

MINUTES OF THE JANUARY 3, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Beach Access Committee met on December 21st with the Fish and Wildlife staff. He advised there has been a change due to the concerns raised by the public comment. They have made Alternative B comparable to Alternative A. The Committee is looking forward to working with the Fish and Wildlife staff in 2012.

Town Planner Neville also mentioned that the Zoning Map Amendment is scheduled to go before Council February 6th. He stated they have a workshop scheduled prior to this on January 19th to review the mapping changes. He advised that the Planning Commission will meet January 10th. They plan to finish the review of the Pony Penning Sales Permit. He also advised that they will be working closely with the Wastewater Advisory Committee.

Police Department

Chief Lewis gave Council a copy of the Police Department's yearly summary. He explained the increases and advised that crime has gone down. He also advised that the accreditation inspection was December 6th and they passed with flying colors. The award will be presented to the Police Department in February. He reported that the Police Department provided toys and food to 55 families on the Island and to 33 families in the Atlantic area.

Mayor Tarr congratulated Chief Lewis and staff for their work in the accreditation and their help with the needy families.

Councilman T. Howard stated that the Chincoteague Police Department will be the only Police Department that is accredited in the state of Virginia. He called for a round of applause.

Public Works Department

Public Works Director Spurlock reported that they are in the final phase of the Eastside Road paving and repair. Striping is scheduled to be completed within the week. He reported on that status of the repairs to the Island Activity Center. The floor repairs, insulation installation and all minor items on the punch-list are complete. The Coast Guard will begin painting January 5th. He reported that the Ocean Boulevard Trail has been cleared from Chicken City Road to Fowling Gut. He advised that they will need \$10,000-\$12,000 to build a bridge across Fowling Gut, which will be included in the next fiscal year budget. He stated that the Ridge Road and Chicken City Road intersection project will begin in February and has a completion date in May.

Public Works Director Spurlock also reported on upcoming projects with the Water Department.

Councilman Jester commented that they have done a great job on the Island Activity Center.

General Government

Town Manager Ritter reported that tax season has just ended and the second notices will go out in February. He stated that the contractors are working on the old jail site for Broadband. The pre-bid meeting for the Downtown Revitalization Project is next week. They are proceeding with the dredging permit through the Army Corps of Engineers for the downtown boat slips. He also advised that staff has been working on the 5-year budget to be reviewed at the January 24th workshop at which time they will discuss budget revisions.

Town Manager Ritter also advised that there is a financial matter between Mr. Jimmy Berry and Mr. Jimmy Adams regarding the demolition of the Mumford Street house.

Council discussed advertising the demolition job and billing Mr. Berry.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$579,974	\$561,459	(+)	\$ 18,515
Tangible Property Tax	\$155,730	\$152,742	(+)	\$ 2,988
Meals Tax	\$465,399	\$442,754	(+)	\$ 22,645
Transient Occupancy Tax	\$536,606	\$523,717	(+)	\$ 12,889
Sales Tax	\$ 57,362	\$ 60,042	(-)	\$ 2,680
Water Rent	\$524,418	\$397,977	(+)	\$126,441

Councilman Jester asked Town Manager Ritter to contact Richmond about the sales tax.

There were comments regarding sales tax revenue.

There were questions and comments regarding requirements to demolish the Mumford Street house.

Mayor Tarr directed staff to research this matter further.

Councilman Jester asked about a grant in the amount of \$15,000.

Chief Lewis advised it was for Selective Enforcement and a Police vehicle.

Council asked when Broadband would be available.

Town Manager Ritter advised that they have not indicated a date as of yet.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

▪ Regular Council Meeting of December 5, 2011

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the minutes of the December 5, 2011 meeting. Unanimously approved.

2. Wastewater Advisory Committee Update

Chairman Papadopoulos reported that the Committee held an organizational meeting in July. He listed the members of the Committee, Mr. Mike Tolbert, Mr. Scott Chesson, Mr. Kelly Conklin, Mr. Tommy Clark and himself as chairman. He stated that they have been asked to review the Clark Nexsen Wastewater Report, The Town's Comprehensive Plan and the Town's Water Master Plan. He advised that they have held 3 meetings. He advised that at the July, 2011 meeting they met with the Atlantic Group about the Town Center Wastewater Treatment project. He reported that in the October 2011 meeting they reviewed a presentation from Mr. Todd Burbage with the Blue Water Development Corp. about sewerage from Sunset Bay to the Landmark Plaza allowing all commercial businesses the opportunity to hook into. Chairman Papadopoulos stated that the Committee recommended that Council go into discussions with Blue Water Development Corp about the sewerage hookup for the commercial businesses from Sunset Bay to Landmark Plaza.

Chairman Papadopoulos also stated that in the December 2011 meeting they discussed the identifying issues that the Committee should focus on which are: review of the Wastewater studies, defining option, regulations, capacities of wastewater treatment plants, and various combinations. He advised Council of the other Committee activities to date, which include; Attendance at the Chesapeake Bay meeting at the Eastern Shore community College, attendance at the Accomack County Planning Commission to learn the status of the Atlantic Town Center Wastewater Treatment Facility C. U. P. application and Zoning Ordinance Text Amendment.

Chairman Papadopoulos reported the future plan of actions by the Committee; Research and review regulations applicable to wastewater systems for the Island. Schedule and meet with senior representatives of Virginia's appropriate agencies/departments to clarify applicable regulations and compliance with the Clean Water Act. Review actions by communities similar to the Island and their solutions to the wastewater issues. He also announced the next meeting of January 5th at 9:00 a.m.

There was brief discussion.

3. Christmas Lights Judging Results

Mayor Tarr thanked Ms. Laurie Walton and her group of judges this year.

Town Manager Ritter read the winners of the Christmas Decorations.

Judges Choice *

Mr. & Mrs. Michael Jester
5141 Fish Lane

Most Festive *

Rev. & Mrs. William Gregory
6126 Taylor Street

Most Themed *

Mr. & Mrs. Raymond Rosenberger
7297 Sunset Drive

Most Traditional *

Mr. & Mrs. Ernest Dale Holston
7236 Olga Drive

Honorable Mention

The Chincoteague Center
6155 Community Drive

Alex Hubb
3015 Ridge Road

Chuck & Tama Ward
5375 Main Street

Each of the winners will receive a \$100 savings bond.

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

Town Manager Ritter advised that this is a housekeeping item that is done each year to continue with the Trolley Operating Funds and for the Grant Application Resolution.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to approve the Trolley Operating Funds and the Grant Application Resolution. Unanimously approved.



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2013 beginning 10/1/2012**

BE IT RESOLVED by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,400.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, acting Town Manager of The Town of Chincoteague, Inc. adopted at a legally convened meeting of the Town Council held on the 3rd day of January, 2012.

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

5. Employee Handbook Review and Possible Adoption

Town Manager Ritter advised that at the November 17th Council Workshop there were items that Council requested to be reviewed and amended.

Councilman Jester advised it has been a long 2-year process.

Town Manager Ritter explained one of the revisions regarding essential personnel.

There was discussion about the section pertaining to “mandatory evacuation”.

Mayor Tarr mentioned the Virginia Conflict of Interest Act and the 1st paragraph not coinciding with the 2nd paragraph.

Town Manager Ritter stated that they can change it to read in both paragraphs that they will adhere to the Virginia Conflict of Interest Act.

Mayor Tarr asked if the corrections have been made to the line chart and was advised they were.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the Employee Handbook with the stated changes. Motion Carried.

Ayes: Conklin, Jester, J. Howard, Muth

Nays: Richardson, T. Howard

Council requested a copy of the policy with the changes.

Vice Mayor Richardson feels they haven’t had enough time to review all the changes.

Councilman T. Howard feels that this policy changes the lives of the employees and should be taken into more consideration.

6. Mayor and Council Announcements or Comments

Councilman J. Howard asked about dredging and the spoil site.

Councilman Jester commended Mr. Kevin Krome and Mr. Steve Potts on a wonderful job with the Christmas Light Program and the Christmas by the Sea Program.

Councilman Muth commended Chief Lewis for the tremendous feat of accreditation.

Councilwoman Conklin also commended those involved in the Christmas by the Sea Program. She advised that the Polar Plunge was well attended. She stated that the Island looks wonderful and she is proud of everyone.

Councilman T. Howard commended everyone; the Police Department, the Beach Access Committee, the Public Works Department, and the General Government staff. He asked Mayor Tarr about the closed session.

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

• **Personnel Matters**

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

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

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

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

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

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

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin
Nays- None
Absent- None

Adjourn.

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

Mayor

Town Manager

MINUTES OF THE JANUARY 19, 2012
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Review of Comprehensive Zoning Map Amendments

Town Planner Neville presented the Comprehensive Zoning Map amendments. He advised that this is to review a few of the last issues prior to the public hearing. He stated they had a double public hearing with the Planning Commission and organized the comments in 7 major issues. They tried to address those issues. He tracked the percentage of public comments and by addressing those, they have done a good job listening and making the requested changes.

He reviewed the recommended changes in each of the following sections: 1). R-4 Resort Residential. 2). C-4 Resort Commercial. 3). All Commercial Districts. 4). RC Resource Conservation. 5). R-3 Mixed Use Residential. 6). All permitted Uses. 7). C-3 Corridor Commercial.

During Town Planner Neville's review, he explained each issue and recommended changes based on the public concerns and the Comprehensive Plan.

Discussion continued about the intent during annexation along with what's in the Town Charter.

Town Planner Neville stated that 14% of the comments were regarding Resource Conservation. He explained that in the Comprehensive Plan they wanted to recognize conservation areas. The

only places that they applied the Conservation District were the parcels that were public, federal or state owned. He explained the Mixed Use Residential which was to keep the use as it currently is allowing townhouses and condominiums. He also mentioned "All Permitted Uses", such as the waterfront seafood industries.

Town Planner Neville stated that the Comprehensive Plan suggested extending C3 Corridor Commercial on both sides of the road down Maddox Boulevard along with Deep Hole Road to Community Drive and there was a request to continue the zoning to the Chicken City Road intersection to include the new Fire Company property. He stated that the Residential Districts allow some commercial uses and the Commercial Districts allow residential uses.

Questions and discussion continued from Council.

Town Planner Neville thanked Council and stated that they're ready to go to public hearing. He explained the process for comments from the public hearing.

There were questions about Marsh Island and the abandonment of the signage on the property on the south side of Marsh Island Road.

Town Planner Neville stated that the zoning is not the controlling factor of marshland.

Mr. Papadopoulos stated that the Planning Commission was driven by the Comprehensive Plan in the revisions to the Zoning Map.

2. Review and Approval of Beach Access Committee Recommendations on CCP Alternative Refinements

Mayor Tarr reported on the Beach Access Committee on December 21st. He stated that since that time they felt the need to hold a meeting and respond to the slide presentation they saw at that meeting. He stated that they felt they should comment on the revisions to the alternatives.

Town Planner Neville explained the changes to the CCP refinements proposed by the Town. He stated that the Beach Committee met and wanted to refine the small issues. He advised he added a brief description as to why they were outstanding issues. He also stated that an option is to send the letter or send just the minor changes. He stated that Mr. Hinds will send out a newsletter as a public announcement.

Mayor Tarr stated that the U. S. Fish & Wildlife has made a lot of changes to 3 alternatives. He advised Council that a couple of days ago the U. S. Fish & Wildlife were approved for a grant in the amount of \$1.5 million to purchase property for the purpose of a park-and-ride.

There were questions and concerns.

Ms. Sylvia Parks with Congressman Rigell's office advised that the U. S. Fish and Wildlife has been to the Campground and asked if they could purchase a portion of the property to use for

parking. She stated that with the partial sale, the Maddox family can continue to operate the campground in the short term.

Council expressed their discord.

Councilman J. Howard feels that the working relationship between the Island and the U. S. Fish and Wildlife no longer exists. He stated that the Community is hurt because of this. He doesn't understand why Mr. Hinds isn't tackling the problems. He feels that he, along with many residents, has lost credibility and faith in Mr. Hinds. He also feels that Mr. Hinds has not been trying to help. He wants to see Council make a statement.

Town Planner Neville advised that the Committee has made it clear that they would like a meeting with Mr. Hinds' boss. They would like the confidence level of dealing with someone else on this matter.

Ms. Parks advised she would speak with the Congressman and he will set this meeting up.

Council decided that what they have been doing isn't working.

Mayor Tarr stated that there will be another meeting

Discussion continued.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Beach Access Committee's recommendations on the CCP Alternative refinements. Unanimously approved.

3. Committee Member Comments

There were none.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE JANUARY 24, 2012
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Review of the Draft Fiscal Forecast of Budget Years 2013-2017

Town Manager Ritter reviewed the current Statement of Expenditures. He advised that the second notices for delinquent taxes have been mailed. He also stated that Business License Renewals will be mailed in the next couple of weeks. They touched base on motor vehicle decals.

Finance Director Hipple explained the process of putting stops on the vehicles of unpaid taxes through the DMV. There was further discussion about collections of delinquent taxes. She recommended eliminating decals and adding the fee to the personal property tax bills.

Town Manager Ritter continued to review the current Statement of Revenues and Expenditures.

There were questions and discussion about specific line items.

There were concerns expressed about the County's proposed Fire Tax and plans to meet with the Fire Company to discuss this matter further.

There was discussion about the "Line of Duty" Program through VRS. Finance Director Hipple explained the program and benefits. She advised that Council has to make a decision prior to

July 1st, 2012 if they would like to go with VRS or another carrier. She advised their decision will be set in stone and there is no going back if there is a change. She suggested that the Town sets guidelines and recommended a switch from VRS. She doesn't feel they are equipped to handle the program for the Town.

The review continued. Questions were raised about the Fire Department donation. Council then discussed specific current budget line items from each department.

Council reviewed the projected revenues through FY 2017 expressing future plans of additional revenues and sources. They moved on to the projected expenditures through FY 2017.

There was a question about the Housing Rehab Fund. Finance Director Hipple explained the remaining balance and where it originated.

Council also discussed the new SCADA system and how it is benefiting the Town. They talked about routine building maintenance and allowing a little more in the budget for possible upgrades and upkeep. They also touched on capital improvements.

2. Review of the Local Government Investment Pool (LGIP) Savings

Town Manager Ritter and Finance Director Hipple reviewed the Analysis Report. There were questions and discussions about transfers to and from LGIP for reserve or projects. Council agreed the line item for long-term replacement for the Harbor should be put back in the budget.

3. Review of a Possible Budget Amendment

Council reviewed the list of proposed budget amendments. There was minor discussion.

4. Committee Member Comments

Mayor Tarr stated he would like to see projections for 5 years for the LGIP.

Councilman J. Howard asked about cutting grass for the Little League fields.

Mayor Tarr instructed Public Works Director Spurlock to contact the Little League. He stated that there was previous discussion about reviewing Town Planner Neville's salary. He advised this will be discussed at the February meeting in closed session. He also asked Council's permission to get a plaque for the Police Department for their accreditation accomplishment along with a letter of recommendation in Chief Lewis' file for his work on this. Mayor Tarr instructed Town Manager Ritter that when the Team arrives in February to present Chief Lewis with the formal certification he would like the media invited.

Adjourn.

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

Mayor

Town Manager

**MINUTES OF THE JANUARY 31, 2012
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

Council Members Present:

John H. Tarr, Mayor
John H. Howard, Councilman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

Nancy B. Conklin, Councilwoman
Ellen Richardson, Vice Mayor

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

There was no motion as there was no quorum at this time.

5. Discuss Downtown Redevelopment & Transportation Enhancement Grant and Bid Proposal

Mrs. Kat Edwards began by explaining the process and stated the Town pledging the funds that are needed. Because items couldn't be taken out of the contract they also can't negotiate changes in the contract.

Mr. Clay Massey stated that he feels that some of the bid items were underestimated. He explained that there were two bidders that they feel is competitive. He advised they went through each line item with the contractors and there were a few things that were underestimated such as storm drainage. He continued to review other underestimated items in the bid package. Mr. Massey stated he was personally confident that the two bidding companies were competent. He feels that they need to sit down and iron out the discrepancies.

Mayor Tarr mentioned a timeline for the approval from VDOT and for the contractors who will come in and set up to do the work.

Mr. Massey and Mrs. Edwards reviewed the timeline. They discussed the percentages that the bids were over. They also discussed the possibility of putting in a change order to bring the bid down.

Council asked about negotiating costs after the acceptance of the bid.

Mrs. Edwards advised that once the bid is awarded the Town can take out some items as long as it doesn't affect VDOT's priorities with the underground utility work.

Questions were raised about eliminating additional costs later.

Discussions continued about the utilities, the relocation of those utilities and associated costs giving percentages of the bid and budget.

Mayor Tarr expressed his concerns that VDOT will not approve change orders.

Mrs. Edwards tried to reassure Council. She added that the two bidders are very close and both very reputable.

Council was concerned because they were unable to vote as there wasn't a quorum as Mr. J. Howard was not in attendance at this point in the meeting.

Mayor Tarr asked if they could discuss the cost of the conduit system. He feels this is too expensive.

Council further discussed the system and awarding the contract.

Councilman J. Howard joined the meeting at 10:35 a.m.

Mrs. Edwards brought Councilman J. Howard up to speed. She advised that in order for the bids to be considered the Town would have to vote and write a letter pledging to commit the funds needed to complete the project. She stated, they are asking the Town to do this based on the fact that they know there are items they are planning to take out of the contract that would take those additional funds. She mentioned removing the part of the project putting all the utilities underground. She again stated that they are recommending the low bidder. The contractor is willing to discuss the underestimations and the Town's desire to move forward as quickly as possible. She added that the Town will agree to take items out of the contract that will not affect VDOT's approval.

Councilman J. Howard discussed moving the utilities. He mentioned a couple of ideas. He asked if every Town has to bear the burden of the funds.

Mrs. Edwards responded that every Town she has worked with is willing to do what they can.

Discussion continued and Councilman J. Howard asked about the 20 feet right-of-way through the Downtown Main Street area. He is concerned about the bump-outs and larger vehicles passing through.

Councilman Jester motioned, seconded by Councilman Muth to approve the funding to continue with the project at this time. Motion Carried.

Ayes: T. Howard, J. Howard, Muth, Jester

Nays: None

Absent: Conklin, Richardson,

There was further discussion regarding the change order to do away with the conduit system and other potential cost reductions.

Mayor Tarr asked for a contact person for the preconstruction meeting.

Mrs. Edwards thanked Council and advised she would arrange the preconstruction meeting.

Adjourn

Councilman T. Howard motioned, seconded by Councilman Muth to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE FEBRUARY 6, 2012 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
John H. Howard, Councilman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

Nancy B. Conklin, Councilwoman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Mr. Gary Dillon of the Department of Criminal Justice Services presented a formal plaque from the Virginia Law Enforcement Professional Standards Commission that read; "Certificate of Accreditation, This document certifies that the Town of Chincoteague Police Department came before the Virginia Law Enforcement Professional Standards Commission on January 12, 2012, and has met the requirements set forth by the said commission, and is, therefore, certified as an Accredited Agency for a period of four years "Initial Award"."

Mayor Tarr presented a plaque to Chief Edward Lewis which stated:

"Award of Special Recognition; Presented to the Chincoteague Police Department; On The Occasion of Receiving Law Enforcement Accreditation. The Chincoteague Police Department has demonstrated their Commitment and Professionalism in attaining this Distinguished Achievement. On Behalf of the Town Council and The Citizens Of Chincoteague, I Award This Special Recognition to the Police Officers and Staff for Continued Dedication to this Community.
February 6, 2012"

Mayor Tarr also presented a letter of recognition to Chief Lewis for his effort in obtaining the accreditation and advised that this letter would go into his official personnel file.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Supervisor Wanda Thornton spoke on the County reassessment. She mentioned that the percentage of other parts of the County assessments would be going down more than the percentage of the Island. She stated that the taxes for everyone on the Island will be going up. She also stated that the County Board of Supervisors will be voting soon on the proposed fire tax from the Fire Commission by adding 3 cents per hundred to the Real Estate Tax and 5 cents to personal property tax.

- Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, read a letter on behalf of the CVFC:

January 30, 2012

Accomack County
Board of Supervisors
Laura Bell Gordy
Accomac, VA 23301

Dear Madam Chairwoman:

As we prepare to divulge the recent vote by the Accomack County Fire Commission to add a three (03) cent fire tax to Chincoteague and raise our personal property taxes by five (05) percent we thought it best to share with you some of the things this company has already done for our sister companies around the County: For starters we gave New Church two rescue trucks, Saxis,

a fire truck and ambulance, to Atlantic, loaned one of our fire trucks and gave them a donation for working at our carnival. In the town of Bloxom, we started them off in the ambulance service business by giving them an ambulance. Parksley has been the biggest recipient of our generosity by having one of our fire trucks on loan for over a year and a half, two separate donations in 2011 totaling \$3,400.00 and for at least two years a \$15,000.00 donation for working the sticky apple & cotton candy stand at our carnival. We have never denied a request from a sister company of anything they have asked for.

We have been a contributor to the North Accomack Little League for over thirty years, sponsoring one of the teams and providing manpower to repair fields for play. We sponsor Accomack County Schools by sponsoring Chincoteague Elementary and High School Beta Clubs for their annual trip to Richmond. That is a donation of over \$3,600.00 each year. We sponsor the Chincoteague Youth Football Program that has the majority of its team being Accomack County residents' kids. Nothing the youth of the Island or County asks for is denied by our membership. We have a scholarship program that funds at least three graduates of Chincoteague High School each year for the first three years of their college. Each year at our annual auction we donate the cost of one of the colts to a charitable organization, i.e. The American Cancer Society, Hospice Care of the Eastern Shore, and Children's Hospital of the King's Daughters just to name a few. We are discussing at this time among the decision makers of the company to give back the \$20,000.00 we get from Accomack County and ask to give that money to Saxis to help with their shortfall.

In closing, we work hard for our money and because we are so blessed with support for our endeavors we are able to give something back. If we see we are going to come up short on a project, we roll up our sleeves and go work for it. With all this said, please understand that we are not in favor of taxing Chincoteague Island with a fire tax. We are still able to support our citizens without the burden of, yet, another tax. We ask you to vote NO to option 4, and not strap the citizens of Chincoteague with more financial responsibilities.

Respectfully,

The Officers and Members
Chincoteague Volunteer Fire Company

- Deborah Ullmann of North Main Street, stated that Mr. Spiro Papadopoulos has done a good job with the Wastewater Advisory Committee. She also stated several reasons why it would not be a good idea to hook up folks with possible failing system in the downtown commercial area with a local developer.

STAFF UPDATE

A Staff Report for January 2012 was presented to Council.

The Town Planner Neville presented Council with his report and asked if anyone had any questions. There were none.

Public Works Director Mr. Spurlock advised that the staff report was now being presented in a written format. He noted that most of the projects listed have been or was very near completion. The Public Works Department is gearing up for the summer season.

Mr. John Howard requested additional details on the Town's involvement in the VDOT, Church St. Realignment Project.

Public Works Director Spurlock provided the requested information.

Councilman T. Howard asked if there were plans to install a guardrail on Eastside Road near its intersection with Wayne Road.

Public Works Director Spurlock explained that the side had been evaluated by the guardrail company that had been working on the causeway. It was determined there was insufficient space to install a VDOT approved guardrail. VDOT's safety department has been contacted to determine if other options are available and/or required.

Town Manager Ritter advised that Emergency Medical Staff responded to 63 calls in the month of January, 14 more than January of 2011. Staff was been busy getting ready for the Trolley Audit required by DRPT. An auditor from Cherry, Bekaert & Holland, LLP, come today to audit the books for the Trolley funds. There were no findings. Town Manager Ritter advised that Transportation Manager Van Dame has done a great job.

Town Manager Ritter also reported that the Town recently received supplemental tax billing from the County and hope to mail them in a couple weeks. He reported on the ESVBA, Broadband update. He advised that the contractor has completed installation of the fiber on the Island except some terminal points. They still have to pull the fiber through the conduit for the Fish and Wildlife Service. He advised he will be going to the Virginia Local Government Managers Association (VLGMA) February 15, 16, & 17, 2012. The workshop for February has been canceled as there were no items for the agenda. The Town will work on the fiscal year 2013 budget to be handed out on or before April 1st. He also reported that staff has been working on the Business License renewals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

8. Consider Adoption of the Minutes

- **Regular Council Meeting of January 3, 2012**
- **Council Workshop Meeting of January 19, 2012**
- **Council Special Budget Workshop of January 24, 2012**

Councilman T. Howard asked that the excerpt that Mr. Spiro Papadopoulos presented to council at the Regular meeting of January 3 be included in the final minutes.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes with the additional information to be included in the January 3, meeting minutes. Motion carried.

Ayes-Jester, T. Howard, J. Howard, Richardson, Muth

Nays-None

Absent- Conklin

9. Eastern Shore Virginia Broadband Authority Update

Mr. Nick Pascaretti gave Council an update on the Broadband project known as the Chincoteague Network Construction. He stated that 99% of the fiber has been placed. The remaining piece is to the Refuge. The contractor needs to bore from one side of the road to the other to reach the conduit that was placed by the Refuge and then the fiber can be installed. Fiber is being spliced now and that is approximately 90% complete. There are active customers on the network now being served by ESVBA and others. Fiber optic splicing work at the old jail is complete.

He reported that the ESVBA is serving Rural Health offices downtown and the ANEC substation. The schools are connected and the Town office has been installed and will be served by ESVBA. He added that ESVBA has received a request for information from a carrier regarding service to Associated Insurance on Maddox as well. They will also serve any customers who request their service. The ESVBA Internet product offering is for dedicated and symmetrical internet access. This service is comparable to Verizon's T1 service which typically costs approximately \$800 to \$1200 per month. However, the ESVBA service is not comparable to Verizon's DSL service, which is typically used by residential and small business customers.

10. Financial Report Presentation by Robinson, Farmer, Cox Associates

Mayor Tarr introduced Mr. Aaron Hawkins from Robinson, Farmer, Cox who presented an overview of the Town's Fiscal Year 2011 audit. Mr. Hawkins highlighted key areas in the audit and showed no discrepancies. The audit firm was grateful for the help from staff.

There were no questions from Council concerning the report.

Mayor Tarr thanked Mr. Hawkins.

11. Public Hearing on the Zoning Ordinance Amendment

Mayor Tarr opened the public hearing and requested a brief presentation by Staff.

Town Planner Neville reviewed the planning process that led up to the public hearing including the recommendations of the Planning Commission and a summary of the public comments received to date. Comments received from the public prior to the hearing were provided to Council members in a handout. Additional public comments were given as follows:

- Bruce Hamilton, Unit #3 Fiddler Bay Townhomes, expressed concern over the proposed zoning of Salt Marsh to the C-4 Resort Commercial District.
- Peggy Thomas, Eastside Road, requested information to confirm that there would be no change to the C-1 Commercial and R-3 Residential zoning of her property.

Town Planner Neville stated that the zoning district boundaries would be the same and offered to meet her at the Town Office to answer any questions.

- Larry Whitlock, Owner of 'Island Village' subdivision on North Main Street, stated that his 17.5 acre property was 70% uplands. He asked if the Town Council would add a 'grandfather clause' to the zoning district regulations for existing subdivisions. He also requested that the proposed R-4 Resort Residential District would apply to his entire property including the existing lots that have frontage along Main Street (currently zoned R-2 Residential).
- Inga Veneziano, Piney Island resident, opposed the proposed C-4 Resort Commercial zoning of the marsh along both sides of Beach Road leading to the Refuge.
- Jim Rauth, Marsh Island resident and representative of Marsh Island property owners association, supports the proposed zoning change from C-1 Commercial to R-3 Mixed Use Residential. He requested that the Town Council consider changing the Public Piers and Boat Ramps use in the R-3 district from the permitted list to the special permit list. His concerns were for potential conflicts of parking, trailer storage and traffic conflicts on the new bridge spur if a commercial pier or marina was permitted without adequate review by the Town.
- Jane Turlington, Herbie's Lane resident, requested information regarding the proposed zoning of her property to make sure there was no change.

Town Planner Neville stated that the R-3 Mixed Use Residential zoning would be the same with a change to the district regulations making mobile homes and mobile home parks a special use approval rather than permitted by right.

Mayor Tarr asked if there were any other speakers wishing to be heard. There were none. The public hearing was closed, however the public record will be kept open as advertised for 25 days for the submission of additional written comments.

12. Public Hearing on the Possible Budget Amendment

Mayor Tarr opened the public hearing at 8:41 p.m.

There were no comments.

Mayor Tarr closed the public hearing at 8:42 p.m.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the budget amendment as presented. Motion Carried.

Ayes - Jester, T. Howard, J. Howard, Richardson, Muth

Nays - None

Absent – Conklin

BUDGET AMENDMENT FY'12

NAME	TYPE ACCT	ORIGINAL BUDGET	AMENDED BUDGET
<u>GENERAL FUND 10</u>			
TRANSFER FROM LGIP GENERAL FUND SAVINGS	REVENUE	14484	109670
SRTS GRANT	REVENUE	0	205840
ATTORNEY/LEG CONSULTANTS	EXPENSE	50600	81200
OLD ELEMENTARY SCHOOL GYM	EXPENSE	5000	33000
PARKS & RECREATION EXPENSE	EXPENSE	12375	36161
TRANSFER TO TROLLEY FUND	EXPENSE	23200	36000
SRTS PROGRAM PROJECTS	EXPENSE	0	205840
<u>MAIN STREET FUND 20</u>			
TEA-21 GRANT MAIN ST	REVENUE	197558	476558
MAIN STREET PROJECT	EXPENSE	231652	510652
<u>TROLLEY FUND 70</u>			
TROLLEY GRANTS	REVENUE	45200	352400
TRANSFER FROM GENERAL FUND	REVENUE	23200	36000
TROLLEY PURCHASE	EXPENSE	0	320000

13. Public Works Committee Report of January 4, 2012

Mayor Tarr presented Council with the Public Works Committee meeting report; at which time there were no comments.

14. Recreation & Community Enhancement Committee Report of January 10, 2012

Councilman Jester reviewed the work program of the Island Activity Center and discussed the draft rules and guidelines. He also reviewed the possibility of adding a member of the Garden Club to the Recreation & Community Enhancement Committee. He reported that there were two action items Council wanted to discuss, one being the Committee Appointments and the other being Rules and Guidelines of the Island Activity Center.

Councilman Jester motioned, seconded by Councilman Muth to add an additional member to the Recreation and Community Enhancement Committee. Motion Carried.

Ayes: Jester, Muth, T. Howard

Nays: J. Howard, Richardson

Absent: Conklin

Councilman T. Howard motioned, seconded by Councilman Jester to adopt two year term limits for the Recreation and Community Enhancement Committee. Motion Carried.

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

Nays: None

Absent: Conklin

Town Manager Ritter will review the two year terms with the Committee. This matter will be brought back to Council at the next regular meeting in March. The rules and guidelines were also discussed.

Vice Mayor Richardson requested something official allowing the Coast Guard to use the Island Activity Center three times per week in the mornings to show the Town's appreciation for the hard work that they put into helping renovate the Island Activity Center.

The rules and guidelines were discussed in great length with the major issue of whether to allow citizens to reserve to Island Activity Center for the purpose of running a business.

Town Manager Ritter advised that it would be a service to the Committee if self-defense was taught at the facility. He also mentioned that currently staff would like to keep the rules and guidelines fluent and should an issue arise that needs to be addressed changes can be made. This is currently the best way to run the facility, since we have never been in the business of having a gym.

Council agreed to allow staff to make the necessary changes, should an issue arise by calling them Rules and Guidelines.

15. Ordinance Committee Report of January 12, 2012

Councilman T. Howard gave Council a report of the recent Ordinance Committee meeting. He stated that the Committee reviewed the Town Charter and did not see anything that was significant to report back to Council. He advised that his original intent to review the Charter was to review what is declared a regular council meeting. He also stated that he does not feel that the Town should call two regular Council meetings per month unless the Ordinance is changed. He advised that the next Ordinance Committee meeting will be February 21, 2012, at 5:00 p.m.

16. Possible approval of a Bid on the Demolition of Unsafe Structures on a Property

Town Manager Ritter reported that on January 9, 2011 and January 16, 2011, staff advertised the notice for bids for the demolition of an unsafe structure belonging to James Berry on Mumford Street. He stated that on January 31, 2012, the Town received two.

The bids are as follows:

- | | | |
|----|---------------------------------|------------|
| 1. | Allen Clark Construction | \$3,995.00 |
| 2. | Adams General Contractors, Inc. | \$7,800.00 |

After reviewing the bids, staff made the recommendation to Council to accept the low bid of \$3,995.00 from Allen Clark Construction.

Councilman Muth motioned, seconded by Councilman Jester to approve the award to the lowest responsive bidder, Allen Clark Construction, for \$3,995.00 to complete the demolition of the dwelling and the garage of James Berry, located at 6306 Mumford Street. Motion carried.

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

Nays: None

Abstain: J. Howard

Absent Conklin

17. Mayor's Ball Donation

Mayor Tarr asked Vice Mayor Richardson to preside over the meeting so that he could excuse himself to make a donation to the Town from the Mayors Ball.

Mayor Tarr presented the Town with a donation in the amount of \$22,000 that was raised from the Mayor's Ball for the purpose of Beach Access and Replenishment. He requested that the money go into a fund for the Beach Access Committee to advise Council of the proper use of the funds.

18. Mayor & Council Announcements or Comments

There were no comments from Council

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

▪ Personnel Matters

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

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Jester to reconvene in regular session. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Muth to adopt a resolution of certification of the closed meeting. Motion carried.

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

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

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

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

VOTE: Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

Adjourn

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

Ayes- Jester, T. Howard, J. Howard, Richardson, Muth

Nays- None

Absent- Conklin

Mayor

Town Manager

MINUTES OF THE FEBRUARY 28, 2012 CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

Nancy B. Conklin, Councilwoman

John N. Jester, Jr., Councilman

Council Members Absent:

John H. Howard, Councilman

Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

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

Nays: None

Absent: J. Howard

1. Discuss the Department of Recreation and Conservation, Land and Water Conservation Fund (LWCF) Grant for the Downtown Newly Purchased Property.

- **Possible determination of the design for the area.**
- **Possible motion to fund Land Studio Professional Corporation to design the Park area for the purpose of writing the grant.**

Mrs. Kat Edwards explained that the grant deadline of March 15th is the reason for the short notice of the Special Council meeting. She also explained that funding is available through Land and Water Conservation fund and the Town has used this fund before in the Robert N. Reed Downtown Waterfront Park along with the Veteran's Memorial Park. She advised that the sub-consultant, Land Studios, for the Streetscape Project met on the new lot last week and gave some possibilities.

Mayor Tarr stated that Council needs to decide whether they want to pursue this project and grant. He advised this is a 50/50 match and the maximum award is \$100,000, which means the maximum match could be \$100,000 minus any in-kind services that the Town provides. He also added that the Land Studios Services could come out of this fund also.

Mrs. Edwards added that this is a three-year reimbursement grant. She advised that the Town would have to budget the funds and could be done over the next three years. She also stated that construction will not take three years but they will have three years to complete the project. She explained options such as engineering in the first year but will have three years to use the money.

There was discussion about Bridge Street and the potential project.

Town Manager Ritter showed Council pictures.

Mayor Tarr stated that first, Council needs to decide if they want to move forward with the grant and second, there will be a meeting Thursday with Land Studio to review and gather ideas.

Councilman Jester feels they should pursue the project as it is an asset to the community.

Councilman T. Howard feels they should go forward with the investment that's already been made.

Councilman Jester motioned, seconded by Councilwoman Conklin to move forward with the DCR Grant. Motion Carried.

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

Nays: None

Absent: J. Howard

Mrs. Edwards asked if Council wanted her to come back March 5th with a blank resolution to move forward.

Mayor Tarr asked staff to review the resolution.

Mrs. Edwards explained that in Exhibit 1 the consultant explained that this is based on function and 2a is based on function plus form. She explained the plan to Bridge Street and utilizing the Kiwanis parking lot.

Mayor Tarr stated that he is a little confused after leaving the site because the parking lot has been included in all the drawings.

Town Manager Ritter stated that in Exhibit 2a it shows the potential for 7 cars within the radius along with a fire truck.

There was discussion about the parking lot, parking along Bridge Street and a kiosk.

Mr. Ron Halbert, with the Chincoteague Kiwanis stated that the Medical Center does not like the plan of ingress and egress to their parking lot. He stated that when there are events this parking lot and the Medical Center's parking lot are filled. He doesn't feel this is a good solution for the Medical Center. He discussed the landscaping, but reiterated the discord of using the parking lot for ingress and egress.

There was further discussion as to the placement of the kiosk and the turn radius along with parking placement.

Mayor Tarr announced the meeting Thursday to review the designs.

Council continued to review and discuss the designs with creative ideas and possible changes.

Mrs. Edwards further added that the funds are for Park development and if Council wanted to broaden the project area into the existing Park it is allowed.

Councilman T. Howard asked about parking on Bridge Street.

Mayor Tarr and Mrs. Edwards explained Exhibit 1 and the parking plans.

Council discussed possible changes to Exhibit 1.

Mrs. Edwards reviewed the list of requested changes: 2-way traffic on Bridge Street, the Bridge Street entrance to the Kiwanis parking lot will be proposed to close off, run a sidewalk on the Kiwanis side all the way out to the pier, the bridge arm, cab and kiosk down toward the end, add something to close off the area, replace the Jersey barriers with the dropdown gate, leaving the Sundial Books area for emergency access and sidewalk to the parking lot, parking spaces on Bridge Street and parking spaces part way into the lot, add some grills and not necessarily a covered area and possibly another small covered area.

Town Planner Neville stated that he feels this was a very good discussion to make good use of Bridge Street. He would like to see a shared use with the Kiwanis lot.

Town Manager Ritter suggested a 1:30 p.m. meeting on Thursday to discuss the project ideas.

Mrs. Edwards asked if she should invite the stakeholders to the next meeting.

Mayor Tarr advised she should.

Adjourn

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to recess the Special Council meeting until Thursday, March 1st, 2012 at 1:30 p.m. Motion carried.

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

Nays: None

Absent: J. Howard

Mayor

Town Manager

**MINUTES OF THE MARCH 1, 2012
CHINCOTEAGUE RECESSED TOWN COUNCIL MEETING**

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order at 1:30 p.m.

RECONVENE

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to reconvene.
Unanimously approved

Mayor Tarr stated that the invocation and Pledge of Allegiance has been dispensed as this is a recessed meeting and these agenda items have been done on February 28, 2012.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda.
Unanimously approved.

- 1. Discuss the Department of Recreation and conservation, Land and Water Conservation Fund (LWCF) Grant for the Downtown Newly Purchased Property**
 - **Possible determination of the design.**
 - **Possible motion to fund Land Studio Professional Corporation to design the Park area for the purpose of writing the grant.**
 - **Land and Water Conservation Fund Authority Resolution.**

Mrs. Edwards briefly explained the grant. She introduced Mr. Bill Spivey with Land Studio. She would like to get input from Council and the Stakeholders.

Mayor Tarr greeted Mr. Spivey and invited him to review the outcome of Tuesday's meeting with Council.

Mr. Spivey explained the proposed plans for the Bridge Street property that the Town recently acquired. He discussed the grade and suggestions. He invited feedback for the true intention of this property and what this property would serve.

Mayor Tarr opened the floor to the public for comments.

Town Manager Ritter discussed the slope and what would be most cost effective.

There was discussion and Mr. Spivey made suggestions and further explained the plans. Mr. Spivey also explained the importance of the project and deciding what the real needs are. He asked if they were catering to the community, transient or tourism standpoint.

Discussion continued regarding streetscape from the new bridge to Bridge Street and parking.

Mr. Spivey feels Council should step back and decide what the priorities are.

There was discussion about the adjoining properties and property owners along with parking, handicapped accessibility and emergency vehicle access.

Mr. Spivey mentioned the utilities and the substation entrance.

Council asked if once the grant was in place would there be a problem to make a change.

Mr. Spivey advised it was possible as long as the intent wasn't changed and it was a minor change.

Mrs. Edwards interjected that some modifications can be made with their approval.

Mr. Richard Vesley expressed his concern as a stakeholder regarding the use of the Island Theatre and the concept, balancing the community needs for additional parking which he feels is very necessary. He suggested reducing the pedestrian aspect as opposed to parking. He pointed out the additional property adjacent to the Town's property not owned by the Town. He also addressed emergency vehicular access.

There was lengthy discussion about easements, right-of-ways, the Kiwanis' parking lot, emergency and service access.

Mayor Tarr feels that the project should be designed based on Town owned property. He asked if agreed that the Kiwanis parking lot entrance on Bridge Street should be closed.

There was discussion about the streetscape project and the possibility of utilizing the TEA-21 Grant for the streetscape. There were questions about the parking spaces and the reason for adding infrastructure.

Councilman T. Howard feels it's more acceptable to the community to use Bridge Street for parking.

Mr. Spivey asked how many parking spaces Council would agree to and what they want in the corridor. He continued to explain the alternatives including points of access and the possibility of eliminating some parking.

There was further lengthy discussion and Council concurred to keep the improvements on the Bridge Street property only.

Mayor Tarr stated and Council agreed they would like to see 8 parking spaces on the Town owned property on Bridge Street. He strongly reiterated that the improvements can only be on the Town's property.

Mr. Spivey advised he will make the revisions.

Mrs. Edwards asked if Council also agrees to a small covered area and a grilling area near the northern property line along with open space.

Mayor Tarr asked to move on to the next part on the agenda which is to approve the funding.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to fund Land Studio Professional Corporation to design the Park are for the Purpose of writing the grant not to exceed the amount of \$5,600. Unanimously approved.

Vice Mayor Richardson and Councilman J. Howard left the meeting at this time for prior commitments.

Mrs. Edwards explained the resolution needed to move forward with the grant application.

Councilman Jester motioned, seconded by Councilman Muth to adopt the Land and Water Conservation fund Authorizing Resolution. Motion carried.

Ayes: Jester, Muth, Conklin, T. Howard

Nays: None

Absent: Richardson, J. Howard

LAND AND WATER CONSERVATION FUND AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the Land & Water Conservation Fund, federal funding assistance is requested to aid in financing the cost of land acquisition and or facility development; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to complete the land development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;

2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Robert N. Reed downtown waterfront park within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation are in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that no non-recreational uses may be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;
9. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held March 1, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager

Mayor Tarr thanked Town Planner Neville and Mrs. Edwards for their time and hard work.

Mrs. Edwards advised she would be attending Monday night's meeting for public comments as part of the process as stated in the resolution. She continued to review some of the positive ideas in the draft.

Adjourn

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adjourn.
Unanimously approved.

Mayor

Town Manager

**MINUTES OF THE MARCH 5, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:07 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

PERSENTATION

Mayor Tarr presented Mr. Fred Gers with a Certificate of Special Recognition.



***Certificate
of Special Recognition***
presented to

Mr. Fred Gers

Whereas, congratulations and citations are in order for Mr. Fred Gers for heroically saving the life of a victim floating face down in Assateague Channel in August 2011; and

Whereas, a life was saved because of the skillful and caring response by Mr. Gers as the victim had fallen off another boat and was seconds from drowning; and

Whereas, this courageous action in averting what could have been a tragic loss to family, friends, and community was a act of heroism which deserves special recognition by the Town Council of the Town of Chincoteague;

Now, Therefore, I, John H. Tarr, Mayor, the Members of the Town Council and the citizens of Chincoteague, hereby extend to Mr. Fred Gers our sincere appreciation for his heroic action.

Dated this 5th day of March 2012.

John H. Tarr, Mayor

Mr. Tommy Daisey thanked the Town for recognizing Mr. Gers and stated that he is very fortunate to have Mr. Gers sailing for him. He also expressed his appreciation to Mayor Tarr and Supervisor Thornton for going to Washington to defend the property owners of Chincoteague.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Mrs. Kelly Jewett advised that she is part of the local group called Animal Rescue. She stated that they try to help relocate stray cats and occasionally dogs. She reported that they have had over 1,200 stray cats spayed or neutered and they just can't keep up. She then introduced Dr. Jeffery Newman with the Caring Hands Animal Hospital from Fairfax County.

Dr. Jeff Newman stated he is a co-owner of 4 hospitals in Northern Virginia. He explained that they as a group went to Tangier in May and September to trap, spay and neuter approximately 400 cats. He advised that he came to the Island and counted cats in a specific area and in one day counted 36 cats. He stated that this is their community service through the hospitals. He asked Council if they would allow them to come to Chincoteague for 4 or 5 days for this purpose. They would like to come Saturday, May 5th through Monday, May 8th to capture stray cats and have them spayed or neutered returning them back to the area they were captured. He gave Council brochures. He also advised Council that these cats carry diseases and feels this would be better for the environment.

Mayor Tarr stated that this sounds like a complete program for our community.

Dr. Newman stated that he will organize further and contact the Town in a couple of weeks.

Councilman T. Howard asked how many people he would be bringing.

Dr. Newman advised it was approximately 25. He also stated that they would also vaccinate the cats for rabies.

Mayor Tarr stated that this is a great service.

- Mr. Ray Rosenberger came before Council regarding the zoning issue. He stated that the Planning Commission started this process in April of 2010 and gave their recommendation to Council in September 2011. He advised that since this time there was a public hearing and they received 52 written recommendations from citizens receiving more comments after the meeting. He reviewed the packet with the zoning recommendations. He feels that spending a little more time reviewing the recommended changes is important and suggested postponing this matter until the workshop in the 15th.

- Mr. Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, stated that the property that the Fire Company just purchased is zoned R3. They feel and request that this property should be zoned as the downtown property of C2.

- Mrs. Wanda Thornton also approached Council regarding the zoning issue. She advised that she has serious issues with the innuendos in the document. She explained that they purchased 13 ½ acres of property in 1988 because it adjoined their property. She stated that at that time they couldn't put a campground there if they wanted to expand. She also stated that the parcel was originally going to be part of Misty Meadows Mobile Home Park. They later purchased the mobile home lot that joined that property, which is also a part of Misty Meadows. Although they have no intentions to expand they do not want that right taken away from them. They feel their property should have been zoned the same as the other 4 campgrounds. She added that the only other campground that has been in business longer than they have is Tom's Cove.

Mrs. Thornton asked what this parcel of land would realistically be used for. She stated that she has received misinformation that was handed out by Mrs. Flanigan and followers. She advised that Council changed this parcel last time to suit Mrs. Flanigan and she still isn't satisfied. Mrs. Thornton stated that she didn't complain at that time but she's complaining now. She also feels Mrs. Flanigan's ideas are too farfetched for anyone to look at them. She feels that if Mrs. Flanigan would do a cost analysis looking at the current laws that she would have a reasonable idea of what it would cost to do what she is suggesting. She advised that it cost \$3 per square foot to fill wetlands, which is \$44,000 per acre not including the fill. She stated that most of the land north of Mrs. Flanigan's property is considered wetlands.

Mrs. Thornton advised that if they were ever to expand the campground they would not enter through Misty Meadows as assumed. They would continue to enter through Deep Hole where the office is. She also stated that no one in their campground can attach a structure and must be

ready to move as stated in their contracts. They do not sell their camper lots and they have never had any complaints. She advised that they have strong rules. She presented a list of questions to Mayor Tarr to be given to the Building and Zoning Administrator for response. She reviewed document.

Mrs. Thornton stated that a decision has to be made on what is right. She added that it doesn't have to suit her or suit Mrs. Flanigan it has to be based on what is right.

- Ms. Deborah Ullman, a Main Street resident, approached Council regarding zoning. She stated that she received a copy of the new zoning maps from Town Planner Neville. She mentioned the Redman's Cemetery behind her residence, which is zoned Commercial and doesn't feel this is a proper zoning classification. She is unsure if all the cemeteries are classified as Commercial and feels it's not kosher. . She then stated that her property is zoned Commercial, however, the 8 properties north of her are being changed from Residential to Commercial. She doesn't feel this is appropriate doesn't understand why they are expanding the Commercial District toward the high school. She stated that one of the problems the Town faces is getting permanent residents. She asked Council to preserve the residential character around the high school. Ms. Ullman suggested changing those commercially zoned on north of her property along Main Street to Residential.

STAFF UPDATE

Police Department

Major Mills advised that the monthly Police Report has been included in the packet. He reminded them that Thursday, May 8th at 11:00 a.m. is the annual Senior Luncheon at Maria's.

Public Works Department

Public Works Director Spurlock also advised that the monthly Public Works Report has been included in the packet. He reported that the Chincoteague Cultural Alliance has presented him with some beautiful artwork for the new Street Banners Program for Maddox Boulevard. He invited Council to come review the artwork.

Planning Department

Town Planner Neville reported that they have the details and activity of the zoning map before them. He stated that the Beach Access Committee was very busy last month and the Planning Commission took a break in February but will resume March 13th at 7:00 p.m. They will have a number of items to discuss along with the Wastewater Advisory activity. He also stated that on March 13th there will be a meeting regarding the regional plan for the rocket launches.

General Government

Town Manager Ritter reported on the Downtown Rehabilitation Project which will begin next week. He advised they have advertised for the position of the Director of Transportation. He stated they have received 6 applications to date. They are still working on the DCR Grant application. The Eastern Shore Broadband Authority has connected to the fire station. They have put a 1/4 page ad in the Eastern Shore News regarding the fire tax issue. He reported that

they went to Richmond about the 550 Senate Bill which will affect the seaside management plan, and later decided not to change. He stated that he attended the VLGMA. Town Manager Ritter also stated that he has been working on the budget and will present it to Council April 2nd.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the revised agenda. Motion Carried.

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

Nays: None

Absent: J. Howard

1. Consider Adoption of the Minutes

- **Council workshop meeting of January 31, 2012**
- **Regular Council Meeting of February 6, 2012**
- **Special Council Meeting of February 28, 2012**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to approve the minutes as presented. Motion Carried.

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

Nays: None

Absent: J. Howard

2. Wastewater Advisory Committee Update

Vice Chairman Mike Tolbert reported that they met March 1st, 2012. He advised that there were a few members from the DEQ Regional Office in attendance. They explained the regulations, permitting process and discussed methods of disposal with the Committee. The Committee is still in the process of reviewing the information. They will conduct a survey by phone and in person the businesses along Main Street and Maddox Boulevard. He also stated that they met with Mr. Burbage with Sunset Bay along with his sewer plant operator. Vice Chairman Tolbert advised Council that they have quite a bit of extra capacity in the Sunset Bay sewer plant. The Committee has been looking into using that extra capacity by determining interest of the businesses along Main Street that would like to be considered.

Vice Chairman Tolbert stated that the service area is very narrowly defined within the property of Sunset Bay, just south of the American Legion. He stated in order to allow the expansion of the service area to the downtown businesses Council would need to write a letter. He explained the area to be considered for expansion.

There was brief discussion.

Mayor Tarr stated that if Council decides to move forward the DEQ doesn't have any problems. He also stated to do this the Town would have to submit a letter.

Councilwoman Conklin motioned, seconded by Councilman Muth to write a letter supporting the expansion of the service area. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester
Nays: None
Absent: J. Howard

3. Chincoteague Cultural Alliance Presentation and Grant Request

Mr. Robert Behr came before Council regarding the yearly Local Government Challenge Grant Request. He stated that this is for the Virginia Commission for the Arts opportunity. He also reminded that this grant is a dollar for dollar match up to \$5,000, so with the Town's match would total up to \$10,000. He advised that the application deadline is April 2nd and they would receive the funds with the agreement from the Town.

Mr. Behr reviewed the past events and upcoming events and stated they would like to continue the services. He advised that they are a volunteer organization and every penny goes toward creating the events. He requested that Council approve to make application for this grant once again.

Councilman T. Howard mentioned Mother Earth Day and the events.

There were questions and comments about some of the upcoming events.

Councilwoman Conklin motioned, and seconded by Councilman T. Howard to approve the funds for the grant and move forward with the grant application in support of the Chincoteague Cultural Alliance. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester
Nays: None
Absent: J. Howard

4. Beach Access Committee Update

Mayor Tarr reported that the Washington, DC trip was very successful. He thanked Mr. Scott Chesson, Supervisor Thornton along with Mr. and Mrs. John Jester for taking them. He stated that the afternoon session with Congressman Rigell and meeting with the Washington officials of the Wildlife Service was very successful. He stated that they called the Chief of the Wildlife Service from the northeast region to set up a meeting to discuss this issue. They have sent a document to Congressman Rigell's office with questions to be considered. He advised that Staff worked very hard prior to and afterwards to help get this together. He asked for a round of applause for all the hard work they did.

Councilwoman Conklin advised that those who watched online were very proud of those who spoke.

5. Discuss the Additional Comments from the Zoning Amendment

- **Possible Motion on Any Potential Changes to the Draft Zoning Amendment**
- **Possible Motion on the Draft Zoning Ordinance with Potential Changes Above**

Town Planner Neville reviewed the staff report summarizing the comments from February 6th. He advised that the public comment period was open for 25 days after the public hearing. He asked if Mayor Tarr felt he should close the public comment period.

Mayor Tarr officially closed the public hearing for the public comment period for the zoning amendments and changes.

Town Planner Neville stated that the additional 7 comments have been handed out this evening. He stated that it is important to look at the outstanding issues. Council had the Planning Commission's recommendations, which has been modified based on public comment. He stated that there are 4 outstanding issues to consider before adopting the entire packet. He listed 4 items are: 1. The zoning in the salt marsh areas surrounding the island. 2. R4 Resort Residential District permitted uses and there were alternative language. 3. The zoning district boundaries along North Main Street. 4. Several small requests and suggestions that generally don't fit within this comprehensive update process. Town Planner Neville stated that the main idea is identifying the 3 main issues and a few loose ones in the 4th topic. He stated that Council would have the opportunity to confirm which way they want to go.

He reviewed each comment:

Public Comment 1:

Town Planner Neville explained that there are 88 acres of marsh land currently zoned R-3 Residential and are reported under contract to the U.S. F&W Service. The proposed zoning Map was prepared to illustrate the C-4 Resort Commercial recommendation of the adopted 2010 Comprehensive Plan. He also stated that there are 20 acres of marsh land that's currently zoned C-1 Commercial. The proposed Zoning Map was prepared to illustrate the R-3 Mixed Use Residential recommendation of the adopted 2010 Comprehensive Plan.

The Planning Commission recommended forwarding this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing.

Staff recommended to maintain a consistent, 'comprehensive' approach that would propose to retain its existing R-3 residential zoning until or unless it is purchased by the U.S. F&W Service and to retain its existing C-1 commercial zoning while allowing the remainder of Marsh Island to be mapped as R-3 Mixed Use Residential based on its existing land use.

There was brief discussion.

Public Comment 2:

Town Planner Neville explained that there was concern for the possible expansion of commercial uses in the Resort Residential and Resort Commercial districts which was expressed by property owners in the north end of the Island. This led to a revised Zoning Map that reduced the size of

the proposed C-4 Resort Commercial district. He advised that one property owner of an existing campground has requested that adjacent property currently under the same ownership should be allowed to develop as an expansion of the campground use without having to obtain a special use permit.

The Planning Commission recommended that within the proposed R-4 district, new Campground and Camper/Travel Trailer Park uses will continue to be permitted by Special Exception/Special Use Permit approval. Existing Campground uses may be expanded as a permitted use on a contiguous parcel.

He advised that additional public comment has been presented with a concern for the potential traffic impact to a subdivision off of North Main Street.

Staff recommended that the potential development of 80 acres as any one of the permitted uses in the R-4 district will have implications for the surrounding neighbors and public infrastructure. Campgrounds are supported by the Comprehensive Plan land use policies. Staff supports both.

Mayor Tarr explained that when the Comprehensive Plan was developed they picked out the campground property as the most developable property. They were the largest pieces of property and what was proposed. All the property was zoned resort C4 Commercial. He stated that if they intended for them all to be the same they should be put back. He doesn't know why they included the subdivision. He stated to fix it they would just change the subdivision. He feels they are treating all the campgrounds the same which was the intent of the Comprehensive Plan.

Public Comment 3:

Town Planner Neville explained that one property owner has proposed the amendment of both existing and commercial zoning districts along Main Street north of the Island Motor Inn to a residential district. There were five written comments have been received, both for and against the zoning of existing 'Island Village Subdivision' lots to the R-2 zoning.

The Planning Commission recommended maintaining the R-2 zoning along the Main Street frontage to a depth of approximately 125 feet and map the remainder of the 'Island Village' property to the R-4 district.

Staff supports accepting the proposed Zoning Map amendment or modifying the proposed zoning of the island Village subdivision so that all lots are included in the R-4 Resort Residential district.

Mayor Tarr stated that he would like to see cemeteries spelled out. He advised that they are currently drafting a map of all the cemeteries on the Island along with ownership.

Councilman T. Howard commented on the cemetery issue also. He asked what difference it would make.

Town Planner Neville stated that in a commercial district it would assume a profession and wouldn't be a good designation. However, each district should show cemeteries as a forbidden use. He doesn't feel it is a huge issue and can be readdressed in the future.

Public Comment 4:

Town Planner Neville stated that individual landowner requests and suggestions for changes to the proposed Zoning Map and Zoning Districts have been evaluated on whether they meet the intent of the comprehensive zoning amendment. Lot specific proposals were not generally encouraged at this time unless there was an error, or if the proposed change could improve on the implementation of the Comprehensive Plan. He stated there were several individual requests which are parcel specific.

The Planning Commission recommended that these issues were generally not considered by the Planning commission because they were parcel specific or because they have been submitted recently as a result of the Town Council public hearing.

Staff recommended maintaining a consistent, 'comprehensive' approach that implements the Comprehensive Plan and adopts the Zoning map as presented in the public hearing. There were two that could be accomplished as a 'correction' to the Zoning Map prior to adoption. Town Planner Neville asked if they wanted to discuss the individual requests or wait until the Workshop. He asked if they wanted to create the grandfathered clause.

Town Attorney Poulson referring to a nonconforming use stated that the state code states if it is abandoned for 2 years and the Town Code states abandoned for 5 years then the nonconforming use can no longer be allowed.

Town Planner Neville stated that these are the main topics and Council can confirm the Planning Commission's recommendations or the changes can be made.

Mayor Tarr stated that if Council has any comments or questions to see Town Planner Neville and this will be discussed further at the Workshop.

6. Public Safety Committee Report of February 7, 2012

Mayor Tarr advised that the report was included in the agenda and asked if there were any comments. There were none.

7. Recreation and Community Enhancement Appointments

Town Manager Ritter advised that at the last Council meeting, Council approved to add a 5th member to the Recreation and Community Enhancement Committee. They also approved a staggered 2 year term for this Committee. He contacted the Committee members asking if they were still interested in serving and on a 2-year term. He advised that Mr. VanDame, Mr. Conklin and Mr. Taylor expressed their interest to continue to serve on the Committee. However, Ms. Plant advised she was unable to continue to serve. He also added that Council also agreed that a member of the Garden Club should be added a member.

Town Manager Ritter advised that the Garden Club decided that Ms. Nancy Lane should be their representative. Council will have to vote on this member. He advised that Council will have to 1st motion to approve the staggered 2-year terms and 2nd Council will have to nominate Ms. Nancy Lane as the Garden Club's representative and 3rd Council would have to decide if they want to fill Mrs. Plant's vacant seat.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the staggered 2-year terms of Mr. VanDame, Mr. Conklin and Mr. Taylor as stated. Motion Carried.

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

Nays: None

Absent: J. Howard

Mayor Tarr opened the floor for nominations to fill the 4th seat on the Recreation and Community Enhancement Committee.

Councilman T. Howard nominated Ms. Nancy Lane as the Garden Club's representative on the Committee.

There were no further nominations and Mayor Tarr closed the floor for nominations.

All of Council present approved the nomination of Ms. Nancy Lane as a member of the Committee.

Staff was directed to advertise for the fifth position opening on the Committee.

8. Mayor & Council Announcements or Comments

Public Works Director Spurlock reminded Council of the Public Works Committee meeting Tuesday, March 6th at 5:00 p.m.

Mayor Tarr also reminded Council of the Board of Supervisors' meeting Wednesday, March 7th at 6:00 p.m. in the Board Chambers. He added that the Fire Tax will be discussed and expressed the importance of attendance.

Adjourn

Vice Mayor Richardson made a motion, seconded by Councilwoman Conklin to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MARCH 15, 2012
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the agenda adding Public Comment to item #3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues and under Item #5. Closed Session adding Possible Litigation Concerning the Fire Tax. Unanimously approved.

1. Town Decorative Banner Project - Update

Public Works Director Spurlock updated Council on the Banner Project. He stated that with much needed input he was prepared to present the artwork for the 20 banners which could cost approximately \$85 each. He stated that there are several thoughts for the bottom verbiage on the banners. He asked Council their preference. He added that every picture selected will be on a banner.

Councilman Jester stated he would like to see the word “Ponies” on the bottom of a couple of the banners.

Councilman T. Howard feels that there should be one banner reflecting the Beebe Family.

There was further discussion about the verbiage at the bottom of the banners.

Mayor Tarr advised to contact Public Works Director Spurlock with further comments or suggestions within the next couple of days.

2. 911 Dispatch Equipment Update

Chief Lewis reported that they were contacted by Verizon regarding an upgrade. He advised that the upgrade would cost \$80,000. He also stated that if they do not have the upgrade, Verizon will not give the Town a maintenance agreement. He added that with the \$80,000 the first year's maintenance is free and each year after that will cost \$15,000.

Mayor Tarr asked how much the Town was currently paying in maintenance and was advised \$14,000.

There was further discussion and comments.

Town Manager Ritter advised that there is a USDA Grant for this type of expense up to 75% of the \$80,000 cost. He asked Council to review this further and decide if they want the upgrade.

Chief Lewis advised he is waiting for the price and this was just an estimate.

Councilman J. Howard asked Chief Lewis what the shortfalls would be if the Town fell under Accomack's 911 Service.

Chief Lewis advised he doesn't see any shortfalls.

Councilman J. Howard feels they will have to make some cuts.

Chief Lewis believes they would lose 5 part-time dispatchers.

Mayor Tarr added that they would lose the cost for police dispatch.

Town Manager Ritter advised that they will review this matter further in the budget hearings.

There was further discussion and comments and Town Manager Ritter advised there is approximately \$25,000 in the LGIP for 911 dispatch.

Councilman Jester advised that our dispatchers are doing more than the County's dispatchers.

Mayor Tarr asked staff to run the numbers with and without 911 before the budget.

3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues

• Public Comment

Town Planner Neville reported that the Planning Commission wanted to give Council a clear recommendation on each of the issues. He reviewed the issues one at a time.

Issue:

1. Commercial zoning of salt marsh areas.
 - A. Adjacent to Maddox Campground

Recommendation: No change – Maintain a consistent approach in both locations to implement the Comprehensive Plan land use or to retain the existing zoning consideration of public comment provided.

B. South end of Marsh Island

Recommendation: No change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

He explained the similarities and why the Commission decided no change. He feels that being consistent is the best way to go.

Mayor Tarr asked for clarification.

Town Planner Neville advised that the Commission felt they should stay with the original recommendation and maintaining the Residential District on Marsh Island in its entirety.

There was discussion regarding the boat slips and maintaining the current use.

Councilman T. Howard expressed his concern about changing from commercial to residential because of the restrictions on each use.

Planning Commission Chairman Rosenberger explained the only comments the Commission heard were from the residents of Marsh Island. He stated that Mr. Tull didn't comment until February 28th, during the public comment period.

Councilman T. Howard feels that people should be able to continue the current use of their property. He doesn't feel that the Town should take away an allowed use.

There was further discussion.

Chairman Rosenberger stated that all of the residents of Marsh Island that responded were unanimously requesting that Marsh Island be zoned R-3. He added that it seemed consistent with the Comprehensive Plan.

Town Planner Neville interjected that they spoke about safety and parking issues referring to Commercial Use. He stated that there was concern that there isn't enough land for parking on the commercial property and the commercial parking would be on their drain fields and in the roadway.

Council discussed the potential parking issues if this remained commercial.

Councilwoman Conklin asked about access to the commercial property of marshland.

Town Planner Neville asked if the change in zoning would change the land value.

Mayor Tarr advised it would be the same. He stated that the intent is to get the issues off the table. He asked for public input on issue #1.

- Mr. Eddie Tull addressed his 28 acres on the south side of Marsh Island. He advised he has had offers for this property and there are things that can be done. He addressed the land value. He informed Council he owns from the old drawbridge to Black Narrows Bridge, which is exactly 400 feet. He is currently having it surveyed. He also stated that his lawyer advised him that the law says you can't fill it but it doesn't say you can't build on it. He has owned it since 1969 and has always been commercial. He showed a picture of the property and requested that his property remain the same.

- Ms. Laurie Walton stated that she has owned a property on Marsh Island for approximately 9 years and is in favor of zoning it residential. She stated that in regards to Mr. Tull's property, the two billboards are in disrepair. She asked if more billboards could be put if it remains commercial. She mentioned sewerage and septic issues regarding the commercial use on marshland. She stated that the remains from the boat that burnt are still there after many years. She mentioned the potential traffic hazard also.

Town Planner Neville reviewed item 1 (A) and the recommendation from the Planning Commission.

There was discussion.

Council agreed to leave marshland zoning to Maddox Campground as it was advertised, as C-4 Resort Commercial as advertised in the Town Council public hearing.

Mayor Tarr asked to review item 1 (B).

There was discussion and comments.

Councilman T. Howard feels the southern side of Marsh Island should remain the same.

Councilman J. Howard concurs.

Councilman Muth disagrees as the Marsh Island area and use has changed with the new bridge. He explained that Mr. Tull's rights were not taken away and the value has been maintained.

Mayor Tarr asked the pleasure of Council.

Councilman T. Howard motioned, seconded by Councilman J. Howard to go with the alternative of leaving the southern side of Marsh Island as C-1 Commercial, changing the rest of Marsh Island to R-3 Mixed Use Residential. Motion carried.

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

Nays: Muth

Issue:

2. Campground use expansion in the R-4 Resort Residential District

Recommendation: Revise proposed Sec. 3.10.25 – Adopt the proposed zoning map as advertised at the Town Council public hearing and modify the proposed R-4 District Regulations in response to public comment as follows:

Sec. 3.10.25 – Campgrounds, camper/travel trailer parks.

Expansion area for campground or camper/travel trailer parks may be permitted if adjacent to an existing campground or camper/trailer park at the time of the adoption of this ordinance.

Town Planner Neville explained that the R-4 District only allows Campgrounds by special use permits to expand. The Commission feels that language should be added to the R-4 district regarding expansion. He stated they were trying to stop the domino effect.

There was discussion and further explanation that if someone owns a campground and adjacent property, that the adjacent property could be converted by right to expand the campground. The way it is currently written it's allowed by a special use permit. Council also discussed the choices.

Town Planner Neville also explained Mr. Whitlock's property and zoning.

Mayor Tarr opened the discussion to the public.

Mr. Whitlock approached Council stating that he has to have all the property in the same zone. He stated that he has had an existing subdivision and this is a realistic assessment of what it could be.

Mrs. Wanda Thornton asked about the effects on the adjoining property. She advised that during the Comprehensive Plan, it showed all of her adjoining property as part of the campground. She stated that this doesn't affect Mr. Whitlock as his subdivision is not for camper lots. She advised she has researched this in Accomack. She stated that this means that he can build houses. She also stated this won't solve the problem.

Councilman T. Howard asked what would preclude someone from vacating the property line to utilize that parcel as a campground.

Mrs. Thornton stated that by making her property C-4 Resort Commercial would include the same land that Redman & Johnson recommended in the Comprehensive Plan. She asked why Pine Grove is treated different than any of the other campgrounds. She requested that her property be zone just as the Comprehensive Plan states, which is the same as the other campgrounds on the island.

Mrs. Flaningam stated that by keeping the area in question residential it will allow for many commercial uses. She stated that people are concerned of their property value regarding commercial development. She suggested finding another way to accommodate.

Mayor Tarr reminded Council that when family of the Maddox Campground came regarding the zoning of all their properties as C-4 as in all other campgrounds and one of their parcels wasn't adjacent either. Mayor Tarr then advised that he is comparing campgrounds and the allowances.

There was discussion of the verbiage of the alternative option and keeping that area of Main Street in the R-2 district for a buffer.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Comprehensive Plan recommendation, except for the properties which front on Main Street which will be zoned R-2. Unanimously approved.

Issue:

3. North Main Street zoning district boundaries

A. R-2 Residential zoning

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated that this is what was just decided continuing the Residential along Main Street.

Council agreed not to change what was advertised.

B. C-3 Commercial zoning proposed by Town Plan

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained that this item was referring to the recommendation from the Comprehensive Plan that an additional 6 or 7 properties from the back side of Redman's Cemetery from Taylor Street north toward Main Street be included in the C-3 district.

There was brief discussion.

Council decided not to change what was advertised.

C. C-3 Commercial to R-2 zoning

Recommendation: No change - Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the request to possibly change the existing commercial zoning on the east side of Main Street almost to the high school to Residential. He advised that the Planning Commission did not want to change those as this is a traditional value use.

Council decided not to change what was advertised.

Issue:

4. Landowner requests/suggestions

A. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special use permit approval.

Recommendation: No Change – Adopt the proposed R-3 Mixed use Residential zoning district as advertised at the Town Council public hearing

Town Planner Neville stated that the residents of Marsh Island would like to see the public piers and boat ramps still be permitted but under the special use permit category. He stated that the Planning Commission decided that by making this change would change other properties also.

Council decided not to change what was advertised.

B. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the island.

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing. Consider this suggestion as a possible update in the future after the Cemetery Committee has completed its mapping project.

Town Planner Neville stated that there was a request to change the zoning of all cemeteries. He advised that the Planning Commission decided not to address this issue at this point because of the remapping project.

Council discussed the matter further and decided not to change what was advertised at this time. They agreed to address it when the remapping project was completed.

C. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district.

Recommendation: Revise zoning map – Revise the proposed zoning map to include the existing fire house parcel in the C-2 Old Town Commercial zoning district.

Town Planner Neville stated that the property is currently zoned R-3 Residential. He stated that it works for the fire house today to be in a commercial district and the building is commercial. He stated that when they relocate, the property will be commercial.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to change the zoning of the fire house to “Old Town” Commercial. Unanimously approved.

- D. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in the commercial zoning district.
Recommendation: No Change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the past use of one business parcel on Ridge Road and stated that there was a suggestion that this parcel remain the same which is commercial. He advised that the lot across the street is C-1 Commercial. He stated that Council could review and issue a one-time special use permit.

Mayor Tarr asked why it wouldn't be grandfathered.

There was discussion about the current use.

Town Planner Neville advised that the Planning Commission recommended not changing what was advertised. It is currently zoned R-3 Residential.

Council decided not to change what was advertised.

- E. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District.
Recommendation: Revise Zoning Map – Include the suggested change as a correction to the zoning map prior to adoption by the Town Council.

Town Planner Neville explained the area south of Ocean Breeze. He advised that they remain the same is in the proposed zoning. He added that the area would be down-zoned. He suggested the zoning reflecting the current use. He stated that the Planning Commission recommended that the lots should be corrected and included in the R-4 Residential Resort district.

Town Manager Ritter stated that the lots were not 99 year leases, they were individually owned properties.

There was discussion about part of this camper/mobile home park being commercial and the other part was residential and making the correction. The property is currently C-1 Commercial.

Mr. Tull explained the subdivision and stated it is a campground.

Council agreed not to change what was advertised.

- F. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.
Recommendation: No change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated there are a few lots on the east end of Ocean Boulevard that are zoned Commercial. There was a suggestion to make all of Ocean Boulevard Residential. He stated that the Planning Commission recommended there be no change.

Council decided not to change what was advertised.

Town Planner Neville also reported that there was a question that had to do with the limits to the Town boundaries. He showed the map of the Town boundaries. He stated that there was an area owned by the National Park Service next to the Maryland line which was covered in the Resource Conservation District. He stated that he was required to send a letter and notice to all adjacent jurisdictions. There was a question as to why part of this area would be zoned in the Chincoteague boundaries. He also advised that the Town limits go to the edge of Assateague Island.

Mr. Donald Thornton asked about the islands on the Chincoteague Bay.

Town Planner Neville stated some of them are considered Resource Conservation and others Aquaculture. He advised Council that based on their direction he will make corrections to the Zoning Map. He needs to make sure the map is correct and the motions to approve have all the wording that satisfies the State Code and the Town Attorney before final approval.

There was brief discussion regarding the RT 175 right-of-way boundaries also.

Mayor Tarr thanked Town Planner Neville and the Planning Commission for their hard work.

4. Council Member Comments

There were none.

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

- **Personnel Matters**
- **Possible Litigation Concerning the Fire Tax**

Councilman T. Howard moved, seconded by Councilman Muth to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters and possible litigation concerning the fire tax. Unanimously approved.

Councilwoman Conklin moved, seconded by Councilman T. Howard to reconvene in regular session. Ayes- , T. Howard, J. Howard, Jester, Muth, Conklin Absent: Richardson

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

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

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

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

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

Councilman T. Howard motioned, seconded by Councilman Muth to approve a change in the Employee Handbook, Position & Classification Table minimum salary range for the Director of planning position from \$45,510.40/yr to \$50,000/yr and the approximate 9 percent shift be the increase in the Director of Planning's salary. Motion carried.

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

Nays:

Absent- Richardson

Adjourn

Councilman T. Howard motioned, seconded by Councilman Jester to adjourn. Unanimously approved with Councilwoman Richardson Absent.

Mayor

Town Manager

MINUTES OF THE APRIL 2, 2012 CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

John H. Howard, Councilman

Nancy B. Conklin, Councilwoman

John N. Jester, Jr., Councilman

Tripp Muth, Councilman

Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:05 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Ms. Deborah Ullmann, Main Street, expressed her concerns regarding the Wastewater Committee going into closed session to discuss the Sunset Bay sewage system. She feels this was not legal. She also expressed her concerns about the expansion of the wastewater service area and that no one from the Health Department has attended the Wastewater Advisory Committee meetings.
- Ms. Laurie Walton also approached Council regarding the Mother Earth Day and Paint up Fix up and Cleanup week. She mentioned that the hazardous waste will not be there this year. She informed Council of the Eastern Shore Household Hazardous Waste Collection scheduled for Saturday, April 28, 2012 from 10:00 a.m. to 2:00 p.m. in Eastville, Virginia.

STAFF UPDATE

Police Department

Chief Lewis issued the Police Department's monthly report to Council.

Public Works Department

Public Works Director Spurlock issued the Public Works' monthly report to Council.

Planning Department

Town Planner Neville added the Planning Department's monthly report to Council

General Government

Town Manager Ritter gave the General Government monthly report to Council and added that the Town has hired Mr. Alex Hubb for the next Director of Public Transportation. Mr. Hubb was in the audience and stood for the introductions. Town Manager Ritter also stated that staff will be mailing the Town Survey in May. He added that the next quarterly news letter will go out in May and asked Council for input to be submitted as soon as possible.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

9. Consider Adoption of the Minutes

- **Recessed Council Meeting of March 1, 2012**
- **Special Council Meeting of March 1, 2012**
- **Regular Council Meeting of March 5, 2012**
- **Council Workshop Meeting of March 15, 2012**

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

10. Presentation on the Chincoteague Island Arts Organization, Plans for the Island Theater

Mr. David Landsberger reported to Council that the Chincoteague Island Arts Organization plans to purchase the Island Theater to use as a non-profit Community Center. He advised that they want to continue to use it as a movie theater, as well as for performances and other events. They plan to have live performances and community meetings along with movies and special events.

Mr. Landsberger also stated that each member contributed \$5,000 to go toward the down payment of the property. They have received their non-profit status. He also added that the deed is being signed by approximately 12 people. They are hoping to have an opening day of May 12th.

Mr. Landsberger explained the list of repairs and expenses. They asked for volunteers. He also stated that there are volunteer contractors to do the work also. He explained plans for the renovations and advised they will operate with volunteers. He advised there is an approximate \$200,000 mortgage on top of the down payment plus repairs. He thanked those who have helped and volunteered already.

Mr. Landsberger asked for help from the Town. He stated that the first live concert is scheduled for June 16th. He asked the Town to repair the sidewalk between the theater building and the public restrooms so that the water doesn't run inside the theatre.

Vice Mayor Richardson thanked them for what they are doing.

Councilman T. Howard asked about the name of the theatre. He would like to see the name stay as the Island Theater.

Mr. Landsberger advised that they agreed to name it Island Theater.

11. Discuss a Possible Motion on the Draft Zoning Ordinance

Town Planner Neville presented the completed official Zoning Map that is ready for approval. He stated they followed a thorough and complete process to prepare the zoning amendment with public input. He handed out a couple of minor changes of page numbers and typographical

errors. He stated that he included a summary of the changes. He also referred to the Ordinance revisions.

Councilman T. Howard asked about the motion.

Councilman Jester thanked Town Planner Neville for his hard work.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the following Ordinance Amendment and Zoning Map with corrections as amended April 2, 2012 to Appendix A of the Town Code.

**AN ORDINANCE FOR ADDITIONS TO AND AMENDMENT OF APPENDIX A
(ZONING ORDINANCE), OF THE TOWN OF CHINCOTEAGUE CODE AND
COMPREHENSIVE AMENDMENT OF THE TOWN ZONING MAP**

WHEREAS, the Town of Chincoteague, Town Council has forwarded a comprehensive amendment of the Official Zoning Map and Zoning Districts, to the Planning commission to review and make recommendations to the town Council for changes that conform to recommended densities and policies of the Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010; and

WHEREAS, the Planning Commission has completed a thorough review which included the establishment of new zoning districts, and a comprehensive zoning map amendment; and

WHEREAS, The Planning Commission scheduled and conducted formal and duly advertised public hearings in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 5-1-1 (S. Papadopoulos absent, Chairman abstained) to forward a favorable recommendation to the Town Council to amend Appendix A of the Town Code (Zoning Ordinance) and the Official Town Zoning Map; and

WHEREAS this ordinance and zoning map amendment has been advertised for public hearing before the Town Council in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with the Code of Virginia, it is stated by the Town Council that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning practice in the Town of Chincoteague and that approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 2nd day of April, 2012, by the Town of Chincoteague Town Council, that Appendix A of the Town Code be amended to read as follows;

BE IT FURTHER RESOLVED this, the 2nd day of April, 2012 by the Town Council that the Town of Chincoteague official zoning map be amended to rezone all parcels as follows;

BE IT FURTHER RESOLVED, that the Town Manager be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

John H. Tarr, Mayor
This Ordinance is effective immediately.

<u>Council Members</u>	<u>Vote</u>
Ellen W. Richardson, Vice Mayor	Aye
John H. Howard, Councilman	Aye
Nancy B. Conklin, Councilwoman	Aye
John N. Jester, Jr., Councilman	Aye
Tripp Muth, Councilman	Aye
Terry Howard, Councilman	Aye

Unanimously approved.

12. Cemetery Committee Report of February 28, 2012

- **Possible Motion on a Proclamation Designating April 9-14 as Cemetery Cleanup Week.**

Vice Mayor Richardson informed Council that the Cemetery Committee met February 28th. She stated that Town Planner Neville is creating a booklet of all the cemeteries on Chincoteague, the size and ownership. She stated that they discussed which cemeteries are in need of immediate care. She advised that the Cemetery Cleanup Week is scheduled for April 9-14, 2012. She stated that they need donations for maintenance.

There was discussion with Town Planner Neville regarding the Cemetery Map he is creating which includes acreage, location and ownership.

Vice Mayor Richardson mentioned ideas for raising funds for cemetery maintenance.

Councilman T. Howard stated that it is expensive to maintain the cemeteries but feels it needs to be done out of respect.



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of April 9TH through 14TH, 2012, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 2nd day of April 2012.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation designating April 9-14, 2012 as Cemetery Cleanup Week. Unanimously approved.

13. Harbor Committee Report of March 1, 2012

Councilman J. Howard reported that Wallops Island is getting 62 acres of new property created by a contractor as part of the shoreline restoration project. This is creating a lot of work at the Harbor. He advised there was a shoal blocking the Harbor and they have also opened this up for boats. Extra lights have been installed for the camera system to improve safety and there are plans to install more.

14. Public Works Committee Report of March 6, 2012

- **Possible Motion on the Inclusion of the Storm Water Master Plan GIS Inventory**

Mayor Tarr reported that the Public Works Committee considered a modification to the service connection. They also looked at a proposal from Clark Nexsen regarding the GIS drainage system inventory.

Public Works Director Spurlock explained that they received a proposal from Clark Nexsen that was reviewed and approved by the Public Works Committee. He advised that the cost is \$18,772.

Mayor Tarr stated that the Public Works Committee recommended that this be approved.

Vice Mayor Richardson motioned, seconded by Councilman Jester to accept the agreement with Clark Nexsen to include the Storm Water Master Plan into the GIS Inventory. Unanimously approved.

15. Budget & Personnel Committee Report of March 13, 2012

Councilwoman Conklin advised that the recent meeting was conducted in closed session therefore has nothing to report.

16. Pavement Contract Approval for Main Street and the Town Dock & Boat Ramp Area

Public Works Director Spurlock explained that there was an amended paving contract. He stated that this is to modify the fall 2011 contract. This extends the pricing, period of performance and scope of work. He advised that the contract is being extended to include the streetscape project along Main Street from Maddox Boulevard to Bridge Street, which is limited to one travel lane and includes the Town Dock parking lot.

There was brief discussion about the grants for the Downtown Main Street Revitalization project.

Councilman T. Howard asked if the price included the driveway entrance into the Town Dock parking lot.

Public Works Director Spurlock advised that it does include the driveway. He also added that they contacted the American Legion to see if they wanted to have their parking area paved also and hasn't heard from them as of yet. He also stated that the funding is under the VDOT Urban Maintenance Funds.

Mayor Tarr also advised that East Side Road has been taken care of. He mentioned his concerns regarding the grant and the work that has already been done.

Councilman Jester motioned, seconded by Vice Mayor Richardson to approve the amended paving contract for Main Street from Maddox Boulevard to Bridge Street (one travel lane), the Town Dock parking lot. Unanimously approved.

17. Recreational Trails Program Authorizing Resolution for a Potential Grant

Town Manager Ritter informed Council of the Recreational Trails Program Grant. He stated that before them is a resolution to seek the grant to help pave the trails, specifically Ocean Boulevard Extension.

Public Works Director Spurlock also gave cost estimates of \$15,000.

Councilman J. Howard suggested looking into the possibility easement for an alternative bike path from Chicken City Road to the Traffic Circle on Maddox Boulevard.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the Resolution for the Recreational Trails Program for the purpose of a potential grant. Unanimously approved.



RECREATIONAL TRAILS PROGRAM AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the Recreational Trails Program, federal funding assistance is requested to aid in financing the cost of trail development; and

WHREAS, the Town of Chincoteague considers it in the best public interest to complete the trail construction project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Ocean Blvd. Extended trail within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
5. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;
6. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;
7. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

18. Recreation and Community Enhancement Committee Vacancy Appointment

Town Manager Ritter advised that there was only one person that expressed interest in filling Mrs. Cathy Plant's vacant seat on the Recreation and Community Enhancement Committee.

Mayor Tarr opened the floor for nominations.

Ms. Judy Tye also expressed her interest in filling the seat.

Councilman Jester nominated Mr. David Johnson to fill the vacant seat.

Mayor Tarr closed the floor for nominations and called for a vote. The vote was unanimous appointing Mr. Johnson to fulfill Mrs. Plant's vacancy on the Recreation and Community Enhancement Committee.

19. Mayor & Council Announcements or Comments

Town Manager Ritter advised Council of the upcoming Budget Workshop, Wednesday, April 4, 2012.

Mayor Tarr wished Vice Mayor Richardson a happy birthday.

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

• **Probable Litigation**

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss probable litigation. Unanimously approved.

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

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

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

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

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

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin
Nays- None
Absent- None

21. Potential Action for Fire Suppression in the Town of Chincoteague

Vice Mayor Richardson motioned, seconded by Councilman T. Howard that the Town of Chincoteague enter into a certain proposed agreement dated April 2, 2012 with the Chincoteague Volunteer Fire Company, Inc., for the Company to provide fire protection and emergency service within the boundaries of the Town of Chincoteague with such agreement to be executed on behalf of the Mayor of the Town of Chincoteague, Inc.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE MAY 7, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

Tripp Muth, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

PRESENTATION

Public Works Director Spurlock introduced Mr. Mark Norris with the Virginia Rural Water Association. He advised that the Town has gone from one licensed Waterworks Operator to three.

Mr. Norris explained that the Virginia Rural Water Association is a state association and represents approximately 26,000 water systems. He stated that this allows them to go onsite and offer assistance with items such as tank maintenance and locating lines. He continued to explain that if there is a major event like a storm they're there to help get the water system back up and running. He stated that the reason he is before Council is to present an award to A. J. Bowden who was secretly nominated by Public Works Director Spurlock. They evaluated all the nominees and because Mr. Bowden wasn't able to make the state meeting they decided to come to him. Mr. Norris added that they select an individual that sets the example and code of ethics. He stated that this is an honor to be selected as top Water Works Operator.

Mr. Norris then presented an award for Top Water Works Operator of the Year to Mr. A. J. Bowden. He advised that this will be reported in the quarterly magazine also. There was applause from the audience

Mr. Bowden thanked Public Works Director Spurlock for nominated him and he also thanked the Town. He added that he has two employees that are good workers and have recently been certified. He stated they do a good job and it is a pleasure to have them.

Mr. Norris added that there is a 60-70% failure rate on this test and this was an accomplishment for the Town's waterworks technicians to obtain the license.

Mayor Tarr congratulated Mr. Bowden and thanked him for his many years of service and hard work for the Town.

Councilman T. Howard stated that Mr. Bowden is a deacon at his church and he never fails to ask the Lord to bless the leaders of our state and town. He stated he is impressed and appreciates everything Mr. Bowden does.

Mayor Tarr advised he has another award this evening for Mr. Greg Merritt. He asked Mr. Drew Merritt to assist. He thanked Mr. Merritt on behalf of the Town of Chincoteague and presented him with an award for dedicated service.



**TOWN OF CHINCOTEAGUE
Certificate of Recognition
presented to
Mr. Greg Merritt
for dedicated service to
the Town of Chincoteague and
the Eastern Shore of Virginia on the occasion
of his retirement from the Eastern Shore News.**

Dated this 7th day of May 2012
John H. Tarr, Mayor

There was applause from the audience.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr introduced Student Government Mayor Timisa Johnson asking her to introduce the Student Government participants.

Student Government Mayor Johnson introduced the participants in the Student Government Day:
Town Manager – Jeffrey Beebe
Chief of Police – Courtney Rhoades
Director of Public Works – Drew Merritt
Town Council Members – Taylor Bailey, Warren Fosque, Raesha Savage, Annie Taylor, Rachel Orlando and Connor Derrickson.

Student Government Mayor Johnson advised they went to different businesses asking what they would like to see change within the Town. They discussed the different ideas to make Chincoteague a better place. She advised that they talked about Maddox Campground and the beach situation.

Student Government Public Works Director Merritt suggested having more youth activities and suggested utilizing the Island Activity Center. He also added that the Island is a “bit boring” in the off-season.

Student Government Councilwoman Taylor talked about the south side of the parking lot at the Chincoteague Veteran’s Memorial Park. She advised that it gets flooded and ducks are all in that area. She feels it needs addressing as it’s a hazard.

Mayor Tarr thanked the students for participating and the school for allowing the classes to continue to do the Student Government Day. He asked Council to vacate their seats for pictures of the Student Government Participants.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Ms. Lexi Hubb advised Council that about a year ago a theatre company was formed called the Chincoteague Island Theater Company. She advised that the Chincoteague Cultural Alliance was approached with an idea to utilize the Theater. She gave background of her qualifications in theater. She stated that the Cultural Alliance agreed to sponsor the endeavor. She also advised that the 3rd Thursdays Theater Series will begin May 13th through October being held by Sundial Books. She then explained of the background of some of the members.

Mrs. Hubb expressed her excitement of the purchase of the Island Theater and hopes to utilize the stage with live performances. She requested that if anyone is asked or approached about the Island Theater to please advise of the newly formed Theater Company. She stated that Chincoteague not only has a theater as a space but as an art form. She also advised they are working on advertisement.

- Mrs. Ginny Van Dame commented on the recent election and stated that the Seafood Festival was a wonderful event.
- Ms. Laurie Walton, Main Street Merchants, stated that at their last meeting, they discussed signage at the foot of the bridge. She advised they presented their ideas to Town Manager Ritter which is on the agenda later in the meeting.
- Mr. J. W. Jeffries commented on Mr. A. J. Bowden's award. He expressed how proud he is of Mr. Bowden for his dedicated service to the Town.
- Mrs. Helen Merritt thanked Council for recognizing Mr. Greg Merritt on his retirement. She added that she is proud of him also.

Mayor Tarr again thanked Mr. A. J. Bowden for all his hard work.

STAFF UPDATE

Police Department

Major Mills issued the Police Department's monthly report to Council and asked if there were any questions. There were none.

Public Works Department

Public Works Director Spurlock issued the Public Works' monthly report. He also stated that Mr. Chris Quillen has successfully obtained his Waterworks License.

Councilman Jester asked for an update on the Church Street, Chicken City Road and Ridge Road intersection.

Public Works Director Spurlock reported that the intersection was closed in all 4 directions approximately 9:00 a.m. today until the project is complete in approximately 3 weeks.

There were a few questions regarding the closure. Public Works Director Spurlock also added that all the utility work is complete and they are working on the road.

Councilman J. Howard commented.

General Government

Town Manager Ritter gave the General Government monthly report to Council. He reported that they received word that the Town has been selected for round 2 consideration of the

Transportation Enhancement Grant for the east side of the downtown revitalization project for next year. He also stated that the current project is expected to be completed by Memorial Day. He added that at the very least, the concrete sub-base will be completed. He advised that the paving of the downtown area will be sometime after Memorial Day.

Town Manager Ritter stated that staff is still working on the Line of Duty Act and a resolution will be discussed at the next council meeting. He stated that there is open enrollment for employees' health benefits coming up in June with no premium increase. He added that they are finalizing the survey and asked for input from Council. He concluded that the Town Newsletter will be distributed in the Beacon in a couple of weeks.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda. Unanimously approved.

22. Consider Adoption of the Minutes

- **Recessed Council Meeting of April 2, 2012**

Councilman T. Howard asked for a few corrections in the minutes of the April 2, 2012 meeting. He clarified that on page 3, the current name of the theater was the "Roxy" and he was saying to change the name back to the "Island Theater". He also stated that on page 8, on the resolution, #3 to remove the word "it" after hereby.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes as corrected. Unanimously approved.

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

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week of May 12th through May 18th to coincide with the Mother Earth Day celebration. Unanimously approved.

Councilman J. Howard asked if in the coming years the Town could coordinate the clean-up, paint-up, fix-up week with the tire disposal of the County which was last week.

Town Manager Ritter advised that they changed it to coincide with the Mother Earth Day weekend.

Councilman T. Howard feels that all three events should be coordinated.

Town Manager Ritter also added that on May 17th, there will be a 2nd bulk trash collection and reminded anyone who has bulk trash to contact Mrs. Fox at the Town Office to be placed on the schedule.



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

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 12, 2012; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

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

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

1. That the week of May 12th – May 18th, 2012 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 14 –May 18, 2012 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

John H. Tarr, Mayor

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

24. Resolution on Designating Hurricane Awareness Week

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the Resolution on Designating Hurricane Awareness Week for May 27th through June 2nd. Unanimously approved.



**RESOLUTION
Hurricane Preparedness Week 2012**

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 27-June 2, 2012 has been designated "Hurricane Preparedness Week"; and

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

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

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

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 27-June 2, 2012 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

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

25. Proclamation for Safe Boating Week

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the Proclamation for Safe Boating Week of May 19th through May 25th. Unanimously approved.



PROCLAMATION

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

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

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

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

WHEREAS, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, “Life Jackets. They Float. You Don’t.”

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 19 through 25, 2012 as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 7th day of May, 2012

Mayor John H. Tarr
Town of Chincoteague, Inc.

Sr. Chief Petty Officer A. Mark Kannan
U. S. Coast Guard
Station Chincoteague

Janie Conquest
Vice Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

26. Phase 1 if the Six year Plan for Public Transportation

Town Planner Neville advised that in December 2011 Council adopted the Final Report for a Town of Chincoteague Transit Development Plan which included several recommended alternatives. The trolley brochure for 2012 included the changes suggested by the report and required by Virginia DRPT. He stated that they decided to expand some of the service hours or days. He also stated that the suggestion is to increase the season by adding another Saturday in October, which gives an additional 5 days.

Town Planner Neville also stated that there was an adjustment proposed for the "Red Route". He stated based on ridership there wasn't a strong need to create that loop in the system. They decided to go as far as the turn-around on Ridge Road before Ocean Breeze. He also reported that there is a provision for a Non-Discrimination Policy to be able to go off the route for people with disabilities.

Town Planner Neville advised that the Star Transit Blue-Line service to Chincoteague is scheduled to start this month. He stated that they're going to see how many people sign up to be able to implement this.

27. Public Hearing on the Zoning Ordinance, Section 2.127 Pony Penning Sales

Mayor Tarr asked Town Manager Ritter if this was properly advertised.

Town Manager Ritter advised it has been properly advertised and sent to the appropriate committees.

Mayor Tarr opened the public hearing at 8:48 p.m. There were no comments. Mayor Tarr closed the public hearing at 8:49 p.m.

Town Attorney Poulson reiterated that the fee is now \$50 instead of \$300 and anyone can get a permit.

Town Planner Neville stated that the choice was to get a \$50 Business License or a \$300 Pony Penning Permit, so everyone was purchasing a Business License.

There was discussion.

Town Planner Neville also advised that there was an exemption in the meals tax portion of the Ordinance regarding Pony Penning Sales. He explained that the exemption states that if they

have food sales for 3 years they are exempt from paying a deposit in the amount of \$500. They decided to eliminate this and give the deadline of 30 days to report meals tax or the deposit is then forfeited to the Town.

There was discussion.

Town Planner Neville advised that this is changing the Zoning Ordinance through the public hearing process and placement in the Town Code. He asked if Council wanted to move forward and this would be a two part action. He added that the new application for the permit would also be revised to list the new standards and eliminate the exemption.

Mayor Tarr advised that there are two actions that need to be taken. One is to change Zoning Ordinance Section 2.127 and the second is to adopt the changes to Town Code Section 18-96 Pony Penning Sales.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the recommendation from the Ordinance Committee in Section 2.127, Pony Penning Sales. Unanimously approved.

Sec. 2.127. Pony Penning Sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the Town that are open to the public during the period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. A permit is required for conducting Pony Penning sales within the Town in accordance with Chapter 18 of the Code.

Councilman J. Howard motioned, seconded by Councilman T. Howard to adopt the changes as recommended by the Ordinance Committee to Section 18-96 Pony Penning Sales. Unanimously approved.

Sec. 18-96 Pony Penning Sales

- (a) *Generally.* *Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event— for the purpose of disposing of any personal property.
- (b) *Permit.* A permit is required for conducting Pony Penning sales within the town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.
- (c) *Permit fee.* The permit fee shall be \$50.00.

Deleted: for the purpose of disposing of any personal property.

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

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

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

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

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

¶ *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements. (Amended 6/19/08.)

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

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

(3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of **\$500.00** prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted ~~by August 20th~~ **within 30 days from the end of the event.** Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to permittee upon computation of the actual tax due and payable as determined by such sales. ~~Anyone conducting such food sales who has for a period of three (3) years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required, is exempt from this deposit requirement.~~

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

(Amended 05/07/12)

28. Resolution to Request Transfer of Bridge Street Right of Way

Town Manager Ritter advised that this is requested from VDOT for Bridge Street along with the Marsh Island area where the old bridge tenders house is to transfer ownership of this property to the Town.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the resolution for the Department of Transportation to transfer certain real property to the Town of Chincoteague, Inc. Unanimously approved.



**RESOLUTION PETITIONING THE COMMONWEALTH OF VIRGINIA
TRANSPORTATION BOARD TO TRANSFER CERTAIN REAL PROPERTY TO THE
TOWN OF CHINCOTEAGUE**

WHEREAS, the Commonwealth of Virginia rerouted that portion of State Route 175 know as Bridge St. on Chincoteague Island as the result of the Chincoteague Island Bridge Project also known as VDOT Project Number 1896 Contract ID Number 0175-001-V12, C502,B606;

WHEREAS, all aspects of the construction of the Project are complete and title to the real property encompassed by Bridge Street remains vested in the Commonwealth; and

WHEREAS, the Town maintains the Property and believes it would be in the Town's best interest for title to the Property within Bridge Street be transferred to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF
CHINCOTEAGUE ISLAND, VIRGINIA;**

1. That the Town of Chincoteague hereby petitions the Commonwealth of Virginia, Transportation Board, pursuant to Code Section 33.1-149 of the Code of Virginia, as amended , to transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Project as shown on Exhibit A -1, A-2, & A-3, attached hereto and made a part hereof, which constitutes a section of public road, to the Town of Chincoteague, and to take such other action as necessary to complete the conveyance of title to the Town of Chincoteague, and upon transfer, such section of road shall cease being a part of the State Highway System.

2. That the Town Manager, or his authorized designee , is hereby authorized to execute any and all documents on behalf of the Town to complete the conveyance of title to the Property, containing such terms and conditions deemed necessary and sufficient by the Town Manger and in a form deemed satisfactory by the Town Attorney.

29. Public Safety Committee Report of April 2, 2012

Mayor Tarr advised that the report is included in the agenda and asked if there were any questions. There were none.

30. Recreation and Community Enhancement Report of April 10, 2012

- **Directional Sign at the Bottom of the Welcome Sign Entering the Island**
- **Name the Overlook at the Curtis Merritt Harbor, Mariner's Point and Have a Sign Put up as Soon as Possible**

Councilman Jester reported that Mrs. Nancy Lane from the Garden Club and Mr. David Johnson were appointed to the Committee. He advised that one of the issues was the directional signage

to be placed at the bottom of the welcome sign at the foot of the bridge. He stated that the other issue is naming the overlook at the Curtis Merritt Harbor “Mariner’s Point”.

Town Planner Neville informed Council that the Downtown Merchants Association appreciates the current sign. However, would like to have a directional sign at the bottom that is visible when people arrive on the Island. He explained some options and advised that the Downtown Merchants Association suggested an alternative. He stated that staff would like to get some feedback from Council.

There was further discussion. They decided that the front side should be directional to the historic downtown and the back side of the sign should be directional to the Robert Reed Waterfront Park.

Councilman Jester also explained that they discussed naming the overlook at the Curtis Merritt Harbor “Mariner’s Point”. He advised that with the work done there they feel it should be formally named and a small sign placed on the existing fence.

Councilman Jester motioned, seconded by Councilwoman Conklin to name the overlook at the Curtis Merritt Harbor “Mariner’s Point”. Unanimously approved.

31. Ordinance Committee Report of April 12, 2012

- **Water Utility Service Connection and Extensions Code Amendment**
- **Pony Penning Sales Permit Ordinance, Chapter 19 Code Amendment**

Councilman T. Howard reported that Public Works Director Spurlock gave the Committee information on Service Connection components and extensions. He stated that currently all water mains have to be 6” and the change would give him the discretion to install the size main that would be sufficient. He also mentioned another change referring to easements.

Public Works Director Spurlock also explained that the first proposed change is more of a housekeeping issue using an easement regarding the property that doesn’t front a water main. The other is a constructive change to the water main size.

Town Manager Ritter explained the corrections.

Town Attorney Poulson stated that paragraph B only applies to an easement prior to November 7, 1991. He feels there is a problem. He stated that there are two kinds of easements; ingress and egress, which is strictly for this and a right-of-way is for all reasonable, necessary and incidental uses that would go with a residence. He also added that this is for utility type purposes. He further explained easements.

There were questions from Town Attorney Poulson regarding the new easements created after 1991.

They discussed potential scenarios. There was lengthy discussion and Council decided to ask Town Attorney Poulson to review the ordinance further.

Sec. 62-87. Service connection requirements.

(a) Each parcel requiring a service connection to the water system shall be adjacent to a water main. Where properties are not adjacent to a water main, the following shall apply:

(1) The water system (nearest main) shall be extended at the expense of the property owner and in accordance with the requirements of section 62-88.

~~(2) A parcel may be served from a connection, meter and service line located in an, specifically described. The minimum width of such easement shall be five feet. The town will interpret such easements and rights-of-way to allow for total usage, which would include the right to install and maintain water utilities. Such easements and rights-of-way as described in this subsection must be adjacent to a water main and be contiguous to the involved parcel. The term "older" as used in this section, shall refer to property or divisions of property legally recorded prior to November 7, 1991.~~

(b) The use of nonspecific older easements and rights-of-way and perpetual easements shall only be permitted when there is no other practicable avenue available to provide water to the requiring parcel.

Sec. 62-88. Water main extensions.

(a) The owner and/or developer of a parcel requiring a water main extension by virtue of the requirements of subsection 62-87(a) shall request such extension from the town in writing. With the written request, the owner and/or developer shall also submit recorded drawings, plats or surveys depicting the parcel to be served by the requested extension. Such drawings shall include the delineation of the utility easements to be used by the town for the placement and maintenance of the requested water main. Delineated easements on recorded drawings shall include the finished grade elevation of the easement area. In the absence of utility easements being included in recorded drawings, easements and certification of elevation may be conveyed through separate perpetual deed of easement or agreement to the town. Utility easements shall be a minimum of ten feet in width. Pavement for roadways shall not be installed over utility easements.

(b) Upon review of the request and within 30 days of the request, the town shall design and size the appropriate extension to the water system and calculate the cost of installation of the extension. Costs shall include an administrative fee percentage, set by the town council. The requester will be notified of the cost of the installation and allowed 30 calendar days to initiate the installation by paying the provided cost. If payment is not made within the allotted time, the requester shall submit subsequent requests as necessary to allow the town to calculate the new

Deleted: (2) A parcel may be served from a meter and connection located on the property of

Deleted: others, provided that the parcel owner has a recorded perpetual easement granted by

Deleted: the other property owner which provides for the installation and maintenance of the

Deleted: water meter and service line between the town's water main and the parcel to be

Deleted: served. The minimum width of such easement shall be five feet. The use of

Deleted: easements as described in this subsection shall not apply to any legal division of

Deleted: property occurring after November 7, 1991. ¶

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Deleted: existing older easement and/or right-of-way, provided the use of such is not

Deleted:

Deleted: December 6, 1971

cost. The town shall have the right to recover costs incurred from repeated design and calculation in subsequent cost calculations.

(Amended 4/19/07)

(c) Once payment for an extension is made, the town shall schedule and implement the work within 60 calendar days.

(d) Water main extensions shall be designed and sized on a case-by-case basis, ~~but in no case will pipe with inside diameter sizes of less than six inches be used for mains~~, nor will required fire hydrants be deleted from a potential extension.

(e) Property owners assume all responsibility for delineation of property to be served by water mains and the delineation of utility easements to be used for the installation of water mains. All property markers relevant to water main installation shall be in place in the field and located prior to the town's installation work.

(f) All obstructions to the path of the water main and service connections shall be cleared by the property owner prior to installation work.

(Code 1977, § 15-4-3; Ord. of 4-5-1999, § 15-4-3)

32. Mayor & Council Announcements or Comments

Councilman T. Howard discussed the road conditions in certain areas. Referring to road work and repairs, he asked if there is some kind of equipment to fix the road back so that it doesn't become an insult to an almost perfect road.

Councilman T. Howard suggested allowing him to ride with Public Works Director Spurlock to show him some areas in need of repair.

Councilwoman Conklin commended Mayor Tarr and his wife Sherry as leaders of the Annual Seafood Festival for the Chamber as it was a wonderful affair. She also advised that the Cinco de Mayo celebration for the museum was a wonderful occasion.

Councilman Jester stated that it was good to have such events on the Island. He also stated that someone suggested that next year's museum celebration should be "Chinco de Mayo".

Councilman J. Howard stated that he would like to see the Town attempt to adopt some of the roads in Ocean Breeze. He would like to talk to Mr. Tull about this. He asked Town Manager Ritter to look into this further. He also commented that he doesn't want all the men at once digging in a hole for fear something would happen to them all.

Town Manager Ritter wished Mayor Tarr a happy birthday. He also congratulated Councilman Jester and Mayor Tarr on winning the election.

Mayor Tarr reminded Council to sign up for the annual Chamber meeting scheduled for Wednesday at Don's Seafood.

Adjourn.

Councilman T. Howard motioned, seconded by Councilman J. Howard to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MAY 16, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the agenda. Unanimously approved.

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

• Legal Matters ("Town-County relations")

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters. Unanimously approved.

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

Vice Mayor Richardson moved, seconded by Councilman T. Howard to adopt a resolution of certification of the closed meeting.

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

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

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

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

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE JUNE 4, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

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

Tripp Muth, Councilman
John N. Jester, Jr., Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Mayor Tarr invited Mr. Jack Van Dame to come forward. He presented Mr. Van Dame with a Certificate of Honorable Service as he has recently retired from the Town of Chincoteague as the Director of Transportation.



CERTIFICATE OF HONORABLE SERVICE

awarded to

Mr. Jack Van Dame

**for your dedication and devotion to duty on
the occasion of your retirement from
the Town of Chincoteague.**

**You have had a valuable effect on this community,
and we extend to you our sincere appreciation
for your outstanding performance.**

**I, as Mayor of the Town of Chincoteague, along with
the Town Council do hereby extend our sincere
congratulations on your retirement.**

Dated this 4th Day of June 2012.

John H. Tarr, Mayor

Mr. Van Dame thanked Mayor Tarr and Council.

Mayor Tarr thanked Mr. Van Dame for running the Trolley Service throughout the years minimizing the cost for the residents.

OPEN FORUM/PUBLIC PARTICIPATION

- Mrs. Suzanne Taylor, with the Chincoteague Chamber of Commerce, thanked Mr. Van Dame for all of his help. She thanked Town Council for their support of the Chamber of Commerce in the annual budget and gave a packet to Council that summarized last year's activities.
- Mrs. Ginny Van Dame thanked Councilwoman Conklin and Councilman J. Howard for all their hard work on the Town Council. She also commented on the Conklins' hard work and support in the community along with Mr. Howard's.
- Mrs. Nancy Lane advised Council she is there on behalf of everyone who has worked so hard to bring the Island Theatre back. She advised they are planning to open and show movies this weekend. She also advised the first live performance will be June 16th. She encouraged everyone to come to the movies.

STAFF UPDATE

Police Department

Officer Greenley reported that the Police Department handled 2,092 calls, 256 were 911 calls, 78 from landlines and 178 were wireless calls. 39 of the calls were EMS and 2 were for fire. The Police Department received 48 calls for service which resulted in 20 investigations into criminal offenses: 1) shoplifting, 3) driving under the influence of alcohol, 1) aggravated assault, 4) simple assaults, 1) obtaining money under false pretenses, 1) drunk in public, 6) other larcenies and 5) misdemeanor offenses. There were 12 arrests and 14 charges as a result of these investigations. The Department issued 82 summonses for traffic offenses, 50 warning tickets and investigated 6 vehicle accidents.

Public Works Department

Public Works Director Spurlock stated that in addition to the monthly report he submitted to Council, that the Chicken City Road, Ridge Road intersection is essentially complete with only a few items remaining. The Downtown milling is complete with the first cut of asphalt and the final paving is scheduled for Friday.

Planning Department

Town Planner Neville reported that the Waste Water Advisory Committee is focusing on research of similar coastal communities as far as costs and communication to the community. They met with the D.E.Q. and Health Department. He advised there will be a workshop at the Eastern Shore Community College to give an overview of wastewater operations on the Eastern

Shore. He also reported that regarding the Beach Access Committee the FWS consultant is continuing to work on the revised CCP and Economic Study.

General Government

Town Manager Ritter stated that in addition to Council's report, there were a total of 67 EMS calls in May. He stated that the Emergency Management Coordinator Rush has been working on a Space Tourism Action Response Plan for the upcoming rocket launches. He reported that the Town should hear more later in the month regarding the Transportation Enhancement Grant for the other half of the planned Main Street improvements. Staff is collecting Town Surveys.

Councilman Jester asked if the surveys can be completed online.

Town Manager Ritter advised the link is listed in the Town's newsletter and will be put on the website. He then introduced Mr. Rob Catron the Town's political consultant from Washington, D.C.

Mr. Rob Catron reported about the beach access matter. He advised there is a meeting scheduled for tomorrow with the advisor that the U. S. Fish and Wildlife Service has hired to possibly mend some fences with the Town. He stated that since the Congressional Hearing in March there was great interest in finding out whether the Fish and Wildlife Service could be more responsive to the Town. He stated that what the Town is going through is not unique. He feels that between now and November he is confident that the Town will have a great deal of interest from the Delegation and Congressman Rigell who have weighed in on the Town's point of view in protecting the interest in what happens to the beach. They want to make sure that environmental protection doesn't take priority over the economy of the Town and Accomack County.

Councilman J. Howard stated that there is dredging over on Wallops Island. He feels that if the sand they're dredging is put on Assateague Island the Town wouldn't have to worry about erosion at the beach for the rest of our lives.

Mr. Catron advised they are working on it and it could take some time.

Mayor Tarr thanked Mr. Catron for all his work.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

33. Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the agenda removing item #7 - Consider Permission to Pump and Haul at Christ's Sanctified Holy Church. Unanimously approved.

34. Consider Adoption of the Minutes

- **Regular Council Meeting of May 7, 2012**
- **Special Council meeting of May 16, 2012**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the minutes as presented. Unanimously approved.

35. Public Hearing for the Fiscal Year 2013 Budget, Consisting of:

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Total Main Street Fund Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Harbor, Water, & Gen Gov. Rate Sheets

Mayor Tarr opened the public hearing at 7:29 p.m. advising that he was opening all 3 public hearings at the same time and closing all 3 public hearings at the same time.

Town Manager Ritter asked Finance Director Hipple to present the graphs.

Finance Director Hipple reviewed the FY2013 Budget graphs. She stated that in order to cover the budgeted expenditures the Town would have to raise taxes \$0.01 per \$100.00 of assessed value. She also added that this increase is still not quite sufficient to meet the same revenue as last year due to the change in property values.

Town Manager Ritter further explained the reassessment and tax decrease at that time.

Finance Director Hipple then stated that the budget includes a Transient Occupancy Tax increase of 1% to begin January 1, 2013 to be collected in February which would only give the additional revenue for 5 months. She stated that the increase in Transient Occupancy revenue will go into a Beach Reserve Fund up to \$65,000. She gave examples for possible use of the beach reserve fund. She continued to explain the budget and the increase in employee retirement costs. She discussed revenues.

Finance Director Hipple informed Council of a decrease in the Town decal fee. She discussed putting money in Water Reserve, expenditures of the Harbor, Trolley Fund, Water Fund, bond payments, Emergency Medical Services, Public Works Department, Mosquito Control, Roads, and the Police Department. She also explained how the audit report breaks down the revenue. She reviewed the revenues in detail including the grants and taxes.

Finance Director Hipple discussed the increase in Transient Occupancy Tax again. She informed Council of the Transient Occupancy Taxes charged by other jurisdictions. She also reminded Council of the operating costs for the services that the Town offers. She continued to review the projects and funds.

Mayor Tarr explained the reason for the tax rate increase. He also stated that the Transient Occupancy Tax increase may help the Town pay for the consulting fees that have been instrumental to protecting the Town's interests. He feels that the cost is minimal except the Town has to find a way to pay for the services. He advised that the consultant has also assisted in other county issues. He added that the Town acquired the gym for youth programs and the

Town acquired the operating costs to go with it. He also stated they are working on an emergency plan that takes funds also.

Mayor Tarr closed the public hearing at 9:44 p.m.

36. Public Hearing on the Transient Occupancy Rate Increase of 1%.

Mayor Tarr opened the public hearing at 7:29 p.m.

- Mr. Gene Wayne Taylor expressed his opposition of the Transient Occupancy Tax increase. He stated that this adds to the visitors' fees for coming to Chincoteague.

Mayor Tarr added that when tourism is up the Town's costs are up also and gave an example of the increase in water flow and chemicals along with 911 dispatch and Emergency Medical Services.

- Mrs. Wanda Thornton stated that she appreciates everything the Town does knowing they have to make hard decisions. She also knows what Mr. Catron is doing for the Town. She mentioned the Transient Occupancy Taxes in other jurisdictions. She further commented that the Town of Chincoteague has had hundreds of thousands of dollars going from the Town to the County just for personal property taxes for trailers that are on the campground lots. She also added that she asked that the budget overage from last year be placed in a reserve fund. She asked Finance Director Hipple what the Town does with the excess money left over.

Finance Director Hipple advised it goes into the General Fund and it will offset over-expenditures and the rest will go into long-term savings.

Mayor Tarr asked Mrs. Thornton if seasonal sites paid transient occupancy tax.

Mrs. Thornton advised they don't, but was giving an example. She was trying to make a case for the tourist. She added that if the Town had created the fund last year there would be approximately \$86,000 in there. She stated that \$0.01 is going to generate \$79,000.

Town Manager Ritter advised that Council already approved Mr. Catron's services for another 6 months to be taken out of LGIP.

Mrs. Thornton stated that the County takes all of the end of year budget excess and rolls it into major capital improvements.

Mayor Tarr advised that they have reviewed the LGIP funds. The Town has borrowed from those funds for the last 4 years to balance the budget so that they wouldn't have to raise taxes. He stated that this was the first time that the Town hasn't borrowed from long-term savings to balance the budget.

Mrs. Thornton asked if the maximum amount to be put in that reserve was \$65,000.

Mayor Tarr was unsure how the maximum amount was established because there is no actual maximum.

There was discussion as to what was collected and having no cap.

Mrs. Thornton suggested putting the entire amount of that 1% in a separate fund and passing a council resolution to that effect. She also added that this didn't seem fair to enact the tax after the new council came on.

Mayor Tarr responded that it will be passed in the new budget to begin January 1st.

There were further comments.

- Mr. Jim Frese asked Council to consider what could be cut from the budget. He referred to the 1% Transient Occupancy Tax increase and feels it's inappropriate. He further explained how the local businesses would lose business with the increase.
- Mr. Paul Katsetos expressed his opposition of the 1% increase to the Transient Occupancy Tax.
- Mr. Spider Fleming voiced his opposition to the Transient Occupancy Tax increase. He mentioned the downtown project and asked if the Town would reconsider.
- Mr. Tommy Daisey also expressed his opposition to the Transient Occupancy Tax increase. He mentioned the unemployment and asked Council to cut the fat. He stated that he knows the families personally that come to the Island that gets hit with the taxes. He stated it's hard for visitors to come now but to raise it would make it harder. He told Council they are going to have to quit spending. He stated that if they keep adding taxes it's not going to be better it will be worse. Mr. Daisey explained the decrease in business over the past couple of years. He asked Town Attorney Poulson how long a public hearing had to be advertised.

Town Attorney Poulson responded that it only had to be one week.

Mr. Daisey asked Council to tighten the belt.

- Mr. Tommy Mason stated that higher taxes discourage people from coming to Chincoteague. He feels we're slipping into a recession. He asked about the assessment of the real estate taxes.

Mayor Tarr advised that most residential properties went down and commercial properties stayed where they were. He advised that the 1% doesn't bring the Town where they were last year and is still short for this year. He explained the increase in assessed values and increases to the costs to maintain services. He also stated that the Town could cut services to save money. He also

added that they look at the employee salaries and advised it is a struggle. He urged anyone to go through the budget and give suggestions.

- Mr. Richard Conklin, Sr. advised Council that when his business income decreased he cut employees. He stated that the Town is in the same situation and wants to raise taxes. He stated he couldn't raise prices. He stated that he sees high salary employees, new vehicles and equipment. He urged Council to cut back somehow.

- Ms. Denise Bowden asked how the Beach/Recreation/Tourism Reserve is going to be used. She asked if this was for the lobbyist or to help the Fish & Wildlife to put parking back.

Mayor Tarr advised it's for both.

Ms. Bowden asked if they would accept the money.

Mayor Tarr responded that the Town doesn't know if they'll accept it. However, they legally can accept the financial assistance from the Town.

Ms. Bowden asked how much of the Transient Occupancy Tax that the Town collects goes to the County.

Mayor Tarr stated that none of the amount collected by the Town goes to the County as they collect their own.

Ms. Bowden stated that if they decide to increase this tax, she feels it's quite a large sum. She agreed with Mr. Mason to invite more people here. She also understands that it takes money to make money. She feels that the government on every level has beaten the people of Chincoteague to death. She stated that between the Fish & Wildlife and the County it's hard to swallow taking a beating from your own town. She understands the hard job and asked to keep in mind that people come to the Island because they love it and 1% can make a difference.

- Mr. David Johnson stated that he understands that this is a very difficult issue. He stated that saving the beach is important to save the tourism industry. He explained that the reason people are concerned about the extra 1% transient occupancy tax is that it may have an impact on their business. He suggested that the Town needs objective information and data on tourism in Chincoteague to determine whether there is a change in visitors or spending.

Mayor Tarr advised that the Town tracks the Transient Occupancy and the visitors to the beach monthly.

- Mrs. Donna Mason complimented Finance Director Hipple's budget presentation. She feels that 1% is a lot for a family to add to their vacation. She feels that keeping it down will entice those families to stay a little longer to offset the shortfall. Mrs. Mason advised that she grocery shops on the Island to keep that grocery store here. She asked Council to look at the big

picture, keeping in mind we're all in this together. She added that the goal is to keep the money here and help each other.

- Ms. Laurie Walton advised that her rentals are down and the Town has lost 4 events this season. She feels that if the Town doesn't start thinking outside the box for tourist season it's going to get worse. She stated that over the last 6-8 months the Town's transient tax revenue is up and meals tax revenue is up but sales tax revenue is down. She explained that the visitors are coming and eating but not buying or paying for the extra services. She asked if the Town could develop some type of system to help each other out.

Councilwoman Conklin asked which events were lost.

Ms. Walton advised that the Chili Chowder Cook-off went from the Main Street Merchants to the Fire Company, the Daffodil Festival and the Blessing of the Fleet along with the concert in the park for that day. She feels they need continuity.

Mayor Tarr stated that something has to happen to keep the events and it is getting more difficult to hold the two major festivals. He stated that if the Town loses the events, revenue goes down.

Mrs. Mason asked Council to wait to add the 1% and see if the economy doesn't pick up a little. She also added that if they want funding for the beach, that people will give something for that specific purpose.

Councilman Jester interjected that you can't depend on "something". He asked how the Town fights for the beach. He stated that in order to fight this it is done through the halls of Congress. He added that Mr. Catron the Town's lobbyist is how you go about it. He asked what should be cut, EMS, Mosquito Control, street lights or the garbage collection. He reminded the residents that they will suffer the loss of the beach if the Town does nothing. He feels this is necessary to win the battle for the beach and a lobbyist is the only way.

- Mr. Richard Conklin asked where the Town stands on the beach issue. He believes this is what is hurting the Island's economy.

Mayor Tarr advised that the property acquisition was stopped until the CCP is complete. He added that Mr. Lou Hinds has taken a step back and the Town now deals with the FWS Northeast Region Chief, Scott Kahan. They have hired an advisor who is a retired refuge manager and are working hard to move toward a better resolution to the beach access issue.

- Mrs. Ina Rae Adams asked about cutting mosquito control as it doesn't do any good in her back yard.

- Ms. Laurie Walton added that the Chincoteague Chamber of Commerce are receiving calls every day about the beach access.

Mayor Tarr closed the public hearing at 9:44 p.m.

Mayor Tarr asked Town Manager Ritter what the process of moving forward would be.

Town Manager Ritter advised that Council needs to clarify if they wish to continue with the Transient Occupancy Tax increase for January 1, 2013 or bring a proposal taking out the recreation and tourism line item. This will be decided at the next meeting, June 21, 2012. He stated that Council should clarify where to make up the shortfall in the budget should they cut the increase in taxes.

Councilman T. Howard asked about the water rate increase.

Town Manager Ritter advised that if there is no water rate increase they would have to cut the \$75,000 scheduled to be put into reserves.

Councilwoman Conklin asked what the Town would do if something happens and there is nothing in the reserves.

Councilman T. Howard asked what the importance of the \$65,000 is.

Finance Director Hipple stated that the \$65,000 going to the reserve is from the 1% increase in Transient Occupancy Tax.

Town Manager Ritter added that this is a tourism recreation reserve.

Councilman T. Howard feels these items have to be addressed before they are voted on.

Town Manager Ritter asked for Council's direction in bringing the budget back for adoption. He advised that Council can vote on the increases.

Finance Director Hipple informed Council that if they vote tonight it will direct staff to use the funds in the budget or to cut items from the budget.

Councilman T. Howard feels that by listening to the citizens they need time to digest the information before they vote.

Town Manager Ritter advised that the law requires the budget to sit for 10 days after the public hearing prior to voting. However, the tax increases can be voted on after the public hearing.

Councilman J. Howard explained why he doesn't want to run for Council anymore. He feels there are too many employees in Public Works and fuel costs should be cut. He made a few suggestions.

Mayor Tarr asked for discussion regarding the Transient Occupancy Tax rate increase of 1%. He stated that this will generate \$65,000 in the budget.

There was discussion as to what would be cut without the increase.

Mayor Tarr asked where the Town would find the money to extend Mr. Catron's services another 6 months.

Town Manager Ritter advised that it would come from LGIP.

Councilman Jester reiterated that it will have to come from the increase or it will have to come from savings.

Councilwoman Conklin feels they shouldn't go into the reserves. She suggested approving the increase and if there's any overage they won't have to collect it next year.

Councilman Jester stated they can't keep borrowing from savings especially if there is a major storm and asked how the Town would pay for this. He added that with the water increase they will be able to put money into the reserves.

Councilman T. Howard stated that he doesn't know anything any more important than the beach closing. He added there is nothing wrong with having savings if you get it fair-and-square. He agreed that the Town has to spend money to keep that beach open. He expressed his discord about raising taxes.

Mayor Tarr advised Councilman T. Howard that this issue has to be voted on. He also stated that there were 3 budget meetings where everything was on the table. He stated that they discussed what this could do to the businesses.

Councilman Jester motioned, seconded by Councilwoman Conklin to include the Transient Occupancy Tax increase of 1% in the FY2013 budget. Motion Carried.

Ayes: Conklin, Jester, Muth, Tarr

Nays: Richardson, T. Howard, J. Howard

37. Public Hearing on a Real Estate Tax Increase From \$.06/100 Assessed Value to \$.07/100

Mayor Tarr opened the public hearing at 7:29 p.m.

- Mrs. Peggy Thomas stated she is before Council regarding the real estate tax increase. She asked if the people could afford it. She explained the assessment of her properties. She asked Council to do something somewhere.

Mayor Tarr closed the public hearing at 9:44 p.m.

Councilwoman Conklin motioned, seconded by Councilman Muth to include the real estate tax increase from \$0.06/100 assessed value to \$0.07/100 in the FY 2013 budget. Motion Carried.

Ayes: Conklin, Jester, Muth, Tarr

Nays: Richardson, T. Howard, J. Howard

38. Possible Adoption of the Following Resolutions:

- a. Irrevocable Election Not to Participate in the Line of Duty Act Fund**
- b. VML – Amendment to Membership Agreement**
- c. VRS – Employer Contribution Rate**
- d. VRS – Member Contribution Rate**

Town Manager Ritter explained each item.

Finance Director Hipple explained the Line of Duty Act.

There was discussion of the County's participation.

Finance Director Hipple advised that the Fire Chief went to the Fire Commission and told them to remove the Chincoteague Fire Company from the Line of Duty Act that Chincoteague would take care of them.

Councilman T. Howard asked what the difference was between the VML, VRS or state.

Finance Director Hipple stated that the Town doesn't know the difference in the premium or the benefits if there are any. She also stated that there is a problem with the Line of Duty Act, this will cover insurance for the families until the children are 18 or finish college. It also covers health insurance for the rest of the spouse's life even if the spouse remarries. She also doesn't feel that inactive members should be on the list.

Mayor Tarr feels this should be discussed with the Fire Company. He advised that the County has picked up the Line of Duty Act for all of the other 14 companies.

Ms. Bowden commented that if the County doesn't pickup Chincoteague it's another classic example.

Finance Director Hipple stated that when she received the roster there were many inactive members and non-members as the list is not maintained. She added that the roster must be submitted to VML.

Mayor Tarr advised that because this is coming to the Town, the Town has to question the roster.

Ms. Bowden advised she would get an updated roster.

Finance Director Hipple also advised they have until June 30, 2012 as they were given one year to make this irrevocable decision. She advised that the resolution has to be adopted and it states that the Town is covering the Fire Company. She informed Council of the cost.

There was further discussion regarding the rate increase.

AMENDMENT TO MEMBERSHIP AGREEMENT

THIS AMENDMENT TO MEMBER AGREEMENT (this "Amendment") is made and entered into this 1st day of July, 2011 (the "Effective Date") by and among VML Insurance Programs (the "Pool"), a group self-insurance pool licensed by the Bureau of Insurance (the "Bureau"), the Virginia Municipal league ("VML"), a local association of city, town, and county governments, and the undersigned Virginia political subdivision or agency thereof, which is a member (individually the "Member", and together with other political subdivisions, the "Members") of the Pool.

WHEREAS, the parties entered into the Member Agreement (the "Member Agreement") dated July 1, 2010 pursuant to which the parties agreed to provide for joint cooperative action to form a group self-insurance pool pursuant to Chapter 27 of the Title 15.2 of the Code of Virginia (the "Act") for the purpose of providing risk management services and insurance coverages for the Members pursuant to Virginia Code § 15.2-2703(A); and

WHEREAS, the Bureau has confirmed with VML and the Pool that the lines of insurance authorized under the Act will extend to the benefit obligations required by the Virginia Code § 9.1-400 *et seq.* ("Line of Duty Act"); and

WHEREAS, THE PARTIES DESIRE TO BECOME PARTIES TO THIS Amendment for purposes of including Line of Duty Act coverage, to comply with the conditions set forth herein, and to ratify and confirm all of the terms and provisions of the Member Agreement except as otherwise set forth in this Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and obligations herein contained, the parties hereto covenant and agree as follows:

1. **Amend and Restate Section 15.** Section 15 of the Member Agreement is hereby amended and restated as follows:

Each Member agrees to execute necessary authorization forms permitting the Pool to obtain information and data required in determining the experience or other rating modification of such Member. Each Member agrees to pay contributions to the Pool as computed in accordance with a rating plan approved by the board, as amended from time to time. Each Member agrees that the contributions shall be payable in full in advance of coverage unless the Board in its discretion

determines otherwise. Such contributions are deemed earned by the Pool when received and are nonrefundable.

For all lines of coverage other than workers' compensation coverage and Line of Duty Act obligations, in the event of the Pool's deficit for any fiscal year, the Board may adopt, following approval by the Commission, a plan it deems equitable for the elimination of such deficit. The plan may include, but is not limited to, the year in which such deficit occurs; provided, however, in no event shall such assessment exceed two (2) times the Member's annual contribution.

Notwithstanding the foregoing paragraph, in the event of the Pool's deficit for any fiscal year with respect to Line of Duty Act obligations, the Board may adopt, following approval by the Commission, a plan it deems equitable for the elimination of such deficit. The plan may include, but is not limited to, the assessment of all Members that purchase Line of Duty Act coverage in the proportion which the contribution of each member bears to the total contributions of all members that purchase Line of Duty Act coverage in the year in which such deficit occurs.

For Members purchasing workers' compensation insurance, such members shall be jointly and severally liable to other Members as to workers' compensation coverage, and membership in the Pool shall not relieve the member's obligations imposed by Title 65.2 as an employer to its employees.

With respect to all lines of coverage, a Member is obligated to pay any assessment which applies to a Pool year in which it was a Member. The Pool has the authority to assess its Members according to line of coverage, and according to any particular fiscal year. If the Pool is required to obtain the assessment by suit or by other means in which the Pool incurs expenses to recover such reimbursement, the member agrees to pay the Pool's reasonable attorneys' fees and all costs incurred in the suit.

2. **Amend and Restate Section 17.** Section 17 of the Member Agreement is hereby amended and restated as follows:

To the extent of a Member's limitation of liability set forth in this Member Agreement, and payment of the funds described in Sections 13(a) and (b), the Pool shall defend in the name of and on behalf of each Member any suits or other proceedings which may at any time be instituted against such member on account of claims within the purview of this Agreement and any such coverage agreement in force at the time of the loss, even though such allegations or demands are wholly groundless, false, or fraudulent, and to pay all costs reasonably incurred in any legal proceeding defended by the Pool, including all interest accruing against an entry of judgment, and all expenses incurred for investigation, claimant's

attorney fees awarded by the court and negotiated settlements. If a personal appearance by an official or employee of a Member is necessary in any dispute, the expense of such appearance shall be paid by the Member. The Pool shall select, retain and supervise legal counsel on behalf of and at the expense of the Pool necessary for the prosecution or defense of any litigation. Each Member agrees to fully cooperate by supplying any information and assistance deemed by the Board, the service agent, or legal counsel, to be needed or helpful to defend such action. Upon notice in writing to the Board, the service agent and the Administrator, a Member may refuse to settle a claim involving its locality but in such event the Members shall be obligated for any payment of sums above the proposed settlement amount if such payment, including attorneys' fees, is thereafter required.

3. **Miscellaneous.** Except as expressly provided herein, all other terms and conditions of the Member Agreement shall apply and remain in full force and effect. This Amendment may be executed in one or more counterparts, all of which together shall constitute one and the same Amendment. This Amendment shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without regards to principles of conflicts of law. This Amendment may only be amended by a writing expressly amending the same and executed by the parties to be bound. All recitals are incorporated herein by reference. Unless otherwise specified herein, the terms used herein shall have the meanings as set forth in the Member Agreement. Any waiver by and party of any term hereof shall not constitute a waiver of such term or any other term in the future. If any term or provision hereof shall be deemed unenforceable by a court of competent jurisdiction as against public policy, that term or provision shall be deemed deleted and the remainder of this Amendment shall be enforced in accordance with its terms.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS Amendment to be signed as follows: on behalf of the Pool by a duly authorized representative, on behalf of VML by a duly authorized representative, and on behalf of the Member by its chief executive officer or other officer designated by its governing body.

VML INSURANCE PROGRAMS

By _____

VIRGINIA MUNICIPAL LEAGUE

By _____

MEMBER LOCALITY

By _____

Title: _____

Name of Locality: _____

Town Manager Ritter advised Council of the next two resolutions. He explained that one resolution is because the state has mandated that the Town pick up 12.08% and the second refers to the employees paying 5%.

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the Resolution for VRS – Employer Contribution Rate and adopt the Resolution for the VRS – Member Contribution Rate. Unanimously approved.



Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))

RESOLUTION

BE IT RESOLVED, that the Town of Chincoteague (55341) does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

☒ The Certified Rate of 12.08%

☐ The Alternate Rate of 9.44%; and

BE IT ALSO RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Town of Chincoteague (55341) are hereby authorized and directed in the name of the Town of Chincoteague to carry out the provisions of this resolution, and said officers of the Town of Chincoteague are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Chincoteague for this purpose.

John H. Tarr, Mayor



Member Contributions by Salary Reduction for Counties, Cities,
Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the Town of Chincoteague (55341) employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Chincoteague (55341) employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Town of Chincoteague (55341) may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	%	5%
Plan 2	%	5%
FY2013 Employees	0%	5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Chincoteague in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Town of Chincoteague under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Town of Chincoteague directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Chincoteague shall be

reduced by the amount of member contributions picked up by the Town of Chincoteague on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of the Town of Chincoteague (55341) are hereby authorized and directed in the name of the Town of Chincoteague to carry out the provisions of this resolution, and said officers of the Town of Chincoteague are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Chincoteague (55341) for this purpose.

John H. Tarr, Mayor

39. Accomack County Board of Supervisors Update

Supervisor Wanda Thornton addressed Council. She first asked Council that they stipulate in a resolution that the 1% increase in Transient Occupancy be “only” used for beach replenishment. She added that she appreciates Councilman Jester for his dedication and helping her when they went to Washington. She reported on the County’s tax rate increase for calendar year 2012. She mentioned the Fire Tax issue that it has not been discussed on the board level and the payments beginning in February. She also reported that she obtained the Transient Occupancy Tax amounts. She reported that as of May 31, 2012 the County collected \$330,000 from Chincoteague and from the remainder of the County collected \$26,000.

Councilman T. Howard asked if there was anything the County gave back to Chincoteague to help with tourism.

Supervisor Thornton advised the only thing they do is donate some money to the Tourism Commission which is for Northampton and Accomack Counties. She stated that the other districts pay \$0.06/100 for EMS that the Town does not pay. She is concerned about the resolution where it did not eliminate the EMS Tax. The County Administration is also looking into more space as the Board of Supervisors and School Board offices are over-crowded. She advised Council that Star Transit is now back on Chincoteague. She stated that regarding the Atlantic Town Center, the Board of Zoning Appeals has turned down their sewage treatment facility. They are appealing the decision in the Circuit Court. There is a sewage workshop with the DEQ at the Eastern Shore Community College Wednesday evening. This will inform the community of the advanced technology. She stated that there is so much misinformation of how this system works. She discussed the County’s requirement for central water and central sewer and having a mechanism in place.

Supervisor Thornton advised she asked the Army Corps of Engineers to request a meeting with the Fish & Wildlife Service to discuss environmental impacts of the CCP alternatives. The meeting is scheduled later this month. She added that the Army Corps of Engineers has been very good to the Town.

There were questions and comments about the Wallops Research Park property and the Navy taking the old little league field.

Mayor Tarr thanked Supervisor Thornton.

~~40. Consider Permission to Pump and Haul at Christ's Sanctified Holy Church~~

41. Consider Adoption of the State Motor Vehicle Code

Town Manager Ritter advised that this is an annual adoption of the State Motor Vehicle Code.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt Section 58-1 of the State Motor Vehicle Code adding "any future provisions or amendments are adopted automatically unless expressly rejected by Council". Unanimously approved.

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of §46.2-1313 of the Code of Virginia of 1950 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, 2012, 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 the 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; 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. 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.

Sec. 58-3. Display of state license plate with current decal.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town,

42. Possible Adoption of a Resolution for the FY 2013 Litter Grant Program

Town Manager Ritter stated this resolution is for the annual grant.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the Resolution for the FY2013 Litter Grant Program. Unanimously approved.



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2013, Revenue Sharing Program; and,

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

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

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

ADOPTED by unanimous vote of the Town Council on June 4, 2012.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

43. Ordinance Committee Report of May 10, 2012

- Chapter 22, Article III. Nuisances, Sec. 22-62 (D) Grass, Weeds and other Foreign Growth on Private Property

Councilman T. Howard explained that Council never meant to get into large tracts of undeveloped land with the Grass and Weed Ordinance. He stated that they were primarily focusing on lots that were improved with a building, developed or at least a water meter servicing the property. He advised Council of the draft Ordinance before them and explained the intent. He stated that they also discussed itinerant venders or peddlers but will discuss that further at another meeting.

Councilwoman Conklin asked Town Attorney Poulson if he reviewed the draft ordinance.

Town Attorney Poulson advised that this wouldn't work.

Ms. Bowden gave an example of her grandmother's property and the overgrowth. She advised she does the best she can to cut back to the property line. She asked what a citizen is to do about this. She also added that this is undeveloped property.

Councilman T. Howard stated that this is why they can address the three different types of property; occupied property, developed unoccupied property or undeveloped property. He stated that the Town may want to consider the first two. He feels it could be addressed separately.

There was discussion about current overgrowth on undeveloped property and the remedy.

Town Attorney Poulson stated that it cannot be put as item D under Nuisances because it would be considered as a civil conflict. He also stated that under the old statute before the amendment,

it was vacant developed property that could be acted on. He explained vacant developed property. He stated that there is an issue with what constitutes occupied. He also stated that the Town needs to look at vacant developed property, undeveloped property and occupied property deciding how to apply the ordinance to each classification. He explained that years ago referring to undeveloped property it specified footage to the property line. He suggested getting to the heart of it and making decisions as to what to apply.

Councilman T. Howard concurs.

There was further discussion as to the details of things to consider in the ordinance.

Town Attorney Poulson suggested this topic be carried over to the next meeting for further discussion.

44. Mayor & Council Announcements or Comments

Vice Mayor Richardson discussed the Fish & Wildlife Service's sign on the Causeway letting people know when the beach parking lot is full. She feels this will turn visitors away as opposed to giving them the opportunity to visit other businesses on the Island.

They discussed the signs and feel they are definitely an eyesore and don't want to turn visitors away.

Mayor Tarr advised that staff would draft a letter about the signs. He also added that every year Council goes through the same process for the budget and tries to cut costs during the meetings. He stated that Council agrees during the meetings, but when employees and the public are in attendance it doesn't happen. He added that it's a hard decision.

Adjourn

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adjourn.
Unanimously approved.

Mayor

Town Manager

MINUTES OF THE JUNE 21, 2012 CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor

Council Members Absent

John H. Howard, Councilman

Nancy B. Conklin, Councilwoman
Tripp Muth, Councilman
John N. Jester, Jr., Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Elect Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda adding item 1b. Irrevocable Election Not to Participate in the Line of Duty Act Fund. Motion carried.

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

Nays: None

Absent: J. Howard

PUBLIC PARTICIPATION

- Mr. Ray Rosenberger approached Council regarding the Eastern Shore Communication 8 week wireless demonstration project. He strongly urges Council to allow this trial as it could lead to further distribution to the broadband project.

1a. Consider Adoption of the Fiscal Year “2013” Budget, Consisting of:

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Total Main Street Fund Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Harbor, Water, & Gen Gov. Rate Sheets

Town Manager Ritter reported that at the last Council meeting the tax increase was approved and adopted by Council. He asked Council if there were questions.

Councilwoman Conklin motioned to adopt the budget for Fiscal Year 2013 as presented.

To adopt the budget for the fiscal year 2013 as presented including the tangible property tax rate of \$0.85/100, tangible property tax relief of 63 percent, excise tax (meals) at 5 %, General Government fee schedules, Harbor fee schedules, Water fee schedule and appropriate the funds for disbursement.

Councilman Jester requested to add to the motion, that the 1% increase in the Transient Occupancy Tax be placed in a fund for beach, recreation and tourism issues only and any excess

funds to go toward beach, recreation and tourism, Councilwoman Conklin agreed. Councilman Muth seconded the motion. Motion Carried.

Ayes: Conklin, Muth, Jester

Nays: T. Howard, Richardson

Absent: J. Howard

<u>Revenue Name</u>	<u>Number</u>	<u>FY'13 Budget Revenues</u> <u>Budgeted</u>
Fund 10 - General Government		
Real Estate Tax Levy	4001-0100	\$ 611,090
Tangible Property Tax Levy	4001-0125	\$ 188,700
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 35,000
Meals Tax	4001-0500	\$ 648,900
Bank Franchise Tax	4001-0600	\$ 42,000
Sales Tax	4010-0100	\$ 110,000
Business License	4010-0200	\$ 125,000
Motor Vehicle License	4010-0300	\$ 80,000
Utilities Tax	4010-0500	\$ 140,000
Transient Occupancy Tax	4010-0600	\$ 745,936
Fines	4015-0100	\$ 45,000
Interest on Savings	4020-0100	\$ 30,000
Banner Donations	4041-0100	\$ 6,000
Cemetery Cleanup Donations	4041-0150	\$ 1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 42,420
Zoning Advertisements	4041-0600	\$ 2,000
Grants/Litter	4045-0100	\$ 2,585
Sale of Capital Assets	4049-0100	\$ 500
Health Insurance-Retirees Spouse	4051-0200	\$ 7,500
VA Fire Programs	4051-0300	\$ 11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$ 4,200
Harbor Administration	4061-0105	\$ 7,000
Rental Income - Trolley	4061-0106	\$ 12,000
Tower Rent	4061.0107	\$ 4,800
Communications Tax	4071-0100	\$ 212,855
Personal Property Relief Act	4071-0200	\$ 150,250
Mobile Home Sales Tax	4071-0300	\$ 7,482
Recovered Cost from Water	4101-0200	\$ 78,399
Public Works Miscellaneous	4201-0100	\$ 10,000
Miscellaneous Income	4303-0100	\$ 15,000

Solid Waste Collection Fee	4303-0400	\$	293,403
Law Enforcement Funds	4401-0100	\$	97,587
Police Miscellaneous	4401-0125	\$	1,000
Police Donations	4401-0150	\$	20,000
Police Grants	4401-0160	\$	9,000
911 Dispatch Revenue	4401-0200	\$	29,000
911 Local Tax (Wireless)	4401-0300	\$	30,345
VDOT Maintenance Funds	4501-0100	\$	557,906
Road Permit Fees	4501-0101	\$	400
VA Commission for the Arts - Grant	4545-0140	\$	5,000
Safe Routes to Schools Grant	4701-0400	\$	205,840
Total Fund 10		\$	4,652,008

Fund 20 - Main Street Project

Program Income	4501-0100	\$	3,000
TEA-21 Grant	4501-0115	\$	565,646
Total Fund 20		\$	568,646

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	1,500
Harbor Rent	4031-1000	\$	61,036
Subleases	4031-1002	\$	19,255
Dry/Winter Storage	4031-1003	\$	850
Loading Dock	4031-1004	\$	2,520
Fuel Revenue	4031-1058	\$	94,000
Total Fund 30		\$	179,161

Fund 70 - Trolley

Trolley Grants	4501-0100	\$	45,200
Program Income	4501-0110	\$	7,000
Transfer from General Fund	4501-8900	\$	23,200
Total Fund 70		\$	75,400

Fund 80 - Water

Water Rent	4101-0100	\$	1,008,643
Water Adjustments	4101-2200	\$	(500)
Waterline Extensions	4131-0100	\$	10,000

Service Connections	4131-0200	\$	10,500
Interest on Water Savings	4131-0300	\$	360
Miscellaneous	4131-0400	\$	500
Availability Fees	4131-0500	\$	18,351
Total Fund 80		\$	1,047,854

TOTAL ALL FUNDS **\$ 6,523,069**

<u>Expenditure Name</u>	<u>Number</u>	FY'13 Expenditures
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FUND 10 - General Fund

Fund 10 - General Fund/Department 50 - General Government

Salaries

Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	418,000
Emergency Medical Staff	5010-1002	\$	256,000
Overtime	5010-1003	\$	30,000
Subtotal		\$	731,840

Benefits

Social Security	5020-2001	\$	51,000
Hospitalization	5020-2101	\$	60,764
Blood Bank	5020-2102	\$	100
Unemployment - All Employees	5020-2103	\$	5,000
Retirement	5020-2201	\$	80,000
Life Insurance	5020-2202	\$	3,500
Line of Duty Trust	5030-2300	\$	18,076
Subtotal		\$	218,440

Expenses

Bank Charges	5030-3100	\$	3,000
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	13,325
Planning Commission	5030-3103	\$	40
Board of Zoning Appeals	5030-3104	\$	40
Building Permit Surcharge	5030-3105	\$	1,025

Board of Building Code Appeal	5030-3106	\$	25
Emergency Medical Clothing	5030-3107	\$	2,200
EMS Cell Allowance	5030-3108	\$	1,500
Insurance	5030-3401	\$	96,000
Auditing	5030-3501	\$	22,550
Donations	5030-3601	\$	6,600
Fire Department Donation	5030-3602	\$	20,141
Civic Center (TOTAX)	5030-3701	\$	104,431
Tourism - \$30K Chamber & \$30K Civic Center & \$7100 Other	5030-3705	\$	64,890
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	10,250
Office Equipment/Software Maintenance	5030-4402	\$	21,000
Postage	5030-4403	\$	10,763
Tax Bills & Conversion	5030-4404	\$	1,750
Motor Vehicle License	5030-4501	\$	2,100
Travel & Training	5030-4801	\$	3,588
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	500
Town Manager's Expense	5030-4903	\$	250
Attorney/Legal Consultants	5030-5101	\$	50,600
Drug/Alcohol Testing	5030-5201	\$	2,000
Christmas Dinner	5030-5501	\$	2,200
Dues	5030-6101	\$	4,400
VML Conference	5030-6102	\$	1,000
Advertising & Website	5030-7101	\$	12,000
Building Maintenance	5030-7301	\$	6,000
Electricity	5030-7401	\$	14,863
Heating Oil	5030-7402	\$	4,000
VA Fire Programs/CVFC	5030-7601	\$	11,910
EOC Operations/Training	5030-7602	\$	1,500
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	6,000
Deer D-Pop Program	5030-7703	\$	1,000
Leonard Asst Fund	5030-8001	\$	-
Telephone Bills	5030-8202	\$	20,000
Health Insurance - Retirees	5030-8401	\$	20,000
Transfer to Medicare (Doughnut Hole)	5030-8403	\$	10,000

Insurance-Retiree, Spouses & Others	5030-8402	\$	7,500
Miscellaneous	5030-8501	\$	5,000
Cemetery Cleanup	5030-8600	\$	1,500
Va Commission for the Arts	5030-8700	\$	10,000

Transfer to Trolley Fund	5030-8900	\$	23,200
VOLSAP For Volunteer Firemen	5030-8912	\$	2,640
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$	65,000
Subtotal		\$	683,681

Capital Improvements

Office Equipment	5090-9709	\$	3,000
Bond - School Board Property	5090-9740	\$	74,815
Interest on Bond	5090-9741	\$	8,141
Software	5090-7960	\$	3,561
Subtotal		\$	89,517

Subtotal Fund 10 Dept 50	\$	1,723,478
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*Fund 10 - General Fund/Department 60 - Public Works
Administration*

Salaries

Salaries	6010-1001	\$	105,223
Overtime	6010-1003	\$	525
Subtotal		\$	105,748

Benefits

Social Security	6020-2001	\$	9,329
Hospitalization	6020-2101	\$	18,000
Retirement	6020-2201	\$	14,730
Life Insurance	6020-2202	\$	646
Subtotal		\$	42,705

Expenses

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,050
Street Signs / 911	6030-4502	\$	3,000
Street Lights	6030-4503	\$	22,000
Gasoline/Diesel	6030-4701	\$	30,252

Oil/Grease	6030-4703	\$	2,625
Tools Shop	6030-4704	\$	2,625
Travel/Training	6030-4801	\$	1,250
Clothing / Uniforms	6030-5202	\$	4,100
Building Maintenance	6030-7301	\$	1,550
Equipment Repairs	6030-7302	\$	12,800
Safety	6030-7303	\$	1,250
Vehicle PMs	6030-7304	\$	1,300
Tires	6030-7305	\$	2,100
Garage Supplies	6030-7306	\$	2,500
Vehicle Repairs	6030-7307	\$	8,200
Electricity	6030-7401	\$	7,380
LP Gas	6030-7402	\$	2,000
Tipping Fees	6030-7501	\$	1,200
Sanitation Contract	6030-7501	\$	394,294
Miscellaneous	6030-8501	\$	1,500
	<i>Subtotal</i>	\$	503,476

Subtotal Fund 10 Dept 60 **\$ 651,929**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	33,829
Overtime	6110-1003	\$	10,000
	<i>Subtotal</i>	\$	43,829

Benefits

Social Security	6120-2001	\$	3,429
Hospitalization	6120-2101	\$	-
Retirement	6120-2201	\$	-
Life Insurance	6120-2202	\$	-
	<i>Subtotal</i>	\$	3,429

Expenses

Insurance	6130-3401	\$	8,100
Office Supplies	6130-4401	\$	200
Gasoline	6130-4701	\$	4,200
Tools & Small Equipment	6130-4704	\$	1,000
Chemicals	6130-4705	\$	45,500

Contract Spraying	6130-4706	\$	23,700
Travel/Training/Conference	6130-4801	\$	300
Uniforms	6130-5202	\$	750
Equipment Repairs/Maintenance	6130-7302	\$	1,800
Safety Equipment	6130-7303	\$	400
Vehicle Maintenance	6130-7304	\$	1,250
Sundry	6130-6101	\$	200
Subtotal		\$	87,400

Capital Improvements

Drainage	6190-9125	\$	37,300
Subtotal		\$	37,300

Subtotal Fund 10 Dept 61 **\$ 171,958**

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

Salaries

Salaries	6310-1001	\$	150,000
Overtime	6310-1003	\$	1,050
Subtotal		\$	151,050

Benefits

Social Security	6320-2001	\$	11,476
Hospitalization	6320-2101	\$	39,000
Retirement	6320-2201	\$	18,121
Life Insurance	6320-2202	\$	795
Subtotal		\$	69,392

Expenses

Seasonal Decorations & Banners	6330-4100	\$	8,000
Tools	6330-4704	\$	800
Uniforms	6330-5202	\$	3,075
Public Restroom Supplies	6330-6260	\$	10,500
Electricity	6330-7401	\$	3,700
Sundry	6330-8501	\$	200
Park & Recreation Expense	6330-8590	\$	12,500
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	22,000

Donald J Leonard Park	6330-8800	\$	500
Island Nature Trail	6330-8900	\$	500
Island Activity Center	6330-8950	\$	5,000
<i>Subtotal</i>		\$	68,775

Capital Improvements

Ocean Blvd Trail	6390-9400	\$	10,000
<i>Subtotal</i>		\$	10,000

Subtotal Fund 10 Dept 63 **\$ 299,217**

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

Salaries

Salaries	6510-1001	\$	108,030
Overtime	6510-1003	\$	2,000
<i>Subtotal</i>		\$	110,030

Benefits

Social Security	6520-2001	\$	8,264
Hospitalization	6520-2101	\$	11,340
Retirement	6520-2201	\$	13,050
VSRS/Life Insurance	6520-2202	\$	573
<i>Subtotal</i>		\$	33,227

Expenses

Snow Removal	6530-4102	\$	1,000
Pavement Maintenance	6530-4150	\$	234,149
Sidewalks	6530-4201	\$	40,000
Roadside Services	6530-4250	\$	3,000
Drainage Maintenance	6530-6250	\$	50,000
Traffic Control Devices	6530-7201	\$	20,000
Traffic Control Operations	6530-7201	\$	1,500
Electricity	6530-7450	\$	60,000
Engineering	6530-8600	\$	5,000
<i>Subtotal</i>		\$	414,649

Subtotal Fund 10 Dept 65 **\$ 557,906**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	493,000
Overtime	7010-1003	\$	8,500
<i>Subtotal</i>		\$	501,500

Benefits

Social Security	7020-2001	\$	38,300
Hospitalization	7020-2101	\$	36,000
Retirement	7020-2201	\$	56,900
Life Insurance	7020-2202	\$	2,490
<i>Subtotal</i>		\$	133,690

Expenses

Gasoline	7030-4701	\$	22,000
Travel/Training	7030-4801	\$	7,500
Uniform Allowance (Officers)	7030-5201	\$	6,000
Uniforms - Town	7030-5202	\$	2,000
Office Supplies/Equipment Maintenance	7030-7300	\$	7,000
Equipment Repairs & Supplies	7030-7302	\$	3,500
Vehicle Maintenance	7030-7304	\$	5,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	3,800
Bicycle Patrol	7030-7904	\$	300
Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	5,000
Ammunition	7030-7907	\$	2,500
Cell Phone Allowance	7030-8203	\$	3,600
Sundry	7030-8501	\$	500
<i>Subtotal</i>		\$	93,700

Capital Improvements

Patrol Vehicle	7090-9650	\$	28,500
Safe Routes to Schools Project	7090-9685	\$	205,840
<i>Subtotal</i>		\$	234,340

Subtotal Fund 10 Dept 70 **\$ 963,230**

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$	201,000
Overtime	7510-1003	\$	2,500
<i>Subtotal</i>		\$	203,500

Benefits

Social Security	7520-2001	\$	14,500
Hospitalization	7520-2101	\$	18,000
Retirement	7520-2201	\$	13,500
Life Insurance	7520-2202	\$	590
<i>Subtotal</i>		\$	46,590

Expenses

Travel/Training	7530-4801	\$	2,000
Uniform Allowance - Dispatchers	7530-5201	\$	1,400
Uniforms (Town for Dispatchers)	7530-5202	\$	500
Office Supplies/Equipment Maintenance	7530-7300	\$	24,000
E911 Line Fees	7530-8202	\$	5,600
911 Addressing	7530-8203	\$	600
Sundry	7530-8501	\$	100
<i>Subtotal</i>		\$	34,200

Subtotal Fund 10 Dept 75 **\$ 284,290**

Total
Fund 10 **\$ 4,652,008**

Fund 20 - Main Street Project**Expenses**

Maintenance	2030-7101	\$	1,000
Electricity	2030-7401	\$	2,000
<i>Subtotal</i>		\$	3,000

Capital Improvements

Main Street Project	2090-9711	\$	565,646
<i>Subtotal</i>		\$	565,646

		<i>Total</i>	
<i>Fund 20</i>	\$		568,646

Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$	27,778
Overtime	8010-1003	\$	200
	<i>Subtotal</i>	\$	27,978

Benefits

Social Security	8030-2001	\$	2,125
Retirement	8020-2201	\$	3,356
Life Insurance	8030-2202	\$	147
	<i>Subtotal</i>	\$	5,628

Expenses

Administrative Expense - Town	8030-3100	\$	7,000
Operation/Maintenance/Etc.	8030-7300	\$	22,821
Driveway Stones	8030-7305	\$	2,000
Fuel Purchase	8030-7315	\$	84,000
Sundry	8030-8501	\$	2,000
	<i>Subtotal</i>	\$	117,821

Capital Improvements

Electrical Meter Station	8090-9128	\$	21,000
Fencing	8090-9134	\$	6,734
	<i>Subtotal</i>	\$	27,734

		<i>Total</i>	
<i>Fund 30</i>	\$		179,161

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	32,500
	<i>Subtotal</i>	\$	32,500

Benefits

Social Security	3020-2001	\$	2,450
	Subtotal	\$	2,450

Expenses

Insurance & Bonding	3030-3401	\$	4,000
Communication Service	3030-4400	\$	750
Printing & Reproduction	3030-4401	\$	2,500
Advertising & Promotion	3030-4402	\$	800
Education & Training	3030-4403	\$	650
Cleaning Supplies	3030-4404	\$	250
Supplies & Materials (Other)	3030-4406	\$	325
Memberships and Dues	3030-4407	\$	125
Travel & Meals	3030-4408	\$	1,000
Fuel and Lubricants	3030-4701	\$	9,400
Tires & Tubes	3030-4702	\$	600
Uniforms	3030-4703	\$	500
Parts	3030-4704	\$	750
Drug and Alcohol Testing	3030-5201	\$	800
Equipment Repairs/Maintenance	3030-7302	\$	6,000
Rent	3030-8505	\$	12,000
	Subtotal	\$	40,450

	Total		
Fund 70	\$	75,400	

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	214,647
Overtime	6210-1003	\$	3,150
Pump Duty	6210-1004	\$	14,175
	Subtotal	\$	231,972

Benefits

Social Security	6220-2001	\$	17,746
Hospitalization	6220-2101	\$	39,917
Retirement	6220-2201	\$	29,124
Life Insurance	6220-2202	\$	578
	Subtotal	\$	87,365

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$	2,500
Postage	6230-4403	\$	3,500
Gasoline & Diesel	6230-4701	\$	3,150
Tools	6230-4704	\$	1,000
Chemicals	6230-4705	\$	12,600
Travel & Training	6230-4801	\$	2,500
Uniforms	6230-5202	\$	2,000
Dues/Licenses	6230-6101	\$	1,200
Building Maintenance/Rehab	6230-7301	\$	5,000
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	1,000
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	47,632
LP Gas	6230-7402	\$	525
Distribution & Repairs	6230-8101	\$	37,500
Supply Repairs	6230-8103	\$	16,000
Miss Utility	6230-8204	\$	900
Sundry	6230-8501	\$	200
Reimbursement to Fund 10	6230-8601	\$	78,399
Regulation Compliance	6230-8750	\$	3,500
State Groundwater Permits	6230-8770	\$	10,000
Transfer to Water Reserve	6230-8900	\$	75,368
Engineering	6230-9100	\$	500
<i>Subtotal</i>		\$	305,974

Capital Improvements

Water Main Extensions	6290-9101	\$	10,000
Interest on Water Bond Supply Line	6290-9504	\$	21,730
Water Bond - Supply Line Main Street	6290-9505	\$	102,141
Water Bonds	6290-9506	\$	179,406
Interest on Water Bond	6290-9507	\$	62,266
Waterline Line Replacement	6290-9600	\$	12,000
Pitless Adapter Booster Station	6290-9700	\$	35,000
<i>Subtotal</i>		\$	422,543

Total
Fund 80 \$ 1,047,854

TOTAL ALL FUNDS**\$ 6,523,069****Building and Zoning Permit Fees**

Category	DRAFT FY "13"
Res. New Construction: per sq ft	\$0.18
Res. New Constr.: minimum fee	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00
Comm. New Construction: per sq ft	\$0.23
[plus \$5 per plumbing fixture (Chinco)]	
Comm. New Constr.: minimum fee	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00
Mobile Homes: per sq ft	\$0.18
Demolition of Structure: Residential	\$30.00
Demolition of Structure: Commercial	\$30.00
Removal/Installation fuel tanks:	
1000-3000 gallon capacity	\$115.00
Each additional 1000 gallon capacity	\$25.00
Installation of radio or communication tower:	
Up to 100 feet	\$115.00
Each additional 100 feet	\$45.00
Each Additional Attachment	
Piers or Bulkheads:	
Up to 300 linear feet	\$90.00
Each additional 100 linear feet	\$11.00
New Docks: per sq ft	\$0.18
Boat ramps & groins	\$115.00
Swimming Pools:	
Above-ground	\$60.00
In-ground	\$80.00
Commercial	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00
Installing New Sheathing-Residential while re-roofing	
Installing New Sheathing-Commercial while re-roofing	
Re-siding	\$45.00
Moved Buildings	\$80.00
For other work not listed:	
Residential	\$60.00
Commercial	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a
No inspection required	\$30.00
Inspection required:	
Per sq ft	\$0.13

Minimum fee	\$60.00
Appeals to the Board of Appeals	\$450.00
Administrative Fees:	
Lost permit (reissue)	\$30.00
Permit amendment (reissue)	\$30.00
Change of use	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00
For beginning constr. prior to obtaining BP:	
First offense	\$50.00
Each offense thereafter	\$200.00
Re-inspection fee	\$40.00
State Code Academy Surcharge	2.00%
Refunds: (% of amount paid)	
Permit issued, no inspections	75%
Foundation inspection completed	75%
Framing & foundation inspection completed	25%
Subdivision Review Fees (per each submitted plat):	
Up to 10 lots:	
Base fee	\$200.00
Each lot (in addition to base fee)	\$10.00
Over 10 lots or required new road construction:	
Base fee	\$500.00
Each lot (in addition to base fee)	\$20.00
Zoning Fees:	
Zoning inspections	\$0.00
Special use permit	\$450.00
Conditional use permit	\$1,500.00
Conditional use permit for Wind Mills	\$450.00
Variance application	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00
Appeal decision of Zoning Administrator	\$450.00
Proposed rezoning change	\$730.00
Amendment to the zoning ordinance	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00
Site evaluation (subdivision)	\$100.00
Travel Trailer Park Fees:	
Up to 25 trailers	\$500.00
26-49 trailers	\$1,000.00
50 or more trailers	\$2,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Sign Permit Fees:	
Less than or equal to 25 square feet	\$45.00

Each sq ft in excess of 25 sq ft	\$1.00
Mobile Home Park Fees:	
4-25 mobile homes	\$1,000.00
26-40 mobile homes	\$2,000.00
41 or more mobile homes	\$5,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Transcript Fees (per page)	\$12.00
Document Fees:	
Comprehensive Plan	\$20.00
Zoning Ordinance	n/a
Subdivision Ordinance	n/a
Complete ordinances, incl zoning & subdivision	\$35.00
Excerpts from Ordinances & Other Town Documents:	
per page and/or double sided per page	\$0.10
Maps 36" x 44"	\$55.00
Contractors List (Class A & B)	\$0.00
New Address Fee	\$25.00
New Road Fee (at cost per MSAG)	cost
Elevators/Escalators/Lifts	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00
Carport or Garage: per sq ft	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00
Deck: per sq ft	\$0.18
Fence (> 8 linear ft. Total)	\$45.00
Fireplace	\$0.00
Foundation	\$60.00

General Government Taxes and Fees

Real Estate Tax (\$___/100 of assessed value)	\$0.07
Tangible Property Tax (\$/100)	\$0.85
Tangible Property Tax Relief (percent)	63%
Excise Tax; Meals (percent)	5%
Excise Tax; Transient Occupancy (percent) New Rate Starts Jan 1, 2013	4%
Chincoteague Recreation and Convention Center % of Trans Occupancy	14%
Vehicle Decals (annual)	\$27.00
Road Sudivision Review Fee	\$250.00
Side Walk Administrative Fee Maximum of \$200 or 25%	25%
Solid Waste Collection Fee (Residential per week)	\$1.50
Solid Waste Collection Fee (Commercial/Business per week)	\$1.50
Drainage Administrative Fee Maximum of \$200 or 25%	25%
Robert Reed Park, Fishing Vessels (per Day mon - fri)	\$15.00
Robert Reed Park, Fishing Vessels (per Day sat & sun)	\$30.00
Robert Reed Park, Recreational Vessels (\$ per ft. per Day)	\$1.00
Business License Minimum/Maximum	\$50/\$500
Retail, Repair, Personal, Business, Construction (\$0.13/\$100)	\$0.13

Wholesale (\$0.05/\$100)

\$0.05

WATER RATES, CHARGES AND BILLING FOR FY 13

A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$29 residential \$47 commercial	6,000 6,000	\$4.36 \$5.16
1	\$115	15,000	\$5.16
1.5	\$228	30,000	\$5.16
2	\$365	48,000	\$5.16
3	\$727	96,000	\$5.16
4	\$1,135	150,000	\$5.16
6*	\$2,272	300,000	\$5.16
8	\$3,634	480,000	\$5.16

*One meter currently in the system is to be charged \$6.52 per 1000 gallons over the allowed usage.

Connection Fees

New connections to the water system shall be charged at the rate below plus all additional related costs incurred by the town:

\$670 for a 5/8" or 3/4" Meter connecting pipe

\$1,176 for a 1" connecting pipe

\$1,570 for a 2" connecting pipe

Availability Fee Schedule

Meter Size (inches)	Availability Fee
5/8 & 3/4	\$3,708
1	\$9,270
1.5	\$18,540
2	\$29,664
3	\$59,328
4	\$92,700
6	\$185,400
8	\$296,640

Condominiums are charged an availability fee of \$3,819 per living unit but supplied by a master

meter with the minimum billing based on the size of the meter.

Billing and other charges

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town for purposes other than plumbing repairs, shall be charged a fee of \$75.00.
- A change of ownership fee of \$50.00
- An administrative fee will be applied to all Water main extensions, by the Town for a maximum of \$200 or 25%

Water bill adjustments

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

Curtis Merritt Harbor FISCAL YEAR 2013 Rate Schedule
(July 1, 2012 – May 31, 2013)

25 ft Slip \$385.00 30 ft Slip \$434.00 40 ft Slip \$653.00 50 ft Slip \$950.00
Slip at head of Collector Pier \$1045.00

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

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

Daily permit rate for recreational vessels: \$10.00 per day or any portion of a Day with a \$25.00 minimum or \$50.00 a Week (7 days) or \$200.00 a Month (30 days) any size slip.

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

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

For Non Harbor resident there will be \$10.00 a day charge after the first 8 hours.

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

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

1b. Irrevocable Election Not to Participate in the Line of Duty Act Fund

Town Manager Ritter advised that the Board of Supervisors voted to fund the Chincoteague Volunteer Fire Company. He stated that this Resolution will allow the Town to opt out of the VRS Line of Duty Act.

Councilman T. Howard asked if the County was going to pay the same for all the other fire companies.

Town Manager Ritter advised they were already paying for all the other fire companies.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the resolution to not participate in the Line of Duty Act Fund. Motion carried.

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

Nays: None

Absent: J. Howard



RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Town Council of the Town of Chincoteague to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Chincoteague hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

**Town of Chincoteague
Chincoteague Volunteer Fire Company**

to the best of the knowledge of Town Council of the Town of Chincoteague, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the Town of Chincoteague agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the Town of Chincoteague on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the Town of Chincoteague agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the Town of Chincoteague shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Chincoteague, Virginia this 21st day of June, 2012.

John H. Tarr, Mayor

2. Possibly Consider a No Parking Zone on Church Street From Anderton Avenue to Main Street.

Town Manager Ritter advised that no parking on Church Street has been discussed many times over the past several years. He stated that he and Chief Lewis approached the different businesses along with Christ United Methodist Church, the Opportunity Shop and the Catholic Church. He advised that they had no problems with this. He added that there will be no problems with loading and unloading as long as they remain with their vehicles. He also stated that upon approval this would not be enforced until all the appropriate signage was up.

EMS Supervisor Rush advised that from an emergency standpoint, this would get EMS vehicles through quickly and safely along with prevention of potential accidents. He asked Council to consider this.

Town Manager Ritter also mentioned the potential for speeding.

Councilwoman Conklin expressed her experiences and concerns with the parked cars along Church Street. She added that with the appropriate parking for each of the churches there aren't any hardships.

Councilman Jester suggested communicating with the community what the Town is planning and allowing time for input as opposed to just doing it. There was further discussion.

Mrs. Mary Chrisman came before Council as a representative of the Opportunity Shop. She stated that with the additional and adequate parking they currently have, there are no objections to no parking along Church Street. She asked why they aren't considering all of Church Street.

Chief Lewis advised that there was no parking down the rest of Church Street as the road width is too narrow.

Councilman Jester asked about loading zones.

Town Manager Ritter advised there would be loading zones with signage. He added that when someone is unloading luggage at the Channel Bass Inn and for the Opportunity Shop there would be no problems.

Councilman Jester suggested specifying the loading zones.

Discussion and comments continued.

Councilman Muth added that the Student Government brought this up in the past and he agrees this is a good idea. He also feels that the public should be notified giving a grace period.

Vice Mayor Richardson advised as a school bus driver that there isn't enough room and it is a safety hazard.

Councilman T. Howard stated that this is a problem and needs consideration.

Vice Mayor Richardson made a motion to restrict parking on Church Street from Main Street to Anderton Avenue putting signage and allowing loading or unloading.

Councilman Jester asked that Council wait to vote on this to communicate to the community.

Mayor Tarr feels that it would be best to table the matter until the next Council meeting, July 2, 2012.

Town Manager Ritter feels that there should be a 5 minute loading and unloading zone.

Vice Mayor Richardson withdrew her motion.

Chief Lewis stated that this is a congested area and has been brought to Council for many years. He feels that loading or unloading is also an issue.

Discussion continued.

Mayor Tarr directed staff to return with more information.

EMS Supervisor Rush added that as a part of the July 4th fireworks event there will be no parking on Church Street from Main Street to Willow Street. He stated that this is to facilitate the shuttle busses and if they see some temporary no parking signs it is for this purpose only.

3. Possibly consider Allowing Eastern Shore Communication to Provide an 8 Week Wireless Demonstration Project

Town Manager Ritter introduced Mr. Ronald Van Geijn to explain the demonstration project.

Mr. Van Geijn explained the 8 week wireless demonstration project. He advised that they have to determine feasibility of high-speed internet service. He stated they are willing to set up the device for a limited period. He added that the water or the trees may prevent them from producing high speed internet service to all areas. He added that at the conclusion of the pilot they will remove the equipment. He added that wireless is one solution. He isn't asking for an exclusion agreement for Chincoteague.

Councilwoman Conklin asked about cost.

Mr. Van Geijn further explained there is no cost for the demonstration and described the signal area and that this pilot is done through volunteers.

Councilman Jester asked what would be located on the Island.

Mr. Van Geijn advised that it would be the antenna.

Town Manager Ritter explained the trial agreement with the ESVBA. He stated that it is specifically with the Town. He advised that the money would not have to come through the Town. He stated that the Town would choose 1 provider with 25mgs for 6 months and then they would be charged for 50% for the remainder of the year and then 100% for the next year. He will email and circulate the trial agreement to review for the July meeting.

Town Manager Ritter also stated that when he met with the ESVBA Board, they agreed to pass the money through them and not the Town when the 6 months is up. There would be no impact to the Town.

There were further questions.

Councilman Muth motioned, seconded by Councilwoman Conklin to allow Eastern Shore Communication to provide an 8 week wireless demonstration project. Motion carried.

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

Nays: None

Absent: J. Howard

4. Mayor & Council Announcements or Comments

Councilman T. Howard attended the Meet and Greet, Open House at the Island Theatre. He was approached by a citizen who feels that speeding is a problem in the downtown area.

Chief Lewis advised that there are officers sitting in the Medical Center Parking lot facing north and they haven't stopped anyone for speeding yet. He suggested that they may appear to be traveling faster than they really are. He advised they will continue to monitor the area.

They also discussed replacing the crosswalk posts which will slow traffic there also.

Councilwoman Conklin asked if the other side of Main Street would be completed in the fall with the grant.

Town Manager Ritter advised they will receive the rest of the grant to complete the other side of Main Street in the fall.

Councilwoman Conklin asked if the space in front of the Library would have any more trees.

Vice Mayor Richardson she stated that it has been a pleasure to serve with Councilwoman Conklin. She also expressed her concerns with small children standing in front of the adult on scooters. She strongly feels they need helmets and it should be looked into further for safety. She asked if there was a law.

Chief Lewis advised there is no law in place requiring helmets on scooters, but the Town could adopt an ordinance stating such. He also stated that they are supposed to be sitting on the seat and not standing.

Councilman T. Howard asked how old they have to be to operate a scooter.

Chief Lewis advised they are required to be 16.

Vice Mayor Richardson feels this is dangerous. She suggested taking this to the Public Safety Committee.

Town Manager Ritter advised Council that there will be a goose roundup by the Fish and Wildlife Service on June 26th to be donated to the 'Food for the Hungry' organization.

Mayor Tarr announced the swearing in ceremony on June 28th at 5:00 p.m.

Public Works Director Spurlock advised they are planning to pave the Town Dock early next week and it will be closed all day.

Chief Lewis wished Councilwoman Conklin good luck and stated she has served the Town of Chincoteague's people very well and he thanked her for all she has done.

Mayor Tarr also thanked Councilwoman Conklin and stated that she is more than a Councilperson.

Councilman T. Howard stated that it is commendable that she attended her last meeting. He commented that it is in poor taste and blatant when you don't attend.

5. Closed Meeting in Accordance with Section 2.2-3271(A)(7) of the Code of Virginia

• Legal Matters ("Probable Litigation")

Section 2.2-3711(A)(7) of the Code of Virginia to discuss probable litigation. Unanimously approved.

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

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

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

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

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

VOTE: Ayes- Jester, Muth, T. Howard, Richardson, Conklin

Nays- None

Absent- J. Howard

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE JULY 2, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
J. Arthur Leonard, Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
John N. Jester, Jr., Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PRESENTATION

Mayor Tarr welcomed the new council members and asked Mrs. Nancy Conklin if she would come forward. He presented her with a Certificate of Special Recognition for her years of community service.



**CERTIFICATION OF
SPECIAL RECOGNITION**

MRS. NANCY CONKLN

Term: October 13, 1999 – June 30, 2012

Public service is one of nobility and dedication.
You have displayed these attributes

in the highest tradition during your term as
Councilwoman of the Town of Chincoteague.

On behalf of a grateful community, I the Mayor,
along with the members of
the Chincoteague Town Council,
proudly present to you this recognition
of meritorious service.

July 2, 2012

John H. Tarr, Mayor

Mrs. Conklin thanked everyone and stated that people shouldn't complain about the Town, they should be willing to step up and make a change.

Mayor Tarr also presented Councilman Howard with a United States flag. He read the certification and informed those in attendance that the flag was flown over the United States Capital on May 23rd, 2012 at the request of Congressman Rigell for Mr. Terry Howard for his 30 years of service to the Chincoteague Town Council.



**CERTIFICATION OF
SPECIAL RECOGNITION**

THE HONORABLE TERRY HOWARD

WHEREAS, the Honorable Terry Howard has served the Town of Chincoteague well for many years in many capacities; and

WHEREAS, he has served faithfully as a member of the Chincoteague Town Council since 1982; and

WHEREAS, the exemplary conduct and sense of fairness he has demonstrated has furthered the cause of better understanding, and has been an influence for good in the growth and progress of our community;

NOW, THEREFORE, I, John H. Tarr, as Mayor and speaking on behalf of the Town Council and all our citizens, do hereby convey to the Honorable Terry Howard our heartfelt appreciation for his 30 years of exemplary service to the Town of Chincoteague.

DATED this 2nd day of July, 2012.

John H. Tarr, Mayor

Councilman Howard thanked Mayor Tarr and explained how he came to be a Councilman. He thanked everyone.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Jim White spoke about the Town Code referring to Meals Tax and Transient Occupancy Tax. He reiterated the vote and explanations of the previous meetings. He asked if the 1% tax increase would be eliminated once the beach access issue is resolved.

Mayor Tarr stated that the discussion by Council was that this matter would be reviewed each year during the budget hearings.

- Mr. John Smith of Hallwood asked if there would be any reservations of putting any member of the Town's staff in his book or on the internet.

Mayor Tarr advised he would run it by the Town's attorney.

Councilman Howard thanked Mr. & Mrs. Friar and Councilwoman Richardson for initiating his recognition and the presentation of the flag.

STAFF UPDATE

Planning Department

Town Planner Neville stated that the monthly report has been included in the packet. He added that the Planning Commission, Wastewater Advisory Committee and the Beach Advisory Committee will not be meeting in July. He advised of the next meetings: Planning Commission – August 14th, Wastewater Advisory Committee – September 20th, Beach Access Committee – they are waiting to hear from the next newsletter. He stated that he has attended a couple of meetings on the Town's behalf. He also stated that on July 11th and 12th the ANPDC is completing the recreational use mapping project. He also reminded Council of the announcement of the Community Walk-Around Workshop, July 30th. He also reported that there will be a planning study with the Navy to share their long range plans with the flight facility.

Police Department

Lieutenant Fisher stated that the monthly report is included in the packet. He asked if there were any questions. He stated that there have been complaints about speeding in the downtown area and on Church Street. He advised that they have been moving the speed trailer that advises and records the speeds, times and dates.

Councilwoman Richardson advised that it works.

Public Works

Public Works Director Spurlock advised that the Public Works monthly report is also in the packet. He reviewed some of the highlights. The Main Street streetscape project has been completed by Conrad Brothers who did an outstanding job not to mention a great company to work with. He looks forward to doing the other side of the street in the fall. He welcomed the new councilmen.

Councilman Jester asked about the lights and flowers.

Public Works Director Spurlock stated that there are a few little things. He stated that the lights and several benches will be installed next week. He added that the lighting will be installed by A&N Electric.

Councilman Jester asked about the planters across the street.

Public Works Director Spurlock advised that he would be contacting the Garden Club.

General Government

Town Manager Ritter reported that under Emergency Management the draft Star Space Tourist Action Response Plan there will be another tabletop exercise on July 17th. He advised that General Government Staff is working on the end-of-year closeout along with the VRS payroll changes and insurance. He also advised that staff will be working on the quarterly newsletter for September.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Richardson, seconded by Councilman Leonard to adopt the agenda.
Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of June 4, 2012**
- **Special Council Meeting of June 21, 2012**

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

2. Selection of the Vice Mayor

Mayor Tarr explained that this is done after every election in May. He entertained a motion for consideration of Vice Mayor.

Councilman Jester motioned, seconded by Councilman Taylor to elect Councilman Leonard as the Vice Mayor. Unanimously approved

Mayor Tarr congratulated Vice Mayor Leonard.

3. Committee Appointments and Assignments

Mayor Tarr read the list of Committee appointments and assignments.

Budget & Personnel Committee: Chairman, Mayor Tarr, Councilman Muth and Councilman Taylor.

Ordinance Committee: Chairman, Councilman Howard, Councilman Taylor and Councilman Muth.

Meals Tax Committee: Vice Mayor Leonard

Harbor Committee: Chairman, Vice Mayor Leonard, Councilman Jester.

Recreation & Community Enhancement Committee: Chairman, Councilman Jester, Councilman Howard and Councilman Taylor.

Public Works Committee: Chairperson, Councilwoman Richardson, Mayor Tarr and Vice Mayor Leonard.

Planning Commission: Councilman Muth.

Cemetery Committee: Chairperson, Councilwoman Richardson, Councilman Howard.

Public Safety – Police, EMS, EOC: Chairman, Mayor Tarr, Councilwoman Richardson, Councilman Taylor.

Liaison Committee: Chairman, Mayor Tarr, Vice Mayor Leonard and Councilman Jester.

Chincoteague Recreation & Convention Center Authority: Councilman Jester.

Councilwoman Richardson motioned, seconded by Councilman Howard to approve the Committee appointments. Unanimously approved.

4. Consider Appointment to the Planning Commission

Town Manager Ritter advised that Town Planner Neville advertised the vacant seat of Councilman Taylor on the Planning Commission. He asked Town Planner Neville to review the memo.

Town Planner Neville advised that Ms. Nancy Lane and Mr. Mike Dendler have expressed interest to be considered. He added that Ms. Helen Merritt and Mr. Drew Jorgensen expressed interest the last time there was a vacancy. He reported that Mrs. Merritt and Mr. Jorgensen both decided not to be considered at this time.

Mayor Tarr asked if this was properly advertised.

Town Manager Ritter advised it has been advertised and the term is for approximately 6 months.

Mayor Tarr asked if either candidate would like to address Council.

Ms. Lane advised Council of her interest in becoming a Planning Commission member. She would like to help make the Town a better place and is committed and honored.

Mr. Dendler explained his interest in becoming a member also.

Mayor Tarr opened the floor for nominations.

Councilman Howard nominated Mr. Mike Dendler.

Councilman Jester nominated Ms. Nancy Lane.

Mayor Tarr closed the nominations.

Mayor Tarr called for a vote for Mr. Mike Dendler.

Ayes: Howard, Taylor, Leonard, Richardson.

Mayor Tarr congratulated Mr. Dendler.

5. Public Safety Committee Report of June 5, 2012

Mayor Tarr advised that the report was included in the packet. He also mentioned the tabletop exercise on July 17th at the Community Center. He asked for questions. There were none.

6. Possibly Consider a No Parking Zone on Church Street from Anderton Avenue to Main Street.

Town Manager Ritter reported that at the June 21st Special Council meeting this matter was discussed. He explained the possibility of a 5 minute loading and unloading zone for the Channel Bass Inn and the Opportunity Shop.

Lieutenant Fisher advised that it would be easier if there was "No Parking". He feels that if there is a 5 minute loading or unloading zone it would be tying up an officer. He stated that the Police Department feels that No Parking would be better. The Police Department also discussed asking the Opportunity Shop to move their collection boxes to the back of the building for loading and unloading at the Town Parking Lot. He mentioned that the Channel Bass Inn has an entrance along the Town Parking Lot also.

Town Manager Ritter stated that there are three letters included in the packet regarding the safety issue. He added that moving the loading and unloading zones to the Town Parking Lot are just

suggestions as the Town doesn't want to get into their operations. He stated that the Town sees no issue if they would like to do this in the future.

Councilman Jester supports the no parking on Church Street, however, has concerns about moving the loading zones as the workers at the Opportunity Shop are seniors.

Councilman Howard asked if the Opportunity Shop and Channel Bass has been approached about moving the loading and unloading zones. He understands the hazard of parking along Church Street and feels it's a safety factor. He mentioned the Opportunity Shop and its importance to the community.

Councilman Muth asked about crosswalks.

Town Manager Ritter advised that crosswalks are no problem and there was further discussion about the safety issues and specifics.

Councilman Jester suggested business specific signage for loading zones.

Discussion continued.

Councilwoman Richardson suggested putting the business name on the loading and unloading signs for 1 car at a time.

Mr. Wiedenheft of the Channel Bass Inn doesn't feel one space is sufficient.

Comments were made and Councilman Taylor suggested tabling this matter one more month.

Lieutenant Fisher and Councilman Jester both agreed that this has been put off long enough and July is the month to enforce it because of the major safety issues.

Councilman Muth feels this a safety issue and the no parking would be for the greater good. Councilwoman Richardson motioned, seconded by Councilman Howard to adopt a no parking zone on Church Street from Main Street to Anderton Avenue allowing 5 minute loading/unloading in front of the Opportunity Shop and Channel Bass Inn, including revisiting this matter if there are problems, adding crosswalks for each of the two businesses. Motion carried.

Ayes: Howard, Richardson, Leonard, Jester, Muth

Nays: Taylor

7. Recreation and Community Enhancement Committee Report of June 12, 2012

Councilman Jester reported that they discussed potential plans at the completion of the Ocean Boulevard extension/trail to extend it to Coach's Lane. He also stated they talked about the trails workshop. He feels they should be working on a physically fit community.

Councilwoman Richardson asked about the Committee's opposition of the Fish & Wildlife using a concrete deck.

There was further discussion.

8. Possible Adoption of a Trial Agreement with ESVBA

Town Manager Ritter explained that this is referring to the Eastern Shore Broadband Authority and the agreement will allow the Town to go forward with a request for a proposal for a Broad Band provider. He stated the Town will review and approve the proposals and the vendor will be chosen to provide a minimum of a one year service. He stated that the first 6 months they will operate free and clear and after that it will go to 25% of the cost of the service of 25MG. He added that after 9 months it goes to 50% and after a year 100%. Town Manager Ritter recommended that the Town adopts this. He asked that ESVBA at a previous meeting to strike the part where the Town would be the fund pass-through. They agreed to remove this and the Authority would collect the money directly. He advised at the last meeting they passed a proposal for an 8 week pilot project after which the RFP will be finalized for the 1 year trial agreement period.

There was brief discussion as to the liability.

Town Manager Ritter explained that the Eastern Shore of Virginia Broadband Authority cannot give out free service for 6 months and as they pick up customers they will be able to support the service. He also stated that the pilot is separate pilot project for 8 weeks and then they will go out for proposals for the provider of the service.

Discussion continued in length.

Mayor Tarr stated he doesn't have a problem with the pilot program, however, does have concerns with the RFP.

Councilman Howard asked Town Manager Ritter what his recommendation was.

Town Manager Ritter advised that he recommended approving the agreement so they could move forward with the RFP.

Councilman Howard motioned, seconded by Councilman Jester to adopt the trial agreement with ESVBA. Unanimously approved.

TRIAL AGREEMENT

This Agreement is made and entered into as of the date it is signed by both parties (hereinafter referred to as the "Effective Date") by and between Eastern Shore of Virginia Broadband Authority, having offices at 36272 Lecato Road, Belle Haven, VA 23306, (hereinafter referred to as "ESVBA"), and the Town of Chincoteague, having offices at 6150 Community Drive, Chincoteague Island VA, 23336 (hereinafter referred to as "Town").

RECITALS

WHEREAS, ESVBA desires to provide Town with discounted Internet access to facilitate the availability of affordable internet access to small businesses and residential dwellings (hereinafter referred to as the "Trial"). Such discounted Internet access shall hereinafter be referred to as the "Service".

WHEREAS, Town wishes to determine the utility and feasibility of utilizing the Service to meet the broadband needs its businesses and residents ("Users"),

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and covenants set forth herein, ESVBA and Town agree as follows:

1. ESVBA RESPONSIBILITIES

ESVBA will provide to Town, at the charges specified in Attachment A, dedicated internet service, to a mutually agreed up on location that is on or near the ESVBA network. Title to any equipment and/or software provided by ESVBA for the purposes of this Trial shall remain with the ESVBA. Town will assume any risk of loss or damage to any equipment and/or software used in the Trial.

2. TOWN'S RESPONSIBILITIES

a. Town shall cooperate with ESVBA in all aspects of the Trial as reasonably required by ESVBA. Cooperation shall include: evaluating the Service while the Trial is in progress and informing ESVBA of Town's views concerning the virtues and shortcomings of the Service.

b. Town shall work independently, or with other parties, to conduct the trial in an organized and professional manner.

c. If the Town determines that they want to a third party to take responsibility of the Trial and operate the Trial as a commercial entity (Operation), the Town must issue a public RFP and follows the laws of the Commonwealth of Virginia.

d. Town acknowledges that nothing in this Agreement shall be construed as a commitment by ESVBA to offer the Service to any of the end users of the Trial following the termination of the Trial.

e. Unless otherwise stated, the Town's selected Service Provider, will also pay ESVBA the Service charges specified in Attachment A for the duration of the Trial.

3. EQUIPMENT & INTELLECTUAL PROPERTY

a. Town agrees that upon expiration or termination of this Agreement, Town will promptly return all hardware, software equipment and associated documentation, which ESVBA as provided, to ESVBA in the same condition as received, reasonable wear and tear excepted, or they must purchase the aforementioned at the ESVBA's purchase price.

4. TERM AND TERMINATION

- a. The term of this Agreement shall commence with the date that the Town desires ESVBA's Internet Service to begin, or upon the date which the Town awards an RFP to a Service Provider (In Service Date) and shall expire twelve (12) months thereafter, unless terminated earlier as provided below.
- b. This Agreement shall terminate at the earlier to occur of the following:
 - 1) the expiration date of the Term, or
 - 2) upon thirty (30) days prior written notice by the Town.
 - 3) upon thirty (30) days' prior written notice by either party to the other party if the other party is in default of a material term or condition of this Agreement and has failed to cure such default within the notice period, or
 - 4) immediately upon written notice by either party if:
 - i. the other party has intentionally or in a willful, wanton or reckless manner made any material, false representation or violated the other's trade names, trademarks or service marks;
 - ii. the other party has been placed in conservatorship or receivership, become insolvent or involved in a liquidation or termination of its business, or adjudicated bankrupt, or been involved in an assignment for the benefit of creditors; or
 - iii. mandated by governmental or regulatory authority.
 - iv. Upon expiration or termination of this Agreement neither party shall be relieved of any obligations due at the time of such expiration or termination, nor shall such expiration or termination prejudice any claim of either party accrued on account of any default or breach by the other.
- c. The Town shall be able to change the amount of bandwidth (not to exceed 25 Mb/s), or cancel Service, without any penalties during the Term of the Trial. At the conclusion of the Trial, ESVBA will enter in an agreement with the ~~Town, or the~~ Town's selected service provider, at ESVBA's standard rates (Appendix B).

5. CONFIDENTIALITY

- a. Both parties, for their mutual benefit, desire to disclose or have disclosed to the other, certain specifications, designs, plans, drawings, software, data prototypes, or other business and/or technical information (hereinafter collectively referred to as "Information") which is proprietary to the disclosing party or its affiliated companies or suppliers. The receiving party shall hold such Information in confidence, shall reproduce or copy such Information only to the extent necessary for its authorized use, shall restrict disclosure of such Information to its employees who have a need to know, shall advise such employees of the obligations assumed under this section, and shall not disclose such Information to any third party without the prior written approval of the other party and a confidentiality agreement at least as restrictive as this Article 5.
- b. These restrictions on the use of disclosure of information shall not apply to any Information:
 - 1) that is independently developed by the receiving party or its affiliated companies or lawfully received free of restriction from another source having the right so to furnish such Information; or

- 2) that is or becomes publicly available by means other than unauthorized disclosure; or
- 3) that, at the time of disclosure to the receiving party, was known to such party or its affiliated companies free of restriction as evidenced by documentation in such party's possession; or
- 4) that the disclosing party agrees in writing is free of restrictions stated in this Agreement.
- 5) Each party agrees that all of its obligations undertaken in this Section 5 as a receiving party of Information shall survive and continue for two years after any expiration or termination of this Agreement.

6. WARRANTIES

- a. ESVBA warrants that it will make commercially reasonable efforts to provide continuous service at the contracted levels.
- b. EXCEPT FOR THE WARRANTIES STATED IN SECTION 6(a), THE SERVICE IS OFFERED ON AN "AS IS" BASIS. ESVBA MAKES NO WARRANTY, GUARANTEE, OR REPRESENTATION, EXPRESS OR IMPLIED, RELATING TO THE RELIABILITY, EFFECTIVENESS, ACCURACY, COMPLETENESS, PERFORMANCE, OR OPERATION OF THE SERVICE, OR OF THE EQUIPMENT AND SOFTWARE FURNISHED TO TOWN FOR PURPOSES OF THE SERVICE OR THE TRIAL, AND SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. ESVBA DOES NOT GUARANTEE THAT THE SERVICE WILL NOT CAUSE INTERRUPTIONS IN OR INTERFERENCE WITH TOWN'S OR USERS' TELECOMMUNICATIONS OR OTHER SERVICES WHICH INTERCONNECT WITH THE SERVICE.

7. LIMITATION OF LIABILITY

- a. THE LIABILITY OF EITHER PARTY TO THE OTHER FOR ANY CLAIM ARISING FROM ANY CAUSE WHATSOEVER (EXCEPTING PERSONAL INJURY AND/OR DEATH) REGARDLESS OF THE CAUSE OF ACTION, WHETHER IN CONTRACT, TORT OR OTHERWISE, SHALL BE LIMITED TO DIRECT DAMAGES ACTUALLY PROVEN, NOT TO EXCEED AN AGGREGATE OF \$10,000 DURING THE TERM OF THIS AGREEMENT.
- b. ESVBA SHALL NOT BE LIABLE FOR ANY DAMAGES ARISING OUT OF: INABILITY BY TOWN, USERS OR THIRD PARTIES TO USE THE ESVBA SERVICE WHICH IS THE SUBJECT OF THIS AGREEMENT; SERVICE INTERRUPTIONS; INTEROPERABILITY, INTERACTION OR INTERCONNECTION OF THE ESVBA SERVICE WITH APPLICATIONS, SERVICES OR NETWORKS PROVIDED BY TOWN, USERS OR THIRD PARTIES; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF TOWN'S USERS' OR THIRD PARTIES' APPLICATIONS, DATA, PROGRAMS, INFORMATION, NETWORK OR SYSTEMS THROUGH ACCIDENT, FRAUDULENT MEANS OR ANY OTHER METHOD BY ANYONE.

c. NEITHER PARTY SHALL BE LIABLE FOR INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE OR SPECIAL DAMAGES, INCLUDING WITHOUT LIMITATION DAMAGES FOR LOST PROFITS, SAVINGS OR REVENUES OF ANY KIND OR INCREASED COST OF OPERATIONS, WHETHER OR NOT IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

d. AS USED IN THIS ARTICLE 7, "ESVBA" AND "TOWN" SHALL BE DEEMED TO INCLUDE EACH PARTY'S PARENTS, SUBSIDIARIES, AND AFFILIATES, AND THE DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, SUPPLIERS AND CONTRACTORS OF ALL OF THEM.

8. FORCE MAJEURE

Neither party nor its affiliates, subsidiaries, subcontractors, parent corporation or any of its parent's affiliates or subsidiaries shall be liable in any way for delay, failure in performance, loss or damage due to any of the following force majeure conditions: fire, strike, embargo, explosion, power blackout, earthquake, flood, war, labor disputes, civil or military authority, acts of God or the public enemy, inability to secure raw materials, acts or omissions of other carriers or suppliers, or other causes beyond its reasonable control, whether or not similar to the foregoing.

9. ASSIGNMENT

Neither party may assign or transfer or attempt to assign or transfer any part or all of this Agreement, or any of its rights or obligations hereunder, without the prior written consent of the other party. Such consent shall not be unreasonably denied.

10. CHOICE OF LAW

The construction, interpretation and performance of this Agreement shall be governed by the laws of the Commonwealth of Virginia without giving effect to its choice of law rules.

11. ENTIRE AGREEMENT

The terms and conditions of this Agreement shall constitute the entire agreement and understanding of the parties with respect to the subject matter hereof and shall supersede all prior, written or oral agreements, proposals or understandings. This Agreement shall not be modified, altered, changed or amended in any respect, except by a writing signed by an authorized representative of each party.

12. PUBLICITY/TRADEMARKS AND TRADENAMES

Neither party shall use, in any advertising, publicity or User documentation, any of the other party's trade names, logos, trademarks, trade devices, service marks, symbols, codes, specifications, abbreviations or registered marks, or contractions or simulations thereof

(hereinafter referred to collectively as "Marks"), without the other party's advance approval in writing. Neither party shall claim ownership or any other rights in the other party's Marks. Upon termination of this Agreement, any and all rights or privileges of either party to use the other's Marks shall expire and each party shall discontinue the use of the other's Marks.

13. SECTION HEADINGS

The section headings in this Agreement are inserted for convenience only and are not intended to affect meaning or interpretation.

ESVBA and Town, acting through their duly authorized representatives, hereby agree to the terms set forth in this Agreement.

Town of Chincoteague

By: _____
Name: **Robert G. Ritter Jr.**
Title: **Town Manager**

Date: **July 2, 2012**

Eastern Shore of Virginia Broadband Authority

By: _____
Name: **Nicholas Pascaretti**
Title: **Executive Director**

Date: _____

ATTACHMENT A-- SERVICE CHARGES

SVBA will bill Town, or the Town's selected Service Provider, the charges specified below, which is exclusive of any applicable taxes. Payment of all charges, including applicable taxes, shall be due within 30 days of the invoice date. Town, or the Town's selected Service Provider, shall pay all local, state and Federal taxes, however designated (excluding taxes on ESVBA's net income), imposed on or based upon the provision or use of the Service.

The charges below are subject to change in the event that the parties mutually agree to change the deliverables or responsibilities of the parties specified in Attachment A.

1. One Time Non-recurring Costs (NRC): **\$0.00**
2. Monthly Recurring Costs (MRC):

MRC's Schedule for 25Mb/s				
	Months 1-6	Months 7-9	Months 10-12	Months 13+
Discount	100 %	75 %	50 %	0%
MRC	\$0.00	\$625	\$1,250	\$2,500

NOTE: Town may at any time reduce or increase the amount of Internet service with no penalties. After Month 12, ESVBA's standard rates will be charged (Appendix B).

9. Mayor & Council Announcements or Comments

Councilwoman Richardson mentioned donations to the Cemetery. She advised that they receive approximately \$1,500 per year in donations. She stated that one cutting is approximately \$1,300. She feels the Town needs to find money or utilize staff to maintain the cemeteries on the Island. She commended those who volunteer to help with the cemetery upkeep. She suggested thinking about having the Town take this matter over as the volunteers can't physically keep up with the overgrowth.

Councilman Howard feels the cemeteries should be kept clean out of respect. He asked if this could be placed on the next meeting agenda with recommendations from Public Works.

Councilman Jester welcomed the new council members.

Councilman Muth passed on an invitation to the Island Library for crafts and story time for children.

Councilman Taylor expressed his concern for kidney dialysis patients. He also suggested placing more life-rings at the waterfront properties.

Councilman Howard commended Mr. Tommy Daisey for his suggestions regarding Transient Occupancy and the possibility of businesses in the community raising money for beach reserve and reconstruction. He asked if this could be put on the next meeting agenda for discussion. He feels that having a plan with facts and figures in place could be beneficial.

Councilwoman Richardson advised that Supervisor Thornton is currently working on a plan.

Discussion continued.

Town Manager Ritter advised that Mr. Martin Crim asked for a meeting, July 20th. He asked Council to keep this date open and he would see if Town Attorney Poulson is available.

Mayor Tarr asked that staff arrange a meeting with Councilman Jester, the YMCA administration, himself and Mrs. Fox to iron out the use of the Island Activity Center.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE JULY 18, 2012
SPECIAL EMERGENCY
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Councilwoman
Tripp Muth, Councilman
Gene W. Taylor, Councilman
John N. Jester, Jr., Councilman
Terry Howard, Councilman

Council Members Absent:

J. Arthur Leonard, Vice Mayor

CALL TO ORDER

Mayor Tarr called the meeting to order at 4:00 p.m.

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Richardson motioned, seconded by Councilman Jester to adopt the agenda.
Motion carried.

Ayes: Richardson, Jester, Muth, Taylor, Howard

Nays: None

Absent: Leonard

1. Discuss Sec. 18-96 Pony Penning Sales Permit

Mayor Tarr advised that this came about because of a call from Mr. Sam Serio regarding a few of his vendors for the Blueberry Festival. He advised they were late in obtaining their permit for the festival which starts Friday.

Town Manager Ritter advised that there are two issues at hand. An issue was brought up about the established Island businesses that already have a meals tax account with the Town. Those businesses feel that with an existing account within the Town they should be waived from the Meals Tax deposit of \$500.00 for the Pony Penning Sales Event. He also mentioned the requirement of having the application in by the Friday prior to the Friday of Pony Penning week.

Town Manager Ritter stated that there were 3 or 4 businesses that were advised of the Friday deadline and these businesses called saying they were going to come into the office Thursday and still missed the Friday deadline. However, they want to be exempt from the deadline. He added that this requirement has been in place over 15 years. He stated that the only change in that section of the Ordinance was from 7 days to 8 days because 7 days made the deadline on a Saturday and the Town Office isn't opened on Saturdays.

Building and Zoning Administrator Lewis stated that the reason this Ordinance was started was because of the local businesses. He stated that the local businesses were concerned that there were one-day vendors coming into town and taking their business and leaving and Council decided to structure this Ordinance to regulate this. He added that those people that didn't make the deadline were called as a courtesy to make sure they were going to participate in this event and they assured our office they would be in by Friday. He expressed his concern that the other Pony Penning vendors made the effort to make the deadlines. Building and Zoning Administrator Lewis stated that Mr. Serio is making a profit on the Blueberry Festival. He feels that his vendors are no different than anyone else. He stated that if the deadline is changed on the permit it should be for everyone not just Mr. Serio to make his profit.

Councilman Howard asked about exempting those for special events and the significance of obtaining the permit 8 days prior to Pony Penning week.

Building and Zoning Administrator Lewis stated that this is for those people who live away coming into town and selling shirts on the side of the road. He added that this organizes and helps to keep them out of the public right-of-ways. He also stated that the first few years this was in effect they stopped several vendors from doing this. He feels it works.

Building and Zoning Administrator Lewis stated that they do not deny anyone provided they meet the deadline.

Mayor Tarr stated that if the Town is opened they should be able to do business. He doesn't feel there should be a deadline of 8 days.

Town Manager Ritter responded that all the vendors would be coming into the office at one time, when they were setting up to apply and pay.

Councilman Jester stated that this brings business to the community. He would like to consider a blanket "event" permit based on the number of vendors. He also questioned the \$500 meals tax deposit. He suggested a 1 day permit.

Town Manager Ritter stated that there is a "special event" permit in the Town Code. He added that the Community Center does fall under "special events".

Mayor Tarr asked how many vendors were involved in the Blueberry Festival.

Mrs. Chesser advised it is 80 so far.

Mayor Tarr asked how many missed the deadline.

Mrs. Chesser stated there were 3 from the Blueberry Festival and 1 local business not affiliated with the Blueberry Festival.

Councilman Muth stated that they are having this meeting for 4 people.

Mrs. Chesser explained that usually Mr. Serio issues a list of the participating vendors. A couple of days prior to the deadline Mr. Serio would contact her asking who hasn't obtained a permit and was advised at that time and he made calls giving them another opportunity. She also stated that Mr. Serio would pay their permit fee so they would meet the deadline. Mrs. Chesser advised that these particular people have contacted the office earlier in the week and was advised of the deadline. However, on Monday a fax was in the machine which came in after 5:00 p.m. She also stated that she made calls herself to help them. She did not receive the list this year from Mr. Serio, however, he was at the counter at 5:00 p.m. Friday to pay for those who applied but couldn't get their money in on time. The others just didn't get it in on time.

Building and Zoning Administrator Lewis explained of another issue with a "blanket" permit to be careful as there could be a business not permitted by right (for example a tattoo artist). He stated that when they obtain the license or permit the Town knows exactly what they are going to do on this property. He advised that he verifies each vendor on Friday.

There was further discussion and a question was asked if those who missed the deadline participated in the Blueberry Festival in the past.

Mrs. Chesser advised that one of them has and the one not involved in the Blueberry Festival has in the past.

Mayor Tarr stated that the Meals Tax issue is common sense. He also feels that the Pony Penning Sales are more developed now. He asked how the Town decides whether a business needs a Pony Penning Sales Permit or a Business License.

Building and Zoning Administrator Lewis stated this is based on those businesses that are transient in nature setting up in someone's yard verses an established identified business.

Mayor Tarr stated that this is a Blueberry Festival and he doesn't see where this has anything to do with Pony Penning and Pony Penning sales. He understands that years ago when it was established it wasn't this particular weekend.

Building and Zoning Administrator Lewis advised that it is an established vendor coming into Town "during" the Pony Penning event verses a year 'round vendor.

Mrs. Chesser added that without the deadline the vendors would all be in Friday morning as they were setting up including those businesses that may not be permitted. She continued that those businesses have also come into town and rented a room thinking they're going to be able to do this. She also stated that they are issuing a Town Business License which is good for a year.

They discussed a "Special Event" license.

Councilman Taylor stated that the Town wants the event to do well, but doesn't want to crunch the staff.

Councilman Howard asked about those 80 vendors.

Mrs. Chesser advised that 75 are new vendors for the Blueberry Festival and 5 are established Island businesses that are selling food or other items.

Mayor Tarr doesn't feel that this festival is Pony Penning related.

Building and Zoning Administrator Lewis added that the number of vendors is down. He informed Council that there was one of the repeat Pony Penning vendors that usually get their permit but didn't because they were late.

Councilman Howard stated that they need to be business friendly and not regulate people. He feels that because of 3 people who said they were sending their permit and didn't is a recipe for a rush on the Town Office. He reminded of those vendors that abided by the Ordinance and just because 3 people didn't do it they want us to change the Ordinance.

Mayor Tarr feels that staff should be business friendly.

Councilman Howard made further comments and feels the Ordinance may be written a little too tough.

They discussed the Pony Penning Permit Fee of originally \$300 was changed to \$50.

Building and Zoning Administrator Lewis advised that no one in the history of this Ordinance has ever paid the \$300 Pony Penning Permit Fee. He stated that they obtain a Business License and pay the Business License Fee.

Mrs. Chesser advised that as long as she's been doing the Business Licenses no one has ever been late until this year.

Councilman Howard talked about the fees.

Councilman Muth asked if this event was capitalizing on Pony Penning week and feels they should be treated as they were.

Councilman Jester feels this could be solved with a blanket permit with the organizer. He suggested that the organizer should issue a list of vendors and what they're selling. He stated it would be one check and would simplify all of this.

Mayor Tarr asked what the Town has done with the meals tax vendors when they applied for their permit. He understands that they were asked to go to the Ordinance Committee. He asked if the Town collected the Meals Tax deposit from the Island established businesses.

Town Manager Ritter advised that he discussed this matter with Finance Director Hipple and feels it isn't clear in the Ordinance and should be rewritten.

Councilman Muth asked if we collected the deposit from any of the Island businesses participating in the Blueberry Festival.

Town Manager Ritter advised that the Island Creamery paid the deposit.

Councilman Howard stated that the right thing to do is to correct the oversight. He doesn't feel those established Island businesses should have to pay it.

Councilman Jester asked if there were other vendors that have paid the deposit.

Mrs. Chesser advised they have and if there wasn't a deposit those non-Island businesses are never going to pay the Meals Tax and they have no way to collect it.

Councilman Jester agrees there should be a deposit but feels this is high.

Councilman Howard agrees that it isn't fair for those businesses that live here and pay as opposed to those outside businesses making a hustle and not paying.

Mrs. Chesser also stated that in the past, it has taken up to 3 months to collect the Meals Tax from those businesses out of state.

Building and Zoning Administrator Lewis added that with the current deposit the businesses have been prompt in reporting so they receive their money back.

Mayor Tarr asked if staff makes sure those Island businesses were current in their Meals Tax.

Building and Zoning Administrator Lewis advised that they can.

Councilman Taylor motioned, seconded by Councilman Jester to add to the end of Sec. 18-96 Pony Penning Sales Section (c) (2) "Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account." Motion carried.

Ayes: Jester, Taylor, Muth, Richardson,

Nays: Howard

Absent: Leonard

Councilman Taylor doesn't feel there is anyone who wants to exempt those 3 vendors. He also doesn't feel that anyone there wants additional work on the staff. He would like to see an event fee at a lower price for those who come in early. He would like to revisit this matter and doesn't want this removal of the deadline to overload staff.

Councilman Howard stated that it won't be an easy question to answer if Council makes an exception for these few businesses.

Mayor Tarr feels staff will have to get a list of the vendors to review eligibility.

Councilman Muth feels that if 80 vendors can get them on time then those 3 should be able to.

Discussion continued.

Mrs. Chesser advised that there were 3 Blueberry Festival vendors that missed the deadline and 1 Island Business that missed the deadline.

Mayor Tarr recommended removing the verbiage "8 days prior", reviewing this matter before next Pony Penning.

Council concurred.

Councilman Taylor motioned, seconded by Councilman Howard to remove from Sec. 18-96 Pony Penning Sales Section (b) "town and must be secured eight days prior to the Saturday preceding Pony Penning". And not include the proposed addition "Other Special Events that require multiple vendors are exempt from eight day rule during Pony Penning, but the vendors are required to obtain such permit before the event." Motion carried.

Ayes: Taylor, Jester, Muth, Richardson,

Nays: Howard

Absent: Leonard

Sec. 18-96 Pony Penning Sales

- (a) *Generally. Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that are open to the public during the event.
- (b) *Permit.* A permit is required for conducting Pony penning sales ~~town and must be secured eight days prior to the Saturday preceding Pony Penning.~~ The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event. *Other Special Events that require multiple vendors are exempt from the eight day rule during Pony Penning, but the vendors are required to obtain such permit before the event.*
- (c) *Permit fee.* The permit fee shall be \$50.00.
- (1) Anyone with a valid town business license is exempted from the permit fee.
- (2) Anyone selling prepared food as defined in the town's meals tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted within 30 days from the end of the event. Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to the permittee upon computation of the actual tax due and payable as determined by such sales. *Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.*
- (d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered a business and must comply with all applicable zoning and business licensing requirements.

Councilman Howard advised that he couldn't agree to change this ordinance, especially since those who missed the deadline were told. He stated that it isn't fair to those who abide by the rules.

Mayor Tarr feels that if this was an honest mistake and the customer couldn't get in to make the deadline there should be some leeway up to a certain date. He agreed that staff went out of their way to get those people in with their paperwork. He believes this should be worked out.

Adjourn

Councilman Howard motioned, seconded by Councilman Jester to adjourn. Motion carried.
Ayes: Richardson, Jester, Muth, Taylor, Howard

Nays: None
Absent: Leonard

Mayor

Town Manager

MINUTES OF THE August 6, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

John N. Jester, Jr., Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr asked for a moment of silence for Mr. Jay Lewis and family.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Debbie Ritter, Cherrix Lane, approached Council regarding the abuse of the Emergency Ambulance Service. She stated that within the last 6 months there have been numerous calls by a patient on Cherrix Lane. She advised that this patient walks to the ambulance and is transported then returns within a few hours by private ambulance. She feels that this takes an ambulance out of service for no less than 2 hours for someone who doesn't actually need an ambulance. She doesn't know how the ambulance service is being paid for the transports. Ms. Ritter also stated that people dig deep to pay the \$84 in December for the Ambulance Insurance. She feels there is something that could be done. She also asked if the Police Officers have sensitivity training.

Sgt. Fisher advised they do.

Ms. Ritter explained an incident about contacting the Police Department regarding someone that hit a utility pole and box. She advised of a remark made to her by an officer.

Sgt. Fisher suggested speaking with Chief Lewis about this incident.

Ms. Ritter advised she has tried and will speak with him again. She asked if they could resolve the ambulance issue.

Mayor Tarr stated there is a Safety Advisory Committee meeting next week and this matter will be on the agenda.

STAFF UPDATE

Planning Department

Town Planner Neville stated that his written update was included in the monthly agenda packet. He commented on the Safe Routes to the Schools meeting and added that a successful project kickoff meeting was held today. He also advised that there is a Beach Access Committee meeting later this month.

Councilman Howard stated that the Healthy Community walk was very interesting. He asked about the next step in this process.

Town Planner Neville advised that the consultant's job is to present a report to the community giving illustrations simulating how a community could change along with their recommendations.

Police Department

Sgt. Fisher advised Council that the monthly report has been included in the agenda packet. He reminded Council of the upcoming Annual Poker Run, September 8th.

Councilwoman Richardson asked about the street closure from Church Street to Mumford Street.

Vice Mayor Leonard stated that he has been receiving complaints about the mopeds and the rash of moped accidents lately. He mentioned helmets and asked if there was anything for public safety that the Town can do as far as the law goes.

Sgt. Fisher advised that mopeds or scooters have to be less than 50 CC's and can't go over 35 mph. He continued that the driver is required to have an I.D. and must be over 16 to drive them. However, helmets are not currently required.

Councilman Howard stated that he has seen many on Beebe Road some with children standing in front of the driver along with very small children sitting behind the driver. He expressed his concerns.

Sgt. Fisher advised there are no restrictions.

There was discussion regarding a helmet requirement.

Mayor Tarr interjected that this will also be an item for the Public Safety Committee meeting. He stated that there was opposition from the rental shops and others. He also added that most helmets do not meet the DOT requirements.

Discussion continued regarding the helmet and insurance issues.

Sgt. Fisher also added that they have to abide by all the road rules and are treated as a motorcycle or vehicle. He feels that the people renting scooters or mopeds aren't as experienced as they should be.

Public Works

Public Works Director Spurlock advised that the monthly report is included in the agenda packet. He also reported that this has been a very productive and busy summer for the Public Works Department. He stated that they are having serious issues with Southern Pine Bark Beetles behind the shop and on the new nature trail. He advised that the only way to contain the beetle is to remove the timber. He stated that according to the State Forestry Department they need to cut a 75 feet perimeter around the last affected tree. He has contacted Melville Lumber in Snow Hill, Maryland and they have agreed to do the removal. He reported that the cost impact would be offset by the timber itself. He added that the damage can be seen.

There was further discussion.

Vice Mayor Leonard asked if there were any plans to replant the area.

Public Works Director Spurlock advised they haven't made definite plans but will work with the Forestry Department.

General Government

Town Manager Ritter advised that the monthly report is included in the agenda packet. He stated that there was a tabletop exercise on July 17th for Emergency Management regarding the Space Tourism Action Response Plan. He also advised that the E.S. Broadband Authority meeting is scheduled for Wednesday at 2:00 p.m. and the local Broadband Committee will meet Thursday at 9:30 a.m.

Councilman Howard asked about water rent revenue.

Public Works Director Spurlock advised that the summer months haven't been billed as of yet.

There were comments regarding the revenue report.

There was a question about the lack of "No Littering" signs around town.

Public Works Director Spurlock stated that in his experience with signs, the more that are put up the less people look at them. He added that the Adopt the Road Program is the best program for eliminating the litter issues.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. **Consider Adoption of the Minutes**
 - **Regular Council Meeting of July 2, 2012**

- **Special Emergency Council Meeting of July 18, 2012**

Councilwoman Richardson motioned, seconded by Councilman Muth to approve the minutes as presented. Unanimously approved.

2. Accomack County Board of Supervisors Update

Supervisor Wanda Thornton also commented on the infestation of the Pine Bark Beetles in Pine Grove Campground. She feels it is devastating at how many trees they can destroy in a short time. She suggested looking at the entire Island to have all of the affected timber removed.

Councilman Howard commented.

Supervisor Thornton suggested working together to get rid of the infestation.

Public Works Director Spurlock explained the different beetles.

Supervisor Thornton reported on several recommendations to the Board of Supervisors. She stated there was a change to what was a policy of the Board's to represent everyone fairly and equally on all committees and boards. They asked to not appoint citizens to more than 1 policy making board and that members of the Wetlands Boards should not serve on the Planning Commission. They feel if the individual is not elected they should not serve more than 1 term, however, this was opposed. One of the members wanted to completely dissolve the Airport Commission. She stated that no board member should be on a council where they pay rent. She suggested having the Board establishing what the hanger rent would be. She stated that Mr. Mason gave an update on the 3rd quarter, FY 2012. The County is down 1.7% in major revenues. There are a lot of zoning issues regarding redevelopment and a sewage issue was raised. She advised that at the meeting, there were comments regarding pumping sewage to the mainland.

Supervisor Thornton also reported that they discussed bonuses without requiring an evaluation. She commented on the Wallops Research Park. She stated that the state is willing to give the County approximately \$4,000,000 and will lose it if they don't do something soon. She suggested someone attending the meeting August 15th in support. She stated that Congressman Rigell sponsored the bill to take the deed restrictions off. She added that they couldn't get Warner or Webb to sponsor the bill. She's hoping they will after the election.

They discussed the Wallops Research Park and moving forward.

Supervisor Thornton also stated that they are looking at reconfiguring the Research Park. She made further comments. She advised that she appointed Councilman Taylor to the Wetlands Board and they are looking into the legalities of allowing a Councilman on this Board. She added that he can't vote until they get the legal opinion back. She also commented on the Baylor-ground Survey meeting being put together by Lynwood Lewis on August 22.

Councilman Howard discussed the Airport Commission.

Councilman Taylor talked about property values and reassessments. He suggested that if the agricultural land was reassessed at the new rates everyone else's taxes would not have gone up.

There was further discussion.

Supervisor Thornton added that the Board can eliminate the taxes on tidal marshlands. She suggested putting up resistance.

Councilman Taylor doesn't like how they're changing the rules for each subdivision of farmland.

Supervisor Thornton suggested having Town Planner Neville research the proposed State Storm Water Ordinance. She feels the Town should write a letter and attend the upcoming meeting. She stated that the Island should be exempted because it is at sea level as there is no way that the Island can comply.

Mayor Tarr advised that Public Works Director Spurlock has been looking into this.

Supervisor Thornton stated that the people implementing this haven't considered a lot.

Mayor Tarr thanked Supervisor Thornton.

3. Ordinance Committee Report of July 12, 2012

- **Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property**
- **Chapter 10, Article II Dogs**

Councilman Howard stated that they reviewed a draft Grass, Weeds and Other Foreign Growth on Private Property Ordinance. He also stated they have to decide the height the grass has to be before it is required to be cut and violations. He added that this alternative will take care of the problems of developed occupied property. He explained the meaning of "undeveloped" property, mentioning the width or depth of 5 feet around the perimeter to be cut.

Town Attorney Poulson reviewed some basic typos. He also stated that they will continue to use the other definitions of the ordinance. He suggested inserting "any adjacent vacant developed property or occupied property, any street, roadway or easement when the height of such grass...". He feels that one of the problems through the years is basically property that is developed but unsure if the property is vacant and how long before it is considered vacant. At one point, a property may be considered vacant developed property or occupied property. He feels this would be hard to enforce. He tried to clarify the definitions. He stated that the penalty depends on the same operative facts. He added that it is a violation if it isn't cut, there doesn't have to be a notice.

Town Attorney Poulson also explained that vacant developed means that someone hasn't been on the property for 45 days and if they have been to the property within 45 days it's considered occupied property. He added that it gives the Zoning Administrator a thick standard. He stated

that under vacant developed property, it applies when the growth exceeds 6 inches (or whatever Council wants it to be) and it has to be cut to 3 inches. He continued to explain that under occupied property, Council suggested that 6 inches and has to be cut to 3 inches. Undeveloped property is different. It has to be cut 5 feet from the boundary, roadway or right-of-way of developed property and the height requirement has to be 10 inches. Town Attorney Poulson continued that it would not apply to the boundaries of two undeveloped properties. He added that the Town can give a notice to cut it or the Town will and they can bill for cutting the property. He stated that if they don't pay the bill within 15 days there will be a lien placed on the property. He asked Council if they want to apply it to the number of feet back for undeveloped property and height. He suggested that this is significant and should be a public hearing.

Councilman Howard feels the height limit of 6 inches may be disagreed upon at a public hearing.

Councilman Taylor asked if the State (VDOT) has anything cut down to 6 inches. He stated that the Town has to clean up around the Island before they mandate a height requirement.

Town Attorney Poulson stated that the reason for the change is because this is a vacation community and the Town wants the community to look nice and maintained.

Councilman Howard added that there is vacant developed property where people leave their property unattended.

There was discussion regarding the 45 days and policing this.

Councilman Howard commented on overgrowth in a neighborhood.

Building and Zoning Administrator Lewis explained that 6 inches is tough especially with a rainy week. He gave an example of a lot that the 1st half is maintained and the 2nd half is growth. He feels this should be addressed in the Ordinance also. He stated that there are many lots that half is occupied and half is wooded. He asked if it was the intent of Mayor and Council to make a resident clear the entire lot from a partially wooded or partially undeveloped lot.

Town Attorney Poulson feels that it is the intent to make the resident clear all growth from the entire developed property. He explained property in Wildcat regarding uncontrolled growth. He described the lots. He feels they may need to rework the language for that definition.

Mayor Tarr also understands Building and Zoning Administrator Lewis' opinion about a lot that is partially cleared with a dwelling and the back of the lot is in its natural wooded state.

Town Attorney Poulson is concerned in breaking up a lot and enforcing the ordinance on only a portion.

Councilman Howard mentioned a person having a parcel 1,000 feet deep and cleared 150 feet to build a house on and the rest of the parcel is of undeveloped state. He doesn't feel Council would want to get into that.

Mayor Tarr suggested that the first half would have to be cut to 6 inches and the back half a 5 foot strip adjacent to a developed property.

Town Attorney Poulson feels that this would be convoluted and difficult to enforce.

Councilman Howard expressed his concerns and feels a public hearing would be beneficial. Town Manager Ritter suggested considering bamboo and a definition of land in the natural state. He explained land on Piney Island. Town Attorney Poulson interjected that it is a platted subdivision.

Councilman Howard also explained overgrowth from an undeveloped property onto a developed property and feels it needs addressing.

Town Attorney Poulson asked how many deep lots there are on Chincoteague.

Councilman Howard stated that there aren't many undeveloped lots left but it is still an issue.

Town Attorney Poulson advised that it is not required to go to public hearing, however, suggested advertising to hear from people and work on the issues.

Councilman Taylor asked if the Town can just cut the property and charge for it without having violation charges, such as a misdemeanor and fine.

Town Attorney Poulson stated that a letter of violation requesting they cut the property would be issued. He added that if they don't cut it then the Town cuts it and bills for it, and if they don't pay the bill a lien is placed on the property. He suggested making the charge more each time the Town has to cut the property and if they continue to violate the ordinance they should be charged.

Councilman Howard stated that this is the maximum the judge will impose.

There were comments and questions.

Mayor Tarr stated that there was discussion about doing this on a complaint basis.

Town Attorney Poulson feels this shouldn't be on a complaint basis and if the Zoning Administrator sees it, he should act on it.

There was further discussion.

Public Works Director Spurlock stated that if this Ordinance is left at 6 inches they will need more manpower in the Public Works Department.

Councilman Howard also feels it's too strong.

Mayor Tarr suggested that the Building and Zoning Administrator should ride around taking pictures of the issues on the Island.

Councilman Howard motioned, seconded by Councilwoman Richardson to take Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property to a public hearing. Unanimously approved.

Town Attorney Poulson asked Building and Zoning Administrator Lewis to send him the pictures and potential problems.

Mayor Tarr asked to move on to Article II, Dogs.

Councilman Howard asked why this Ordinance is being changed.

Councilman Taylor explained that one of the Town's Officers had an issue with a dog that had to be shot and the owner got off on a technicality because of the way the ordinance was written.

Town Manager Ritter advised that the judge ruled that the owner didn't allow the dog to roam free. He stated that the key word was "owner".

Town Attorney Poulson referred to the memo included in the packet. He advised that he used the state statute and suggested using the definition of "owner" so it would be clear. He recommended: 1) change the definition of "Owner" to the following "*Owner*" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal. Use for State Law Reference §3.1-6500.

Sgt. Fisher advised that they didn't have an attorney on this incident giving their evidence and they didn't have any recourse because the state law didn't define the "owner" as this.

Town Attorney Poulson interjected that there was an owner of this dog. He stated that the owner of the dog could have explained that he was in Naples, FL and left the dog in someone else's care. He added that the person caring for the dog should have been charged. He feels this would be sufficient.

There was further discussion.

Supervisor Thornton explained her experience in the legal system due to a dog attack.

Town Attorney Poulson added that this section is pertaining to dogs running at large not vicious dogs.

Councilman Taylor motioned, seconded by Councilman Muth to approve Town Attorney Poulson's recommended changes to Article II Dogs: "Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors and animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal. Use for State Law Reference §3.1-6500. Unanimously approved.

4. Cemetery Committee Report of July 17, 2012

Councilwoman Richardson reported that Town Planner Neville has issued a letter to different organizations asking for their support and thanking for their past support.

Mayor Tarr feels the letter should state that staff is working on all cemeteries and a Maintenance Plan. He mentioned a working packet that shows all the cemeteries. He liked the document and feels it should be shown to the public. He suggested including information on the cemeteries on the website.

There was brief discussion about damage to the cemetery signs.

Councilwoman Richardson advised that someone suggested contacting the Sheriff's Department to have some people brought to help clean the cemeteries. She advised of the next meeting in October.

Councilman Taylor stated that Mr. Chuck Ward mentioned having a trust for donations and being able to write it off as a charitable donation.

Mayor Tarr isn't sure the Town can set up a trust, however, a group of individuals can.

Town Attorney Poulson advised that the Town cannot set up a trust.

Mayor Tarr suggested Mr. Ward setting up a nonprofit trust.

There was further discussion.

5. Mayor & Council Announcements or Comments

Town Attorney Poulson announced that Mr. Chuck Ward has been appointed to the BZA.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE August 23, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING
JOINT WORKSHOP WITH
CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
John N. Jester, Jr., Councilman
Terry Howard, Councilman

Others in Attendance:

Supervisor Wanda Thornton
Mrs. Donna Mason
Mr. Ted Lewis
Mr. David Schulte
Ms. Denise Bowden

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced Mr. David Schulte as the Director of the Eastern Shore Tourism Commission.

Mr. Schulte gave a brief synopsis of his credentials.

Those in attendance introduced themselves to Mr. Schulte.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Staff Update
Planning Department

Town Planner Neville advised that he included information in the packet pertaining to the meeting and agenda items. He stated that they have been tracking a timeline of events. He stated that it may seem that the Town isn't doing anything regarding Beach Access, however, there was a Congressional hearing back in January that resulted in a productive dialogue. He explained how Mr. McCauley was sent to speak this evening on behalf of the Regional FWS office.

Town Planner Neville stated that the Prime Hook National Refuge has just issued their new CCP and are dealing with a lot of the same issues. He feels that rather than getting involved with any one detail at this meeting the Council and Committee need to look at the big picture and find out if the USFW is going to incorporate any of the community's comments into the draft CCP or not. Mrs. Mason advised that there was only one issue and that is offsite parking that they have addressed.

Town Planner Neville stated that Supervisor Thornton scheduled a meeting with the Army Corps of Engineers at the Refuge and minutes of the meeting are included in the packet.

Mayor Tarr added that they are sure they are on track and it's time they prove it with the updates.

There was discussion about the mosquito problem on Assateague.

2. Review of Discussion Items for Guest Speaker

- **Request for monthly meetings with USFWS during preparation of the Draft CCP/EIS**
- **Confirm that a draft Interagency Agreement between NPS and USFWS will be included for public review along with the draft CCP/EIS**
- **Confirm that a draft Pony Management Plan will be included for public review along with the draft CCP/EIS**
- **Confirm that a draft Economic Impact Analysis that compares alternatives with the baseline study will be included for public review along with the draft CCP/EIS**
- **Request more information about the proposed Refuge Acquisition boundaries or Land Protection Plan for CNWR Complex**
- **USFWS Newsletter to inform the public that their comments from last year are being considered**
- **Other thoughts or ideas**

Mayor Tarr gave a brief of the items to discuss with the Guest Speaker, Mr. Joe McCauley.

Town Manager Ritter advised that because the changes to the CCP are in draft form they will not issue a copy for review until December.

Mayor Tarr asked Ms. Denise Bowden, who is representing the Chincoteague Volunteer Fire Company about the agreement between the USFWS and the Fire Company.

There was discussion about the Pony Management Plan. The Fire Company has never signed the Plan. They also discussed encouraging the USFWS to publish the changes to the alternatives.

Mayor Tarr stated he would like to see the land acquisition plans. Discussion continued regarding the signed contract for the purchase of property for overflow parking. He also stated

that the USFWS is not informing the public that they are addressing their concerns with the CCR.

Town Manager Ritter stated that the Town would like to have a copy of the written report to USFWS when Mr. Don Hultman was in town.

The Council and Committee discussed other issues such as mosquito control for the proposed northern parking area.

Ms. Bowden stated that the proposal to move the recreational beach to the north goes against everything they stand for by destroying habitat. They also talked about the plans to move parking north and the conversation with Ms. Trish Kicklighter.

Town Planner Neville mentioned the memo included in the packet regarding strategies and long term solutions.

Mayor Tarr suggested moving on to item 4 prior to the guest speaker.

3. Discuss a Communications Strategy and Future Guest Speakers

Town Planner Neville stated that there is a new tab at the top of the Town's website to go directly to the Beach Access information. He is in the process of gathering information to attach to this page.

Mayor Tarr stated that this will show the activity and information for the public.

Town Planner Neville stated that inviting guest speakers from outside to explain the CCP would be an opportunity to get new information. He stated that regarding the Prime Hook issues there's a citizen group that is actively fighting for beach preservation also.

Town Manager Ritter suggested inviting Mr. Richard Collins to come before Council to give his opinions and input.

They discussed potential guest speakers.

Town Manager Ritter referred to the Action Plan Ideas and asked what they would like to work on first.

4. Guest Speaker

Mayor Tarr introduced Mr. Joe McCauley from the USFWS northeast regional office and the Town's contact regarding the CCP.

There were introductions of those in attendance.

Mr. McCauley thanked Council for inviting him. He stated that he was raised in Northern Virginia. He has been with the Fish & Wildlife Services for 29 years. He has worked at 6 refuges in Virginia and was the deputy manager with Back Bay. He has spent his entire career in the northeast region. He advised that he has travelled to many refuges. He feels that there is something different here between the Town of Chincoteague and the Refuge. He felt there was a positive relationship and we need each other. He hopes at the end of the planning process that they are actually at that point.

Mr. McCauley stated that his parents purchased a Chincoteague pony in 1939. He has an 8mm movie of the roundup from the late 30's.

Mr. McCauley advised that he was asked to join the planning team and wants to be available. He stated that one of the things coming up is the economic analysis. He stated that the economists that have been working on this are prepared to present their findings Thursday, September 13th.

Mayor Tarr stated that these meetings are the type of progress meetings requested and the Town wants the development of the CCP to get out to the public.

Mr. McCauley stated that they are looking for a December release of the draft CCP, advising that the comments were taken into consideration. He added that there are a lot of eyes that have to see this document internally to make sure they are following all the laws and regulations. He stated that he is happy to give updates and mentioned the latest newsletter he brought with him. He also advised that things change.

Town Manager Ritter advised that Supervisor Thornton stated she remembers in 1992 that part of each chapter of the plan went for Town review. He stated that the Town is looking for a pre-draft to keep the big issues from occurring at the end of the process.

Mr. McCauley stated that this isn't written in stone, it's a draft Plan and they feel they need to get the document assembled and formatted for review.

Town Planner Neville asked if the Town and County leaders could receive the document before it's released to the public so they are prepared when it is released. He suggested an early briefing and description of what's going to be in the Plan.

Mr. McCauley feels a briefing could be something that they could do.

There was discussion regarding the land acquisition, the grants and where the money is going.

Mr. McCauley stated that the USFW has no commitment to purchase the land, however, the land owner has agreed to a purchase option until May 2013. He stated that they can purchase it under the current Plan A, Status Quo. He stated that they will not purchase land until the CCP is complete. He also added that alternative B and C does not include the purchase of land. He stated that there are no plans for expansion of the Refuge.

Mr. McCauley stated that he is on a strategic growth team for the Refuge System. He advised that they are taking a different approach and open to new ideas. He advised that they are looking into very large areas of land and other types of wildlife.

Mr. McCauley stated that it isn't realistic to purchase this land. However, they want the public to know. He suggested that by working they will figure out how to preserve the area. He added that according to the Plan there will be no expansion at Chincoteague.

They mentioned conservation, the shuttle systems and impact it would have on Chincoteague.

Mr. McCauley responded that the Refuge Revenue Sharing is an issue they are hearing about. He stated that Congress has to date appropriated the funds and the payments are just being made this week. He advised that the reason they are doing more than before is because of the easements.

Discussion continued about beach parking along with talk about the purchase of Maddox Campground for use by the USFWS and not being blindsided again.

Mrs. Mason feels it's in direct opposition as to what the Fish & Wildlife Service stands for. She also mentioned the mosquito problem in the northern area.

Mayor Tarr stated that there are other issues that need to be looked into, for example, the beach experience and the economic impact for Accomack County and Chincoteague.

Councilman Jester also mentioned the mosquito issue.

Mr. McCauley advised that he toured the area and feels it's beautiful. He also added that it's shrinking and the last 2 parking lots are in the ocean. He appreciates the desire to keep the beach exactly where it is but, they are faced with a situation that they may not have a choice in the matter.

Councilman Jester suggested sand fences. He asked that they try something because doing nothing isn't working. He stated that they are doing something in other areas of the country.

Mr. McCauley stated that he is doing his homework and feels the Town deserves more than the "no it won't work" position. He stated that estimates have been requested from the Army Corps of Engineers for replenishment. He mentioned the protection of the Town and wanting to deal with this issue and advised it's a Mid-Atlantic issue.

Councilman Jester asked what is happening with the dynamic study. He stated that this has the greatest impact.

Mr. McCauley advised that he believes that the Mid-Atlantic will see some dramatic impact and other government entities need to be involved.

Mrs. Mason mentioned the impacts on the north beach and the need of the sand dunes to preserve the beach.

Supervisor Thornton stated that in her opinion if they had left the beaches as they were with the dunes they would still be intact. She also stated that she was never onboard with having a flat beach. She stated that little by little they kept taking the dunes down until it is what it is today. She feels that the refuge manager doesn't want to work at preservation.

Town Manager Ritter stated that in Louisiana they have done sand dune replenishment. He asked why this CCP can't have the same verbiage as that CCP.

Town Planner Neville also added that they have been reviewing other CCPs. He mentioned the Prime Hook's draft CCP. He feels the shore line stabilization deserves more consideration and partnering with other agencies to protect habitat and the shore line.

Mr. McCauley mentioned the wildlife objectives. He's trying to understand the purposes and circumstances surrounding it.

Ms. Bowden stated that the Fish & Wildlife has been saying that this is against their policy. However, when another wildlife refuge is doing it, it's not against their policy.

There was discussion about the interim Pony Management Plan.

Ms. Bowden advised that the Fire Company has not been actively involved in this Plan. She also advised that several people on the Pony Committee has never seen this document.

Vice Mayor Leonard advised that the ponies were around longer than the Wildlife Refuge and doesn't understand why they see the ponies as adversarial with the wildlife. He added that the wildlife has always been here and coexisted with the ponies. He asked why, with the staff they have, are they considered "bad".

Mrs. Mason added that they have all lived in harmony for a very long time.

Mayor Tarr stated that it goes back to the lack of trust.

Someone asked if it was typical to include the economic impact study.

Mr. McCauley advised that he has seen the economic analysis included.

Mayor Tarr asked if the economic analysis would be compared to each alternative.

Mr. McCauley responded that it would be included.

Mayor Tarr explained that the Park Service manages their beach completely different than the south beach is managed, which is why the Town is concerned about the Management Agreement. He stated that this is why it should be included in the CCP.

Mr. McCauley advised that the Fish & Wildlife and Park Service signed a MOU in 2012. He stated that this is what will show in the draft CCP. He added that life won't change the day the CCP is signed.

Ms. Bowden mentioned the current move to the north and added that money hasn't become available to move north as of yet. She asked what would happen if it doesn't come through.

Mr. McCauley responded that it will revert back to status quo.

Councilman Jester stated that when things changed the Park Service took a lesser role. He added that the Park Service has their hands tied. He stated that the Town only sees the regulatory side.

Mr. McCauley feels they should be attentive to the laws.

Councilman Jester advised that the FWS are being sued by people who don't live in the area.

Mayor Tarr stated that the Plan has to acknowledge what could happen at the beach. He stated that the beach recreation was completely left out of the Wildlife Refuge. He suggested that "swimming" should be part of the recreation and included in the CCP.

Councilman Jester added that the beach brings millions of visitors and feels it's a benefit to the Fish & Wildlife Service.

Councilman Howard feels that if the inlet is getting bigger and causing problems with the Curtis Merritt Harbor the Plan should highlight the importance of it. He added that if anything happens to the beach there won't be a Chincoteague. He stated that there needs to be protection for our Island and beach restoration is important. He also stated that there would be a lawsuit if the Fish & Wildlife sits back and does nothing about it.

Mr. McCauley stated that they want to work with the Town along with the state. He also added that protection of infrastructure is bigger than Chincoteague.

Councilman Jester suggested working with NOAA and the Army Corps of Engineers to see what can be done to mitigate the impact to the community.

Councilman Howard would rather have a narrow beach and Chincoteague than no beach and no Chincoteague.

Mr. McCauley doesn't quite understand the forces at work and understands their livelihood. He would like to get this done on a broader scale.

Councilman Taylor stated that it's not just about economic impact.

Mr. McCauley advised that if he understands it correctly Ms. Kicklighter advised that they would maintain the dunes on the northern beach.

Town Manager Ritter advised they were dredging on the north end.

Mr. Ted Lewis interjected that if the beach is moved north and they remove the dunes the same thing will happen in the new location.

Supervisor Thornton stated that there is no way visitors can park back in the woods. She feels parking should be closer to the beach. Although she understands what's being said and there are many unanswered questions. She added that if it isn't written the policies will change. She asked for insurance.

Vice Mayor Leonard discussed the piping plover. He stated that the piping plover like to nest on a flat beach, which is why the current beach is now flat. He asked what would happen when they're forced to move on to the north beach. He also asked if the dunes would then be flattened at the north beach. He asked how the CCP is going to encompass the areas of the beach that are closed for the piping plover. He expressed his concern that the management of the piping plover will affect everyone. He stated that we are being forced to do something that will adversely affect us.

Mr. McCauley stated that before there was such an impact on the beaches they survived and even with the predators they still had lots of habitats.

Councilman Jester interjected that the piping plover has 14 miles of beach and the visitor's have 1 mile of beach.

Ms. Bowden stated that over the years she's seen many changes on the beach. She added that as a taxpayer this is frustrating that the Federal Government is willing to spend millions of dollars to relocate but not willing to spend a little to replenish. She also added that one of the refuge managers advised that there is always going to be a beach there it's just a question of where to park. She understands that in 25 years there will be a beach somewhere. She trusts that USFWS is looking at Chincoteague's interest in the planning. She thanked Mr. McCauley.

Councilman Howard stated that a policy of "let nature take its course" may be devastating to our community.

There was a question as to why the Fish & Wildlife Service is still here after the repopulation of snow geese.

Mr. McCauley advised that over the years a refuge was created with a particular species in mind. He stated that the authority that created the refuge was the Migratory Bird Treaty Act. He advised that over time there are species that they have done well with. However, there has been a decline in other species. He has never seen a refuge eliminated if they've done a good job. He also added that before 1975 there was a process where refuges could be transferred back to agencies, but that does not happen any longer. He also stated that there are overlapping visions with the Park Service.

The location of the September 15th meeting has not been determined.

Mayor Tarr thanked Mr. McCauley. Copies of the newsletters were distributed.

Mayor and Council Comments

There were none.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE SEPTEMBER 4TH, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Denise Bowden expressed her opposition to the donation requested for the Rural Health Dentistry Division. She feels that the Town has other needs to be met before giving out funds. She gave an example of the recent request for donations to the Cemetery Fund. She asked Council to consider the needs of the Chincoteague residents and use the money on the Island.
- Mrs. Peggy Thomas mentioned the Chicken City Road, Ridge Road and Church Street intersection. She advised that the motorists are running the stop signs. She asked if VDOT could use the stop light from the old drawbridge there or put in a 4-way stop.

Councilwoman Richardson advised that VDOT was going to do a study to see if it was necessary to install a light there.

Mrs. Thomas also added that she agrees with Ms. Bowden regarding the donation to the Dentistry Division.

Councilman Howard discussed the intersection. He doesn't understand why they're not stopping.

Building and Zoning Administrator Lewis also advised there are major problems with everyone running the stop sign including bicyclists. He advised of several accidents and feels that someone will die there if something isn't done. He also added that vehicular speed is also a problem.

There was further discussion.

- Mr. Frank Theisen also commented on the dangers of the realigned intersection. He stated that as a trolley driver it's a dangerous intersection. He suggested changing the stop signs to stop on Church Street.

STAFF UPDATE

Planning Department

Town Planner Neville stated that the Planning Commission met on August 14th and reviewed two items that may be considered for an annual zoning ordinance update later next year. He advised that one was regarding mixed use buildings and the other was regarding parking requirements for wayside stands. He also mentioned rental cabins.

Town Planner Neville discussed the Beach Access issue and reminded Council that Congressman Rigell will conduct a Town Hall meeting Friday. He advised that he included in the packet more information about the grants the Town has applied for.

Police Department

Chief Lewis advised that the monthly report has been included in the agenda packet. He also advised Mrs. Thomas that they have attempted to contact the Burton and the Amrien family for permission to set up on their properties for surveillance of the intersection. He stated that there have been many high speed tickets written over the summer. He also stated that there is a mutual aid agreement from the Accomack County Sheriffs' Department. He advised that he already asked Town Attorney Poulson to review the document and was advised it was acceptable.

Mayor Tarr requested that this be added to the agenda as item 5a.

Chief Lewis also reminded Council that Saturday is the block party and 8th Annual Poker Run. He stated that the motorcycle ride starts at 1:00 p.m. and the block party begins at 5:00 p.m.

Public Works

Public Works Director Spurlock also advised that he included the monthly report in the agenda packet. He stated that the plane is scheduled to fly tomorrow morning for mosquito control, weather permitting.

Councilman Howard asked for clarification regarding spraying.

Public Works Director Spurlock stated that if it's raining, they can't spray as it wouldn't do any good. He stated that if it's blowing the spray dissipates and wouldn't do any good. He explained the various types of mosquitoes. He also advised that he has been working with VDOT with the signals at the intersections of Maddox Boulevard and Deep Hole Road and also Maddox Boulevard and Chicken City Road.

Mr. Dean Orsino thanked the Public Works Department for their assistance in this issue.

General Government

Town Manager Ritter stated that the total EMS response was 107 which were 26 less than August of 2011. He advised that the new lights have been installed and working in the downtown area along with the shipyard bollards. He advised that they will be painted black in a few weeks. Town Manager Ritter also advised that Eastern Shore Communications is ready to begin the 8 week pilot project. He asked if there were any objections from Mayor or Council to be put on the list as part of the pilot project. He explained that it is basically a wireless system that will be faster than their DSL line and the pilot project will allow them to compare the two.

Town Manager Ritter reported that there will be a workshop with the Beach Committee on September 13th, 2012 at 5:00 p.m. He stated that there will be a briefing on the baseline of the

economic report. He also added that Mr. Martin Crim will meet with Council on the 27th at 5:00 p.m.

Councilman Howard asked about the water revenue decrease.

Town Manager Ritter didn't have a reason why the water revenue is down. He stated that last year was a good year and it's a possibility the economy is down a little. He also stated that the Town is still doing well overall.

There was discussion as to the visitors during Labor Day weekend.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 5a, Mutual Agreement Between the Town of Chincoteague, Inc. and the Accomack County Sheriff's Department . Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of August 6th, 2012**
- **Special Council Workshop of August 23rd, 2012**

Councilwoman Richardson motioned, seconded by Councilman Jester to adopt the minutes of the Regular Council Meeting of August 6th, 2012 and the Special Council Workshop of August 23rd, 2012. Unanimously approved.

2. Public Hearing on Chapter 22, Article VI. Grass, Weeds and other Foreign Growth on Private Property

Mayor Tarr asked if this was properly advertised.

Town Manager Ritter advised it was properly advertised.

Mayor Tarr opened the public hearing. He asked if staff reviewed the ordinance.

Town Manager Ritter explained to the public that this is a public hearing and the comments will be given to the Ordinance Committee. He added that there will be another opportunity for the public to comment at the first meeting in October.

Town Manager Ritter explained that the reason this was brought to Council was because of several complaints this past year. He stated that the Town asked Delegate Lynwood Lewis to introduce an amendment to the State Code Section 15.2901 to allow Chincoteague to control cutting grass, weeds and other growth for developed properties. He also stated that this was presented to the General Assembly and was approved by the Governor on March 30th to go into effect July 1st. He advised that when this ordinance is adopted it can go into effect at that point in time. He also added that Building and Zoning Administrator Lewis will show some slides that will give the gist of the ordinance of Section 159, 160 and 161. He asked Planning and Zoning

Administrator Lewis to explain the Power Point presentation of properties that could be potential problems for enforcement.

Building and Zoning Administrator Lewis stated that the cemeteries are an issue because of ownership and who to contact for overgrowth. He continued to show pictures of different overgrown lots. He asked for direction from Council. He also asked about the area owned by VDOT. He asked if the Town would be able to maintain the right-of-ways to the 6 inch height.

Councilman Howard stated that the height can be changed.

Building and Zoning Administrator Lewis stated that there is a problem of flowers verses weeds. He spoke of ivy on a house. He stated that there was a property that was cleared for water service and septic on Ridge Road. Now, the owner is allowing it to return back to its natural state. He feels this is in violation. He asked Council for direction once a property has been cleared. He continued to show pictures of cut grass but not weed eating along the fence and he feels it's still in violation.

Building and Zoning Administrator Lewis addressed the bamboo issues in the front of a house. He stated that there are a lot of properties on the island that have deep lots with the house is on the front part and the back part is overgrown or at its natural state. He advised that according to the wording of the draft ordinance it's in violation. He asked if they should be required to clear the 5' strip even if there's no one there. He also mentioned Camper's Ranch and dealing with the large tracts of land.

Mayor Tarr stated that he will consider this staff's input. He asked someone to explain to the audience what is proposed in the ordinance.

Town Attorney Poulson explained that it's the owner's responsibility to take care of their property. He stated that it initially applies to uncontrolled growth or vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery, flowers, vegetable gardens or grasses or bushes classified as wetlands under any local, state or federal law. He explained concerns in the area of Wildcat. He tried to revise the definition to read uncontrolled or unmanaged vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery or vegetation, flowers, vegetable gardens or grasses or bushes classified as wetlands under any local, state or federal law. He explained that everything can be managed or controlled in Wildcat.

Town Attorney Poulson stated that it applies to three kinds of property, first to any undeveloped property, which does not contain a structure or other improvement or not served by the Town's water system or installed sewage disposal system. The second is vacant developed property which is property that contains either a structure or other improvements or has the Town's water system or has a sewage disposal system and no person or entity has either resided, conducted any business, other activity or physically occupied the lot or parcel any time within a 45 day period preceding any notice from the Zoning Administrator to cut the grass. The third is occupied

property which is basically the same thing except someone has been there within the 45 day period. He added that violations occur when the vegetation gets too high.

Town Attorney Poulson continued to explain that at this point in time regarding vacant developed property, a house on Ridge Road and no one has been there for 3 or 4 months. He stated that if the grass exceeds 6" it has to be cut, and any occupied property that exceeds 6" has to be cut. He added that there was no requirement that required anyone to cut or clear undeveloped property. He also explained that on undeveloped property there is a depth of 5' of any adjacent property or any street, roadway or easement that has to be cut when it gets to 10" down to 3". He stated that sometimes there are properties that may be 500' deep and the house in on the front 100'. Town Attorney Poulson feels this could be worded: notwithstanding the preceding provision, the part of any such property located 10' or more wayward or more that actually use in conjunction with the structure of property shall be cut in accordance with Section 161. He explained that it would be the same for the back part as undeveloped property.

Town Attorney Poulson also stated that every time there is a violation it is a civil penalty and for each time, up to 3 times, and is a \$50.00 fine. He added that it can't go over but so much in a year's time. He stated that it can reach the point that it becomes a class 3 misdemeanor which is punishable by \$250.00 and only charged to a repeat offender. He stated that if Building and Zoning Administrator Lewis sees someone in violation, he will send the owner a notice by certified mail, return receipt requested. He added that if the owner doesn't cut it within 10 days of the notice then the Town can cut it and bill the owner. If the owner doesn't pay the bill within 15 days the Town can put a lien on the property. He expressed the importance of the 3 different types of property. He stated that the height requirements should be reviewed.

Mayor Tarr opened the public hearing.

- Mr. Bob Manoil, of Anderton Avenue, advised Council that he participates in the Adopt-a-Road Program and adopted Anderton Avenue. He stated that it is discouraging to see people not maintain their property. He doesn't feel it is fair to have to call Building and Zoning Administrator Lewis every time they are in violation. He suggested a letter to be issued by the person responsible for that road in the Adopt-the-Road Program. He also complained about the grass cutting businesses that are pushing clippings into the road causing clogged drains. He feels the grass cutting businesses should be responsible for edging also. Mr. Manoil also expressed his concerns about phragmites.
- Ms. Denise Bowden doesn't understand how this pertains to some properties and not to others. She explained the property adjacent to her grandmother's property. She stated that this is undeveloped property and now overhangs onto her grandmother's property. She asked how this proposal addresses these issues.

Town Attorney Poulson stated that owners would be responsible to cut back 5' from the lot line.

- Mr. Dean Orsino, of Main Street, stated that some of the private lanes have shrubs that hang into the right-of-way causing access issues for emergency vehicles. He suggested a 5' rule to cut back overgrowth from the private roads also.
- Ms. Nancy Lane, of Main Street, urges Council to use caution when approving the proposed ordinance. She advised that she has several deep lots. She explained that the front of her lots are homes and the back of her lots have bamboo or swamp and in order to cut the back portion of her lots she would have to bring in many loads of fill. She urged Council to think of the geographical issues.
- Mr. Frank Theisen explained his home and stated that at the back end of his house is a shared drain field. He stated that the grass there is very high and asked how this would be classified.

Building and Zoning Administrator Lewis identified this as one of those properties that they want to go back to their natural state.

Town Attorney Poulson asked how far behind the house this part of the lot is.

Mr. Theisen advised that it is approximately 300'.

Town Attorney Poulson feels this could still be classified as an improvement which could mean a developed property.

Building and Zoning Administrator Lewis agrees with the Town Attorney Poulson that it should be classified as improved.

Mr. Theisen stated that he has an easement down the whole side.

Town Attorney Poulson advised he would have to cut it back.

There was further discussion.

Town Attorney Poulson stated that the ordinance can't be drafted to fit every situation on Chincoteague. He stated that if there are two adjoining undeveloped pieces of property they would have to cut a 5' strip down the line of each property giving a 10' strip.

Town Manager Ritter stated that at the Ordinance Committee they were thinking of adding the language in Section 22.161 "any adjacent developed property". He stated that if the 5' is adjacent to developed property it applies and if it isn't adjacent to developed property it doesn't apply.

Councilman Howard feels it should be occupied developed property.

Councilman Leonard asked about a property that is owned by multiple heirs and neither of them does anything with the lot. He wanted to know how they enforce this.

Building and Zoning Administrator Lewis interjected that the notice will go wherever they are mailing the taxes.

Town Attorney Poulson stated that if they still don't cut it then the Town will put a lien on the property.

Councilman Jester stated that there are several lots that are maintained in the front but not maintained in the back.

Building and Zoning Administrator Lewis and Town Attorney Poulson both explained that if an undeveloped parcel is adjacent to occupied developed property the undeveloped parcel should be cleared 5' back from the occupied, easements and undeveloped properties.

Mr. Manoil feels that possibly the realtors should be given this to reissue to the buyers.

Town Manager Ritter advised that there would be a section in the Ordinance of "notice to cut".

Councilman Jester asked how the Town communicates this to the public that doesn't live here.

Town Attorney Poulson suggested a letter in the tax bills.

There was discussion about height requirements.

Mayor Tarr advised that the Ordinance Committee would be reviewing this again Thursday, September 6th.

Town Manager Ritter asked for a show of hands from the public of who was in favor of some form of the ordinance.

Ms. Bowden added that there are items in the ordinance that needs to be addressed. She feels that it needs to be reviewed further because there are so many regulations.

Town Attorney Poulson feels that the Town should maintain their own property first.

Mrs. Thomas commented on her garden and the weeds.

Ms. Jenny Coyne, of Church Street, feels no one should cut anything until the owner has been contacted.

Mayor Tarr closed the public hearing. He asked Building and Zoning Administrator Lewis to be present at the next Ordinance Committee meeting, Thursday, September 6th, 2012 at 5:00 p.m.

Town Attorney Poulson mentioned the cemeteries.

Mayor Tarr stated they are working on the cemeteries and hopefully this winter will have a list of who owns them and who is responsible for maintaining them.

Town Attorney Poulson suggested asking the court for those having to do community service for refuse collections along highways and possibly have them clean up the cemeteries.

Mayor Tarr asked Town Attorney Poulson if there was anything that he would like to see changed.

Town Attorney Poulson advised that they should address cemeteries, give consideration to undeveloped property adjacent to undeveloped property.

Mayor Tarr stated that if there were any further comments to give them to Town Manager Ritter for the Ordinance Committee meeting.

3. Public Safety Committee Report of August 7, 2012

Mayor Tarr advised that that report is in the Council's packet and asked for comments or questions.

Councilman Muth asked if there was an update on scooters.

Mayor Tarr stated that the final direction was for the Police Department, EMS and a member of Town staff to contact all the rental shops for a meeting.

Councilman Muth also asked if there as an update of what the state is doing to pursue the scooters with 49 CCs.

Chief Lewis stated that the Virginia State Police advised him that the General Assembly is trying to pass in January to make it mandatory for helmets and tag mopeds. He added that the trouble with the mopeds is that they're stamped with 49 CCs and most of them are more than 49 CCs.

Mayor Tarr directed staff to see if anything is going to the General Assembly.

Councilman Jester commented about having to put a child in a restraint in a car but not having to on a moped or scooter.

4. Budget & Personnel Committee Report of August 14, 2012

- **Donation to the Eastern Shore Rural Health for the Dentistry Division**

Mayor Tarr stated that the report is included in the agenda packet. He advised that there is an item that was brought to the Committee from the Eastern Shore Rural Health. He is unsure of a dollar amount that staff was researching.

Town Manager Ritter advised that there was a little more than \$1,500 in the discretionary fund that could be budgeted for this. He added that it is up to Council for the amount.

Mayor Tarr stated that the Eastern Shore Rural Health is building a new wing and they are looking to purchase the equipment.

Councilman Howard asked if this was for those who couldn't pay for dental services.

Mayor Tarr advised it would be for both. He stated that those who couldn't pay are put on a sliding scale.

Councilwoman Richardson advised that the Accomack County School System has dental services for the children.

Mayor Tarr stated that they have it for some schools.

Councilwoman Richardson added that she has carried Chincoteague students to other schools for this purpose.

Mayor Tarr asked Council for their input.

Councilman Taylor stated that if there was a place on the Island he would make a motion. He feels that the Island residents won't benefit because there is already dentistry here.

Vice Mayor Leonard stated that this is for those who can't afford dentistry services as the Rural Health System is for those who can't afford it or will pay a reduced fee.

Councilman Muth agreed and is for it.

There was further discussion.

Vice Mayor Leonard asked if the Eastern Shore Rural Health Board have an Island representative.

Mayor Tarr stated they will ask Rural Health to make a presentation to Council.

5. Proclamation, "Proclaiming American Legion Day", September 16, 2012

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the Proclamation of American Legion Day as September 16th, 2012. Unanimously approved.



PROCLAMATION

“American Legion Day”

The Mayor of the Town of Chincoteague declares September 16, 2012 as
“American Legion Day.”

The American Legion remains today an active and vigorous advocate for service members, veterans and their families not only on Capitol Hill, but right here in Town of Chincoteague. Among its greatest legislative achievements was the enactment of the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

With a current membership of 2.4-million wartime veterans, The American Legion was founded in 1919 on the four pillars of a strong national security, veteran’s affairs, Americanism, and youth programs. Legionnaires work for the betterment of their communities through more than 14,000 posts across the nation.

WHEREAS, the 93-year-old veteran’s service organization, the largest in the nation, is recognized for its continuing work to aid wounded warriors and military families, for Legionnaires’ legacy of community volunteerism and for the organization’s significant role in establishing important national legislation; and

WHEREAS, all citizens in the Town of Chincoteague wish to join in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization; and

WHEREAS, Congress presented The American Legion its federal charter on September 16, 1919 and it is only fitting that we proclaim September 16, 2012 as ‘American Legion Day’

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim September 16th as American Legion Day within the Town of Chincoteague.

DATED this 4th, day of September, 2012

Mayor John H. Tarr
Town of Chincoteague, Inc.

5a. Mutual Agreement Between the Town of Chincoteague, Inc. and the Accomack County Sheriff's Department.

Vice Mayor Leonard motioned, seconded by Councilman Muth to adopt the Mutual Agreement between the Town of Chincoteague, Inc. and Accomack County Sheriff's Department.

Unanimously approved.

Law Enforcement Mutual Aid Agreement

THIS AGREEMENT, made this 4th day of September, 2012, by and between the TOWN OF CHINCOTEAGUE, VIRGINIA, a mutual corporation of the commonwealth of Virginia and ACCOMACK COUNTY, VIRGINIA.

WHEREAS, Virginia law authorizes local governments and Sheriffs in counties where no police department has been established to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, the Town of Chincoteague and the Sheriff of Accomack County have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to the parties hereunto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement be established;

NOW, THEREFORE, in consideration of the mutual benefits to be derived from a Law Enforcement Mutual Aid Agreement, the parties hereunto covenant and agree as follows:

1. Each party will endeavor to provide law enforcement support to the other party in this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of the Agreement shall be made by the requesting jurisdiction's Chief of Police or Sheriff or his respective designee.
3. The requesting party shall be responsible for designating a radio communications system for use by the requesting party.
4. The personnel of the requesting party shall render such assistance under the direction of the Chief of Police, Sheriff or the respective designee of the requesting party.
5. Law Enforcement support provided pursuant to this Agreement shall include, but not be limited to, the following resources: uniformed officers, marine patrol officers, canine officers, aerial support when maintained, forensic support, plainclothes officers, special

operations personnel and related equipment. All law enforcement officers and personnel shall be duly trained and currently certified through the DCJS for the position provided.

6. Subject to the terms of this Agreement, and without limiting in anyway the other circumstances or conditions in which mutual aid may be requested and provided under this Agreement, the parties hereunto agree to provide assistance to the requesting party in situations requiring the mass processing of arrestees and transportation of arrestees. The parties to the Agreement further agree to assist the requesting party with security and operation of temporary detention facilities.
7. Nothing contained in this agreement should in any manner be construed to compel any of the parties hereunto to respond to a request for law enforcement support when the personnel of the party to whom the request is made are, in the opinion of the requested party, needed or are being used within the boundaries of that party, nor shall any request compel the requested party to continue to provide law enforcement support to another party when its personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.
8. In those situations not involving the provision of mutual aid upon request, law enforcement officers and personnel, and other employees of the Sheriff hereunder, may also enter the other's jurisdiction in furtherance of law enforcement purposes, concerning any offense in which the entering law enforcement agency may have a valid interest; provided, that the entering personnel shall, as soon as practical, make such presence known to the chief of Police or Sheriff of the entered jurisdiction, or his designated representative.
9. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the law enforcement agency of the locality whose court has original jurisdiction over the offense. Entering law enforcement personnel shall promptly notify the law enforcement agency of the entered locality upon discovery of a crime over which the court of the entered locality has original jurisdiction.
10. Officers acting pursuant to the Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with Virginia Code Section 15.2-1730.0; however, law enforcement officers of any party who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
11. All law enforcement officers, agents, and other employees of the parties of this Agreement who are acting pursuant to this Agreement shall have the same powers, rights, benefits, privileges, and immunities in each other's jurisdiction, including the authority to make arrests in each other's jurisdiction.
12. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities for the liability enjoyed by the parties within their boundaries shall extend to their participation in rendering assistance outside their boundaries. It is understood that for the purposes of this Agreement, the responding party is rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance.

13. All pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said law enforcement officers or personnel as employees of their respective jurisdiction shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that provisions of these benefits shall remain the responsibility of the employing party.
14. Each party agrees that, in activities involving the rendering of assistance to another party pursuant to this Agreement, each party shall waive any and all claims against all other parties thereto which may arise out of their activities outside their respective jurisdictions. It is expressly understood that the provisions of this paragraph shall not apply to entry of law enforcement officers or other personnel into another jurisdiction pursuant to Paragraph 8 of this Agreement.
15. The parties shall not be liable to each other for reimbursement for injuries to law enforcement officers or personnel, or damage to equipment incurred when going to or returning from another jurisdiction, except to the extent that reimbursement for such expenses may be or is received from the Federal Emergency Management Agency (FEMA) or another government agency. Neither of the parties shall be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to the Agreement, except to the extent that reimbursement for such expenses may be or is received from FEMA or other government agency.
16. This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual law enforcement services between the parties.
17. Any of the parties hereunto may withdraw from this Agreement by giving thirty (300) days written notice to the effect to the other parties hereunto.

IN WITNESS WHEREOF, the parties hereunto have caused this Agreement to be executed by their respective City Manager and County administrator or Sheriff, the official seal of each city and county affixed hereunto and attested by their respective authorizing the execution. Sheriffs may attest by Notary Public.

TOWN OF CHINCOTEAGUE:

BY: _____

ATTEST: _____

COUNTY OF ACCOMACK:

BY: _____
TODD E. GODWIN, SHERIFF

ATTEST: _____

6. Mayor & Council Announcements or Comments

Councilman Howard reminded that the deadline for the ordinance regulating the strapping down of propane tanks is approaching. He asked Town Attorney Poulson if there is a state code pertaining to this.

Town Attorney Poulson advised he was unsure without researching it further.

Town Manager Ritter advised that in the state building code it states any "new" tank installations are required to be strapped down.

Councilwoman Richardson complained about the cost associated with the strapping down of her gas tank. She reminded Council that they adopted the ordinance because FEMA recommended it. She asked that if someone challenges it could they be fined for not having it done.

Town Attorney Poulson advised that the ordinances were passed for the safety and welfare of the citizens; however, he will look into the matter further.

There was further discussion.

Mrs. Thomas asked about her mobile home park. She advised that all but 2 have strapped their tanks. She asked who was responsible.

Building and Zoning Administrator Lewis advised that the property owners are responsible.

Mrs. Thomas advised that she sent every resident a letter and all but 2 have had them strapped.

Mayor Tarr asked staff to start advertising or re-advertising.

Town Manager Ritter advised that it is on Channel 9, on the website and he will put it back in the paper.

Councilman Taylor thanked mosquito control for spraying the football field prior to the football and soccer players.

Councilman Jester stated that the new lights look fantastic down town.

Mayor and Council complimented Public Works Director Spurlock for the new employee Mr. Donnie Thornton, for doing a very good job pruning trees and grooming the landscaping.

Town Manager Ritter reminded Council of the Bridge the Past and the Future celebration on September 29th for the Assateague Bridge. He also reminded Council of the Wastewater Advisory Committee meeting on the 27th.

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

Mayor Tarr announced that Congressman Scott Rigell will be in the Council Chambers Friday at 10:00 a.m. until 11:30 a.m.

Adjourn

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

Mayor

Town Manager

**MINUTES OF THE SEPTEMBER 13TH, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING
JOINT WORKSHOP WITH CHINCOTEAGUE TO
ASSATEAGUE BEACH ACCESS COMMITTEE**

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Beach Access Committee:

Wanda J. Thornton, Supervisor
Ted Lewis
David Schulte
Denise Bowden

Members Absent

Donna Mason

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Guest Speaker – Presentation of FWS Chincoteague Baseline Economic Analysis

Mr. Joe McCauley thanked Council for allowing him to come before them once again. He introduced those present from the FWS. He also introduced the guest speaker Mr. Edward “Ted” Mailett who is from the Economics Division in the Arlington office. He has been working for some time on the economic analysis.

Mr. Mailett gave his credentials and reviewed a power point presentation regarding the economic analysis. He advised that they are trying to create a document that is transparent and describe the community on a financial and economic aspect. He stated that this study is based on information they have collected. He shared highlights. He also stated that they expanded on the economic contributions of the Wallops Flight Facility. He mentioned the contributions of the shellfish industry also. Mr. Mailett referred to the 2010 Census data and population.

Supervisor Thornton interjected that the Census data was incorrect and was revised.

Town Planner Neville stated that the population was corrected to 3,666.

Town Manager Ritter advised that with Accomack County’s count of the school age children the population is 3,776.

Supervisor Thornton explained the population recount for the Census.

Mr. Mailett thanked her for that information. He then reviewed the Census population information. He also spoke of housing units, education and poverty status. He reviewed employment, earnings and the businesses within the Town along with tourist related and not tourist related employment. He discussed revenues, lodging tax and gross receipts. He mentioned commercial fishing.

Mr. Mailett then reviewed the Assateague Island National Seashore economic impact study. He mentioned visitors and the average spending per visitor. He advised that there is a survey directed to Chincoteague visitors that may or may not help. He reviewed the traffic counts and the average expenditures per day.

There was further discussion.

Mr. Mailett discussed the expenditures further. He advised that it is not exactly known how the money is spent.

Supervisor Thornton asked about the visitation impact. She stated that regarding the beach there is no way the average spending is what is reported.

Councilman Jester commented.

Supervisor Thornton mentioned the activities that were mandated by FWS such as hunting and fishing.

Mr. Mailett explained the revenue study. He advised that it doesn't necessarily target those people who go on to Ocean City.

There was discussion regarding costs, lodging, food and transportation.

Town Planner Neville asked how the Town can have confidence with the computer model and is there a way to test it. He stated that based on the assumptions the tax revenues were a known amount and was within a reasonable degree of accuracy of what the computer was projecting.

Mr. Mailett moved on to explain the impact on the Town. He gave revenue figures and employment statistics.

Councilman Jester stated that the real estate values and taxes are 25% more of the County's tax revenue. He advised that there is a large number of people that come to the island to work who are contractors and hard to keep track of. He suggested the impact beyond the Town of Chincoteague.

Mr. Mailett stated that they know that there are a number of people that come to the Refuge for the day and not staying. He agrees that there are people that come in and not counted.

Supervisor Thornton also added that those people that live in Accomack County would go to the beach here or to Ocean City.

There was discussion regarding out-of-town suppliers.

Mr. Mailett stated that this is an assessment of the Town's economy and feels that the Town can have a more civil relationship with the Refuge based on figures. He stated they are trying to bring to the table something to lay a good framework.

Councilman Taylor stated that the Town is dependent on this.

Mr. Mailett thanked Council.

Supervisor Thornton asked about the services that Chincoteague utilizes and mentioned the County's Economic Impact Study and the service providers. She feels that there are a lot of services and providers that come to the Island and it is hard to factor this in.

There was further discussion regarding services taken into consideration and the cost per person per day. They also discussed the gross sales and transient occupancy.

Mr. Mailett stated that they tried to look at this in an entirely different way.

Mayor Tarr mentioned the negative news in newspaper articles and that people are not purchasing homes here because the beach access is challenged. He stated that if the beach is gone then the assessments would drop.

Mr. Mailett added that real estate is tough to work with. He stated that it is challenging to be accurate with this.

Supervisor Thornton asked about the seasonal campers and those who own campers here do not pay transient tax but pay regular taxes on their camper. She also added that they spend a lot of money here with the services, restaurants and meals tax. She asked if they were taken into consideration for the impact they have.

Mr. Mailett advised that they have paid for the study of visitors, however, it's not perfect. He stated that the question was where the visitors come from and what they spend money on. He added that it is also only administered in a 2 week period. He stated that if the Town has more data they would be willing to review it.

Mayor Tarr advised that nearly 50% of the homes on Chincoteague are transient rental units. He explained the rentals and number of possible visitors. He stated that should anyone have further questions to email or call Town Planner Neville.

Vice Mayor Leonard asked if Chincoteague was unique in the impact statement or does it fit within a certain criteria.

Mr. Mailett advised that it is unique in many ways.

Ms. Denise Bowden mentioned the impact study that was mentioned at University of Georgia and people buying property next to a wildlife refuge. She stated that there is a difference and that most wildlife refuges don't have a beach as opposed to ours. She suggested taking that into consideration also.

There was discussion as to the next step.

Mr. Mailett advised that they try to look at the impact based on the different options in the CCP. He stated that they typically look at alternatives and impact based on those alternatives. He also stated that it is a very long process. He referred to the survey.

There was further discussion.

Town Manager Ritter asked how the baseline would be used in the future. He asked if there would be an inflationary number. He explained that in 5 years if the Town is still at the baseline then the Town is going under.

Mr. Mailett explained that inflation isn't necessarily factored.

Town Manager Ritter wanted to know that in 4 years, how the alternatives would impact the Town based on the inflation factor.

Further comments continued.

Town Planner Neville stated that it bothers him if the purpose of the analysis is to look at visitor spending with demographic data focused on the Town and not the visitors within the 300 mile radius. He feels that they should recognize where the money is coming from.

Mr. Mailett advised that until they get the information back from the visitor survey they have no way to compile it.

Town Planner Neville advised that there are programs that can produce the information based on the zip codes.

Mr. Mailett reminded Council that this is the Refuges' 15 year plan and is a living document used until they go through the process again. He feels the refuge managers need to understand where they're moving to and where their neighbors are.

Town Planner Neville stated that they need to know who is visiting the refuge.

There was discussion regarding the Town's survey and Town Planner Neville advised he would give Mr. Mailett a copy of the Town's survey results.

Mr. Ray Rosenberger asked about the expenditures based on the options.

Mr. Mailett stated that if they're talking about a large scale project, they will bring jobs to the economy.

Mayor Tarr disagreed as this is considered a short-term income which is only for the length of the construction project. He stated that they want the long-term numbers.

Mr. Mailett advised that they use the short-term and long-term economic impact. He advised that in the next step they are waiting for internal comments first and then he will meet with the Refuge and work on long term effects. He stated they will then be more specific and is unsure of the schedule.

Mr. Joe McCauley commented that they had the economic analysis done as part of their CCP process. He stated that everyone will see that the Town is very tied to the beach and on the same baseline. He also added that in any type of analysis it isn't necessarily the exact dollar figure but the relative importance. He mentioned the comments that Mayor Tarr had regarding the effect on real estate. He understands the importance and feels they need to find the common ground. He feels that they need to see what drives the economy. Mr. McCauley also stated that in the next steps they will take the comments into account then try to get this reassembled.

Mayor Tarr thanked them for attending.

There were further comments from Council.

2. Review of Draft Beach Access Newsletter

Town Planner Neville reviewed the draft Beach Access Newsletter. He asked if they feel this is the right set of messages to get out at this point. He stated that this is an attempt to promote one of the top issues of how to take care of the beach and parking with the storm season coming up. He issued a handout describing a dune restoration project at Cape Cod National Seashore. He feels the focus is that this project has already been done with the Seashore and Community volunteers. He advised that they used sand fence. He hopes that CNWR doesn't end up with the same language as the Prime Hook CCP. He stated that the Fish and Wildlife are trying to form the policies that the Town can work with. He stated that he added a little about the piping plovers and the FWS work over the last 15 years. He feels it is working because the numbers are up. He hopes to continue shared use of the beach. He asked for thoughts and comments.

Mr. Tom Bonetti stated that he is a Planner and has reviewed the newsletter. He talked about the language, appropriateness and compatibility. He explained that for Prime Hook, they've never used the beach there and don't have an assigned area for a recreational beach. He discussed the items that are inappropriate or incompatible.

There was further comments and discussion.

Vice Mayor Leonard asked about replenishment if the beach washes through. He feels there should be some form of restoration plan in place.

Councilman Jester suggested looking into a state or federal level infrastructure plan for storm protection.

Town Planner Neville stated that they have something in place that states they will defer this until a group of federal agencies can get together to decide the appropriate thing to do. He doesn't feel they should avoid the issue.

Councilman Jester commented on beach replenishment at Wallops and Wallops taking a tough stand.

Mr. Bonetti stated that Town Planner Neville has done a good job highlighting the restoration project in Cape Cod. He is unsure if the Park Service knows about this. He feels sand fencing is worth a try. He suggested that there may not be enough room for a beach, several rows of sand fence and parking also.

Ms. Bowden would like more notice for the public. She feels the public hasn't been given enough time or information.

There was further discussion.

Town Planner Neville advised he would make final touches to the newsletter and get it out.

3. Mayor and Council Comments

Councilman Howard feels that if there isn't beach replenishment there won't need to be an economy here.

There were brief comments.

Town Planner Neville explained the studies and stated that the Town is up against the movement to allow nature to take its course. He stated that they would have to go to the national level to fight this.

Adjourn

Councilman Howard motioned, seconded by Councilman Jester to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE SEPTEMBER 27TH, 2012 CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

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

- **Legal Matters (“Town-County Relations”)**

Councilman Jester moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss Legal Matters. Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Leonard to reconvene in regular session.
Unanimously approved.

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

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

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

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

VOTE: Ayes- Leonard, Jester, Howard, Taylor, Richardson, Muth

Nays- None

Absent- None

Adjourn.

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

Mayor

Town Manager

MINUTES OF THE OCTOBER 1ST, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

There was none.

STAFF UPDATE**Planning Department**

Town Planner Neville advised that he included the monthly report in the Council packet. He announced that the next Planning Commission joint workshop with the Wastewater Advisory Committee is scheduled for 6:00 p.m., Tuesday, October 9th, 2012. He advised that they will review the zoning implications for a wastewater system for the island. He reported that the National Flood Insurance Program re-certification is good for another year. He also mentioned a meeting scheduled October 12th, 2012 at the Center regarding water quality standards for the Chincoteague Bay.

Police Department

Sgt. Fisher advised that the Police Department's monthly report was also included in the packet and asked for questions or comments. He stated that the Poker Run was a success. He thanked the Community and Council for their assistance. He felt that the weather was a factor cutting the block party a little short.

Councilman Howard commented that Onancock's Harbor Festival was hindered a little because of bad weather also.

Public Works

Public Works Director Spurlock also stated that the monthly report was included in the packet. He reported that there has been approximately 500 feet of sidewalk replacement. He asked if there were any questions.

Councilman Jester commended Town staff, Mr. Donnie Thornton for a great job with the flowers downtown and the fantastic job he is doing.

Public Works Director Spurlock advised that the Misty, duck and chicken sculptures are safe and in the process of being raised to be seen above the bushes.

General Government

Town Manager Ritter stated that the monthly report was also included in the agenda packet. He reported that the Emergency Medical Services responded to 100 calls during September. They have been working on a draft Continuity of Operations Plan (COOP) for review and will forward to the Safety Committee. He stated that the Transportation Enhancement Grant has been awarded to the Town. The Town is waiting for property owner easements to be signed for the east side of Main Street so the project can be put out for bids.

Town Manager Ritter also reported that the 50/50 match grant from the Department of Conservation and Recreation has been awarded. He advised that it is approximately \$100,000 in grant and \$100,000 that the Town would have to provide. He stated that the Town's quarterly newsletter was published in the September 20th edition of the Beacon. He also announced that he will be going to the ICMA Conference in Arizona, October 6th – 10th.

Councilman Jester asked about the matching grant. He wanted to know if the Public Works labor could be factored in the Town's portion.

Town Manager Ritter explained that if the Town receives a grant that is not a Federal Grant they can use labor as part of the matching funds. However, if it is a Federal Grant they could not.

Mayor Tarr asked what the total amount of the DCR Grant was.

Town Manager Ritter advised it was \$100,000 and a match of \$100,000.

Mayor Tarr asked if the matching funds were included in the Town budget to match the DCR Grant.

Town Manager Ritter advised there were not.

Mayor Tarr asked what the matching funds were for the fishing pier.

Town Manager Ritter advised it is 20%.

Mayor Tarr asked if the 20% was included in the Town budget.

Town Manager Ritter advised they were not.

Councilman Jester discussed the next phase of the downtown project. He suggested giving time estimates for the bids, the notices to proceed and the target dates. He also requested the dates for the Safe Routes to Schools.

Town Manager Ritter also stated that they have spent the funds for the capital project. He added that he and the Public Works Director would be presenting some ideas for future capital improvement projects to the next Public Works Committee.

There was discussion of potential capital improvement projects.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Leonard motioned, seconded by Councilman Howard to adopt the new agenda which added the minutes of the Special Council Meeting of September 27, 2012 for adoption and item 8 - Advertise to Demolish the Campbell Structure on Eastside Road. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of September 4, 2012**
- **Council Joint Workshop with the Beach Access Committee of September 12, 2012**
- **Special Council Meeting of September 27, 2012**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the minutes of the Regular Council Meeting of September 4th, 2012, the Joint Council Workshop with the Beach Access Committee of September 12th, 2012 and the Special Council Meeting September 27, 2012. Unanimously approved.

2. Wastewater Advisory Committee Activity Report

Mr. Papadopoulos, chairman of the Wastewater Advisory Committee, reported that the Committee has met 11 times since July 12, 2011. They collected information presented by: The Atlantic Group, Blue Water Development Corp, the Health Department, DEQ, several

wastewater treatment system manufacturers and engineers and research material by Town staff on wastewater systems in communities similar to Chincoteague.

Mr. Papadopoulos also reported on the Committee's activities: they performed a survey of business owners to identify issues and support for the Regional Water Study scenario. He advised that the preliminary analysis indicated that the responses are almost 100% positive and in support of a wastewater treatment system. He reported that the Committee reviewed research collected by the Town staff of similar communities with associated costs regarding their solutions to wastewater treatment. They are in the process of developing a decision matrix to define 2 to 3 options of wastewater treatment systems for a presentation to Council.

Mr. Papadopoulos reported on the progress of Blue Water extended sewer lines from their private wastewater treatment plant along Main Street. Don's Seafood Restaurant has been connected. Bill's Seafood Restaurant, the Chincoteague Fire House and the Town public restrooms are pending connection. The planned activities include the review of zoning issues in the proposed Phase 1 service area by the Planning Commission. He announced a work session with the Planning Commission for October 9th, 2012 at 6:00 p.m. He explained that the purpose is to develop common sense criteria for effective land use planning by zoning and not by sewer availability and capacity.

Mr. Papadopoulos also stated that they will continue discussions with the Atlantic Group. They plan to visit Cape Charles Wastewater Treatment Plant. The Committee recommended that Council approve of the Draft, October 2012 Newsletter by the Wastewater Advisory Committee. They also requested that Council provide them with any corrective course ideas as to how the Committee is going so that the goals can be effectively completed by June of 2013.

3. Public Works Committee Report of September 5, 2012

- **Street Sweeper Rehabilitation Proposal**

Councilwoman Richardson reviewed the report and stated that there is a quote for renovations to the street sweeper. She stated that the Town has given \$4,035.96 in water billing adjustments.

Councilman Howard asked about the adjustments.

Public Works Director Spurlock stated that he believes it is up a little from last year.

Public Works Director Spurlock advised that there is a proposal from Atlantic Machinery. He stated that the street sweeper is a 2005 model and the chassis is in good shape but the back is in poor repair. He reviewed the quote of \$57,000 to rebuild the sweeping mechanism and body. He advised that this would put it back to the original design and possibly gives the Town another 6 or 7 years. He stated that the funds would come from the VDOT Roads Maintenance Program. He also advised that a new street sweeper would cost approximately \$180,000. He added that they will have a spray liner installed also.

There was brief discussion.

Councilman Jester motioned, seconded by Councilman Howard to adopt quote #2 for the rehabilitation of the street sweeper's body and sweeping mechanism, in the amount of \$57,822. Unanimously approved.

4. Fall 2012 Paving Bids, Project Name: Contract 01-PAV-12

Public Works Director Spurlock advised Council that the project is to rehab the paving on Willow Street from Church Street to Howard Drive and the overlay on Circle Drive. He stated there was one bid from Branscom.

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to approve the recommendation for the Fall 2012 Paving Bids, Project: Contract 01-PAV-12 to go to Branscom not to exceed the amount of \$259,055. Unanimously approved.

5. Janitorial Services Bids, Project Name: Contract #JS-100112

Public Works Director Spurlock Council also advised Council of the recent bid for the custodial services for the Town. He advised that Alliant Services was the sole bidder and was 5% over the 3-year contract from 2009.

Councilman Howard motioned, seconded by Councilman Jester to approve the Janitorial Services Bid, Contract #JS-100112 to Alliant Services in the total yearly amount of \$14,288. Unanimously approved.

6. Ordinance Committee Report of September 6, 2012

- **Adoption of Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property**

Councilman Howard advised Council that the Ordinance Committee reviewed the ordinance: Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property. He stated that they discussed the maximum height restrictions.

Town Manager Ritter reviewed the changes in Section 22-159 and Section 22-160, striking out "prior to the adoption of this Ordinance".

Town Attorney Poulson stated that his concern was that it seems to create a nightmare of enforcement issues. He stated that putting "prior to the adoption of this ordinance" will create more of a problem and change the word from "the" to "that". He stated that the way it is drawn now that occupied property located twenty-five feet or more rearward of any structure on that property and not being used with the structure(s) on that property will be cut to 5".

Town Attorney Poulson also reviewed Section 22-161. He was explaining that any owner of an undeveloped property has to cut back 5 feet from the boundary of any adjacent developed property. He feels that it should state "occupied" or "vacant" developed property. He also recommended adding "easement and right-of-way" after "...property, any street, roadway or ..."

Town Attorney Poulson under Section 22-163, Notice to Cut, recommended changing from five inches (5") to ten inches (10").

Councilman Howard explained that the Committee felt that the ten inches (10") and five inches (5") would be sufficient.

Town Manager Ritter stated that at the Ordinance Committee meeting they felt that the "occupied" developed properties would be enforced and the "undeveloped" and "vacant" developed would be on a complaint basis for enforcement. He also suggested only allowing adjacent property owners to be the complainants.

Vice Mayor Leonard feels that one person will take it upon themselves to ride around the island and report all those who aren't in compliance. He feels this is an enforcement nightmare.

Town Manager Ritter also added that someone living in Richardson's Landing can't complain about someone on Beebe Road. He also added that this was for "undeveloped" property.

Discussion continued about pitting one neighbor against another and enforcement.

Councilman Jester added that there will be complaints.

Councilman Muth asked Building and Zoning Administrator Lewis if he was comfortable with enforcing the Ordinance the way it is written.

Building and Zoning Administrator Lewis advised that he was comfortable with the changes.

Town Manager Ritter added that it can come back to the Ordinance Committee if there are problems.

Councilman Jester feels that the Notice to Cut should include the intent.

Building and Zoning Administrator Lewis added that the letters for Accumulation on Property gets into the winds, floods and why the Town doesn't want accumulation on properties. He stated that they will put this type of information in those letters also.

Councilman Howard asked about the minimum and maximum weed/grass height requirements.

Building and Zoning Administrator Lewis added that he will pull the information from the Nuisance Ordinance.

Councilman Howard expressed his concerns and suggested that if there are any problems that come up, the Ordinance Committee could address it and make their recommendations to Council.

Mayor Tarr stated that the drive-by enforcement isn't addressed and asked if this would be a policy of the Town. He wanted to make sure that it was clearly stated in the minutes of the intent for enforcement.

Councilman Muth asked where they place the discretion.

Town Attorney Poulson feels that they are getting into problems if they add discretion.

There was further discussion.

Councilman Taylor asked if the Town could maintain their own property with the current staff.

Public Works Director Spurlock advised he believes so.

Councilman Taylor then asked if there would be enough staff to take care of the Town's property and the other properties that are in violation.

Public Works Director Spurlock added that they have the same problem with maintaining the cemeteries.

Councilman Taylor feels that the government should set the example.

Councilman Howard stated that he has never heard a complaint about the Town's properties. He also stated that he doesn't feel that people are going to complain about the cemeteries.

Councilman Howard motioned, seconded by Councilman Jester to adopt Chapter 22, Article VI. Grass, Weeds and other Foreign Growth on Private Property with the changes as outlined from Town Attorney Poulson. Motion Carried.
Ayes: Richardson, Jester, Muth, Howard
Nays: Leonard, Taylor

CHAPTER 22 ENVIRONMENT

ARTICLE VI. GRASS, WEEDS, AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY

SEC. 22-158 Definitions:

For purposes of this Article VI, the following words and terms shall have the meaning respectively ascribed to them by this section:

(A). Owner:

Any person or entity holding record title to any lot or parcel of land within the Town, including fiduciaries holding title to or having the legal care, custody, control, or management of any such

lot or parcel.

(B). Grass, weeds, and other foreign growth:

Uncontrolled or unmanaged vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery or vegetation, flowers, vegetable gardens, or grasses or bushes classified as wetlands under any local, state, or federal law.

(C). Undeveloped property:

Any lot or parcel of land located within the Town that either (a) does not contain a structure or other improvements, or (b) is not served by the Town public water system, or (c) does not have an installed sewage disposal system approved by the Eastern Shore Health District.

(D). Vacant developed property:

Any lot or parcel of land located within the Town that either (a) contains a structure or other improvements, or (b) is served by the Town public water system, or (c) has an installed sewage disposal system approved by the Eastern Shore Health District, and on which lot or parcel no person or entity has either resided, conducted any business or other activity, or physically occupied such lot or parcel at any time within the 45 day period immediately preceding any Notice by the Zoning Administrator/Code Compliance Officer as provided for by SEC. 22-163 hereof.

(E). Occupied property:

Any lot or parcel of land located within the Town that either (a) contains a structure or other improvements, or (b) is served by the Town public water system, or (c) has an installed sewage disposal system approved by the Eastern Shore Health District, and on which lot or parcel any person or entity has resided, conducted any business or activity, or physically occupied such for any period within the 45 days immediately preceding any notice by the Zoning Administrator or Code Enforcement Officer pursuant to SEC. 22-163 hereof.

(F). Same set of operative facts:

Means the situation or facts existing either before or after an owner has been given a Notice to Cut by the Zoning Administrator/Code Compliance Officer. The “operative facts” shall change only after either the owner has cut such grass, weeds, or other foreign growth to compliance after such Notice, or the Town has so cut.

(G). Violation:

A violation occurs when any such owner fails to cut such grass, weeds, or other foreign growth from their lot or parcel so as to prevent it from attaining the applicable prohibited height. A

Notice to Cut by the Zoning Administrator/Code Compliance Officer shall not be required to constitute a violation by such owner.

SEC. 22-159 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY VACANT DEVELOPED PROPERTY

Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any vacant developed property, as defined herein, located within the Town when the height of such grass, weeds, or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5"). Notwithstanding the preceding provisions, that part of any such property located twenty five feet, or more, rearward of any structure on said property and not actively used in conjunction with the structure(s) on said property shall be cut in accordance with the provisions of §22-161.

SEC. 22-160 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY OCCUPIED PROPERTY

Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any occupied property, as defined herein, located within the Town when the height of such grass, weeds, or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5"). Notwithstanding the preceding provisions, that part of any such property located twenty five feet, or more, rearward of any structure on said property and not actively used in conjunction with the structure(s) on said property shall be cut in accordance with the provisions of §22-161.

SEC. 22-161 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY UNDEVELOPED PROPERTY

Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any Occupied property or Vacant Developed property for a width or depth of 5 feet from the boundary of any adjacent developed property any street, roadway, easement or right-a-way when the height of such grass, weeds or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5").

SEC. 22-162 PENALTIES FOR VIOLATION(S)

Any owner who violates any provision of this Article by not cutting the grass, weeds or other foreign growth on any lot or parcel as provided for herein shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first violation, or a violation arising from the same set of operative facts. The penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative facts result in civil penalties that exceed a total of Three Thousand Dollars (\$3,000.00) in a twelve (12) month period.

Violation of any provision of this Article shall be a Class 3 misdemeanor in the event three (3) civil penalties have been imposed on the same defendant for the same or similar violations, not arising from the same set of operative facts, within a twenty-four (24) month period. The punishment for a Class 3 Misdemeanor shall be a fine not to exceed Five Hundred Dollars (\$500.00). Classifying such subsequent violations as criminal offences shall preclude the imposition of civil penalties for the same violation.

SEC. 22-163 NOTICE TO CUT

When there exists upon any vacant developed property, occupied property, or undeveloped

property as defined herein within the Town grass, weeds, or other foreign growth, as prohibited herein, the Zoning Administrator/Code Compliance Officer shall immediately notify the owner of such lot or parcel to cut such grass, weeds, or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5"). Such notification shall be by certified mail to the address of such owner as appearing on the real estate tax records of the Town of Chincoteague. Such owner shall cut such grass, weeds, or other foreign growth exceeds ten inches (10") to a height cut not to exceed five inches (5") within ten (10) days of the posting of such Notice or the Town may take the action provided under Sec. 22-164.

SEC. 22-164 CUTTING BY THE TOWN

If such grass, weeds, other foreign growth has not been cut as required under the provisions hereof within ten (10) days from the posting of such Notice to Cut by the Zoning Administrator/Code Compliance Officer, the Zoning Administrator/Code Compliance Officer shall cause such grass, weeds or other foreign growth to be cut to the required height by the employees or agents of the Town, or any contractor at the cost of such owner.

Where grass, weeds, or other foreign growth have not been cut by the owner within ten (10) days from the date of the Notice to Cut by the Zoning Administrator/Code Compliance Officer pursuant to the provisions of this section, and it is necessary for the Town to cut as provided herein, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid within fifteen (15) days, it shall be added to the Town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as real estate taxes.

The Town may waive such lien(s) in order to facilitate the sale of the property. Such lien(s) may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and/or who has no business association with the owner. All such lien(s) shall remain a personal obligation of the owner of the property at the time the liens were imposed even if waived.

SEC. 22-165 AUTHORITY

This Article VI is adopted pursuant to the provisions of §15.2-901, §15.2-1102, and §15.2-1115 of the Code of Virginia of 1950 as amended.

SEC. 22-166 EFFECTIVE DATE

The provisions hereof shall be effective upon adoption by the governing body of the Town of Chincoteague. Adopted October 1, 2012

Vice Mayor Leonard stated that he cannot create more government and feels the general public will more confused as Council is on this.

Councilman Taylor agreed that government shouldn't be creating more laws.

7. Recreational and Community Enhancement Committee Report of September 5, 2012

Councilman Jester stated that Town Planner Neville has completed a comprehensive list of the Town's Parks. The Committee will be reviewing them and make recommendations. He commended the Garden Club for the Cleveland Street garden. He mentioned the bike trail right-of-way from the Dollar General to Chicken City Road to keep the bike traffic off Maddox Blvd. He wants to know if staff would address the property owners to get permission to continue on through Coach's Lane and coming out to Maddox Blvd.

8. Advertise to Demolish the Campbell Structure on Eastside Road

Building and Zoning Administrator Lewis advised that he mailed a letter to Mr. & Mrs. Campbell in January 2012. He advised another letter was sent April 4th, 2012 at which time the owner advised he would begin demolition. He spoke to Mr. Campbell again August 2, 2012 and is having problems getting someone to do it. Building and Zoning Administrator Lewis advised that a public notice was already put in the paper for two weeks declaring the structure as unsafe. He stated that the flower shop on Church Street was given the notices also and they demolished the building. He asked Council for permission to put an ad in the paper for bids for demolition. He then read the notice.

Town Manager Ritter asked if Robert and Joan Campbell own the property.

Building and Zoning Administrator Lewis advised that every notice was sent to Joan and Robert Campbell as that is what is on the tax records.

Vice Mayor Leonard motioned, seconded by Councilman Jester to approve the advertisement for bids for the demolition of a structure on the Campbell property on Eastside Road. Unanimously approved.

9. Mayor and Council Announcements or Comments

Councilwoman Richardson complimented Vice Mayor Leonard for doing a splendid job during the Bridge Celebration.

Vice Mayor Leonard commended the Kiwanis Club on a great job in planning the Bridge Celebration.

Councilman Jester agreed with Councilwoman Richardson and Vice Mayor Leonard that it was a very nice ceremony.

Councilman Taylor thanked staff for working behind the scenes and doing a great job.

Councilman Howard commended Councilman Taylor for being bold and brave enough to say what he feels.

Building and Zoning Administrator Lewis also advised of the upcoming demolition of the McGee home on Bunting Road. He advised that the Building Department was inspected by ISO and the inspection went well.

Councilman Jester commented on the unsafe structures in Accomack County.

Mayor Tarr commended Building and Zoning Administrator Lewis for trying to make the Town look better.

There was discussion about unsafe structures and what the requirements are to maintain that structure or have it demolished.

Adjourn

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

Mayor

Town Manager

MINUTES OF THE NOVEMBER 5, 2012 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

J. Arthur Leonard, Vice Mayor

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Joe Justice approached Council about drainage. He stated that he has come before Council 6 times from October 2009 to October 2012 about drainage. He advised that he has met with Public Works Director Spurlock about the drainage issues on his property. He reported that he had 12" of water in his home, garage, workshop and motel rooms from the recent storm. Mr. Justice explained the

work that has to be done because of the damages. He mentioned his financial status. He requested a flood gate on Bunting Road or Beebe Road.

- Mr. Spiro Papadopoulos addressed Council regarding repairs to his Verizon service. He complained that he was given a repair date 9 days after his call. He advised that his neighbors were experiencing the same problems. He stated that because his phone lines were down he and his neighbors were unable to receive the reverse 911 calls from the Town regarding the storm. He urged Council to contact Verizon about the timely repairs to their lines for safety purposes.
- Mr. Alex Hubb, Director of Transportation, came before Council with a letter thanking Councilman Gene Wayne Taylor. He read the letter. He stated that he and his Pony Express team members were very concerned for the trolleys during the recent storm. He advised that with all of the other personal things Mr. Taylor had to take care of he offered his mainland property as a refuge for the trolleys. Mr. Hubb stated that they decided to take the trolleys to Mr. Taylor's property on high ground in an open field until the storm passed. He stated that the members of the Pony Express sincerely thank Councilman Gene Wayne Taylor and wanted to publicly recognize him for his generosity.

STAFF UPDATE

Police Department

Chief Lewis advised that the Police Department's monthly report was included in the agenda packet. He also reminded Council that on December 1st, 2012 the Police Department will conduct their 8th Annual Toy and Food Drive. He stated that if anyone has toys or food to donate they can drop it off at the Police Station.

Public Works

Public Works Director Spurlock advised that the Public Works monthly report was included in the agenda packet. He reported on debris removal. He stated that the Governor has requested a Proclamation of a Major Disaster in the State of Virginia and is pending the presidential signature. He advised that because of this, anything the Town does regarding debris removal on public property will be reimbursed by FEMA at a rate of 75% reimbursed by FEMA and 25% reimbursed by the state. He added that the numbers are not final and the Proclamation hasn't been signed as of yet. He explained the stipulation of public property. He also stated he has been in contact with a state contractor, Fox Brothers, for removal with an estimate for 20,000 cubic yards of debris for pickup, grinder, disposal of all the debris and project management fees at a cost of \$268,000. He advised that if the Public Works Department were to collect it would take a very long time.

Public Works Director Spurlock also advised that the Park Service is talking with Fox Brothers to do reduction. He stated they are able to be on Chincoteague mid to late next week. He added that this is done on a reimbursable basis, meaning the Town will have to pay for this up front. He stated that they will get a schedule of the collection and removal with one pass allowing ample time for debris to be put out.

Councilman Howard asked if all of the debris removal expense would be reimbursed.

Public Works Director Spurlock advised that once the Proclamation is signed it will be reimbursed.

Councilman Taylor asked if the saw mills would want these trees.

Public Works Director Spurlock responded that there are very few saw mills that would want yard trees because they're full of metal.

There was further discussion.

Councilman Howard asked about the bark beetle.

Public Works Director Spurlock referred this to Supervisor Thornton as she has been working with the State Forestry Department.

Councilman Howard also asked about "private assistance".

Public Works Director Spurlock reported that this is for damage to a personal home that is not covered by insurance. He stated that there were 2 FEMA teams on the island and they reported a little over \$2 million in damage to private property.

Mayor Tarr stated that the Governor can declare a county in the State of Emergency and that requires the damage to be at a certain dollar amount.

Public Works Director Spurlock advised he would keep Council posted.

General Government

Town Manager Ritter advised that the monthly General Government report is in the agenda packet. He reported that the total EMS responses were 74 in October, which are 10 more than October 2011. He stated that under Emergency Management they are in the recovery phase. He added that daily reports, meetings with FEMA and the paperwork are ongoing. Town Manager Ritter also stated that they are in the process of writing many thank you letters to those who helped the Town through the EOC. He reported the damage assessment of \$1,801,895 for private property and \$117,000 for public property. He also reported on the Downtown Rehabilitation Phase 2B. He stated that they are in the process of obtaining engineering services. They are also working on obtaining easements along the east side of Main Street. He added that the finalized engineering drawings will be submitted to VDOT and then out for bid.

Town Manager Ritter also reported on the Pony Express 2012 season ridership of 14,542. The History Tour had 43 tours with a total of 993 riders. He also stated that the Audit Report has been finalized and distributed. The Town has received the tax information from the County and currently having this converted through Southern Software for billing. He stated that Council can decide to extend the due date of the tax bills. Town Manager Ritter stated that the quarterly newsletter will go out in December.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr stated that they would like to add one agenda item 3a. Personnel Policy Changes to the Employee Handbook at the recommendation of Town Attorney Poulson.

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 3a. Personnel Policy Changes to the Employee Handbook. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of October 1, 2012**

Councilman Howard motioned, seconded by Councilman Jester to adopt the minutes of the Regular Council meeting of October 1, 2012. Unanimously approved.

2. Accomack County Board of Supervisors Update

Supervisor Thornton stated what a fantastic job the Town's EOC did along with all the volunteers, Mayor and Town Council. She feels that the people don't realize how much time and effort that goes into this storm. She advised that she was in the office several times and stated that Ms. Kelly Fox was in the EOC every time she came in and answered the phone every time she called. She thanked Council and stated how fortunate we are to live on Chincoteague and have a community like this where everyone pulls together. She stated that she was advised that there were approximately 500 trees down on the island. She feels that organizing a volunteer group to help the less fortunate and elderly was a good thing. She can't say enough of what a fine job our community did. She also feels the Town needs to be very aware of those surrounding areas that lost their livelihood.

Supervisor Thornton reported on the pine bark beetles. She stated that she spoke with Vice Mayor Leonard and they are infesting the northern end of the island also. She stated that Mr. Robby Lewis, with the state Forestry Department, is planning on coming to look at the problem areas and possibly coming up with some solutions. She stated that the infestation is very serious. She hopes that everyone will take an interest and examine the pine trees in their yards.

Supervisor Thornton stated that there is a group requesting to use the Wallops Research Park, which is to be used as a training facility for the Navy. She stated that there are a number of people that feel this isn't the right thing to do and have hired an attorney. She advised that the Navy doesn't have to ask for permission because it was a Navy base prior to this. She feels this isn't going to be devastating and the Board of Supervisors should stand up and do what is right for our military.

Councilman Howard asked why they were opposed.

Supervisor Thornton advised it's because of the potential noise. She stated that there will be a meeting Wednesday at 5:00 p.m. regarding the Wallops Research Park. She added that if they don't support the Wallops Research Park they will lose millions of dollars from the state to help build the runway. They have worked out the location and the site has to be approved. She spoke about the appraisal. She feels that if they don't do this then Pocomoke is interested and it could be devastating to the County.

Supervisor Thornton stated that they are also looking at redefining the Tourism Commission. She explained that they are looking at how people are appointed. She added that they are also looking at criteria for board members and not allowing so many people from one industry to serve on the same board. She stated that there are other structural things that could be changed. She also reported that Chincoteague gives over \$400,000 to the Tourism Commission from the occupancy tax a year.

Supervisor Thornton reported on the Atlantic Town Center. She is unsure if this project is going forward and feels it's unfortunate. She mentioned the Baylor Ground meeting and advised that she asked the County to appoint a committee to work with the VMRC. She appointed Mr. Ernie Bowden who has a very good understanding of the workings of the VMRC and is hopeful that this can be worked out. Her concern is for those who make their living working on the water. She also advised that the Airport Commission has been dissolved and has been made a County Department.

Supervisor Thornton feels they should thank Governor McDonnell and Congressman Rigell for dropping what they were doing and coming to the Island. She feels it was very enlightening when Congressman Rigell put Mr. Hinds, with U. S. Fish & Wildlife, on the spot regarding beach parking. She stated that Mr. Hinds agreed that parking will be put back by spring. She also advised that she wasn't consulted when Mr. Chesser asked Mr. Miner to call a meeting with Mr. Hinds and the Board of Supervisors. She stated that no one advised her of this meeting with Mr. Hinds until the meeting had already been called. She feels that this was definitely disrespectful. She was to meet with an insurance adjuster and cancelled so she could attend. She would have liked to have told people so they could have been there as it was a public meeting. She did see that the Town Council was informed when she was.

Councilman Howard discussed the dissolving of the Airport Commission and creating a department. He asked if this gave the Board of Supervisors more authority.

Supervisor Thornton advised that Mr. Miner will monitor and supervise this department. She stated that there was some items presented that is not public information and that it was discussed in depth.

Councilman Jester asked if the Wednesday night meeting regarding the Wallops Research Park was at 5:00 p.m. in the County Administration building.

Supervisor Thornton advised it was and hopes that it goes well as the state gives millions of dollars for this purpose. She feels this is good for the County economy.

3. Consider Changes in the Town Code Section 38-26, 38-27 and 42-29 (a)(10)

Town Manager Ritter reported that Town Attorney Poulson issued a memo after receiving a memo from the Second Amendment Foundation. They advised him that the Town was in violation of State Code 15.2-915, referring to firearms and regulations and advised that the Town's Code 38-26, 38-27 and 42-29 (a)(10) should be repealed. He recommended that these three sections be repealed.

There was discussion regarding the authority of the Second Amendment Foundation who is not a public entity.

Councilman Howard feels that if they're in violation of the State Code it should be changed.

Town Manager Ritter added that failure to do so can make the Town susceptible to a law suit from the Second Amendment Foundation.

There was further discussion and clarification.

Town Attorney Poulson advised that two of these sections were not valid and this is to clean it up and recognize the State Code. He also stated that they want to change the Employee Handbook to be consistent with this change also.

There was further discussion and clarification of the change to the Town Code and the Employee Handbook.

Mayor Tarr asked if Council understood the change. He then asked if there were any questions to the changes to the Town Code section.

Councilman Howard stated that everything has been stricken and asked if this was correct.

Town Attorney Poulson advised it was correct to strike through the entire section.

Councilman Taylor motioned, seconded by Councilman Muth to adopt the changes as presented to the Town Code Section 38-26, 38-27 and 42-29 (a)(10). Unanimously approved.

~~Town Code~~
~~Chapter 38~~
~~Offenses and Miscellaneous Provisions~~
~~Article II~~
~~Weapons~~
~~Section 38-26~~
~~Selling to or Purchase by Minors~~

~~It shall be unlawful for any person to sell in the town any firearm, ammunition or switchblade knife to any person under the age of 16 years or for any person under the age of 16 years to purchase in the town any firearm, ammunition or switchblade knife. Any person violating this section shall, upon conviction, be fined not less than \$5.00 and not more than \$100.00 for each offense.~~

~~(Code 1977, § 13-7)~~

~~Town Code~~
~~Chapter 38~~
~~Offenses and Miscellaneous Provisions~~
~~Article II~~
~~Weapons~~
~~Section 38-27~~
~~Possession by Minors~~

~~It shall be unlawful for any person under the age of 16 years, unless accompanied by some person over the age of 18 years, to have in his possession in the town any firearm, ammunition or switchblade knife at any place other than his usual place of residence. Any person violating this section shall, upon conviction, be fined not less than \$5.00 and not more than \$100.00 for each offense.~~

~~(Code 1977, § 13-8)~~

~~Town Code Chapter 42~~

~~Parks and Recreation~~
~~Article II~~
~~Park Regulations~~
~~Section 42-29~~
~~Rules and Regulations~~

~~(a) The following rules and regulations shall be applicable to the uses of all town-owned recreational facilities:~~

~~(10) No weapons or firearms of any kind are permitted.~~

3a. Personnel Policy Changes to the Employee Handbook

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the proposed changes to the Personnel Policy, Employee Handbook. Unanimously approved.

EMPLOYEE HANDBOOK

9.5 Workplace Violence

The Town of Chincoteague is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Town has adopted the following policy to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

Employees who violate this policy may be subject to disciplinary action, up to and including dismissal, arrest, and prosecution.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. ~~Firearms, weapons, and other~~ dangerous or hazardous devices or substances are prohibited on the Town premises without proper authorization.

9.6 Searches in the Workplace

The goal of the Town is to ensure and maintain the safety and security of all employees at all times. The Town of Chincoteague wishes to maintain a work environment that is free of illegal drugs, alcohol, ~~firearms~~, explosives, or other improper materials. To this end, the Town of Chincoteague prohibits the possession, transfer, sale, or use of such materials on its premises. The Town of Chincoteague requires the cooperation of all employees in administering this policy.

13.4 Employee Conduct and Work Rules

- Possession of dangerous or unauthorized materials, such as explosives ~~or firearms~~, in the work place;
- New added bullet to 13.4

No employee shall possess on Town property during the hours of employment any weapon, firearm, or ammunition, except in a locked private motor vehicle owned and for used by such employee (except sworn Police personnel or as otherwise directed by the Town Manager).

4. Proclamation on the Declaration of Local Emergency

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the Proclamation of the Declaration of a Local Emergency. Unanimously approved.



**PROCLAMATION
DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Town Council of the Town of Chincoteague does hereby find that:

1. Due to the heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from Hurricane Sandy; and
2. A condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that at 10:00 hours on October 27, 2012, an emergency now exists throughout said Town of Chincoteague; and

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

Dated: November 5, 2012

Town Council of the Town of Chincoteague

Attest: _____
Clerk
Town of Chincoteague

5. Bids on the Demolition of the Campbell Structure on Eastside Road

Town Manager Ritter advised that they received additional information earlier in the evening. He stated that this property has other heirs. He stated that until the Town can contact the County Assessor this item should be postponed. They will need to advertise with those listed in the will after notification is made to those individuals. He added that if they find out that these are the only two people listed in the will it will be brought back before Council at the next meeting.

6. Proclamation Designating November 10-16 as Cemetery Cleanup Week

Town Manager Ritter advised that Saturday, November 10th, 2012 from 9:00 a.m. to 12 noon, is the cleanup of the Aydolette Cemetery which is off of Conant Lane and Willow Street. He read the Proclamation.

Councilwoman Richardson motioned, seconded by Councilman Jester to adopt the Proclamation Designating November 10-16 as Cemetery Cleanup Week. Unanimously approved.



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of November 10TH through 16TH, 2012, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer, organize and assist in the cleanup of our Island cemeteries.

DATED this 5th day of November, 2012.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Councilwoman Richardson stated that Mr. Brett Schoeberl is the volunteer manager for assistance in storm cleanup. She advised that he was involved with the Navy reservist who went into the Greenwood Cemetery and cleared the tree that had fallen and made repairs. She stated that she was advised that the Navy would like to help the first weekend each month from March to November for cemetery cleanup. She also requested that the Town send a thank you letter to the Navy.

7. Public Safety Committee Report of October 2, 2012

Mayor Tarr advised that the report is included in the agenda packet. He added that under the COOP there is a draft plan that has been reviewed by department heads. He feels that with the recent storm and putting things into action should help in the plan.

Councilman Howard mentioned a pet shelter that will be a plus in a storm or emergency.

Mayor Tarr advised that a pet shelter has been worked out with the Accomack County School Board and the Town. He stated that the other big need is a shelter for those on oxygen or in need of medical assistance. They are currently working on making this type of shelter available.

Councilman Howard feels that by having these types of shelters will encourage the people to evacuate.

Councilman Jester stated that there has to be a plan to help with the continued operation if there is an emergency and the Town's facilities have been shut down.

Mayor Tarr asked Mr. Brett Schoeberl to give a report on the volunteers for storm cleanup. He advised that Mr. Schoeberl has volunteered to head-up the volunteers for cleanup and he is a certified CERT member for the Town.

Mr. Schoeberl reported that there were many seniors and disabled residents on the island that needed help with debris removal. He stated that they completed 18 properties. They had 6 volunteers from the high school, 9 people come (2 were from the island and 7 were visitors), 1 came from Charlotte, SC, 2 from Winchester, VA and 4 from Southern Maryland. They all contacted Mr. Schoeberl to come help. He advised that a command center was set up at the Christ United Methodist Church with donations of drinks and food. He stated that one of the places wasn't completed until Sunday, which was the Greenwood Cemetery and that's because the Navy couldn't get their crew together until then.

Mayor Tarr advised that the Noise Ordinance was addressed prior to this also.

Mr. Schoeberl also advised that Ace Hardware supplied bags of gloves and many people supplied rakes. He sent them out in little groups to areas that needed attention. He reported on the calls thanking them

for a great job. He also stated that he has received a few more calls for assistance and will try to conduct another cleanup day. He mentioned the Navy's cemetery cleanup. He stated that the Navy came with a group of 17. He stated that this is the reservist group and they train from March to November. He stated that they are willing to help with cemetery cleanup the 1st weekend of the month during those months.

Mayor Tarr thanked Mr. Schoeberl and his volunteers for all their hard work.

8. Consider Bowman Engineering Services for Phase 2B of the Main Street Project

Town Manager Ritter advised that Bowman Engineering Services did the engineering services for the west side of Main Street and they are asking for an extension of their proposal for the east side of Main Street. He spoke with them and was given a cost of \$76,694. However, after negotiations were able to get it down to \$55,062.

Town Attorney Poulson asked what happens if at some point the Town decides to stop the project. He suggested an addendum that protects the Town.

Mayor Tarr advised that the fee will be paid through the grant which is \$545,000 and the engineering fees are approximately 10%.

Town Attorney Poulson suggested putting this in the contract also.

There was further discussion.

Town Attorney Poulson referred to the Terms and Conditions and he will review and make necessary changes including the term "not to exceed \$55,000".

Town Manager Ritter also added that it is set up the way VDOT wants it to be set up. He stated that Bowman Engineering Services included this in the entire master plan and separated each phase.

Council discussed Phase 2B and the area it included.

Town Attorney Poulson asked about the easements.

Town Manager Ritter advised they are in the process of obtaining the easements and there will be a meeting with the engineers Thursday.

Councilman Jester motioned, seconded by Councilwoman Richardson to approve signing the contract with Bowman Engineering Services for Phase 2B of the Main Street Project after the attorney makes the necessary changes. Unanimously approved.

9. Budget & Personnel Committee Report of October 9, 2012

- **Consider a New Public Works Position "Landscape Maintenance Specialist"**

Mayor Tarr explained that the Budget & Personnel Committee has recommended approval of a new position for the Public Works Department of Landscape Maintenance Specialist. He stated that this will fill the position of a Public Works employment vacancy.

Public Works Director Spurlock advised that this is a dedicated individual that does landscape maintenance. He felt that there was no one with landscape knowledge and this will remedy that situation.

Councilman Howard stated that according to the memo this is not an increase to the Public Works Department. He added that this is filling the position that was vacant because Mr. Randy Thornton, who was a heavy equipment operator, has left the Town. He stated that if this is approved who would take the place of the heavy equipment operator.

Public Works Director Spurlock advised that he has 7 or 8 laborer/heavy equipment operators. He stated that other than the Water Works Employees several of the other employees are heavy equipment operators.

Councilwoman Richardson stated that the Town Offices look much better since this particular employee has joined the staff.

Councilman Howard asked about the salary basis.

Public Works Director Spurlock advised that they begin with the experience factor when determining the pay.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the new position in Public Works "Landscape Maintenance Specialist". Unanimously approved.

10. Mayor & Council Announcements or Comments

Councilman Howard mentioned the downtown area looking so nice and how bad the street is. He asked to upgrade the paving.

Public Works Director Spurlock advised that in Phase 2A the west side of the street was paved and with Phase 2B the east side of the street will be paved.

Councilman Taylor agreed with Mr. Justice about the overflow of Fowling Gut. He also agrees that there should be floodgates to control the flow.

There was lengthy discussion about installing floodgates.

Mayor Tarr advised that he asked the Corps to study Fowling Gut. He added that the Corps was willing to do the study but there is no funding to do the study. He suggested looking into the disaster funds.

Councilman Muth commented on the Damage Assessment Team with FEMA. He stated that the phone calls they received ahead of time helped them tremendously.

Councilman Jester commended, Mayor Tarr, Public Works Director Spurlock, Town Manager Ritter and all the staff, Mr. Bryan Rush and Ms. Kelly Fox for doing a fantastic job. He advised that he was in Nevada and every time he called in to check on things Ms. Fox answered his questions. He stated that he found that a Facebook page was set up and he was able to see what was going on. He recommends that the Town should have a continuing Facebook page. He believes this will help with the economy by giving the positive story. He stated that because some phone service was lost the reverse 911 system didn't work. He asked how to communicate with the elderly who do not have internet. He commended all those who worked during the storm.

Public Works Director Spurlock asked that Councilman Jester add Mrs. Louise Chesser to that list as she did the 7:00 p.m. – 7:00 a.m. shift.

Councilwoman Richardson also commended the Town employees along with Chief Lewis, Public Works Director Spurlock, Town Manager Ritter, Mayor Tarr and Mr. Bryan Rush who is a leader. She commended the Town Police and Public Works Employees who were out in the weather and it's wonderful to see people pull together to help each other. She thanked everyone.

Town Manager Ritter reminded Council of the Harbor Committee meeting, Thursday at 5:00 p.m. He also stated that the office is closed Monday the 12th in observance of Veterans Day.

Mayor Tarr stated that the state pre-deployed the National Guard to the Island for the storm. He also added that they pre-deployed 10 state troopers that worked in shifts with the Police Department. He also added that they were all a big help. He stated that the Governor came with his full Emergency Management Staff, Public Safety, FEMA and Corps of Engineers to tour Chincoteague, Sanford, Saxis and Assateague.

Mayor Tarr also stated that the following day Congressman Rigell was here and had a discussion with Mr. Hinds about restoring beach parking by next summer. He feels it was a very positive meeting and heading in the right direction. He advised that on Saturday they went to the beach with the Board of Supervisors, the Town Council, Delegate Lynwood Lewis and Senator Ralph Northam. They all asked questions about getting the beach back open and where they're headed. He thanked everyone and the Public Works Department for removing trees and working on drainage issues. He reminded everyone to vote tomorrow and to buy tickets to the Mayor's Ball for November 17, 2012.

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

- **Legal Matters ("Town-County Relations")**

Councilman Howard moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters. Unanimously approved.

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

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

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

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

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

VOTE: Ayes- Jester, Howard, Richardson, Muth, Taylor
Nays- None
Absent- Leonard

ADJOURN

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

Mayor

Town Manager

MINUTES OF THE DECEMBER 3, 2012 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Gene W. Taylor, Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

A Junior Beta Member from Chincoteague Elementary & Middle Schools, read a letter to Council requesting a donation to the Junior Beta to help with the convention expenses.

Mayor Tarr asked Town Manager Ritter to put this matter on the next Council meeting agenda.

STAFF UPDATEPlanning Department

Town Planner Neville advised that the Planning Commission has been working with the Wastewater Advisory Committee on common issues of future development of the Town. He advised that the next meeting of the Planning Commission will be December 11th. They will be reviewing a downtown parking study. He also stated that the Wastewater Advisory Committee will be reviewing a map of the proposed Phase 1 sewer service area.. He added that Mr. Papadopoulos has been appointed to the County Planning Commission.

Councilman Taylor commented on the Fish & Wildlife Study. There was brief discussion.

Police Department

Chief Lewis reported that Saturday was their annual Toy-Run. He advised that the total raised for the kids this year was \$42,000. This will be used for the needy in the community.

Public Works

Public Works Director Spurlock reported that along with putting up Christmas decorations they are still cleaning up debris. The Town will collect debris on private roads and there is a contractor for debris collection on public roads. He stated that the Willow Street paving has been put on hold.

General Government

Town Manager Ritter reported that there were 62 EMS responses during November. He stated that the Rapid Sequence Innovation was put into place the first part of November. Town Manager Ritter congratulated EMS personnel. He also reported on the Downtown Rehabilitation on the east side of Main Street. He advised that they have 3 easements. They have submitted them to VDOT and should be able to get the bid out before Christmas. He stated that the Audit Report has been completed and Robinson, Farmer Cox will give an oral report to Council in January or February.

Town Manager Ritter also reported on the Broadband status. He stated that a request for proposal has been advertised in the Eastern Shore News for a wireless provider for the Eastern Shore Broadband. He also stated that the pilot program is successful to date. He stated that the General Government staff has been processing taxes, which are due December 21st. He advised that they have processed \$10,586

in taxes to date. He also asked for Council's input for the newsletter. He added that the evaluations have been completed.

Councilman Howard asked what the status of the pilot program was. He stated that no one has come by his house to hook up the internet as part of the pilot program.

Town Manager Ritter advised that they went to Councilman Howard's home and the receiver was unable to pick up the signal. He then stated that they will have to complete a plan to cover the entire island.

Councilwoman Richardson asked when the downtown would be completed.

Town Manager Ritter advised it will be completed by Memorial Day.

There was brief discussion about the easement and the request for proposals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked Council to add item 8a) Resolution for the Virginia Saltwater Recreational Fishing Development Fund Authorization.

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 8a) Resolution for the Saltwater Recreational Fishing Development Fund Authorization. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of October 1, 2012**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the minutes of the regular council meeting of November 5, 2012. Unanimously approved.

2. Presentation by Eastern Shore Rural Health

Mayor Tarr welcomed Ms. Nancy Stern the CEO of Eastern Shore Rural Health.

Ms. Stern gave a PowerPoint presentation. She recognized Mr. Harry Deitch who is a board member. She also introduced Ms. Amy Bull who is the Director of Development. She advised that over the past 18 months 33,000 patients have looked to the E. S. Rural Health. She stated that there are dentists on the Island that are working as partners with them. She mentioned the other Community Health Centers. She advised that they have a federal grant that gives assistance with those unable to afford insurance. She also stated that they grew by 2,000 patients without insurance in a year. She stated that she hopes they can raise enough money to fund their programs.

Ms. Stern stated there are 53,000 unmet dental appointments due to the lack of dentists throughout Accomack County. She advised the residents just can't afford to see the dentist. 18% of those residents live below the poverty level compared to the state average of just over 10%. She stated that most employers don't offer dental insurance and due to the nature of the jobs on the Shore people can't get off work to see the dentist. There is also a lack of transportation and a language barrier. For those

Accomack County residents that don't go to the dentist, there is a lack of routine care and they suffer with severe oral health issues.

Ms. Stern advised that they currently have dental units at Franktown Community Health Center in Northampton County and Pungoteague along with Metompkin elementary schools in Accomack County. They plan to add a state-of-the-art 7-chair dental wing at the new Atlantic Community Health Center along with a new dental team where both children and adults will be seen. Rural Health has also started an outreach program using portable dental equipment and is initially focused on Accomack County Public Schools. She explained the importance of good oral health. They are a Federally Qualified Health Center and non-profit practice with a mission to make comprehensive primary care accessible to all regardless of ability to pay.

Ms. Stern stated that in October 2010 the Health Resources and Services Administration awarded Rural Health a \$4.9 million grant to build and equip the new Atlantic Center. The grant alone will not cover the cost of the dental wing. They will finance the additional cost through grants and a capital campaign. She advised of the new center opening in March 2013 and stated that any contribution that the Town can give will help pay for the new wing and equipment along with a full-time dental team.

Councilman Taylor thanked Ms. Stern for her presentation and for the new facility.

Ms. Stern assured Council that they are here to stay and will continue to offer medical services on Chincoteague Island.

Mayor Tarr also thanked Ms. Stern. He asked Town Manager Ritter to put this matter on the agenda for January.

3. Authorize to Use Byrd Brothers, Inc. Emergency Services for Storm Debris Management.

Public Works Director Spurlock introduced Mr. Carl Davis who is the managing contractor with VDEM. He advised that VDEM recommended them.

Mr. Davis stated that they have done a windshield assessment and see roughly 15,000 - 20,000 yards of debris left for collection. He described the equipment and stated that the trucks they use will hold 100 – 150 yards of debris. He advised they are preparing to begin collections tomorrow and should be completed before Christmas. He explained that they are planning to place the debris at the Curtis Merritt Harbor where it will be chipped.

Councilman Howard asked if they were going to make mulch.

Mr. Davis stated that they grind it into 1" pieces and will haul it to Pocomoke where they will recycle it.

Councilman Howard liked this idea as it will prevent waste.

Mayor Tarr asked how many times they will be going by residences.

Public Works Director Spurlock advised that a public service announcement was put out about 2 weeks ago and they intend to do one pass and then a second pass. He stated that they would like to start the

collection process tomorrow with Council's permission this evening. He added that they would immediately get out another public service announcement to let them know the first pass was completed and at that time give the date of the start second pass. He stated that the limit to the regular brush collection is 1 pickup truck.

Mayor Tarr feels there's a little confusion and asked to notify the public.

Public Works Director Spurlock stated that there has been some collection prior to the contractor. He stated that FEMA reimburses 75%, VDEM reimburses 18% and the Town pays the difference. He advised the total cost is \$280,000.

Mr. Davis discussed the issues with stumps.

Councilman Howard asked if there was a size limit to what can be put out.

Mr. Davis stated that with the equipment they have if it fits in the truck it can be picked up.

Public Works Director Spurlock advised that he would put a reverse 911 out tomorrow and if Council will give permission they will begin tomorrow. He added that the collection is for "public right-of-ways" not private property.

Councilman Taylor motioned, seconded by Councilman Howard to authorize Public Works Director Spurlock to hire and oversee the work of the Byrd Brothers, Inc. for storm debris management. Unanimously approved.

4. Mariners' Point Boy Scout Service Project

Mr. Barry Abell gave a PowerPoint presentation about the Chincoteague Island Waterman's Memorial. He gave history of the S.S. Marine Electric which sunk on February 12, 1983 off the coast of Chincoteague where 33 men were lost and only 3 survivors. On January 18, 2006 a fishing vessel overturned, 2 were rescued and one died.

Mr. Abell showed pictures of a Fisherman's Memorial in Gloucester, Massachusetts. He read the mission statement which is to design and build a man-size bronze statue with a full granite base dedicated to all watermen, their families and those lost at sea. He suggested naming the statue "The Chincoteague Island Waterman's Memorial". It will be a place to gather and remember the names of men and women who were lost at sea from Chincoteague, the Chincoteague Naval Air Station and the communities surrounding the immediate area. He would like to establish an organization dedicated to establish, fund and maintain the memorial.

Mr. Abell stated that they would like to set the budget goal of \$60,000. He also stated that he has built a boat for a raffle to raise money. He's been selling raffle tickets since the Oyster Festival. He gave credit to Mr. George Bowden, Herb Jester, Charles Ralph Turlington, Louis Hancock and Shreves Wimbrow for their input and wisdom during the planning and building of the boat. He gave a list of donors for the motor and trailer which totaled \$7,500. He also mentioned the sponsors and partners for the memorial.

Mr. Abell reported on the naval personnel that were lost at sea also. He stated that on April 26, 1956 a Washington Panther jet was headed to Kill Devil Hill, NC and went down in the ocean just off of Chincoteague. He added that Lieutenant Alan Montgomery Gunn, 24 went missing. The Watermen have a statue that was donated by Hap Hagood. He also stated they would like to put up a 50' Christian Cross at the Harbor. The Boy Scouts, Troop 323 will be completing the work as part of their community service projects and this will be Phase 1 of the Chincoteague Island Waterman's Memorial. He stated they are getting enormous support from the community, businesses and the Eastern Shore. He showed pictures of the Christian Cross and Compass Rose.

Mr. Abell informed Council that A & N Electric Cooperative based out of Tasley donated, delivered and unloaded 5 wooden poles to the Memorial site overlooking the Inlet. He gave the names of those involved, Mr. Bernie Hastings, Mr. Matt Jones, Mr. Kenny Thornton of ANEC and Mr. Ricky Betts of Verizon. He continued to show the plans.

Mr. Abell explained the list of what they needed from the Town: Personnel to dig the foundation, a crane to lift the cross, 3 yards of concrete, 1 ton of crusher run, bolts and cable, paint, preservative and miscellaneous items which would cost approximately \$1,122.00.

Councilwoman Richardson asked when they needed the hole dug for the cross.

Mr. Abell stated that if it can be dug next week it can be up by Christmas.

Mayor Tarr congratulated Mr. Abell for taking this project on. He asked Town Manager Ritter to put this item on the agenda for January also.

5. Harbor Committee Report of November 8, 2012

Vice Mayor Leonard reported that there were discussions of putting in a self-service ice vending machine at the Harbor. He advised that there were a couple of boats that came into the Harbor during Hurricane Sandy.

Councilman Howard asked if the concrete pad was already there.

Vice Mayor Leonard advised that if there is a pad there it's for the drink machines.

There was further discussion.

6. Recreation & Community Enhancement Committee Report of November 13, 2012

Councilman Jester reported that they have conducted a Park inventory. This was done to see what other additions they can make to the parks provided there is funding. He stated that there was an idea to build a platform for a stage adjacent to the pavilion at the Robert N. Reed, Sr., Downtown Waterfront Park. He stated that they suggested putting benches at the Island Activity Center for spectators. He also stated that they discussed parking in the downtown area. He spoke with the Kiwanis to possibly use their parking after hours using signs to show the hours of operation for the Community Health Center.

They will need a memorandum of agreement with the Kiwanis.

There was discussion about the possibility of a floating dock for kayak launching at the Chincoteague Veteran's Memorial Park.

7. Committee/Commission Appointments and Recommendations

- **Building Code of Appeals**
- **Curtis Merritt Harbor Committee**
- **Planning Commission**
- **Recreation & Community Enhancement Committee**

Mayor Tarr reviewed the Boards and Committees that had expired terms. He asked Council if they were prepared to make nominations.

Mayor Tarr stated that there is an expired term for for the Building Code Board of Appeals. He advised that Mr. Tolbert has expressed his interest in reappointment. He opened the floor for nominations for the Building Code Board of Appeals.

Councilwoman Richardson nominated Mr. Mike Tolbert to continue another term on the Building Code Board of Appeals.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that there is an expired term on the Curtis Merritt Harbor of Refuge Committee. He advised that Mr. Bowden has expressed his interest in serving another term on this Committee. He opened the floor for nominations for the Curtis Merritt Harbor of Refuge Committee.

Councilman Howard nominated Mr. Ernie Bowden to serve another term on the Curtis Merritt Harbor of Refuge Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised there are two terms open on the Planning Commission. He opened the floor for nominations for one of the two terms open on the Planning Commission.

Councilwoman Richardson nominated Mr. Steve Katsetos to serve another term on the Planning Commission.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr opened the floor for nominations for the 2nd seat for another term on the Planning Commission.

Councilman Howard nominated Mr. Mike Dendler to serve another term on the Planning Commission. Unanimously approved.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that there are two seats open for the Recreation and Community Enhancement Committee.

Mayor Tarr opened the floor for nominations for one of the two seats open for the Recreation and Community Enhancement Committee.

Councilwoman Richardson nominated Mr. Bob Conklin to serve another term on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr opened the floor for nominations for the second seat on the Recreation and Community Enhancement Committee.

Councilwoman Richardson nominated Mr. Jack Van Dame to serve another term on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that Town Attorney Poulson has submitted the order to the judge for appointment.

8. Discuss Retaining the Lobbyist for Additional 6 Months

Town Manager Ritter advised that during the budget hearings Council approved to hire the lobbyist for 6 more months. He is recommending retaining the lobbyist for an additional 6 months. He added that Council will review this matter again at the next budget hearings.

Councilman Howard feels that it isn't fair that the County hires this firm using the Town's Transient Occupancy Tax and the Town doesn't benefit.

Councilman Jester feels that Mr. Catron is a valuable asset.

There was discussion about the CCP and the work Mr. Catron has done for the Town.

Councilman Muth mentioned that the Town should utilize the lobbyist for representation at the General Assembly. He feels that there should be an agenda from the Town for other needs.

Mayor Tarr requested consulting staff about issues for the lobbyist.

Councilwoman Richardson motioned, seconded by Councilman Muth to retain the Lobbyist for an additional 6 months. Unanimously approved.

8a. Virginia Saltwater Recreational Fishing Development Fund Authorization

Town Manager Ritter advised these are funds given from the Saltwater Fishing & Recreation Grant for the concrete fender for the old bridge. He stated that the resolution would authorize him to sign the contract to receive the funds.

Mayor Tarr asked for the total dollar amount.

Town Manager Ritter advised it is \$103,028. He added that they are hoping they will get help from ANEC.

Mayor Tarr mentioned the matching funds.

Town Planner Neville stated that they spoke with ANEC about the costs of the lights. He mentioned the estimates of \$80,000 for the poles.

Town Manager Ritter stated that the total grant amount is \$129,083.

There was lengthy discussion about the Town's match, lighting and details of the project.

Mayor Tarr asked Town Manager Ritter to put this item on January's agenda as Council needs more information and time.

9. Causeway Sign Request

Chief Lewis asked Council's permission to put a sign on the Causeway. He stated that the Police Department had a sign on Rt. 175, but, it was damaged in the storm. He advised that they intend to match the style of the current signs. He advised that to replace the sign it will cost over \$1,000 to be paid from the Police Department funds. He stated that to rent, through Chesapeake Signs, is \$1,100 per year.

There was discussion.

Councilman Taylor recognized the Police Department for what they do for the community and motioned, seconded by Vice Mayor Leonard to approve a Causeway sign for the Chincoteague Police Department. Unanimously approved.

10. Mayor & Council Announcements or Comments

Councilman Taylor thanked everyone for their cooperation during the storm along with debris removal. He also thanked the Police Department for helping families at Christmas.

Councilman Muth requested that written staff reports should be provided in advance of each Council meeting.

Councilman Jester requested seeing a draft calendar before it's published. He commended all the organizations for the parade. He commended town employee, Mr. Donnie Thornton, for sweeping up the candy after the parade.

Town Manager Ritter wished everyone a Merry Christmas and Happy New Year. He reminded Council of the Public Safety Committee meeting scheduled for 5:00 p.m. on December 4th, and the Planning Commission will meet on the 11th at 7:00 p.m. He also stated that there is a BZA meeting on the 13th.

Mayor Tarr stated that the Christmas light judging will be December 20th wasn't on the calendar.

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

• **Personnel Matters**

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

Councilman Jester motioned, seconded by Councilman Muth to reconvene in regular session. Unanimously approved.

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

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

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

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

VOTE: Ayes- Leonard, Jester, Muth, Howard, Richardson, Taylor
Nays- None
Absent- None

Adjourn

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

Mayor

Town Manager

