. She stated that what was said about the brewery is allowed by right and what is going to happen with C4 it's going to be allowed by right also. She wants the Town to be proactive. She asked how many people know what C4 is and what the ramifications are if it goes through. She wants the word out because the Town is about to change everything about Chincoteague. She mentioned the money spent for the downtown streetscape. She feels that everything about C4 is disturbing and will change Chincoteague forever. She also added that the Library was Mr. Richard Vesley's vision. She stated that he should be very proud of it because it's beautiful and everyone uses it and benefits from it. Mrs. Mason also commended the U. S. Fish and Wildlife Manager, Kevin Sloan for keeping the public informed along with opening the beach as soon as he could.

Mayor Leonard advised that they had Emergency Operations meeting and when they opened it the parking lot was full of people.

Mrs. Mason commended Mr. Kevin Sloan and feels he is willing to work with the community. She also discussed the matter of crosswalks on Maddox Boulevard. She suggested having a pedestrian button at the lights for crossings. She mentioned the repercussions of the C4 matter. She recalled the water park from years ago and believes it was shut down because someone was injured. She stated that this wouldn't make Chincoteague a fun place to be.

- Mrs. Laurie Walton of 4211 Main Street, addressed the traffic lights at the Maddox and Main intersection. She advised that those vehicles on Maddox Boulevard attempting to turn south on Main Street are waiting until the end of the cycle. She asked if the Town could request VDOT change the cycle to give the south arrow 1st instead of the end of the green light.

- Mr. Paul Brzozowski of 5122 Main Street, discussed the C4 matter as well. He stated that he lives next to 34 acres on North Main Street that was rezoned from R3 to C4. He stated that if they allow other things by right in C4 they could have a brewery behind Christ Sanctified Holy Church.

STAFF UPDATE

Planning Department

Planning Director Marney stated that the Planning Commission meeting will be September 13th with 2 public hearings, one regarding tattoo parlors and the other permitted uses in C4 Commercial District. He also reported that in the Safe Routes to Schools they received \$66,483 in reimbursements and submitted a \$234,981 reimbursement request which is pending. He added they will only have one more reimbursement request to process.

Police Department

Chief Mills advised that the monthly report is included in the packet. He reminded everyone that the 12th Annual Poker Run for Kids and block party is this Saturday, September 10th. He added that this is the one fundraising event that allows the Police Department to help people year round with scholarships, the Food Bank, etc. He stated that he appreciates the support.

Public Works Department

Public Works Director Spurlock stated that the only addition to the monthly report is that Sunday, September 11th at 3:00 a.m., A & N will be shutting down the Island's substation and should be less than an hour.

General Government

Town Manager Ritter updated the report from the Emergency Medical Service. He reported that they responded to 123 calls for the month of August which is 11 more than August of 2015. He advised that ALS responses were 58 and the others were 24. He also reported that the EMS special shift scheduled to last until September 4th, will be paid for by the Chincoteague Volunteer Fire Department through October 9th. He stated that there has been no word regarding the ANTARES launch. He believes it is still scheduled for mid-September. Town Manager Ritter also reported that they are working on the yearend fiscal year report for the auditors. He stated they are working on bank reconciliation and he mentioned the quarterly newsletter for October. He stated that they are working on the 424 form for the Sarbains Grant. He stated that it will be

used to continue the biking trail from the traffic circle to Maddox and Main Street or the bridge. He added that this is the time to let the engineers know about the crosswalks so that it can be included and will improve Maddox Boulevard.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Leonard stated that there is one agenda item to add which is from the recent storm. He stated that it is a Declaration of Local Emergency.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the agenda adding an item to adopt the Declaration of Local Emergency. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of August 1, 2016**
- **Council Workshop Meeting of August 18, 2016**

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

2. Chincoteague Recreation and Convention Center Update

Mrs. Evelyn Shotwell, Chairman of the Board of the Chincoteague Recreation and Convention Center, thanked the Police Department, the Town, EMS, National Guard and the State Police for everything they did last weekend during the storm. She also mentioned the Park Service and U. S. Fish and Wildlife for their service getting the beach back open as soon as possible. She reminded everyone that the Chamber also posts the Town's PSAs to keep everyone up to date. She also stated that they have 2 active webcams overlooking the channel.

Mrs. Evelyn Shotwell reported that they brought 2 new Board members that were appointed at the July 5th meeting. She stated that Mrs. Lee Armbruster and Mr. Bob Zoller, along with Councilman Ellis was appointed as the Council's representative by Mayor Leonard. She reported that they are in the process of hiring a new Center Manager and beginning to work on a Marketing Plan to include a Mission Statement and vision for the future. She stated that the next Board meeting is September 19th. She advised that the manager search committee is made up of, herself, Cynthia Wilder, Jack Tarr and Bill Spann. She stated that they met to review the applications and have had more turned in since then.

Mrs. Shotwell also stated that their goal is to have a new Center Manager by the end of November. She stated that they will be involved in the budget preparation for next year along with the Marketing Plan development. She stated that Mr. Bill Borges has been instrumental in providing a smooth transition. She stated that they continue to serve the needs of the community in a professional manner with a pleasant staff that is willing to help. She commended Mr. Borges and staff for their dedication to build a stronger facility. She added that they are looking forward to hosting an open house to introduce the new Manager and Board Members along with tours of the Center. She stated that Council will receive a quarterly update of the Center. She encourages everyone to drop by.

3. Discuss Acquiring the Land of Maddox Boulevard

Mayor Leonard advised that this is regarding the 100' right-of-way along Maddox Boulevard at the Chamber Circle. He stated that Town Attorney Fox has issued a letter regarding this.

Councilman Taylor stated that Supervisor Billy Joe Tarr was unable to attend this evening because of a Fire Company meeting. He stated that the County owns the 100' right-of-way. He explained how the County ended up with the land. He also stated that Supervisor Tarr spoke to the Board of Supervisors and they are in favor of giving it to the Town. He added that by approving this, the Town will own the land that the Chamber of Commerce is on. He stated that the County is willing to give it to the Town. He doesn't want the government to own it. He added that it's free and feels the Town should own it.

Vice Mayor Bowden agreed.

Councilman Frese motioned, seconded by Councilman Taylor to approve a resolution. Unanimously approved.



RESOLUTION

WHEREAS, the said road described as: Maddox Boulevard beginning on Route 2113 at Eel Gut, a distance of 0.25 miles east of Route 2102, thence extending in an eastwardly direction and terminating at a distance of 0.67 miles; and,

WHEREAS, said land was deeded by Wyle Maddox and his wife Louella Maddox to the County of Accomack; and,

WHEREAS, a one hundred (100) foot right-of-way along this route and including the fifty (50) foot swath right-of-way around the traffic circle located on Piney Island is guaranteed in Deed Book 323, Page 199 recorded October 16, 1972; and,

WHEREAS, A & N Electric Cooperative has facilities located within the right-of-way of said road on their perpetual easement which was obtained at their expense:

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Chincoteague, Inc. its Town Manager is authorized, for and on behalf of the Town Council to execute the Deed from the County. Further the Town Manager shall sign any and all documents required to relinquish of said perpetual easement from the County with A & N Cooperative, the Town of Chincoteague does agree to pay for any costs involved in the movement of A & N Electric Cooperative's facilities due to any future road improvements on said section of road.

John Arthur Leonard, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

4. Public Works Committee Report of August 2, 2016

- **Possible Adoption of the Maddox Blvd. Lighting Upgrade Proposal**
- **Possible Adoption of the Maddox and Main Flooding Evaluation Proposal**

Councilwoman Richardson stated that at the Public Works Committee meeting they discussed lighting on Maddox Boulevard and installing 5 new lighted poles. She advised of the cost of \$2,996 for the installation of the poles and the monthly billing of approximately \$504 per month. She stated that ANEC will be installing the lights. She added that to follow procedure, Council has to adopt the Maddox Boulevard Lighting Upgrade Proposal.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the upgrade proposal of lighting on Maddox Boulevard. Unanimously approved.

Councilwoman Richardson asked Public Works Director Spurlock to explain this further.

Public Works Director Spurlock stated that with the high tides and flooding at the foot of the bridge, there is a proposal of \$27,102 to evaluate the intersection. He added that this is actually an elevation survey and to give suggestions of the best possible remedy along with the cost.

Town Manager Ritter added that at that point they can research grants to pay for this.

Public Works Director Spurlock stated that the Town qualifies for a FEMA grant for this.

Councilwoman Richardson asked Public Works Director Spurlock to give a follow-up on the lighting on Hallie Whealton Smith Dr.

Public Works Director Spurlock stated that they also discussed putting a flood gate at Hallie Whealton Smith Drive which will make an impact on the flooding in the north end of the island. He advised he has done a bid specifications to put out to bid and will get it back to Council.

Councilman Lewis motioned seconded by Councilman Frese to adopt the Flooding Evaluation proposal for Maddox and Main Street. Unanimously approved.

5. Budget and Personnel Committee Report of August 9, 2016

- **Discuss Having a Salary Review Study Performed**
- **Discuss Possible Gift to Library**

Councilman Ellis stated that Chief Mills came to the Budget and Personnel Committee about 3 months ago and shared a study on beginning police salaries. He advised that it included state, county and local levels on the Eastern Shore of Maryland and Virginia. He stated that the study was conducted by Delmarva.com which showed that the starting police officer salaries were significantly lower than any other on the shore. He added that there has been no other type of

salary study done for the entire Town staff for a decade or more. He stated that they had directed staff to explore different firms that conduct this type of work for a proposal of a salary study to include all employees of the Town. He advised that at the August 9th Committee meeting, Town Manager Ritter received a bid from Springstead, who has done business with the Town before and is willing to do the study for \$7,500. He also stated that they will review the job descriptions and make sure they match the classification tables. He stated that this will address the issues of bonuses and merit pay. Councilman Ellis stated that the Committee voted unanimously to recommend that Council hire the firm to conduct the study.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the salary review study. Unanimously approved.

Councilman Ellis stated that they also discussed if part-time employees were subject to COLA. He stated that if they are permanent part-time employees they are entitled to COLA. He also stated they discussed a donation to the Chincoteague Island Library. He stated that they learned there is a \$9,600 line item in the budget for donations. He also stated that all but \$500 have been designated. He added that the Town doesn't have a Donation Policy of how taxpayer funds are given as donations and some of the donations are ongoing. Councilman Ellis feels the Town needs to develop a Donation Policy for the Town. He added that this will be part of the Committee's work plan this year. He explained requirements in the policy. He stated that there is a sentiment to give more money to the Library, however there wasn't any more money in the budget. He advised that there is a recommendation from the Committee to give the Chincoteague Island Library a donation of \$500.00

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve a gift in the amount of \$500 to the Chincoteague Island Library. Unanimously approved.

6. Recreation & Community Enhancement Committee Report of August 9, 2016

• Possible Adoption of Location of Larry Lederer's Eagle Scout Project

Vice Mayor Bowden advised that they discussed Mariner's Point. She stated that there is a little contention of what can be placed there and what can't. She stated that the Watermen's Memorial looks nice, however it's still Town Property. She stated that rules have to be followed to put an item there. She stated that Council has been in discussion with Mr. Abell to have approval of the items so they can remain there. Vice Mayor Bowden stated that Mr. Larry Lederer's Eagle Scout Project was originally put at Mariner's Point. She advised that with the controversy at Mariner's Point, Mr. Lederer has requested that his project be moved to the Hallie Whealton Smith Trail. She stated that it is a picnic table with base.

Councilman Frese stated that this young man and his father came before Council to have his project put at Mariner's Point and it was approved. He explained how it came up and that Council unanimously approved it. He doesn't feel it is right for it to be approved for one location and then moved to another. He commented further and expressed his opposition to moving the project because it was already voted on.

Councilman Taylor stated that with all the craziness that hasn't been resolved, he understands that the young man wants to distance himself from that.

Councilwoman Richardson stated that after the meeting Mr. Lederer was upset that he was in the middle of the conflict. She advised that he was distancing himself from the situation. She was afraid that the whole project would be pulled if it's not approved.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve relocation of Mr. Larry Lederer's Eagle Scout Project from Mariner's Point to Hallie Whealton Smith Trail. Motion carried.

Ayes: Taylor, Richardson, Lewis, Bowden, Ellis

Nays: Frese

Vice Mayor Bowden stated that they also discussed the bike path on Ocean Boulevard extended. She advised that they have received an easement from Billy Reed Estates for the bike path extension down Coach's Lane. She also stated that they are working on an easement from Mr. Steve Katsetos and the Corner Mart to come out on Maddox Boulevard. She added that this helps avoid the congestion at the Maddox traffic light. She advised of the new signage there as well. Vice Mayor Bowden added that the Downtown area looks fantastic. She stated that it is a beautiful project that turned out better than anything she could have imagined.

7. Budget and Personnel Committee Report of August 29, 2016

- **Possible Adoption of an Increase in Salaries for Police Officers and a Change in Position Classification Table**

Councilman Ellis stated that at the Council workshop meeting in mid-August, Chief Mills came before Council to discuss difficulties with the retention and recruitment of officers. He stated that he had individuals interested until salaries were discussed. He stated that there was general Council consensus that this matter needed to be addressed as soon as possible. He advised that Councilman Lewis shared information explaining that by raising the salaries \$5,000 across the board for the officers will make it competitive. He stated that they are still at the lower end of the pay scale of the neighboring police departments.

Councilman Ellis stated that there was discussion about funds in the current budget for the police officers' pay raise. He advised that there was discussion about how to move forward. He stated that he requested a review of the budget to see how this could be funded for this fiscal year. He also stated that Finance Director Hipple and Town Manager Ritter reported that there would be no budget amendment necessary for the increase this fiscal year because of the current vacancies in the Police Department. He stated that the Committee decided to recommend to Council that they provide a \$5,000 across the board pay increase effective this pay period for sworn officers. He continued to explain that if this increase is approved, modification of the pay scale will be required and is included in the packet.

Mayor Leonard stated that he was approached by other Town employees. He stated that they have opposition to this. He explained that it wasn't about the beginning officers needing an increase but because it's across the board. He stated that they feel it should be done after the study is done. He also stated that they are afraid there will be vacancies in their department if this goes through. He suggested voting on the \$5,000 in the salaries for the new officers and wait until the study is completed for the rest of the officers and other employees.

Councilman Lewis stated that by bringing the lower-employee up \$5,000 they will be making the same as a Captain or Lieutenant. He expressed his disagreement.

Councilman Frese stated that he thought Councilman Ellis covered it. He stated that Chief Mills took the entire Police Department's salaries and compared it to other Police Departments. He feels it's well-earned and they are behind the curve. He feels it should be across the board. He also added that they should do the same check for all of the employees. He stated that this is a service to long-term.

Mayor Leonard stated that they are voting to give one department a \$5,000 raise across the board. He stated that there are a lot more departments under the Town.

Councilman Lewis stated that the rest of the Town isn't having as much problems as they are with the Police Department regarding salaries.

Councilman Frese stated that if you're going to treat the Police Department as an entity then you have to do it for every other department.

Mayor Leonard hopes the rest of the Town receives an increase after the study.

Councilman Frese stated that it is evident that they are at the very bottom.

Councilman Ellis stated that he did find at least 5 other Police Departments that showed the Town in disparity. He feels that with the study the other positions are closer to being competitive than the Police Department.

Councilman Frese stated that their policy is to treat everyone the same. He added that they are going to check each department. He also stated that they are going to have to just start it by having Springstead conduct the study across the board.

Vice Mayor Bowden stated that in today's times \$5,000 isn't a lot of money. She stated that the Town's Police Officers put their lives on the line each and every day. She understands the increase whether it's 3% or 5%. She hopes that every other department within the Town gets the 3% or 5%. She suggested that Council vote to give the Police Department the \$5,000 across the board raise. She also hopes that the other departments are aware that the study is coming and they won't be left out in the cold.

Councilman Frese stated that the Town has good employees.

Vice Mayor Bowden agreed and added that she can understand the other departments being uptight. She also understands what is needed this minute.

Councilman Frese discussed the life threatening job that the officers face at every shift. He also stated that he doesn't feel the Town's Police Department has that to deal with this so much; however every year there are as many visitors which more than double or triples the total population on the Island. He stated that they have to face that issue.

Councilman Ellis stated that the funds that are covering this increase are coming from the Police Department's budgeted line item.

Town Manager Ritter advised that it is coming from the Police Department's budget.

Councilman Taylor asked Chief Mills if there were any plans to promote and increase salaries of any of the current officers.

Chief Mills advised that he hasn't planned to.

Councilman Taylor discussed the amount per officer and asked if this was something that the Town was willing to do with each of their employees.

Mayor Leonard stated this is something Council has to review.

Councilman Frese added that they checked the budget and the money is still there in the Police budget.

Mayor Leonard understands where the Police Department's budget is coming from. He is looking at the future. He asked that if the study comes back and the equivalent of the rest of the Departments in the Town warrant an increase will the Town be able to do this without affecting taxes. He also stated that he knows where Chief Mills is getting the money.

Councilman Taylor suggested raising taxes. He feels it will be tight without it. He understands that most citizens are on fixed incomes. He wants this discussed after the study is done.

Councilman Lewis asked if Public Works Director Spurlock has researched the salaries for his department.

Public Works Director Spurlock advised he has not.

Councilman Frese motioned, seconded by Councilman Taylor to adopt the increase in salaries in the amount of \$5,000 for the Police Officers and a change in the position Classification Table. Unanimously approved

8. Consider Use Restrictions for Boat Ramps

Town Manager Ritter advised that he was asked by Councilwoman Richardson to put this on the agenda. He stated that he researched the past minutes regarding use restrictions for boat ramps. He also stated that they discussed commercial use authorization to conduct business on public property. He added that they came up with "Commercial Use of Town Facility Hold Harmless Agreement" back in July 2010. Town Manager Ritter advised that this is still required. He stated that the only thing they didn't do is coming up with the rules and regulations. He feels they should create the rules and regulations and bring it back to Council.

Councilwoman Richardson stated that she had several citizens that have been in their boat unable to get into the ramp because of the kayaks. She recalled that years ago at the Eastside boat ramp there was a problem with the kayaks. She added that they put a floating dock in so that the

kayaks would not tie up the boat ramps. She was unaware until she asked for a copy of the Business License. She read from the back of the Business License, “what Town facility are you using”. She advised she was shocked and knew nothing about it. She stated that when they had the problem at the Eastside ramp they met with those businesses. She also stated that they were told they weren’t going to charge them as long as they used the floating dock. She added that if there is a problem with parking then it will be addressed again. She advised of pictures at the Eastside boat ramp and Memorial Park. She suggested going back through it and make corrections. She offered the pictures.

Councilman Frese also has pictures of 12 kayaks across the entire ramp. He commented on the floating dock and kayaks blocking the ramp. He advised that the boaters who pay the \$20 fee can’t use the ramp because it’s being blocked. He suggested putting a floating section at Memorial Park. He commented further.

Mayor Leonard stated that they do have to purchase a permit for a trailer.

Councilman Ellis advised he and his wife went fishing from Memorial Park last week. He stated that it was close to noon when they returned and he had to circle for about 25 minutes which didn’t bother him. He added that when the last one was putting into the water the man in the truck left. He stated that the people sitting in the kayaks didn’t know what to do. He stated it was a strong current and he sat there for another 15 minutes waiting for them to move away from the ramp.

Mayor Leonard suggested letting the Parks and Recreation Committee review this matter.

Town Manager Ritter agreed. He suggested reviewing the Hold Harmless Agreement as well.

Vice Mayor Bowden asked if the kayakers are utilizing the floating dock at Eastside.

Councilwoman Richardson stated that she hadn’t seen them use it. She advised that she watched them use the ramp earlier.

Vice Mayor Bowden stated that it is much easier to use the ramp than the floating dock.

Council concurred that this matter should go to the Parks and Recreations Committee.

9. Adoption of the Declaration of a Local Emergency

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt 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:

Due to the heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from a Tropical Storm Hermine; and

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 1:30 pm on September 2, 2016, an emergency now exists throughout said Town of Chincoteague; and:

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the Town of Chincoteague shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

Dated: September 6, 2016

Town Council of the Town of Chincoteague

James Frese

Gene Wayne Taylor

Ben Ellis

Edward Lewis

Denise Bowden

Ellen Richardson

Attest: _____

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

10. Mayor and Council Announcements or Comments

Councilman Taylor stated that Mr. Billy Joe Tarr was unable to make the meeting tonight but wanted him to bring a matter before Council. He stated that there are 2 telephone poles on the Fire Company's property that they want moved across the street to the Town's property and County's property. He issued a drawing. He stated that they want one pole beside the Trolley shelter and the other will be on County property further down. He asked that this be put on the agenda for the next meeting so they can get the project started.

Mayor Leonard asked if they bring it to the workshop could they vote on it at the workshop.

Town Manager Ritter stated that they have voted at a workshop meeting before, but typically it is good practice to vote at a regular Council meetings.

Mayor Leonard stated that they will discuss it at the workshop and vote on it at the regular meeting.

Councilman Taylor stated that it will be verified at that time.

Councilman Ellis commended the Town staff and those involved in Emergency Planning. He stated that he heard on the scanner a call for a firetruck at Inlet View due to downed powerlines and a trailer fire. He stated that when they got there 2 ANEC trucks were behind them.

Vice Mayor Bowden stated that she keeps notes on the speakers. She feels they need to strongly consider a delay in the C4 process. She would like to be more educated about it before she votes on it. She suggested delaying the decision and bringing the public up to date. She stated that no matter which way it goes she doesn't feel comfortable voting on something that the public isn't informed about.

There was discussion and explanations from Mrs. Payne regarding the Historical Society and Registry. Town Manager Ritter will review the information and look into it further.

Vice Mayor Bowden also mentioned Mrs. Payne's home and the Historical Society. She stated that it's sad and there is so much more history here that the general public is unaware of. She would like to have the Town look into this and come back with something everyone can agree on.

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

• Personnel

Councilwoman Richardson 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 Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilwoman Richardson moved, seconded by Vice Mayor Bowden 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- Bowden, Richardson, Frese, Taylor, Ellis, Lewis
Nays- None
Absent- None

Adjourn

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

Mayor

Attest: Town Manager

MINUTES OF THE SEPTEMBER 15, 2016 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Frese asked to add a Closed Session to discuss a personnel matter.

Councilman Frese motioned, seconded by Councilman Ellis to adopt the agenda adding a Closed Session. Unanimously approved.

1. Discuss Power Poles in Front of Town Complex

Mayor Tarr asked members of the Fire Company to speak on their behalf.

Mr. J. W. Jeffries expressed their appreciation for the additional part-time EMS through the summer. He stated that his heart is always with the ambulance and Fire Company. He also stated that the cooperation between the Fire Company and the Town has grown solidly. He added that they have been working on the property for 5 years. He also stated that they have spent over \$636,000. Mr. Jeffries advised that they went to ANEC a couple of times for locating power to the property. He stated that they quoted \$42,000. He stated that they are currently at an expense of \$26,000 for the poles. He also informed Council that the original intent was to put one pole on the Town's property and one on the Convenience Center property. He stated that they have since learned that both poles are going to be on Town property. He also stated that the one pole will be out of sight. He advised that they want Council to know that they are building the firehouse not for the Fire Company but for the community. He feels the response times will be fine and all of the equipment under the same roof will be a huge benefit for the Town. He expressed that they are hoping they will vote for this so they can take the next step.

Mayor Leonard asked if Mr. Billy Joe Tarr was going to be present.

Councilman Ellis advised another meeting came up.

Mayor Leonard asked Public Works Director Spurlock if the 2nd pole next to the Convenience Center was going to be across the drainage ditch.

Public Works Director Spurlock advised it will be north of the drainage ditch.

Mayor Leonard mentioned that there was already a pole there.

Councilman Taylor stated that the poles will be put in where the stakes have been placed by ANEC. He stated that they believed it was going to be one pole, but didn't know where the lines were. He also stated that it ended up being Town land.

There was brief discussion.

Councilman Frese asked the Fire Company why they couldn't be buried. He feels it would look better and be a safer situation.

Mayor Leonard advised that they have looked into it. He added that it is twice the cost to bury the lines. He also stated that it isn't going to cost the Town anything.

Councilman Frese stated that burying the lines will cost more. He also stated that regarding the spending of \$3.5 million downtown, \$20,000 isn't much.

Mr. Ronnie Malone stated that they quoted burying the powerlines. He also stated that they came back with the cost to raise the powerlines which took a little money off. He added that they came back once more stating that if you move the poles across the street it would only cost this much.

Councilman Frese stated that it's not in keeping with the intent of the whole Town. He also stated that the Town spent \$3.5 million downtown and they've done a nice job. He commented further and added that it would enhance the new firehouse.

Vice Mayor Bowden stated that the majority of the \$3.5 million for the downtown was grant money. She stated that the Fire Company doesn't have grant money.

Councilman Taylor stated that it was a lot higher to bury the line.

Mr. Ollie Reed stated that they have \$636,000 tied up in this now. He added that they are borrowing \$4 million to build the station. He feels they need to cut back somewhere.

Mr. Malone added that they have to save money where they can.

Councilman Frese stated that it is true about the downtown being grant money. He explained that grant money is tax money, which we all paid for. He also stated that \$750,000 came from the Town's treasury.

Mr. Malone asked how much beautification would there be by burying the line. He added that all of Deep Hole Road has powerlines and has been this way for 15 years.

Mr. Jeffries stated that when the Deep Hole Road drainage was put in they asked the Highway Department to put in a more surfaced underground system for this to be paved on. He added that when they put the drain line in across the street there is a dip. He also stated that when you go under the asphalt there will be ruts.

Mr. Reed added that there was discussion to put powerlines underground along Eastside and it wasn't done because of the cost.

There were further comments regarding the money it takes to bury powerlines.

Councilman Ellis advised that he walked the property to familiarize himself with it. He stated that all of the lines into the Town complex are underground. He also stated that back into the mobile home park there are street lights and no lines going into the homes. He asked if there were in ground powerlines anywhere else on the Island.

Councilwoman Richardson advised that the Elementary School has underground powerlines.

Councilman Ellis asked if it was for aesthetic reasons or another reason that the powerlines were buried.

Mayor Leonard stated that as far as he knows, it was for aesthetic reasons.

Councilman Ellis also asked if it was for storms or because the Emergency Operations is here in the Town Complex.

Councilman Taylor stated that the Fire Company's powerlines will go from the pole underground also. He added they won't have wires above ground.

Councilman Ellis asked if the pole that is put by the Trolley shelter is hit, will power be out on the Town Complex.

Mayor Leonard advised that it doesn't affect the Town Complex.

Councilman Frese stated that if they wanted to save money they could run the existing lines into the firehouse.

Mr. Malone responded that the current powerlines are too low.

There was further discussion regarding the height of the current powerlines on Deep Hole Road and Chicken City Road.

Councilman Lewis stated that he spoke with several citizens of the Island. He advised that they didn't have a problem with the poles going on the Town property. He stated that they told him that the Town should work with the Fire Company. He also stated that the Convenience Center has 3 poles on their complex and 2 more poles aren't going to make a difference.

Vice Mayor Bowden stated that outside of asking for the Town for financial support of the EMS, the Fire Company doesn't ask the Town for anything. She stated that they don't come before Council for money for an ambulance or firetruck. She stated that if they want to get petty about it and not give the easement, then the Town can raise taxes and have their own Fire Company and station. She added that they're talking about putting 2 poles up for a Fire Company that takes care of the Island and Beach 365 days a year. She stated that if the Town wants to give the Fire Company the money to put the lines underground she's all for it. She urged the Town to give the 8' easement.

Mr. Reed stated that this is the last step so they can get the building started.

Vice Mayor Bowden motioned to give the Fire Company the easement.

Town Attorney Fox interrupted Vice Mayor Bowden and stated that before anything further, there is a conflict of interest with Vice Mayor Bowden. He advised she wouldn't be able to vote on this matter because of her affiliation with the Fire Company. He added that this is the same with Councilman Taylor.

Councilman Taylor advised that he isn't a member of the Fire Company and they did not hire him. He stated that he knows where it's coming from. He also stated that they will tell you he isn't a member of the Fire Company nor is he an honorary member of the Fire Company. He advised that he respects Town Attorney Fox.

There were brief comments.

Councilwoman Richardson stated that when Council accepted the quit claim deed to the land for the Fire Company, she asked Mr. Jon Poulson if she had to abstain. She advised that he asked if she had any voting power. She also stated that he added, if she has any voting power she would have to abstain.

Councilman Frese stated that they aren't trying to get into any conflicts. He stated that they are attempting to look out for the taxpayers. He also stated that if you can't bring up questions there's something wrong with the system.

Mayor Leonard questioned, because this is a workshop would they be able to vote on this issue.

Town Manager Ritter stated that they have in the past, but it is good practice to vote on everything at the regular meeting.

Mayor Leonard understood but expressed that this is a time sensitive matter.

Councilman Taylor asked if an honorary member could vote on this matter.

Town Attorney Fox stated that he is uncertain of a conflict of interest there. He agrees with Mr. Jon Poulson that if there is any voting power they should abstain.

Councilman Taylor stated that if he is not a voting member he is able to vote on this matter. He also stated that he has never accepted a dime for the work he has done for the Fire Company and never intends to.

Mayor Leonard stated that since this is a time sensitive matter and they began work today he is allowing the vote this evening.

Councilman Taylor motioned, seconded by Councilman Lewis to approve the easement for ANEC to place 2 power poles on Town property. Motion carried.

Ayes: Taylor, Lewis, Ellis, Frese

Nays: None

Abstain: Bowden, Richardson

There was brief discussion about the easement.

Mr. Malone thanked the Town and stated that there isn't anything that the Town would ask of the Fire Company that they wouldn't do.

12. Discuss Main Street Parking Between Old Mill Land and Peterson Street

Mayor Leonard stated that he rides down Main Street every day and knows that the no parking area is a great distance. He also stated that he rode down Anderton Avenue. He advised that one side of that street is no parking. He understands the burden of not being able to park in front of your house. He stated that the road narrows considerably on the west side.

Councilman Ellis read the statistics. He stated that he sat at Savage Street Monday and Tuesday mornings from 7:15 a.m. – 7:45 a.m. to have a feel for the situation. He reported that on Monday, September 12th there were 174 vehicles passed (109 north and 65 south). He stated that speeding was a main issue but only 1 truck at 7:45 a.m. appeared to be speeding. He also stated that every vehicle that traveled south went over the double lines at that corner. He advised that he also watched where they came back into their own lane was down as far as Old Mill Lane. He stated that on Tuesday there were 170 vehicles (106 north and 64 going south). Councilman Ellis stated that there was a vehicle parked there and every single vehicle was over the double line. He watched every vehicle going south and they were back into their own lane by Old Mill Lane as well.

Councilman Ellis stated that the double line isn't in the center of the street because of the parking. He would like to see the lines come back out to make it safer.

Vice Mayor Bowden stated that she sat at Island Motor Inn and cars going north are going over the line. She feels the curve coming out of Taylor Street is much more dangerous. She expressed the safety issue. She stated that if Council isn't going to allow parking along that stretch then it should start at Taylor Street north.

Mayor Leonard asked if there have been any accidents in that area.

Vice Mayor Bowden recalled an accident many years ago in the middle of the night.

Councilwoman Richardson asked if they should go to the person who parks there.

Vice Mayor Bowden feels that what's good for one is good for all. She stated that they shouldn't allow people by Taylor Street to park there and not allow those just further down.

Public Works Director Spurlock also discussed the parking issues along that stretch of road. He feels that the safe route to take is not allowing any parking on that part of Main Street.

Councilman Frese referred to the pictures. He feels that by allowing parking on that curve you're inviting an accident and is a liability to the Town. He doesn't believe that anyone can allow parking in the travel lane. He reminded Council that they are charged with the safety of the citizens and feels this isn't safe.

Mayor Leonard stated that when the citizens came in about this, their problem was when it went from Peterson Street to Old Mill Lane. He stated that they were seeking a reduction in the no parking area. He agrees with making it no parking further down the street. He suggested that they continue the no parking from Tarr Street to the fence line just past Old Mill Lane. He stated that they would be allowing parking closer to their residents. Mayor Leonard asked Public Works Director Spurlock that if they were resurfacing could the lines be moved.

Public Works Director Spurlock stated that they can be moved.

Councilman Ellis stated that he disagrees because he attempted to see as cars went south and how fast they were able to get back into their own lane. He stated that either way as far as that turn, there is still a problem. He feels it should be further north for the no parking.

Vice Mayor Bowden referred to the pictures and suggested giving them some of the parking back when they make the rest no parking. She commented that they can't help that they don't have a driveway.

Mayor Leonard suggested that they start the no parking at Tarr Street and go south to the white picket fence. He also stated that it will help if they move the double lines and add rumble strips. He stated that with the bushes gone they will be able to see better

There was further discussion as to where the best no parking area would be.

Councilman Ellis suggested leaving it as it is.

Mayor Leonard stated that they should table it and review more options. He further suggested moving the double yellow lines over and see how it works. He then stated that maybe later they can give them some parking back.

There was lengthy discussion.

Councilman Lewis asked Asst. Chief Lewis how many accidents they have had there.

Asst. Chief Lewis reported that there were 3 this past summer between the area of Taylor and Main Streets and there were 2 side-swipes in the area of Savage Street. He added that the 2 along Savage Street were reportable. He explained that the one at Taylor Street was the line of sight coming from north and pulling out in front of a car.

There was a comment from the audience about the area and the Taylor Street intersection being scary.

Mayor Leonard stated that they should send this back to the Public Safety Committee to review the Taylor Street and Main Street intersection.

Vice Mayor Bowden stated that if they aren't going to have parking because of the curve then you can't have it at the other end.

Councilwoman Richardson advised that the past Mayor wouldn't allow a no parking zone from Taylor Street to Peterson Street.

Mayor Leonard interjected that it doesn't have to be the whole length of it. He added that there are people who want to do away with the parking along all of Maddox Boulevard.

Vice Mayor Bowden stated that there are a lot of streets that have no parking on one side.

Mayor Leonard stated that they will look into moving the double yellow lines from Tarr to Savage Streets. He also stated that they will leave parking the way it is for now. He asked if there was any fall paving planned.

Public Works Director Spurlock advised that if there is, it will only be tar and chip.

Councilman Frese asked if they could get a monthly action list to take a look at where the hot spots are.

There were comments about the near accidents.

13. Council Member Comments

There were none.

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

• Personnel Matters

Town Planner Marney reported on the matter regarding the tattoo parlors public hearing. He stated that he contacted the Virginia Municipal League speaking with their attorney and Town Attorney Fox regarding “may” verses “shall” wording. He stated that the VML informed him that the current wording whereas a misdemeanor offense is not in tune with Virginia law and recommend the Town appealing that. He added that they say the Town needs to accommodate that in one form or another which is also reflected in Town Attorney Fox’s review of the legal case of Virginia Beach. He stated that the conditional use or use permitted by right should be adequate. He also stated that it is the opinion of the VML and Town Attorney Fox that the Town address this.

Planning Commission Chairman Rosenberger stated that they will have to report back to the Ordinance Committee as they requested that the Planning Commission review this.

Councilman Ellis advised that he was unsure what Town Planner Marney just said.

Town Planner Marney reiterated that basically at the meeting they were under the impression that the wording said “may not”, meaning the Town had the opportunity to not address it as a misdemeanor offense. He stated that because it was in question he contacted VML and Town Attorney Fox who looked into it. He added that because of the research from Town Attorney Fox and the VML attorney they suggested it is not the case and they need to repeal this and address it in one shape or form in the Code. Town Planner Marney advised that in Town Attorney Fox’s correspondence he advised that a special use or conditional use would be adequate. He also stated that if the Town desires, those are the most intense options available to use but still review it otherwise they would have to permit it by right in some other district.

Town Attorney Fox advised that they don’t have to permit it by right in any district. He stated that it has to be permissible as far as a special use or conditional use permit.

Mayor Leonard stated that the Planning Commission could come before the Ordinance Committee and report the findings that even though the Planning Commission found it not to fit in, the VML is saying we have to fit it in. He added that it has to be allowed.

Town Planner Marney stated that the question is to go back to the Planning Commission and find out how they want to address it. He stated that they have to decide if they want to address it in the Zoning Code by right, by special use or conditional use. He also stated that this would still have to go before the Planning Commission. He stated that they will have to decide if it will be changed in the Code. He added that most of what he drafted will fall back to the Ordinance Committee.

Planning Commission Chairman Rosenberger stated that the legalese is the right thing to do. He added that it gives the opportunity to discuss it.

Councilman Ellis stated that it requires a public hearing.

Planning Director Marney stated that special use is the most intensive process that the Town currently has on the books.

Councilman Frese, 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 Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilwoman Richardson to adopt a resolution of certification of the closed meeting. Unanimously approved.

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

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

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

VOTE:

Ayes- Lewis, Frese, Bowden, Taylor, Ellis, Richardson

Nays- None

Absent- None

Adjourn

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

Mayor

Attest: Town Manager

**MINUTES OF THE SEPTEMBER 29, 2016
CHINCOTEAGUE TOWN COUNCIL SPECIAL WORKSHOP MEETING
WITH THE PLANNING COMMISSION**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Planning Commission Members Present:

Ray Rosenberger, Chairman
Mollie Cherrix
Steve Katsetos
Spiro Papadopoulos
Jeff Potts
Mike Dendler

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

Mayor Tarr thanked everyone for showing up. He reminded everyone that this is for the Town Council and Planning Commission's input.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Planning Commission Chairman Rosenberger advised that they concede to the Council as the Commission is a subordinate to the Council.

15. Presentation of a Possible Waterpark in Maddox Campground

Mayor Leonard stated that they are here for a presentation of a waterpark. He turned the floor over to Mr. Todd Burbage.

Mr. Burbage thanked Council and the Planning Commission for having him this evening. He introduced himself as Todd Burbage who grew up in Berlin, Maryland. He stated that he came to Chincoteague in 2004. He added that he currently owns the Fairfield Inn and the Jackspot. He also introduced Mr. Chris McCabe.

Mr. McCabe with Coastal Compliance Solutions advised they do compliance management and permitting.

Mr. Mike O'Neill with Waterpark Design Construction introduced himself.

Mr. Mark Wilkinson, President of Paddock Swimming Pool Company who is a contractor of pool design also introduced himself.

Mr. John Custis introduced himself as Mr. Burbage's attorney.

Mr. Burbage explained that they are here because back in January he and his family purchased Maddox Campground. He stated that they have been fairly successful at turning mom and pop campgrounds into high end resorts that are nationally recognized. He stated that as they have gone through the development process they thought of opportunities that exist such as they planned on redeveloping all of the bath houses and the main area. He also stated that the waterpark component became an opportunity for them. Mr. Burbage stated that the reason they decided to go with a waterpark is because it's becoming a national trend. He also stated that campgrounds are installing waterparks to increase occupancy levels and is also a family oriented activity. He added that it is no different than back in the day when they used bicycles and kayaks. He stated that they felt the community would like to have some interest in utilizing the waterpark.

Mr. Burbage stated that one of the things they asked was to allow access to the community so they could utilize the facility. He advised that they have never done a waterpark before. He also stated that if there was 4 acres anywhere else on the island that didn't have a campground or associated business they wouldn't do it. He gave an example of the Landmark property zoned C3 which would be allowed but they wouldn't put a waterpark there. He stated that it is an amenity for the campground. He advised that with any of their large investment, they like to go out and get advisors to do a case study and advise them for highest and best use and opportunity for this site. He stated that they hired HLA who is a national feasibility company. He added that they ordered a study when they built the Fairfield Inn. He added that they do a study before they build anything. Mr. Burbage read from the study regarding the impact on hospitality, hotels and campgrounds. He stated that they have done a study of waterparks all over the United States.

Mr. Burbage reviewed the plan for the waterpark. He stated that they are proposing to phase it in. He stated that the construction cost for the entire plan is around \$6 million. He stated that they aren't prepared to spend \$6 million. He added that they will phase it in. He explained their thoughts are to put in 2 of the water towers, a kiddie structure and one of the pools. He stated that they would grow into it in time. He advised that they will build it on 2.5 acres and the associated parking lot will be 1.56 acres which totals 4.15 acres. He also stated that there will be 155 parking spaces and a waterpark of this size will employ 50 people. Mr. Burbage stated that they plan to have a nautical theme to the park with a unique theme and descriptive story. He stated that each ride will provide more interest and interaction as they go. He also stated that it will feature 46 aquatic play structures with 4 play slides and a 1' wading pool for the kiddie area, which is the biggest attraction. He added that it will have 3 waterslides with towers that run down into the pools. He also stated that they highly recommend installation of a lazy river in the beginning.

Mr. Burbage advised that the park will include 2,200 square feet of ticket sales office a booth section, retail and bathrooms. He stated that off to the side there will be an adult only area with a small tiki bar and a beach. He also stated that the property will include a 1,500 feet pavilion for parties and other functions. He stated that they plan to offer 10 or more cabanas for rent and the waterpark offers a discount rate for the campers. He added that tickets will be offered to the hotels with waterpark packages and then mentioned marketing and sales. Mr. Burbage stated that they recommend offering seasonal passes to local residents and occupants of the seasonal portion of their park. He stated that they are recommending offering plenty of shade areas during high temperatures.

Mr. Burbage stated that this takes him to the area of where there is a rumor. He advised that they asked their surveyor to stake out the different features and to see where to best lay out the property. He stated that in the 2.5 acres they will be taking out 12 trees. He stated that in the analysis the projections for a waterpark of this size to be developed in Chincoteague, 79% will come from the campground and 4% will be local and overnight leisure visitors. He added that 80% of the people staying in the campground will be using the facility which means there won't be heavier traffic as they will already be there.

Mr. Burbage also read from the Town's Comprehensive Plan stating that there is a huge emphasis on tourism and tourism based businesses. He stated that the employment in accommodations in the food sector is a reliable indicator of the importance of the tourism to the local economy. He also stated that in 2016 this accounted for an estimated 37.1% of the overall employment in Chincoteague Island. He added that in the entire state of Virginia that number is 8.6%. He continued reading about the larger employers such as Tyson, Perdue and NASA. He mentioned in 2016 Trip Advisor ranking Chincoteague the #1 of 20 affordable summer beach destinations and in 2015 Chincoteague ranked #2 in Budget Travels List of America's coolest small towns. He continued to read the accolades.

Mr. Burbage then read about the waterpark demographics. He stated that age is an important factor of a waterpark attendance which is a family activity. He added that attendance is a demographic indicator. He read that children from the ages of 0 to 17 accounts for 43% of waterpark visitors and ages 25 to 49 account for 31%. He continued that other local area

waterparks that have campgrounds associated with it approximately 25% are locals and 75% are campground guests.

Mr. Burbage addressed the days open. He advised that the subject waterpark is projected to be open Memorial Day weekend to Labor Day weekend which is approximately 102 days a year. He stated that they will focus on a variety of potential users including local residents, schools, church groups, other groups, family visiting the area and overnight stays and travelers going to Assateague National Seashore. He reported that they project to be the busiest in the middle of the summer between July and August. He felt he should highlight those things which came from a national waterpark company. He stated that it's going to be a small park and a family waterpark for the benefit of mainly the campers in the campground. He advised that he already has Health Department approval of 185 campsites. He stated that if he didn't have the campground he wouldn't have a waterpark on Chincoteague. He advised that they felt it was best to open it up to residents and visitors who want to come to it. He also addressed some of the rumors. He stated that there isn't one square inch of wetlands that will be disturbed. He added that as a matter of fact they recently restored a half an acre of wetlands from the previous owners. He discussed the surveys adding that they surveyed every single tree on the property so they could maintain as many of the trees as they possibly could. He stated that they are only removing 12 trees out of the waterpark area.

Mr. Burbage then discussed water usage. He stated that they have many pools and facilities around the Eastern Shore. He advised that they purchase their water from Cropper's water truck which is the cheapest way in every jurisdiction. He stated that this is 2.5 acres and he has 200 acres there. He stated that the parking is 1.6 acres. He concluded that the Town of Chincoteague is very important to him. He stated that this is why he is here. He feels it's an appropriate use for that site and for that business and for the Town of Chincoteague. He stated that they feel that today, by right, he could build the waterpark, (as he pointed to another parcel of land). He stated that upon the past leadership of this community it was an error in dictation that the waterpark use didn't make it into the C4 zoning. He advised that it was an error and not intentional. He asked Council to give them the opportunity and feels that everything they've done on Chincoteague has been 1st class. He advised they employ over 150 people on the Island. He stated that it is short-term and 100 day use. He added that kids' laughing is what you'll hear and the Town needs it and wants to be a part of it and he wants to be a part of this community.

Mayor Leonard stated that he would like to go around the table for Council to ask questions.

Councilman Taylor asked what they were going to do with the water when it has to be disposed.

A consultant with Mr. Burbage responded that the water will be neutral pH, which is no different than the water that falls from the sky.

Councilman Taylor stated that this tells him the water isn't dangerous. He asked again where they will dispose it. He stated that if it's put into the ditches it will go into the wetlands.

The consultant advised that Paddock Pools has been in business since 1989. He stated that they've done 80% of the waterparks in this part of the east coast.

Councilman Taylor stated that if Cropper's is hauling the water into the waterpark then Cropper's should be hauling it out of the waterpark. He feels that people don't want it overboard. He also stated that this is going to be installed in phases. He doesn't feel the C4 zone will be changed. He stated that a conditional use permit is what has to be submitted. He asked how many phases it will be.

Mr. Burbage advised that it will be in 2 phases.

Councilman Taylor asked if he would be willing to do a conditional use for each phase. Mr. Burbage stated in all due respect that either they want it or they don't want it. He stated that there is no need to suffer through the public hearings. He also stated that it should be approved up or down.

Councilman Taylor stated that you can't get to phase 2 before you get to phase 1. He stated that if there is a mistake on phase 1 then they shouldn't approve phase 2.

Mr. Potts stated that in reference to local real estate in an approved large subdivision it is usually in phases. He agreed with Mr. Burbage that it's all or nothing. He stated that it shows 3 waterslides. He asked how high they're going to be.

Mr. Burbage advised that they have different designs and they are designed at 25' and 35'.

Mr. Potts stated that they are allowed 36'.

Mrs. Cherrix stated that she knows that the children love a waterpark. She asked about the additional traffic on the circle, especially on 4th of July weekend. She asked if they would utilize the existing entrance or have another one.

Mr. Burbage advised they would utilize the existing entrance. He explained that they will add a turn lane allowing people to get off the circle to turn into the waterpark quicker.

Mrs. Cherrix mentioned the mopeds and young children riding bicycles in the summer and having them turning into the waterpark as well. She stated that this is her concern and she asked about the closing of 6:00 p.m. She also mentioned that he wouldn't be encroaching on the marshlands.

Mr. Burbage advised that she was correct they would be closing at 6:00 p.m. and they wouldn't be encroaching on the marshland.

There were comments about the turn lane.

Mr. Katsetos thanked Mr. Burbage for coming in and addressing a lot of the issues they have with this project. He stated that his concern was with trucking in the water and how many gallons it would be.

The consultant advised that the park is relatively shallow and he mentioned the pool depths.

Planning Commission Chairman Rosenberger mentioned the depth of the lazy river.

The consultant stated that the lazy river will be 560' and 3 1/2" deep. He further commented that there will be no deep water in the waterpark.

Planning Commission Chairman Rosenberger asked about the capacity of the campground and if they were eliminating sites.

Mr. Burbage advised that they wouldn't be eliminating sites. He added that this is an area that historically hasn't been used. He believes it was for overflow tent camping. He also stated that the site currently has 370+ sites that are actively marketed. He added that the Health Department has permitted 480+.

Planning Commission Chairman Rosenberger also asked about the projected capacity of people.

Mr. Burbage responded it will be a little more than what the Maddox's had. He estimated the amount of people to be 1,000 – 1,200 and the capacity is 1,200.

Mr. Papadopoulos stated that his primary question has to do with safety. He stated that Maddox Boulevard from his site to Chicken City Road is a two lane situation. He asked about provisions for response of emergency vehicles.

Mr. Burbage stated that on site the Health Department regulations are specific.

The consultant interjected that they are required that all lifeguards are CPR certified along with the management team. He also stated that there will be a sliding gate on the Maddox side of the circle as well as on the area to the south. He advised that he has accommodated this in the plans.

Mr. Papadopoulos stated that it didn't address accidents.

The consultant also added that they will have a defibrillator in case of cardiac arrest and all of the safety measures are within the Health Department standards. He stated that it would be no different than something happening at a restaurant. He also stated that if there is a major problem there they can handle it until the ambulance arrives.

Mr. Burbage stated that the study shows that there won't be a big traffic impact. He stated that they only have 155 parking spots for the entire day. He added that the study states that 80% of the people will already be there. He also stated that the traffic won't be a problem with what's already there.

Mr. Papadopoulos stated that he is more concerned with accidents on the 4th of July weekend.

Mr. Burbage responded that it's the same as McDonalds and the hotels that are beyond the campground.

Mr. Papadopoulos asked if he knew the statistics for accidents at waterparks.

The consultant advised that most of the bigger waterparks with bigger slides and bigger towers are more dramatic. He stated that the majority of the accidents in the waterpark industry are with the tube slides. He also stated that it's because not everyone is the same weight and shape. He explained a lot of times they come out of the tubes and have hurt their neck, head or broke an arm. He continued that there are no tube slides in this waterpark. He also stated that everything has been designed in the rendering and they went with all body slides for safety. He stated that there are no deep water pools which was done for safety. He also stated that he had lunch with the CFO of the company and insurance representative, Todd Wilkerson who gave them all the data. He reported that it's 90/10 and on the body slide they never leave the surface but with the tube they fall off the tube and become discombobulated. He also stated that there are more problems and injuries with running.

Mr. Papadopoulos asked if they intend to apply for a conditional use permit.

Mr. Burbage advised that they do intend to. He also stated that they were advised by the insurance company of what type and size of slides they should have.

Mr. Dendler expressed his concerns for the environmental impact. He stated that he would like to know if any kind of study has been done. He added that he is also concerned with storm water runoff from the parking, paving or infrastructure.

Mr. Burbage responded that everything will be by state, Town and county guidelines. He stated that some of the construction that is here is pretty old and doesn't accommodate. He reported that at the Fairfield Inn and Jackspot there is no flooding.

Mr. Dendler also asked that because of the proximity of the wetlands if there were any federal regulations or guidelines that have to be followed.

Mr. Burbage responded that there absolutely were and every jurisdiction in the country has federal restrictions and guidelines.

The consultant stated that with the park design they are upwards at a setback of 80' away along the marshland. He stated that they avoided all of the wetland. He added that the only impacts to the wetlands are part of the construction of the pier for the campground. He stated that there will be nothing from the waterpark. He also added that if there is a plan on impact of the tidal wetlands in the state of Virginia and through the Virginia Marine Resources and the Army Corps of Engineers, it has to be mitigated also which costs \$17 per square foot of impact. He stated that they have to make a good case as to why they are impacting vegetated tidal wetlands. The consultant also stated that in this case they have avoided it everywhere. He responded that as far as storm water goes they have to implement storm water management through the Virginia Department of Environmental Quality Storm Water Pollution Prevention Plan. He advised that they have an engineer on staff working to get this done and will be approved through Accomack County through their 3rd party consultant.

The consultant also advised that they are looking at pervious pavement, micro-viro tensions and small pocket designs to treat the storm water closest to its source. He stated that water quality will be enhanced through the process. He added that currently there is zero storm water management on the site. He also stated that from a wastewater perspective they are designing 2 scenarios; 1) a package wastewater treatment plant for the entire property, or 2) a smaller water treatment plant that will treat the waterpark and have some additional gallons per day. He stated that this will be a state of the art upgrade system exceeding the current standards.

Councilman Lewis thanked Mr. Burbage for coming. He stated that his questions have been answered. He stated that he is glad they won't be disturbing the marshland. He feels this is a great thing for the community and the kids. He feels they are going to do a good job and it looks great in the plans.

Vice Mayor Bowden also thanked Mr. Burbage and everyone in the audience for coming. She stated that she is really hoping that his session will answer a lot of questions from the public. She stated that he answered the question she had about the trees and 12 is what they're looking at to be removed. She stated that they've answered the questions about the impact on the marshland which was a huge concern to the residents. She stated that they talked about the height of the water slides being 25 – 35 feet. She asked if this was from the ground up.

Mr. Burbage responded that it is from grade up. He added that they had 2 reasons why it is 25 and 35 feet because they received 2 different answers of what it needed to be. He stated that obviously the higher the slide the more exciting it is. He stated that a 25 feet slide is pretty pathetic, but it is done all of the time. He added that they will meet any and all of the Town Codes.

Vice Mayor Bowden, in looking at the plan, asked what kind of trees were in the plan.

Mr. Burbage stated that the larger trees are the existing trees. He added that they can do whatever trees are necessary to make it fit within the community.

Councilman Ellis thanked them for coming as well. He stated that they have addressed some of his questions and concerns. He then referred to the study and asked if there have been any economic analysis done. He asked what they anticipate of the increased revenue within the Town.

Mr. Burbage stated that they haven't done an actual revenue and tax implication for the Town. He offered to get this information.

Councilman Ellis mentioned the 50 jobs and asked if this was after construction. He asked if these were seasonal, part-time or unskilled jobs.

The consultant stated that 50 jobs are seasonal as well as a few jobs on a permanent basis. He stated that with a waterpark there is a lot of work when it's open and a lot of work when it's closed. He stated that there will have to be a few people there maintaining it when it's closed.

He also stated that he is hoping to get a few Chincoteague High School kids and getting them certified. He feels it's a fantastic way to spend a summer.

Mr. Burbage explained that they are decent year-round jobs and a manager will make a very healthy wage. He also stated that there will be a year-round manager, 2) assistant general managers and full time engineers. He added that there will be about 10 of the 50 that are year-round. He stated that the rest are community kids and whoever wants a job.

Councilman Ellis expressed his concerns about the impact on the Town's resources. He stated that some of them were addressed. He also stated that when you travel Maddox Boulevard on weekends and some holidays its bumper to bumper traffic. He asked if they would need a police officer out there or if there weren't enough people to involve that kind of thing.

Mr. Burbage responded that based upon other larger waterparks there's no need to have police officers and things like that. He also stated that there will be some scrapes and bruises because it's a waterpark. He advised that he has them at the Fairfield Inn and at the Jackspot. He feels they do a better job than most in taking care of their customers and guests that are there. He added that in their world the guest is always right and always #1 even when they're wrong. He stated that they will take every single measure there is to see that the place is as safe as it can be. He also stated that in the campground, over 80% of the people that go there are already going to be on this property. He added that they will be there whether the waterpark is going to be there. Mr. Burbage stated that there are 155 parking spaces for the residents of the community and day trippers. He stated that it's not an economic engine that's going to have 30,000 – 40,000 visitors. He believes it's going to be 2,000 for the entire summer. He also stated that on any given day out of the 155 parking spaces, it will probably 100 island residents or residents of Accomack County. He added that the other people are already there. He stated that it keeps them off of Maddox Boulevard.

Councilman Ellis stated that Mr. Burbage mentioned the accolades that the Town has received from various tourism industries. He stated that invariably when you read those, people don't want Chincoteague to change and become an Ocean City. He thought that Mr. Burbage originally didn't want to go through with a conditional use permit. He stated that one of the things that have to be done is public hearings. He has heard more from citizens in calls and emails about this than anything in the 2 years he has been here.

Mr. Burbage stated that he is happy to go that route. He explained that the reason that he originally didn't is that he thought they could resolve it the other way because it was the belief of the prior Town leaders that this was an error in the Zoning Code. He continued that he thought that the Town was going to make right the error from 10 years ago. He stated that he is happy to go through the process and what takes place. He asked what would be a more family oriented activity than going to a waterpark. He stated that he lives in west Ocean City and takes his kids to the waterparks. He added that there isn't anything for these kids to do. He feels it's a great activity. He also added that you're talking 2.5 acres on the island. He feels that people manifest issues that aren't really there like he was going to build condos in the marsh or that they were destroying the marsh. He stated that it's never been a plan and was conjured up in their minds.

Councilman Ellis stated that it was mentioned several times.

Mr. Burbage advised that it wasn't the reality and he's saving every tree he can save. He added that he could clear cut the whole backside of the campground and get more campsites. He stated that the essence of camping is trees and the essence of a waterpark is shade. He also stated that the essence of Chincoteague is family activities and things to do.

Councilman Ellis stated that this was brought up when the youngster was killed in the water slide accident in Kansas.

Mr. Burbage also stated that the census of the Town of Chincoteague is going down. He stated that in 2010 there were 2,400 full time residents and they're projecting less in 2018 and less in 2021. He added that the kids don't have anything to do and they don't have jobs. He also stated that it's encompassing them and it's not about jobs. He stated that it's about family activity.

Councilman Ellis stated that Mr. Burbage mentioned that C4 was a use permitted by right. He stated that he doesn't see that. He advised that he moved to the Island in 2010 and at that point in time there were serious discussions about extending C4. He added that there was no effort to add additional by right uses to that. He stated that the previous Planner advised that C4 was a combination of C1 and C2 which do not allow amusements. He also stated he isn't necessarily against this project. He feels this is a zoning thing and not about economics. He added that they have rules and procedures in place that must be followed and if he is willing to go that route then it's something that should be considered.

Mr. Burbage responded that he is happy to go that route. He stated that he put in a conditional use in May and there were issues associated with it. He also stated that he didn't put it on the Planning Commission's agenda; someone from the Town put it on the agenda.

Councilman Ellis stated that this could have all been resolved had they done that in May and he is sorry they didn't proceed.

Councilwoman Richardson thanked Mr. Burbage and stated that it was a pleasure to meet him as she has heard a lot about him. She stated that she remembers when they had a waterslide on the traffic circle. She stated that it was tall but she wouldn't ride it but the kids did. She advised that her job is transporting kids back and forth to school and she knows what it means. She stated that her grandson was working this year adding that he gets upset when he doesn't have work to go to because he's not making money. She also stated that she doesn't believe the Mr. Burbage would come here and put the kind of money he's put into that campground without building something first class. She understands that there are a lot of people against it. She stated that she's been here long enough that she doesn't necessarily want to see things the way they were. Councilwoman Richardson stated that she has been here 58 years from Snow Hill and is familiar with Berlin. She believes that the Town should be able to work with him and feels this would be a great asset.

Mr. Burbage thanked her.

Councilman Frese commended Mr. Burbage on this project. He stated that in the 1990s he was on the Planning Commission. He stated that it was his understanding that the higher you went in the zoning hierarchy the more liberal it was and the more you could do without having to get additional permissions. He also stated that he was shocked when this came up that C4 was more restrictive than C3. He stated that he thought it was a misunderstanding. He added that he knows that from a personal review that this isn't wetlands. He stated that he's been down there. He knows and can state that there are no wetlands there. He sees where Mr. Burbage has had the limits of the wetlands drawn on the plan. Councilman Frese advised that his father brought him here to go fishing in the 50's and in the 60's he was married and increased his family making Chincoteague his permanent vacation. He also stated that he stayed at Snug Harbor with his father. He mentioned Nathan Hill and Buck Kambarn. He advised that he got a lot of history over the years from the older folks. He also stated that he knew then what the people of Chincoteague wanted and there were 3 prime things. He advised that one was they wanted clean jobs and attractions for the younger people. He also advised that they didn't want to be another Ocean City. He stated that then and today there is a limit of 3 stories in construction with a maximum height of 36' above grade. He explained the 3rd thing was that they did not want central sewerage. He stated that they got the powers that be to vote it down. He also stated that it was offered by the federal government and by NASA over the years.

Councilman Frese stated that those 3 things have been bored into his head for over 50 years. He also stated that these two things provide 2 of the 3 things that the Chincoteague people wanted. He added that it provides jobs, a basis for taxes and it provides something for the young people to do. He stated that he would understand if something was going to be built on the wetlands and everyone rising up. He also stated that he was on the Wetlands Board in Accomack. He added that this is unfortunate that people thought that this was what he was going to do. He asked about putting in a wider access road to alleviate the traffic going into the campground and waterpark. He stated that anything he can do to draw the traffic away would help.

Mr. Burbage showed him the picture that the Planners created coming down Maddox giving a stacking area off of Maddox. He stated that this is what he owns and controls.

Councilman Frese asked if it could be a little wider.

Mr. Burbage stated that they are opened to suggestions to make it better.

Vice Mayor Bowden also asked what the capacity was of people at one time in the park.

Mr. Burbage advised 1,200.

Vice Mayor Bowden referred to the water slide that was here in the early 80's. She stated that as she looked around the room very few people remember or knew about the water slide. She stated that as one of those kids that used it after viewing pictures of it last evening, she commented that it was the ugliest things she has ever seen. She stated that it had a 60-70' woman in a bikini. She also stated that they lived through it. She added that to think about that and look at the new plans, he has answered many questions she's heard on the street, email and facebook. She stated that it is beautiful.

Mr. Burbage stated that Jack is his father and it's called Maui Jack. He advised that he is 74 years old and it is something he will be proud of. He also stated that if it was something that would tarnish his legacy they wouldn't build it. He also stated that his father is a give back to the community type of guy who cares. He added that this park is emulated after him. He stated that they do it because they want him to have his legacy. He promised those sitting on the Boards and the Community Seats that their kids are going to be there. Planning Commission Chairman Rosenberger asked about the pier. He stated that it's on the campground side into the channel.

Mr. Burbage stated that it's for kayaks.

Planning Commission Chairman Rosenberger asked if the permit was submitted. He was advised that it was submitted and being reviewed by the Army Corps and VMRC.

Mayor Leonard advised that this wasn't part of this project.

Planning Commission Chairman Rosenberger stated that the emotion that was expressed at the recent meetings indicated the concerns as Councilman Ellis showed the relevance of the impacts of the marsh.

Mr. Burbage understood. He stated that it's all valid and it is all intertwined. He feels they're all in it together to do what's best. He stated that they are planning to have a beach on the other side which will all be completely up-land. He explained that when Assateague is full with 1 person on and 1 person off, on the up-land portion overlooking the marsh and the lighthouse, people will have some place to go.

Mayor Leonard asked if the site will be elevated.

An Engineer with Mr. Burbage advised that it will be at grade level.

Mayor Leonard expressed that one of his concerns is the area to the east that is currently elevated above that. He also stated that there is another site that is way above that. He asked if they could help this area with putting in drainage or something that will help alleviate something that is going on at the circle.

Mr. Burbage agreed and advised that while they are going through the process and planning, they could do some storm water management designs, look at the hydrology and water studies here. He also stated that they've done it on 2 separate occasions for the Town; one through Landmark and the other was at the Jackspot. He added that anything they can do to help make it better they will do. He stated that they are a part of the community and aren't separate, they want to help.

Mayor Leonard stated that days like today with nor'easters and water everywhere they have to think about it. He referred to the area for the waterpark and stated that this was overflow tent camping and parking for the Oyster Festival. He stated that there is one drain line and swale.

The consultant advised they will accommodate this.

There was discussion regarding the drainage on the circle and the pump.

Mayor Leonard also asked once the 155 visitor parking spaces have been taken would they have something out front letting people know the park is at capacity or full. He explained that this is so there isn't traffic coming down Maddox and into the entry causing backup.

Mr. Burbage stated that this is a great question and idea.

The consultant responded that they will utilize signs and if the signs don't work they will put an employee out with flags.

Mayor Leonard feels that there will be a lot more local visitors using it than what he thinks. He feels that he has addressed the marshland impact, tree impact and he mentioned the permeable road surfaces and drainage at the offices.

The consultant explained that this was one of the options they are looking into.

Planning Commission Chairman Rosenberger stated that this can be addressed in the conditional use permit.

Mayor Leonard asked if anyone from Council or the Planning Commission had anything.

Vice Mayor Bowden asked if Mr. Burbage would be open to providing or having swimming lessons along with groups for fundraising.

Mr. Burbage advised that this is an option. He stated that the other parks do fundraisers all the time. He advised that they anticipate the exact same thing. He stated that what they specifically talked about was about the YMCA and giving lessons once the larger pool is in.

Councilman Lewis asked if it was going to be fenced in.

Mr. Burbage advised that it is.

Mayor Leonard asked about lighting. He stated that it is supposed to be opened until 6:00 p.m.

The consultant advised that there will be no lighting because it will be closed at 6:00 p.m.

Mayor Leonard stated that he raised 3 children on the Island and he welcomes this. He stated that when he was coming up his playground is now developed. He added that there is getting less and less for the children of Chincoteague to do. He feels this would be a welcomed addition.

Mr. Burbage offered to leave the picture.

Council agreed to put it on display.

Mr. Burbage asked how the process will work. He stated that construction process and timeline is important as it takes about 8 months to build. He asked if they should forget about it for the summer of 2017 or are there opportunities to explore to expedite the process.

Building and Zoning Administrator Lewis stated that at this time they haven't received anything. He stated that he doesn't know if there has to be a variance because he hasn't received anything. He advised that once he receives the full application it will be processed, reviewed and forwarded if he wants a conditional use permit or a variance.

Mayor Leonard stated that first he has to present the documents to Building and Zoning Administrator Lewis and then he determines that it needs to come before Council. He stated that if it's a conditional use it has to have a zoning review which includes a public comment period.

Building and Zoning Administrator Lewis stated that right now if he wants to move forward with the conditional use permit he needs to submit a full set of documents with everything he is going to do. He continued that his office will review them and at that point Mr. Burbage will receive a letter from him which way they need to go, whether it's a conditional use permit, variance or building code issues. He stated that he is like the public and has no concept of what's going on. He stated that documents have been given to other people but not to his office. He also stated that they need to start doing it right and get it on his desk for review.

Councilman Frese and Building and Zoning Administrator Lewis had a conversation on how long it will take.

Building and Zoning Administrator Lewis feels it could take up to 30 days.

Councilman Ellis stated that what was shared tonight was wonderful. He stated that regarding process, he has received numerous emails about this issue. He also stated that he received an email from a lady regarding a series of emails about a meeting or series of meetings with Town officials and Mr. Burbage where promises have been made or a deal has been reached. He stated that she asked if this was true. He advised that his response to her was that he couldn't believe it's true because as far as he knows he hasn't and no other Councilmember has received any information about any meetings or anything of that nature. He stated that he is saying this to be transparent and fair. He stated that within a day he received the agenda about a presentation of a waterpark. He also stated that he asked Town Manager Ritter what publicity was going out because this was a hot issue for the Town.

Councilman Ellis then stated that Town Manager Ritter informed him that because there wasn't going to be any public comment an agenda would be put on the counter in the office. He stated that he sent an email out. He also stated that the meeting wasn't publicized. He asked if there were any meetings about this with any Town officials. He advised that Building and Zoning Administrator Lewis stated that he hasn't received anything.

Mr. Burbage stated that he specifically requested a meeting with the Mayor and Town Manager Ritter because he felt like the Town had put on the agenda for the Planning Commission to hear whether or not C4 had an error that occurred 10 years ago. He met with those people and they

suggested that he do a round table meeting to inform the Planning Commission and Council. He added that this jurisdiction follows the codes more than any other jurisdiction up and down the coast.

Councilman Ellis stated that Mr. Burbage has put a lot in this community and he appreciates it. He stated that if Joe Citizen owns a C4 property on north Main Street and decided to put in a roller skating rink that could be an ice skating rink in the winter he would have to go through a conditional use application. He asked if he would be granted the same session here of a joint hearing with the Planning Commission and the Town Council without submitting any documents or would he have to do the application with supporting documents. He also stated that its equity for all citizens.

Mayor Leonard stated that any citizen of the Town of Chincoteague can call his cell or call Town Manager Ritter if they want to have a meeting with Council then Council will have a meeting. He stated that this is what it is, it's a meeting. He added that it's nothing else with no guarantees to be given and nothing else except the fact that the Town wants information about this park. He also stated that otherwise, what they're dealing with is a lot of misinformation. He felt it was best for this Council and this Planning Commission and this Town to get the facts and do away with all of this misinformation and miscommunication. Mayor Leonard stated this is why he personally wanted this meeting to get the facts out. He stated he is tired of all the misinformation that's being spewed out and he wanted to get this project before Council. He also added that if he has violated a law, statute or something, he stated that they can impeach him. He again added that he wanted to get the facts because he hates misinformation.

Councilman Ellis stated that he wasn't trying to blame Mayor Leonard.

Mayor Leonard stated that he has been blamed, his nerves are on edge and he advised he is sorry.

Councilman Ellis stated that the opportunity should be afforded to any other citizen.

Mayor Leonard stated that any citizen that wants a meeting with him can pick up the phone.

Councilman Ellis stated that he is referring to the joint meeting with the Planning Commission and the Town.

Mr. Burbage interjected that this was a specific request of his. He stated that he didn't want to come back 2, 3 and 4 times to say the same things. He felt it was the most efficient way and the Town accommodated his request.

Councilman Ellis stated that he can appreciate that but wants the confidence that the same opportunity will be given to everyone.

Planning Commission Chairman Rosenberger stated that in the past there have been meetings between various officials and developers. He stated that this was to iron out the legal aspects of what has to be done which were non-confrontational. He stated that as far as he is concerned it is their obligation to work out the details. He also stated that it protects the citizen's rights and the

developer's rights. He added that they haven't had this type of forum because Facebook and so forth has generated a lot of interest.

Councilman Taylor stated that there is a young man at the table that has been through this process. He stated that it is Mr. Steve Katsetos. He stated that there wasn't much difference.

Mr. Katsetos stated that it wasn't and it was intensified. He added that it was 11 years ago.

Councilman Taylor stated that everyone did a very good job. He stated that he remembers that it was the talk about the go-carts.

Mr. Katsetos stated that it was different back then. He advised that he battled the Town approximately 14 months.

Councilman Taylor stated to Councilman Ellis, that it will be a conditional use permit and he will have a vote.

Councilman Ellis stated that he isn't necessarily opposed to this.

Councilman Taylor stated that a conditional use permit goes to the Council who will have the say. He stated that it isn't going to deflect anything.

Councilman Ellis stated that he met with zoning but not with this group.

Mr. Katsetos stated that for amusements they couldn't have a combustion engine. He stated that he had to get that changed. He also stated that it was a lot harder than this. He addressed Mr. Burbage about the time-frame stating that the Planning Commission could do a joint public hearing with Council. He added that once it gets to the Planning Commission Mr. Burbage would have to wait about 2 months.

Vice Mayor Bowden understands where Councilman Ellis is coming from. She advised that she wants to make sure that the "correct" information is out to the public. She stated that she sat in the meeting with Mr. Burbage and Mayor Leonard. She stated that she sat across the table from Mr. Burbage and he felt that a part of the zoning was overlooked. She also stated that she specifically told him that there is no way she could vote for a change in the zoning to accommodate this project. She added that when the zoning is reviewed again that would be the time to talk about it. She stated that they discussed the conditional use permit. She also stated that she always knew that the government moves slow but didn't know that it moves as slow as a mud turtle. Vice Mayor Bowden also stated that she and Mayor Leonard were on the same page with having the forum. She stated that she was hoping to set it up that Mr. Burbage could stand up there and have the Council chambers packed with 1,000 people to answer questions. She explained that Mayor Leonard felt, with good reason, that Council didn't want Mr. Burbage to feel like a piece of meat in a lion's den either. She feels this has been very informative and that it was streamlined and in favor. She added that if you want to build your ice skating rink and want to meet with all of Council she is in favor of this process because it moves things along. She feels it's been a good thing. She again stated that she understands Councilman Ellis.

Councilman Frese feels that they have mischaracterized what Councilman Ellis was saying. He explained that there is a valid point which is in recent years there has been a curtain drop when it comes to Council. He stated that he has heard things on the street and asked Town Manager Ritter about it and he would advise that it was true. He feels there has been a silence curtain fall around the Council and he has voiced it at public meetings. He also stated that he finds that this is what happens. He stated that he knew nothing about the meeting. He advised that he wouldn't have objected to a Councilmember and Town Manager Ritter speaking with Mr. Burbage. He added that he would want to know about it. He stated that he doesn't want the idea that he gets more from the street than he gets from the Town office. Councilman Frese also stated that he has been objecting and fought about for several years. He stated that he doesn't believe people understand where he is coming from. He added that he has come to the conclusion that he is going to have to get more vocal about it. He feels that is the essence of the question that Councilman Ellis is bringing up. He also stated that he doesn't object to having a meeting. He stated that he doesn't want to hear it on the street and wants to hear it from Council. He suggested that this needs to be worked on as a Council and a Town.

Councilman Lewis stated that if he isn't mistaken, at the last meeting Council asked Mayor Leonard and Town Manager Ritter to get this together with Mr. Burbage to resolve it. He stated that he didn't see a problem with it.

Councilman Frese stated that these things happen and you don't hear about it from the Town.

Mayor Leonard responded about this being a wonderful thing that they are arguing over a pool in today's society. He also stated that they are sitting discussing a family waterpark and it's a great thing. He added that this is an informational session to get away from all of the misinformation. He again stated that he wants the facts.

Councilman Frese advised he is applauding this meeting.

16. Council Member Comments

Councilwoman Richardson stated that she appreciates this matter. She advised that she also heard about it from the Planning Commission the next day. She is glad Mr. Burbage came so Council could hear it straight.

Councilman Lewis stated that people here are in fear of change. He advised that he has lived here for 60 years and people say they would like to have it the way it used to be. He stated that Mayor Leonard and a lot of you know there used to be hog pens on Maddox Boulevard. He stated that it's been a lot of changes and this is going to be great. He continued to state that the teenagers always complain that there is nothing to do on Chincoteague and they'll have a place to go.

Councilman Taylor thanked Mr. Burbage. He stated that Mr. Katsetos has a nice place and is going strong. He stated to Mr. Burbage that he is a developer and asked him to hang with it because nothing is easy. He also asked him to work with the community and share with the community and together they can make things happen. He thanked him again.

Mr. Burbage thanked everyone for having him because Council has always been open and helpful. He feels it's been a two-way street for everyone. He added that its part of being a community and everyone has strong ideas because they care. He stated that it's about finding a common ground.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE OCTOBER 3, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

INTRODUCTION

Mayor Leonard introduced the new Director of the Chincoteague Museum as Ms. Maria Grenchik. He invited her up for introductions.

Museum Director Grenchik advised she is the new Director of the Chincoteague Museum. She stated that she moved to the Island a few weeks ago from Maryland. She also stated that she has a bachelor's degree and master's degree from the University of Maryland in College Park in archology and historic preservations. She added that she has worked in several different museum environments which focused on historic preservations, field archology and museum

education. Director Grenchik stated that her biggest goal is to focus on education in the museum. She advised that the Town's most recent donation is something they will use in her goals for education. She stated that it is a priority to get the schools involved by setting up field trips. She stated that the previous director spoke to Council in March about a lot of the important scholar programs they have at the Museum. She reported that in 2017 they are planning to double some of their offerings. She listed their upcoming programs.

Director Grenchik invited everyone to stop by the Museum and she is going to come up with lots of ideas for their new fieldtrips. She also thanked Council for allowing her to introduce herself and stated that she looked forward to meeting them all.

Mayor Leonard advised that there are some folks in attendance that are running for the Commonwealth's Attorney position. He asked if they would like to introduce themselves.

Mr. Spencer Morgan advised that he has been with the Commonwealth's Attorney office for 5 years. He stated that he is currently running for the Commonwealth's Attorney and looks forward to meeting everyone and share his vision for the Commonwealth's position. He also stated that this is where criminals are held accountable; victims are assisted and helped through trying times. He added that communities are made safer as well as serving justice.

Mr. Jon Poulson stated that he and Supervisor Tarr wanted to bring Mr. Morgan to Council this evening so they could meet him. He stated that Mr. Morgan is the Assistant Commonwealth's Attorney and a candidate for the Commonwealth's Attorney in the November 8th election. He stated that he has a wife, Mrs. Elizabeth Morgan and a very young son who live in Onancock. He advised that Mr. Morgan is experienced and tried a lot of cases. He assured Council that he and Mr. Tom Northam has thrown everything in the world at him including the kitchen sink. He added that he is like the energizer bunny that keeps on ticking. He also stated that Mr. Morgan is an aggressive prosecutor, but fair with principle and has great integrity. He stated that the Commonwealth's Attorney is the people's attorney and he feels these are the traits that a Commonwealth's Attorney should have. Mr. Poulson also stated that many present have not ever met Mr. Morgan unless they were a victim or witness. He advised that he could assure everyone that he is extremely well known to the police officers of this county and highly respected. He feels that he has the support of the vast majority of the officers in Accomack County. He also asked who knows better the job that someone does than the police officers that deal every day. He stated that he is glad that they brought Mr. Morgan up and there's a short time until the election. He offered to meet Mr. Morgan and ask what he wants to do and what his aims are. Mr. Poulson told Mr. Morgan that if he didn't look out for Chincoteague he would come back and haunt him.

Mr. Carl Bundick also came before Council to introduce himself as a candidate for the Commonwealth's Attorney position. He stated that he has been described by one of the prosecutors as the bouncing ball in Accomack. He explained that this is because he comes back every day loaded with ammunition and ready to go. He stated that he looks at the crowd and doesn't have to be introduced to everyone. He also stated that he comes to the Town as a person that is offering his candidacy to the Council as the person who will not sit down and have a seat no matter who is sitting on the other side of the table. He added that he has a lot of local friends

on the Island. Mr. Bundick stated that he knows Mr. Holland very well with his days at the Eastern Shore News when he wrote sports for them many years ago. He also stated that the local friends aren't friends he just made in the last 2 or 3 years. He stated that he met many of them while working with Mr. Poulson 25 years ago when he started his practice. He mentioned the cases that he and Mr. Poulson tried. He advised that Mr. Poulson has looked at Mr. Bundick and told him that he needed to slow down. He stated that this isn't something that Mr. Poulson taught him. He was taught to work hard, pay attention to the clients and never be willing to say "No". He stated that he and Mr. Morgan have tried more cases together than he cares to. He added that Mr. Morgan wins them and he wins them.

Mr. Bundick also stated that one thing he will do if elected for the Town of Chincoteague is walk the streets with them and not just come up during election time and ask for support. He stated that the County residents don't want a Commonwealth Attorney that only comes around at election time. He stated that he is reaching out to the Town and everyone in Accomack County saying he will come forth and represent them. He also stated that when Chief Mills asks him to come up to Chincoteague then he'll be here. Mr. Bundick stated that in the absence of being invited he will be here. He also stated that he will be here with his family, friends, everywhere, at the schools and anywhere that there is something going on. He advised that he won't turn and walk away when the cases get tough and the tough need to get going. He stated that Mr. Poulson taught him for many years to play hard and be prepared. He also stated that this is something that he has carried with him that has followed his introduction to practice law in his office. He added that as he has come to know Town Attorney Fox around the courthouse, they all walk everyday into a courthouse when they learn something new. He also stated that this is part of the process.

Mr. Bundick stated that if he has the opportunity to represent Accomack County as the Commonwealth's Attorney he will be back and often. He asked if everyone would give some consideration in their deliberation this fall and vote for him. He introduced himself as Mr. Carl Bundick who lives in Painter and running for Commonwealth's Attorney on November 8th.

Supervisor Tarr thanked Mayor Leonard for having him there this evening. He apologized for missing the meeting last month. He thanked the Town for accepting the gift of land that the Chamber of Commerce sits on. He added that the County had no use for it and didn't know they owned it. He advised that he spoke with Town Attorney Fox earlier and the resolution is on its way for their next Board meeting. He stated that his experience is working with the prosecutors. He also stated that when he went to the jail from doing criminal investigations he thought he was going to be put out to pasture. He stated that then Mr. Spencer Morgan came and he couldn't believe it's only been 5 years, he feels it's been longer than that. He advised that Mr. Morgan would listen to tapes all day of inmates coming back and of intimidating witnesses. He also stated that he was there during the arson. He also stated that the people that were being intimidated were from Chincoteague. He added that Mr. Morgan was bending over backwards to make sure that person wasn't going to get out of jail.

Supervisor Tarr also stated that he couldn't say anything about Mr. Bundick as he was on the opposite side of the fence. He stated that they always respected each other. He added that Mr. Morgan is a go-getter. He also stated that he kept him working on the jail.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Leonard opened the floor for public comment.

- Ms. Louisa Flemingham, 5112 Main Street, owner of the Captain Timothy Hill house advised she was unable to make the meeting on Thursday regarding the Maddox Campground project. She expressed her objection to changing the C4 district and urged Council to require a conditional use permit.

Mayor Leonard advised that Maddox Campground is going to do a conditional use permit.

- Mr. Mike Tolbert, 4491 Chicken City Road, stated that he has been to his share of Council meetings and Board meetings. He knows that the podium is where everyone goes to complain. He advised that he has been a citizen here for 54 years and a business owner. He stated that he and Mr. Holland came to point out something to Council. He advised that the Town has wonderful employees at the Town of Chincoteague. He mentioned an episode last week with the standing flood waters that were flooding the high school and having to cancel school for the day. He stated that with one phone call Public Works Director Spurlock was there with staff to set up a pump and all the hose they needed. He stated that it saved the school a couple thousand dollars in damages. He reported that they pumped that night from about 8:30 p.m. until almost 10:00 p.m. He added that they got ahead of it and it helped them out. Mr. Tolbert stated that this isn't the only time they've come to the Town. He stated that when the tides are high and the winds are blowing northeast he will call the Town office, it doesn't matter who answers the phone. He stated that he will ask if the causeway will be closed that day and he always gets the response that they aren't quite sure but they'll call him back when they hear something. He stated that you know they've already answered this 500 times within the last hour. He added that the answer is the same and is just as pleasant and helpful as can be. He also stated that they will call him back and let him know so they can plan to release school if they have to.

Mr. Tolbert also stated that it's all of the girls in the office. He advised that he has a building background. He stated that working with the Building Administrator here is a different world. He added that he has worked in different localities where there is no cooperation between the building office and contractors. He also stated that there's always cooperation here. He stated that he has answered a lot of alarms with the schools. He advised that the police force is there and they walk the whole school as patient as they can be. He recalled a few years ago when there was an alarm call about 2:30 a.m. He stated that the officer was there to walk through and what they found was the man that delivers milk. He advised that they deliver that time of night and have access to the building. Mr. Tolbert stated that this was different because he had to deliver a new milk cooler. He continued that he was trying to get it into the building by himself and took a different route which set the alarm off. He also stated that at 2:30 a.m. the milk man, the officer and himself carried the milk cooler in and set it up to make sure it was working for the next day. He stated that this is the kind of employees that the Town of Chincoteague has. He added that it dawned on him the other day that with Public Works Director Spurlock and the staff that was helping him out, they thought it would be best to come before Council and tell them this. He also stated that this is usually the place that people come to complain and he's seen plenty of

it. He and Mr. Holland wanted to come and thank the Town personally because they appreciate everything they are given from the Town.

Mayor Leonard stated that they are very appreciative of the high school.

Councilman Taylor stated that they are appreciative of all they do. He asked about the track.

Mr. Tolbert stated that they are working on it now.

Mr. Holland stated that he doesn't want anyone to forget him. He stated that this is where he made his living. He thanked Public Works Director Spurlock, Mayor Leonard, Town Attorney Fox, Councilwoman Richardson, Vice Mayor Bowden and Councilman Taylor adding that they've all been good to the school. He stated that the Town doesn't get "thank you" enough. He stated that if it wasn't for the Town they couldn't get those kids in that building. He also stated that he appreciates it and all that they've done for him in his career. He added that they can call if the Town needs something.

- Mr. Scott Bowers, 6355 Pine Drive came before Council regarding the Maddox Campground property. He expressed his dissatisfaction of Mr. Burbage evicting those campers in permanent sites. He also doesn't feel that the 40 jobs for high school kids will be filled by students as it has been hard for multiple businesses to hire more employees. He also stated his concerns about medical emergencies that could arise at the waterpark. He stated that he is also concerned that promises made by closing at 6:00 p.m. taking down only 12 trees all of which are fine but down the road what's going to stop changes when they sell the property. He added that given their history in developing they do sell property. Mr. Bowers stated that he hears that one of the primary benefits of the waterpark would be needed activities for the kids. He asked when the Town is going to have enough activities for the kids and visitors. He stated that when they started coming with their families in 1978 there was the water slide with the plastic lady in a bikini. He stated that there are many more activities now than there were back then.

Rev. Susan Norris, 6355 Pine Drive, expressed her concerns about drainage. She mentioned the 10 septic permits for Maddox Campground and the potential enlarging the campground. She mentioned the drainage problems at the traffic circle. She commented further and stated that they are listening to a bunch of sales talk from a developer who is coming in to develop that place in 2 or 3 years and abandon it just like the Jackspot. She thanked Council for the privilege of allowing her to speak.

Mayor Leonard closed the open forum.

STAFF UPDATE

Police Department:

Chief Mills advised that the report is in the packet. He stated that things have slowed down a lot. He reported on the Annual Poker Run which was successful. He stated that the weather helped the turnout to be higher. He added that overall it was a success. He also stated that it will help them do things that they want to do around Christmas time, scholarships and other things they do to help people throughout the year. Chief Mills introduced the 3 new officers; Mr. Tyler Marks, Mr. Andrew Miller and Mr. Sean Lenhoff who will be attending the police academy in January.

Public Works Department:

Public Works Director Spurlock reported that just about the time the Town almost recovered from the rain shower last Thursday, the water main on Maddox Boulevard decided to turn loose. He reported that they lost almost 250,000 gallons of water and pressure in the system. He advised of the structural damage to the road. He stated that it is safe to drive on but, will require repair. He stated that he will keep everyone posted. He offered to answer questions.

Councilman Taylor commended the Public Works Staff who worked on the leak on a Sunday. He feels, like Mr. Tolbert and Mr. Holland said, that you can't find that anywhere else. He stated that what it would cost the Town to have a group come from Norfolk on a Sunday would cost 6 months of these men's salaries. He asked Public Works Director Spurlock to thank them from the bottom of Council's heart. He advised that he talked with them while they were turning and burning. He stated that they do have an awesome group of workers.

Public Works Director Spurlock stated that they also appreciated the ice cream. Councilman Taylor stated that it was his pleasure.

Mayor Leonard asked if they were able to get any film of the flooding at the bridge.

Public Works Director Spurlock stated that he wasn't aware of it. He added that he has a lot of still photos but no videos. He stated that Clark Nexsen had to send out a right-of-entry request to the property owners and there's a 15 day waiting period. He stated that everything is on schedule and they'll come in mid-October to do the initial survey of the properties to begin a determination of the fixes.

General Government:

Town Manager Ritter stated that there were 72 EMS calls for September 2016 which is 21 less than September 2015. He also stated that there were 30 ALS calls, 26 BLS calls and 16 other calls. He reported that the ANTARES launch is scheduled for October 9th at 10:47 p.m. He stated that each day that it is delayed it is 22 minutes earlier. He also stated that Mrs. Hooper and Finance Director Hipple attended a tax collection course conducted by the Virginia Treasurers Association. He advised that this was an excellent course and plans to send others in the office including himself when it becomes available again. He stated that the newsletter has been finalized and should be in the October 24th Beacon. He stated that the notice to proceed with Springsted for a compensation study has gone out. He advised that they should have a final report December 16th so they can start putting the figures together for the budget. He stated that they were awarded the Sarbains grant and will now put the documents with it.

Mayor Leonard asked if Public Works Director Spurlock has heard from ANEC.

Public Works Director Spurlock stated that they assured they would start this week.

Planning Department:

Town Planner Marney advised that there is nothing new in the general business. He stated that he has submitted another reimbursement request of \$38,000 from the Safe Routes to Schools

Project. He also stated that he completed the training for the certification for the Flood Plain Managers Program participation in the CRS program through FEMA. He reported that the next Planning Commission meeting will be on the 11th and they will go through the developer review and participation agenda item from the previous meeting. He also stated that they will have a discussion about the Tattoo Parlor Ordinance. He added that it's something that needs to be addressed per the VML attorney and Town Attorney Fox. He also stated that they have an update from the Wastewater Advisory Committee on the progress with the contractor.

Mayor Leonard asked when the Wastewater Advisory meeting.

Town Planner Marney responded that it will be this Thursday, October 6th at 9:00 a.m.

Councilman Frese asked about the \$38,000.

Town Planner Marney responded that this was a reimbursement request from the Safe Routes to Schools Program.

Mayor Leonard explained that it is the trail from the high school to the elementary school.

Councilwoman Richardson asked about the decrease in meals tax and occupancy tax revenues.

Town Manager Ritter stated that the Town is still ahead of the budget. He was unsure as to why the revenue was down. He stated that they were in the positive in transient occupancy tax last month and low in the meals tax. He stated that the ANTARES launch is coming and will help.

Mayor Leonard mentioned the Oyster Festival.

Vice Mayor Bowden added that they also have the fall pony round-up.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Adoption of the Minutes

- **Regular Council Meeting of September 6, 2016**
- **Council Workshop Meeting of September 15, 2016**

Vice Mayor Bowden motioned, seconded by Councilman Frese to adopt the regular Council meeting minutes of September 6, 2016 and the Council workshop meeting minutes of September 15, 2016 as presented. Unanimously approved.

2. Public Safety Committee Report of August 2, 2016

- **Adoption of 15mph from U.S. Post Office to White Street on Main Street**

Mayor Leonard advised that they were looking at changing the speed limit through town to 15 mph.

Public Works Director Spurlock advised that he spoke with VDOT and the statewide minimum speed limit is 25. He stated that before they can change it, there has to be a traffic study which

can be done by Mr. David Spowen for \$3,900. He also stated that the cost is eligible to be covered under the Urban Maintenance Program. He explained that they can put out the speed tubes to record the speeds through Town. He stated that they base it on the fact the most drivers realize they need to slow down and the amount of pedestrian traffic we have in Town. He stated that the justification for that is pedestrian verses vehicle. He explained that they just need to go through the process with VDOT and this will be done in the spring.

Councilman Taylor asked Chief Mills what their study showed.

Chief Mills advised they weren't able to get the statistics. He stated that they put the sign out to see how fast they were going but because of the age of the software they were unable to get the information. He also stated that he spoke with Councilwoman Richardson about trying to get updated software so they can get the numbers. He added that there haven't been any problems in the downtown area. He stated that he has discussed this with Public Works Director Spurlock and with the design of the streets they slow down anyway. He also added that they don't usually sit there with radar. He stated that if they're going 25 through there it looks like they're moving faster than they really are.

Councilman Frese asked what the software upgrade would cost.

Chief Mills advised that he was unsure. He stated that it would give time and speed to compile information to make the decision. He stated that he will get a cost on the upgrade.

3. Budget and Personnel Committee Report of September 13, 2016

Councilman Ellis stated that Finance Director Hipple shared information regarding the insurance program. He stated that this is to consider allowing localities to participate if they wish to do so. He believes they were aware that when the Town gives a COLA to the employees much if not all of the COLA goes to the increases of the healthcare that they have to cover. He explained that this particular plan will enable localities to participate in the same program that the state employees participate in. He stated that it would benefit the employees because they will pay less out of pocket with a significant increase in the cost to the locality. Councilman Ellis also stated that they require at least 500 employees across the state to participate in this. He stated that no commitment has to be made by any locality until December of 2017. He added that if this program is accepted it won't go into effect until July 2018. He also stated that they asked Finance Director Hipple to get a lot more information from the state and conduct an analysis about what the increase costs and where the Town would be if they choose to go that route.

4. Cemetery Committee Report of September 20, 2016

Councilwoman Richardson reported that one of the discussions was creating an ordinance for maintenance of the cemeteries. She explained that years ago there were donations to help keep some of the cemeteries cut. She added that the donations are drying up and in order to make sure that the cemeteries are maintained the Town has to enact an ordinance that says the Town would be responsible to maintain the grass, weeds and other foreign growth according to Chapter 22, Environment, Article 6 on the following cemeteries: Mechanics, Daisey, Greenwood, Redman and Bunting. She stated that this is the Committee's recommendation to Council. She also stated that if Council approves, they can send it to the Ordinance Committee for review.

Mayor Leonard stated that the Cemetery Committee can send it to the Ordinance Committee and they can make their decision to send to Council for final approval.

Councilwoman Richardson mentioned the current weed ordinance. She commented further. She advised that since 2000 the Cemetery Committee has been the most active Committee of the Town Council. She added that the cleanup week will be November 12th – 18th and the 12th is the cleanup day. She advised they will be at the Taylor and Birch Cemetery on Smith Street and School Street. She stated that they will bring the proclamation next month.

5. Resolution for a USDA, Rural Development Grant for Police In-Car Cameras

Town Manager Ritter stated that this is regarding a grant the Town has been applying for over the last 2-3 years. He advised that they have \$40,000 in the budget for the cameras. He stated that they didn't expect the grant and were told they would get \$21,600 in the grant money which will go toward the in-car cameras. He added that they will be able to save \$21,600. He stated that they have to match it with \$17,775 which totals \$39,375 and they have \$40,000 with a savings of \$21,600.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Resolution for a USDA, Rural Development Grant for Police In-Car Cameras. Unanimously approved.



**RESOLUTION OF GOVERNING BODY OF
Town of Chincoteague**

The governing body of the Town of Chincoteague, consisting of six members, in a duly called meeting held on the 3rd day of October, 2016, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development, (the Government) in the development of a Police Car Cameras Purchase to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Mayor of the Town of Chincoteague be authorized to execute on behalf of the Town Council the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance. This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Town of Chincoteague

By: _____
John A. Leonard, Mayor

Attest _____
Denise P. Bowden, Vice Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Town Council of the Town of Chincoteague in a duly assembled meeting on the 3rd day of October, 2016.

Town Manager/Clerk
VA PN No. 181 (REV. 05-11-04)

6. Chincoteague Hometown Heroes/Military Banner Program

Mayor Leonard advised that it's coming time for Council to renew the Hometown Heroes/Military Banner Program. He referred to a letter from the VFW in the packet to continue next year and to expand by adding more banners.

Councilman Frese motioned, seconded by Councilwoman Richardson to continue the Chincoteague Hometown Heroes/Military Banner Program. Unanimously approved.

7. Mayor & Council Announcements or Comments

Councilwoman Richardson stated that she discussed this with Public Works Director Spurlock and there was a lady earlier discussing filling in yards. She stated that there doesn't seem to be anything between property owners to put a swale or ditch in to catch some of the water to keep from flooding other properties. She suggested sending this to the Planning Commission. She feels there should be a provision to have a ditch or swale to keep from flooding other properties.

Councilman Frese believes this is state law that if you fill a property you have to provide a means of carrying off of storm water and rain water. He stated that they should have one anyway.

There were comments.

Councilman Taylor thanked the Public Works Department. He stated that he knows they would rather be home watching a football game but came out sweating to make a repair to the waterline. He asked Public Works Director Spurlock to tell them how appreciated they are.

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

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

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

Councilman Taylor 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- Bowden, Richardson, Frese, Taylor, Ellis, Lewis
Nays- None
Absent- None

9. Cost of Living Increase for Town Manager.

Councilman Taylor motioned, seconded by Councilman Lewis to give the Town Manager a two percent cost of living increase. Motion carried.

Ayes: Bowden, Richardson, Lewis, Frese, Taylor

Nays: Ellis

Abstain: None

Adjourn

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

Mayor

Town Manager

MINUTES OF THE OCTOBER 20, 2016
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Ellis offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Frese, Bowden, Ellis, Richardson

Nays: None

Absent: Lewis, Taylor

1. Review Balance Sheets and Revenue & Expenditure Sheets

Finance Director Hipple advised that Councilman Ellis requested that she come to explain and go over the budget reports. She reviewed the balance reports along with the revenue & expenditure reports in detail.

There were questions and brief comments.

Councilman Frese and Public Works Director Spurlock asked when a budget amendment was required.

Finance Director Hipple explained that it is required when the change that Council would be making surpasses 1%. She stated that because the item exceeds 1% of the general fund's budget it is required to have a public hearing.

There was further discussion and explanations.

2. Scheduling of a Public Hearing to Amend FY '17 Budget

Mayor Leonard advised that there was a Budget and Personnel Committee meeting. He stated that they were approached by the Fire Company to continue with the part-time EMS. He explained that this has been a joint financial expense all summer. He stated that because of the

increase in calls they would like to make this permanent. He added that this is due to the declining volunteerism. He also stated that the Budget and Personnel Committee also feels it should be fully staffed.

Town Manager Ritter discussed what is currently budgeted.

There was further discussion about funding and need.

Council agreed to schedule a public hearing for November 7th, 2016 at 7:00 p.m.

3. Discuss the Custodial Contract Bids

Public Works Director Spurlock advised that one bid was received on September 20th for the Custodial Contract. He commented on a couple of deficiencies over the last year or two. He stated that this has been addressed. He stated that the bid was from Alliant Support Services at \$15,298 which is over \$400 more than the contract amount over the last few years. He explained that it is a one year base contract. He recommended awarding the contract to Alliant Support Services.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the custodial contract bid from Alliant Support Services in the amount of \$15,298 for one base year with 2 one year option periods. Motion carried.

Ayes: Frese, Bowden, Ellis, Richardson

Nays: None

Absent: Lewis, Taylor

4. Discuss Fall Paving Project Contract

Public Works Director Spurlock advised that they received a bid from Branscome Eastern Shore in the amount of \$36,127.20 to prep and apply two applications of tar and chip to Woodland Drive and Rosedale Drive. He advised that there is a short window because of the temperatures.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to accept the bid from Branscome Eastern Shore in the amount of \$36,127.20 for the fall paving contract to tar and chip Woodland and Rosedale Drives. Motion carried.

Ayes: Frese, Bowden, Ellis, Richardson

Nays: None

Absent: Lewis, Taylor

5. Council Member Comments

Vice Mayor Bowden stated that there is a lot of rust on the building. She asked if there is anything that can be done.

Public Works Director Spurlock advised there is a deficiency in the siding which shouldn't be doing this in 20 years. He stated that this isn't an insignificant expense. He hopes they'll have a good number to include in the next budget.

Vice Mayor Bowden also mentioned that the Town's website has a lot of room for improvement. She feels it's a very generic site. She asked who handles the website.

Town Manager Ritter advised that this website gives staff the ability to add information. He also stated that there are things that need to be added by Mr. Eric Schuster with Fresh Look Designs who created the website. He advised that it is currently up to date. He also stated that he and Administrative Assistant Lewis has gone through it to make sure it is current. He added that it depends on what they want to put into it.

Vice Mayor Bowden feels it would be nice to update the pictures.

Town Manager Ritter stated that they were recently discussing to add updated pictures and change them from time to time.

Vice Mayor Bowden feels it needs to be spiced up and not look so generic. She would like it to have more about Chincoteague.

Mayor Leonard commented.

Vice Mayor Bowden advised that Mr. Schuster did the Fire Company's site. She stated that when you click on it there are pictures. She stated that every time she clicks on the Town's website there's nothing. She feels it needs attention.

Adjourn

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

Ayes: Frese, Bowden, Ellis, Richardson

Nays: None

Absent: Lewis, Taylor

Mayor

Town Manager

MINUTES OF THE NOVEMBER 7, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor

Denise P. Bowden, Vice Mayor

Ellen W. Richardson, Councilwoman

Edward W. Lewis, Jr., Councilman

Gene W. Taylor, Councilman

Ben Ellis, Councilman

James T. Frese, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Leonard led in the Pledge of Allegiance.

PRESENTATION

Mr. John Peterman, Administrator of Riverside Health came before Council regarding the new hospital. He advised he has been with Riverside for 30 years. He discussed the growth of Riverside. He talked about the Riverside facilities on the Shore. He added that they employ almost 700 employees on the Eastern Shore. He reported the impact on the Eastern Shore of almost \$73,000,000. He stated that the first hospital was built in 1928 and the current hospital was built in 1971. He added that the new hospital will be opening in a few months. He talked about the Cancer Center and Nursing Home.

Mr. Peterman stated that Shore Health decided to affiliate with a larger system with the deal that they would build a new hospital north of the current location. He reviewed the picture. He reported that the new campus represents approximate \$85,000,000 to \$90,000,000 investment. He stated that they have lost 2 hospitals in Virginia because of the lack of funds. He expressed that they are proud to make this investment on the Shore. He reviewed the size of the hospital having 52 rooms with 8 of them in ICU and room for expansion. He further described the rooms in detail along with the emergency room and treatment rooms. He advised that they treat approximately 1,300 patients per month. He talked about the stroke center, joint partnerships and the pneumatic tube system. He also advised they will have 3 operating rooms and 2 procedure rooms.

Mr. Peterman reviewed the main lobby, dining room and gift shop. He continued reviewing the different departments including the breast cancer center, heart center, mother-baby unit, labor and delivery, intensive care unit and negative pressure rooms. He stated that he is proud of the small hospitals and feels the Eastern Shore is very fortunate. He stated that every person employed with Riverside is board certified. He reviewed the different departments, surgical teams and physician groups. He added that their nurses have been trained. He concluded with the mission statement, "We care for others as we would care for those we love to enhance their wellbeing".

Mayor Leonard thanked him for coming.

Councilman Taylor thanked him for making the presentation and for all they do.

Councilwoman Richardson asked when they plan to open.

Mr. Peterson advised it will be opened by the end of February.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Leonard opened the floor for public comment.

- Ms. Lisa Cannon of 6368 Circle Drive stated that they are grateful to have their Fire Company here and feels it's great for them to build the new facility. She expressed her concern regarding the drainage issue in the Circle Drive area. She is unsure what the Fire Company will be doing to help manage stormwater runoff.

- Ms. Patricia Farley, Vice President of the Chincoteague Cultural Alliance and a member of the Chincoteague Storytelling Guild, thanked the community for their participation in the bonfire and storytelling. She thanked Mayor Leonard for building the bonfire. She also thanked the Chincoteague Police and Officer Butler for coming out to inspect the bonfire who shared his own ghost story. She thanked the Chincoteague Volunteer Fire Company and Mr. Dean Orsino for using their equipment putting the fire out. She thanked the 6 storytellers and the volunteers who brought food. She advised that there were approximately 100 people in attendance. Ms. Farley explained that the Storytelling Guild is made up of the CCA, Island Library and the Museum. She mentioned a storytelling festival and invited Council to be a part of their storytelling group.

- Chamber Director Shotwell asked Council to approve the contract with Duffield Associates for the feasibility study for the central sewer treatment facility. She stated that the business community of the Island recognizes the importance of such steps to the sustainability of the economy and wellbeing.

- Dr. Glenn Wolffe of Leonard Lane, came before Council to discuss communication. He stated that he works in an office that is run by PRMC and going through a computer conversion. He also stated that one of the goals is that they will be on the same software as Shore Memorial when they move to Onley. He stated that the communication between an office, the emergency room of PRMC and Shore Memorial will intertwine. He also wanted to discuss communication with the upcoming conditional use application for the waterpark. He stated that he realizes how little he knows about the conditional use permit. He stated that he is unsure of the codes and statutes that govern the property. He mentioned not knowing the process. He requested that the Town hire a land use attorney to work with Town Attorney Fox or come to a Council meeting regarding a conditional use permit and the guidelines. He would like understanding and feels that the rumors fly when they don't know. He requested Mayor Leonard and Council to consider the feasibility to invite someone involved in deliberating the conditional use permit.

- Mrs. Lisa Smith, 4421 Main Street, addressed Council about the parking issue along North Main Street. She advised that the yellow lines were painted and expressed her original feelings about no parking along that area of Main Street. She stated that this has caused cars to speed up. She feels it's an unintended consequence. She also stated that her property value decreased. Mrs. Smith advised that the majority of the houses in that area have off street parking, however, she does not. She stated that the subject was supposed to be revisited and it was without further communication. She stated that there hasn't been an incident there and doesn't understand why it was changed. She added that their decision has to be based on the

common good. She handed out a picture of a proposed sign which states “slow down, limited sight. She doesn’t feel that the no parking area has corrected anything.

- Mrs. Wanda Thornton commented on the drainage issue. She stated that the Fire Company has a first class stormwater retention plan which goes beyond what they have to do. She complimented the Fire Company. She feels there is a severe drainage problem on the Island. She stated that Council has a drainage study that should be fulfilled. She thanked Mr. Papadopoulos and everyone involved on the sewage study. She is concerned that there is misinformation. She has been asked if the Town would be responsible for this. She also heard that the Town wasn’t going to spend any money. She also stated that if the taxpayer is going to be responsible for any type of central sewer it needs to go to a referendum. She stated that it is a horrendous amount of money. She added that they will only get a grant for a single family dwelling. Mrs. Thornton asked how this would be coordinated since Mr. Burbage has a service district. She stated that they have public hearings but not many people attend. She believes they should pay attention to the program.

Mrs. Thornton also stated that the Fire Company needs more EMTs. She added that she would like to see more transparency. She asked Council not to spend any more of the taxpayers’ money until they hear from the public. She also added that they need assurance for the public of what is going on behind the scenes. She asked the Fire Company when the new hospital opens if they were going to stop transporting to Salisbury.

Mr. Harry Thornton advised that they wouldn’t. He stated that this is one reason they switched the OMD to Dr. Wolffe.

STAFF UPDATE

Planning Department

Town Planner Marney advised of the Planning Commission meeting tomorrow. He stated that they will be discussing Historic Districts, current storm water regulations, building heights and the Maddox Campground Water Park.

Police Department:

Chief Mills advised that the report is in the packet. He stated that the deer population control will begin within the next week. He advised that the Police Department has a couple of special events coming up. He stated that they are trying to get a movie so they can invite the kids for a free movie. He also mentioned the Toy Run.

Public Works Department:

Public Works Director Spurlock reported that the Public Works Department has started putting up Christmas decorations. He also stated that the construction system for the Island Activity Center and the CCA building started this morning and will be completed later this week. He mentioned the paving of Woodland Drive, he advised that the contractor ran into a material shortage and should be completing it by the end of the month.

Mayor Leonard asked about patching the water line repair on Maddox Boulevard.

Public Works Director Spurlock stated that Branscome was going to pave it 2 weeks ago. He added that because the Town was still pumping so much there they decided to wait until they finish paving on the Wildlife Refuge.

General Government:

Town Manager Ritter stated that there were 97 EMS calls for October 2016 which is 30 more than October 2015. He also stated that they are working on a plan to continue EMS support, which on the agenda for discussion tonight. He reported that the taxes have been mailed out and due December 5th. He added that the newsletter was published in October.

Councilman Ellis mentioned the Police Department's presence on Facebook and Twitter. He asked if the Town should be doing this also.

Town Manager Ritter stated that basically the Town's Facebook page was set up for Emergency Operations. He stated that it's up to Council if they want to start a Facebook page for open dialogue with the public.

Councilman Ellis stated that it would be good to put information out to the public.

Vice Mayor Bowden agrees with Councilman Ellis and feels that Facebook is the way of the world. She doesn't think they have to keep with the dialogue. She mentioned the Fire Company's Facebook page and stated that she updates it at least twice a week. She feels that it is one of the greatest tools. She discussed when the Town puts out something regarding Emergency Services she would share that to get the information out. She added that this Town government doesn't do enough to get the information out.

Mayor Leonard stated that it was one of the previous Mayor, Mr. Jack Tarr's wishes. He asked that this be taken care of.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Adoption of the Minutes

- **Special Joint Council Workshop of September 29, 2016**
- **Regular Council Meeting of October 3, 2016**
- **Council Workshop Meeting of October 20, 2016**

Councilman Ellis asked for a correction from Mayor Tarr to Mayor Leonard.

Councilwoman Richardson corrected the name from Louise Flemingham to Flannigan.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Special Joint Council Workshop meeting minutes of September 29, 2016, Regular Council meeting minutes of October 3, 2016 and the Council Workshop meeting minutes of October 20, 2016 as corrected. Unanimously approved.

2. Public Hearing on a Budget Amendment of \$90,000

Mayor Leonard invited the Fire Company to let the public know why they have this expenditure.

Mr. Willis Dize, President of the Chincoteague Volunteer Fire Company, advised they are before Council because they need the Town's assistance in funding the full and part-time paid EMS personnel. He stated that there are a lessening number of volunteers who respond now to ambulance calls. He stated that they appreciate the Town's huge investment they've made over the past several years. He added that it has made a positive impact on the emergency care responses in the summer. He stated that the Fire Company has paid additional staffing from Labor Day to Columbus Day weekend this year. Mr. Dize also stated that the Fire Company finds itself in the situation with the volume of calls they receive that the demand falls back on the volunteers. He added that the volunteers are getting older and have medical issues, which makes it harder for them to take the calls.

Mr. Dize also stated that there are numerous explanations for the reduced responses from the volunteers such as jobs, family or community obligations. He added that they have trained a lot of people but they also have jobs. He stated that many of the volunteers have 24 hour shifts and have other obligations when they're off. He reported that they operate with 5 shifts composed of approximately 20 volunteers who rotate daily and only the same 5 or 6 respond on a regular basis. He stated that many of the volunteers are fatigued from the increased calls, carnival and fundraising events. He stated that several of their faithful responders' activities are being curtailed by age, illness and injury. He advised that another reason for the request is a tremendous drain on the Company's financial status. He stated that they are in the process of building a \$4,000,000 firehouse. He also stated that they recently purchased a new firetruck and required updated equipment costing \$540,000. He added that within the next year they will need a new ambulance which will cost approximately \$175,000. Mr. Dize stated that the cost of maintenance and replacement costs of buildings, firetrucks, ambulances, care of the ponies and carnival rides increase each year. He also stated that you can see where the Company's money is being spent and realize that the carnival, Pony Penning and fundraisers are barely covering the present expenses.

Mr. Dize stated that they are asking for the Town's assistance to staff the ambulances and continue to get them out as the calls for emergency care are received. He stated that their volunteers remain committed to responding to the residents and visitors in calls for help for medical other emergencies. He thanked the Town for their constant support of the Company and participation in the resolution of this problem that has presented itself to the community.

Vice Mayor Bowden stated that as one of those volunteers she has been in the Volunteer Fire Company for 27 years. She stated that she has been out for 2 ½ months on an injury and has been unable to come out and volunteer. She also stated that back when Mr. Reed, Mr. Thornton and Mr. Dize came into the Fire Company they could learn how to drive the ambulance and firetruck by a grandfather or uncle. She added that it's not like that now. She stated that you have to go to school for everything. She feels it causes a lot of stress and takes a lot of time for people to get the certifications. Vice Mayor Bowden stated that she doesn't have to remind anyone that literally millions and millions of dollars that the Fire Company has saved the Town

in taxes. She also stated that the reason that the firehouse is being built across the street is because the half a million dollar firetrucks are bigger than they used to be back in the 40's and 50's. She added that they've outgrown it. She hopes everyone understands the importance that the fire and EMS system is in the Town. She asked them to think what would happen if those tired volunteers didn't have Pony Penning. She added that she would say that if she wasn't a member.

Councilman Taylor feels that everyone here will support \$90,000 for additional staff. He stated that the Town still needs the volunteers. He stated that we all see the ambulance going all the time. He also stated that it's a partnership and the Town needs the volunteers. He thanked them for all they do with the carnival and Pony Penning even those from out-of-state. He added that the Town is definitely going to support this. He also thanked them for the many trips they've done.

Mr. Ollie Reed advised that they will be there and they aren't giving up.

Councilman Taylor feels they need to groom people coming up behind them to fill those slots.

Councilman Ellis stated that what made the argument for him at the Budget and Personnel Committee was that the other ambulances came to provide services on the Island. He added that this was because the volunteers weren't available. He feels it's a significant problem and tragedy. He also added that this is a bandage to get through the rest of the year. He stated that they need to work together as a Council with the Fire Department to plan how to budget this so that it can be addressed on a long term basis.

Mayor Leonard stated that Chincoteague supports itself. He also stated that they support the Fire Company and they have supported the Town in the past.

Councilman Frese stated that he studied this. He agrees with Councilman Ellis. He stated that he has heard what the Fire Company has said and sees where they're coming from. He stated that they have talked about smaller amount of volunteers that in many cases can't respond. He also stated that they've asked for \$90,000 and no one on Council has a problem with it except that it is a Band-Aid approach. He feels that the handwriting is on the wall across the country. He explained that people work 2 and 3 jobs which causees volunteers to hurt. He feels they need to look into this with the Fire Company. Councilman Frese mentioned the current EMS budget. He stated that since the Town has the taxing authority they will have to look at the EMS provided service of the Town government. He suggested evaluating this with the Fire Company to see what the best way is for the future. He asked if it would be best to keep the EMS under the Fire Company or to absorb it like they have a Police Department and Public Works. He stated that as it is now the EMS is split with the Town and the Fire Company. He stated that it is the Town's obligation to have them. He also stated that it isn't fair for the Fire Company to have to go ask for help from other Towns. He added that maybe the Town has to step up to the plate, understanding that there is more tax money because it's an expense. He believes they should be smart and take a look at it with the Fire Company. He suggested approving the \$90,000 and referring this to the Committee to meet with the appropriate representation for the future.

Mr. Dize stated that they are willing to meet with the Town at any time.

Mayor Leonard opened the public hearing.

There were none.

Mayor Leonard closed the public hearing.

Councilman Lewis motioned, seconded by Councilman Taylor to approve the budget amendment for a transfer from General Fund Savings to EMS Salaries in the amount of \$90,000. Unanimously approved.

Councilman Taylor stated that it may not be \$90,000.

EMS Supervisor Rush stated that they are referencing 4 part-time. He advised they currently have 5 and probably need 2 more. He stated that his goal is to cover from now until the Friday after Memorial Day. He stated that there is no way with the part-timers to fill the gap.

3. Wastewater Advisory Committee Report of October 4, 2016

- **Adoption of a Contract for Engineering Services**

Wastewater Advisory Chairman Spiro Papadopoulos reported that the Wastewater Plan of 2015 focuses on a centralized system of the Maddox Boulevard and Main Street corridors. He stated that the Committee determined that future steps are required to obtain professional services. He also stated that from March 2016 to June 2016 interviews took place and a selection of a firm was performed. He added that on July 5, 2016 the Town Council approved the selected firm for the Committee to proceed in contract and fee negotiations. Chairman Papadopoulos advised that the Committee reviewed and approved the contract and proposed fee. He also stated that on October 6th they forwarded this matter to the Planning Commission for their review and action. He stated that the Planning Commission reviewed it, approved it and sent it to the Town Council on October 16th. He also stated that the Wastewater Advisory Committee, Planning Commission and Town staff approves the contract with Duffield Associates.

Chairman Papadopoulos explained that the process consists of several phases. He advised that the 1st phase it is 4 steps. He stated that the 1st critical step is the successful implementation of the Wastewater Management Plan in confirmation with the Virginia DEQ. He added that it is a Virginia pollution discharge system discharge permit where hydrograph control release is feasible. He explained that it means if it's feasible to apply for an overboard discharge permit. He also stated that if this step is not approved all bets are off. He stated that the 2nd critical step is developing a mechanism to ensure that it benefits the Wastewater Implement Plan that will support the Town. He added that the key is making arrangements for funding. He continued that the critical 3rd step is the funding to make the system affordable. He stated that the 4th critical step is the public outreach.

Chairman Papadopoulos then stated that after that planning phase they will move into the design phase, prepare construction documents, bidding, permitting, then the next phase of construction, which is the operations phase. He stated that the proposed contract is for the 1st step in the

planning phase. He turned the floor over to Mr. Beechum who is the engineer, consultant of Duffield Associates.

Mr. Beechum advised that he is a shareholder of Duffield Associates from Newcastle, Delaware. He stated that the project they want to undertake is an extension of what Chairman Papadopoulos did over a 2 year period. He likes to look at the whole picture of what's there. He wants to see if it's affordable and what is unique about the island. He stated that what interested him the most is that the Town has been looking at this issue for 15-20 years. He stated that the one thing that was missing was what they were going to do with the water. He advised that you can treat wastewater now to the point that it's drinkable. He stated that with the technology and the 50 years he's been in the business it has grown to the point that it can be treated to where it meets drinking water standards. He gave an example of another area. He added that you want to match what the pocketbook says you want to do with the impact on the environment. He stated that Chincoteague has 11 ½ billion gallons of water going out in the tidal exchange which would provide dilution factor of 2,000 to 1. He also stated that this is a long-term thing that can be expanded through the community as they see the demand for it.

Mr. Beechum stated that the planning phase is critical. He also stated that they plan to meet with the Town again to make sure their plans are in order. He added that they will meet with the DEQ to get their feelings about it. He stated that without them giving their ok it won't go to the next step. He stated that once they get the ok, they will go out in a boat to see what the currents look like. He advised that based on this information they will create a model and demonstrate what the dilution is. He also stated that there's no need to go to the next 3 steps in the planning phase and there's no need to go to referendum until you know what it will cost. He added that it will then go to public outreach.

There were a few questions and discussion about cost and connections.

Councilman Frese talked about the study and estimated costs from the 70s. He asked if the citizens agree with this would they have to pay \$40,000. He advised that he will not vote for something unless the citizens clearly know what they're getting into and that they want it.

Mr. Beechum stated that this is the 4th phase.

There was discussion about the cost, water pumped per day and the overboard discharge.

Vice Mayor Bowden stated that the \$50,000 will be going toward the 1st phase. She stated that they won't know until they have the money to do the study and see what the Town has to work with.

Mr. Beechum stated that he will go through it and take the risk to come up with something. He stated that if something goes wrong it's on him. He stated that the Town needs to know there's a place for it to go and mentioned the flooding.

Vice Mayor Bowden stated that there are so many unknowns to the process. She also stated that the only way to find out if it's going to be feasible for the Town is to go through the process. She asked a local business owner if this was an affordable thing would they tie into it.

The business owner advised they would.

Someone asked if the 1st phase was Maddox Boulevard.

Council advised that it would be Maddox Boulevard and Main Street.

Mr. Papadopoulos interjected that this is the commercial corridor.

Councilman Ellis asked what funding sources would be available.

Mr. Beechum stated that the USDA would have the funding source. He also added that there are other sources. He stated that the type of business matters based on the type of flow. He mentioned the Clean Water Act.

There was further discussion.

Mayor Leonard stated that when this was turned down in 1975 things were different. He stated that things are tightening up these days. He added that this is a baby step.

Councilman Lewis stated that when he was going door to door running for Council, there were a lot of citizens expressing their concern of having to pay taxes for a sewer system going down Maddox Boulevard. He doesn't see how he can support it.

Vice Mayor Bowden stated that she understood that those businesses would be paying for it.

Councilman Frese stated that it was his understanding that this is how it will start out. He added that once the taxpayer money is involved they can't stop someone else from tapping into it. He advised that he agreed with Mayor Leonard however, the attitude of the citizens hasn't changed. He stated that the Town's sewage is working well today. He doesn't want to bury their heads in the sand but they need to know what they can commit themselves to.

Mayor Leonard stated that he is in agreement with them. He added that in order to do this they have to take this step.

There was a question of the cost of the study.

Council responded that it is up to \$50,000.

Vice Mayor Bowden stated that once the Town has the study then they can decide.

Councilman Taylor stated that he understands the steps. and asked how much would the overboard permit cost.

Mr. Beechum stated that he doesn't think that the Town wants to go that direction right-away. He explained that it is complicated. He stated that their goal is at the end of the 1st phase they will have a letter from DEQ. He added that it will explain the requirement of the steps that are supported by the model which paves the pathway to get the permit. He asked why the Town would want to spend the extra money if the citizens won't go for it.

There were brief comments.

Councilman Ellis motioned, seconded by Councilman Frese to adopt the contract for engineering services. Motion carried.

Ayes: Ellis, Frese, Taylor, Richardson, Bowden

Nays: Lewis

Absent: None

4. Public Works Committee Report of October 4, 2016

Councilwoman Richardson advised that the report was included in the packet. She stated that it is nice to see the lights on Hallie Whealton Smith.

Public Works Director Spurlock advised that they will be starting on the lights on Maddox Boulevard.

Vice Mayor Bowden stated that she has had several compliments about the lights on Hallie Whealton Smith.

Councilwoman Richardson stated that they will be starting on Maddox Boulevard from the circle to Eel Creek with new lighting.

5. Recreation and community Enhancement Committee Report of October 11, 2016

- **Discuss Options for the Monument at Mariners' Point**

Vice Mayor Bowden referred to the packet. She stated that they have an issue about Mariner's Point. She advised of a recommendation to Council to be discussed this evening. She stated that it is regarding the monument at Mariner's Point. She explained that the issue has nothing to do with the Waterman's Memorial. She stated that the issue is that anyone that puts something on Town property has to go through proper channels. She advised that this has not been done. She also stated that the gentleman that started the Waterman's Memorial hasn't been coming to Council and keeping them updated nor has he filled out the proper paperwork to put the monuments there. Vice Mayor Bowden also stated that several Councilmembers has attempted to contact him and asked what can be done.

Town Attorney Fox stated that they have to give notice for him to remove them. He added that if they aren't removed then the Town can remove them and charge him.

Councilman Frese stated that there are 2 sides to this story. He feels it's the best interest of the Town to admit that this individual has done a lot of work. He also feels there has been a lot of misunderstanding on both sides. He explained that he works for the federal government and is

called away. He feels they should table it and let it settle so he can come to Council to work it out. He reiterated that there are 2 sides to this story.

Vice Mayor Bowden stated that she is all for this. She feels that he has done a fantastic job. She also stated that the Committee is uptight that the rules are not being followed. She stated that she was told that every avenue has been exhausted.

Councilman Frese stated that the other side of this story is that he had permission to put up what he designed. He also stated that because he isn't here it has made it difficult for him to resolve this matter.

Mayor Leonard stated that he has been embroiled in this and the Town has tried to make concessions to work with the individual. He added that they have sent letters and he hasn't worked with the Town. He commented further and advised that he is ready to do something. He suggested that they take the monuments off or have him come into the office to sign the documents.

Councilman Frese stated that he had permission to put his design up there. He also stated that he is out of town on government business.

Mayor Leonard stated that he did not have permission to put the monuments at Mariner's Point. He stated that the Town gave him the permission to put the ship's mast and the light there. He added that he didn't have permission to put the monument there.

There was discussion about the original request to put a memorial at the Robert Reed Park.

Mayor Leonard expressed his frustration that they are arguing about this.

Councilman Lewis asked if someone else could apply for the permit.

Town Attorney Fox advised that the person who owns the monuments has to apply.

Councilman Ellis asked if someone would invite him to come before Council to resolve this matter.

Mayor Leonard asked how long this is going to be delayed.

Vice Mayor Bowden is in favor of waiting until the December meeting.

Councilman Lewis suggested sending him a certified letter.

Councilman Taylor discussed having him sign the monuments over to the Town. He explained that he can sign the papers that if the Town were to have to move them he would be notified. He stated that Council would let him keep them there if he would sign the papers.

Town Attorney Fox advised that he stated just that in a certified letter. He advised that the letter was returned “refused”.

Mayor Leonard asked why he would send the letter back unopened.

Councilman Lewis stated that they should invite him to the December meeting and if he doesn’t show move the monuments.

Mayor Leonard asked Town Manager Ritter to give Councilman Frese the paperwork and he will get Mr. Abell to sign it by November 17th.

6. Budget and Personnel Committee Report of October 8, 2016

- **Possible Adoption of \$90,000 for EMS Coverage up Until Memorial Day**

Councilman Ellis stated that they’ve addressed the matter in the budget amendment.

7. Ordinance committee Report of October 13, 2016

- **Possible Adoption of an Ordinance to Cut Cemeteries**
- **Possible Adoption of Tattoo**

Councilman Taylor advised that Councilwoman Richardson and Mr. Terry Howard have done a great job keeping the cemeteries cut and cleared. He stated the old Ordinance is going to be changed to have the Public Works Department take care of the 5 cemeteries throughout the year. He stated that they feel they’ve exhausted their resources.

There was discussion about having the high school BETA help for service points.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adopt the new Ordinance for the Town to cut the 5 cemeteries. Unanimously approved.

Councilman Taylor stated that the second item is regarding tattoo parlors and body piercing. He stated that the Planning Commission has recommended that Council approve them. He also stated that they need to change the ordinance to allow it in a commercial zone by a conditional use permit.

Town Planner Marney explained that once it is permitted by right in certain commercial districts there is no say. He added that if Council or the community wishes to have any input it needs to be allowed based on a Conditional Use Permit. He also stated that it gives Council the most control.

There were comments.

Mayor Leonard stated that the Town has to provide them with an avenue.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to approve the Ordinance for Tattoo businesses under the Conditional Use Permit. The motion was carried.

Ayes: Ellis, Bowden, Richardson, Taylor, Lewis

Nays: None

Abstain: Frese

8. The Chincoteague Center Vacancy Appointment

Mayor Leonard stated that there is a vacancy on the Board for the Chincoteague Center. He advised that there is one person who expressed interest.

Councilman Ellis advised there is a vacancy because one member resigned so she could apply for the Director position.

Councilman Ellis motioned, seconded by Councilman Frese to appoint Mrs. Cynthia Wilder to fill the vacancy for the Chincoteague Center Authority. Unanimously approved.

There was discussion on the resolution that created the Authority allowing more Board members.

9. Proclamation Cemetery Clean-up Week of November 12th – 18th, 2016

Councilwoman Richardson advised that they have set November 12th – 18th as the Cemetery Clean-up Week. She stated that they will be cleaning the Taylor and Birch Cemetery on School and Smith Streets. She mentioned the new Ordinance and listed the cemeteries that it refers to: Mechanics, Daisey, Redmen's, Greenwood and the Bunting Cemeteries. She expressed her appreciation for all the volunteers that have been helping with cemetery cleanup. She asked Mayor Leonard to 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 A. Leonard do hereby proclaim the week of November 12TH through 18TH, 2016, 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 7th day of November, 2016.

John A. Leonard, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Mrs. Wilder suggested putting this out on Facebook because she didn't know that Cemetery Cleanup Week was an event.

There were further comments.

10. Mayor & Council Announcements or Comments

Vice Mayor Bowden stated that they like to get the word out letting those who elected Council know what they're doing and voting on.

Councilman Ellis stated that its okay to disagree at a meeting because once it's resolved it's over and they move on.

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

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

Councilman Frese moved, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

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

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

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

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

VOTE: Ayes- Bowden, Richardson, Frese, Taylor, Ellis, Lewis
Nays- None
Absent- None

Councilman Frese motioned, seconded by Councilman Ellis to terminate Town Manager Ritter giving him a 90-day severance package. Motion carried.

Ayes: Bowden, Frese, Ellis, Richardson

Nays: None

Abstain: Lewis

Adjourn

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

Mayor

MINUTES OF THE DECEMBER 5, 2016 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Ellen W. Richardson, Councilwoman

1. Call to Order

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

2. Invocation

Pastor Kevin Stanley offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Special Presentation

Mayor Leonard advised he had a special presentation to Mr. Wayne Merritt who is retiring. He advised that Mr. Merritt has been the Town's Harbormaster for the last 11 years. He presented Mr. Merritt with a plaque that read:



Donald Wayne Merritt

Harbor Master

Curtis Merritt Harbor of Refuge

August 19, 2005 to November 30, 2016

**Public service is one of nobility and dedication. You have
displayed these attributes in the highest
tradition during your years of service as an employee
of the Town of Chincoteague.**

**Therefore, on behalf of a grateful community, I, along
with the honorable members of the Chincoteague**

**Town Council, proudly present to you this recognition
for meritorious service.**

December 5, 2016

J. Arthur Leonard, Mayor

He introduced Mr. Vernon Merritt who has taken the reigns as the Town's new Harbormaster.

**5. Chamber of Commerce Report
Recreation & Convention Center Authority Update**

Chamber Director Shotwell advised that the Chamber's report is in the packet. She thanked everyone for their support and help with the Chamber this year. She also thanked Public Works Director Spurlock and the Public Works Department for the help with the "LOVE" chairs that were damaged in the storm. She reviewed advertising, statistics and some of the past events along with upcoming events. She stated that they are working on their strategic planning process and the Town will be invited to attend a workshop in January.

Chincoteague Center Chairperson Shotwell also reported for the Chincoteague Center. She thanked Council for their support. She also stated they are working on their strategic planning process. She announced that they have hired Jessica Day West as the new Center Director. She stated that she is the daughter of Jerry and Nancy West. She advised that she has 16 years of experience in theatre in Philadelphia but her special events skillset will equally translate into the needs of this position at the Center. She added that she will begin January 2nd and they will plan a meet and greet. She again thanked Council for their support to the Center.

6. Public Participation

- Mr. Bob Shendock, 6632 Cleveland Street, expressed his appreciation for the Chincoteague Police Department who maintained a safe and peaceful environment at the polling place.
- Louisa Flaningam and Paul Brzozowski, 5122 Main Street, addressed the waterpark issue and the height restriction issue regarding the water park. They advised they are against the waterpark and higher restrictions. They also stated that they drove to Ocean City, Maryland and took pictures of the water park. They showed the enlarged pictures to Council. They mentioned the request for a height variance of 45'. They discouraged the park and discouraged the higher height restriction.
- Mrs. Nancy Cunningham, 6319 Clark Street and the Chincoteague Island Library Board, reviewed the upcoming fundraising efforts. She advised that they are selling the book The Hidden Galleon by John Amrhein, Jr. She talked about the summer cruise and she thanked

Carlton Leonard for his generous donation of the cruise. She also mentioned the adult book clubs and author night. She discussed the Tales for Tots Program. She gave statistics and advised of all the things the Library has to offer. Mrs. Cunningham reported that they are planning a Locals Week at the Library the 1st week in April. She stated that the Library appreciates the Town's support, the patrons and many visitors. She added that the Library programs are free and open to the public and invited everyone to stop by.

- Mr. Alex Hubb, 3015 Ridge and Marketing Manager for the CCA, reported on the 3rd Annual Holly Day Market and Wildlife Art Gallery. He reported on the numbers of vendors and success. He thanked the Town for the use of the Island Activity Center. He also thanked the Town for completing the new septic. He announced that the Holly Day event will return next year on November 25th thanks to the Town for loaning the Island Activity Center once again. He explained how to become a vendor for the CCA events.

- Mrs. Lisa Smith, 4421 Main Street, came before Council about no parking in front of her home on north Main Street. She feels it's more dangerous now with the speeding traffic than with the parked vehicles. She understands that it was a dangerous circumstance with the school buses and doesn't expect it to be changed. She suggested looking at this more closely and possibly slowing the speed limit there. She complimented the Town for all they do. She also commented that she would like the Town to receive a portion of the tax dollars paid to the County.

- Mr. Tom Gary, 4425 Main Street, advised that the on street parking on north Main Street was a safety issue. He stated that the speeding is also a safety issue. He feels there is too much yellow painted curbing. He added that it has not helped the speeding issue. He and his neighbors asked that the Town look at this further.

Council asked Chief Mills to put the radar trailer there.

Councilman Taylor asked if there could be small rumble strips there.

Public Works Director Spurlock advised that there are specific codes regarding traffic control devices but would check into it.

Vice Mayor Bowden stated she, Councilman Ellis, and Councilwoman Richardson travels that area daily. She stated that it aggravates her that they didn't paint the curb across from the Island Motor Inn. She feels that area is ten times more dangerous and asked that the whole situation be reviewed.

Mayor Leonard asked that this item be placed on the new Action List.

- Ms. Theresa Bulger, 4235 Filmore Street, expressed her concerns of granting the variance for a 45' structure. She feels it will harm the character of the Island. She added that if they allow any developer to exceed the 36' height limit there will be challenge after challenge. She feels it would harm the character of the Island. She also stated that she is very grateful for the Town Council.

- Mr. Barry Abell, Watermen's Memorial, came before Council giving the chain of events regarding the placement of monuments that were placed in April 2016 at Mariner's Point. He gave the history and explained why he decided to have a memorial. Mr. Abell went into great detail showing pictures and giving specific information. He talked about contributions and explained the Eagle Scout projects and controversy. He later advised that he did place the monuments without permission. He stated that he would sign the documents with stipulations that they remain untouched and the signage remains as well. Mr. Abell then left.

Mayor Leonard asked Council if the documents were signed.

There was discussion and further comments. Chief Mills was asked to contact Mr. Abell and ask him to return so he can sign the documents. Public Works Director Spurlock was asked to produce the documents for signature.

Mr. Abell returned and reluctantly signed the documents.

Council advised they would work with him.

- Mrs. Cynthia Wilder, 4134 Ridge Road, stated that the most important thing about tonight's meeting is precedence. She stated that by allowing the monuments to stand that long is a bad precedent. She also stated that changing the height restriction is a bad precedent.

Vice Mayor Bowden stated that she has listened to this matter for many years. She feels they have an opportunity to save the project and to follow the rules. She stated that they should call it Watermen's Memorial at Mariner's Point. She suggested 2 signs, one for Mariner's Point and one for Watermen's Memorial. She added that it is a beautiful place and it should mesh together not divide. She added they need to work together to make it work for everyone.

Mayor Leonard agreed.

7. Council Action List, Informational Items & Staff Update

Mayor Leonard explained that the action list is a list of items from the different departments. He added that it is more for the Town council to see what is going on and what the Town is up to.

Staff Update:

Police Department:

Chief Mills advised that the report is in the packet. He reported that officers were sent to training. He stated that the Annual Toy Drive went well with 40+ people and 25 motorcycles that rode back for a luncheon. He stated that December 17th from 10:00 a.m. – 3:00 p.m. they will have Santa at the Police Station who will give presents to the children that come to see him.

General Government:

Administrative Assistant Lewis reported that some of the staff has taken on a few extra responsibilities. She also stated that they have been processing tax payments. She reminded those in attendance that they had until midnight to pay their taxes online.

Planning Department

Town Planner Marney advised the report is in the packet. He stated that the report for the Hazard Mitigation Plan is available online. He reminded that the comment period started December 1st.

Public Works Department:

Public Works Director Spurlock reported that the report is in the packet. He stated that the Virginia Department of Health has approved the sole source loan for the automated meter system. He also stated that he submitted the final paperwork to the U. S. Fish and Wildlife Service for the trail, bike paths and sidewalk project.

Mayor Leonard mentioned the light poles along Maddox Boulevard. He also reminded everyone of the Committee and Town Council social on December 14th at 6:00 p.m. He stated that the employee luncheon is December 16th at noon.

1. AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Bowden asked to add an item for the Recreation and Community Enhancement Committee's request.

Councilman Taylor motioned, seconded by Vice Mayor Bowden to adopt the agenda adding to item #11, Recreation and Community Enhancement Committee's special request. All present were in favor and the motion was carried.

Ayes: Taylor, Bowden, Frese, Ellis

Nays: None

Absent: Richardson

2. Adoption of the Minutes

• Regular Council Meeting of November 7, 2016

There was a change to the minutes of the vote made after Council came out of Closed Session to add that Councilman Taylor voted nay.

Vice Mayor Bowden motioned, seconded by Councilman Taylor to adopt the minutes of November 7, 2016 as corrected. All present were in favor and the motion was carried.

Ayes: Bowden, Taylor, Lewis, Frese, Ellis

Nays: None

Absent: Richardson

Councilman Ellis asked if he could speak. He stated that it's time to stand up for principles. He feels what just happened hasn't been in the best interest of the Town. He also stated that it is morally wrong how this situation was handled. Councilman Ellis resigned from Council and stated that he was not angry but could no longer be a party to it. He wished everyone a Merry Christmas and excused himself and left the meeting.

Mayor Leonard stated that he is shocked and sorry as he can be.

3. Joint Public Hearing on Zoning Amendment on Height

Planning Commission Chairman Ray Rosenberger called the Planning Commission meeting to order for the joint public hearing with the Town Council.

Councilman Lewis motioned, seconded by Councilman Frese to go into the joint public hearing with the Planning Commission. All present were in favor and the motion was carried.

Ayes: Bowden, Taylor, Lewis, Frese

Nays: None

Absent: Richardson

Planning Commission Chairman Rosenberger stated that it is a clarification of the existing Zoning Ordinance. He asked Town Planner Marney to explain the change.

Town Planner Marney explained that there are sections in the Code that aren't clear on determining structure height. He also stated that when there isn't a roof it is hard to measure it. He explained that they are referring to Section 2.24, the definition and how it's defined in the individual Code sections. He added that it is a blanket to cover all Codes clarifying all structure heights and how it's measured. He stated that it is not altering the height it is only clarifying what to measure and how to measure it.

Mayor Leonard asked for specifics.

Planning Commission Chairman Rosenberger advised that the structure maximum height will be 36' measured from the ground, base flood elevation.

Town Planner Marney stated that in Section 2.24, Building Height, they are now saying it will read "Building and Structure Height". He also explained the change in the 1st section adding "or for a structure not required to be built to flood elevation such height shall be measured from the lowest undisturbed natural grade". He added whichever is greater to the highest point. He went further into detail.

Mayor Leonard asked for the recommendation from the Planning Commission.

Planning Commission Chairman Rosenberger stated that it is their recommendation to accept the amendment as presented this evening. He added that no accessory building or structure shall be above 25'.

There were a couple of questions for clarification.

Councilman Frese stated that this doesn't clarify it. He feels it's expanding.

Planning Commission Chairman Rosenberger stated that they felt it was a clarification.

Councilman Frese stated that when they add no accessory building or structure.

Town Planner Marney stated that there are also specific things like poles, antenna and chimneys. He stated that structures are already addressed. He also stated that they are trying to make it explicitly understood other non-traditional, like the slides if they don't have a properly way to measure it.

Councilman Frese interrupted and stated that "no accessory building or structure" is adding words.

Town Planner Marney stated that it's adding words to make sure they understand that. He stated there has to have some means of measuring it and make sure all aspects of the Ordinance addresses it.

Councilman Frese asked about striking the words "or structure" and stated it was "no accessory building shall be more than 25ft".

Town Planner Marney stated that everything in red has been added.

Councilman Frese stated it's been added and it is now expanding the scope of this.

Town Planner Marney stated that it isn't an expansion of the scope. He explained that it's to clarify so that you can't have a random structure. He asked that as long as it has no roof structure if that means it has no height requirements. He added that this is what it was implying.

Councilman Frese stated that presently it only applies to an accessory building.

Town Planner Marney responded that it wasn't the way he would read it. He stated that accessory structure isn't specific wording. He also stated that structure, in general, are already addressed in the Code under Section 1. He also stated that they may not be able to definitively say anything is addressing accessory structures in the Code.

Councilman Frese asked if he meant that structures aren't covered in another section of the Code.

Town Planner Marney stated they are not and referred to bullets, 1 and 2. He stated that 2 doesn't say structures, however, 1 does. He stated that there is already something addressing structures. He also stated that they want to make sure that all of the sections address it. Town Planner Marney stated that they have something in the Code that is inconsistent. He also stated that where the primary structures are listed they are addressing but in the secondary structures they are not.

Councilman Frese read the Section without the additions and stated they have asked if "and other structures" was added.

Town Planner Marney advised that that it was.

Councilman Frese stated that this has been expanded.

Town Planner Marney then stated that structures are addressed in the very next sentence and read “no structures shall exceed 3 stories in height”.

Councilman Frese stated that this one was expanded also. He stated that they have arbitrarily expanded the application.

Town Planner Marney interrupted that he is trying to get to the next sentence in the bullet which says “no structure shall exceed 3 stories in height”. He stated they have something already addressing structures, but they’re trying to make sure it’s uniformly applied. He also stated they don’t have a means of addressing it and they don’t have a means of measuring it. He added that they say that they can’t have more than 3 stories. He then asked how they measure 3 stories and then asked what the definition of a story is. He asked if they were going to have all the different types of structures. Town Planner Marney stated that the Code isn’t perfect if they don’t change an inconsistency or address it if it needs clarification. He then asked what the measuring point was. He stated that a story can be very ambiguous. He stated they should have that especially when you don’t have a means of measuring it.

Councilman Frese asked Town Planner Marney to define a story.

Town Planner Marney stated that this is something he has approached but it doesn’t address everything. He commented further and stated that it’s something that makes sense and all they’re saying is all structures regardless of whether its roofs or not are held to the same standard.

Councilman Frese asked if this was what he was saying and this is the effect of this.

Town Planner Marney advised it is the effect of this. He stated that it’s not saying that just because they’re building this or erecting a flagpole that it’s now held to a different standard. He also stated that they’re saying all the primary structures are set at 36’ and all the secondary structures are at 25’ regardless of what they are or how they’re constructed. He added that they aren’t setting a different standard. He mentioned the waterpark slides are still at 36’ and not 86’ not 25’ or not 10’. He stated that it’s the same exact standard if you’re building a home or any other main structure.

Councilman Frese stated that they have another section that deals with structures not buildings.

Town Planner Marney stated that’s the only place where structures are addressed. He added that this is the problem and it’s not sufficient or clear enough on how to measure it or deal with it. He also stated that the height regulation should be applied uniformly and shouldn’t only apply to this or that. He stated that if it is going to be applied to this or that it needs to explicitly state that this other structure that doesn’t meet this definition or regulation needs to be defined x, y and z. Town Planner Marney asked how it would be measured if they’re going to have a structure with no roof or otherwise measurable point.

Councilman Frese stated that they are expanding this now to include not only buildings, accessory buildings and other structures. He read #1. He asked if they were making it more inclusive.

Town Planner Marney stated they are trying to make it more clear. He asked about things that don't meet the standard.

Councilman Frese interrupted stating that he understands it. He asked if this is being added to cover everything else other than a building and stated that Town Planner Marney didn't want to answer this.

Town Planner Marney stated that he was just trying to clarify and if it's an expansion he can word it however he wants to. He explained that he was trying to make it more clear so that they didn't have a confusion that doesn't mean it.

Councilman Frese stated that this can be applied to anything that is built.

Town Planner Marney stated that it's anything that meets the criteria. He continued again that chimneys and other things like poles have their own regulations and are not impacted by the alteration. He mentioned the flagpole and the antenna that doesn't impact them because they're completely different and addressed differently.

Councilman Frese stated that they are not structures.

Planning Commission Chairman Rosenberger explained that it's anything other than the main structure.

Town Planner Marney interjected that it's a shed or garage.

Planning Commission Chairman Rosenberger stated that if it's the house it's 36' and if it's the garage it's 25'.

Town Planner Marney referred to bullet #5 separately addresses flagpoles, monuments, television antenna, radio aerials and church spires. He stated that they are each handled separately and are not impacting. He added that all of those things are addressed and the oddball structures are handled separately. He stated that this doesn't impact. He again mentioned the flagpoles and stated that it is a completely different structure and they are handled separately. Councilman Frese asked what the waterslide would be considered.

Town Planner Marney responded that it depends on the use and how it's applied. He also stated that in the case of the waterpark they have applied that this is a primary use. He added that in this instance it is 36'. He stated that if it is in a residential area with a private pool it would be 25' because it is considered an accessory structure. He also stated that it all depends on how it is applied. He continued to state that in a commercial district you can have more than one primary use as the Code is written, therefore the height requirements would then change depending on the situation.

Councilman Frese stated that if he put a waterslide at his house he can only go up 25' because it is an accessory structure.

Town Planner Marney advised that was correct.

Mayor Leonard stated that what they have before them is that the Planning Commission has reviewed this and gave their recommendation as presented. He stated that no accessory building or structure, he understands but feels that later on with a new Building Administrator the "and structure" could be viewed differently.

Planning Commission Chairman Rosenberger asked Mayor Leonard if they could have Town Attorney Fox's opinion.

Town Attorney Fox stated that referring to "other structures" he sees what it's trying to do and it does add language and expand. He stated that it adds more detail on what is being covered in this. He also stated that they have other Code sections or other language that refers to flagpoles or chimneys. He added that he doesn't see the vagueness in it as it currently is. He stated that it could be made into a 70 page document if they just went through and listed everything. He agreed that it does expand but to help clarify more and to soak up some of the other things that may be lost in translation that aren't necessarily in building.

Vice Mayor Bowden stated that she wants to make sure that whatever gets built can't go above 36'.

Town Planner Marney stated that it can't. He stated that the way it's worded is clarifying other structures that aren't currently readily defined or readily available in the Code. He also stated that as far as going above the 36' or 25' limit, you already can't do that without a variance or a conditional use permit. He added that whether the BZA approval is needed or not is at the discretion of Mayor and Council. He also stated that there is no means of going beyond that legally.

Town Attorney Fox added that this doesn't add any language that would go beyond that height.

Mayor Leonard asked if Council had anything further to add.

Councilman Frese asked that if there is already an area in the Code that covers church spires, belfries, flagpoles, etc., then why would they expand it.

Vice Mayor Bowden stated that it's 2 separate things.

Councilman Frese feels it's more encompassing.

Mayor Leonard stated that it's a way for Council to cover something that is currently covered in the Code. He gave an example of an observation deck.

Councilman Frese stated that they can bring anything into it that they want.

Mayor Leonard added as long as it's a building or structure.

Councilman Taylor suggested that there is a pink elephant in the room at 36', referring to the waterpark. He stated that it clarifies the 36' restriction on the height.

Mayor Leonard opened the public hearing at 9:00 a.m.

- Ms. Sue Johnson, a Greenbackville resident and owner of Blue Crab Treasures, expressed her concerns about the waterpark. She stated that this needs to be clear that multiple structures won't be above 36'. She stated that when speaking to Town Planner Marney last week in this case the water towers will be considered primary structures. She suggested a referendum to see if this is something the Town really wants. She explained why she came to this area. She believes that this will hurt what this Town is all about.

Vice Mayor Bowden stated that she is fine whether the Town allows the waterpark or not. She also stated that there are so many people who want it and so many people that don't want it. She mentioned the tattoo regulation. She also stated that a lot of people don't want a tattoo shop. She added that it is allowed because they can't tell someone they can't make a living. She asked how anyone can tell someone that they can't operate a business whether anyone likes it or not. She added that this is the reason that the owners who submitted the waterpark request came to the Town. She also stated this was the only way to go forward is to do it by the conditional use permit so there could be regulations put on that. She feels it's not a matter of whether or not everyone wants the park as long as that business owner meets the criteria she feels their hands are tied and can't deny it. She added that there is a fine line.

Ms. Johnson attempted to comment.

Mayor Leonard interrupted that this was not about the waterpark and they weren't going to get into it at this time. He asked to keep this about the matter at hand.

- Mrs. Cynthia Wilder, 4134 Ridge Road, stated that it is great to add "structures" to the Code.

There were no further comments and Mayor Leonard closed the public comment at 9:09 p.m. Planning Commission Chairman Rosenberger closed the Planning Commission meeting.

Mr. Potts motioned, seconded by Mr. Katsetos to close the meeting. All present were in favor and the motion was carried.

Mayor Leonard asked for comments from Council.

Councilman Frese advised that he is opposed to the change because it is the sliding overreach of government. He feels there are still plenty of checks and balances and they'll hear about it. He feels it's an overreach. He stated that it is pretty clear and he is against it.

Councilman Taylor feels it protects in two ways and clarifies it.

Councilman Lewis agrees with Councilman Taylor.

Vice Mayor Bowden agreed with Councilmen Taylor and Lewis. She stated that it protects where they need it the most.

Councilman Taylor motioned, seconded by Vice Mayor Bowden to approve the zoning amendment on height as presented. Motion carried.

Ayes: Taylor, Bowden, Lewis

Nays: Frese

Absent: Richardson

ARTICLE II. DEFINITIONS

Sec2.24 Building & Structure 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, **or for a structure not required to be built to flood elevation such height shall be measured from the lowest undisturbed natural grade**, whichever is greater, to the highest point of the:

of the structure; or surface of a flat or sloping roof; or average height between eaves and ridge line of a gable, hip, or gambrel; or deck line of a mansard roof.

(Ord. of 2-5-2001)(**Amended 5/4/15 12/05/16**)

ARTICLES 111, IV, & V

(This Code is the same in all Zoning Districts.)

Height Regulations.

- 1) Buildings **and other structures** may be erected up to 36 feet in height in accordance with Sec. 2.24 (definition of building **& structure** height). No Structure shall exceed three (3) 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 height restriction still applies.
(Ord. of 2-5-01)
- 2) No accessory building **or structure** shall be more than 25 feet in height.
- 3) Roof area extending above the maximum three (3) 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 (6) feet above the height of the main buildings upon which the 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.

(Amended ~~5/4/15~~ **12/05/16**)

4. Committee Reports

- **Budget Committee**
- **Curtis Merritt Harbor Committee**
- **Recreation and Community Enhancement Committee Report**
 - **Approval to Move Forward with Dog Park Fundraising**

Councilman Taylor stated that the minutes are in the packet. He stated that they had employee evaluations. He advised that they discussed merit increases, they are having a wage study and they are reviewing the employee handbook. He also stated that they will be completing Chief Mills' evaluation at the end of the meeting. He stated that they need to come together. He commented further thanking everyone for what they do for the Town.

Mayor Leonard stated that one of the things they reviewed in the workshop is the Christmas holidays. He explained that the Town had a different playbook than what the handbook stated. He stated that at Chairman Ellis' recommendation the Town offices will be closed the 24th, 25th and 26th no matter what day the holiday falls on.

Administrative Assistant Lewis advised that it wasn't in effect this year.

Mayor Leonard stated that it starts in 2017.

Councilman Frese asked if this would come before Council.

Mayor Leonard responded that it will come for review and it hasn't taken place yet. He also stated with the recent events and lack of a Town Manager the Budget and Personnel Committee agreed to give the Town office staff a 2% merit increase. He explained that their evaluations won't be done this year. He was unsure if they needed a motion.

Councilman Taylor stated that it was budgeted.

Administrative Assistant Lewis advised that it was budgeted and awarded based on the Town Manager's recommendations.

Mayor Leonard reviewed the Harbor Committee meeting minutes. He stated that they discussed the dredge, the improvements to the fuel pumps and the transition from Harbormaster Wayne Merritt to Vernon Merritt. He stated that they also discussed upcoming policies and the travel lift.

Councilman Taylor stated that there was a vessel with engine problems. He stated that Mr. Vernon "Mackie" McIntosh helped him and the owner sent a letter thanking him for so

graciously helping him. Councilman Taylor suggested sending Mr. McIntosh a letter from the Town.

Vice Mayor Bowden explained that there was a special meeting of the Recreation and Community Enhancement Committee. She stated that this was to allow fundraising for preliminary planning of a Dog Park. She stated that Council would have to authorize the donations to be brought to and processed by the Town.

There were comments.

Vice Mayor Bowden explained that it is in the planning stages. She stated that this is so that the donations could be brought to the Town office.

Vice Mayor Bowden motioned, seconded by Councilman Frese to authorize fundraising efforts for preliminary planning of a dog park and that the donations could be brought to the Town. All present were in favor and the motion was carried.

Ayes: Bowden, Frese, Taylor, Lewis

Nays: None

Absent: Richardson

5. Committee Appointments

Councilman Taylor stated that there are 2 seats on the Planning Commission that will expire December 31st, 2016. He stated that Mr. Michael Dendler and Mr. Steve Katsetos have both agreed to be reappointed.

Councilman Taylor requested that Council accept the reappointment of Mr. Michael Dendler to the Planning commission.

Councilman Taylor motioned, seconded by Councilman Frese to reappoint Mr. Michael Dendler to the Planning Commission for another 4-year term expiring December 31st, 2020. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Councilman Taylor requested that Council accept the reappointment of Mr. Steve Katsetos to the Planning Commission.

Councilman Frese motioned, seconded by Vice Mayor Bowden to reappoint Mr. Steve Katsetos to the Planning Commission for another 4-year term expiring December 31st, 2020. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Mayor Leonard stated that Mr. Ernie Bowden's seat will expire December 31st, 2016 on the Curtis Merritt Harbor Committee. He stated that Mr. Bowden advised he did not want to seek reappointment. He advised that Mr. Danny Bowden expressed his desire to serve on the Curtis Merritt Harbor Committee.

Councilman Frese nominated Mr. Danny Bowden to serve on the Curtis Merritt Harbor Committee.

Councilman Frese motioned, seconded by Vice Mayor Bowden to appoint Mr. Danny Bowden to the Curtis Merritt Harbor Committee for a 2-year term expiring December 31st, 2018. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Councilman Taylor stated that there is 1 seat on the Building Code Board of Appeals that expires December 31, 2016. He stated that Mr. Robert Tye has agreed to be reappointed. He also stated that Mr. Jerry Tarr has resigned. He advised that Building and Zoning Administrator Lewis contacted Mr. John Whalen who has expressed his desire to serve on the Board for the remainder of Mr. Tarr's term.

Councilman Taylor recommended that Mr. Tye be reappointed.

Councilman Frese motioned, seconded by Councilman Lewis to reappoint Mr. Tye to serve another 5-year term which will expire December 31st, 2021 on the Building Code Board of Appeals. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Councilman Taylor recommended that Mr. John Whalen be appointed to fill the remainder of Mr. Tarr's term.

Councilman Frese motioned, seconded by Vice Mayor Bowden to appoint Mr. John Whalen to fill the remainder of Mr. Tarr's term on the Building Code Board of Appeals. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Councilman Taylor also advised that there are 2 seats on the Recreation and Community Enhancement Committee that expire December 31st, 2016. He stated that Mr. Jack VanDame has agreed to be reappointed. He added that Mr. Robert Conklin has decided not to seek reappointment.

Councilman Taylor recommended the reappointment of Mr. Jack VanDame to the Recreation and Community Enhancement Committee.

Councilman Frese motioned, seconded by Vice Mayor Bowden to reappoint Mr. Jack VanDame to the Recreation and Community Enhancement Committee with a 2-year term to expire December 31st, 2018. All present were in favor and the motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese

Nays: None

Absent: Richardson

Mayor Leonard asked the public if they are interested or know anyone interested to serve on the Recreation and Community Enhancement Committee to apply to the Town Office.

6. Christmas Decorations Judging

Mayor Leonard announced that the annual judging of Christmas Decorations will be Wednesday, December 21st beginning at 5:00 p.m.

Administrative Assistant Lewis stated they can call the office or the Police Department with their name and address so they won't be missed.

7. Alcalde & Fay Services

Mayor Leonard informed Council that Alcalde & Fay was only approved for 6 months. He asked Council's pleasure if they wanted to continue with their services for another 6 months.

There was brief discussion. Council agreed that it was time for Mr. Catron to report to Council on what he is currently working on before they decide to continue with the services.

This item was tabled until January.

8. Mayor & Council Announcements or Comments

Vice Mayor Bowden stated that as a representative she asked the Community not to lose faith. She stated that she can personally say that they were blindsided with Councilman Ellis' departure.

Someone asked how this would be addressed.

Mayor Leonard stated that in the past it has been done by Council appointment.

Vice Mayor Bowden stated that they have a lot on their plate with the hiring of a new Town Manager, addressing concerns with the waterpark along with the departure of Councilman Ellis. She stated that she knew it wouldn't be an easy job but, she was ready to tackle it and listen to everyone. She asked everyone not to lose faith in the Council. She feels they will get it right. She wished everyone a Merry Christmas and Happy New Year.

Councilman Lewis thanked Chief Mills and the Police Department for the fundraisers they do. He advised that they recently donated 125 turkeys to families on the Island and he greatly appreciates it. He stated that he hopes they can work together on the Watermen's Memorial

issue. He advised that he was working in 1983 when the Marine Electric boat sank and helped put bodies on the truck. He stated that he gets choked up to talk about it as he remembers that they had letters in sandwich bags in their pockets about their kids adding that they knew they were dying. He feels Mr. Abell has a lot of heart into this and would like Council to do a lot of consideration in naming it the Watermen's Memorial.

Councilman Taylor thanked those Committee volunteers and everyone who volunteers from all over. He stated that love conquers all bad. He also stated that they are going to try their best. He thanked all the employees mentioning that some are putting in a few extra hours. He added that he is grateful that the Police Department is continuing what Councilman Lewis started. He stated that he appreciated Chief Mills.

Councilman Frese agreed with Councilman Lewis. He feels they owe a big debt to Mr. Abell as he has worked hard for the memorial and feels if they would work with him it would go a long way in healing. He stated that he admires and respects him. He also stated that he gives his heart and his all in everything he does. He believes Council will work with him. He thanked the people of Chincoteague for standing up for their beliefs. He understands that everyone will have their differences and he is more conscience of the Chincoteague mentality, outlooks and desires. He advised that he has been coming here since 1961, bought his first property here in 1984 and retired here in 1990. Councilman Frese stated that the one man he respected the most was Mr. Donald Leonard. He stated that he had so much love for this Town he gave of himself instilling it into his entire family. He added that he learned a lot from him. He also stated that there is no place he would rather be than Chincoteague, Virginia. He stated that he isn't a come-here he is a stay-here. He thanked everyone and wished everyone a Merry Christmas.

Mayor Leonard wished everyone a Merry Christmas, Happy New year and concluded by saying "Role Tide".

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

• Personnel Matters

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

Councilman Frese motioned, seconded by Vice Mayor Bowden 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- Bowden, Richardson, Frese, Taylor, Lewis
Nays- None
Absent- Richardson

Councilman Frese motioned, seconded by Councilman Taylor to approve a 2% merit increase for Chief Mills. All present were in favor and the motion was carried.

Adjourn

Councilman Frese motioned, seconded by Vice Mayor Bowden to adjourn. All present were in favor and the motion was carried.

Mayor