

MINUTES OF THE JANUARY 2, 2018
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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Comment

Mayor Leonard opened the floor for public comment.

- Mrs. Toni Cox, 6050 Tarr Street, approached Council regarding the Dog Park. She referred to the 2 people that spoke against the location of Memorial Park at the last meeting expressing their concerns about the children's safety. She mentioned again that she has helped build a dog park. She stated that if done properly with regulations in place then dog parks are very safe. She also stated that they are not a fenced in free-for-all. She discussed the fencing and explained the entrance gate. She added that children aren't allowed in the dog park unless they are with their parent. She also added that it is not a child's recreation area. Mrs. Cox stated that rules and regulations will be posted. She explained that when peer pressure doesn't work there is a process such as registration with tags and fees to go toward maintenance. She stated that they would have to provide proof of ownership, shot records and would have to be spayed or neutered. She also stated that at registration they would be given specific rules which would be posted at the dog park. She suggested that rule violators would lose privileges. She feels Memorial Park is the correct site and will enhance the recreational options. She asked Council to vote to place the dog park at Memorial Park.

- Mr. James Russell, Commander of American Legion Post 159, Chincoteague and resident at 4162 Vivian Street, provided a petition opposing the park at Memorial Park. He advised that he represents the veterans both on and off the Island who object to putting a dog park at the Veterans' Memorial Park. He feels the signatures should hold as much weight as those who sent Christmas Cards. He stated that the Park was dedicated by the Town of Chincoteague to the veterans that have served the armed forces honorably in all wars and conflicts. He also stated that a dog park at this location would present a safety problem based on the children that play

and families that use the facilities for parties, reunions or picnics. He added that there is no guarantee that a child or adult would be totally safe if one of the animals were to get loose and bite someone. He also added that the ballfield is still in use for the Little League and children throwing footballs, baseballs, soccer balls and Frisbees. Mr. Russell advised that the ballfield is also used for a landing pad for medivac and occasionally helicopter training for the U.S. Coast Guard. He stated that the veterans are asking not to place a dog park at the Veterans' Memorial Park. He concluded that in his opinion and other veterans' opinion that it would be a slap in the face of all who served. He added that some have given the supreme sacrifice, retired, honorably discharged veterans and thousands of veterans currently serving all over the world protecting freedom that we now have for God and Country. He thanked Council and asked God to bless the United States of America.

- Mrs. Heather Moran, Tarr Lane, stated that dog parks are designed to be safe. She added that the ballfield is nowhere near where the children play. She stated that the people who have dogs would park by the dog park. She suggested giving people more credit to be responsible for their children and their dogs. She feels her child would be more likely to break his arm falling off of play equipment than to be bitten by a dog on a leash with its owner. She too has a petition with signatures of some who live here and some who don't that all want a dog park. Mrs. Moran added that dog owners and people are more responsible than they are given credit. She feels that the Memorial Park is a perfect place to have children and a dog park together.

- Mr. Carlton Leonard, 6176 Leonard Lane, advised that he has had a lot of experience at dog parks. He feels that safety is not an issue. He explained that all of the dog parks from Key West to Virginia Beach have playgrounds next to or on the premises of the dog parks. He mentioned fencing and the gates that was mentioned by Mrs. Cox earlier. He stated that he has never seen a disturbance or problem in a dog park. He feels that the safety of the dog park and safety of the kid park should be separate issues. He stated that Memorial Park is the ideal spot on the Island. He addressed the veterans. He added that there are a lot of veteran dogs as well. He stated that if you poll the veterans across the country, more would probably be for the dog park. He concluded that he is favor of Memorial Park.

- Mrs. Jane Fetterman, 7441 Herbie's Lane, she advised that she isn't before Council about the additional noise from a dog park. She appreciated what the Town did by putting up the skate park to get kids off of the street. She feels it's been successful. She stated that she's been told that the skate park isn't used often. She invited any one to come sit at her house. She stated that skate park is in use. She advised of an incident between the Park attendant and her husband. She stated that it isn't a dog park, it's a dog pen. She feels that a park is where they could walk their dog leisurely not pen it up. She doesn't feel this is the proper place for a dog park. She asked what the total cost would be.

Mayor Leonard advised it would be determined later.

Mrs. Fetterman stated that she heard roughly under \$20,000. She also wanted to know how much was left after paying the analyst.

Mayor Leonard advised that it was not done or paid for by the Town.

Mrs. Fetterman understood that it was done by the Committee. She doesn't believe there is enough money to construct the dog park which is why Memorial Park came up. She discussed those who helped build up the park and taking away parts of the park from the children. She added that they do skate in the skate park. She also asked the decision of the Committee.

Mayor Leonard responded it would be discussed later.

Mrs. Fetterman stated that she was told it was to be put it on the Hallie Whealton Smith Drive but would cost too much. She advised she is opposed to Memorial Park as a dog park. She stated that the Park was donated by the veterans'. She stated that the Town and many citizens worked hard to make it a family attraction for both locals and tourists. She also stated that she was told the Park wasn't used that much. She advised that this information was not correct. She mentioned that there are no tallies or counts when there were no attendants. She agreed that the Coastguardsmen play rugby, touch football and do drills there. She sees the volleyball area in use but not much. She added that the ballfield is used regularly. Mrs. Fetterman stated that helicopters land there for medical attention and the police, firefighters and rescue utilize it. She added that school busses bring children for field day events. She feels that too many things are attended in this area to be taken up by a dog park. She stated that the cost is what the people will have to give up. She mentioned parking problems that would be made worse. She stated that the skate area is used during 3 seasons. She explained how the skate park came about and why. She asked how much of the land would be taken up for the dog park.

Mayor Leonard advised that it would be discussed later.

Mrs. Fetterman mentioned all of the uses and gatherings there. She asked if people could walk their dogs at all or would it be a fenced in area only.

Vice Mayor Bowden responded that you would turn your dog loose inside the dog park.

Mrs. Fetterman feels there are better places than Memorial Park. She suggested the Donald Leonard Park. She understands that the other locations would be too expensive. She asked if anyone has been bitten by a dog on the Hallie Whealton Smith Trail. She added that some were on leash and some ran free. She suggested allowing dogs at each of the parks.

- Ms. Mary DiPietro, 7171 Mason Drive, advised she is in favor of the dog park. She stated that she is a charter boat captain and has been taking people to the sandbar for 7 years now so they could have somewhere to take their dogs. She advised that everyone had control of their animals. She stated that there has never been an issue and believes it's important to the Island to be a more family friendly place. She added that Memorial Park is supposed to be for everyone. She stated that the more your animal is taken out to interact with other animals the better the animal is. She doesn't feel the dog park would be a safety issue.

- Mr. George Garner, 7171 Mason Drive, stated that not all veterans are against the dog park at Memorial Park. He stated that there are plenty of helipads on the Island. He mentioned the High School property.

Councilwoman Richardson interjected that the High School isn't an option. She added that the Memorial Park is the only spot unless someone builds a road.

Mr. Garner suggested the Curtis Merritt Harbor and the Mariner's Point as a helipad.

Council commented that there wouldn't be enough room for this.

Mr. Garner feels it's important to have a dog park as it is a dog friendly Island. He feels they should set aside space at Memorial Park and leave room for the kids to play.

- Ms. Ann Clark, of Don's Seafood, 6224 Ocean Blvd., advised she is a mother of a 5 year old and 3 dogs. She stated that this year they had a dog friendly dining area outside behind Don's Seafood. She explained what they did to create the area and advised they had a great response. She mentioned safety and stated that she would trust that she would use enough knowledge of her animals to decide if it was a good time to bring her dog or child into the park. She stated that it is expensive to board dogs if you go on vacation which is why people bring their dogs. She also advised that she was involved in the fundraiser for the Dog Park. She stated that one of the reasons they haven't had more fundraisers is because they don't want to raise money for something that may not happen. Ms. Clark stated there are a lot of small yards on the Island she feels it would be healthy for animals to enjoy the Island like they do.

- Mr. Joe Serino, 3250 LeKites Drive, advised that he is a veteran and not opposed to a dog park. He stated that he is against the location along Hallie Whealton Smith Trail. He feels that the field at the Memorial Park is the best location. He assumes that the Town would be responsible for the maintenance. He asked if staff would be there at all times.

Mayor Leonard stated that there are dog parks that require permits to offset the maintenance costs.

Mr. Serino stated that it falls on the tax payers.

- Mr. Craig McComb, Past President of North Accomack Little League, 3311 Dodd Street, advised that he has been involved as a volunteer coach of baseball, basketball and softball over the years in the community. He wanted to voice his opinion over misrepresentation about the use of the ballfield at Memorial Park. He advised that the local Little League provides a safe, fun and positive recreation for children ages 3 to 16. He stated that last year they had 275 kids in the Little League. He explained the Little League district boundaries. He advised that the Little League currently maintains and operates 4 fields at their complex with no cost to the Town or taxpayer. He stated they have been blessed by the support of the community. He thanked everyone as they couldn't do this without their support. He added that they operate on a budget of \$50,000 which is what it costs to run the Little League now. He stated that the local school allowed them to play the senior and junior baseball games at the high school ballfields due to the size and regulations of their fields which is why the games can't be played on the Little League's complex.

Mr. McComb stated that with over 250 kids each year and the number growing, it is difficult to find enough space to play and practice between the games. He explained the goals of the Little League. He added that because of the success of the Little League our local high school teams and middle school teams have won district titles. He stated that they do access other fields like Memorial Park. He advised that they are over capacity. He also stated that if they take away the ballfield at Memorial Park the teams will have to cancel practices. He explained that practices don't start until 5:30 p.m. or later. He urged Council not to close the Memorial Park ballfield. He feels it's a worthy cause but isn't needed where they are utilizing the fields. He added that Memorial Park isn't underutilized.

- Ms. Donna Leonard, 6415 Leonard Lane, expressed her respect for other's opinions. She stated that she isn't all for Memorial Park and is not for Hallie Whealton Smith. She advised she is opened to any areas since she has taken on this challenge. She stated that she has remained focused on getting a dog park. She wants the location to be for good reasons and sensible choices. She stated that she loses respect when she hears opinions based on misrepresentation and untruths. She also stated that she was unclear on how the Town obtained Veterans' Memorial Park. She added that there was misrepresentation of how the veterans donated it. She explained that when misrepresentation gets in the paper and it's not corrected it is believed as the truth. She advised that she contacted Town Manager West for the correct information.

Ms. Leonard reported that the Chincoteague Veterans' Memorial Park was conveyed by deeds to the Town of Chincoteague in 1956 by Lee and Wilma Savage, Arlene Kingsberry and Lucy Toothill. She stated that there was another parcel donated by McGee which she was unable to locate that deed. She read the description which was to donate the land with the intention to create a memorial to veterans. She added that there are many dogs that are veterans. She stated that it was named in respect of the veterans.

Ms. Leonard advised that she isn't here for one park or another. She mentioned the safety of the children. She stated that she has been working on the Memorial Park for quite some time. She also stated that there was a suggestion box and the number one thing was safety of children. She added that there was also a suggestion of a fence. She would like safety to be addressed whether there is a dog park there or not. She feels there should be a fence around the playground. She feels that they raised the money for the park but the Town failed to make it safe.

Ms. Leonard gave Council a copy of a letter from someone who was unable to attend.

- Supervisor Billy Joe Tarr, 7079 Wayne Road, stated that he is in favor of Memorial Park for the dog park. He stated that he is a veteran as well. He heard of the safety issues. He stated that when you build a park there are always safety issues. He feels that as long as it is kept in good working order they're covered. He added that this is the risk of any recreational park. He knows that if he is going to take his dog, a leash would be on it until he got to the fence. He stated that there is no more danger or difference of getting hit by a basketball at the basketball court.

Mr. Tarr also stated that there are a lot of dogs that gave up their lives for the veterans; they've sniffed out bombs on battlefields and on highly traveled roadways that still serve today. He mentioned that Councilman Lewis had a K-9 that searched out lost children. He stated that he is appalled that they wouldn't want to allow them to share a place with us. He added that they lost the ballfield when they put the skate park in centerfield. He stated that there is a volleyball court down the 3rd base line. He feels the dog park wouldn't take up much room to leave the area for the Little League to practice and play. He advised that he is not for taking away the ballfield, although it will make the space a little smaller. He recalled that the monument that used to sit in front of the Police Station was moved there and donated by the veterans. He stated that it is a rough issue to settle. He doesn't feel that having a dog park at Memorial Park will hurt anything. He mentioned the possibility of a dog bite and added that the one who holds the leash is liable. He stated that people travel with their pets and look for pet friendly places to spend their money. He wants to have the dog park in one of the most beautiful places on the Island and share it.

5. Agenda Additions/Deletions and Adoption

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

6. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He added that they completed their Toy Drive and were able to buy Christmas gifts for 33 families this year. He stated that they provided 17 food cards to assist families in getting food. He reported that they had 40 children visit with Santa Clause at the Police Station for the 2nd year who were all given a toy and cookie. He stated that they supplied families with groceries and medication. He also stated that the man who ran the pirate ship business passed away leaving in his obituary to make donations to the Police Department Toy Drive. He reported that this gave close to \$1,000 which was unexpected.

Mayor Leonard thanked Chief Mills and his staff for all the work in collecting the toys for the needy families.

Public Works:

Public Works Director Spurlock stated that they are in full preparation mode for the upcoming winter weather advisory. He reported on the upcoming forecast. He stated that the plan is to get out in early phases of the storm with salt and sand. He advised that VDOT has brined the foot of the bridge. He stressed to avoid on-street parking. He stated that they completed the 1st radio read meter reading at the south end of the Island and gearing up to do the other 2 sections soon.

Vice Mayor Bowden advised that Clark Street was milled and will be repaved at no cost because of the needed repairs to the drainage.

Public Works Director Spurlock explained that Branscome caused drainage issues on Clark Street and they came back to make the repairs.

General Government:

Town Manager West advised that they have drilled a well and the water was of very high quality but the yield was low. He explained that they could use it but would require more wells to replace the contaminated wells. He stated that they will drill another deeper well in January hoping to get a greater yield with the same quality.

7. Committee Reports

Chincoteague Recreation and Civic Center Authority:

Councilman Ellis reported on the Chincoteague Recreation and Civic Center Authority meeting. He advised there are significant structural problems in the roof of the Center's building. He stated that the Board approved the funding from the LGIP to cover the costs. He added that this will deplete the Center's funds.

Budget and Personnel Committee:

Councilman Ellis reported that they discussed a proposed amendment to the contract with Duffield & Associates to secure a wastewater permit from Virginia. He stated that the contract was originally signed at a cost of \$50,000 for Duffield & Associates to contact various state agencies to determine if a permit would be issued. He advised that the answer they received was that a permit would be issued. Councilman Ellis stated that the additional request is to provide the modeling necessary to submit an application. He added that the recommendation was to propose an amendment of \$106,850 be approved.

Recreation and Community Enhancement Committee:

Vice Mayor Bowden stated that they met and discussed the dog park. She hoped to have the matter resolved soon. She reported that they discussed the Memorial Park option because it was the most feasible location. She feels it is a need and want for this community. She advised the Committee voted to recommend to Council to put the dog park at Memorial Park. She stated that they discussed maintenance and cost. She also stated that Mr. Bill Borges brought up a great fact. She stated that while this town considered the length and color of the water slides, trees being cut down and a multitude of locations for the dog park proposal the Town has lost a doctor. She advised that she contacted the American Medical Association. She explained that unless a doctor comes to the Island with a group, such as Riverside Shore Memorial, then it will cost that doctor about \$100,000 personally. She added that it isn't an easy task.

8. Adoption of the Minutes of the December 4, 2017 Council Meeting

Councilwoman Richardson stated that on page 16 under the comments by Mr. Cherrix. She stated he mentioned that occasionally the U. S. Coast Guard lands on the ballfield and if there's an emergency then medivac lands there too. She advised that he suggested landing lights there not a landing pad.

Councilwoman Richardson motioned, seconded by Councilman Frese to adopt the minutes of the December 4, 2017 Council meeting as corrected. Unanimously approved.

9. Nominations and Appointments

- a. Chincoteague Recreation and Convention Center Authority
- b. Planning Commission

- c. Curtis Merritt Harbor of Refuge Committee
- d. Building Code Board of Appeals
- e. Recreation and Community Enhancement Committee

Town Manager West advised that Mr. Kellen Williams sent a personal email this morning expressing interest in serving on the CRCCA.

Chincoteague Recreation and Convention Center Authority:

Mayor Leonard advised there were 6 names on the list. He opened the floor for nominations for the 2) 4 year terms.

Councilman Frese nominated Mr. Jack Van Dame.

Mayor Leonard called for a vote. He advised that Mr. Van Dame has been appointed for a 4 year term.

Mayor Leonard then opened the floor for nominations again.

Councilman Ellis nominated Mrs. Teresa Stanfield.

Mayor Leonard called for a vote. He advised that Mrs. Stanfield has been appointed for a 4 year term.

Mayor Leonard opened the floor for nominations for the 1 year term.

Councilwoman Richardson nominated Mr. Craig Beitzel.

Mayor Leonard called for a vote. He advised that Mr. Beitzel has been appointed for the 1 year term.

Planning Commission:

Mayor Leonard advised that those whose terms have expired expressed their desire to continue to serve. He opened the floor for nominations.

Councilman Taylor nominated, Mrs. Mollie Cherrix, Mr. Jeff Potts and Mr. Ray Rosenberger for 4 year terms on the Planning Commission.

Mayor Leonard called for a vote. He advised that each will continue to serve for another 4 year term.

Curtis Merritt Harbor Committee:

Mayor Leonard advised that Mr. Mike Handforth was the only person who expressed interest to serve on the Harbor Committee for a 2 year term. He opened the floor for nominations.

Councilman Frese nominated Mr. Mike Handforth.

Mayor Leonard called for a vote. He announced that Mr. Mike Handforth will serve on the Committee for a 2 year term.

Building Code Board of Appeals:

Mayor Leonard advised that this is a 5 year term and Mr. Mike Tolbert has expressed his interest to continue to serve. He opened the floor for nominations.

Councilman Frese nominated Mr. Mike Tolbert.

Mayor Leonard called for a vote. He announced that Mr. Mike Tolbert will continue to serve for another 4 years.

Recreation and Community Enhancement Committee:

Mayor Leonard stated that they have 2) 2 year terms. He advised that Ms. Donna Leonard and Mr. David Johnson's terms expire and both expressed interest to serve another term. He opened the floor for nominations.

Councilwoman Richardson nominated Mrs. Mollie Cherrix.

Mayor Leonard called for a vote. He announced that Mrs. Mollie Cherrix has been elected to serve a 2 year term.

Mayor Leonard opened the floor for nominations.

Councilman Taylor nominated Ms. Donna Leonard.

Mayor Leonard called for a vote. He announced that Ms. Donna Leonard will server another 2 year term.

10. Consider Approval of Wastewater Consultant Amendment

Public Works Director Spurlock explained that amendment #1 is for engineering and technical services to perform the tidal tracking hydrographic control release modeling as required as part of the VDES permit application. He added that DEQ has advised they will issue a permit. He stated that the modeling is to be done at separate discharge levels. He also stated that this is purely for the modeling. He advised that the cost for this amendment is \$106,850. He reminded that this is a ceiling cost and may come in at a lower cost. Public Works Director Spurlock stated that Councilman Frese asked for an estimated cost for this plan. He stated that Mr. Don Hurley with E.S.S., who is the leading expert in wastewater in the state, gave a budget number to build a plant between \$4.5 and \$5.5 million. He explained that this is for the initial collection and discharge adding that this plat would be expandable.

Councilman Ellis stated that if this amendment is approved it would take approximately 1 year to get this work done. He also stated that half would come out of this year's budget and the other half out of next year's budget. He added that this has not been included in the current budget and would require an amendment and the funds would potentially come from reserves. He also stated that after the modeling is complete it will cost another \$56,000 - \$58,000 to actually

complete the budget application and have it submitted. He understands it's a lot of money but the requirements for these types of permits will not become less stringent. He added that when they get the permit it will be good for 5 years which is when they start looking for grants and funding sources for construction. Councilman Ellis stated that if they aren't ready to move forward in 5 years the permit can be renewed at a minimum cost for another 5 years.

Councilman Lewis asked if the citizens would eventually be able to hook up to this.

Public Works Director Spurlock stated that this permit is for a discharge only. He stated that what they do with the discharge is not predetermined. He added that the permit is based on a level of treatment. He advised that anyone can hook to it.

There were comments.

Councilman Frese advised that he asked for an estimate of what the total cost would be. He stated that Duffield wouldn't answer this. He felt this was a flag. He also stated that the \$50,000 estimate would turn into \$212,000. He added that they still don't know who is going to use it. He understood that it was for the Maddox Boulevard corridor because a lot of the businesses in that area were having sewage problems. He stated that the owners of those businesses haven't been contacted to find out if they are willing to pay for it. He also stated that they can't find out who is willing to pay for the study. He was reminded of a situation in 2007 in Greenbackville when they wanted to put in a sewage treatment plant. He advised that he attended a meeting where they were supposed to issue the permit. He stated that the VMRC checked the water around the area and it wasn't going to be approved. He added that it still hasn't been approved even with all the money already spent. He asked if the Town was going to follow the same path. He feels the Town should ask those businesses before they can commit thousands of dollars when they don't know who the customers will be. He doesn't want to collect taxpayers' money for this. He believes it's the law that anyone has the right to hook up to it. He stated that it hasn't been done properly. He advised that he is voting against this. He suggested mapping out the right process before they proceed. He believes it's illegal to take the taxpayers' money and build a situation like this and not open it up to all of the citizens. He addressed the sewage along Main Street and stated that this was private. He suggested putting this on hold until they could get a solid, reasonable and logical progression. He added that they need to do the homework and talk to the people about it.

Councilman Taylor stated that Chincoteague has a different out-fall than Captain's Cove has.

Public Works Director Spurlock advised of an MOU from August 2009 between VMRC and DEQ. He read that the only thing that VMRC can do now if there is a shellfish condemnation is to request an alternative analysis. He stated that the memo is the reason that DEQ has gone out and said they would issue the permit.

Councilman Ellis feels that a lot of Councilman Frese's questions have been answered. He stated that the Wastewater Advisory Committee has been meeting for over a decade. He also stated that they have surveyed people all over the Island to get input along with the businesses along the Maddox corridor in many ways and a number of different times. He added that

Duffield has been in touch with the various state agencies and were assured a permit will be issued once the modeling has been completed. He stated that the Department of Shellfish Sanitation cannot veto the permit. He advised that they could close some of the shellfish areas but were assured that this should not be the issue. He believes the homework has been done.

Councilman Frese read an excerpt of the minutes from the State Water Control Board where they affirmed the denial of the permit. "After adoption of the findings of fact the Board unanimously adopted the following motion based upon the evidence presented to date and the findings of fact adopted today. The State Water Control Board affirms its decision that the denial of this permit should be upheld." He added that the State Water Control Board denied that and they are the final authority. He asked that the copy of the minutes of that meeting be adopted into these minutes.

Mayor Leonard stated that by Councilman Frese reading it the minutes are included in the minutes.

Councilwoman Richardson remembered when a private person had his overboard permit and Council gave him permission to run the outflow pipe across the roadway under his pier to the Channel. He stated that he was stopped by Shellfish Sanitation. She added that the permit meant nothing. She stated that this is scary at a cost of over \$200,000. She wants to be careful.

Councilman Lewis stated that in the 70's there was talk about sewage here. He stated that he isn't for spending this kind of money but it's coming to a point where they need to make a move and he feels it's time to move forward. He added that in 10 years people are going to be sitting on Council asking why they didn't go ahead and do something. He also stated that in 5 more years it will cost more.

Councilman Frese stated that he has read the minutes of those meetings. He understands that they have talked to people. He asked if they had any record of who they've talked to and feels they haven't talked to many people. He knows they spoke with DEQ and they advised they would approve the permit. However, DEQ also told Captain's Cove they would have a permit but they didn't.

Public Works Director Spurlock stated that the whole process changed in 2009.

Councilman Frese asked if they asked the State Water Control Board.

Public Works Director Spurlock responded that they went to DEQ who provided the guidance of how the process works.

Vice Mayor Bowden stated that Councilman Frese wants a guarantee. She also stated that if they spend all that money they assume it will get passed and not turned down. She added that she remembers her grandparents against sewage. She stated that then they didn't have large motel chains and restaurants. She also stated that the longer they wait to do this the more it will cost. She asked where they will stop and look out for future generations. She's feels that something

needs to be done or the infrastructure won't last. She knows that to get something done it takes time and money. She asked if they should wait a couple of months or act on it. Councilman Frese added that he just wants it right.

Mayor Leonard stated that in his life span he has seen a lot of businesses closed down. He also stated that there are a lot of business owners that need septic. He added that unless this becomes a food cart community then this is a step forward and he wants to move forward. He feels if they continue to delay they are sticking their heads in the preverbal sand. He stated that if they don't do this they are stepping backwards. He added that they are trying to study the inlet through the Army Corps. He asked if they could use this (the permit cost) as a match.

Public Works Director Spurlock stated he would try.

Councilman Taylor motioned, seconded by Councilman Ellis to approve the wastewater planning services with Duffield and Associates in the amount of \$106,850. He added that half will come out of this year's budget and the other half will come out of next year's budget. The motion was carried.

Ayes: Bowden, Ellis, Lewis, Taylor

Nays: Richardson, Frese

11. Dog Park Proposal

Mayor Leonard stated that they have heard from the public for the past 18 months about the dog park and Council has to make a decision. He asked for discussion.

Vice Mayor Bowden stated that in the last month or so she's been doing a lot of research. She stated that there are several K9 memorial dog parks across the United States as well as national war dog cemeteries. She stated that anyone who owns a pet and treats them as such knows how important they are to the family. She believes that any responsible pet owner will clean up after their dog and do the right thing. She also stated that dog parks lead to growth and more dog parks are being built than playground parks. She added that in 100 cities there are 559 off leash dog parks. She advised that 80% of dog parks in the United States are adjacent to playgrounds for children. She addressed the helicopter landing area issue that was brought up. She advised that the last time she drove an ambulance and they needed the helicopter they met the helicopter at NASA. She stated that this is the preferred place to go. She also addressed misrepresentation. She stated that there were 2 people that presented petitions with a lot of signatures. She also stated that on one of those lists there was a child's name and that child isn't a year old. She doesn't take this lightly.

Vice Mayor Bowden stated that as far as Memorial Park there would be plenty of room for practices at the ballfield. She also stated that this would be the place for good use of taxpayers' money. She added that 40% of the people of the whole world are pet owners. She knew a lady years ago who would watch dogs for beachgoers. She stated that the fear of the unknown keeps a lot of things from happening. She feels Memorial Park is the best place for the best use of the taxpayers' money.

Councilman Lewis stated that he is against the dog park at Memorial Park. He also stated that he made a recommendation to have it at Leonard Park and it was voted to go there. He added that this is the last large piece of property on the Island that the Town owns. He doesn't feel it should be utilized as a dog park he feels it should be used for the children.

Councilman Frese explained why there was misconception about the veterans giving the property to the Town. He stated that the veterans spent hundreds of hours dressing that land. He also stated that people assumed that they gave the land because they saw them there. He added that Ms. Leonard was correct that the property was donated. He advised that it was dedicated to the veterans. He stated that he has had a lot of calls about this issue and a number of veterans have voiced that they would rather not see it at the Memorial Park. He added that it is true that less money would be spent there because there is parking. He explained that the parking is there for people fishing or launching boats that pay for the rights to use it. He stated that the people who use the pier have to have a fishing license. He also reminded of the people who donated their time and efforts over the years, including Ms. Leonard with the playground equipment.

Councilman Frese stated that he can't accept the idea of a dog park there. He also stated that on Hallie Whealton Smith Drive there is a paved trail to walk dogs. He added that there is a lot of land for an area of parking. He doesn't feel it would cost that much to have it there. He advised that it is fresh water marsh which isn't an issue. He added that the Town supplies the waste bags and containers. He stated that the expert recommend Hallie Whealton Smith Drive. He suggested that they put it on Hallie Whealton where there is a lot of room for expansion and parking.

Councilwoman Richardson stated that she is not against the dog park but is against the location. She stated that Memorial Park and the Leonard Park floods. She advised of a study she read about bacteria dated December 19th. She read: "Pet waste in water can fertilize algae plants that can eventually decrease oxygen and kill fish. Pet waste is such a big yet preventable problem because of the large dog population. 44% of homeowners have dogs while that doesn't seem like a big deal in your yard when you figure that many dogs and that much waste, it adds up over time. A lot of us in this area are knowledgeable about chickens and the problems that they are seeing with the effluent going into the rivers and waterways. But, they forget about their dogs. On a smaller scale or scheme it's still important. You take 3 days with 100 dogs per day; it is enough bacteria to close a bay." Councilwoman Richardson stated that she is against Memorial Park and Donald Leonard Park because it floods and she knows what can happen. She feels they are taking away the ballfields. She added that the U. S. Coast Guard isn't allowed to speak out how they feel but they use it along with a lot of other people. She explained that the previous Town Manager decided to put in a volleyball court that Council didn't approve. She commented further.

Councilwoman Richardson continued that they shouldn't take away the beautiful parks that they have. She recalled a Councilmember voting years ago to sell Memorial Park for condominiums but it didn't go over. She is for Hallie Whealton Smith as it can be mitigated. She stated that Town Manager West has already started something and can continue. She understands that pets are family. She advised that her daughter spend a lot of money in a fence around her yard so she could turn her dog loose.

Councilman Taylor stated that Hallie Whealton Smith is tidal wetlands. He explained that he has done permitting. He mentioned a lady earlier that said she is a “tree hugger”. He stated that he has to respect that too. He also has to respect the American Legion and the Little League. He added that they definitely want a dog park. He stated there is other land on the Island that he has an eye on.

Councilman Ellis stated that he is a dog lover and owner. He also stated that he would like to see a dog park in this community. He added that he is opposed to having a dog park at Memorial Park. He explained that the ballpark is being used regularly as opposed to 6 or 7 times per year. He stated that the kids take precedence. He also stated that Mr. Russell raised the safety issue. He advised that he asked Mr. Russell if he was speaking for the American Legion or as an individual. He was informed that he spoke on behalf of the American Legion and was told that they feel it would be disrespectful to have a dog park at Memorial Park. He stated that he was approached by several who also felt it would be disrespectful to veterans to have the dog park at Memorial Park. He was reminded of the inscription on the monument. Councilman Ellis agrees with having a dog park. He addressed Mrs. Cox’ comments earlier, he knows that the Committee is anxious to have a decision. He stated that she mentioned rules and regulations. He stated that they don’t have anything specific and feels that there should be rules before anything moves forward. He asked about fees, who would collect the fees and who would maintain the records of the fees. He feels this should be determined by the Committee with a recommendation presented to the Committee or to the Council. He mentioned insurance because of the liability.

Councilman Ellis brought up a social media post of a dog park matter where a large aggressive dog attacked a smaller dog causing significant damage. He stated that the injured dog’s owner wants to sue that town. He asked about an attendant, when they would be there, if it would be necessary to have more than one attendant, what the attendant’s responsibilities would be, how would the attendant enforce the rules and regulations and what authority would they have. He again stated that he is for a dog park. He believes they need specific information. He would like to know what they are dealing with and how it will be managed and maintained. He discussed the fence which would need to be maintained. He stated that these recommendations need to be submitted to Council. He added that if one veteran would feel disrespected then they should honor that.

Councilman Frese stated that every call he received was that it was disrespectful to the veterans to have it at Memorial Park.

Mayor Leonard stated that at the beginning of the meeting they heard from the public adding that they’ve heard of the facts and fiction. He added that they have put themselves in the spot that they want a dog park but don’t want it on the Island. He feels that Council is finding something to be objectionable to no matter where it is. He added that they will have to find where to put it. He reviewed the Town’s property and if they aren’t going to put the dog park at Memorial Park then the Town has to step up and maintain the ballfield. He explained how bad the ballpark is and how it needs to be maintained. He discussed how parts of the ballfield have been taken away for a skate park and volleyball court. He also stated that he has been to dog parks where

there are no attendants because it is the responsibility of the users to maintain it. He added that the Town would have to cut the grass. He stated that it looks like they're back to the drawing board. He also stated that they don't have a solid place for the location. He challenged Council to find a place to put the dog park. He feels they've dug their feet long enough. He stated that Council has to look for a place remembering that every place they pick centers around a dollar. He challenged Council to come back with a place to put the dog park.

Councilman Frese motioned, seconded by Councilwoman Richardson that they put a dog park at Hallie Whealton Smith Drive.

Mayor Leonard interjected that they don't know the cost to put it there yet. He expressed his objection to the location of Hallie Whealton Smith. He mentioned the Fire Company and the additional expenses for building on wetlands. He stated that they don't know if they can put a dog park on Hallie Whealton Smith without having to put out a whole lot of money.

Councilman Taylor responded that to build on tidal wetlands it costs \$2.65 per square foot. He explained that for .5 acre it would be \$2.65 x 20,000.

Councilwoman Richardson asked if she could make a motion to allow the Town Manager to continue to work on it to get the permit and give Council the cost.

Councilman Taylor added that the Army Corps of Engineers could also write a permit that wouldn't cost a dime.

Councilwoman Richardson would like to let Town Manager West continue what he started.

Councilman Frese made a motion not to put a dog park at Donald Leonard Park or Memorial Park.

Town Attorney Fox explained that they will vote on what is on the agenda which is; are you putting the dog park at Memorial Park. He explained that there doesn't have to be a motion not to do it.

Mayor Leonard stated that tonight they are going to see if Council wants to put it at Memorial Park.

Vice Mayor Bowden stated that she knew what she was going to be facing going into the meeting tonight. She also stated that it galls her to look out for taxpayers' money and when they find something that eases the costs there is no support for it.

Vice Mayor Bowden motioned to put the dog park at Memorial Park. There was no second.

Mayor Leonard stated hearing no second the motion dies. He asked Council to come up with ideas at the next meeting. He also asked for things to do to fix up the Park.

Councilman Taylor suggested relocating the skate park and moving the volleyball court back where it was.

12. 2017 Christmas Decoration Recognitions

Mayor Leonard reported that on December 20th he and other Island residents rode around in Vice Mayor Bowden's van looking and judging Christmas decorated homes. He stated that 1st place gets \$100 and 2nd place gets \$50. He read the winners:

Most Illuminated:

1st Place: Bill & Ginger Birch

2nd Place: Jack & Sherry Tarr

Most Traditional:

1st Place: Charlie & Susan Perch

2nd Place: Bill & Maureen Derrickson

Most Festive:

1st Place: Yvonne Daisey

2nd Place: Greg Bojko

Honorable Mentions:

Ricky & Mandy Betts

Steven Lewis

Faith Gregory

Arne & Peggy Breland

Harry & Karen Thornton

Alfred "Dino" Johnson

Billy & Caroline Reed

Paul Bloxom

13. Mayor & Council Announcements or Comments

Councilwoman Richardson revisited the skate park. She feels they should relax some of the rules. She feels that a mandatory helmet is fine but not the kneepads or elbow pads. She has seen posts on social media that if they relax some of the rules more of the kids would use it. She also agreed with Councilman Taylor that the field hasn't had anything done to it.

Vice Mayor Bowden stated that she is steel reeling that there was a signature on one of the petitions that came from a child. She stated that if anyone is going to bring a petition to Council it shouldn't have the name of a child on it. She feels that it shows lack of respect for those they are trying to influence. She added that she is also reeling at the fact that a previous Town Manager would put a volleyball court at Memorial Park without Council knowing about it. She added that the public brings input and she invited suggestions from the public as Council is working on their behalf. She also stated that Council was elected because the public has faith and trust in them to look out for their best interest. Vice Mayor Bowden stated that they aren't going to please everyone. She believes that the majority can come together and make things suitable so everyone is somewhat satisfied.

Councilman Ellis appreciated everything that was said. He stated that the Recreation and Community Enhancement Committee should take up what Mrs. Cox discussed about rules, regulations and specifics. He feels this would be easier to approve. He also wished everyone a Happy New Year.

Councilman Lewis thanked everyone for coming out and for their opinions. He stated that their voices matter and Council is there to do what the people want. He added that they still try to please. He feels that he had to do what the majority wanted.

Councilman Taylor appreciated everyone for coming to Council. He advised he has 2) 9 month old grand-dogs. He wants a dog park and will fight to get one. He thanked Supervisor Tarr for getting the final approval on Maddox Boulevard so that the Town could now own the property at the Chamber of Commerce. He also thanked all of the Supervisors. He added that they don't get because they don't ask. He mentioned that he asked for a running surface at the high school and they got a new track.

Councilman Frese wished everyone a belated Merry Christmas and belated Happy New Year. He apologized to everyone for having to put up with his ranting.

Mayor Leonard closed by saying "Roll tide".

14. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE FEBRUARY 5, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

Mayor Leonard welcomed everyone and recognized the Boy Scouts

4. Presentation: Chincoteague Chamber of Commerce

Chamber Director, Mrs. Evelyn Shotwell, read the Chamber Commission Statement. She explained their ultimate goal. She stated that they strive to keep these in mind with all of the projects they do. She advised that in 2016 the Eastern Shore of Virginia was the fastest growing region in the Commonwealth with a 4.8% growth rate. She added that Accomack County contributed 5.9% of that. She advised that 44 out of 103 counties and independent cities received over \$100,000,000 in domestic travel expenditures. She continued to review the growth figures. She stated that in 2015 the Chamber began the process of developing a strategic plan and completed it last year.

Chamber Director Shotwell reviewed some of the magazine articles, blog posts and websites. She talked about the leads and other media outlets. She reviewed Pony Penning promotions. She reported that they assisted over 1,000 people last year. She added that they had the opportunity to nominate an attraction for an Ordinary Award and they nominated the Saltwater Cowboys. She discussed the publicity which more than pays for itself. She stated that they reach out through books, groups and other markets. She reviewed Facebook, Twitter and Instagram reaches and advised they are in the process of updating their website. She reminded everyone of the annual membership meeting February 21st when they will unveil the new website. She reviewed the Chamber sponsored events which draws a significant number of attendees. She talked about the membership services. She brought the new visitor's guide. She stated that they offer network lunches, serve safe training courses, business and person of the year and business afterhours. She listed those partners and affiliates.

Chamber Director Shotwell showed a slide of the growth statistics. She announced that the Chamber was recently awarded a \$10,000 grant from the VTC called "Fresh Friday" which is to promote long weekends where they are encouraging everyone to take Fridays off to have fun. She stated that the goal of the program is to get people to spend their money in Virginia and Chincoteague. She stated she was happy to answer questions and added that her door is always open.

5. Presentation: Chincoteague Island Library

Mrs. Linda Ryan, President of the Chincoteague Island Library Board, came before Council with a presentation. She thanked Council for their support of the Library and to show how their assistance made a tremendous difference in the programs they have offered this year. She explained that although they have increased many of the adult programs and services she would like to focus on the children's programs which have been greatly expanded due to the help of the Town. She reviewed the Tales 4 Tots Programs, Young Explorers, Summer Incentive Reading Program and Special Programs.

Mrs. Ryan showed pictures of the programs where they rode the school bus with Councilwoman Richardson driving. She advised that they rode the Trolley “Stormy” thanks to Transportation Director Welsh and driver Mrs. Jodi Andreach. She advised that the Library will participate in the “Stuff the Trolley” project. She stated that Councilman Ellis brought his Harley Davidson motorcycle to the Library giving the children a chance to climb aboard. She also stated that Mr. George Tripp with the U. S. Postal Service brought the mail truck; the Chincoteague Volunteer Fire Company gave them a tour allowing the children to climb on the fire trucks. She reported that Chief Mills and Officer Lenhoff came to read to the children and showed them the police car. She added that they also took a boat ride learning boating safety with Captain Carlton Leonard and Captain Scott Landolt.

Mrs. Ryan stated that they couldn’t provide these year-round programs without the help of the many volunteers. She added that with the Town’s help they were able to expand the programs to include the summer program Young Explorers for the older children. She stated that the programs included visits from the Nature Conservancy, NASA Outreach, the Chincoteague Bay Field Station, the Delmarva Discovery Center, Accomack County Master Gardeners, the Chincoteague Pony Centre and the Salisbury Zoo. She expressed their gratitude to the Chincoteague Island Arts Organization for allowing them to use the newly renovated Theatre Annex from time to time for the Young Explorer Programs. She explained more of the programs. She stated that with the Town’s assistance they will continue to maintain, expand and upgrade the programs. She thanked Council for giving them the opportunity to show how they have helped serve the residents and visitors. She added that they are hopeful that they will consider assisting again this year as they continue to strive to be a source of pride to the Community.

6. Public Comment

Mayor Leonard opened the floor for public comment.

- Planning Commission Chairman, Mr. Ray Rosenberger stated that as Chairperson of the Chincoteague Planning Commission and as a citizen of this majestic Island, he would like to express many thanks, appreciation and respect to Mr. Sprio Papadopoulos for his contributions to this community. He added that as a member of the Planning Commission, Mr. Papadopoulos has provided his expertise, his training as an engineer and his thoughtful logical thinking to our Town by providing the Council and the citizens of Chincoteague with fair, practicable and responsible recommendations to our continuing efforts in keeping us the Beautiful Land across the Water. He added that Mr. Papadopoulos has also served on the Accomack County Planning Commission with the same dedication and commitment. He concluded that Mr. Papadopoulos has been a friend, a guide and mentor to all and he again thanked him for his service.

Mr. Rosenberger also congratulated the scouts in attendance and encouraged them to keep up the good work.

7. Agenda Additions/Deletions and Adoption

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

8. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He added that the Department has completed the 2nd term of the current accreditation cycle. He stated that they are upgrading their phone system. He added that they have also updated their software and firmware of the body cameras. He added that they received a small grant to purchase highway traffic supplies.

Public Works:

Public Works Director Spurlock stated that they will be closing the west lane of Route 175 to repair a minor leak in the 6" lane.

Councilwoman Richardson asked when they would start because the buses won't finish going through there until 8:30 a.m.

Public Works Director Spurlock advised that they will begin shortly after 8:30 a.m.

Vice Mayor Bowden asked about VDOT changing the turn lanes on the Island.

Public Works Director Spurlock stated that they fully intend on doing this. He advised he will follow up on this.

Councilman Frese asked if the Hallie Whealton Smith Drainage Project includes a floodgate.

Public Works Director Spurlock advised that it does not include a floodgate at this point. He added that they are constructing this so that a floodgate can be installed at a later time. He stated that in an engineer's opinion a floodgate would not help. He explained that the reason for upsizing the pipe is that it would be very little if anything to control the flooding but the benefit will drain the area a lot quicker.

Councilman Frese asked about the drainage at the bridge.

Public Works Director Spurlock stated that they completed the elevation study with a cost projection is \$2,000,000 or \$3,000,000. He added that it isn't as simple as raising the road. He stated it includes raising all of the utilities as well.

Councilman Frese asked about putting bulkhead around to keep the water out.

Public Works Director Spurlock responded that this hasn't gone away but the elevation study showed the benefits.

There was discussion regarding the drainage along Hibiscus Drive and the potential benefits of floodgates.

General Government:

Town Manager West advised that they received notice that the application for establishing "No Wake Zones" and installing buoys was approved. He stated that he is waiting on the formal written notice. He reported that they dug another deeper well and before they got the screen

installed it collapsed. He explained that they had no time to test it for yield and they immediately began drilling at another location today. He is unsure when this would be finished and will be able to report the yield and results in another few days.

Public Works Director Spurlock interjected that the well was completed today.

Town Manager West stated that they completed a 1st draft of the Personnel Policy and they now have a 2nd draft where he incorporated everyone's comments to be shared at the Budget and Personnel Committee meeting. He advised they are 90% complete with the draft budget for 2019. He stated that there is a staff meeting scheduled tomorrow to review and the budget will be presented at the February 15th workshop.

9. Committee Reports

Public Works Committee:

Councilwoman Richardson reported that they discussed the Multimodal design update and the Hallie Whealton Smith Drainage improvements. She explained the sizes of the pipes to be installed. She advised that they also discussed the Snow Emergency Ordinance. She stated that there are laws on the books that you have a certain amount of time to clear snow from the sidewalk in front of your business or home. She added that the Emergency Snow Ordinance is about not parking on public roads so that the Town can clear snow off of the public roads. Councilwoman Richardson stated that the Town employees repaired leaks to the 8" main and saved the Town a lot of money. She expressed her appreciation.

Vice Mayor Bowden discussed the Multimodal design. She asked if there was any way along the route to put signs up "Ride With and Walk Against".

Public Works Director Spurlock advised that he could include this. He stated that a lot of signage has been included in this.

10. Adoption of the Minutes of the January 2, 2018 Council Meeting

Councilman Frese advised he had a couple of corrections. He referred to page 28 the 2nd paragraph, under the discussion regarding the Wastewater Consulting Amendment. He stated that he did not say that the State Water Control Board "denied that". He correct that he said "the State Water control Board stated that they are the final authority". He also added that further down in paragraph 6 he didn't say "lead those meetings". He advised that he said "read minutes of those meetings".

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt the minutes of the January 2, 2018 Council meeting as corrected. Unanimously approved.

11. Planning Commission Appointment

Mayor Leonard opened the floor for nominations.

Councilman Frese nominated Mr. Larry Welsh.

Vice Mayor Bowden nominated Mr. Robert Shendock.

Mayor Leonard asked if there were any more nominations. There were none. He asked for discussion.

Councilman Ellis stated that he supports the nomination of Mr. Robert Shendock. He feels that Mr. Shendock fully understands the role and purpose of the Planning Commission. He also believes his education and training will fall in line with what the Planning Commission does. He stated that he knows Mr. Welsh personally but feels that Mr. Shendock's education, training and experience makes him more qualified.

Vice Mayor Bowden agreed with everything Councilman Ellis said.

Councilman Frese spoke on behalf of Mr. Larry Welsh. He stated that he's not only experienced and knowledgeable but is a firm champion of the Island. He added that he is the kingpin behind the Island Trolley and various educational programs for tourism. He stated that he deals with the people of the Island every day. He feels all 4 of these people are good people. He feels Mr. Welsh is well aware of what is needed and deals with it on a daily basis. He urged a vote for Mr. Welsh.

Mayor Leonard called for a vote for Mr. Larry Welsh. He advised there are 3 votes.

Mayor Leonard called for a vote for Mr. Robert Shendock. He advised there are 3 votes.

Mayor Leonard stated that there is a 3 to 3 tie. He stated that he knows Mr. Welsh has his hands full with the Trolley so is casting his vote for Mr. Robert Shendock. He announced that Mr. Shendock will serve on the Planning Commission.

12. Consider Approval of Trolley Grant Application

Town Manager West advised that they applied for a total funding of \$84,963. He stated that the Town's match would be approximately \$23,634. He gave a breakdown and advised of new programs this year: "Stuff the Trolley" program which is planned for August, "Ride to Read" in partnership with the Island Library and the Island Museum History Tour.

Councilman Ellis asked what the Town's match was last year.

Town Manager West responded that it was approximately the same.

Vice Mayor Bowden stated that the Town's portion is \$26,634. She asked if there was any other taxpayers' money coming out of the General Fund going into the Trolley Program.

Town Manager West advised there is none from this year. He added that there was some money spent from the General Fund initially but this should reflect an accurate account.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to approve the Trolley Grant Application. Unanimously approved.

13. Consider Award – Hallie Whealton Smith Drainage Project

Public Works Director Spurlock stated that there are 2 pipes that go from the end of the ditch to the bay. He also stated that the one on the north is an 18” pipe which is open and has several craters along the way. He added that the scope of work is to replace the failed pipe with a 36” plastic pipe. He reported that there were 2 bids on the project. He announced that Beauchamp had a low bid of \$75,811.90. He stated that the Public Works Committee reviewed the contract and scope of work and suggested they forward it to Council for action.

Mayor Leonard asked how long this has been needed as he recalled Councilwoman Richardson walking that stretch 4 or 5 years ago.

Councilwoman Richardson advised that it’s been that long and she suggested thinking about an event gate as they need it as well.

Councilman Taylor stated that the rain gate for this project isn’t costly.

Public Works Director Spurlock advised they have permission from the Army Corps of Engineers. He stated that their terminology is that it is an event gate because it would remain closed unless there’s an event. He reported that the initial estimate for that type of gate, depending on how elaborate was \$30,000. He explained that they have to maintain tidal flow according to the Army Corps of Engineers.

Vice Mayor Bowden asked if Beauchamp has done this type of work before.

Public Works Director Spurlock advised they have an added that 98% is a firm fixed price. He stated that they would be billed for what is actually used. He stated that he did an estimate on the cost of the materials.

There were brief comments.

Councilman Frese motioned, seconded by Vice Mayor Bowden to award a contract to Beauchamp Construction for \$75,811.90 to improve the drainage on Hallie Whealton Smith Drive. Unanimously approved.

Vice Mayor Bowden asked what the time frame is on this contract.

Public Works Director Spurlock advised they will begin March 31st. He advised of lane closures and short delays.

14. Mayor & Council Announcements or Comments

Councilman Frese thanked the Boy Scouts for visiting.

Councilman Lewis asked Chief Mills where the Town decal would be placed with the change of the inspection stickers.

Chief Mills advised that they have met a couple times and from what he has read from the State, the Town sticker should go ¼” to the right of the inspection sticker. He stated that it affects

those who purchase a new Town sticker in April with an inspection sticker that doesn't expire until late in the year. He added that the top of the inspection sticker should be 5" from the bottom of the windshield and 1" to the left windshield column. He also stated that the stickers will be a little smaller to help with the new Code.

Town Manager West stated that they ordered a smaller sticker without instruction. He explained that you can have them on the windshield off-center until January 2018 at which time they won't be within compliance.

Chief Mills stated that by January 2019 the decision has to be made.

There were further comments.

Town Manager West stated that one of the plans is to sell the new Town stickers for next year earlier.

Councilman Lewis also asked about the appraisal on Cropper Street and if there was any decision as to what would be done with it.

Town Manager West responded that they have an appraisal and it hasn't been included in the packet but was circulated to Council.

Councilman Ellis referred to Town Manager West's report; he mentioned that the Mayor and a couple of Councilmembers went to Richmond in January to meet with State Senators, State Delegates and the Secretary of Natural Resources. He explained that the purpose of the trip was to acquire state funding of \$1.5 million for the Army Corps of Engineers to do a study of the Inlet. He stated that they are hopeful it will be approved. Councilman Ellis stated that what was not included in Town Manager West's report was some of the adventures that took place on this trip. He advised that based on the adventures of the small group on their Richmond trip they will be chronicled in an upcoming TV show. He stated that the TV show will be on the comedy channel entitled "3 Teaguers and a Hillbilly go to Richmond".

Vice Mayor Bowden added that it was an adventure. She stated that by going to the Virginia Capital and General Assembly building she had no clue how they got anything done. She reported that they were rushing into the office of a Congressman or Senator pleading their cause and catching another one on their way to the restroom. She added that it's a good thing they have a good group of aides that represent them because it was a whirlwind day. She hopes they listened and it was productive.

Mayor Leonard stated that it was an eye-opening experience. He suggested that everyone go the Virginia State Capitol because it is so much history and was where the history books were written. He also stated that they were in rooms where 200 years ago they were having meetings. He reiterated that it was a whirlwind. He congratulated the Chincoteague High School Girls Varsity Basketball team for winning the district title this year. He also announced that the Crimson Tide won the national championship. He stated he will be saying "Roll Tide" a lot this year.

15. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE FEBRUARY 15, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. First Draft FY '19 Budget and Workshop

Town Manager West advised that everything included in the draft budget is everything he has heard since he's been here. He added that it is not a static document and they will have other budget workshops. He explained how he came up with the amounts. He discussed the new assessments which will bring the taxes down this year. He advised that this would be the time to make the adjustment in the tax rates to offset the difference. He added that they don't have the new assessments yet.

Councilman Ellis suggested waiting until the new assessments came in to act.

Town Manager West reviewed the projected revenues.

Council discussed: the Sarbanes Grant, drainage savings, the Downtown Revitalization Grant reimbursement, the Virginia Port Authority Grant, the fuel revenue at the Harbor, the Trolley Grant, the Radio Read Meter Replacement Project and Water Reserves.

Town Manager West explained that old meters run slow and the new meters are very accurate which could increase the water revenue.

Finance Director Hipple invited Council to stop by Business Manager Lewis' office to see the information generated from the new meters.

Town Manager West stated that it is an impressive system and saves the loss in water.

Council continued to discuss the expenditures: General Government; salaries, tourism money and the jumbo-Tron. They also reviewed and discussed operating expenses for EMS.

Emergency Services Director Rush advised that the County will be staffing EMS Monday through Friday 8:00 a.m. to 5:00 p.m. He added that there will be no additional staffing nights and weekends. He continued to explain the shortfall in the EMS fund for the new fiscal year.

There were comments and further discussion.

Town Manager West continued to review expenses for EMS, the Fire Company Retirement Fund and Capital Improvements which include EMS staff lockers for the new fire house. He advised that the retirement contributions went down. He then reviewed the expenditures for Public Works: the Sarbanes Grant, mosquito control chemicals, drainage and seasonal decorations.

There were recommendations and suggestions regarding the Veteran's Memorial Park.

Town Manager West advised of the capital improvement suggestions under Public Works.

Council discussed Park expenditures, giving ideas and suggestions.

Town Manager West reviewed a capital improvement wish list, the Wastewater Study and Permit, sidewalks and paving. He continued with discussions of to the Police Department expenses: salaries, training, leave, over-time, the Deer Depopulation Program, in-car computers, radar units and surveillance cameras.

There was discussion about surveillance cameras with recordings, maintenance and additional equipment such as internet, etc.

Town Manager West discussed Dispatch expenses, Harbor expenses, transient slips, Trolley expenses and the Water Fund. He mentioned the exploratory well with potential budget amendments, bond payments, land acquisition, capital improvements and enhance automated meter antennae intensity. He explained that they are having a few issues receiving the information. He advised of the overage and ways to reduce it.

Council had several ideas to reduce the overage. They discussed potentially creating a Parks and Recreation Department.

Finance Director Hipple advised that the County gives the Town nothing for Parks and Recreation.

There was further discussion.

Councilman Ellis explained that the budget is broken down in three components; personnel, operations and capital improvements. He reviewed the total amounts comparing it to the school system's budget.

They discussed the need for capital improvements.

Town Manager West made a couple of suggestions to help balance the budget.

There was discussion regarding the collection of taxes, the Town sticker, DMV stops and personal property taxes on campers.

Finance Director Hipple asked Council to come by and speak with her or Town Manager West about the draft budget.

5. Mayor & Council Announcements or Comments

Councilman Ellis asked about the Personnel Handbook.

Town Manager West asked for input on the most recent copy of the Employee Handbook which was included in the packet.

Mayor Leonard advised that the Nature Conservancy is having a free workshop at the High School. He stated that they have a very interesting tool with planning.

6. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MARCH 5, 2018 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

Council Members Absent:

Ben Ellis, Councilman
James T. Frese, Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Recognition: Chincoteague High School Girls Varsity Basketball Champions

Mayor Leonard called the Chincoteague High School Girls Varsity Basketball Team and coach Mr. Jimmy Bloxom to the front. He proudly advised that they won the district title this year. He presented them with a plaque/certificate.

5. Presentation: Chincoteague Cultural Alliance

Ms. Cindy Faith came before Council about a matching grant through the Commission for the Arts that the Town has applied for in the past on behalf of the Chincoteague Cultural Alliance. She explained that it has been changed to an online application with a new name of the Creative Community Partnership Grant. She stated that the maximum dollar amount is \$4,500. She listed the events that the grant will fund. She hopes Council will support them. She added that the CCA does well over 100 events over the year. She left a calendar of events and information. She asked if anyone had any questions.

Councilman Ellis asked what the Town's match would be.

Ms. Faith responded that the match would be \$4,500. There were no further questions and she thanked everyone.

Mayor Leonard advised that it is included in the budget.

6. Public Comments

Mayor Leonard opened the floor for public comment.

- Mr. Denny Savage, President of the Chincoteague Volunteer Fire Company, read a letter to the Town Council. The letter explained the Fire Company's expenses which includes; land purchase, loan amounts, building expenses, utilities, taxes, insurance and legal fees. He reported that they answered over 5,000 ambulance calls, they purchased a fire truck and 3 new ambulances adding that they received grant monies to assist in the ambulance purchases. The letter also gave an account of the donated income. Mr. Savage concluded that the new fire house belongs to the citizens of Chincoteague Island. They have not built it for themselves. They have worked to build it to better serve the citizens and visitors of Chincoteague Island. He thanked Council. He asked if there were any questions.

Mayor Leonard advised they will discuss this later on in the agenda.

- Mr. J. W. Jeffries, Chincoteague Volunteer Fire Company, thanked Council for allowing him a few minutes. He stated that he is unsure if the citizens know just how attached the Fire Company is to the Town of Chincoteague. He reported that in the 1924-1925 minutes the Fire Company came to the Town Council asking to form a Fire Company. He advised that the Fire Company was formed by the Town Council and has been a part of the Council for 95 years. He stated that their relationship with the Town over the years is leasing the carnival grounds and assistance with certain needs one of which the Town purchased a Hurst tool. Mr. Jeffries continued that they assist with the fuel for the emergency vehicles and fireworks. The Town staffs the EMS vehicles. They have relieved personal property taxes, granted easements and permits for the new fire house. They have never paid for water service to the Town. Mr. Jeffries understands they are asking for a waiver from the availability fees. He stated that the Town Code offers exclusion for non-profit organizations. He explained that with the way the Fire Company is growing they have outgrown 2 buildings out Town. He discussed the changes over the years with Company debt due to equipment and land purchases which have been paid for through the hard work and efforts by the members and non-members who help with carnival, roundup and other events. He listed other services the Fire Company offers advising that they answer 200-300 calls per year. He also listed those volunteers who were able to respond to the needs of the people by closing their businesses. They are now in the neighborhood of 900-1,000 calls for fire and rescue. He mentioned the volunteers and training programs. He explained that age, illnesses, injuries and work schedules are limiting the responses on ambulances calls.

Mr. Jeffries continued that they issued a onetime funding of \$85,000 this year when they went to the Town asking if they would cover 2 paid EMS providers 24/7. They understood that if they could absorb the 1st year for \$85,000 then the Town would find the funds for a budgeted item for future years. He advised that they heard rumors that the “Town of Chincoteague” is building the new fire house. He advised that the new fire house is being built and paid for by the “Chincoteague Volunteer Fire Company” for the community. The types of buildings and influx of visitors have dictated the types and amount of equipment necessary to protect them. He mentioned the growth which surpassed the Fire Company’s capabilities to provide adequate service. Their usual sources of funding is through the carnival, ambulance billing, donations and state funds which are fairly constant but no longer leave very much excess income to work with. Many businesses, but not all, are reluctant to partner with the Fire Company.

Mr. Jeffries mentioned the purchase of a new firetruck and the expenses and grants that go with the purchase of emergency equipment. The Fire Company is barely managing at the time and had to negotiate with each component to keep the primary services and permits at a reasonable level. The Fire Company will need the support of the Town government, visitors and residents if they’re to realize the goal of the new station. They want everyone to realize the devastating effects that the Fire Company would have to face in the event of any or a number of the following should occur: a poor carnival, a problem with the ponies, loss of the ambulance billing, loss of state funding and a decline in donations. Any new sources of expenses that can be reduced or eliminated in a proper way will ultimately benefit the completion of the new station. He then asked to waive the cost of metered water service to the new station. They feel their water usage

will be low. He understands that the availability fee isn't a money loss to the Town. They feel it's a reasonable request and hopes the Town sees it the same way. He thanked Council.

- Ms. Mary Anne Robinson, 4609 Main Street, expressed her opposition to building a dog park in the Donald Leonard Park. She feels there are better places to put a dog park. She isn't a dog owner. She advised she already has sewage problems and doesn't want the dog park polluting it more. She suggested putting it down Hallie Whealton Smith Drive.

- Mr. Kenny Bogush, 4599 Main Street, was also opposed to building a dog park in the Donald Leonard Park. He stated that he hasn't seen any of Council walking their dogs at the Donald Leonard Park. He stated that Mr. Donald Leonard, while he was cleaning that land, advised he was doing it for the people of Chincoteague. He discussed many people there watching the sunset, playing golf, flying kites, etc. He reported that he called motels on the Island and none of them are dog friendly. He added that the Refuge Motor Inn is also not dog friendly. He suggested giving the money to the Fire Company as they need it more than the Town needs a dog park. He discussed the Town stickers that were supposed to be temporary and have lasted for 40 years. He asked if the temporary dog park would be 40 years.

- Mrs. Evelyn Shotwell, Chamber Director, thanked Council for the sign they recently put at the foot of the bridge for the Chamber. She also thanked Public Works for putting up the signage of the "LOVE" chairs.

7. Agenda Additions/Deletions and Adoption

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

8. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. They hired a new police officer, Mr. Jeff Stevens who is in the academy now and should graduate in June. There were 2 officers who trained for crises intervention. They have hired 2 part-time dispatchers for the summer season. There are 3 officers in training on the initializer in Richmond. Chief Mills also reported on the Deer Depopulation Program. He reminded everyone that the Police Department will have the Senior Luncheon at Don's Seafood, Wednesday afternoon at 11:00 a.m.

Public Works and General Government:

Town Manager West reported that they began the Hallie Whealton Smith Project with clearing. He advised that the subcontractor in the Water Meter Project is gone and there are approximately 100 or so meters left to put in. He advised of some signal problems but aren't far from automating the entire system. He reported that he met with NASA because the 2nd test well tested very low on arsenic. He advised that he asked for a commitment from NASA to replace the shallow well and deep well. He stated that they applied for a grant with the Virginia Port Authority. He feels they should bring this before the Harbor Committee at the meeting Thursday night.

Town Manager West stated that the budget process continues and will address the overage in the next meeting.

Councilman Ellis asked for clarification on the wells and what NASA agreed to cover.

Town Manager West stated they will cover the wells, transmission line, engineering and permitting processes.

Vice Mayor Bowden expressed her feeling that it was NASA who put the Town in this position. She feels they should fund the cost of the land as well. She commended Town Manager West and asked that he continue to make NASA make this right for the Town.

There were comments.

9. Committee Reports

Budget and Personnel

Councilman Ellis reported that they met on February 13th. Town Manager West went through the 1st draft recommending that the Committee forward to the full Council which will be addressed at the workshop. He stated that there will be more sessions, a public hearing and adoption. He stated that Town Manager West has been revising the Employee Handbook and a recommendation was sent to Council at the workshop for recommendations, changes, additions or deletions. He stated that it will be adopted later on the agenda.

RCEC

Vice Mayor Bowden advised that they met on February 13th and discussed the dog park. She advised on June 15th, 2018 Council voted 5 to 1 to locate a temporary dog park at the Donald Leonard Park. She stated that since then they have looked at other places. She reported that they came up with details, rules and fee structure for the dog park. They discussed Memorial Park issues such as the skate park and volleyball court. She stated that if they're going to commit to fixing up the ballfield they should revisit the skate park and volleyball court. She advised there are rusty places in the ramps and suggested fixing it or getting rid of it. She added that if they fix it they should move the skate park and the volleyball court.

Councilman Ellis stated that they discussed the wetlands matter at the Donald Leonard Park and asked if she had any further information on this.

Town Manager West advised that they currently have someone working on delineation on Hallie Whealton Smith. He stated that it will be discussed later on the agenda. Council has been asked to discuss 3 items; rules, fee structure and delineation at the Donald Leonard Park.

There was discussion about wetlands and buffer.

10. Adoption of the Minutes of the February 5 and 15th, 2018 Council Meetings

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the minutes of the February 5 and 15th, 2018 Council meetings. Unanimously approved.

11. Consider Request from the Chincoteague Volunteer Fire Company

Mayor Leonard advised that this is above and beyond the amount of money they've already put into the fire house.

Councilman Taylor asked Mr. Savage about the total estimate for water service which was \$30,750.81. He stated that the meter, materials and labor was \$2,974.81. He also stated that the Fire Company is asking to relieve the availability fee of \$25,956.00, connection fee of \$1,570.00 and administrative fees of \$250.00. He asked what they were asking relief for.

Mr. Savage stated they are asking for relief of the whole amount of \$30,751.81.

Mr. Harry Thornton, Fire Chief, advised they are asking for relief from the whole \$30,000. He stated that the Beauchamp has agreed to do all of the work. He advised that they spoke with Public Works Director Spurlock and the Town wouldn't be out labor.

Councilman Ellis stated that when the Fire Company was planning and preparing the budget the water service fees weren't taken into consideration at all.

Fire Chief Thornton stated that this was new to them and they didn't think about the water system. He added that the Town has always supplied water and they reduced it to a 2" line from a 3" line.

Councilman Ellis stated that the Town has been, and continues to provide water to non-profits throughout the Island. He asked if the letter was a surprise.

Fire Chief Thornton stated that when they sat down with Public Works Director Spurlock it was a surprise. He stated that at first it was \$70,000 and they got it down to \$30,000. He added that they didn't figure it in.

Mayor Leonard stated that the first fire house was built in 1925 and the second was 1957. He added that it's been a long time since they had to worry about hooking up water.

Councilman Frese asked why they would need an 8" line.

Mr. Beauchamp advised that the 8" fire main is a requirement and was a savings to the Fire Company as they were able to install a fire riser system for the sprinkler system. He explained that they had to come in on the Deep Hole Road side. This was to give the volume of water to supply the sprinkler system as required by the NFCA Association. If they didn't install the 8" line they would have had to install a fire pump and the cost would have been \$80,000 more.

Councilman Frese stated that it would take an 8" line for the sprinkler. He asked if they could fill the trucks with this.

Mr. Beauchamp responded they could not, that it is a dedicated line. He explained what they will do and that it will be done by Code. He stated that Bayside Fire Protection is the company supplying the fire system. He went into detail of what the specs were and after consulting with

Mr. Jack Tarr and Public Works Director Spurlock they recalculated and tested the line to establish the 8" line.

Councilman Frese stated that what troubles him is the law which was changed in September 2009. He read "Although water usage rates are not applied to non-profit tax exempt organizations as provided herein, service connection fees and availability fees shall be charged in accordance with this article." He stated that this law says they can't do it.

Councilman Taylor interjected that it is the law unless they change it.

Councilman Frese responded that any law can be changed but he doesn't know how they're going to answer to the tax payer when they don't change anything else.

Councilman Taylor stated that the Ordinance Committee can take it up and take it to Council to change it.

Mayor Leonard read from State Code §15.2-953 "Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc." He added that the Code of Virginia says they can do it as a donation.

Councilman Ellis stated this is a donation not a waiver.

Fire Chief Thornton stated that he received this from Richmond and understands that a locality can do this.

Councilman Frese stated that they can make a donation to the Fire Company and they can pay it back.

Mayor Leonard stated that a donation is a donation. He added that the Town will have employees over there and in essence the Town is helping themselves.

Councilman Frese wanted this in the minutes because the Town Code clearly says they can't do it.

Councilman Ellis, as the newest resident of Chincoteague on Council, stated that he has taught budgeting and budget management at the graduate level for many years. He advised that one of the duties in the budget process is to be responsible and accountable. He fully understands and accepts that the Fire Company has an extremely important mission and provides an extremely important service and does it very well. He stated that as he looked at the costs for the new firehouse, the \$30,000 is just a drop in the bucket. He asked himself how much need is there for this to be waived. He researched the Fire Company's website and the County's website to get a financial status which is not available. He didn't know if this fee is not waived if it would cause some difficulty for the Fire Company in its mission or if it's just a drop in the bucket. Vice Mayor Bowden responded that as a 28 year member they are getting ready to get the new ambulance which will cost approximately \$50,000 to outfit with what is needed inside.

Mr. Ollie Reed responded that \$30,000 comes close to buying a defibrillator.

Councilman Ellis added that it really does make a difference.

Mr. Ronnie Malone added that it's not like they're giving money away. He added that it's expensive and they're very responsible.

Councilman Ellis stated that he understands and he was wondering if that \$30,000 was important. He had no idea what their assets or cash reserves are, adding that he doesn't need to know this. He feels they've answered his question.

Chief Thornton stated that they assumed they would have running water. He also stated that an unforeseen \$30,000 could be detrimental to something else that they need.

Councilman Ellis feels the Town has a responsibility to support their mission.

Mr. Reed added that they would be surprised at the amount they do and give away.

Vice Mayor Bowden stated that when they transport people they don't always get that money because they don't always pay or they don't have insurance. She also stated that over the last few years nearly \$50,000 has been written off from those who can't pay for a transport. She added that they still take them because it's their responsibility.

Mr. Jeffries advised that Mr. Billy Joe Tarr sent an email that they have donated over \$89,000 to just about anyone that asks. He listed, school children, ball teams, etc. He also stated that they've donated \$72,000 in college scholarships. He advised that the ambulance has written off \$592,475 for those people who can't or never will pay. He added that this is as far back as the records go.

Councilman Frese stated that he can understand that and understands exactly where they're coming from. He also stated that the ultimate payer is the tax payer. He stated that they have serious problems ahead. He added that they are going to have to be careful. He mentioned reassessments going down, but the assessments on the Island haven't gone down as much as in the County. He explained that if their assessment goes down they raise the tax rate which means Chincoteague pays more in taxes to the County. He also stated that they have obligated themselves to an outfit out of Delaware to research the sewage line along Maddox Boulevard to the amount of \$213,000 with another \$50,000 tacked on the end of that. He also stated that the total real estate tax revenue is just over \$600,000. He advised that he thinks of the older folks that live on fixed incomes and knows what Council does will directly affect them. He feels they need to do something to arrest the spiral. He feels that this year they will have a spiral.

Councilman Frese mentioned a donation from the former Ladies Auxiliary and asked if during these times when they need all the money they can get, why they would disband them. Mayor Leonard interrupted that this was a can of worms they weren't opening this evening.

Councilman Frese stated that if the Fire Company is coming to ask Council to relent on \$30,000 the he feels it's an appropriate question.

Mayor Leonard abruptly responded that this is their business not Council's business and they will not open that up at this meeting.

Councilman Frese added that he will have this put on another agenda.

Mayor Leonard stated that he guarantees that the people of Chincoteague would support the Fire Company 110% because when 911 is called they are responsible for answering. He added that they do it and they put their lives on the line. He also stated that if they can't come out and answer a call then who is going to look at that citizen in the face and apologize that they couldn't spend the money because they're trying to count their pennies.

Councilman Frese asked who answers most of the 911 calls.

Mayor Leonard responded that it's the Volunteer Fire Company.

Councilman Frese responded that they do not, that it is the EMS who answers most of those calls and the Town of Chincoteague pay the EMS.

Mayor Leonard agreed that they do. He asked that if the Fire Company didn't supply ambulances then who would run it.

Councilman Frese understands that and added that he also understands that every year the Town pays over \$700,000 in support of the EMS which is more than they take in for property taxes. He feels it's an appropriate question.

Mayor Leonard stated that it is a necessity and service to the Town. He also asked if the Town were to take on the services what would the cost be to the Town. He stated that over \$400,000 was spent on the new fire truck; over \$200,000 was just spent on the new ambulance. He asked if the Town would accept that responsibility.

Councilman Frese responded that the Town spends that on EMS.

Someone from the audience responded that the Fire Company gave \$85,000 last year for EMS.

Chief Thornton added that the EMS funds came from the Transient Occupancy taxes when it was started.

Councilman Lewis stated that it seems like the Town and the Fire Company are fighting each other. He feels they need to work together.

Councilman Taylor motioned, seconded by Councilman Lewis to make a donation in the amount of \$30,751.81 to offset the charge for the water service for the new firehouse. Unanimously approved.

Councilwoman Richardson asked if she could see one thing from the Chincoteague Volunteer Fire Company. She would like them to sit down with Council on the revenues, expenditures and what the Town takes in and what the Town puts out. She would like to have them sit to the table and work with Council. She added that Council needs to know what the Fire Company needs to survive. She also stated that this Town also needs to know what they need to survive. She wants them to sit down together. Councilwoman Richardson stated that she doesn't have a vendetta because she loves the Fire Company.

The Fire Company members present thanked Council.

12. Discuss Dog Park Location

Mayor Leonard read that Council in the early stages of the dog park discussions voted 5 to 1 to put it at the Donald Leonard Park. He stated that a lot has been discussed since then and a lot has come up. He also stated that there have been several Town meetings about it and numerous RCEC meetings about it. They have seen the overwhelming support and emotions it brings out. He mentioned the property owners that this could affect. He asked Council how they want to proceed with the dog park at the Donald Leonard Park.

Vice Mayor Bowden stated that they have been inundated with the dog park. She stated that they keep going back and forth. She also stated that Town Manager West has been run ragged going to each location. She explained that the reason the Donald Leonard Park was selected was because dogs go there now. She stated that there are only 2 places that dogs go now. She added that they decided to make it temporary to see how it goes over and then they could relocate it. She advised that Hallie Whealton Smith location poses a lot of challenges. She referred to what Councilman Taylor reported about permits.

Councilwoman Richardson advised that the Town can delineate it and write their own.

There was discussion about wetlands and a decision on the location.

Mayor Leonard advised of a suggestion to put it close to the Town complex for the Town to keep an eye on it. He feels if it was at the Town complex the neighbors wouldn't be affected. He stated that everyone wants it but can't agree to the placement. He also stated that they don't know if they can have it at the Donald Leonard Park.

Town Manager West stated that size is the limitation.

They listed the other uses at the Donald Leonard Park.

Councilman Ellis asked if there was adequate room to put a dog park in.

Councilman Lewis suggested leasing the Smith Street property for 2 years to see how it goes.

Mr. Bogush stated he hasn't seen a dog in the Donald Leonard Park since Christmas. He added that he doesn't see dogs there.

Mayor Leonard referred to Councilman Lewis' suggestion to lease the Smith Street property.

Councilman Taylor stated that this is an actual option.

Councilwoman Richardson suggested allowing Town Manager West to investigate putting the dog park on Hallie Whealton Smith as that is where everyone walks their dogs. She had an employee tell her that it would be no problem to clear that land.

Mayor Leonard stated that they need to designate where it is going to be.

Councilwoman Richardson explained that it could be to the east side of where the Boy Scouts put a picnic table.

Councilman Taylor stated that the Army Corps of Engineers could approve a nationwide permit that would cost nothing. He also mentioned those who don't want trees removed.

Councilwoman Richardson responded that they would only be removing the dead trees and cleaning it up.

Councilman Taylor agreed but it would be a hard thing to beat if they come and complained.

Mayor Leonard asked if there was any property closer to the high school.

Town Manager West stated that the property he looked at was to the west of the trail entrance between the two trails. He added that it requires permitting.

Mr. Roe Terry asked to do away with the dog park and use the \$30,000 for a new doctor for the Island.

Mayor Leonard asked for the pleasure of Council. He reminded them that when they voted to temporarily put it at the Donald Leonard Park they didn't decide size, location or structure.

Councilman Frese asked about the expert's recommendation of Hallie Whealton Smith Drive.

Councilwoman Richardson advised that it's in the minutes and they were advised it would cost more money.

Councilman Frese motioned, seconded by Councilwoman Richardson to rescind the prior vote to put the temporary dog park at the Donald Leonard Park. The motion was carried.

Ayes: Frese, Richardson, Taylor, Leonard

Nays: Ellis, Lewis, Bowden

Mayor Leonard opened the floor for further discussion to direct Town Manager West on where to look. He stated that if he looks into Hallie Whealton Smith and it comes back that they're going to be hit by the DEQ then they move on. He wants Council to give him direction.

Vice Mayor Bowden disagreed. She feels they've given him direction and he's been around the world. She stated that they've sent it to RCEC, they've sent it back to Council and it's been back and forth for 2 years.

Mayor Leonard feels it's not simple.

Councilman Frese stated that the only place they haven't heard any complaints about is Hallie Whealton Smith.

Councilman Taylor asked what the chances are to get the nationwide permit.

There was discussion.

Mayor Leonard asked if Council wanted to give Town Manager West one location to work on by way of motion.

Councilman Ellis stated that this Committee has done everything they can do. He agreed that there have been no complaints about the Hallie Whealton Smith Drive location.

Councilman Frese motioned, seconded by Councilwoman Richardson to have Town Manager West investigate Hallie Whealton Smith Drive for a future dog park. Unanimously approved.

13. RCEC Dog Park Recommendations

Mayor Leonard stated the RCEC has recommended rules and fees. He asked for discussion.

Councilwoman Richardson and Councilman Frese agreed with the rules and fees.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the recommendation of rules and fee schedule as proposed from the RCEC. Unanimously approved.

14. Consider Adoption of Revised Personnel Policy

Mayor Leonard stated that the Budget and Personnel Committee met and reviewed the Policy. He stated that Town Manager West has contacted the VML and the Committee has recommended that it go to full Council.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the revised Personnel Policy. Unanimously approved.

15. Mayor & Council Announcements or Comments

Vice Mayor Bowden advised that she has been in contact with the American Medical Association by email several times. She explained that one of the problems with an individual doctor that wants to come to the Island to establish a practice can't afford it. She advised that the software alone is \$50,000+. She stated that this is why doctors partner with local hospitals or medical centers. She also stated that it's a nationwide trend.

Mr. Terry asked if they have contacted Riverside.

Mayor Leonard responded they have and talked to their Board of Directors several times.

Vice Mayor Bowden also mentioned that she was contacted by someone who is partnering with a spaying or neutering program to trap the feral cats on the Island. She also added that this is the biggest crowd they've had in a while. She stated that it's easy for them to see Council's frustrations. She also stated that it's not easy for Council to come together all the time on every subject. She added that she has been on Council for nearly 2 years and they have yet to be able to say they have a dog park. She stated that when they see the frustration it comes from not being able to get something done. She also stated that it comes from the state level, the Town level and Federal level. She added that they put their faith in Council to do a job and in the end they have to work together to get it done. She thanked everyone for having that faith.

Councilman Ellis stated that they received a letter from NASA for their proposed shoreline, restoration and construction of parallel breakwaters. He stated they have discussed at the Harbor Committee the possibility of putting a jetty or two at the Harbor. He asked if they should prepare a response regarding the Inlet study.

Town Manager West responded that they could respond that they want to join in the study. He stated that they may not get the jetty as last time they got beach replenishment. He asked about the decision from the state level.

Mayor Leonard advised that the Senate passed it. He explained that by joining with NASA this would be leverage to get the Federal Government to approve it.

There were brief comments.

Councilman Lewis thanked the Chincoteague Police Department and the Chincoteague Volunteer Fire Company for the service they provide for the people of the Island. He advised that they help a lot of people.

Councilman Taylor stated that it was great to see all the young people and everyone at the meeting. He also mentioned the young firemen adding that it is great to see that the future of the Fire Company which is here now. He stated that the Fire Company is loved and respected and will be defended.

Councilman Frese stated that the Island loves and respects the Fire Company. He also stated that if you can't have an honest discussion and disagreement then there would be a problem and he doesn't feel there is a problem. He thanked the EMS and the Fire Company.

Mrs. Jane Fetterman thanked Council for supporting the Fire Company. She stated that it costs \$16,000 to have a stretcher in the ambulance. She advised that ambulance insurance is \$96.00 per year. She stated that she still pays even though she's at Medicare age. She discussed the amount of money the Fire Company wrote off for unpaid billings and feels if the people knew of the ambulance insurance they wouldn't have to write off so much. She also thanked the Town for their support.

Mayor Leonard congratulated Councilman Taylor for coaching an undefeated season in Parks and Recreation basketball. He commented on the number in attendance to support the Fire Company.

16. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE APRIL 2, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Mayor Leonard asked for a moment of silence for Mrs. Audrey Howard. He stated that she passed away suddenly Thursday evening and Mr. Wanda Thornton, her mother has done a lot for this community.

4. Presentation: Eastern Shore of Virginia Tourism Commission

Mrs. Kerry Allison, Executive Director of Regional Tourism came before Council with a presentation from the Eastern Shore of Virginia Tourism Commission. She gave statistics and numbers looking at the growth of the economy and tourism as a whole. She reported: The Eastern Shore is the fastest tourism growing region for the past 4 years which has brought \$7.5 million in taxes. Visitors are spending an average of about \$750 per day on the Eastern Shore. There was an increase in tourism related jobs, website visits and stories.

Mrs. Allison reviewed search engines, website visits, blogs, Instagram, print marketing with the annual guide, digital advertising and email marketing. She talked about the trails along the Eastern Shore, the Annual Tourism Summit and Workshop and grants. She reviewed what they are working on this year: the launch of the new website, marketing platform, policies and development. She thanked Council for allowing her to come each year.

Mayor Leonard thanked Mrs. Allison.

5. Public Comments

Mayor Leonard opened the floor for public comments.

- Mr. David Landsberger advised Council that he is working on a project. He stated that he is forming a small non-profit organization called the Island Community House. He advised that he purchased 6246 Mumford Street, behind the theatre. He described the plans for the house and that they are in the process of becoming a non-profit. He stated that they will form a Board which will include a member of each non-profit organization on the Island. He added that he would like to have a representative from the Town. Mr. Landsberger advised they have tentative funding for a senior center for 4 hours a day through the YMCA. He stated that there will be a public meeting space available and a card room. He added there will be a kitchen available for the preparation of meals to be served by non-profits and other locations. He advised it will have overnight accommodations upstairs for performers or lecturers. He added that they will make it available for emergency stays for victims of domestic violence. Mr. Landsberger reported that the septic system design is complete and they should have the permit from the Health Department next week. He stated that he spoke with Building and Zoning Administrator Lewis about the design. He invited input from the Town and advised they will have an organizational meeting. He concluded that they plan to have it opened by July 1st.

6. Agenda Additions/Deletions and Adoption

Councilman Ellis asked to change Mayor and Council Announcements and Comments from #16 to #14, before the closed meeting.

Vice Mayor Bowden motioned, seconded by Councilman Ellis to adopt the agenda as changed. Unanimously approved.

7. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He corrected that there were 71 summonses not 31. He reported that the Annual Senior Luncheon at Don's was successful with 160 people. He stated that Cpl. Adams conducted a shoplifting training at the local businesses. He also reported that the Department will hold 2 training sessions: Bullying and Fraud.

Public Works:

Public Works Director Spurlock reported that Beauchamp will be moving from Deep Hole Road to Hallie Whealton Smith and Main to work on the drainage. He advised of brief lane closures.

General Government:

Town Manager West reported that Council has an update on the research on Hallie Whealton Smith. He will distribute Draft Budget #4 and send it to Council for the workshop on April 19th. He mentioned the Cable Franchise. He reported about the property adjacent to the Maddox and Main intersection. He explained that there are a couple of proposals about acquiring property and widening turn lanes to increase turn radius.

There were comments about the Sarbanes Grant, changing the overhead electric lines underground and feasibility.

Mayor Leonard commented about the lane change at the bridge intersection.

8. Committee Reports

Harbor Committee

Mayor Leonard reported they met March 8th to discuss a couple of projects. He explained that Town Manager West is in the process of obtaining a grant to build another pier for more slips. He also stated that they discussed removing some of the staving on the south side of the Harbor to alleviate the swell.

Budget and Personnel:

Councilman Ellis reported they met March 13th. He stated that they discussed the budget, fund transfers and increase in taxes. He added that they decided not to increase taxes. He stated that Town Manager West has revised the budget which will be presented at the Council workshop meeting on April 19th.

9. Adoption of the Minutes of the March 5th, 2018 Council Meeting

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the minutes of the March 5th, 2018 Council meeting. Unanimously approved.

10. Consider Scheduling of Joint Public Hearing for Change in Zoning

Mayor Leonard stated that this is to drop some of the uses in the current zoning.

Councilman Frese asked about the changes.

Councilman Ellis responded that this is a recommendation from the Planning Commission. He explained that these items are duplicates or redundancies. He added that they're not changing zoning they're eliminating the redundancies, basic housekeeping.

There was brief discussion.

Councilman Ellis motioned, seconded by Councilman Frese to hold a joint public hearing with the Planning Commission. Unanimously approved.

11. Poppy Day Proclamation

Mayor Leonard read the Proclamation.



**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 Arthur Leonard, Mayor of Chincoteague, Virginia, do hereby proclaim, May 12, 2018 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 April, 2018.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

12. Request for Pump and Haul System

Mayor Leonard explained that Accomack County sent a request for a pump and haul system at the Convenient Center.

Councilman Taylor motioned, seconded by Councilman Frese to approve the request from Accomack County Public works for a pump and haul system at the Chincoteague Recycling and Convenience Center. Unanimously approved.

13. Regulation of Kayak Use – Memorial Park

Mayor Leonard stated that they need to make rules and regulations for the new kayak launch.

Vice Mayor Bowden stated they have discussed this at the RCEC meetings. She stated she thought they were looking at a new kayak launch on the other side of the pier near the cross. She felt this would alleviate the use of the boat ramp for kayaks.

Town Manager West added that they have applied for a permit.

Councilman Frese stated that they are putting an added use there which will require more parking.

Mayor Leonard asked if they wanted to wait until they receive the grant before they create the rules and regulations.

Councilman Ellis stated that this would address the use of the kayak launch by kayak users. He feels they should move ahead.

Vice Mayor Bowden asked if the new ramp would be done this year.

Public Works Director Spurlock advised it should be done by June. He stated that the actual construction should be about a week.

Vice Mayor Bowden stated that the kayak ramp will be for kayaks only and the boat ramp will be left alone like it is for normal boat use.

Public Works Director Spurlock asked if the kayaks would be allowed to use the boat ramp like they were.

Vice Mayor Bowden stated that the new kayak ramp should be for kayaks and they shouldn't use the boat ramp. She also stated that the majority of the complaints are that the kayaks are tying up the boat ramp. She believes that the new ramp will alleviate the boat ramp use.

Councilman Taylor asked if they would still have to purchase a boat ramp sticker.

Town Manager West responded that they would be required to have a ramp sticker.

Councilman Taylor stated that there are still many places for a kayak to launch besides Memorial Park.

Vice Mayor Bowden stated that she doesn't see why the private kayak businesses can't continue doing what they've been doing. She also stated that as far as Memorial Park is concerned they can only use the kayak launch. She added that if there's a kayak ramp they have to use the kayak ramp.

There was discussion that if you're using the launch they are required to have a sticker even if they don't have a trailer.

Public Works Director Spurlock interjected that this would only affect Memorial Park.

Councilman Frese stated that you can't put an added use without increasing the parking.

Vice Mayor Bowden responded that they are using it and taking up parking spaces now. She doesn't feel they're creating a use, they're creating another space.

There was discussion about moving the Skate Park and utilizing some of that area as additional parking.

Mayor Leonard asked if they wanted to put a sign at the boat ramp at Memorial Park that states "No Kayak Launching at the Boat Ramp". He stated that they could address the rules after the new kayak ramp is installed.

Vice Mayor Bowden motioned, seconded by Councilman Ellis that when the new kayak ramp is built that the boat ramp is used for boats only and no kayaks. Unanimously approved.

14. Mayor and Council Announcements or Comments

Councilwoman Richardson asked Chief Mills about placement of the Town sticker.

Chief Mills responded that legally the Town sticker can stay at the center of the windshield until the end of this year. He also stated that on January 1, 2019 it has to be to the right of the inspection sticker. He added that they have 2 choices; to move it or put it to the right of where the new inspection sticker will be.

Chief Mills stated that the state required the move.

Councilwoman Richardson stated that if they do away with the sticker then Accomack County will charge the fee.

Vice Mayor Bowden stated that this Council has gone back and forth for the last 2 years about eliminating the Town stickers. She advised that if they do the County can come in and charge for the sticker. She added that she isn't for giving the County any more money which is why the stickers are still there. She thanked Chief Mills for addressing the bullying issue. She stated that they are having training for Standup Speak Out which is a class for children and parents to talk about bullying and what's going on in our schools. She stated that when a young child thinks about wanting to harm themselves because they're being bullied, there are problems. She advised she will be handing out flyers. She reported that she just returned from St. Johns in the

Virgin Islands. She described the destruction there that she's never seen before. She stated that she was blessed to do work in a church and school there. She was thankful to be able to go and help out. She added that it could have been here. She concluded that it's baseball season and stated, "Go Yankees".

Councilman Ellis thanked the Police Department for the luncheon. He also thanked the Police Department for posting on Facebook the new traffic pattern at the bridge.

Chief Mills commended Dispatcher, Benjy Holloway for creating and posting this.

Councilman Taylor suggested handing out instructions on decal placement.

Chief Mills stated that he would meet with Town Manager West about it.

Councilman Taylor thanked Mr. Landsberger for having a place for a Senior Center.

Councilman Frese thanked and commended those responsible for the lane change at the bridge.

15. Closed Meeting in Accordance With § 2.2-3712 (A) of the Code of Virginia to Discuss Land Acquisition and Real Property.

Councilman Frese moved, seconded by Vice Mayor Bowden to convene a closed meeting under Section 2.2-3712 (A) of the Code of Virginia to discuss land acquisition and real property.

Unanimously approved.

16. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia.

Councilman Frese moved, seconded by Councilwoman Richardson to reconvene and 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 2.2-3712 (D) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Richardson, Ellis, Taylor, Lewis, Frese, Bowden
Nays- None

Absent- None

Councilman Taylor motioned, seconded by Councilman Frese to exercise the property option to purchase. Unanimously approved.

17. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE APRIL 19, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Staff Updates

- **HWS Dog Park Location**
- **Option Property**
- **FY '17 Financial Audit**
- **ANEC Rate Increase**

HWS Dog Park Location:

Town Manager West advised that they paid a wetland scientist to conduct a delineation for the Hallie Whealton Smith property. He explained that the area farther west and closer to the high school was deemed wetlands. He stated that they reconsidered site B which is east of the entrance to the Nature Trail. He advised that he provided a configuration to the Recreation and Community Enhancement Committee and they recommended presenting the configuration to

Council. He added that the drawing of the boot shaped parcel with another 1/10 of an acre is about the best they can do.

Councilman Taylor feels they should leave the trees in place.

Councilwoman Richardson added that they absorb water as well.

Mayor Leonard asked if any of those trees are infested with the pine bark beetles.

Public Works Director Spurlock advised that they are not affected and have been treated.

Mayor Leonard stated that they have finally found a piece of property they can work with.

There were brief comments about ample parking.

Councilman Ellis motioned, seconded by Councilman Taylor to move forward with the Hallie Whealton Smith property as the parcel for the Dog Park, Site B, with the configuration developed and presented by Town Manager West. Unanimously approved.

Town Manager West added that his first step is having it delineated.

Option Property:

Town Manager West advised that Council voted to exercise the option on a piece of property they were analyzing the potential for water wells. He stated that they determined that it did. He has been in contact with NASA attempting to have them pay for it and they're running out of time. He stated that their option runs out on May 27th. He added that Council has voted to exercise their option to purchase the property. Town Manager West explained that there is a glitch where the property is zoned agricultural and they will have to obtain a conditional use permit from the County. He advised he has begun that process and talked with several Supervisors. He also stated that he met with the Groundwater Committee who has given him a letter of support. He will appear before the County Board of Supervisors and Accomack Planning Commission in a joint public hearing on May 16th to ask for this permit. He doesn't believe they will have a problem and there will be a budget amendment to withdraw the funds. He discussed the dates and deadlines.

Councilman Ellis asked about the date for the hearing of the Conditional Use Permit.

Town Manager West stated that the County was very accommodating as he applied for the permit last week and they're putting this in their May 16th meeting. He invited Council to attend. He also stated that he invited NASA to go as well. He feels this is an ideal investment for their runway approach.

FY '17 Financial Audit:

Town Manager West reported that he distributed the FY '17 Financial Audit. He asked for questions. There was none.

ANEC Rate Increase:

Town Manager West stated that he received notice from the State Corporate Commission regarding ANEC's rate increase. He stated that it is jurisdictional and could be in the neighborhood of 4.5%. He advised that there hasn't been a rate increase in quite some time. He added that if they oppose the rate increase there will be a public hearing in Richmond in August.

Councilman Ellis commended Town Staff, particularly Finance Director Hipple. He stated that the audit was completely clean and all standard procedures were followed. He added that someone has been doing a very good job.

5. FY '18 Budget Amendment

Town Manager West stated that he had modified the budget amendment that he had distributed with the packet to add another \$8,000 for the Wastewater Study. He further explained the rest of the amendment. He explained that they were accounting for fuel sold at the Harbor which was more than predicted. He added that the big-ticket item is \$385,000 revenues and expenditures relating to the Water Fund. He stated that this was the ability to purchase the land which will be taken from the Water Reserves to make that purchase. He stated that the additional \$80,000 comes from the Automated Meter Project where there was a cost overrun. He also stated that this budget amendment covers all of those overruns. He added that this changes the FY '18 budget overall by \$556,578. He asked Council to approve the advertisement so it can be put on the agenda for May 7th.

Councilman Ellis stated that the purpose of the budget amendment is the requirement of the juggling of some line items. He added that they approved them and now they have to fund them. He suggested they move forward.

Councilman Ellis motioned, seconded by Councilwoman Richardson to approve the advertising of the FY '18 Budget Amendment as presented. Unanimously approved.

6. FY '19 Budget Workshop

Town Manager West stated that he added columns to the draft budget to show what Council previously knew about and what staff changed. He reviewed the changes between version three and version four. He advised that traditionally the Town matched the cost of the single employee. He informed of the increase again this year. He advised of a \$13,000 shortfall in this budget if Council desires to fund the single employee. He reviewed the other revenues and differences. He asked Council to suspend for one year the \$275,000 set aside for beach replenishment. He reviewed Council room improvements, Mosquito Control, drainage, pavement at the Municipal Center, Water Fund changes for land acquisition as it will be done now. Town Manager West stated that if all goes as planned they won't be putting money into reserves for water. He stated that they should be adding year after year and this should be discussed in the Budget and Personnel Committee level. He suggested that they should be planning for the large water capital improvement projects. He advised that he distributed the new summary sheet explaining that according to the summary sheet they have \$38,000 left to spend. He suggested that \$13,000 could go toward the medical benefit to fund the previously described shortfall and the remainder put in water reserve or elsewhere.

Councilman Ellis feels they must absolutely pay for the employee's insurance. He stated that any organization shouldn't balance the budget on the backs of the employees. He feels this is a wise thing to include.

Vice Mayor Bowden agreed. She added that she doesn't care what business you're in you should treat your employees right and they will treat their job right.

Town Manager West stated that if they can arrive at the final number at this workshop he can advertise.

Councilman Frese stated that they don't have a choice; they have to buy the property for the wells. He added that they can't afford to lose this. He also stated that regardless of what else they chose to do they have to close on this property.

Councilman Taylor agreed and stated that the Town needs to own this property and do it as soon as the public hearing.

Councilman Ellis explained that they voted for Town Manager West to move forward. He stated that there is an adjustment in medical benefits.

Vice Mayor Bowden stated that there is \$20,978 and could be put into water reserves.

There was further discussion regarding the beach access fund total which is close to \$1,000,000, funding the dog park and Council room improvements.

Council commended Town Manager West and staff for their hard work on the budget without raising taxes.

Town Manager West recommended that they should vote to make the changes to balance the budget and review once more prior to advertisement.

7. Charter/Spectrum Cable Franchise

Town Manager West reported that he had a draft Franchise Agreement. He stated that this is not an internet franchise, it is a cable franchise. He advised that the Town Attorney reported that the content of Crisfield's agreement with Charter. He asked Charter to guarantee 150 HD channels which would also come with higher internet speeds, but Charter failed to include the language in the latest draft agreement. He advised that the draft he received today stated they would give us 150 digital channels, but not necessarily HD channels.

Vice Mayor Bowden asked why they're doing all of this. She asked if they do this with Direct TV.

Town Manager West advised this is the Cable Franchise and is regulated under the State of Virginia. He stated they don't regulate the satellite providers or the internet. He added that Charter is planning on improving their system anyway and with the improvements would come improvements to the internet service to Chincoteague. He's trying to get the maximum out of

them and what they are willing to give Crisfield. He thought it would be reasonable to ask for the same things.

Mayor Leonard asked if this was what they are giving Cape Charles.

Town Manager West advised they are not. He stated that he believes they aren't doing this to sell cable service; they're doing this to sell internet service. He added that the Town can't control the rates. He wanted some guarantees. He used the agreement that Cape Charles has and he added having Charter give free cable to all of the Town's buildings and the new Fire Station. He feels that in the next 3-4 years they aren't going to get regular TV on the conventional television, they're going to be streaming everything. He added that they are changing their business model for the future.

There was brief discussion regarding internet speed.

Town Manager West advised that most of the problems the Town is having with the live broadcast is that people still have DSL line speed and they can't stream.

They discussed Charter internet.

Town Manager West stated that they want to do what they want to do without regulations. He doesn't want to be too regulated to chase them away and he has asked for this in writing.

Councilman Ellis stated that they are asking the Town to pay taxpayers' money and it should be in writing.

Council understands they're waiting to see what the response will be.

8. RCEC Recommendations

- **Skate Park Relocation & Memorial Park Ballfield**
- **Regulation of Commercial Use at Memorial Park**
- **Proposal to Rename Island Activity Center**

Skate Park Relocation & Memorial Park Ballfield:

Vice Mayor Bowden discussed revamping the ballfield and relocating the skate park. She advised that one of the ramps is in poor shape. She stated that they suggested: to relocate the halfpipe features to the Town Municipal property creating more parking spaces in that area and fix the outfield fence. She advised that the way the skate park is now, a big section of fence is in the outfield and they would remove this to make the outfield one whole even outfield.

Councilman Taylor commented that it would be nice to have the additional parking.

There was discussion and suggestions to make the field more symmetrical.

Town Manager West stated that there is plenty of distance on the leftfield side. He reviewed the homerun fence distance.

Council suggested putting a higher fence the whole way around the outfield.

Mayor Leonard feels the targeted audience and use will be the Little League and they won't hit that far. He agreed that they should take the skate park fence down, remove the asphalt and make it part of the ballfield again.

Chief Mills asked if they intended on putting a fence around the halfpipes that they're moving to the Municipal property. He also asked if they needed to move the attendant from Memorial Park to the halfpipes.

Council discussed this and feels they won't need an attendant at the halfpipes.

Vice Mayor Bowden advised that the Committee recommended moving the halfpipes to this property. She stated that she would like to go with what the Committee recommended.

Councilman Taylor stated that the Town is resurfacing the parking lot anyway.

Mayor Leonard stated that this is just for discussion this evening it will be voted on May 7th.

Councilman Ellis asked who would be responsible if someone breaks a leg.

Town Manager West advised it falls within the Town's insurance.

Mayor Leonard stated that this will be voted on at the next meeting in May.

Regulation of Commercial Use at Memorial Park:

Vice Mayor Bowden advised they are putting a new kayak launch area at Memorial Park. She stated that this will be for kayaks only. She also stated that the boat ramp will be for boats only. She advised that the question has come up where there are businesses using the Town's property to conduct business. She asked if the businesses should pay fees. She also added that kayakers only have to purchase one boat launch sticker for their trailer or vehicle. She stated that they would like to see that every kayak brought down there should have a sticker on it.

Councilman Taylor stated that this won't hurt their business.

Councilman Lewis stated that it is cheap to be able to use the Town property.

Councilman Frese asked if the Town has the authority to spend tax funds for the private businesses.

Vice Mayor Bowden stated that it's not just being used by the private businesses it's for personal use also.

Councilman Frese stated that he doesn't know if they have the authority to do this.

Vice Mayor Bowden mentioned the businesses that are conducted at the Harbor.

Councilman Frese also stated that they are taking tax funded assets and directing them to a particular business. He suggested looking into the legalities.

Mayor Leonard stated they could do some research before the May meeting.

Councilman Taylor asked if the commercial kayak businesses could only use this site on the Island.

Council advised this isn't the case.

Vice Mayor Bowden added that if they're launching a kayak at Memorial Park they have to go to the kayak launch only.

Councilman Lewis added there will be an attendant there.

Councilman Ellis asked that if there was an individual kayak owner uses the ramp would they be required to have a sticker.

He was advised they do have to have a launch sticker on the vehicle or trailer.

Mayor Leonard stated that they will direct Town Attorney Fox to investigate this matter.

They discussed the Eastside kayak launch requirement.

Vice Mayor Bowden stated that most of the complaints are coming from those using the Memorial Park boat ramp. She explained that the kayak users are launching from the kayak ramp. She stated that they're teaching the people how to use the kayak, get into and out of the kayak all while people are waiting to launch their boats for half an hour to 45 minutes. She feels that there is no difference and they're making it easier for those boaters that pay for their stickers to use the ramps.

Councilman Frese stated the boats have to have a sticker on their trailer to use the ramp and they're paying for a sticker on their boats each year.

Mayor Leonard interjected that they aren't paying the Town for the sticker on the boat. He stated they are paying the state.

Vice Mayor Bowden added that this would make the kayakers pay the Town.

Councilman Frese feels that until they get a legal opinion they can't move forward.

There was discussion about the stickers.

Vice Mayor Bowden explained about the holdup at the ramps with the kayaks when boaters are waiting to launch.

Mr. Harry Thornton commented that when they went to the sunrise service people had to get out of the way so they could launch the kayaks for his customers. He doesn't understand why the Town has to supply all of this for a business. He added that if they're going to do this for the kayak business then anyone can come to Council to have a business there. He added that those kayak businesses don't have offices or parking that is required by the Town Ordinances. He added that the Town is setting them up for business and they don't have anything.

Mr. Matthew Reed added that businesses can't park in the Town parking lot and sell food. He stated that he's the first to complain because he launches there on Sundays. He added that he gets yelled at by the kayakers. He stated that he pays for a boat ramp sticker and personal property taxes. He also stated that he'll be the first one to back through one of the kayaks to get them out of the way. He has complained in the Town Office about the guy a thousand times. He stated that he is running a business on Town property. He feels they need to have a sticker for every kayak or to charge them a lump sum fee to use Memorial Park. He mentioned Mr. Shields who has kayak rentals with his own waterfront property and launch for his kayaks. He added that he is legitimately using his business for kayaks. He stated that there are 2 or 3 other people that are running businesses using Town property which costs them nothing but a \$20 sticker.

Mayor Leonard stated that this was one of the proposals for them using the launch to charge them per kayak.

Councilman Taylor feels this is pennies for those businesses.

Mr. Reed stated that he doesn't know what this guy is paying for his Business License, but is sure it's not near enough.

Councilman Taylor asked what the difference is for having a hotdog stand out there.

Mayor Leonard asked if they were going to stop Mr. Whippy from going through there. He added that it's a commercial use in the Town Park. He asked Town Manager West to direct Town Attorney Fox to do the research on this for discussion at the May 7th meeting.

Councilman Frese stated that what happens with a boat is; they launch it, tie it up, park the vehicle, untie the boat and move on. He added that the kayak businesses launch and tie the ramp up during the lessons.

Mayor Leonard responded that you have individuals, locals and visitors that come down and use that ramp to put their kayaks in. He stated that they may not use it for lessons but they're still using that ramp. He also stated that by providing a new ramp for them and separating that use, he feels it makes it better for everyone.

Councilman Frese responded that doesn't alter the fact that they're using taxpayers' funds to build a business site for a private business.

Vice Mayor Bowden stated that it isn't just for the businesses, it's for anyone who wants to launch a kayak at Memorial park.

Councilman Taylor added that an individual will launch it and go.

Ms. Donna Leonard reminded that Council has already approved the kayak launch.

Councilman Taylor mentioned the kayak launch at the Eastside Boat Ramp.

Councilman Ellis asked if Mr. Reed was in agreement for the proposal to pay a fee for a sticker for each kayak they use.

Mr. Reed responded that he was in agreement. He stated that he's the first to complain because it's only ¼ mile from his house and that's where he launches. He stated that they buy 1 \$20 sticker and launch 30 kayaks. He added that he has to wait for them to get out of the way. He recalled that last year he and a gentleman got into a tiff about his boat trailer tires pushing a kayak. Mr. Reed advised that he has every right to launch his boat and not wait for them.

Councilman Ellis stated that in the proposal they would not use the ramp they would only use the kayak launch.

Mr. Reed feels that they shouldn't buy just 1 sticker.

Vice Mayor Bowden stated that this is included in this recommendation.

Someone from the audience suggested requiring that kayak business use a van to shuttle the kayakers to the launch site so they won't take up all the parking spaces.

Councilman Taylor agreed.

Mayor Leonard stated that they also have to take into consideration the other businesses on Town property.

Councilman Taylor doesn't feel it'll cost that much for that business.

Councilman Lewis suggested to let the Town Attorney look into it.

Proposal to Rename Island Activity Center:

Vice Mayor Bowden stated that in their last meeting they stated there has been nothing named after Dr. Donald J. Amrien who gave himself so unselfishly to the Town. She stated that the Recreation and Community Enhancement Committee are recommending to Council to rename the Island Activity Center to the Donald J. Amrien Recreational Center.

Councilwoman Richardson agreed to this. She stated that there is one other thing with his name on it which is a wall at the Library. She advised that there was a donation jar in the Town Office and there is a plate on the Library wall. She feels this would be a credit to him and he was very deserving of this.

Mayor Leonard advised that it will be on the agenda for May.

9. Mayor & Council Announcements or Comments

Councilman Lewis asked Town Manager West about the buoys.

Town Manager West advised that they made the application through the Game and Inland Fisheries which was verbally approved. He advised that he is supposed to receive the letter soon.

Councilman Ellis stated that he would like to discuss the procedures and protocol. He stated that at the Public Works Committee meeting following discussion and deliberation they proposed 3 ordinances to be developed and forwarded to the Ordinance Committee. He also stated that they voted to move it forward. He advised that at the Ordinance Committee those 3 ordinances were discussed. He stated that the Ordinance Committee approved to recommend 2 of those to Council and the 3rd was rejected and advised they would not forward it to Council. He added that they overruled the Public Works Committee. He doesn't believe that one Committee has the authority to overrule another Committee. He believes what should have happened is the Ordinance Committee should come forward with 2 proposals that they recommend to be adopted and present the other proposed ordinance to Council with the recommendation that it not be adopted. He stated that it seems that Council as a whole should make the decision to accept the recommendation of the Ordinance Committee or reject it. He doesn't feel that the Ordinance Committee should arbitrarily say that the Public Works Committee is wrong.

Councilwoman Richardson agreed that this is the procedure.

Vice Mayor Bowden thought this is what would happen. She stated that she is on the Ordinance Committee and understood that they don't like one and won't recommend it but it would still go before the whole Council.

Vice Mayor Bowden commended Town Manager West on a good job with the budget.

Town Manager West asked to elaborate on what is going on with the well. He advised that he spoke with Congressman Taylor's office. He stated that he has been working with NASA. He stated that their discussions were about replacing the wellfields which they contaminated and relocating to this property. He also stated that he never said that they would pay for this property. He advised that in recent months he began pressing them to pay for everything. He stated that they didn't say no but that's when it got complicated. Town Manager West reported that about a month ago he filed an insurance claim saying that the Town lost one of their assets. He stated that the Insurance Company agreed to look at it. He also stated that the insurance company asked him to get something in writing from NASA of what they're willing to do. He received an email from NASA advising that they are going to filter the Town's water at the filter plant adjacent to the pump house. He stated that he contacted them asking what happened and was advised that the Town pressed NASA for an answer and this was it.

Town Manager West also stated that when Congressman Taylor's office asked what was going on he gave them the story which was alarming. He then was asked to contact the Center Management, which he did letting them know the Town's disappointed. He was told today that it was helpful for the Town to introduce Congressman Taylor's name into this. He was advised they are consulting their attorneys and pursuing the wells. Town Manager West also advised

NASA that they would need to draw more water this summer and NASA agreed to blend the water. He is unsure how long it will take but NASA producing a wellfield is still being talked about.

Mayor Leonard advised that the water is safe.

10. Adjourn

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 7, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Student Government Day Report

Student Government Mayor Hannah Birch thanked Council for giving them this opportunity. She advised that they spoke with the small businesses around the Island about important issues.

Student Government Town Manager Carter Birch introduced the Student Government participants:

Mayor: Hannah Birch

Chief of Police: Jacob Dove

Public Works Director: Cody Jester

Councilmembers: Drevon Johnson, Trenton Clark, Joseph Mullane, Amira Kraske, Hannah Dustin and Katie Lederer.

Student Government Councilman Drevon advised that they discussed the possibility of public restrooms on Maddox Boulevard. He explained that people frequent local businesses and the Museum to use their restrooms. He stated that they would appreciate Council looking into this matter further.

Student Government Councilman Trenton Clark stated that they looked into the possibility and a potential reward to businesses that stay open from February through November. He added that they would also like to work with the Chamber of Commerce to establish more festivals to draw more tourism in the off-season such as a pumpkin carving festival. He added that a winter festival would bring more business in the Town.

Student Government Councilman Joseph Mullane advised that they discussed the revitalization of Memorial Park. He stated that the Skate Park is unnecessary and should be removed. He also stated that they need new restrooms and pavilion. He added that they should clean the baseball field up to make it look better.

Student Government Councilwomen Amira Kraske and Hannah Dustin addressed the Historic Downtown. They asked Council to consider researching, creating or finding organizations that focuses on restoring historic buildings and keeping them as they originally were. They feel this would give the buildings historical significance.

Student Government Councilwoman Katie Lederer feels that environmental protection is something that should be worked on within the Town. She suggested additional recycling bins around Town. She recommended recycling curbside collection to encourage people to recycle more. She advised that it costs \$30 per ton to recycle and \$50 per ton to put in a landfill to incinerate it adding that aluminum waste can last forever.

Student Government Chief of Police Jacob Dove advised they didn't have any arrests today. He added that they issued one ticket and he was able to operate the radar gun.

Student Government Public Works Director Cody Jester stated that he was able to review the new sewage plans.

Student Government Mayor Hannah Birch thanked Council again for allowing them to participate today. She stated that even though they are kids, they still have a voice and care about their community.

Mayor Leonard invited the Student Government participants to stay for the rest of the meeting.

5. Public Comments

Mayor Leonard opened the floor for public comment.

- Mrs. Margaret Nichols, owner of Seaside Properties, the barber shop and Siagon Village

buildings, came before Council regarding the condition of her building. She explained that her building is sinking and falling apart and that water is coming into the building from the Library. She needs the water to run away from her buildings as there is a drainage problem. She also stated that the Island Library voted to put gutters on their building. She asked Council for help in finding a way to get the water away from her building. She advised that the beautiful sidewalks weren't made for drainage. She added that she discussed this with Public Works Director Spurlock.

- Ms. Tammy Mitchell, 6316 Circle Drive and part owner of Captain Zack's, expressed her concerns regarding the Zoning for signs and flags for businesses. She stated that she purchased a super flag and is unable to fly it. She understands there are size limits. She feels that as a seasonal business they are very limited as to the type and size of flags they can put out. She would like this issue discussed and readdressed. She suggested a new ordinance. Ms. Mitchell stated she took pictures of other businesses with the same type of flag. She added that if it is good for one business it should be good for all businesses. She doesn't feel like it's always fair. She gave Council pictures and thanked them for hearing her concerns.

- Mrs. Marie Paccioretti, 5215 Pine Tree Way, first congratulated Councilwoman Richardson, Councilman Ellis and Councilman-Elect Reed on winning the recent election. She stated that there is an unsafe property at 5298 Pine Tree Way. She reported that they have sent many letters over the years with no response from the owners. She described the home with holes in the roof, tree limbs all over the yard and grass over a foot tall at this time. She feels this is an unsafe structure. She asked about the Town's criteria to deem a structure unsafe.

Ms. Paccioretti also discussed cul-de-sacs in private subdivisions. She advised that she spoke with Public Works Director Spurlock and was given the Ordinance on cul-de-sacs and subdivisions. She stated that the Town Ordinance only advised of the adequate turn-around for cul-de-sacs but isn't more specific regarding emergency vehicles. She mentioned that Hibiscus Drive in Oyster Bay II has always been a private road and deeded to and maintained by the property owner's association. She stated that it is gravel and constantly flooded and has potholes. She informed Council that the Association fills the potholes and maintains the road. She advised that in 2010 the Town Council voted on the rezoning of a parcel that joins Hibiscus Drive. She feels it was approved in spite of the recommendation from the Planning Commission.

Ms. Paccioretti also stated that the private developer intends to construct 9 duplexes with 18 driveways onto Hibiscus Drive. She reported that there are 90 parcels in Oyster Bay II. She doesn't expect comment but invites Council to inspect Hibiscus Drive and imagine the safety, parking and access issues that this will create.

Mayor Leonard referred Ms. Paccioretti to Building and Zoning Administrator Lewis in regards to the unsafe structure.

6. Agenda Adoption

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

7. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He reported that Cpl. Butler attended an ASP instructor school which will help recertify officers in that field. Sgt. Greenley attended training for Civilian Response to an Active Shooter Events in Lynchburg. They plan to have public training seminars in the future. They also provided important equipment in support of the Special Olympics event in Accomac. Chief Mills and Sgt. Greenley attended a law enforcement symposium in Virginia Beach with in-service training. The Department also held a Bullying Seminar at the Community Center. He reported that the attendance was low; however, they intend to conduct another session in the fall. He thanked Vice Mayor Bowden, Councilwoman Richardson and Councilman Lewis for attending. He concluded that they also assisted with traffic control for the Pregnancy Center Walk-a-thon.

Public Works:

Public Works Director Spurlock stated that the report is in the packet. He also advised of the pipe sticking up out of the ground across Main Street from Hallie Whealton Smith. He advised that short of landscaping the project is complete. He advised that they have permission from the Army Corps of Engineers to deploy test plugs to have a ready means of securing both ends of the pipes. He added that the cost was \$5,000 for both plugs.

Mayor Leonard asked if they would be putting asphalt over-top of the road work.

Public Works Director Spurlock advised they were.

General Government:

Town Manager West reported that he has met with the wetlands delineator who met with the Army Corps of Engineers regarding the dog park. He should know more later in the week. He advised that NASA has been extremely cooperative with regards to the plans for water resources. He reported that he would have to obtain a Conditional Use Permit should Council vote to exercise the option to purchase the property. He stated that the property is zoned agricultural and is necessary to acquire the permit. He added that the County has been cooperative in this effort. He also stated that the Planning Commission and the Board of Supervisors agreed to a joint public hearing to expedite this and the Town should have a decision before the option expires on the 27th. Town Manager West invited Council to the meeting at 6:00 p.m. on the 16th. He stated that NASA agreed to be there to express how important this is to them.

Town Manager West advised that Building and Zoning Administrator Lewis had 10 court cases and the Town prevailed to 9 of them. He stated that the Town does prevail to the Code. He commended Building and Zoning Administrator Lewis for doing the tough work. Town Manager West expressed his appreciation for Building and Zoning Administrator Lewis' efforts.

There were brief comments on the water supply plan from NASA.

8. Committee Reports

Public Works Committee:

Councilwoman Richardson advised they discussed eliminating the recycling containers.

Public Works Director Spurlock explained that currently the Town pays Davis Disposal for cardboard recycling containers at several commercial locations throughout the Town for 4 months in the summer. He added that if that business wants to continue the cardboard container for the rest of the year they are billed. He explained that the Committee approved that if a business wants a cardboard recycling container they can make arrangements directly through Davis Disposal.

Councilwoman Richardson asked about a residential recycling collection.

Public Works Director Spurlock responded that curbside recycling was reviewed and was very cost involved and they decided not to pursue it at that time. He stated that if the sentiment has changed he will look into it again.

Councilwoman Richardson also reported that there are funds left from spring paving which will be used to pave Chicken City Road from Maddox Boulevard to Church Street.

Public Works Director Spurlock advised that due to cost reasons the traffic circle to the Museum is not in the spring paving contract and will be paved in the fall. He added that they will be paving Chicken City Road from Maddox Boulevard to Church Street.

Councilwoman Richardson asked if they will be moving the catch basins back.

Public Works Director Spurlock responded they will be eliminating the catch basins as they aren't doing anything.

Councilwoman Richardson stated that the Student Government mentioned sidewalks and a restroom on Maddox Boulevard. She advised that they are discussing this in the Multi-Modal Project from the Sarbanes Grant.

Vice Mayor Bowden asked if the Town would be notifying those businesses that they would have to pay for their own recycling containers with Davis Disposal.

Public Works Director Spurlock advised they would. He added that if Council votes to approve the change he will add it to the contract so it can go out immediately as it runs out in June.

RCEC:

Vice Mayor Bowden advised that they met on April 10th. She reported that Mr. Shendock addressed the Committee about the Master Gardener's Organization. She commended them.

She advised that the Committee has been working on the dog park for about 2 years. She stated that they finally have a place to start with. She reported that they are planning to move the half pipes to the Municipal Complex, the volleyball court has been removed and the ballfield is going to be refurbished. She added that they considered regulating commercial uses at Memorial Park. She stated they are in the process of preparing to put the kayak ramp in. She explained that the kayak companies have overtaken the boat ramp and the boaters are waiting to use the ramp.

Council approved a kayak ramp for kayak users only. Vice Mayor Bowden stated that they have had discussions about how to make the kayak users pay to use the kayak ramp. She explained that they would like to have the commercial kayak businesses purchase a launch sticker for each kayak they rent.

Vice Mayor Bowden also stated that the Committee has also recommended changing the name of the Island Activity Center to the Donald J. Amrien Island Recreation Center. She reported that they have also discussed Mariner's Point and are working on qualifying parameters for the people who have lost their lives at sea.

Councilman Frese advised that he has brought up questions to see if it is legal to spend public funds or tax dollars to build a business based facility on Town property. He stated that he read the legal opinion but doesn't agree with it. He stated that the ramp is used for launching and retrieving not for training. He reminded of the problem at the Eastside boat ramp which was stopped as it is not the purpose of the ramp. He doesn't believe the Town can use tax money to fund things for private businesses. He doesn't agree.

Mayor Leonard stated that they hope to have signage at both boat ramps advising that all kayaks have to use the kayak ramps. He stated it's for the general public and all kayakers who purchase the ramp stickers.

Councilman Frese expressed his objection. He believes it is absolutely illegal to build this facility for private businesses.

Mayor Leonard interjected that it is not specifically for kayak business use. He stated that they are directing all kayaks, public, private or business to use this ramp.

Councilman Frese added that if they put people across there as a training platform it's not legal.

Town Attorney Fox stated that how the ramp is used is a separate issue from the Town building the actual ramp. He explained that they are building the ramp for launching and retrieving. He stated that when a business comes in and trains at that ramp it is a different issue than building the ramp. He suggested that if it is of great issue, they could put signage there stating: "No training here", "Please train elsewhere" or "This ramp is for Launching and Retrieving."

Councilman Frese stated that this is what he's saying.

Town Attorney Fox explained that the building of the ramp itself is for "all" kayakers. He stated that the subsequent use is another issue.

Councilman Frese feels that if they're using it for training or anything else it is wrong. He added that if it's being used for launching and retrieving it's right.

Town Attorney Fox stated that they're building the ramp to alleviate pressure off of the boat ramp.

Councilman Frese doesn't believe that there would be any pressure if they were only launching and retrieving at the boat ramp. He feels they will train there as well.

Councilman Ellis believes that it's been corrected at the Eastside kayak launch with signage that this is strictly for launching and retrieving.

Councilman Lewis stated that they should come up with a plan that if this is a problem they won't be able to use it.

There were further comments.

Town Attorney Fox added that the training issue is something that would have to be enforced through those means. However, the building of the ramp is for launching and retrieving. He doesn't know that the Town can discriminate against private businesses. He also stated that signage and enforcement is the path to take.

Mayor Leonard asked when the Park Attendant would be at the Park. Chief Mills advised that they usually have an attendant from Memorial Day weekend to Labor Day weekend.

Mayor Leonard asked if they would be able to see that area and patrol it.

Chief Mills responded that they would be able to patrol the area and correct the problem as they see it.

Councilman Frese asked if there would be signage.

Mayor Leonard stated that there would have to be an ordinance in place.

Vice Mayor Bowden stated that they had numerous complaints about the kayaks clogging up the boat ramp. She stated that they have created a plan to alleviate this. She also stated that they have 3 kayak companies on the Island. She added that one of the businesses take up the ramp often. She doesn't feel, once the separate ramp is built, they will have kayaks taking up the ramp for 2-3 hours at a time for training. She stated that they could choose to go anywhere else but they choose to come to Chincoteague to spend their money. She added that if they're going to be that regulatory by not allowing 3 kayak companies to give a little training then they might as well put a sign up at the bridge for visitors not to come here.

Councilman Frese responded that if they block the ramp with training then that is exactly what the Town is doing. He commented further.

Vice Mayor Bowden disagreed.

Councilwoman Richardson stated that there was a company that tied up the boat ramp on Eastside and the floating dock was put in. She stated that if they park their vehicle they had to have the sticker. She further stated that they decided they didn't like that ramp and went

elsewhere. She added that the company that was using it bought property and run his business out of his own property.

Vice Mayor Bowden added that it is extremely hard to put a kayak over on a floating dock. She stated that when they couldn't do it at Eastside they went to Memorial Park. She can't see this issue being a problem when they've worked so hard. She feels that if it is a problem they will address it at that time.

Councilman Frese commented on his kayak rental business.

Mayor Leonard stated they can deal with the issue when it comes.

Ordinance Committee:

Councilman Taylor stated that they discussed the Solid Waste Ordinance. He explained the changes to the number of gallons allowed in the commercial collection. He stated that they also discussed the new radio read meter damage replacement ordinance. He also stated that if it's damaged, it needs to be replaced. He advised that he will only vote to replace the components or materials. Councilman Taylor added that the other item they discussed was the Snow Removal Ordinance. He added that the damaged meter reimbursement was not recommended at the Ordinance Committee; however, the Public Works Committee did recommend it.

9. Consider Adoption of the Minutes of the April 2, 2018 and April 19, 2018 Council Meetings

Vice Mayor Bowden motioned, seconded by Councilman Ellis to adopt the minutes of the April 2, and April 19, 2018 Council meetings as presented. Unanimously approved.

10. Joint Public Hearing – Change in Zoning

Mayor Leonard advised that Council voted on April 2nd, 2018 to hold a joint public hearing with the Planning Commission to consider the changes in Zoning. He opened the joint public hearing.

Planning Commission Chairman Rosenberger deferred to Mayor Leonard to open the joint session as a hearing.

- Mr. Matthew Reed, Councilman-elect, asked for a better understanding for the deletion of the businesses. He doesn't want to take land rights away. He advised that he is opposed to this and feels that the current Zoning is strict. He feels that taking away rest homes and nursing homes from a retirement community isn't right. He stated that he also doesn't agree with having 30 t-shirt shops.

Planning Commission Chairman Rosenberger explained that essentially this is eliminating a redundancy. He stated that they are attempting to eliminate nursing homes and rest homes from residential areas because they feel there aren't large enough properties to build them.

Mayor Leonard reiterated that they would still be able to build a rest home or nursing home in commercial areas.

Planning Commission Chairman Rosenberger commented further.

Councilman Taylor explained further.

Councilman Frese stated that it is redundant and in 2 places then they should leave it alone.

Planning Commission Chairman Rosenberger asked if it was feasible. He asked if the Town had the medical facilities to establish a nursing home or rest home.

Councilman Taylor advised that he spoke with a gentleman yesterday who expressed a need for this. He stated that the reason they didn't do it is because there is about 5 years of red tape before he can build it.

Planning Commission Chairman Rosenberger advised that the information is there and the decision is up to Council.

Mayor Leonard stated that when his family owned the old elementary school they looked into changing it into a retirement home. He also stated that the citizens didn't support this. He knows it's eliminating something but doesn't believe the Island will see a place like this. He added that they will need doctors and nurses on staff and doesn't see how the Island will qualify for such a place.

Planning Commission Chairman Rosenberger added that they also addressed the safety matter. He asked how they would evacuate all those residents from a nursing home or rest home.

Councilman Taylor doesn't feel it would be that big anyway.

Councilman Frese doesn't feel it's logical.

Councilman Ellis stated that a nursing home and rest home are state regulated. He also stated that you would have to get licenses and inspections from the state. He reminded everyone of the 2 nursing homes that have closed in the county. He stated that one of those have been purchased by a private company. He also stated that to get the licenses, funds and inspections wouldn't happen on Chincoteague. He feels that if they get the license to do this, the citizens of Chincoteague should get the opportunity to voice their opinions. He added that Council would make that decision under the Conditional Use Permit. He can't see making the type of investment of a rest home or nursing home.

Councilman Frese asked about the difference.

Councilman Taylor advised that Supervisor Tarr used to go to the nursing homes to deliver a message. He stated that he and Mr. Cigar Daisey use to go and visit 6 people in Accomack at a

private nursing home. He feels it can be done. He added that there have been people from Chincoteague there.

Councilman Frese stated that they are talking about a large private home where 3-4 elderly people can't live home alone will live. He also stated that those in the County were large nursing homes. He feels a rest home is someone's home where the elderly would live because they can't take care of themselves. He commented that if they fell someone would be there to help them or call EMS. He added that they wouldn't have to have a doctor on staff.

Councilman Ellis asked if they would be licensed.

Councilman Frese responded that he didn't know.

Vice Mayor Bowden stated that since Chincoteague was first discovered she has never heard of a nursing home. She also stated that there is a reason there aren't big businesses like this on the Island, which is the Causeway and it flooding. She also stated that she has been operating an ambulance attempting to evacuate 12 Hospice patients off the Island in a storm and back on the Island. She doesn't see the need for a rest home or nursing home. Vice Mayor Bowden stated that years ago there was a tomato factory on Chincoteague where the farmers on the mainland came over to have their tomatoes processed. She also stated that there was an explosion where about 6 people died. She added that when it went away, the farmers wised up and asked why they would travel all the way across the Causeway when they could keep it on the mainland and not have to deal with it. She stated that it's difficult to navigate the Causeway when something bad happens. She is in favor with the recommendation from the Planning Commission. She commented further.

Mayor Leonard advised that there have been rest homes on the Island before but, they were not commercial.

Councilman Ellis stated that there is a difference. He explained that you have a daycare where they babysit 1 or 2 children and there are no requirements. However, if they bring in more children they have to go through the whole licensing process.

Councilman Frese stated that this could be true but here they're taking away their choice.

Planning Commission Chairman Rosenberger stated that a rest home or nursing home usually requires licensed caregivers and takes 5 years minimum to obtain licenses. He added that this is not prohibited. He explained they are saying that it's unnecessary in the ordinance at this time.

Vice Mayor Bowden added that this isn't saying they can't bring it back.

Planning Commission Chairman Rosenberger also stated that it could also be done by Conditional Use.

Councilman Taylor stated that up to 6 children in a daycare would require a license.

Councilman Ellis stated that if it isn't licensed it isn't a business and doesn't fall under the rest home.

Mayor Leonard closed the public hearing. He invited discussion.

Planning Commission Member Shendock motioned, seconded by Planning Commission Member Katsetos to recommend to Council to remove the items as presented from the Town Code. All present were in favor.

Planning Commission Chairman Rosenberger advised that per all members present they would like to recommend removing obsolete or unused uses from the Ordinance as presented.

Mayor Leonard asked for further discussion, hearing none, he entertained a motion.

Councilman Frese motioned, seconded by Councilman Taylor to reject the Planning commission's recommendations. The motion carried.

Ayes: Frese, Taylor, Richardson, Lewis

Nays: Bowden, Ellis

Absent: None

R-3 Mixed Use Residential;

Delete

3.7.9 Rest Home

3.7.13 Nursing Home

R-4 Resort Residential;

Delete

3.10.9 Rest Home

3.10.13 Nursing Home

C-1 Neighborhood Commercial;

Delete

4.1.5 Wearing apparel shops

4.1.6 Gift shops

4.1.38 Rest homes

C-2 Old Town Commercial;

Delete

4.4.3 Flower shops

4.4.4 Bakeries

4.4.8 Wearing apparel shops

4.4.50 Rest homes

C-3 Corridor Commercial;

Delete

4.7.5 Wearing apparel shops

4.7.6 Gift shops

4.7.10 Nursing homes

4.7.42 Rest homes

C-4 Resort Commercial;

Delete

4.10.5 Wearing apparel shops

4.10.6 Gift shops

4.10.10 Nursing homes

4.10.40 Rest homes

11. Public Hearing – Real Property Purchase

Mayor Leonard explained that this is to act on the purchase of the property for the wells. He opened the public hearing. There were no comments and Mayor Leonard closed the public hearing.

Councilman Taylor motioned, seconded by Councilman Frese to exercise the option to purchase the 30 acres of property on the mainland with a balance of \$289,000. Unanimously approved.

12. Public Hearing – FY 2018 Budget Amendment

Mayor Leonard advised that this public hearing is regarding the 2018 Budget Amendment. He explained this needs to be done so they can purchase the property.

Town Manager West advised that the land purchase is the majority of it. He stated that it also includes the over-run in the automated meter project along with unexpected revenues and expenditures at the Harbor.

Mayor Leonard opened the public hearing. There were no comments and Mayor Leonard closed the public hearing. He asked for discussion from Council hearing none he asked for a motion.

Councilman Frese motioned, seconded by Councilman Taylor to approve the 2018 Budget Amendment as presented. Unanimously approved.

	ORIGINAL BUDGET FUND TOTALS	PROPOSED NEW FUND TOTALS	AMOUNT OF THIS AMENDMENT
General Fund Revenues	\$5,666,210.00	\$5,742,883.00	\$76,673.00
General Fund Expenditures	\$5,666,210.00	\$5,742,883.00	(\$76,673.00)
Harbor Fund Revenues	\$235,659.00	\$320,659.00	\$85,000.00
Harbor Fund Expenditures	\$235,659.00	\$320,659.00	(\$85,000.00)
Water Fund Revenues	\$2,079,337.00	\$2,465,242.00	\$385,905.00
Water Fund Expenditures	\$2,079,337.00	\$2,465,242.00	(\$385,905.00)

LINE ITEM	ORIGINAL BUDGET	PROPOSED AMEND AMT	DIFFERENCE
GENERAL FUND REVENUE			
FINES	\$40,000.00	\$55,000.00	\$15,000.00
SALE OF CAPITAL ASSETS	\$1,500.00	\$30,025.00	\$28,525.00
MOBILE HOME SALES TAX	\$7,700.00	\$12,000.00	\$4,300.00
TRANSFER FROM GENERAL FUND RESERVE	\$0.00	\$28,848.00	\$28,848.00
GENERAL FUND EXPENDITURES			
INSURANCE	\$120,000.00	\$126,698.00	(\$6,698.00)
DONATIONS	\$17,000.00	\$42,914.00	(\$25,914.00)
DEER DE-POP PROGRAM	\$1,000.00	\$0.00	\$1,000.00
TELEPHONE BILLS	\$28,000.00	\$22,000.00	\$6,000.00
TRANSFER TO BEACH/RECREATION/TOURISM	\$275,000.00	\$269,000.00	(\$9,500.00)
RECREATION/TOURISM EXPENSE	\$0.00	\$9,500.00	\$9,500.00
PW ADMIN VEHICLE	\$0.00	\$22,795.00	(\$22,795.00)
SEWAGE TREATMENT STUDY	\$0.00	\$28,266.00	(\$28,266.00)
HARBOR FUND REVENUE			
FUEL	\$100,000.00	\$185,000.00	\$85,000.00
HARBOR FUND EXPENDITURES			
FUEL	\$100,000.00	\$160,000.00	(\$60,000.00)
OPERATIONS MAINT	\$38,025.00	\$50,526.00	(\$12,500.00)
CAPITAL STRUCTURAL WORK EXPENSE	\$0.00	\$12,500.00	(\$12,500.00)
WATER FUND REVENUES			
WATER RENT	\$1,070,937.00	\$1,125,937.00	\$55,000.00
AVAILABILITY FEES	\$24,000.00	\$39,923.00	\$15,923.00
TRANSFER FROM GENERAL FUND	\$0.00	\$29,664.00	\$29,664.00
TRANSFER FROM WATER RESERVE	\$0.00	\$285,318.00	\$285,318.00
WATER FUND EXPENDITURES			
SUPPLY REPAIRS	\$19,163.00	\$42,000.00	(\$22,837.00)
TRANSFER TO WATER RESERVE	\$20,321.00	\$0.00	\$20,321.00
EXPLORATORY WELL	\$0.00	\$36,197.00	(\$36,197.00)
WIRELESS METERS	\$983,808.00	\$1,071,000.00	(\$87,192.00)
LAND ACQUISITION	\$0.00	\$300,000.00	(\$300,000.00)
HIGH RISE LADDER REPAIR	\$30,000.00	\$0.00	\$30,000.00
TRENCHER	\$10,000.00	\$0.00	\$10,000.00

13. Consider Recommendations for New Ordinances

Mayor Leonard stated they have recommendations for a few new ordinances.

Councilman Taylor stated that the first is the solid waste ordinance.

Vice Mayor Bowden wanted to make sure that the Town notifies the citizens on any changes that will affect them.

Public Works Director Spurlock responded that if this ordinance is approved there will be a notice sent to the customers affected.

Councilman Frese stated that presently the contractor purchases the receptacles. He asked if this means that the customers have to pay for it.

Public Works Director Spurlock advised that the vendor will be required to provide 1 container per residence as part of the contract price.

Councilman Frese asked if the owner would have to pay for the receptacle if it is broken or damaged.

Public Works Director Spurlock advised that if it is stolen or broken then the homeowner will have to replace it.

Councilman Taylor continued to explain that the Snow Emergency Ordinance is to keep vehicles off of the roads and streets during a snow event. He also advised that if a component of the new radio water meter is damaged then the owner will pay to replace it. He feels that it should only be the cost of the meter and not the service.

Councilman Frese stated that the homeowner has no control over the meter whatsoever. He added that it is the Town's responsibility to correctly install the meter. He also stated that if the homeowner tampers with the meter the Town would be all over it. He stated that the owner doesn't have control over the meter and if the meter is installed incorrectly where a mower breaks the antenna then he shouldn't be responsible. He added that if someone plows up the meter then they should be responsible.

Vice Mayor Bowden added that another reason was that some of the meters are close to the road and if she's cutting grass and runs over the meter and doesn't tell anyone, it's not the owner's fault. She doesn't agree. She also stated that the fault could be with anyone not just the homeowner. She feels it's the Town's responsibility.

Councilman Ellis feels the ordinance with the meters should be considered. He stated that given the components that the boxes and covers are made of and how they're installed this should be considered. He also stated that someone would have to almost intentionally break them. He added that if there's an accident there's an appeal process by having the home owner come before the Public Works Committee to explain what happened. He stated that he rides over the meter with the deck as low as it will go and it's not close to the meter lid.

Mayor Leonard feels that if there isn't something in place then they could destroy it and nothing happen.

Councilman Taylor stated that they could just impose the replacement cost without a service fee.

Councilman Frese stated that the homeowner doesn't have care, custody or control over it and shouldn't be responsible for it. He advised that after the Public Works Committee meeting he

took a picture of a meter that was about 1" to 1 ½" above the ground level. He added that his meter was level with the grass. He showed the picture to Town Manager West and Public Works Director Spurlock within a few minutes of the meeting that it was discussed. He commented further.

Councilwoman Richardson stated that the Public Works Committee recommended that Council adopt this. She understands that there are meters higher than others. However, someone has to be accountable for it. She has seen her grandson cut grass around it. She stated that this makes the owner responsible for it rather than not taking care of it because they don't have to pay for it.

Vice Mayor Bowden asked what happened to the old meters and covers.

Councilwoman Richardson advised they would call to have the Town put another lid on. She added that this is a little more expensive.

Vice Mayor Bowden interjected that it's still Town property.

Councilman Frese added that they are supposed to be installed even with the grade.

Councilwoman Richardson asked what they think would happen if the Town allowed people to turn meters on or off and they broke a line or other component. She feels they should have rules.

Councilman Frese responded that the Customer doesn't have the right to turn the meters on or off. He asked why the home owner would be responsible for something they don't control.

Councilwoman Richardson doesn't feel there would any problems.

Councilman Taylor motioned, seconded by Councilman Frese to approve the proposed Solid Waste Ordinance changes as presented. Unanimously approved.

1. Solid Waste Ordinance

~~Sec. 46-31. Tree trimmings. All tree trimmings shall be broken into lengths of not more than 40 inches and tied with cord. (Code 1977, § 8-14)~~

~~Sec. 46-61. Provided by householders; number permitted.
All householders or other establishments served by the town disposal service shall provide separate receptacles with tight fitting covers for all garbage, waste and refuse set out by them for removal by the town. The number of receptacles collected on each collection day shall be determined by the town from time to time. (Code 1977, § 8-6; Ord. of 9-3-1991)~~

Sec. 46-61. Construction of refuse receptacles;

Refuse receptacles shall be rollout carts, defined as a plastic container of substantial construction with a tight-fitting lid, having a maximum capacity of 96 gallons, equipped with wheels and designed to be picked up curbside by an automated style garbage truck.

~~Sec. 46-62 Construction of garbage receptacles; use of plastic bags. Garbage receptacles shall be made of metal or plastic, shall be watertight and shall be fitted with handles and provided with a tight fitting metal or plastic cover. Garbage receptacles shall have a capacity of not more than 30 96 gallons, and shall not exceed a total loaded 12 pounds empty weight of 75 pounds and shall be so constructed that the contents can be removed easily and without delay. Except as may be otherwise permitted by the town from time to time, plastic bags, alone or outside garbage receptacles, shall be permitted only for the collection of grass trimmings and leaves. (Code 1977, § 8-7; Ord. of 4-4-1988)~~

46-62. Type and size of refuse containers.

All single-family residences and each unit of a duplex located anywhere within the town limits unless otherwise excluded by the public works director, will utilize a rollout cart for the placement of refuse for pickup by the town. The total capacity of rollout carts placed at curbside shall not exceed 130 gallons. The total loaded weight of any individual rollout cart shall not exceed 75 pounds.

The property owner will be responsible for replacing rollout carts that have been lost, stolen, or damaged unless caused by the sanitation contractor. Additional rollout carts necessary to comply with this chapter must be purchased by the property owner.

~~Sec. 46-63. Construction of ash receptacles. Ash receptacles shall be of the same character, size and description as garbage receptacles. (Code 1977, § 8-9).~~

46-63 Refuse Receptacles to be Safe

All refuse receptacles, including rollout carts, as required in this chapter shall be of safe construction and shall be maintained in a good, serviceable and sanitary condition at all times. Any refuse receptacle which does not conform to the provisions of this chapter or which has ragged or sharp edges or other defects likely to hamper or injure the person collecting contents thereof, or the public generally, shall be promptly replaced or repaired upon notice. If such refuse receptacle, after due and proper notice, has not been replaced or repaired within 30 days, the Public Works Department shall have the authority to remove such receptacle as refuse.

~~Sec. 46-64. Construction of rubbish receptacles. CHINCOTEAGUE CODE CD46:6 A rubbish receptacle shall not exceed a capacity of 30 96 gallons and shall not exceed a total 12 pounds empty weight of 75 pounds and shall be fitted with handles, tightly constructed, and provided with a tight fitting metal or plastic cover. (Code 1977, § 8-10; Ord of 4-4-1988).~~

Mayor Leonard advised that this is one of the items that the past Student Government suggested.

Councilman Taylor motioned, seconded by Councilman Frese to approve the Snow Emergency Ordinance. Unanimously approved.

2. *Snow Emergency Ordinance*

(a) Whenever the Town manager finds, on the basis of falling snow, sleet or freezing rain, or a forecast by the U.S. Weather Service, conditions make it necessary to prohibit parking on local

streets for snow plowing and other purposes, the manager may put into effect a parking prohibition on all public streets. The prohibition shall remain in effect until terminated by announcement of the manager, except that any street area which has become substantially clear of snow and ice from curb to median line for the length of the entire block shall be automatically excluded there from.

(b) The Town manager shall cause each snow emergency declaration to be publicly announced. Each announcement shall describe the action taken by the manager, including the time it became or will become effective. A parking prohibition declared by the manager shall go into effect four hours after it has been announced unless otherwise specifically designated.

(c) While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any public street

(d) Whenever the Town manager shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this division no longer exist, he may declare the prohibition terminated, in whole or in part, effective immediately upon announcement.

(e) Officers of the police department are hereby authorized to remove or have removed a vehicle from a public street per Town Ordinance by an approved tow company:

- i. The vehicle is parked on a public street on which a parking prohibition is in effect.
- ii. The vehicle is stalled on a public street on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it.

(f) Each removal under this section shall be reported immediately to the chief of police, and notice thereof shall be given to the owner of the motor vehicle, trailer, semitrailer or part thereof as promptly as possible. The owner of such vehicle, trailer, semitrailer or part thereof, before obtaining possession thereof, shall pay to the persons entitled thereto all costs incidental to the removal and storage and locating the owner of the motor vehicle, trailer, semitrailer or part thereof. If such owner fails or refuses to pay the costs, or if the identity or whereabouts of such owner are unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address, and to the holder of any lien of record in the office of the Commonwealth department of motor vehicles against the motor vehicle, trailer, semitrailer or part thereof, the vehicle shall be treated as an abandoned vehicle under the provisions of Code of Virginia, §§ 46.2-1200—46.2-1208.

Councilman Frese asked about the cost of the meter.

Public works Director Spurlock advised that the antenna cost is \$50.00 and the register is \$170.00.

There was discussion.

Councilman Ellis motioned, seconded by Councilwoman Richardson to approve the Water Ordinance adding owner liability and to pay the costs for damages to the radio meter in material and components only. The motion carried.

Ayes: Ellis, Lewis, Richardson, Leonard
Nays: Bowden, Frese, Taylor
Absent: None

3. Water Ordinance

Sec. 62-58. Billing and other charges

(e) The property owner shall be liable for the cost of replacing damaged radio read meter components. Fees shall be established by the town council.

14. Consider Recommendation of the RCEC

Vice Mayor Bowden advised of the recommendation from the Recreation and Community Enhancement Committee.

- The relocation of skate park half-pipes features to the rear of the municipal center in the north side parking area adjacent to the ballfields. The other equipment would be sold as surplus. The enclosure fence would be removed, and the pavement would be partially removed to allow appropriate outfield fence distance. An outfield fence would be installed sometime in the future. Approval of this plan is requested.

Vice Mayor Bowden motioned, seconded by Councilman Taylor to relocate the half-pipe features and close the Skate Park. The motion carried.

Ayes: Bowden, Taylor, Lewis, Frese, Ellis
Nays: Richardson
Absent: None

- In lieu of requiring a lease agreement from commercial kayak businesses for the use of Memorial Park and other locations, the Committee recommends that these businesses be required to purchase boat ramp decals for each kayak they intend to use in conducting their business on public property.

Councilman Frese asked if this was about occupying the ramp for training.

Vice Mayor Bowden explained that this is not what they are addressing. She stated that this is requiring all kayak businesses to purchase stickers for each kayak. She also stated that “private kayak businesses” will have to have stickers for each kayak.

Mayor Leonard added that according to the way it is written it is only for commercial businesses.

There were brief comments.

Vice Mayor Bowden motioned, seconded by Councilman Ellis to require the kayak businesses to purchase boat ramp decals for each kayak they use in conducting their business on public property. Unanimously approved.

- The Committee voted to send a proposal to Council to rename the Island Activity Center to the Dr. Donald J. Amrien Recreational Center. Council is asked to consider this proposal.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the renaming of the Island Activity Center to the Dr. Donald J. Amrien Recreational Center. Unanimously approved.

15. Consider Advertisement of the FY 2019 Budget

Town Manager West advised that after the workshop meeting he indicated he would spend the positive balance on hospitalization and Council suggested putting the balance into Water Reserves. He advised that, because the water fund is intended to stand alone, general government funds shouldn't be directed there. He advised that he placed the balance in the municipal center paving line item.

Councilman Frese motioned, seconded by Vice Mayor Bowden to advertise the FY 2019 Budget. Unanimously approved.

16. Spring Paving Award Recommendation

Public Works Director Spurlock reported that one bid was received from Branscome Eastern Shore toward Contract 01-PAV-18, for Spring 2018 Paving.

Chicken City Road (Maddox Blvd to Church St)

	Surface	\$62,832.00
Small Quantities Paving		\$12,768.00
Small Quantities Sidewalks		\$8,075.00
Small Quantities Gutter		\$4,156.25
Total		\$87,831.25

Public Works Director Spurlock recommended awarding the contract to Branscome Eastern Shore in the amount of \$87,831.25. He added that all work is to be funded from the Virginia Department of Transportation Urban Maintenance budget.

Councilman Taylor asked if new water pipe could be put in with this money.

Public Works Director Spurlock advised that you can't use the Urban Maintenance money for improvements. He added that it is only used for maintenance.

Vice Mayor Bowden asked when this will start and be done.

Public Works Director Spurlock advised if it's approved this evening it will begin tomorrow morning.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to award the Spring Paving Contract to Branscome Eastern Shore in the amount of \$87,831.25. Unanimously approved.

17. Proclamations

Mayor Leonard read the Hurricane Preparedness Week Proclamation.



PROCLAMATION

Hurricane Preparedness Week 2018

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year; and

Whereas, with the Town of Chincoteague being an Island, it 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 it 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 13th – May 19th, 2018 as **Hurricane Preparedness Week** in the Town of Chincoteague.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Chief Mills read the National Police Week Proclamation.



PROCLAMATION

National Police Week 2018

To recognize National Police Week 2018 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 more than 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 58,627 assaults against law enforcement officers in 2017, resulting in approximately 16,677 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, 360 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 129 officers killed in 2017 and 231 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 30th Annual Candlelight Vigil, on the evening of May 13, 2018;

Whereas, the Candlelight Vigil is part of National Police Week, which takes place this year on May 13-19;

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 13-19, 2018, as Police Week in Chincoteague Island, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Mayor Leonard read the Emergency Medical Services Week Proclamation.



PROCLAMATION

Emergency Medical Services Week 2018

WHEREAS, the Town of Chincoteague Emergency Medical Services and the Chincoteague Volunteer Fire Company are a vital public service; and

WHEREAS, the members of both our career and volunteer emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, and paramedics; and

WHEREAS, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 20th – May 26th, 2018 as **Emergency Medical Services Week**.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

18. Mayor & Council Announcements or Comments

Councilwoman Richardson feels the left turn and straight lanes at the bridge is working well.

Vice Mayor Bowden welcomed the new Councilman, Matthew Reed and congratulated Councilwoman Richardson and Councilman Ellis on winning the election. She also commented on the amount of money the Town spends going to businesses off the Island. She feels that the businesses on the Island should get more preference over the businesses off the Island.

Councilman Lewis asked Town Manager West to ask Building and Zoning Administrator Lewis to contact the Library about the rain gutters. He also responded to Vice Mayor Bowden's comments about buying local. He explained that when he was the Police Chief they tried to deal locally. He stated that the prices weren't the cheapest and the Town's policy is the cheapest.

Vice Mayor Bowden interjected that she feels the local businesses deserve a phone call before going elsewhere.

Councilman Taylor advised that it's been a pleasure serving with Councilman Frese and being outspoken gets the conversation started. He advised that he is independent and compromise isn't a bad word.

Councilman Frese addressed Vice Mayor Bowden's suggestion to buy local. He stated that the shops here don't always sell the types of parts the Town needs. He added that the shops here couldn't afford to stock the modern parts.

Vice Mayor Bowden understands but believes that if they can spend \$0.10 home on something then they need to spend \$0.10 home. She feels that if it comes to a battery or windshield wiper then the local businesses should be considered.

Councilman Frese stated that if they have a repair job they may need multiple parts and the local business may only have 1 or 2 in stock here and all other parts at other businesses. He added that sometimes it's more convenient to purchase all the parts at one business.

Mayor Leonard congratulated Councilwoman Richardson, Mr. Matthew Reed and Councilman Ellis on his re-election and as the new Vice Mayor. He feels that there should be more signage for the lane change at Maddox Boulevard. He commented further.

19. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 17, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comment

Mayor Leonard opened the floor for public comment, there was none.

5. Preliminary Engineering Report – Multi Modal Transportation Enhancement Project (Sarbanes Grant)

Mayor Leonard welcomed Clark Nexsen.

Mr. Dave Bradshaw, Senior Engineer introduced Mr. Wes Parker, also a Senior Engineer with Clark Nexsen. Mr. Bradshaw advised they are here to review and highlight the report in their efforts in the development of the project. He stated that they took the comments and incorporated them into their presentation. He feels it's a great project and thanked Council for the opportunity. He turned the presentation over to Mr. Parker.

Mr. Parker reported that they came during the Pony Swim during the peak season to see what would be needed in the multi model transportation project. He stated that they interacted the people, reviewed motor traffic and safety hazards. They spoke with the local restaurant staff to see what they feel was an issue or needed. He commented on the impressive Refuge on

Assateague. They broke it up into 5 areas of studies. Main Street, side streets, Chicken City Road and Maddox Boulevard past the traffic circle. He discussed areas that need improvements such as sidewalks, pedestrian crosswalks, carnival ground pedestrian/bicyclist improvements and pavement markings in the street for “share the road” reminders for bicyclists. He feels that Ocean Boulevard has a lot of pavement for optimal use. He explained ideas to make it easier for cyclists traveling to other businesses or Assateague by utilizing Ocean Boulevard. He expressed his concerns for the area of Pension Street toward Maddox Boulevard because of pedestrian, bicycle and vehicular traffic safety.

Mr. Parker reviewed pedestrian signalization at intersections, crosswalks along the Maddox Boulevard corridor. He discussed bicycle access along Chicken City Road and Maddox Boulevard. He reviewed Coach’s Lane for a right-of-way from Chicken City Road to Maddox Boulevard. He feels it would be costly to build a multi-use bridge to connect Coach’s Lane to Maddox Boulevard. He suggested and reviewed 2 options which would include easements and challenges. Mr. Parker addressed the bumpers along the traffic circle.

There was discussion regarding the pull-off for the Waterpark and the bicycle route.

Mr. Parker continued explaining the transit stops versus bicycle, pedestrian paths and crossings. He recommended a transit stations outside the traffic circle. He discussed ingress and egress along McDonald’s. He would like Council to establish a logo or symbol that shows the route. He stated that people didn’t understand the “ride with and walk against” traffic rule. He recommended signage with this information.

Vice Mayor Bowden agreed and commented.

Mr. Parker suggested a brochure. He also showed the plans for a bicycle repair station with tools that are chained to the station, air pump and hooks to put the bicycle on.

Mayor Leonard asked if there was any thought of public restrooms at the traffic circle.

Mr. Parker responded that they do recommend this but have to incorporate proper pavement markings to cross the street.

Councilman Frese asked if Mr. Burbage advised he would create a turn lane for the Waterpark.

Mayor Leonard advised that it was discussed but there was nothing in writing. He asked how much right-of-way the Town owns on the circle.

Public Works Director Spurlock stated that it is a lot.

Mr. Parker referred to the plans. He stated that they are proposing the transit pull-out and explained that there is plenty of room.

There was discussion.

Councilman Taylor asked about Figure 1. He stated that they've been charged with creating a path to the beach. He also stated that there is a huge problem with getting off the beach. He addressed the traffic light issues turning south from Maddox onto Main. He explained that the 1 person turning left is blocking up the entire line of cars trying to get off the Island.

Mr. Parker suggested reaching out to VDOT to do a study.

Councilman-Elect Reed commented on the traffic lights throughout the County.

Public Works Director Spurlock advised that VDOT installed cameras at that intersection about a year ago. He stated that they are attempting to control it remotely.

Town Manager West stated that the Island Creamery has created a parking lot across the street. He added that it is creating an impact on pedestrian crossing. He asked if there was another way to create the crosswalk.

Mr. Parker explained there was a study with additional crosswalk signals, striping, etc. doesn't eliminate pedestrian accidents. He described a crosswalk at the University of Virginia with a flare camera that is very effective.

Public Works Director Spurlock commented on the flare camera.

Mayor Leonard asked if they could restrict on-street parking along Maddox Boulevard. He commented further that cars block the view of the pedestrians crossing the road.

Vice Mayor Bowden feels it's a dark area of Maddox Boulevard.

Public Works Director Spurlock commented on the block crossings.

Mayor Leonard advised that the photo used in the presentation is inaccurate as a couple of the houses have been removed and replaced with parking.

Public Works Director Spurlock asked for Mr. Parker' opinion regarding crossings at the parking lots.

Mr. Parker commented.

There were comments and suggestions.

Mayor Leonard thanked them for attending and added that he looks forward to moving forward.

Public Works Director Spurlock asked if Council was satisfied with the plan.

Council agreed they are satisfied and want to continue.

Public Works Director Spurlock stated that the sidewalk reconstruction contract from Church Street, Main Street down to Deep Hole Road will begin tomorrow. He stated that the next step is to work with Clark Nexsen with the proposal and engineering.

Vice Mayor Bowden stated that the Town owns the land where the Chamber of Commerce is. She asked if this could be more utilized for the transit pull-off because it's a large parcel.

Public Works Director Spurlock suggested adding a lane on the inside of the circle.

There was discussion about adding another lane.

Mr. Parker stated that they could design it.

Chief Mills added that it will keep the eastbound traffic moving so that those who want to go to the waterpark or campground could use the outside lane.

Mayor Leonard suggested using pump-and-haul for a public restroom facility there.

Vice Mayor Bowden stated that there is a whole circle of land not being used.

Council concurred with having Clark Nexsen look at the traffic circle property so they could utilize it better for transit and the possibility of a public restroom.

Discussion continued about traffic circles and conducting a study this summer as opposed to last summer.

Other Items:

Town Manager West stated that he was preparing to send letters to the kayak businesses. He explained the letter he intends to send and asked Council if he should proceed.

Councilwoman Richardson stated that some of the businesses believe that if they purchase one sticker for \$20 each additional sticker is \$1 each. She feels they need to be clear that it is \$20 per sticker for those businesses.

Town Manager West advised that he intended to specify this in the letter.

Public Works Director Spurlock stated that the non-commercial ramp users will buy 1 sticker for the vehicle that hauls 2 kayaks.

Vice Mayor Bowden stated that it was passed in the meeting and there are 3 kayak business on the Island.

Discussion began regarding updates on the Dog Park

Town Manager West advised that the wetlands scientist will move forward to obtain a permit. He believes they are ready to move ahead with the rectangular area of 0.6 mi. He discussed the

gates and stated that the largest issue is extending the water main from the elementary school to the park.

There was discussion on parking and delineation. Council agreed with proceeding with the new configuration.

Public Works Director Spurlock advised there is a nonprofit skate park alliance who is very interested in the skate ramp equipment. He asked if there was a sentiment to donate the equipment to the nonprofit.

Councilwoman Richardson would like to see all the equipment go.

Vice Mayor Bowden stated that she was in favor of seeing it all go.

There was discussion about the prior vote to move the halfpipes to the property.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to donate all the items/ramps from the skate park to the nonprofit organization. Unanimously approved.

6. Mayor & Council Announcements or Comments

Councilman Ellis stated that Council is responsible for the performance assessments for the Town Manager and Police Chief. He asked them to complete and return to him by June 1st to be presented to the Budget and Personnel Committee Meeting on June 12th. They plan to give their recommendations to Council at the June 14th meeting.

Vice Mayor Bowden thanked Town Manager West for persevering to get the conditional use permit. She described the meeting adding that she wasn't expecting adversity. She again thanked Town Manager West. She also stated that there is a lady on the Island for the trap, spay and neuter feral cats program for June 9th. She added that they are planning on using oral birth control as well. She feels the cat population is seriously large and if this helps she's for it.

Councilman Ellis commented on the County's Planning Commission joint public hearing last night. He complimented the Town's Planning Commission and Chairman Rosenberger for their professionalism. He also offered a happy anniversary to Mayor and Mrs. Leonard.

Vice Mayor Bowden agreed with Councilman Ellis. She feels the County's Planning Commission needs guidance.

Councilman Taylor thanked the Planning Commission for their hard work and getting a lot done. He also commented on the respect the Board of Supervisors has for Supervisor Tarr. He also thanked Councilman Frese and feels that Councilman-Elect Reed won't let property rights be taken away either.

Vice Mayor Bowden stated that it may appear that she is anti-business or anti-growth. She advised that she is not.

Mayor Leonard interjected that it comes down to planning.

7. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 4, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comments

Mayor Leonard opened the floor for public comment.

- Ms. Tammy Mitchell, Capt. Zack's, advised they purchased swooper flags that, she feels, are tasteful, colorful and relevant to the business. She stated that currently you can't advertise what you sell and there is a size restriction. She asked why. She explained that there are shops with light-up crabs that sell crabs, shops with lighthouses and horses and that's what they sell. She doesn't have an issue or complaint with those shops. She showed pictures of her flags and explained that as a beach town they should be more oriented to the businesses. She mentioned the t-shirt shops and mannequins that display the shirts they sell. Ms. Mitchell stated that 2 or 3 swooper flags in a row that are neat and colorful are not allowed because they say what is being sold. She feels the Town isn't as business oriented toward the restaurants. She feels they're limited. She asked why they can't advertise what they sell. She again mentioned t-

shirt shops that display their t-shirts. She added that they pay meals tax each month. She suggested revising the ordinance as the time is now. She thanked Council.

- Mrs. Nancy Cunningham, Island Library, thanked Council for letting her speak. She advised of the 1st Night of Summer Cruise on June 21st. She reviewed the fundraising efforts; the expansion of book sales, newsletter and general appeal letter that goes out in the fall and the Labor Day weekend yard sale. She reviewed the Library Programs; Adult Book Clubs, Adult Coloring Program, Locals Week which included a gift basket. She also reviewed the Tales 4 Tots Program advising of the attendance of 25 children each week. She reported that the summer programs will begin shortly. She continued to review the reading programs that involve the community.

Mrs. Cunningham also mentioned the Summer Reading Program and kickoff. She reported on the circulation for May which was just short of 1,000 items, internet usage by guests inside of the Library was 123 and there were 23 new patrons. She proudly reported that the Library Facebook page is very active and now has 2,593 Facebook Friends. They are proud of their community role and assets. She reviewed the events they participate in with the Downtown Merchants. She added that they are also participating in the Stuff the Trolley Program and the trolley will be at the Library on August 21st. She reported that the free Little Library was installed at the Watson Park and the Library volunteers are maintaining and monitoring the Little Library. She concluded by saying they appreciate the past support of the Town, local businesses, their patrons, residents and visitors. They are proud to provide these services year-round. She thanked everyone and added that she would see them at the Library

5. Agenda Adoption

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

6. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He made a correction that there are 74 summonses. He advised they hosted a meeting with other government agencies about safety during Pony Penning and 4th of July. He stated that they met with NASA about the rocket launch. He also stated that they were able to award 5 scholarships to Chincoteague High School graduating seniors which were presented at their awards banquet. He added that they held the Fraud and Identity Theft Seminar. He thanked Councilman Ellis and Councilwoman Richardson for attending and showing their support.

Public Works:

Public Works Director Spurlock reported on the Multimodal Transportation Project. He stated that Clark Nexsen is developing a laundry list of the different phases of the project which will include their anticipated fees. He advised that they've included a study of the traffic circle along with several items they discussed. He stated that this will be issued later next week.

General Government:

Town Manager West advised that the water is safe to drink. He reported that they were successful in getting approval for the Conditional Use Permit to place wellfields on the option property. He stated they have exercised that option and will go to settlement in approximately 30 days. He also stated that currently he and NASA are working with Congress to mediate getting funding for the wellfield. He reported that the “No Wake” zones have been installed. He also announced that they were successful in the Port Authority Grant. They will be working on the design and hopes to begin in September.

Councilman Ellis asked about 2 unsafe structures on Building and Zoning Administrator Lewis’ report.

Town Manager West was unaware.

Vice Mayor Bowden asked about the new kayak ramp.

Town Manager West responded that it was to start last week and because the contractor had an equipment failure it will start this week.

Public Works Director Spurlock added that he will follow up with the contractor tomorrow.

7. Committee Reports

Budget & Personnel:

Councilman Ellis advised that the Budget & Personnel Committee is recommending the funds used toward tourism that go to the Chamber and Community Center be capped. He explained that in addition to these funds the Town is also spending substantial funds in promotion of tourism. They felt the funds should be capped. He also advised they’ve talked about an alternative to decal sales. He explained there were many ideas. He asked Council to consider that when the decals were sold this year over \$35,000 were collected in past due taxes. He added that those taxes wouldn’t have been collected if the decals weren’t sold at the Town office. Councilman Ellis stated that Town Manager West will bring this back to the Budget & Personnel Committee with recommendations. He also stated that Public Works Director Spurlock brought to the Budget & Personnel Committee the matter of improvements, maintenance and repairs to the water system in the next 5 to 7 years. He reported that the cost of these repairs could be as much as \$2.5 million. He stated that the funds aren’t available in the Water Reserves. They discussed raising water rates which are the lowest in the area. They also discussed developing a Capital Improvement Plan for the entire Town and will indicate improvements needed with costs for those improvements. He added that recommendations would go before Council each year during the budget. He advised that he collected the performance assessments from the staff for the Town Manager and Police Chief. He announced that he is compiling the information and will take them to the meeting for the Budget & Personnel Meeting for their review on Tuesday, June 12th. He stated that they discussed having the evaluation conferences at the workshop meeting on June 21st. He suggested postponing the review conferences until July.

Vice Mayor Bowden stated that 10% is taken off the top of Meals Tax.

Councilman Ellis interjected that 5% goes to the Chamber and 5% to the Community Center which is \$45,000 each annually.

8. Consider Adoption of the Minutes of the May 7, 2018 and May 17, 2018 Council Meetings

Vice Mayor Bowden asked for a correction to her statement in the minutes on page 43 of the Council packet, “but, is for responsible growth”.

Councilman Frese asked to expand on his statement on page 22 of the Council packet, “it is not unsafe to launch and retrieve kayaks from a floating pier”.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to adopt the minutes of the May 7, and May 17, 2018 Council meetings as amended. Unanimously approved.

9. Public Hearing – FY ’19 Budget

Mayor Leonard opened the public hearing. There was none.

Town Manager West reviewed the final corrections advising what was included in the packet is what was advertised. He stated that if there are no corrections he recommended putting this on the agenda for the workshop meeting scheduled for June 21st for adoption.

Mayor Leonard closed the public hearing. He asked Council for comments and commended Town Manager West on a wonderful job.

There were none.

10. Consider Ceiling-Contributions from Meals Tax

Mayor Leonard stated that there is a description of how the money is used in the packet.

Vice Mayor Bowden stated that Councilman Ellis is the Town’s representative on the Community Center Board. She advised that she expressed her concerns with him over the Community Center. She added that in looking at their budget there has been some difficulty over the past couple of years. She was assured by him that they are turning this around. She stated that the Community Center utilized as it was originally intended, which was for the community and kids. She understands they’ve been struggling for a while but have been meeting and have a lot of things scheduled. She would like to see if Council has any input or ideas to make the Center more available and self-supporting. She added that she agrees with the cap and the 2 entities should be self-supporting.

Mayor Leonard advised that a few years ago they were in worse shape and now things are turning around. He added that there are some costly items coming up. He is encouraged at what is going on now.

Councilman Frese concurred with Mayor Leonard’s analysis. He commended Councilman Ellis on a fantastic job in getting them on the right course. He stated that they are playing the catch-up game and have made a tremendous amount of progress. He feels that they are going to have to

put more money into it. He suggested putting money away to be used on an as needed basis. He agrees it should be capped especially with the expenses coming up within the Town. He mentioned replacing the water system and cost. He stated that the Town just can't give everyone everything. He feels they have to be good stewards of the taxpayers' money.

Councilman Ellis stated that its the collective work of the entire Board. He also stated that they have developed a Strategic Plan that will be adopted by the Board and submitted to Council in the near future. He explained that the goal of the Center is to be self-supporting. He stated that the Board has spent money on repairs on a building that is almost 30 years old. He added that they have spent a lot of money on the heating and air conditioning to repair what they have. He stated that the Center Director, Jesse West is doing a fantastic job to make this place work. Councilman Ellis stated that they are working hard to be good stewards and turn it around. He added that they don't want to be given money if they need money they will borrow it and repay it.

Councilman Frese motioned, seconded by Councilman Ellis to cap on the contributions from Meals Tax to the Chincoteague Chamber of Commerce and the Chincoteague Community Center in the amount of \$90,431. Unanimously approved.

11. Application for Installation of Fuel Tanks

Mayor Leonard advised there is an application to put fuel tanks at the business on the traffic circle. He asked for comments.

Councilwoman Richardson motioned, seconded by Councilman Taylor to approve the application for the installation of fuel tanks for Mr. Steve Katsetos at 6761 Maddox Boulevard. Unanimously approved.

12. Drug and Alcohol Policy – Trolley

Town Manager West advised that this policy is specific to the Trolley operations and is prepared in collaboration with the Department of Rail and Transportation of Virginia. He stated that he had questions about how it applies to the Town but reiterated that it only applies to the Trolley Division.

Councilman Ellis doesn't feel it's anything out of the ordinary.

Vice Mayor Bowden reviewed a section regarding the allowable alcohol levels. She feels that the Town should have zero tolerance and at least 8 hours prior. She read that it states 4 hours prior to performance of the safety sensitive job function.

There was discussion and Chief Mills advised that the regular commercial drivers allowable level is 0.2 and can be stopped from driving.

Councilman Frese suggested changing it to 0.2.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Trolley Drug and Alcohol Policy adding the CDL alcohol standard from 0.04 to 0.02. Unanimously approved.

13. Sarbanes Grant/Multimodal Improvements-Consider Award

Public Works Director Spurlock advised that the contract specification is for the replacement of sidewalk on Main Street from Church Street to Maddox Boulevard and on Maddox Boulevard from Main Street to Deep Hole Road. He stated that this is a unit price on the contract. He stated there were 2 bids and Branscome Eastern Shore was the low bidder. He also stated that it was included in the bid that there will be no work Friday, Saturday or Sunday during the summer and 4th of July week or Pony Penning week.

Mayor Leonard asked what the total was for the Sarbanes Grant.

Public Works Director Spurlock advised \$1.5 million. He added that the sidewalk contract is roughly 30% of the budget. He stated that if they want to extend the sidewalk they can do it inhouse.

Vice Mayor Bowden asked when would they be able to start if approved.

Public Works Director Spurlock responded within a week or 2. He stated there will be an impact on some of the residents. He explained that they did an average of 100-120 feet a day.

Councilman Taylor stated that as far as Mrs. Nancy Payne's property, she came to the Town to allow the Town to purchase 5 feet which could benefit the Town. He asked if they would be willing to purchase 5 feet of the property. He added that when you move the pole it's too close to the home.

Vice Mayor Bowden stated that this grant can't be used to purchase land.

Councilman Taylor stated that he understands but if they want to entertain the idea of purchasing the 5 feet of property now is the time. He feels if they're interested they need to think about acting. He explained that it can only help the intersection to give an additional lane. He knows the Town needs it.

Mayor Leonard stated that he is suggesting they not fix that one section of sidewalk until this can be discussed and decided on. He added that there is a Public Safety Committee meeting tomorrow and it can be discussed at that time. He asked for further comments or motion.

Public Works Director Spurlock added that this is a unit price and if any of the work is done inhouse it could be reduced.

Councilman Frese motioned, seconded by Councilwoman Richardson to award the contract to Branscome Eastern Shore in the amount of \$401,165.06. Unanimously approved.

14. Mayor and Council Announcements or Comments

Councilwoman Richardson commended the Police Department's Bicycle Rodeo on Saturday. She advised there was a good turnout. She also stated that the Transportation Director, Larry Welsh had a good time.

Vice Mayor Bowden thanked Councilman Frese. She also explained the reason they don't and can't have nursing homes here. She advised that because there's one way on and one way off the Island it isn't acceptable for state codes for nursing facilities. She added that she shares and understands their feelings about signs. She added that there isn't a cleaner and upkept place than Capt. Zacks'. She mentioned not being allowed to put out a banner for a dozen roses on Valentine's Day at the flower shop. She doesn't understand why you can't put a sign out showing what you sell.

Councilman Ellis thanked the Chincoteague Police Department for the Fraud and Identity Theft Workshop. He feels it was interesting, informative and practical. He hopes to advertise these workshops more to get more people out.

Councilman Lewis thanked the Police Department. He also thanked the Public Works Department for cleaning up the cemeteries.

Councilman Taylor doesn't think capitalism is a crime. He advised that he has told Ms. Mitchell to find out the minimum width adding that it takes 4 Council votes to change it and he feels he has those votes. He added that he has heard Councilman Frese called many things but never a socialist or capitalist. He stated that he has been on Council for a long time and has fought for the people and smaller government. He feels that if you're paying your taxes you should be able to put the sign up that says what you're selling. He added that they want to make sure that military flags aren't an issue to fly. He guaranteed that Councilman elect Reed will fill his chair very well and fight for the rights.

Councilman Frese advised that he is shocked to learn that you can't fly the flag with the wares. He agreed with Vice Mayor Bowden. He also stated that he is not degrading the job the Community Center is doing there. He discussed the improvements and feels that financially capping the donations is the right thing to do. He is glad to hear that they don't want a handout they want to repay it. He commended the Councilmen and Mayor. He added that they have a good Town here and is pleased to be a part of it. He thanked everyone.

Chief Mills asked to make a correction as to the CDL allowable alcohol levels. He stated that .04 is when you're issued a DUI. He further stated that the State Code states "no person shall drive a commercial vehicle while having any alcohol in their blood".

Town Attorney Fox asked if the vote was a limit of .02 or to mirror the Code section.

Town Manager West asked if there was distinction between passenger endorsement or CDL.

Chief Mills responded that this is strictly commercial, CDL.

Town Manager West stated that this is with the passenger endorsement and would think it's the same.

Councilman Frese motioned, seconded by Vice Mayor Bowden to amend the motion earlier regarding the Drug and Alcohol Policy for the Trolley Division allowable blood alcohol content from 0.02 to 0.00. Unanimously approved.

Mayor Leonard asked to send the flag matter to the Planning Commission. He asked that they look at the flags extensively. He also stated that the County has approached the Town about installing new illuminated signs at both schools which will be controlled in the office. He explained they want to replace what is currently there with new signs. They are willing to work with the Town but the Code says it's not allowed. He added that this is a governmental agency and if they can review the County's Code along with any other governmental agency's code. Mayor Leonard explained the Code and why it was written, however, feels that because this is a governmental agency it should be considered. He stated that currently they must go outside to make any changes. He added that all schools in the County except Chincoteague schools have gone to the new signs.

Vice Mayor Bowden advised Ms. Mitchell not to expect anything overnight.

Ms. Mitchell asked if the Planning Commission meeting was open to the public.

She was advised that it is.

15. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 21, 2018 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

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comment

Mayor Leonard opened the floor for public comment. There were no participants.

5. Public Hearing – Vacation of Property Line

Mayor Leonard opened the public hearing.

- Mr. Robert Turner, attorney representing Mrs. Toni Clark Merritt described the property where they would like to remove the property lines between lots 3A and 4A in property subdivision known as Rattlesnake Ridge Development at 7055 Wayne Road.

There were no public comments and Mayor Leonard closed the public hearing.

Councilman Frese motioned, seconded by Councilwoman Richardson to eliminate the property line as requested. Unanimously approved.

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

WHEREAS, Toni Clark Merritt owns two lots designated as Lot No. 4A and Lot No. 3A on a certain plat of survey entitled "Rattlesnake Ridge Development Owned by Wyle Maddox, Chincoteague, Accomack County, Virginia," dated December 26, 1952, and made by William J. Gillespie, C.E., and recorded in the Accomack County Clerk's Office in Plat Book 9, Page 3, within the Town of Chincoteague, Tax Map Number 030A415000004A0 and 030A415000003A0; and

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

WHEREAS, the said Toni Clark Merritt has requested that the division or property line between said two parcels be vacated so that they become one (1) parcel; and

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

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

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the division or property line between Lot No. 4A and Lot No. 3A on a certain plat of survey entitled "Rattlesnake Ridge Development Owned by Wyle Maddox, Chincoteague, Accomack County, Virginia," dated December 26, 1952, and made by William J. Gillespie, C.E., and recorded in the Accomack County Clerk's Office in Plat Book 9, Page 3, be and is hereby vacated. The same line being as set forth on the current plat entitled, "PROPERTY LINE ELIMINATION FOR LOTS 3A AND 4A 7055 WAYNE ROAD CHINCOTEAGUE, VIRGINIA", made by B. J. Nolan JR PLS, dated March 15, 2018 as "PROPERTY LINE TO BE ELIMINATED".
2. That as the result of said vacation former Lot No. 4A and Lot No. 3A shall result in one (1) parcel of land.

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

Ayes: _____

Nays: _____

Approved as of _____, 2018

Mayor, J. Arthur Leonard

State of Virginia,
County of Accomack,

The foregoing Ordinance was acknowledged before me this
____ day of _____, 2018, by J. Arthur Leonard,
Mayor, in my jurisdiction aforesaid.

6. FY '19 Budget

Mayor Leonard explained that a public hearing was held with no comments. He was aware of a couple of changes and a public hearing will be held later in the year for an amendment.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the FY '19 Budget as presented. Unanimously approved.

TOWN OF CHINCOTEAGUE, INC.

FY'19 PROPOSED BUDGET

PUBLIC HEARING TO BE HELD MONDAY, JUNE 4, 2018 AT 7 PM

IN THE TOWN COUNCIL CHAMBERS

6150 COMMUNITY DRIVE

CHINCOTEAGUE ISLAND, VA 23336

REVENUES		EXPENDITURES	
GENERAL FUND		GENERAL FUND	
REAL ESTATE TAX	\$610,000	GENERAL GOVERNMENT	
TANGIBLE PROPERTY TAX	\$200,000	SALARIES & BENEFITS	\$649,791
DELINQUENT REAL & TANGIBLE TAXES	\$20,000	EXPENSES	\$751,193
PERSONAL PROPERTY TAX RELIEF	\$129,246	CAPITAL IMPROVEMENTS	\$51,483
MEALS TAX	\$915,000		\$1,452,467
BANK FRANCHISE	\$72,000	EMERGENCY SERVICES	
SALES TAX	\$138,000	SALARIES & BENEFITS	\$637,271
BUSINESS LICENSE	\$128,000	EXPENSES	\$52,850
MOTOR VEHICLE LICENSE	\$72,000	CAPITAL IMPROVEMENTS	\$3,500
UTILITIES TAX	\$206,000		\$693,621
TRANSIENT OCCUPANCY TAX	\$1,200,000	PUBLIC WORKS	
FINES	\$55,000	PUBLIC WORKS ADMINISTRATION	
INTEREST	\$23,000	SALARIES & BENEFITS	\$156,674
MOBILE HOME SALES TAX	\$10,000	EXPENSES	\$487,090
CEMETERY CLEANUP DONATION	\$600	CAPITAL IMPROVEMENTS	\$375,000
ROBERT REED PARK DONATIONS	\$3,670		\$1,018,764
USER FEES	\$26,000	MOSQUITO CONTROL DIVISION	
BUILDING PERMITS	\$50,000	SALARIES & BENEFITS	\$39,783
ZONING ADVERTISEMENTS	\$1,200	EXPENSES	\$121,797

GRANTS/LITTER	\$1,700	CAPITAL IMPROVEMENTS	\$45,000
SALE OF CAPITAL ASSETS	\$10,000		\$206,580
HEALTH INSURANCE RETIREES	\$12,100	FACILITIES DIVISION	
FIRE PROGRAMS	\$10,000	SALARIES & BENEFITS	\$306,938
PAYMENT IN LIEU OF TAXES - USFWS	\$8,400	EXPENSES	\$89,520
RENTAL INCOME TROLLEY	\$15,000	CAPITAL IMPROVEMENTS	\$242,434
TOWER RENT	\$5,520		\$638,892
COMMUNICATIONS TAX	\$105,000	ROADS DIVISION	
RECOVERED COST FROM WATER	\$100,000	SALARIES & BENEFITS	\$177,851
MISCELLANEOUS INCOME	\$13,000	EXPENSES	\$606,551
SOLID WASTE COLLECTION FEE	\$385,632		\$784,402
LAW ENFORCEMENT FUNDS	\$112,550	POLICE DEPARTMENT	
DISPATCH REVENUE	\$24,894	SALARIES & BENEFITS	\$696,846
VDOT MAINTENANCE FUNDS	\$783,757	EXPENSES	\$102,350
ROAD PERMIT FEES	\$100	CAPITAL IMPROVEMENTS	\$97,490
VA COMM. FOR THE ARTS GRANT	\$4,500		\$896,686
POLICE COMMUNITY DONATIONS	\$20,000	DISPATCH	
POLICE GRANTS	\$6,000	SALARIES & BENEFITS	\$233,657
USFWS - SARBANES GRANT	\$412,500	EXPENSES	\$17,800
VDEM GRANT	\$7,500		\$251,457
TRANSFER FR MOSQUITO CTRL SAVINGS	\$45,000		
TOTAL GENERAL FUND REVENUE	\$5,942,869	TOTAL GENERAL FUND EXPENSES	\$5,942,869
HARBOR FUND		HARBOR FUND	
HARBOR RENT	\$97,107		

SUBLEASES/STORAGE	\$26,000		
HARBOR INTEREST	\$120	HARBOR SALARIES & BENEFITS	\$48,771
FUEL REVENUE	\$226,000	EXPENSES	\$243,956
MISCELLANEOUS	\$1,500	CAPITAL IMPROVEMENTS	\$183,000
VA PORT AUTHORITY	\$93,750		
TRANSFER FROM BOAT RAMP REPAIRS	\$31,250		
TOTAL HARBOR REVENUE	\$475,727	TOTAL HARBOR EXPENSES	\$475,727
TROLLEY FUND		TROLLEY FUND	
TROLLEY GRANTS	\$49,329		
PROGRAM INCOME	\$7,000	TROLLEY SALARIES & BENEFITS	\$46,573
RTAP REIMBURSEMENTS	\$2,000	EXPENSES	\$38,390
TRANSFER FROM GENERAL FUND	\$26,634		
TOTAL TROLLEY REVENUE	\$84,963	TOTAL TROLLEY EXPENSES	\$84,963
WATER FUND		WATER FUND	
WATER RENT	\$1,200,000		
WATERLINE EXTENSIONS	\$5,000	WATER SALARIES & BENEFITS	\$355,148
SERVICE CONNECTIONS	\$6,137	EXPENSES	\$365,061
INTEREST ON WATER RESERVE	\$3,672	CAPITAL IMPROVEMENTS	\$735,100
MISCELLANEOUS INCOME	\$500		
AVAILABILITY FEES	\$40,000		
WELL REIMBURSEMENT	\$200,000		
TOTAL WATER FUND REVENUE	\$1,455,309	TOTAL WATER FUND EXPENSES	\$1,455,309
TOTAL ALL REVENUES		TOTAL ALL EXPENDITURES	\$7,958,868

\$7,958,868

THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE CURRENT TAX YEAR WITHIN THIS

BUDGET:

REAL ESTATE TAX LEVY	\$0.07 PER \$100 OF ASSESSED VALUE
PERSONAL PROPERTY	\$0.85 PER \$100 OF ASSESSED VALUE
EXCISE TAX (MEALS)	5%
EXCISE TAX (TRANSIENT OCCUPANCY)	4%
MOTOR VEHICLE LICENSE	\$27.00
SOLID WASTE COLLECTION	\$2.00 PER WEEK
PERSONAL PROPERTY TAX RELIEF	70%

7. Solid Waste Collection Contract

Public Works Director Spurlock explained the contract with a base period and options. Staff recommended that a contract be awarded for the base period.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to award the contract for the base year. Unanimously approved.

8. Vehicle and Traffic Code

Mayor Leonard explained that this was an annual event to make sure the Town is in compliance with the State Code. This was just changing dates in Article 58.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the new Vehicle and Traffic Code. Unanimously approved.

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, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2018, 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 herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted 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 section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(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, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18)

(b) The provisions of this section, as readopted, shall be effective as 12:01 am July 1, 2018. 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 pitot 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, 6-19-14, 6-18-15, 6-16-16, 6-15-18)

Council asked Chief Mills if he was aware of any changes in the Traffic Code and State Code if he would post those changes online.

9. Mayor & Council Announcements or Comments

Councilman Frese thanked Council for working with him for 4 years.

Councilman Taylor congratulated Councilman Frese and thanked him for his years of service.

Councilman Lewis stated that it was a privilege to work for and with him.

Councilman Ellis congratulated Councilman Frese. He expressed concerns over the new traffic control devices at the intersections of Ridge Road and Church Street.

Vice Mayor Bowden congratulated Councilman Frese. She advised she hasn't heard of any complaints of the intersection of Ridge and Church.

Councilwoman Richardson recalled having first met Councilman Frese at the old Firehouse which was his first term in office. She stated that she has known Councilman Frese to have always put the people first. She thanked him for his dedication.

10. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager