

**MINUTES OF THE JANUARY 2, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

***Call to Order***

Mayor Tarr called the meeting to order at 7:36 p.m.

***Invocation***

Councilman Howard offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to adopt the agenda as presented. The motion was unanimously approved.

***1. Adoption of the Minutes.***

- Regular Council Meeting of December 4, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.
- Special Council and Planning Commission Workshop Meeting of December 5, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

***2. Public Works Committee Report of December 12, 2006.***

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

***3. Ordinance Committee Report of December 13, 2006.***

Vice Mayor Speidel motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

- Adoption of the Revised Ordinance: *Chapter 14, Article II, Division 2, Permit Fees* – Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following revised ordinance. The motion was unanimously approved.

## Chapter 14

### **BUILDINGS AND BUILDING REGULATIONS\***

#### **Article I. In General**

**Secs. 14-1—14-25. Reserved.**

#### **Article II. Building Code**

##### Division 1. Generally

Sec. 14-26. Enforcement of Uniform Statewide Building Code.  
Secs. 14-27—14-55. Reserved.

##### Division 2. Permit Fees

Sec. 14-56. Established.  
Sec. 14-57. Exceptions  
Sec. 14-58. Repealed.  
Secs. 14-59—14-85. Reserved.

#### **Article III. Unsafe Buildings**

Sec. 14-86. Removal, repair or securing of buildings and other structures.  
Sec. 14-87. Buildings exempt from Uniform Statewide Building Code.

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**\*Charter references**—Regulation of buildings, ch. 2, § 1(22), (25); issuance of building permits in conformity with town plan, ch. 3, §§ 6, 7.

**Cross references**—Environment, ch. 22; fire prevention and protection, ch. 26; floods, ch. 30; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; building numbers, § 50-176 et seq.; utilities, ch. 62; vegetation, ch. 66; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

**State law references**—Access to and use of buildings by handicapped, Code of Virginia, § 2.1-517; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation and use and occupancy of buildings, Code of Virginia, § 15.2-1117; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

## ARTICLE I. IN GENERAL

**Secs. 14-1—14-25. Reserved.**

## ARTICLE II. BUILDING CODE

### DIVISION 1. GENERALLY

#### **Sec. 14-26. Enforcement of Uniform Statewide Building Code.**

The town shall enforce the Uniform Statewide Building Code in the town and shall provide its own inspectors. (Code 1977, § 5-1)

**State law reference**—Enforcement of Uniform Statewide Building Code, Code of Virginia, § 36-105.

**Secs. 14-27—14-55. Reserved.**

### DIVISION 2. PERMIT FEES

#### **Sec. 14-56. Established.**

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

*(Amended 01/02/07.)*

#### **Sec. 14-57. Exceptions.**

A building permit shall be required, however no fee shall be required for the following:

- (1) Repealed.
- (2) Structures or buildings owned by a nonprofit organization, approved by the United States Internal Revenue Service, or local, state or federal governments. A building permit is still required.
- (3) Repealed.
- (4) Repealed.
- (5) Repealed.
- (6) Repealed.
- (7) A fence. A zoning permit is still required.
- (8) Repealed.

(Code 1977, § 5-2; Ord. of 4-01-1991 (4); Ord. of 11-5-1990 (5); Ord. of 12-03-1990 (6-7); Ord. of 5-17-2001 (8))  
(Amended 01/02/07.)

**Sec. 14-58. Repealed.**

#### ***4. Budget and Personnel Committee Report of December 19, 2006.***

Vice Mayor Speidel motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

- New Position Description: Water Works Development Specialist – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the position description as presented. The motion was unanimously approved.
- Changes in Mosquito Control Job Descriptions
  - a) Mosquito Control Supervisor – Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.
  - b) Mosquito Control Technician - Councilwoman Richardson motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.

#### ***5. Scheduling of a Date for a Public Hearing to Amend Section 2.96 of the Zoning Ordinance.***

Mayor Tarr explained that Council needed to schedule a date for a public hearing to amend Section 2.96 of the Town's Zoning Ordinance by adding to the definition of Main Use. Councilman Howard motioned, seconded by Councilwoman Richardson, to hold a public hearing to amend Section 2.96 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

#### ***6. Scheduling of a Date for a Joint Public Hearing with the Planning Commission to Amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance.***

Mayor Tarr explained that Council needed to schedule a date for a joint public hearing with the Planning Commission to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Town's Zoning Ordinance by deleting the rates. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to hold a public hearing to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

#### ***7. Results of Christmas Decoration Judging.***

Mayor Tarr announced the results of the Christmas decoration judging and explained that the winners of each category (\*) will receive a \$100 savings bond. The winners for 2006 are:

- Best Overall Appearance\* – Kevin Krome and Steve Potts

- Most Illuminated\* – Ray and Nancy Rosenberger
- Most Festive\* – Arlene Shreves
- Most Creative\* – Alfred “Dino” and Sharon Johnson
- Honorable Mention – Chris and Stephanie Montross, Bill and Ginger Birch

## **8. Mayor and Council Announcements or Concerns.**

- Councilman Howard commented on the tradition of a man visiting a house before a woman on New Year’s Day.
- Councilwoman Richardson showed Council pictures of where poles have been placed in the Town’s right-of-way. She also commented on the danger of trees that grow into the right-of-way. Mayor Tarr responded that the Public Works Committee will review the matter.
- Town Attorney Poulson informed Council that he has written a memo to the court regarding the proposed changes to the Noise Ordinance and that he is awaiting the court’s response to the memo.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on January 18, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JANUARY 18, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
 Anita Speidel, Vice Mayor  
 Nancy B. Conklin, Councilwoman  
 Terry Howard, Councilman  
 Ellen W. Richardson, Councilwoman  
 E. David Ross, Councilman  
 Glenn B. Wolfe, Councilman

### **Call to Order**

Mayor Tarr called the meeting to order at 7:33 p.m.

### **Invocation**

Councilman Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation***

- Mrs. Barbara Thackray commented that Council should consider several factors regarding gazebo structures on piers including the shape, style, construction material, artificial lighting, noise from activities in the gazebo, blocking the view, etc.
- Mr. Robert Watson, Sr. commented that he was against allowing gazebos on piers and that allowing these structures will further obstruct the water view.

## ***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that item number four be deleted and placed on the agenda for the regular Council meeting of February 5, 2007. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the agenda as corrected. The motion was unanimously approved.

### ***1. Approval of Minutes of the January 2, 2007 Council Meeting.***

Councilman Ross motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

### ***2. Chincoteague Recreation and Convention Center Authority Report of November 20 and December 18, 2006.***

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### ***3. Harbor Committee Report of January 10, 2007.***

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- Winter Storage Relief for Sublease – Councilman Howard explained that the Harbor Committee discussed granting a credit to the winter storage bills of the slip holders whose slips are subleased in the winter. The Harbor Committee recommended that those slip holders that store their boats in winter storage be granted a credit of \$1.17 each day that their slips are subleased to a boat that is less than thirty (30) feet and \$1.67 each day that their slips are subleased to a boat that is thirty (30) feet or greater.

Councilman Howard motioned, seconded by Councilwoman Conklin, to grant the abovementioned credit to the slip holders that store their boats in winter storage. The motion was unanimously approved.

### ***4. Certificate of Recognition.***

Mayor Tarr read and presented the following Certificate of Recognition to Chief Lewis and the Chincoteague Police Department.

## **CERTIFICATE OF RECOGNITION**

**WHEREAS**, the Chincoteague Police Department has given freely of their time and talents to initiate fundraising activities for families throughout our community; and

**WHEREAS**, these fundraising activities resulted in assistance to many families and brought smiles to the faces of many children throughout our community on Christmas Day; and

**WHEREAS**, many businesses and individuals deserve our heartfelt gratitude for their generous donations to this program along with Chief Lewis and the members of the Chincoteague Police Department and many volunteers that saw this program to its success.

**NOW, THEREFORE**, I., John H. Tarr, Mayor along with the Chincoteague Town Council, deem it an honor and a privilege to present this

**Certificate of Recognition to the  
CHINCOTEAGUE POLICE DEPARTMENT**  
on this 18<sup>th</sup> day of January, 2007.

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John H. Tarr, Mayor

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Anita Speidel, Vice Mayor

**5.     *FY 2006 Audit Report.***

Mr. David Hughes of Robinson, Farmer, Cox Associates presented Council with the Fiscal Year 2006 Audit Report.

**6.     *Committee Reappointments/Nominations.***

**a. Chincoteague Recreation and Convention Center Authority** – Mayor Tarr explained that Mr. William McComb’s term has expired. He opened the floor for nominations to fill the vacancy of the four-year term. Councilwoman Conklin nominated Mr. William McComb to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. McComb were all members of Council. Mr. McComb was appointed to the Chincoteague Recreation and Convention Center Authority for a four-year term.

**b. Curtis Merritt Harbor Committee** - Mayor Tarr explained that Mr. Ernest Bowden’s term has expired. He opened the floor for nominations to fill the vacancy of the two-year term. Councilman Howard nominated Mr. Ernest Bowden to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. Bowden were all members of Council. Mr. Bowden was appointed to the Curtis Merritt Harbor Committee for a two-year term.

**c. Building Code Board of Appeals** - Mayor Tarr explained that Mr. Rob Tye’s term has expired. He opened the floor for nominations to fill the vacancy of the five-year term. Councilman Howard nominated Mr. Rob Tye to fill the vacancy. Mayor Tarr closed the nominations.

In favor of Mr. Tye were all members of Council. Mr. Tye was appointed to the Building Code Board of Appeals for a five-year term.

**d. Chincoteague Recreation and Convention Center Authority** - Mayor Tarr explained that Mr. Steve Potts's term has expired. He opened the floor for nominations to fill the vacancy of the four-year term. Councilman Wolffe nominated Mr. Steve Potts to fill the vacancy. Mayor Tarr closed the nominations.

In favor of Mr. Potts were all members of Council. Mr. Potts was appointed to the Chincoteague Recreation and Convention Center Authority for a four-year term.

Mayor Tarr informed that Mr. C. Ray Daisey's unexpired term on the Planning Commission needs to be filled and that the Town will advertise the vacancy for those interested in serving on the Commission.

## **7. Board of Zoning Appeals – Expired Term.**

Mayor Tarr stated that Mr. Robert Cherrix's term on the Board of Zoning Appeals has expired. Mayor Tarr stated that Town Attorney Poulson will be notified of the vacancy and that Judge Tyler will need to appoint someone to fill the vacancy.

## **8. Public Hearing – Amend Zoning Ordinance Section 2.96.**

Mayor Tarr opened the public hearing to amend Zoning Ordinance Section 2.96 by adding to the definition of Main Use. Zoning Administrator Lewis explained the proposed change to Section 2.96.

- Mr. Richard Conklin stated that he was in favor of the proposed changes to the Zoning Ordinance.
- Mr. Bill McDonough stated that he felt there were already too many regulations concerning piers.
- Mrs. Peggy Thomas asked Council to consider that when someone is building a pier with or without a structure on the end, that the pier owner also be required to own the property across the street to allow for parking when utilizing the pier.

After hearing no further public comments, Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following amendment to Section 2.96 of the Zoning Ordinance.

Ayes – Conklin, Howard, Richardson, Speidel, Wolffe

Nays – Ross

Absent – None

The motion was carried.

Amend Section 2.96 by adding the following paragraphs to the definition of Main Use:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.



A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Add the following section to Article VI. General Provisions:

**SECTION E. OPEN-SIDED SHELTER ROOFS, OPEN-SIDED ROOF TO SHELTER A SINGLE BOAT SLIP OR BOAT LIFT, AND GAZEBO-TYPE STRUCTURES**

Sec. 6.8. Open-sided shelter roofs, open sided roof to shelter a single boat slip and/or boat lift, and gazebo-type structures.

Sec. 6.8.1 Open-sided roof structures to shelter a single boat slip and/or boat lift, and gazebo-type structures as defined in §28.2-1203.A.5 of the Code of Virginia of 1950, as amended may be constructed and/or maintained on any dock or pier, or platform in any zoning district as a matter of right, subject to §28.2-1203.A.5. No such structure(s) on any such dock, pier and/or platform shall exceed a combined coverage or area of four hundred square feet (400 sq ft). No such permitted structure shall exceed twelve feet (12 ft) in height and shall have a roof pitch no greater than 2/12. No special exception or use shall be granted by the Board of Zoning Appeals for any such structure not complying with such size and design limitations, nor shall the Board of Zoning Appeals grant any special exception or use for any open-sided shelter roof structure as defined in §28.2-1203.A.5.

**9. *Joint Public Hearing with the Planning Commission – Amend Zoning Ordinance Sections 8.5.2, 11.1.3, 12.1.1 through 12.1.7.***

Chairman Ray Rosenberger of the Planning Commission opened the Commission's public hearing to amend the Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7 by deleting out the rates.

Mayor Tarr opened Council's public hearing. He explained that the fees were simply being moved out of the Zoning Ordinance Sections and into one policy.

After hearing no public comments, Chairman Rosenberger closed the Planning Commission's public hearing.

After hearing no public comments, Mayor Tarr also closed Council's public hearing.

Mr. Bob Behr of the Planning Commission motioned, seconded by Mrs. Wolffe, to adopt the following amendment to Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7 and to recommend the amendment to Council for consideration. The motion was unanimously approved by the Planning Commission.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following amendment to Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7. The motion was unanimously approved.

Section 8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment established by the town council payable to the treasurer.  
(Ord. of 11-4-1196; Ord. of 5-1-2000)  
(Amended 01/18/07)

Section 11.1.3. Any amendment proposal requiring an advertised public hearing shall be accompanied by payment in the amount established by the town council.  
(Amended 01/18/07)

Section 12.1. Fees.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action by the town council upon recommendation of the budget and personnel committee.  
(Amended 01/18/07)

Sections 12.1.1 – 12.1.7 Repealed.

#### Addendum 2

The town council shall establish a schedule of fees and charges for subdivision reviews for each submitted plat and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.  
(Amended 01/18/07)

### ***10. Resolutions Authorizing the Application for State Aid to Public Transportation.***

**a. Grant Financial Assistance in the Amount of \$125,000** – Mr. Jack Van Dame, Trolley Manager, explained that the following Resolution is to cover a garage facility to house the trolleys to be located behind the existing maintenance buildings parallel to the ball park.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt the following Resolution Authorizing the Application for State Aid to Public Transportation. The motion was unanimously approved.

#### **Resolution Authorizing the Application for State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the **DEPARTMENT**, for a grant of financial assistance in the amount of \$125,000 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide land and improvements in the amount of \$25,000, which will be used to match the state funds in the ratio as required by such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18<sup>th</sup> day of January, 2007.

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Robert G. Ritter, Jr., Town Manager

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Date

**b. Grant Financial Assistance in the Amount of \$75,450** – Mr. Jack Van Dame explained that the following Resolution is for an operation grant consistent with the request in previous years.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt the following Resolution Authorizing the Application for State Aid to Public Transportation. The motion was unanimously approved.

**Resolution Authorizing the Application for  
State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,450 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts

as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$18,367, which will be used to match the state funds in the ratio as required by such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18<sup>th</sup> day of January, 2007.

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Robert G. Ritter, Jr., Town Manager

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Date

### ***11. American Bridge – Temporary Use of a Sewage Holding Tank.***

Town Manager Ritter explained that the contractor for the Chincoteague Bridge replacement, American Bridge, has requested the use of a temporary holding tank for sewage for the placement of two mobile office trailers along the eastern side of the old school property on Church Street. He added that Zoning Administrator Lewis recommended approving the placement of the temporary holding tank provided the tank is securely anchored to the ground and is pumped on a regular basis.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to allow American Bridge to place a temporary holding tank for sewage for the placement of two mobile office trailers with the stipulation that the tank is securely anchored to the ground and pumped regularly.

Ayes – Conklin, Howard, Richardson, Ross, Speidel

Nays – None

Abstain – Wolffe (conflict of interest)

The motion was carried.

### ***12. Bids for Town Dock Lease at Robert N. Reed, Sr. Downtown Park.***

Public Works Director Cosby explained that two bids were received for the dock lease for 2007. He stated that Edgerton Fish Company offered the higher bid in the amount of \$6,012 for the year. Public Works Director Cosby recommended that Council accept the bid for this year even though the bid is considerably lower than last year due to the reduction of scallop boats utilizing the dock.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to decline the bid from Edgerton Fish Company and to re-advertise for bids for the leasing of the dock at the Downtown Waterfront Park with a \$12,000 minimum bid requirement. The motion was unanimously approved.

### **13. Mayor and Council Announcements or Concerns.**

- Councilman Howard announced that Mr. Mike Tolbert was in the process of shooting the elevation for the restrooms at the Harbor.
- Councilman Wolffe commended Mr. Van Dame on his efforts with the trolley program.
- Councilwoman Richardson requested that the Council Action List be reinstated as a regular item in the agenda packets. She asked about the status of the memorial bench that is to be placed near Watson Park and about the placement of the plaques at Watson Park and the Robert N. Reed, Sr. Downtown Park. Councilwoman Richardson also asked how much notice was required for the cancellation of meetings and requested that the Council members be called if committee meetings are cancelled.

### **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on February 5, 2007 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE FEBRUARY 5, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

#### **Council Members Absent:**

Nancy B. Conklin, Councilwoman

### **Call to Order**

Mayor Tarr called the meeting to order at 7:34 p.m.

### **Invocation**

Councilman Ross offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### ***Open Forum/Public Participation.***

- Mrs. Sylvia Parks, Congresswoman Thelma Drake's field representative for the Eastern Shore, stated that Mrs. Drake's office is available to help Council with the Emergency Operations Plan.
- Mr. Mike Handforth of the Charter Boat Association requested that Council write a letter to the Virginia Marine Resources Commission (VMRC) in support of option three of the proposed flounder regulations which constitutes a minimum size of 18 ½ inches, a maximum of three fish, and no closed season. He added that the Charter Boat Association supports option three as well. It was the consensus of Council to write a letter to the VMRC supporting option three with the requirements stated above.

### ***Agenda Additions/Deletions and Adoption***

Mayor Tarr asked that agenda item number seven, Closed Session for Discussion of Possible Land Acquisition, be added. Councilwoman Richardson asked that agenda item number five, Planning Commission Member Vacancy Nomination, be deleted until all members of Council are present. Councilman Howard recommended that anyone interested in filling Committee positions should submit a letter of introduction and intent to Council for consideration. Councilwoman Richardson motioned, seconded by Councilman Wolffe, to adopt the agenda as amended. The motion was unanimously approved.

#### ***1. Approval of the Minutes of the January 18, 2007 Council Meeting.***

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

#### ***2. Cemetery Committee Report of January 23, 2007.***

Councilman Howard requested that the Committee be allowed to solicit donations from local organizations as has been done in the past. It was the consensus of Council to allow the Committee to do so. Councilman Howard announced that the Committee will hold quarterly meetings beginning April 24 at 5:30 pm. He also requested that the Budget and Personnel Committee consider a donation to the Cemetery Cleanup Fund.

#### ***3. Deed of Gift – Library Property.***

Mayor Tarr presented the deed of gift to the Island Library for its expansion project. Mrs. Linda Ryan accepted the deed of gift and informed Council and the public of the Library's plan for expansion.

Mayor Tarr stated that he will request that the Budget and Personnel Committee consider a one-time construction donation to the Island Library for Fiscal Year 2008.

#### ***4. Accomack County Board of Supervisors Update.***

Islands District Supervisor, Honorable Wanda Thornton, updated Council with several issues that the County is currently facing that may affect the Island:

- The Power Generating Bill that is before the state legislature proposes to eliminate the regulation of prohibiting annual 20% rate increases from Delmarva Power to its Virginia customers. Also, House Bill 599 proposes to repeal funding for communities with police departments and redirect the funding to transportation progress. Supervisor Thornton stated that she has been lobbying in Richmond to defeat these bills.
- The Homestead Constitutional Exemption will allow localities to exempt or defer property taxes up to 20% of the value of a residential dwelling or farm property.
- There is a proposed bill to require landfill operators to pay a tipping fee per tonnage which will be devastating for the County and incorporated towns.
- She recommended that the Town determine which areas of the Island that Council wants to include in the Enterprise Zone by the fall of 2007.
- The reassessment project is continuing.
- The dredging projects [and other small navigational projects] for the Eastern Shore have been cancelled due to funding cuts by the President. Supervisor Thornton stated that the County is compiling information regarding the economic impact of the funding cuts on our community and asked that the Town's Harbor Master do the same so that she can take the information to Washington to lobby for the dredging projects.
- Groundwater permits are issued on a ten-year basis and usage must be monitored. She stated that good stewardship of the groundwater is important to everyone and that the DEQ should require the permitting process to be equal for all permit applicants, without exception.
- Supervisor Thornton stated that the \$1.2 million in funds for the broadband project has been cut and requested that Town Manager Ritter write a letter requesting that the project funding be reinstated.

## ***5. Scheduling of a Date for a Joint Public Workshop with the Planning Commission on the Draft Comprehensive Plan to Receive Public Comment.***

It was the consensus of Council to have a workshop to receive public comment on the draft Comprehensive Plan on February 22, 2007 at 7:30 pm at the Chincoteague Center with planning consultants, Redman/Johnston. Town Attorney Poulson recommended that after that meeting, the Plan be reviewed district by district, noting the ramifications of each district and of changing the zones.

## ***6. Mayor and Council Announcements or Comments.***

- Councilman Wolffe commended Mr. Bryan Rush and Mr. John Nelson Jester for their hard work on updating the Town's Emergency Operations Plan.
- Councilwoman Richardson thanked Public Works Director Cosby and his department for installing the memorial plaque in Watson Park. She also commented on the article in the paper regarding trash on the causeway and stated that the Coast Guard used to clean the causeway. She hoped that it could be cleaned again soon.
- Town Attorney Poulson advised that he will have the proposed Noise Ordinance prepared soon.

**7. Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia for Discussion of Possible Acquisition of Property.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss possible acquisition of property. The motion was unanimously approved.

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

Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt a resolution of certification of the closed meeting.

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

WHEREAS, Section 2.2-3711(A)(3) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Howard, Richardson, Ross, Speidel, Wolffe

Nays- None

Absent- Conklin

***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on February 15, 2007 at 7:30 pm. Councilman Ross motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MARCH 5, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**



John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

### ***Invocation***

Councilman Ross offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Open Forum/Public Participation.***

- Mr. Bob Behr of the Chincoteague Cultural Alliance presented Council with the Delmarva Quarterly Magazine which highlights the upcoming spring Art Strolls on the Island. He described the Local Government Challenge Grant which encourages local government to support the arts. Mr. Behr further explained that there is a one-to-one match requirement in the amount of \$5,000 and that the Alliance will draft a grant proposal and return to Council for consideration. He requested that the draft grant proposal be placed on the March 15 agenda since the grant must be submitted by April 2. It was the general consensus of Council to place the matter on the March 15 agenda.
- Mr. Mike Myers stated that he was opposed to the additional \$3 beach parking fee. He asked if Council had made a decision regarding the fee. Mayor Tarr explained that they would be attending a presentation at the Refuge and a meeting in Washington regarding the matter.
- Mr. Willis Dize, President of the Chincoteague Volunteer Fire Company, requested that two additional Emergency Medical Services positions be included in the Fiscal Year 2008 budget. He explained that volunteer responses have declined and that neighboring communities have had to answer calls on the Island. Mr. Dize further explained that the two proposed added positions will not take the place of the volunteers, but compliment the volunteers and enhance the ambulance service on the Island.

### ***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that agenda item number two be deleted as Mr. C. Ray Daisey could not attend the meeting. Councilman Wolfe motioned, seconded by Councilwoman Conklin, to adopt the agenda as amended. The motion was unanimously approved.

**1. Approval of the Minutes of the February 5, 2007 Council Meeting.**

Councilwoman Richardson stated that in the Agenda Additions/Deletions and Adoption section of the minutes, *Councilman Ross*, not Councilman Howard, recommended that anyone interested in filling committee positions should submit a letter of introduction and intent to Council. Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as amended. The motion was unanimously approved.

**2. Recreation and Convention Center Authority Report.**

Councilwoman Conklin reported on the January 15, 2007 meeting. Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

**3. Safety and Transportation Committee Report.**

Mayor Tarr reported on the February 1, 2007 meeting. He also announced that the Town will be participating in a tabletop Emergency Operations exercise at the Community Center on March 14. Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

**4. Recreation and Community Enhancement Committee Report.**

Vice Mayor Speidel reported on the February 8, 2007 meeting. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

**5. Public Works Committee Report.**

Councilman Wolffe reported on the February 2, 2007 meeting. Vice Mayor Speidel motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

**6. Budget and Personnel Committee Report.**

Councilwoman Conklin reported on the February 20, 2007 meeting. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- Change in Employee Handbook (Vacation Benefits) – Councilwoman Conklin explained that there are currently five employees that will lose annual leave hours because they exceeded the 240 hours that are allowed to be retained. She added that the Committee recommended that the following amendment to Section 302 of the Employee Handbook, Vacation Benefits be made: *Vacation time in excess of 240 hours shall be paid at the rate the employee is currently compensated if the Town Manager believes it could not be avoided; if not, vacation time will be lost if not taken by December 31 of each year. To be made retroactive as of December of 2006.* Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the amendment to Section 302 of

the Employee Handbook, Vacation Benefits as stated above. The motion was unanimously approved.

## **7. *Water Storage Tank Award of Bid.***

Public Works Director Cosby explained that bids were received for the roof repair project for the ground level water storage tank. He further explained that the lowest bid was received from Utility Service Company in the amount of \$241,000. Public Works Director Cosby stated that the project could be financed by borrowing \$240,000 from the General Fund with a repayment rate of \$10,000 per month beginning July 1, 2007.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to award Utility Service Company the roof repair project [number 1-WST-07] for the ground level water storage tank in the amount of \$241,000, and for the Water Fund to borrow \$240,000 from the General Fund to be paid back in \$10,000 monthly installments beginning July 1, 2007. The motion was unanimously approved.

## **8. *Planning Commission Vacancy Nomination.***

Mayor Tarr explained that due to Mr. C. Ray Daisey's resignation from the Commission, his unexpired term is vacant. Mayor Tarr opened the floor for nominations to fill the term that expires December 31, 2008.

Councilman Howard nominated Mr. Chuck Ward.

Councilman Wolffe nominated Mr. Tripp Muth.

Vice Mayor Speidel nominated Mr. Gene Wayne Taylor.

Councilman Ross nominated Mrs. Traynor.

Mayor Tarr closed the nominations.

Voting in favor of Mr. Chuck Ward were Conklin, Howard, Richardson and Ross. Voting against Mr. Ward were Speidel and Wolffe. Mayor Tarr welcomed Mr. Ward to the Planning Commission.

## **9. *Bids for the Dock Lease at the Robert Reed Downtown Waterfront Park.***

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to award the Dock Lease at the Robert Reed Downtown Waterfront Park to Chincoteague Fisheries in the amount of \$12,430.62 for the period of March 6, 2007 through February 29, 2008 and to execute the following lease agreement. The motion was unanimously approved.

THIS AGREEMENT OF LEASE, made this 6th day of March, 2007, by and between **THE TOWN OF CHINCOTEAGUE, INCORPORATED**, Lessor, party of the first part; Chincoteague Fisheries, Inc., Lessee, party of the second part; and Wesley McDonald, Guarantor, party of the third part (if the Lessee is an entity other than an individual).

WITNESSETH: That the said Lessor, for and in consideration of the mutual covenants hereinafter mentioned and be kept and performed by Lessee, do hereby demise and lease to Lessee the hereinafter described real estate, subject to the terms and conditions herein contained.

### **DESCRIPTION OF REAL ESTATE**

168' waterfront mooring frontage portion of Parcel 30A5-14-1, 4 and 30A5-A-472, 473, 474, 475 with the mooring frontage extending in a southwesterly direction from adjacent Parcel A on Chincoteague Island, Virginia. Described area does not include adjacent walkways, parking lot, or park area.

### **TERMS**

The term of this Lease is for a period beginning on March 6, 2007, and terminating on February 29, 2008, without notice, and shall not automatically renew for any successive term.

### **RENT**

The total rent for said term shall be **Twelve Thousand Four Hundred Thirty Dollars and Sixty Two Cents (\$12,430.62)**, said rental to be paid in one installment of **Eight Hundred Eighty Dollars and Sixty Two Cents (880.62)** on March 6, 2007 followed by eleven (11) consecutive monthly installments of **One Thousand Fifty Dollars (\$1,050)** each, in advance, without demand, beginning on April 1, 2007, and payable to Lessor at 6150 Community Drive, Chincoteague Island, Virginia 23336. Lessee will pay a late charge of \$100.00 per month for any rental payment made after the 20<sup>th</sup> day of the month.

### **USE OF MOORING**

Said mooring frontage shall be used solely as mooring space for boats as authorized herein, and Lessee shall restrict the use for such purposes and shall not use or permit the use of property for any other purposes without the express written consent of Lessor. Lessee is responsible for all boats using the frontage and shall police the area as necessary to ensure at all times that boats mooring on the property are so authorized by Lessee.

All vehicles operated or utilized by Lessee, its agents and employees, or operated or utilized by any other person while on any boat utilizing said frontage shall be parked in such public parking areas of the Town as may be designated by the Town Manager from time to time.

### **REPAIRS AND MAINTENANCE**

Lessee shall maintain the herein demised premises in a clean, orderly and safe condition and deliver up the premises at the expiration or termination of this Lease in as good condition as received. Further Lessee, its agents and employees shall not place, throw, or dump any trash, debris, or other substance into the waters adjacent to the demised premises, and Lessee shall take all reasonable steps to prohibit such acts by occupants of other boats moored to or utilizing said frontage. Failure of Lessee to maintain the property, including the area in Chincoteague Channel adjacent thereto, in a clean, orderly, and/or safe condition shall constitute a default by Lessee. Lessor and Lessee shall make a joint inspection of said demised premises at the inception of this Lease with a memorandum prepared and initialed by Lessor and Lessee detailing the condition of said premises. At the termination of said Lease, Lessor and Lessee shall, within five (5) days thereof, make a further joint inspection to determine the condition of said premises.

### **DAMAGE TO PROPERTY**

Lessee is solely responsible for all damages to the demised property caused by its operations, inclusive of, but not limited to, broken dolphins, moorings or piles; punctured, distorted or otherwise damaged bulkhead or component parts; and any damage to adjacent boardwalks, parking, sidewalks, or park areas, and to Chincoteague Channel. The Lessee shall cause such repairs to be timely made and the failure to make timely repairs shall constitute a default by Lessee.

#### **EXCESSIVE NOISE AND ABUSIVE OR OBSCENE LANGUAGE**

While on said demised premises, on boats moored thereto or while in the act of mooring, embarking or disembarking, Lessee, its agents and employees shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said demised premises, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said demised premises; and Lessee shall take all reasonable steps to prohibit such acts by occupants of other boats moored to or utilizing said frontage.

#### **ASSIGNMENT, SUBLEASE, OR LICENSE**

Lessee shall not assign or sublease the premises or any right or privilege connected therewith. Any unauthorized assignment, sublease or license to occupy shall be void and shall terminate this Lease at the option of the Lessor. The interest of Lessee in this Lease is not assignable by operation of law without the written consent of the Lessor.

#### **HOLD-OVER AND DEFAULT**

At the termination of this Lease, by lapse of time or otherwise, Lessee agrees to yield up immediately possession to said Lessor, and failing so to do, to pay as liquidated damages, for the whole time such possession is withheld, the sum of One Hundred Dollars (\$100.00) per day, but the provision of this clause shall not be held as a waiver by said Lessor of any right of re-entry nor shall the receipt of said rent or any part thereof operate as a waiver of the right for forfeit said Lease and the term hereby granted for a period still unexpired, nor for any breach of any of the covenants herein.

It is expressly agreed between the parties hereto, that if default be made in the payment of the rent above reserved, or any part thereof, or any of the covenants and agreements herein contained, to be kept by Lessee, it shall be lawful for Lessor, or their successors or assigns, at any time thereafter, at the election of said Lessor, or their successors or assigns, without notice to declare said term ended, and to re-enter said demised premises, or any parts thereof, either with or without process of law, and said Lessee, or any person or persons occupying the same, to expel, remove and put out, using such force as may be necessary so to do, and the said premises again to repossess and enjoy, as before this demise, without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenants, and said Lessee further covenants and agrees, that Lessor, or their successors or assigns, shall have, at all times, the right to distrain for rent due, and shall have a valid lien upon all property of said Lessees, whether exempt by law or not, as security for the payment of the rent herein reserved.

#### **ALTERATIONS AND IMPROVEMENTS**

Lessee will not do or permit any alterations of or upon any part of said demised premises except by written consent of Lessor, and all alterations and improvements to said premises shall remain for the benefit of Lessor unless as otherwise provided in said consent as aforesaid. Lessee may not install signs or any form of advertising or berthing designation.

#### **INDEMNIFICATION**

Lessee agrees to indemnify and hold Lessor harmless for any and all claims, suits, actions, or damages, without limitation, against or incurred by the Town arising from the Lessee's operations at the demised premises, specifically including, but not limited to, any petroleum spills or the release of any other hazardous substance either on the demised premises, adjacent Town property, or into Chincoteague Channel.

#### **COSTS OF ENFORCEMENT**

Lessee further covenants and agrees to pay and discharge all reasonable costs, attorney's fees, and expenses that shall be made and incurred by Lessor in enforcing the covenants and agreements of this Lease; and all the parties of this Lease agree that the covenants and agreements herein contained shall be binding upon, apply and inure to their respective successors and assigns.

#### **NOTICES**

All notices or demands of any kind Lessor may be required or may desire to serve on Lessee under the terms of this Lease may be served on Lessees (as an alternative to personal service) by leaving a copy of such demand or notice with the Lessee, or by mailing a copy thereof by registered or certified mail, postage prepaid, addressed to Lessee at the premises address, or at such other address or addresses as may from time to time be designated by Lessee in writing to Lessor. Service shall be deemed complete at the time of leaving such notice as aforesaid or within five (5) days of the mailing of same. All notices and demands from Lessee to Lessor may be similarly served on Lessor at 6150 Community Drive, Chincoteague Island, Virginia 23336, or at any such other address as Lessor may from time to time designate in writing to Lessee.

#### **GUARANTY**

Guarantor, for and in consideration of the sum of One Dollar (\$1.00), cash in hand to him paid, the receipt and sufficiency of which is acknowledged, does hereby unconditionally guarantee the performance of Lessee's covenants and obligations under this Lease.

### ***10. Mayor and Council Announcements or Comments.***

- Councilwoman Conklin announced that the Budget and Personnel Committee meeting scheduled for March 20 will be held at 5:00 pm due to the Chincoteague Combined School Rededication at 6:30 pm.
- Councilman Howard announced that the Harbor Committee will meet on March 14 at 7:30 pm. He also requested that the Town consider making a donation to the Cemetery Cleanup Fund and asked that the matter be reviewed by the Budget and Personnel Committee.

- Councilwoman Richardson reported on the Accomack Manor housing project located on Route 13 near Parksley.
- Town Attorney Poulson stated that Judge Tyler advised that he will reappoint Mr. Cherrix to the Board of Zoning Appeals. Town Attorney Poulson advised that Judge Tyler ordered that reimbursement be made to the Town from a Police Officer that did not repay his training cost. He also advised that the Island Library has a different name than the one that was recorded on the deed of gift of property, so he was having the deed of gift re-recorded.
- Town Manager Ritter explained that the deadline for comments to the Refuge regarding the \$3 parking fee is March 14.
- Councilman Wolffe motioned, seconded by Councilman Howard, to amend the agenda to include the discussion of allowing Mayor Tarr to draft a letter of Council's comments regarding the proposed parking fees on Assateague.

Ayes – Conklin, Howard, Richardson, Ross, Wolffe

Nays – Ross, due to trying to change the agenda after what he felt was the appropriate time to make changes to the agenda.

Absent – None

The motion did not carry because there was not a unanimous vote of Council, which, according to Dill's Rule, is required to add an item to the agenda for discussion at this time during the meeting.

- Mayor Tarr requested that the Recreation and Community Enhancement sponsor a Community Cleanup Week as has been done in the past. He also asked that the Committee research ways to enhance the community by identifying areas that need aesthetic improvement.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on March 15, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE MARCH 15, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
Glenn B. Wolffe, Councilman

#### **Council Members Absent:**

E. David Ross, Councilman

## **Call to Order**

Mayor Tarr called the meeting to order at 7:30 p.m.

## **Invocation**

Councilman Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## **Open Forum/Public Participation**

- Mrs. Donna Mason commented on the proposed additional parking fee at Assateague.
- Mr. Mel Olsen stated that he worked at Assateague for 32 years and that he would like to see a committee established regarding the proposed fees. He offered his time and assistance with the matter and also asked to be a member of the committee if one is established.
- Town Manager Ritter introduced Mr. Jared Anderson, the Town Planner, to the staff. Mayor Tarr and Council welcomed Mr. Anderson.

## **Agenda Additions/Deletions and Adoption**

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

### **1. Certificate of Recognition – C. Ray Daisey.**

Mayor Tarr stated that Mr. Daisey could not be present to receive the following Certificate of Recognition for his service on the Planning Commission. Mayor Tarr read the Certificate of Recognition into the minutes and stated that he would present it to Mr. Daisey in person.

#### ***CERTIFICATE OF RECOGNITION***

*WHEREAS, C. Ray Daisey began serving the Town of Chincoteague as a member of the Town's Planning Commission on January 3, 2005.*

*WHEREAS, C. Ray Daisey served with gentle sincerity and a commitment to assure that a high quality of life would be preserved for the residents during a period of rapid growth, which has contributed greatly to the betterment of the Town and its residents.*

*NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council recognize that C. Ray Daisey will be sorely missed and express their sincere appreciation to him and his family for his dedicated years of service and personal sacrifices made on behalf of the Town of Chincoteague.*

*BE IT FURTHER RESOLVED that the Mayor and Council wish C. Ray Daisey and his family success in all future endeavors and direct the Town Manager to make this resolution a part of the permanent records of the Town of Chincoteague as a lasting symbol of appreciation and gratitude to C. Ray Daisey.*



WHEREAS, it is deemed an honor and a privilege to present this

*Certificate of Recognition to*

**MR. C. RAY DAISEY**

*on this 5<sup>th</sup> day of March, 2007*

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John H. Tarr, Mayor

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Anita Speidel, Vice Mayor

**2. Virginia Commission for the Arts Grant.**

Mr. Bob Behr, President of the Chincoteague Cultural Alliance, presented the draft of the proposed Local Government Challenge Grant for Council's consideration. He explained that the grant is a one-to-one matching grant of which the Town would be responsible for a \$5,000 contribution.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to contribute \$5,000 to the Virginia Commission for the Arts Local Government Challenge Grant in order to support and promote growth in the arts, contingent upon approval of these funds in the FY 2008 budget. The motion was unanimously approved.

**3. Comment Letter Regarding the Park Entrance Fee.**

Mayor Tarr stated that the National Park Service (NPS) has extended the comment period to the close of business day on Friday, March 16. He stated that the Park Deputy wants the Town to oppose a separate entrance fee and *not* to support his original proposal for a separate \$3 fee as was advertised. Mayor Tarr listed several other stipulations that he thought Council should support and include in the Town's comment letter if the NPS enacts an additional parking fee: 1) the additional fee be collected at the current fee booths by the U.S. Fish and Wildlife Service, 2) the additional monies collected be used strictly to maintain parking areas and roads on the Virginia end of Assateague, 3) a proactive program for the protection of the parking and roads by the NPS, and 4) a long-term plan for a more sustainable parking area such as the north side of the parking area.

Councilman Howard motioned, seconded by Councilwoman Richardson, to send a comment letter to the National Park Service including the items mentioned above by Mayor Tarr. The motion was unanimously approved.

**4. Mayor and Council Announcements or Concerns.**

- Councilman Wolffe asked if a community-based committee would be established to consider matters that arise with the NPS such as the current matter with beach parking and additional fees.
- Vice Mayor Speidel announced that the Budget and Personnel Committee will meet at 5:00 pm on March 20 and that the Recreation and Community Enhancement Committee will meet on Saturday, March 17 at 10:00 am across from the Island Nature Trail.

- Councilwoman Richardson mentioned that the Scenic Virginia By-ways might be a good idea to incorporate into the bicycle plan.
- Town Manager Ritter announced that the Ordinance Committee will meet on March 18 at 5:30 pm.
- Mayor Tarr commented on the Emergency Operations tabletop exercise recently held in Chincoteague that simulated the effects of a category three hurricane hitting the Island.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on April 2, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE APRIL 2, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:34 p.m.

### ***Invocation***

Councilman Ross offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Open Forum/Public Participation.***

Mr. Ray Rosenberger stated that he supports the idea of hiring additional EMS personnel. He also commented that he thought the initial grant for the Broadband project was going to be sufficient to cover the costs of the project and that he was disappointed that the A-NPDC was requesting additional funding for completion of the project.

### ***Agenda Additions/Deletions and Adoption***

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the agenda as amended. The motion was unanimously approved.

**1. Approval of the Minutes of the March 5 and 15, 2007 Council Meetings.**

Councilman Howard noted that in the *Mayor and Council Announcements or Comments* section of the March 5 minutes, *Vice Mayor Speidel's name needed to be added to those Council members in favor of* amending the agenda to include the discussion of allowing Mayor Tarr to draft a letter of Council's comments regarding the proposed parking fees on Assateague and that *Councilman Ross's name needed to be deleted from those in favor of the motion*. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as amended. The motion was unanimously approved.

**2. Accomack-Northampton Planning District Commission (A-NPDC) Request for Broadband Funds.**

Mrs. Barbara Schwenk of the A-NPDC requested that the Town contribute \$4,368 to offset A-NPDC administrative costs for the Broadband project. She explained that half of the projected total deficit of \$26,206 will be paid by the A-NPDC and the other half will be divided equally between Accomack County, and the Towns of Chincoteague and Exmore.

Council voiced concerns regarding fairness of the division of funds requested by the A-NPDC between the three localities mentioned. Mrs. Schwenk responded that she will discuss the Town's concerns with the A-NPDC.

**3. Chincoteague Recreation and Convention Center Authority Report.**

Councilwoman Conklin reported on the Center's events for February and March. [The minutes for these two meetings were not prepared for approval at this meeting.]

**4. Recreation and Community Enhancement Committee Report.**

Vice Mayor Speidel reported on the March 8, 2007 meeting. Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

**5. Public Works Committee Report.**

Councilman Wolffe reported on the March 13, 2007 meeting. Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

**6. Harbor Committee Report.**

Councilman Howard reported on the March 14, 2007 meeting. Councilman Ross noted that he did not attend the meeting as stated in the minutes. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as amended. The motion was unanimously approved.

- Item 2 – Leasing Challenges – Councilman Howard read the proposed policy which essentially states that the lessee of a slip must also be the primary operator of the boat that is docked in the slip. It was the consensus of Council to send the proposed policy to Town Attorney Poulson to review and correct the language.

## **7. *Budget and Personnel Committee Report.***

Councilwoman Conklin reported on the March 20, 2007 meeting. Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

- Request for Additional Staffing of Emergency Medical Personnel – Councilwoman Conklin explained the need for the additional personnel and the possible ways to fund the positions. Councilman Wolffe motioned, seconded by Councilman Ross, to send the matter to the Budget and Personnel Committee for review. The motion was unanimously approved.
- New Position Description for the Public Works Department – Councilwoman Richardson motioned, seconded by Vice Mayor Speidel, to approve the Waterworks Trainee Position Description for the Public Works Department. The motion was unanimously approved.
- New Position Description for the Police Department – Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the Office Assistant/Telecommunicator Position Description for the Police Department. The motion was unanimously approved.

## **8. *Deed of Vacation of Property Line – Gene Wayne Taylor.***

Mayor Tarr opened the public hearing regarding vacation of the property line between Lots 10 and 11 of the Pine Ridge Development. After hearing no public comment, Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the following ordinance for the deed of vacation of a property line. The motion was unanimously approved.

Tax Map Number 030A5-2400-00010-00  
030A5-2400-00011-00

THIS DEED OF VACATION is made this 2<sup>nd</sup> day of April, 2007 by Gene Wayne Taylor, party of the first part, to be referred to as “Grantor” and “Grantee” for indexing purposes.

The Grantor hereby agrees and requests the vacation of a certain plat of survey situated in the Town of Chincoteague entitled “Pine Ridge Development, Property of Mrs. Josephine Anne Shelley Located on Chincoteague Island, Accomack County, Virginia” dated August 30, 1952 made by J. B. Gibbs, C.S., to show Lots 2,6,7,10,11,38, 46,47,53,53,54,58,59 and 62, said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat Book 8, page 85, reference said to plat being hereby made for a more particular description of the herein conveyed property, and in which subdivision the property line dividing Lot 10 and Lot 11 of the “Pine Ridge

Development, Property of Mrs. Josephine Anne Shelley Located on Chincoteague Island, Accomack County, Virginia” be vacated.

**WHEREAS**, the basis of said vacation is at the request of the owner of said lots for the purpose of construction of a single family dwelling.

**NOW, THEREFORE BE IT ORDAINED:**

1. That the property line between Lot 10 and Lot 11 of the entitled “Pine Ridge Development, Property of Mrs. Josephine Anne Shelley Located on Chincoteague Island, Accomack County, Virginia” dated August 30, 1952 made by J. B. Gibbs, C.S., to show Lots 2,6,7,10,11,38,46,47,53,53,54, 58,59 and 62, said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat Book 8, page 85 be vacated.
2. That a certified copy of the vacation be recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia.

**9. Mayor and Council Announcements or Comments.**

- Councilman Ross asked if there will be a celebration commemorating the 100<sup>th</sup> year of the Town’s establishment. Mayor Tarr responded that the matter will be researched.
- Councilwoman Richardson thanked Public Works Director Cosby and his department for having the trees limbs that were in the right-of-way cut down.
- Mayor Tarr commented that the local radio station, 96.5 WCTG, has considered relocating to Princess Anne, Maryland. He stated that he would like to see the station keep a local office and that he would like to talk to the station owner regarding the matter.

***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on April 19, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE APRIL 19, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent:**

Anita Speidel, Vice Mayor

Glenn B. Wolfe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

### ***Invocation***

Councilman Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Open Forum/Public Participation***

- Master Reid Thornton, Miss Jessica Hegeman and Miss Lauren Cherrix stated that they would like to start a newspaper on the Island for children their age. They added that they are asking for sponsors to help with the startup costs and also that advertisements will be sold to cover the cost of paper and ink. The children informed Council that proceeds from the newspaper will go toward the Chincoteague Library expansion. Mayor Tarr and Council commended the children on their idea and supported them completely.
- Mrs. Sandy Bowden of P.A.S.S.S. requested a donation from the Town for the annual After-Prom Party. Councilman Howard commended the organization for its efforts toward keeping our children safe after the prom. Mayor Tarr thanked Mrs. Bowden and stated that her request will be considered.

### ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.

#### ***1. Resolution – Spring Clean-up, Paint-up and Fix-up Week.***

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following resolution for Spring Clean-up Week. The motion was unanimously approved.

#### **RESOLUTION**

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

WHEREAS, the Annual Seafood Festival celebration, a period set aside to honor the heritage of the Town, will be celebrated on May 2, 2007; and

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

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

1. That the week of April 28 – May 6, 2007 is designated as SPRING CLEAN-UP, PAINT-UP AND FIX-UP WEEK in the Town of Chincoteague.
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 Clean-up debris should be placed for pickup during the week of April 30 – May 7, 2007 so that our Town of Chincoteague will exemplify cleanliness and beauty during the Annual Seafood festival celebration and to kick off the Tourist Season.

## **2. Ordinance Committee Report.**

Councilman Ross reported on the March 28, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

- Adoption of the Proposed Revised Ordinance: Chapter 62, Article II, Division 2, Rates – Councilman Ross explained that the changes in the ordinance would simplify the budget process each year by eliminating the step of changing the ordinance each year if the fees changed during the budget process.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following amendment to the Ordinance: Chapter 62, Article II, Division 2, Rates. The motion was unanimously approved.

### **DIVISION 2. RATES, CHARGES AND BILLING**

#### **Sec. 62-56. Rates.**

- (a) A water rate schedule shall be established and adopted each year by majority vote of the council.  
*(Amended 04/19/07)*
- (b) A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons.  
*(Amended 04/02/06, 04/19/07)*
- (c) Water rates shall not be applied to connections for fire suppression systems described in section 62-57, except when water provided through such connections has been used for other than fire suppression. In such wrongful use, penalties described under section 62-27 shall apply.
- (d) Water rates shall not be applied to churches and certain other nonprofit organizations except in cases where water usage exceeds forty thousand (40,000) gallons

per quarter. In such cases, the church or nonprofit organization shall be charged at the commercial rate for the water used in excess of forty thousand (40,000) gallons.  
(Code 1977, § 15-1-1; Ord. of 4-5-1999, § 15-1-1)

**Sec. 62-57. Connection fees and availability fees.**

(a) New connections to the water system shall be charged at the rate established by the town council plus all additional related costs incurred by the town.  
*(Amended 03/16/06, 04/19/07)*

(b) The cost of service connections which are made to the system to provide for fire suppression systems shall be determined on a case-by-case basis as dictated by the requirements of individual fire suppression systems. Connection and meter sizes for fire suppression systems shall be determined by the size of the suppression system. Connections for fire suppression systems shall be made only by the town.

(c) Although water usage rates are not applied to churches and certain other nonprofit organizations, service connection fees and availability fees shall be charged.  
(Code 1977, § 15-1-2; Ord. of 4-5-1999, § 15-1-2)  
*(Amended 04/20/06)*

(d) An availability fee as established by the town council shall be charged and the amount shall be collected prior to the installation of the meter.  
*(Amended 04/20/06, 04/19/07)*

(e) Condominiums are to be charged an availability fee as established by the town council per living unit but supplied by a master meter with the minimum billing based on the size of the meter.  
*(Amended 04/20/06)*

**Sec. 62-58. Billing and other charges.**

(a) All water bills for residences, hotels, motels, rooming houses, cottages, trailer parks and all rental dwellings or rental property shall be charged to the property owner and not to the tenant.

(b) Water meters shall be read quarterly, and water bills shall be delinquent 30 days after the end of the quarter. A customer shall receive a second notice granting ten days to either pay the delinquent bill or to appear before the town manager to present reasons why service should not be terminated. If the town manager makes the decision to terminate service, the customer may appeal such decision to the public works committee of the town council by filing the appeal, in writing, at least 24 hours prior to the date of termination. If such appeal is filed, service will not be terminated until after a hearing and decision by the public works committee. No service shall be reconnected without payment of all delinquent charges plus a reconnection charge as established by the town council. Services shall only be reconnected during regular town business hours between 8:00 a.m. and 5:00 p.m., with such business hours occurring from Monday through Friday, except on certain days observed as holidays by the town.



*(Amended 04/19/07)*

(c) Any person voluntarily disconnecting service, other than seasonal, shall be charged a fee as established by the town council for each reconnection. Reconnections shall be made only during regular business hours described in subsection (b) of this section.

*(Amended 04/19/07)*

(d) Any service disconnected on a seasonal basis shall be billed at the minimum quarterly rate or at an amount commensurate to the usage, during the period of disconnection.

(e) A change of ownership fee as established by the town council shall be charged to a water account transferred due to such a change.

*(Amended 04/19/07)*

(Code 1977, § 15-1-3; Ord. of 4-5-1999, § 15-1-3)

### **Sec. 62-59. Water bill adjustments.**

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

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

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

### **3. Public Works Committee Report.**

Councilman Wolffe reported on the April 10, 2007 meeting. Councilman Howard motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

### **4. Recreation and Community Enhancement Committee Report.**

Town Manager Ritter reported on the April 12, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Richardson to approve the minutes. The motion was unanimously approved.

## **5. Harbor Committee Report.**

Councilman Howard reported on the April 11, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the minutes. The motion was unanimously approved.

- Proposed New Harbor Policy – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the following new Harbor Policy. The motion was unanimously approved.

### **HARBOR POLICY**

Any slip holder who leases a boat shall be the primary operator of such leased boat, or if not the operator, the lessee of such leased boat shall regularly be on board during the course of such operation. “Regularly” shall mean substantially at all times, but with exceptions for the purposes of maintenance or repairs. Violation of this provision shall be deemed to be a material non-compliance with the lease and a ground for cancellation thereof.

## **6. Mayor and Council Announcements or Concerns.**

- Mayor Tarr stated that a letter should be sent to the delinquent slip holder stating that the slip holder is losing the slip due to non-payment.
- Councilman Ross asked Police Chief Lewis to report on the status of the vandalism to the bathrooms at Veterans Memorial Park as well as the incident regarding the traffic signals on Maddox Boulevard during the recent power outage.
- Councilwoman Richardson commented that the plaque at the Robert N. Reed, Sr. Downtown Park looked very nice. She also requested that the method by which Council’s Vice Mayor is appointed be reviewed and considered prior to the next Council election. Mayor Tarr responded that it is established in the Town’s Charter that Council appoints the Vice Mayor and that that has not changed. He added that in the past, it has been customary for the Councilperson elected into office with the highest number of votes to be appointed Vice Mayor.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on May 7, 2007 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE APRIL 23, 2007 SPECIAL COUNCIL MEETING**

### **COUNCIL MEMBERS PRESENT**

John H. Tarr, Mayor  
Anita W. Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman

Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
W. David Ross, Councilman  
Glenn B. Wolfe, Councilman

**1. Call to Order.**

Mayor Tarr called the Special Meeting to order for the purpose of a workshop on the draft Fiscal Year '08 budget at 4:30 p.m.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Adoption of Agenda.**

Councilman Howard moved, seconded by Vice Mayor Speidel to adopt the entire budget workshop agenda. Unanimously approved.

**5. Fiscal Year '08 Draft Budget.**

Town Manager Ritter explained that this format will provide each Council Member an opportunity to ask questions and discuss the draft budget prior to it being presented for a public hearing.

**Water Fund**

Council discussed the proposed water rates for FY'08 which reflects a 3% increase. Council also discussed draft revenues and expenditures for the water fund.

Public Works Director Cosby explained that several of the items that were included in the Cost Allocation Plan for water in the current fiscal year were going to be directly charged to water next year.

The water Cost Allocation Plan was discussed.

Council also discussed the Town's current bonds and their terms.

Mayor Tarr suggested that the loan made from the general fund to water for the repairs to the water tank be paid back in four years at \$60,000.00 rather than two years at \$120,000.00. He further suggested that the other \$60,000.00 be used on the Church Street waterline replacement project. Council agreed.

**Harbor Fund**

Council discussed draft revenues and expenditures for the harbor fund.

Mayor Tarr asked that the Harbor put funds in reserve each year. Council agreed.

Mayor Tarr stated the Harbor should also have a Cost Allocation Plan so that true cost can be identified.

Main Street Project

Council reviewed and discussed the proposed budget for the Main Street Project fund.

Mosquito Control

Council reviewed and discussed the proposed budget for the Mosquito Control fund.

Trolley

Council reviewed and discussed the proposed budget for the Trolley fund.

**6. Recess of Meeting.**

Councilwoman Conklin moved, seconded by Councilman Wolffe to recess the meeting until April 24, 2007 at 4:30 p.m. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE APRIL 24, 2007  
RECESSED SPECIAL COUNCIL MEETING**

COUNCIL MEMBERS PRESENT

John H. Tarr, Mayor  
Anita W. Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
W. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the Recessed Special Meeting to order for the purpose of a workshop on the draft Fiscal Year '08 budget at 4:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

#### **4. Fiscal Year '08 Draft Budget.**

##### General Government Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for General Government.

Mayor Tarr asked that the Town consider in the future paying the employees share of retirement. He feels that with many of our surrounding localities offering this benefit it will keep the Town competitive in the employment market.

##### Public Works Administration Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for Public Works Administration.

Salaries and benefits for Public Works Administration have been spread out through all the divisions of Public Works, Water, and Mosquito Control.

##### Public Works Facilities Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for Public Works Facilities.

Council discussed the sanitation services contract and the possibility of the Town taking over this function upon completion of the current contract. Council also discussed a solid waste collection fee. Council also discussed the current playground equipment at Memorial Park and the need for its replacement. Council felt that some money should be placed in this line item to begin the replacement and to seek grant funding for a portion. Chief Lewis stated that the Police Department would be willing to donate \$20,000 from their fundraising to the playground equipment.

##### Public Works Roads Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for Public Works Roads Division. The Roads Division balances to the VDOT Maintenance Funds in revenue.

##### Police Department Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for the Police Department.

##### Emergency Dispatch Expenditures

Council reviewed and discussed the proposed salaries, benefits, and expenses for Emergency Dispatch.

##### General Fund Revenues

Council discussed increases in real estate assessments. Although part of the Sunset Bay project will be included in the 2007 real estate tax assessment as “in construction”, neither unit had gone to settlement as of January 1, 2007.

Council discussed the Personal Property Tax Relief amount for FY’08.

Council discussed the collection of Meals Tax and the fewer restaurants on the Island.

Council discussed increasing the motor vehicle license rate from \$23.00 to \$27.00 as reflected in the proposed budget.

It was explained that as of January 1, 2007, the state collects a telecommunications tax which includes 911 taxes. The state establishes the rate and collects the money. They take off administrative fees and forward a percentage of the revenues to the Town. The tax rates established by the state were less than the rates the Town levied. The state will also collect all franchise fees for telecommunications and cable television.

Council discussed the DMV Agency compensation line item. Although all our citizens like the convenience of having a DMV office here, the staff has been so overloaded with DMV work that their Town work is suffering. DMV has notified the Town that beginning July 1, 2007 the percentage of compensation will increase by .5% however the Town will be responsible for all equipment, printers, telephone lines, etc.

After the first review, the general fund had approximately \$176,000 more in expenditures than revenue.

Council then discussed possibilities for additional revenue.

#### Transient Occupancy Tax

Council was presented with figures if Transient Occupancy Tax was increased by .5% and 1%. This could potentially increase revenues \$66,000 to \$175,000. Council also discussed the percentage to the Chincoteague Recreation & Convention Center Authority and their request for increased funding.

#### Business License

Council was presented with figures if the minimum and maximum business license was increased. This could potentially increase revenues by \$20,000 to \$25,000.

#### Solid Waste Fee

Council discussed a weekly solid waste fee imposed on all homes and businesses on the Island.

#### Real Estate Tax

Council was presented and discussed figures if the real estate tax rate was increased. A \$0.03 per \$100 of assessed value could potentially increase revenues by \$144,000.

- It was the consensus of Council to propose in the FY'08 draft budget a 1% increase in transient occupancy tax with 17% allocation to the Authority and a one time donation of \$10,000, and a \$1.00 per week solid waste collection fee.

## **5. Adjournment.**

Councilman Wolfe motioned, seconded by Councilwoman Conklin to adjourn the meeting.

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Mayor

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Town Manager

### **MINUTES OF THE MAY 7, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

#### ***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

#### ***Invocation***

Councilman Howard offered the invocation.

#### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

#### ***Open Forum/Public Participation.***

- Mayor Tarr gave details of the Student Government day held on May 7, 2007. Student Government Mayor, Brielle Robbins, introduced the Student Government Council and Staff.

#### **Council Members:**

Amanda Besecker	Rachel Haugh
Ashton Birch	Erica Raymond
Cole Conklin	Amber Rogalski
Stephanie Nhem, Town Manager	
Kyle Taylor, Chief of Police	

Nina Orlando, Director of Public Works

SG Mayor and Council brought several recommendations to Council:

- They proposed placing “no parking” signs on Church Street from Main Street to Pension Street as well as on Maddox Boulevard from Main Street to Deep Hole Road (during the summer months and because of the location of the new bridge), both for safety reasons.
- They agreed that the paving of Church Street should be a top priority, also for safety reasons. In addition, they recommended that Eastside Road be paved as well.
- They recommended that street lights be placed on Hallie Whealton Smith Drive.
- They proposed raising the speed limit to 30 mph.

Mayor Tarr responded that the above items will be sent to the appropriate committees for review. Mayor Tarr and Council commended the children on a job well done.

- Mr. John Nelson Jester stated that he had a safety concern with the bike path on Maddox Boulevard, particularly on the traffic circle near Maddox Boulevard and on to Assateague. He asked if the path could be cleaned by the street sweeper and possibly widened between the traffic circle and Assateague. Mayor Tarr responded that the matter will be reviewed.
- Mrs. Victoria Emery Godwin asked for Council’s help with enforcing the protective order against her ex-boyfriend because she has been told by the Police Department that they cannot do anything unless they witness him violating the order.

### ***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that agenda item number six be added to the agenda for discussion of a possible legal matter in a closed meeting. Councilman Howard motioned, seconded by Councilman Wolffe, to adopt the agenda as amended. The motion was unanimously approved.

#### ***1. Approval of the Minutes of the April 2 and 19, 2007 Council Meetings.***

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

#### ***2. Budget and Personnel Committee Report.***

Councilwoman Conklin reported on the April 17, 2007 meeting. Councilman Howard motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

#### ***3. Accomack County Board of Supervisors Update.***

Island District Supervisor, Honorable Wanda Thornton, updated Council with several issues that the County is currently facing that may affect the Island:

- Supervisor Thornton stated that Mr. Jester’s bike path concern could be discussed at the next Community Leaders meeting.
- Supervisor Thornton stated that the County’s budget revenues and expenditures have been given to Town Manager Ritter. She stated that tipping fees were raised this year



and that sales tax revenue is expected to increase next year due to the establishment of the new Wal-Mart store in Onley. Supervisor Thornton also listed and explained several expenditure percentages.

- Supervisor Thornton stated that in the County's draft Comprehensive Plan, the County opposes any discharge into the waters. She urged Council to voice concern over the wording of the proposed plan.
- Supervisor Thornton stated that there will be no small dredging projects. She reiterated the importance of supplying the Army Corps of Engineers with economic impact statements from the local businesses affected by the lack of dredging. Supervisor Thornton added that there will be an upcoming meeting on the matter.

#### **4. *Town Dock Lease.***

Public Works Director Cosby stated that he has not received any bids for the lease of the Town Dock. It was the consensus of Council not to re-advertise for bids at this time.

#### **5. *Mayor and Council Announcements or Comments.***

- Councilman Wolffe mentioned that he will be unable to attend the May 17 Council meeting.
- Councilman Howard requested that a letter of appreciation be sent to the Kiwanis Club for cleaning the cemetery off of Smith Street.
- Mayor Tarr commented that Council will not need to convene a closed meeting as suggested by the agenda amendment.

#### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on May 17, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE MAY 17, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Councilman  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

#### **Council Members Absent:**

Glenn B. Wolffe,

## ***Call to Order***

Mayor Tarr called the meeting to order at 7:38 p.m.

## ***Invocation***

Councilman Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation.***

No one from the Public spoke.

## ***Agenda Additions/Deletions and Adoption***

It was requested to amend the agenda by adding an item as 10a. Temporary Parking at the Town Park in front of the High School. Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the agenda as amended. The motion was unanimously approved.

### ***1. Approval of amending the Minutes of the April 19, 2007 Council Meetings.***

Councilman Howard asked the Town Manager to explain the amended version of the minutes. The Town manager explained that the prior minutes did not have the corrected version that was approved by the Ordinance Committee and the Council on agenda item 2, Chapter 62, Article II, Division 2, Rates. Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the minutes as amended. The motion was unanimously approved.

### ***2. Resolution – Hurricane Awareness Week.***

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the following resolution declaring Hurricane Awareness Week. The motion was unanimously approved.

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 20-26, 2007 has been designated "Hurricane Awareness 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 the Town of Chincoteague 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, the Commonwealth of Virginia, and FEMA 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 20-26, 2007, as "Hurricane Awareness Week" in the Town of Chincoteague.

### ***3. Resolution, Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant.***

Public Works Director Cosby explained that the resolution will be to participate in the development of a regional water supply plan and authorize the Accomack-Northampton Planning District Commission to manage and develop the plan. It also authorizes the A-NPDC to develop an application for planning grant funds to offset the cost of developing the plan. The Town will commit up to \$500 in cash or in-kind matching funds to the project.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the following resolution, regarding regional water supply planning and application for a FY '08 Water Supply Planning Grant. The motion was unanimously approved.

WHEREAS, the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

WHEREAS, based upon these regulations, the Town of Chincoteague is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

- November 2, 2008 for local governments with populations in excess of 35,000
- November 2, 2009 for local governments with populations between 15,001 and 35,000
- November 2, 2010 for local governments with populations 15,000 or less

WHEREAS, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

WHEREAS, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;

- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, it is reasonable and prudent for local governments to coordinate and collaborate in the development of a regional water supply plan; and

WHEREAS the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

WHEREAS, for purposes of this DEQ water supply grant fund program, the Town of Chincoteague will participate within a water supply region; and

WHEREAS, the Accomack-Northampton Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

WHEREAS, the Accomack-Northampton Planning District Commission has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

WHEREAS, the Accomack-Northampton Planning District Commission desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

WHEREAS, the region, through the Accomack-Northampton Planning District Commission wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that the Town of Chincoteague agrees to participate in the development of a regional water supply plan and authorizes the Accomack-Northampton Planning District Commission to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the Accomack-Northampton Planning District Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that Executive Director of the Accomack-Northampton Planning District Commission is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that the Town of Chincoteague intends to provide up to \$500.00 in matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

DATED this \_\_\_\_\_ day of May, 2007.

#### **4. *Safety & Transportation Committee Report of May 3, 2007.***

Mayor Tarr reported on the May 3, 2007 meeting. Councilwoman Conklin motioned, seconded by Councilwoman Conklin, to approve the report as presented. The motion was unanimously approved.

#### **5. *Public Works Committee Report of May 8, 2007***

Mayor Tarr reported on behalf of Chairman Wolffe on the meeting of May 3, 2007. Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the report as presented. The motion was unanimously approved.

#### **6. *Ordinance Committee Report of May 10, 2007.***

Councilman Ross reported on the May 10, 2007 meeting. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the committee report as presented. The motion was unanimously approved.

##### ***a. Adoption of the Revised Chapter 54 Taxation, Article IV & Article V,***

The Committee members unanimously approved to send the revised Chapter 54 Taxation, Articles IV and V to Council for consideration and to set a date for public hearing. Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to set the public hearing for June 4, 2007. The motion was unanimously approved.

##### ***b. Adoption of the Revised Chapter 58 Traffic and Vehicles, Article II, Sec 58-46 (a)***

The Committee members unanimously approved to send the revised Chapter 58 Traffic and Vehicles, Article II, Town Vehicle License, Sec. 58-46(a) to Council for consideration and to set a date for public hearing.

Councilman Ross motioned, seconded by Vice Mayor Speidel to set the public hearing for June 4, 2007. The motion was unanimously approved.

*c. Adoption of the Revised Chapter 46 Solid Waste, Article I, Division 1 & Division 2*

The Committee members unanimously approved to send the revised Chapter 46 Solid Waste, Article 1, Division 1 and Division 2 to Council for consideration and to set a date for public hearing.

Councilman Ross motioned, seconded by Vice Mayor Speidel, to set the public hearing for June 4, 2007. The motion was unanimously approved.

## **7. Recreation & Community Enhancement Committee Report of May 10, 2007**

Vice Mayor Speidel reported on the May 10, 2007 meeting. Councilwoman Richardson motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

## **8. Setting the Date for a Public Hearing for the Fiscal Year 2008 Budget.**

Councilwoman Conklin motioned, seconded by Councilman Howard, to set the public hearing for June 4, 2007. The motion was unanimously approved.

## **9. Deed of Vacation – Ruth Lane.**

Mayor Tarr opened up the public hearing. Mrs. Ruth Lane stated that she would like to vacate the lot lines so that if the property were to be placed in trust to anyone, it would be all one lot. She also stated that this was the initial step toward a conservation easement to the property in question. Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the following ordinance. The motion was unanimously approved.

### **AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT PURSUANT TO §15.2-2272.2**

WHEREAS, one Ruth Lane, owns Lot 16D, Lot 17D, and Lot 18D as shown on a certain plat of survey entitled "Revision of a Subdivision for Wyle Maddox," dated August 6, 1970, made by R. L. Beebe, C. E., revising a "Division of Property of Wyle Maddox," dated July 3, 1965, by R. L. Beebe (Plat Book 13, page 71) said plat being recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, at Plat Book 16, Page 42, within the Town of Chincoteague, Tax Map number 031A004000016D0, 031A004000017D0, 031A004000018D0, and

WHEREAS, one or more lots within said Subdivision have been sold, and

WHEREAS, the said Ruth Lane has requested that the division or property line between Lot 16D and Lot 17D and the division or property line between Lot 17D and Lot 18D be

Town Planner Anderson briefed the Council on the research he completed to provide background information for the Safety and Transportation Committee's discussion regarding anchoring fuel tanks. Many fuel tanks on the Island are not anchored to foundations or structures. These can break free during high winds or flooding. Floating or tumbling tanks are potential fire and pollution hazards as well as a collision threat to structures, pedestrians and vehicles. It is a poor use of police and fire company personnel to be obliged to identify and restrain errant fuel tanks during a storm emergency. The cost of cleaning up a sixty gallon petroleum spill is estimated, by one source, at \$10,000. Requiring that fuel tanks be anchored is considered a pre-mitigation strategy. Requiring that fuel tanks be anchored may help to improve the Island's FEMA rating and that might lower the cost of flood insurance. The flood plain management ordinance could be amended to provide for phase-in of the requirement to anchor fuel tanks. It was the consensus of Council to have Town Planner Anderson to continue developing his

research and to implement an ordinance requiring all homes to have their fuel tanks and/or gas tanks secured.

### ***10a. Development of a Ten-Parking-Space Lot Across From the High School.***

The Recreation and Community Enhancement Committee suggested that a temporary parking lot be established on Town property located across the High School on Main Street. The Public Works Committee recommended that a horseshoe drive with one entrance and one exit onto Main Street be created on the existing grass with ten parking stops installed. The parking stops would be installed at a forty-five degree angle to the driveway and would face Main Street. This proposal is temporary while a permanent design for the Park is developed. Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve ten temporary parking spaces while a permanent design for the Park is developed. The motion was unanimously approved.

### ***11. Mayor and Council Announcements or Comments.***

- Councilwoman Richardson announced that the Planning Commission will meet on May 22 at 7:00 pm.
- Councilman Howard announced that the Harbor Committee will meet on June 13. He also suggested that all committees move their meeting times to 7:00 pm so that citizens can attend the meetings.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on June 4, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JUNE 4, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:35 p.m.



## ***Invocation***

Councilman Ross offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation.***

Mrs. Kelly Fox addressed the original intent of the ordinance regarding water disconnection policies. She also commented that the imposition of the trash fee along with the other proposed revenue increases would be a burden to many citizens of the Island.

## ***Agenda Additions/Deletions and Adoption***

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of the Minutes of the April 23, 24, May 7 and 17, 2007 Council Meetings.***

Councilman Ross noted that he was not present at the May 7 meeting. Councilman Howard mentioned that in agenda item number four of the May 17 minutes, it is stated that Councilwoman Conklin both made and seconded the motion, when actually Councilwoman Richardson made the motion. Councilman Howard also mentioned that in the Open Forum/Public Participation section of the May 7 meeting where the Student Government addressed Council and the public, that the students should have been called 'young adults' instead of 'children'. Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the minutes as amended. The motion was unanimously approved.

### ***2. Budget and Personnel Committee Report.***

Councilwoman Conklin reported on the May 15, 2007 meeting. Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

A) Changes in the Employee Handbook on EMS Job Descriptions:

- Emergency Medical Services Provider I
- Emergency Medical Services Provider II
- Emergency Medical Services Provider III
- Emergency Medical Services Supervisor

EMS Supervisor Rush explained the four job descriptions and that the two new positions have been included in the FY '08 budget. Councilman Wolffe motioned, seconded by Councilman Howard, to approve the above EMS job description changes to the Employee Handbook. The motion was unanimously approved.

B) Part-time Labor Position for Parks and Recreation – Public Works Director Cosby explained the need for the position and that the position has been included in the FY '08 budget. Councilman Howard motioned, seconded by Councilman Wolffe, to approve the new part-time labor position for parks and recreation. The motion was unanimously approved.

### **3. *Public Hearing – Fiscal Year (FY '08) Budget.***

Mayor Tarr opened the public hearing at 8:00 pm. Mayor Tarr asked Town Manager Ritter to explain the highlights of the proposed budget including any significant changes compared to last year's budget.

- Mrs. Dottie Troxler asked when the upgrade for the downtown bathrooms will occur. Public Works Director Cosby and Mayor Tarr responded that no bids were received on the project, but that the project will be re-advertised for bids.
- Councilman Wolffe asked if the Town was ready to bill the trash collection fee equitably to all property owners beginning July 1. He asked if the fee could be postponed for some time until staff was prepared to bill all owners equitably. Town Manager Ritter responded that the proposed trash collection fee could be delayed until accurate information could be gathered.
- Mayor Tarr commented that he thought the annual 3% water rate increase pertained to water rates only and not the availability fee. Town Manager Ritter interpreted the information differently and felt the availability fee should be included in the 3% increase in water rates.
- Councilman Howard commented that he thought that the Town should not increase a fee (town decals) just because Accomack County is increasing its fee or for fear that Accomack County will collect the difference in the fee if the Town doesn't.

The public hearing remained open to discuss agenda item number four below as it is directly related to the budget. Mayor Tarr then closed the public hearing on the budget at 8:40 pm after hearing no other comments regarding the budget or the excise tax as described below.

### **4. *Public Hearing – Revised Chapter 54, Taxation, Article IV and Article V, Excise Tax (Transient Occupancy and Meals).***

Mayor Tarr opened the public hearing at 8:59 pm. Town Manager Ritter explained that Town Attorney Poulson advised that the words '*Excise Tax*' be used in Articles IV and V of Chapter 54 of the Town Code. Town Manager Ritter added that the revision basically just allows Council to establish the rates as necessary during the budget process. Town Attorney Poulson advised that regardless of the wording, Council must still hold a public hearing when there is a proposed tax increase.

- Mayor Tarr asked if Sec. 54-252 should include the words '*tourist homes*'. Town Attorney Poulson stated that tourist homes are included in the Town Code definition of "hotel".

After hearing no public comment, Mayor Tarr closed the public hearing at 9:06 pm.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adopt the following amended Articles IV and V, Excise Tax (Transient Occupancy and Meals) of Town Code Chapter 54, Taxation. The motion was unanimously approved.

#### ARTICLE IV. EXCISE TAX (TRANSIENT OCCUPANCY)

Sec. 54-252. Levied and rate.

There is levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each and every transient a tax at a rate established by council each year on the total amount paid for room rental by or for any such transient to any hotel or travel campground.

Sec. 54-262. Allocation of funds.

Beginning July 1, 2007, subject to annual appropriation, an amount at a rate established by council each year on all revenues collected by the Town in accordance with this article shall be distributed to the Chincoteague Recreation and Convention Center Authority for the operation and maintenance of a community center as long as it functions as such.

#### ARTICLE V. EXCISE TAX (MEALS)

### **5. *Public Hearing – Revised Chapter 58, Traffic and Vehicles, Article II, Sec. 58-46(a), Fee Levied.***

Mayor Tarr opened the public hearing at 9:07 pm. Town Manager Ritter read the proposed change to the section. After hearing no comment, Mayor Tarr closed the public hearing at 9:08 pm.

Councilman Wolffe motioned, seconded by Councilman Ross, to adopt the following amended Article II, Town Vehicle License, Section 58-46(a) of Town Code Chapter 58, Traffic and Vehicles. The motion was unanimously approved.

#### ARTICLE II. TOWN VEHICLE LICENSE

Sec. 58-46. Fee levied; amount and exemption from fee.

(a) There is hereby levied an annual license fee at a rate established by council each year upon motor vehicles licensed within the town, except as may be provided in this Article or the Code of Virginia. In addition, there is hereby levied an annual license fee at a rate established by council each year upon trailers and semi-trailers licensed within the town, except as may be provided in this Article or the Code of Virginia.

## **6. Public Hearing – Proposed Town Ordinance, Chapter 46, Solid Waste, Article I, Division 2, Billing and Other Charges.**

Mayor Tarr opened the public hearing at 9:09 pm. Town Manager Ritter read the proposed ordinance.

- Mrs. Peggy Thomas asked how the billing of solid waste will be handled if the commercial establishment disposes of its own trash. Mayor Tarr responded that it will not affect those types of establishments.
- Councilman Wolffe asked how the fee collection will be enforced. Town Manager Ritter suggested that a lien could be placed against the delinquent customer's property.

Mayor Tarr closed the public hearing at 9:16 pm after hearing no further comments.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the following ordinance, Chapter 46, Solid Waste.

### Chapter 46

### SOLID WASTE

#### ARTICLE I. IN GENERAL

#### DIVISION 1. GENERALLY

- |                     |  |
|---------------------|--|
| Sec. 46-1.          | Definitions.                                   |
| Sec. 46-2.          | Accumulations on property.                     |
| Sec. 46-3.          | Deposits on sidewalks, streets, lanes, alleys. |
| Secs. 46-4 – 46-15. | Reserved.                                      |

#### DIVISION 2. FEES AND BILLING

##### Sec. 46-16. Solid Waste Collection Fees.

The Town Council shall designate certain reasonable weekly rates to be paid for the collection of solid waste, which weekly rates shall be set each year at the time of establishing the annual budget, and which weekly rates shall apply for that year. The Town manager shall bill residents and commercial businesses in accordance with the weekly rates established by the council and shall be in charge of collecting these charges.

##### Sec. 46-17. Billing and Other Charges.

(a) All habitable dwelling units shall be assessed per parcel and charged to the property owner and not the tenant(s) of each parcel.

(b) All solid waste will be billed quarterly and shall be delinquent 30 days after the billing date, with an applicable interest per month charge.

Secs. 46-18 – 46-30. Reserved.

## **7. Adoption of the State Motor Vehicle Code.**

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to re-adopt Title 46.2 and §18.2-266 et seq. of the Code of Virginia and Section 58-2 of the Town Code as follows. The motion was unanimously approved.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect, July 1, 2007, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to “highways of the state” contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18-2-266 et seq.

(b) The provisions of this section, as re-adopted, shall be effective as of 12:01 am, July 1, 2007. As of such effective date, such re-adoption shall replace former section 58-2 as it existed prior to the effective date of re-adoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this re-adoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose. (Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07)

## **8. Sending Proposed Zoning Change as to Condos, Townhouses and Multi-Family Dwellings to the Planning Commission for Consideration.**

Town Planner Anderson explained that staff recommends that condos, townhouses and multi-family dwellings in both the C-1 and C-2 districts be allowed only as a conditional use and not as a use permitted by right.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, that, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, the following proposed amendments to the Town of Chincoteague's Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285 for the recommendations, such recommendations to be made only after Notice and Public Hearing in accordance with Section 15.2-2204.

The Planning Commission shall report its recommendations with any explanatory materials within ninety (90) days of its first meeting to consider the proposed amendments.

Repeal	Sec. 4.1.30. Townhouse
Repeal	Sec. 4.1.31. Condominiums
Repeal	Sec. 4.1.34. Multi-family dwelling
Repeal	Sec. 4.4.42. Townhouse
Repeal	Sec. 4.4.43. Condominiums
Repeal	Sec. 4.4.46. Multi-family dwelling

All such Sections shall be "Reserved".

Amend        Sec. 4.1.40 to read as follows:

Sec. 4.1.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38, or any townhouse, condominium, or multi-family dwelling development permitted pursuant to a conditional use permit by the Town Council, shall use R-3 area regulations.

*Alternative Second Paragraph*

Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38 shall use R-3 area regulations. Any townhouse, condominium, or multi-family dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

Amend        Sec. 4.3.1 as follows:

Sec. 4.3.1. Lot size. No minimum lot size for permitted uses shall be required except as noted under 4.1.40.

Amend        Sec. 4.6.1 to read as follows:

Sec. 4.6.1. Lot size. No minimum lot size for permitted uses shall be required, with the exception that all residential uses permitted as a matter of right shall comply with R-3 requirements. Any townhouse, condominium, or multi-family dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

No such repeal shall affect any existing zoning and/or subdivision approval and/or any pending substantial bonafide working application for any such approval.

Any such amendments shall be effective upon adoption by the Town Council and approval by the Mayor.

The motion was unanimously approved.

## **9. *Mayor and Council Announcements or Comments.***

- Councilman Howard commented on recycling on the Island. He also asked whether the Town can do anything about the current condition of the house on the corner of Bunting Road and Lekites Drive. Vice Mayor Speidel responded that the Recreation and Community Enhancement Committee was currently reviewing similar situations on the Island for possible solutions.
- Councilman Wolffe asked if Council will be advised of the changes to the water policy as mentioned during public participation. Mayor Tarr asked that the matter be sent back to the Ordinance Committee and to the Public Works Committee for review with a recommendation from the committees returned to Council for consideration.

## **10. *Closed Meeting in Accordance with Section 2.2-3711(A)(1 and 10) of the Code of Virginia for Discussion of Personnel Matters and Special Awards (Scholarship).***

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to convene a closed meeting under Section 2.2-3711(A)(1 and 10) of the Code of Virginia to discuss personnel matters and special awards (scholarship). The motion was unanimously approved.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt a resolution of certification of the closed meeting.

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

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

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

VOTE: Ayes- Conklin, Howard, Richardson, Ross, Speidel, Wolfe  
Nays- None  
Absent- None

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on June 21, 2007 at 7:30 pm. Councilman Wolfe motioned, seconded by Vice Mayor Speidel, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JUNE 21, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:36 pm.

### ***Invocation***

Councilman Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.



## ***Open Forum/Public Participation***

- Mrs. Leslie Tyndall and Mrs. Mandy Betts requested a donation from the Town to start up a youth football league on the Island for children from ages seven through thirteen. Mayor Tarr asked that the request be placed on the July 2 Council meeting agenda for consideration.
- Mr. John Nelson Jester stated the importance of the Law Enforcement Officers (LEO) Retirement Program and requested that the program be approved by Council.

## ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Public Hearing – Increase of Excise Tax (Transient Occupancy) from 2% to 3%.***

- 1% increase in Excise Tax (Transient Occupancy)
- 17% of total Excise Tax (Transient Occupancy) collected to be distributed to the Chincoteague Recreation and Convention Center Authority

Mayor Tarr opened the public hearing at 7:49 pm. After hearing no public comment, Mayor Tarr closed the public hearing at 7:50 pm.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the 1% increase in the Excise Tax (Transient Occupancy) and to distribute 17% of the total Excise Tax collected by the Town to the Chincoteague Recreation and Convention Center Authority. The motion was unanimously approved.

### ***2. Adoption of Fiscal Year 2008 Budget, Consisting of:***

• Revenues for all Divisions	• Total Main Street Fund Expenses
• General Government Fund Expenses	• Mosquito Division Expenses
• General Government Rate Schedule	• Trolley Division Expenses
• Water Division Expenses	• Harbor Division Expenses
• Water Rate Schedule	• Harbor Rate Schedule

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to adopt the following budget for fiscal year 2008 and to appropriate the funds for disbursement.

Councilman Howard made a motion to amend the previous motion by not including the \$4-increase in the motor vehicle decal fee and to take the difference out of the amount of money to be deposited in the reserve fund. There was no second to the motion; therefore, the motion was defeated.

Mayor Tarr stated that in this case, the original motion shall be acted upon. The motion to adopt the following budget for fiscal year 2008 and to appropriate the funds for disbursement was unanimously approved.

Town of Chincoteague  
FY'08 Budget Revenues

<u>Revenue Name</u>	<u>Number</u>	<u>Budgeted</u>
Fund 10 - General Government		
Real Estate Tax Levy	4001-0100	\$ 475,000.00
Tangible Property Tax Levy	4001-0125	\$ 335,000.00
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 30,000.00
Meals Tax	4001-0500	\$ 425,000.00
Bank Franchise Tax	4001-0600	\$ 57,000.00
Sales Tax	4010-0100	\$ 120,000.00
Business License	4010-0200	\$ 100,000.00
Motor Vehicle License	4010-0300	\$ 83,347.00
Utilities Tax	4010-0500	\$ 335,680.00
Transient Occupancy Tax	4010-0600	\$ 532,500.00
Fines	4015-0100	\$ 36,000.00
Interest on Savings	4020-0100	\$ 80,000.00
		\$
Banner Donations	4041-0100	-
Cemetery Cleanup Donations	4041-0150	\$ 1,000.00
User Fees	4041-0200	\$ 25,000.00
Building Permits	4041-0500	\$ 60,000.00
Zoning Advertisements	4041-0600	\$ 5,000.00
Grants/Litter	4045-0100	\$ 2,100.00
Sale of Capital Assets	4049-0100	\$ 500.00
ABC Profits	4051-0100	\$ 5,200.00
Optimum Choice-Retirees Spouse	4051-0200	\$ 23,000.00
VA Fire Programs	4051-0300	\$ 10,000.00
Revenue Sharing - USFWS	4061-0100	\$ 4,000.00
Harbor Administration	4061-0105	\$ 7,000.00
Rental Income - Trolley	4061-0106	\$ 12,000.00
Recovered Cost from Water	4101-0200	\$ 123,720.00
Public Works Miscellaneous	4201-0100	\$ 10,000.00
Miscellaneous Income	4303-0100	\$ 10,000.00
Tipping Fee Refund - County	4303-0300	\$ 74,000.00
Solid Waste Collection Fee	4303-0400	\$ 110,500.00
Law Enforcement Funds	4401-0100	\$ 127,380.00
Police Donations/Grants	4401-0150	\$ 20,000.00
911 Dispatch Revenue	4401-0200	\$ 15,000.00
VDOT Maintenance Funds	4501-0100	\$ 504,169.00
Road Permit Fees	4501-0101	\$ 750.00
DMV Agency Compensation	4501-0103	\$ 16,250.00

VA Commission for the Arts - Grant	4545-0140	\$ 5,000.00
Transfer from Boat Ramp Repair Reserve	4701-0400	\$ 63,000.00
Transfer from Property Acq. Reserve	4701-1200	\$ 35,737.00
Transfer from Mosquito Control	4940-8900	\$ 18,100.00

<b>Total Fund 10</b>		<b>\$3,897,933.00</b>
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Fund 20 - Main Street Project

Program Income	4501-0100	\$ 15,000.00
TEA-21 Grant	4501-0115	\$ 429,290.00
Loan Repayment	4501-0200	\$ 3,920.00
Transfer from General Fund	4501-8900	\$ 98,737.00

<b>Total Fund 20</b>		<b>\$ 546,947.00</b>
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Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$ 4,500.00
Harbor Rent	4031-1000	\$ 42,823.00
Rent New Slips (Restroom)	4031-1001	\$ 9,500.00
Subleases	4031-1002	\$ 15,000.00
Dry/Winter Storage	4031-1003	\$ 1,000.00
Loading Dock	4031-1005	\$ 2,628.00
Transfer from Long Term Replacement	4031-1050	\$ 200,000.00

<b>Total Fund 30</b>		<b>\$ 275,451.00</b>
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Fund 40 - Mosquito Control

Revenue	4001-0100	\$ 143,000.00
Interest Income	4020-0100	\$ 8,000.00
Transfer from Mos. Ctrl. Savings	4701-0600	\$ 50,759.00

<b>Total Fund 40</b>		<b>\$ 201,759.00</b>
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Fund 70 - Trolley

Trolley Grants	4501-0100	\$ 63,000.00
Program Income	4501-0110	\$ 7,500.00
Transfer from General Fund	4501-8900	\$ 20,000.00

<b>Total Fund 70</b>		<b>\$ 90,500.00</b>
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Fund 80 - Water

Water Rent	4101-0100	\$ 820,000.00
Water Adjustments	4101-2200	\$ (500.00)
Waterline Extensions	4130-0100	\$ 25,000.00
Service Connections	4131-0200	\$ 17,000.00
Interest on Water Savings	4131-0300	\$ 6,350.00
Miscellaneous	4131-0400	\$ 500.00

Availability Fees	4131-0500	\$ 105,253.00
Transfer from Water Reserve	4701-0700	\$ 20,000.00
<b>Total Fund 80</b>		<b>\$ 993,603.00</b>

<b>TOTAL ALL FUNDS</b>	<b>\$6,006,193.00</b>
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Town of Chincoteague		
FY'08 Budget Expenditures		
<b><u>Expenditure Name</u></b>	<b><u>Number</u></b>	<b><u>Budgeted</u></b>
<b>FUND 10 - General Fund</b>		
Fund 10 - General Fund/Department 50 - General Government		
<b><u>Salaries</u></b>		
Mayor	5010-0101	\$ 4,800.00
Council	5010-0102	\$ 23,040.00
Town Office Staff	5010-1001	\$ 343,738.00
Emergency Medical Staff	5010-1002	\$ 188,722.00
Overtime	5010-1003	\$ 19,000.00
Subtotal		\$ 579,300.00
<b><u>Benefits</u></b>		
Social Security	5020-2001	\$ 44,300.00
Hospitalization	5020-2101	\$ 57,000.00
Blood Bank	5020-2102	\$ 100.00
Unemployment - All Employees	5020-2103	\$ 5,000.00
Retirement	5020-2201	\$ 30,750.00
Life Insurance	5020-2202	\$ 2,300.00
Subtotal		\$ 139,450.00
<b><u>Expenses</u></b>		
Bank Charges	5030-3100	\$ 750.00
Building Administrator Expense	5030-3101	\$ 100.00
Cleaning	5030-3102	\$ 9,000.00
Planning Commission	5030-3103	\$ 50.00
Board of Zoning Appeals	5030-3104	\$ 50.00

Building Permit Surcharge	5030-3105	\$ 1,050.00
Board of Building Code Appeal	5030-3106	\$ 25.00
Emergency Medical Clothing	5030-3107	\$ 3,000.00
EMS Cell Allowance	5030-3108	\$ 1,500.00
Insurance	5030-3401	\$ 82,000.00
Auditing	5030-3501	\$ 15,000.00
Donations	5030-3601	\$ 21,000.00
Transfer to Civic Center (TOTAX - 17%)	5030-3701	\$ 90,525.00
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$ 42,000.00
ANPDC Membership	5030-4030	\$ 7,000.00
Scholarship	5030-4301	\$ 1,000.00
Office Supplies/Publications	5030-4401	\$ 10,000.00
Office Equipment/Software Maintenance	5030-4402	\$ 20,000.00
Postage	5030-4403	\$ 10,000.00
Tax Bills & Conversion	5030-4404	\$ 750.00
Motor Vehicle License	5030-4501	\$ 2,100.00
Gasoline/Diesel	5030-4701	\$ 16,650.00
Travel & Training	5030-4801	\$ 3,800.00
Mayor's Expense	5030-4901	\$ 300.00
Council's Expense	5030-4902	\$ 500.00
Town Manager's Expense	5030-4903	\$ 250.00
Attorney/Legal Consultants	5030-5101	\$ 46,000.00
Drug/Alcohol Testing	5030-5201	\$ 1,300.00
Christmas Dinner	5030-5501	\$ 4,000.00
Dues	5030-6101	\$ 3,000.00
VML Conference	5030-6102	\$ 1,000.00
Advertising & Website	5030-7101	\$ 12,000.00
Building Maintenance	5030-7301	\$ 3,000.00
Electricity	5030-7401	\$ 14,500.00
Heating Oil	5030-7402	\$ 5,200.00
VA Fire Programs/CVFC	5030-7601	\$ 10,000.00
EOC Operations/Training	5030-7602	\$ 1,000.00
Special Projects	5030-7701	\$ 7,500.00
Pony Penning Expense	5030-7702	\$ 5,000.00
Deer De-Pop Program	5030-7703	\$ 8,000.00
Telephone Bills	5030-8202	\$ 13,000.00
Optimum Choice - Retirees	5030-8401	\$ 42,500.00
Insurance-Ret Spouses & Others	5030-8402	\$ 23,000.00
Miscellaneous	5030-8501	\$ 5,000.00

Cemetery Cleanup	5030-8600	\$ 1,500.00
Va Commission for the Arts	5030-8700	\$ 10,000.00
Transfer to Main Street Project	5030-8800	\$ 98,737.00
Transfer to Trolley Fund	5030-8900	\$ 20,000.00
Transfer to Reserve	5030-8910	\$ 88,174.00
Subtotal		\$ 761,811.00
<b><u>Capital Improvements</u></b>		
Property Acquisition Reserve	5090-9704	\$ 25,000.00
Office Equipment	5090-9709	\$ 10,000.00
Bond - School Board Property	5090-9740	\$ 76,442.00
Planning Consultants	5090-9750	\$ 7,000.00
Subtotal		\$ 118,442.00
<b>Subtotal Fund 10 Department 50</b>		\$1,599,003.00
Fund 10 - General Fund/Department 60 - Public Works Administration		
<b><u>Salaries</u></b>		
Salaries	6010-1001	\$ 46,450.00
Overtime	6010-1003	\$ 500.00
Subtotal		\$ 46,950.00
<b><u>Benefits</u></b>		
Social Security	6020-2001	\$ 3,592.00
Hospitalization	6020-2101	\$ 6,698.00
Retirement	6020-2201	\$ 3,127.00
Life Insurance	6020-2202	\$ 230.00
Subtotal		\$ 13,647.00
<b><u>Expenses</u></b>		
Office Supplies & Equipment	6030-4401	\$ 1,000.00
Gasoline/Diesel	6030-4701	\$ 21,994.00
Oil/Grease	6030-4703	\$ 1,500.00
Tools Shop	6030-4704	\$ 1,500.00
Travel/Training	6030-4801	\$ 750.00
Building Maintenance	6030-7301	\$ 1,000.00
Equipment Repairs	6030-7302	\$ 10,000.00
Safety	6030-7303	\$ 500.00

Vehicle PMs	6030-7304	\$ 500.00
Tires	6030-7305	\$ 2,000.00
Garage Supplies	6030-7306	\$ 2,000.00
Vehicle Repairs	6030-7307	\$ 3,000.00
Electricity	6030-7401	\$ 7,500.00
LP Gas	6030-7402	\$ 1,500.00
Sundry	6030-8501	\$ 200.00
Subtotal		\$ 54,944.00
<b>Subtotal Fund 10 Department 60</b>		\$ 115,541.00
Fund 10 - General Fund/Department 63 - Public Works Facilities		
<b><u>Salaries</u></b>		
Salaries	6310-1001	\$ 219,578.00
Overtime	6310-1003	\$ 2,000.00
Subtotal		\$ 221,578.00
<b><u>Benefits</u></b>		
Social Security	6320-2001	\$ 16,800.00
Hospitalization	6320-2101	\$ 36,651.00
Retirement	6320-2201	\$ 12,539.00
Life Insurance	6320-2202	\$ 921.00
Subtotal		\$ 66,911.00
<b><u>Expenses</u></b>		
Seasonal Decorations & Banners	6330-4100	\$ 2,500.00
Street Maintenance	6330-4101	\$ 1,000.00
Street Signs/911	6330-4202	\$ 2,500.00
Tipping Fees	6330-4650	\$ 1,200.00
Tools	6330-4704	\$ 500.00
Mowers/Trimmers	6330-4708	\$ 500.00
Uniforms	6330-5202	\$ 6,132.00
Sanitation Service Contract	6330-6201	\$ 360,000.00
Other Facilities Expense	6330-6202	\$ 1,200.00
Public Restroom Supplies	6330-6260	\$ 2,000.00
Equipment Repairs	6330-7302	\$ 500.00
Electricity	6330-7401	\$ 3,500.00
Street Lights	6330-7450	\$ 59,000.00

Sundry	6330-8501	\$ 200.00
Park & Recreation Expense	6330-8590	\$ 3,000.00
Vandalism Repairs	6330-8600	\$ 3,000.00
Subtotal		\$ 46,732.00
<b><u>Capital Improvements</u></b>		
Drainage	6390-9105	\$ 20,000.00
Playground Equipment Reserve	6390-9200	\$ 20,000.00
Base Mapping/GIS System	6390-9846	\$ 500.00
Street Sweeper Payment	6390-9870	\$ 28,167.00
Sewage Treatment Study	6390-9880	\$ 20,000.00
Subtotal		\$ 88,667.00
<b>Subtotal Fund 10 Department 63</b>		\$ 823,888.00
Fund 10 - General Fund/Department 65 - Public Works Roads		
<b><u>Salaries</u></b>		
Salaries	6510-1001	\$ 59,973.00
Overtime	6510-1003	\$ 2,000.00
Subtotal		\$ 61,973.00
<b><u>Benefits</u></b>		
Social Security	6520-2001	\$ 4,727.00
Hospitalization	6520-2101	\$ 9,338.00
Retirement	6520-2201	\$ 4,115.00
Life Insurance	6520-2202	\$ 304.00
Subtotal		\$ 18,484.00
<b><u>Expenses</u></b>		
Street Maintenance	6530-4101	\$ 8,512.00
Snow Removal	6530-4102	\$ 2,000.00
Maintenance Coatings/Replacement	6530-4150	\$ 325,000.00
Sidewalks & Gutters	6530-4201	\$ 30,000.00
Signs/Traffic Control	6530-4202	\$ 23,000.00
Roadside Structures	6530-4250	\$ 5,000.00
Tools/Small Equipment	6530-4704	\$ 1,500.00
Equipment Expense	6530-4705	\$ 8,000.00
Drainage Maintenance	6530-6250	\$ 3,000.00



Weed Control	6530-6301	\$ 2,000.00
Equipment Rental	6530-7001	\$ 1,000.00
Work Zone Safety	6530-7303	\$ 1,000.00
Electricity	6530-7450	\$ 13,700.00
Subtotal		\$ 423,712.00
<b>Subtotal Fund 10 Department 65</b>		\$ 504,169.00
Fund 10 - General Fund/Department 70 - Police Department		
<b><u>Salaries</u></b>		
Salaries	7010-1001	\$ 410,000.00
Overtime	7010-1003	\$ 8,000.00
Subtotal		\$ 418,000.00
<b><u>Benefits</u></b>		
Social Security	7020-2001	\$ 31,900.00
Hospitalization	7020-2101	\$ 33,000.00
Retirement	7020-2201	\$ 27,000.00
Life Insurance	7020-2202	\$ 1,800.00
Subtotal		\$ 93,700.00
<b><u>Expenses</u></b>		
Gasoline	7030-4701	\$ 17,000.00
Travel/Training	7030-4801	\$ 8,500.00
Uniform Allowance (Officers)	7030-5201	\$ 6,500.00
Uniforms - Town	7030-5202	\$ 1,500.00
Police Conference	7030-6102	\$ 400.00
Photography	7030-7201	\$ 300.00
Office Supplies/Equipment Maintenance	7030-7300	\$ 4,000.00
Equipment Repairs & Supplies	7030-7302	\$ 3,000.00
Vehicle Maintenance	7030-7304	\$ 5,000.00
Drug Enforcement	7030-7901	\$ 5,000.00
Academy Dues	7030-7903	\$ 3,700.00
Bicycle Patrol	7030-7904	\$ 200.00
Community/Youth Programs	7030-7905	\$ 2,000.00
Grant Funded Expenditures	7030-7906	\$ 5,000.00
Ammunition	7030-7907	\$ 1,400.00
Police Drug Dog	7030-7908	\$ 4,500.00

Cell Phone Allowance	7030-8203	\$ 3,600.00
Sundry	7030-8501	\$ 1,200.00
Subtotal		\$ 72,800.00
<b><u>Capital Improvements</u></b>		
Patrol Vehicle	7090-9650	\$ 26,750.00
Criminal Live Scan System	7090-9670	\$ 14,000.00
Subtotal		\$ 40,750.00
<b>Subtotal Fund 10 Department 70</b>		\$ 625,250.00
Fund 10 - General Fund/Department 75 - Emergency Dispatch		
<b><u>Salaries</u></b>		
Salaries	7510-1001	\$ 160,000.00
Overtime	7510-1003	\$ 1,500.00
Subtotal		\$ 161,500.00
<b><u>Benefits</u></b>		
Social Security	7520-2001	\$ 13,274.00
Hospitalization	7520-2101	\$ 16,608.00
Retirement	7520-2201	\$ 6,000.00
Life Insurance	7520-2202	\$ 500.00
Subtotal		\$ 36,382.00
<b><u>Expenses</u></b>		
Travel/Training	7530-4801	\$ 1,500.00
Uniform Allowance - Dispatchers	7530-5201	\$ 1,400.00
Uniforms (Town for Dispatchers)	7530-5202	\$ 500.00
Office Supplies/Equipment Maintenance	7530-7300	\$ 12,000.00
E911 Line Fees	7530-8202	\$ 6,000.00
911 Addressing	7530-8203	\$ 600.00
Sundry	7530-8501	\$ 200.00
Subtotal		\$ 22,200.00
<b><u>Capital Improvements</u></b>		
911 Equipment Reserve	7590-9270	\$ 10,000.00
Subtotal		\$ 10,000.00

<b>Subtotal Fund 10 Department 75</b>		\$ 230,082.00
<b>Total Fund 10</b>		<b>\$3,897,933.00</b>
<b>Fund 20 - Main Street Project</b>		
<b><u>Expenses</u></b>		
Maintenance	2030-7101	\$ 9,000.00
Electricity	2030-7401	\$ 6,000.00
Transfer to Loan Pool	2030-7601	\$ 3,920.00
Subtotal		\$ 18,920.00
<b><u>Capital Improvements</u></b>		
Main Street Project	2090-9711	\$ 528,027.00
Subtotal		\$ 528,027.00
<b>Total Fund 20</b>		<b>\$ 546,947.00</b>
<b>Fund 30 - Curtis Merritt Harbor</b>		
<b><u>Salaries</u></b>		
Salaries	8010-1001	\$ 27,144.00
Overtime	8010-1003	\$ 200.00
Subtotal		\$ 27,344.00
<b><u>Benefits</u></b>		
Social Security	8030-2001	\$ 2,075.00
Hospitalization	8020-2101	\$ 4,152.00
Retirement	8020-2201	\$ 1,810.00
Life Insurance	8030-2202	\$ 135.00
Subtotal		\$ 8,172.00
<b><u>Expenses</u></b>		
Administrative Expense - Town	8030-3100	\$ 7,000.00
Operation/Maintenance/Etc.	8030-7300	\$ 15,000.00
Sundry	8030-8501	\$ 1,000.00
Subtotal		\$ 23,000.00
<b><u>Capital Improvements</u></b>		

Long Term Replacement Reserve	8090-9125	\$ 16,935.00
CMH Replacement Project	8090-9126	\$ 200,000.00
Subtotal		\$ 216,935.00
<b>Total Fund 30</b>		<b>\$ 275,451.00</b>
<b>Fund 40 - Mosquito Control</b>		
<b><u>Salaries</u></b>		
Salaries	8510-1001	\$ 47,477.00
Overtime	8510-1003	\$ 377.00
Subtotal		\$ 47,854.00
<b><u>Benefits</u></b>		
Social Security	8520-2001	\$ 3,661.00
Hospitalization	8520-2101	\$ 1,217.00
Retirement	8520-2201	\$ 513.00
Life Insurance	8520-2202	\$ 38.00
Subtotal		\$ 5,429.00
<b><u>Expenses</u></b>		
Insurance	8530-3401	\$ 8,100.00
Office Supplies	8530-4401	\$ 200.00
Gasoline	8530-4701	\$ 2,875.00
Tools & Small Equipment	8530-4704	\$ 1,000.00
Chemicals	8530-4705	\$ 30,501.00
Contract Spraying	8530-4706	\$ 23,000.00
Travel/Training/Conference	8530-4801	\$ 300.00
Uniforms	8530-5202	\$ 500.00
Telephone/Pagers/Other	8530-6204	\$ 400.00
Advertising	8530-7101	\$ 1,000.00
Equipment Repairs/Maintenance	8530-7302	\$ 1,000.00
Safety Equipment	8530-7303	\$ 400.00
Vehicle Maintenance	8530-7304	\$ 1,000.00
Sundry	8530-8501	\$ 200.00
Rent (11 of 15)	8530-8551	\$ 5,000.00
Equipment Expense to Fund 10	8530-8800	\$ 1,000.00
Reimbursement to Fund 10	8530-8900	\$ 4,000.00
Subtotal		\$ 80,476.00

<b><u>Capital Improvements</u></b>		
Fogging Pickup	8590-9123	\$ 13,000.00
Equipment	8590-9124	\$ 5,000.00
Drainage	8590-9125	\$ 15,000.00
Tractor Mower	8590-9126	\$ 35,000.00
Subtotal		\$ 68,000.00
<b>Total Fund 40</b>		<b>\$ 201,759.00</b>
Fund 70 - Trolley		
<b><u>Salaries</u></b>		
Salaries	3010-0100	\$ 33,000.00
Subtotal		\$ 33,000.00
<b><u>Benefits</u></b>		
Social Security	3020-2001	\$ 2,500.00
Subtotal		\$ 2,500.00
<b><u>Expenses</u></b>		
Insurance & Bonding	3030-3401	\$ 3,000.00
Signs/Printing/Advertising	3030-4402	\$ 5,000.00
Fuel	3030-4701	\$ 7,000.00
Equipment Repairs/Maintenance	3030-7302	\$ 7,000.00
Other Expenses	3030-8501	\$ 6,000.00
Rent	3030-8505	\$ 12,000.00
Subtotal		\$ 40,000.00
<b><u>Capital Improvements</u></b>		
Capital Expenditures	3090-9100	\$ 15,000.00
Subtotal		\$ 15,000.00
<b>Total Fund 70</b>		<b>\$ 90,500.00</b>
Fund 80 - Water		
<b><u>Salaries</u></b>		
Salaries	6210-1001	\$ 191,102.00

Overtime	6210-1003	\$ 3,000.00
Pump Duty	6210-1004	\$ 9,750.00
Subtotal		\$ 203,852.00
<b><u>Benefits</u></b>		
Social Security	6220-2001	\$ 15,596.00
Hospitalization	6220-2101	\$ 27,425.00
Retirement	6220-2201	\$ 12,704.00
Life Insurance	6220-2202	\$ 935.00
Subtotal		\$ 56,660.00
<b><u>Expenses</u></b>		
Bank Charges	6230-3100	\$ 6,700.00
Office Supplies/Equipment Maintenance	6230-4401	\$ 3,500.00
Postage	6230-4403	\$ 2,650.00
Gasoline & Diesel	6230-4701	\$ 2,350.00
Tools	6230-4704	\$ 500.00
Chemicals	6230-4705	\$ 6,300.00
Travel & Training	6230-4801	\$ 2,000.00
Uniforms	6230-5202	\$ 1,200.00
Dues/Licenses	6230-6101	\$ 800.00
Building Maintenance/Rehab	6230-7301	\$ 3,000.00
Equipment Repairs	6230-7302	\$ 750.00
Safety	6230-7303	\$ 500.00
Vehicle Maintenance	6230-7304	\$ 500.00
Raw Water Purchase (NASA)	6230-7400	\$ 1,000.00
Electricity	6230-7401	\$ 46,000.00
LP Gas	6230-7402	\$ 300.00
Distribution & Repairs	6230-8101	\$ 20,000.00
Supply Repairs	6230-8103	\$ 15,000.00
Pager/Well Monitoring	6230-8202	\$ 500.00
Miss Utility	6230-8204	\$ 700.00
Sundry	6230-8501	\$ 200.00
Reimbursement to Fund 10	6230-8601	\$ 123,720.00
Regulation Compliance	6230-8750	\$ 1,500.00
State Groundwater Permits	6230-8770	\$ 6,050.00
Equipment Expense to Fund 10	6230-8800	\$ 3,500.00
Subtotal		\$ 249,220.00

<b><u>Capital Improvements</u></b>		
Water Main Extensions	6290-9101	\$ 30,000.00
Aquifer Test Plan	6290-9201	\$ 8,000.00
Water Bond - Supply Line Main Street	6290-9505	\$ 123,871.00
Water Bonds	6290-9506	\$ 242,000.00
Generator for Water Wells	6290-9601	\$ 20,000.00
Church Street Water Line Replacement	6290-9602	\$ 60,000.00
Subtotal		\$ 483,871.00
<b>Total Fund 80</b>		<b>\$ 993,603.00</b>
<b>TOTAL ALL FUNDS</b>		<b>\$6,006,193.00</b>

The following tax rates were approved for the current tax year within this budget:

Real Estate Tax Levy	\$0.10 per \$100 of assessed valuation
Mosquito Control Levy	\$0.03 per \$100 of assessed valuation
Tangible Property	\$0.85 per \$100 of assessed valuation
Excise Tax (Meals)	4%
Excise Tax (Transient Occupancy)	3%
Personal Property Tax Relief	61%
Motor Vehicle Decal Fee	\$27

### **FISCAL YEAR 2008**

#### **Curtis Merritt Harbor Rate Schedule**

25 ft Slip \$369.00

30 ft Slip \$417.00

40 ft Slip \$628.00

50 ft Slip \$914.00

Slip at head of Collector Pier \$1004.00

Loading Dock fees are \$7.30 per day after 4 hours. 30 days \$219.00

Sublease rate for Commercial Vessels: \$3.65 per day or any portion of a day. 30 days. \$109.50

Sublease rate for recreational vessels: \$5.20 per day or any portion of a day. 30 days \$156.00

Nets or other items left on dockside for storage over 3 days will be \$10.40 per day.

Boat repair area for Harbor Lessee is \$10.40 per day after 7 days per season haul out.

For Non Harbor Lessee there will be \$10.40 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.

### **GENERAL GOVERNMENT**

#### **Building and Zoning Permit Fees**

<b>Category</b>	<b>FY 08</b>
Res. New Construction: per sq ft	\$0.18
Res. New Const.: minimum fee	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00
Comm. New Construction: per sq ft	\$0.23
[plus \$5 per plumbing fixture (Chinco)]	
Comm. New Constr.: minimum fee	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00
Mobile Homes: per sq ft	\$0.18
Demolition of Structure: Residential	\$30.00
Demolition of Structure: Commercial	\$30.00
Removal/Installation fuel tanks:	
1000-3000 gallon capacity	\$115.00
Each additional 1000 gallon capacity	\$25.00
Installation of radio or communication tower:	
Up to 100 feet	\$115.00
Each additional 100 feet	\$45.00
Docks, Piers, Bulkheads:	
Up to 300 linear feet	\$90.00
Each additional 100 linear feet	\$11.00
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
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	\$0.02
Refunds: (% of amount paid)	
Permit issued, no inspections	\$0.75
Foundation inspection completed	\$0.75
Framing & foundation inspection completed	\$0.25

### **Building and Zoning Permit Fees**

#### 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 clearance (excludes re-roofing permits, renovation permits or permits issued in incorporated towns)	\$35.00
Special use permit	\$450.00
Conditional use permit	\$1,500.00
Variance application	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00
Appeal decision of Zoning Administrator	\$250.00
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 (set-back verification or subdivision)	\$100.00
Administrative waiver or modification of the C.B. Preservation District Requirement	\$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 40 square feet	\$45.00
Each sq ft in excess of 40 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
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#### 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	\$0.50
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

#### **Building and Zoning Permit Fees**

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 ( \$.10/100)	\$0.10
Mosquito Tax ( \$.03/100)	\$0.03
Tangible Property Tax ( \$/100)	\$0.85
Tangible Property Tax Relief (percent)	61%
Excise Tax; Meals (percent)	4%
Excise Tax; Transient Occupancy Tax (percent)	3%
Vehicle Decals (annual)	\$27.00
Road Subdivision Review Fee	\$250.00
Side Walk Administrative Fee (Percent)	25%
Solid Waste Collection Fee (Residential per week)	\$1.00
Solid Waste Collection Fee (Commercial/Business per week)	\$1.00

### **WATER RATES, CHARGES AND BILLING FOR FY 08**

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	\$21 residential	6,000	\$3.65
	\$36 commercial	6,000	\$3.98
1	\$91	15,000	\$3.98
1.5	\$181	30,000	\$3.98

2	\$289	48,000	\$3.98
3	\$577	96,000	\$3.98
4*	\$902	150,000	\$3.98
6	\$1803	300,000	\$3.98
8	\$2884.00	480,000	\$3.98

\*One meter currently in the system is to be charged \$5.09 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:

\$567 for a 5/8" or 3/4" Meter connecting pipe

\$1,030.00 for a 1" connecting pipe

\$1,391 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 \$3,708 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 shall be charged a fee of \$50.00.
- A change of ownership fee of \$50.00
- A twenty-five percent administrative fee will be applied to all Water main extensions, by the Town

### **Water bill adjustments**

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

### **3. Resolution – LEO Program.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following resolution on the Law Enforcement Officers Program. The motion was unanimously approved.

#### RESOLUTION Town of Chincoteague - Law Enforcement Officers Already in VRS

Be it hereby resolved that the Town of Chincoteague, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council, does hereby elect to have such employees of the Town who are employed in positions as full time salaried Law Enforcement Officers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2007, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the Town agrees to pay the employer cost for providing such employees such benefits.

Be it further resolved that Robert G. Ritter, Jr., Town Manager, and Karen Hipple, be and they are hereby authorized and directed in the name of the Town to execute any required contract in order that the above described employees of the Town may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the Town shall be affixed and attested by the Town Manager and, said officers of the Town are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the Town be and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the Town and its employees for this purpose.

#### CERTIFICATE

I, Robert G. Ritter Jr., Town Manager of the Town of Chincoteague, Virginia, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized

meeting of the Town Council held in the Council Chambers, 6150 Community Drive, Chincoteague Island, Virginia, at 7:30 o'clock p.m. on June 21, 2007. Given under my hand and seal of the Town of Chincoteague this 21<sup>st</sup> day of June, 2007.

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Robert G. Ritter Jr., Town Manager

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John H. Tarr, Mayor

#### **4. *Department of Motor Vehicle (Select) Contract Renewal.***

Town Manager Ritter explained that a letter was sent to the DMV Commissioner requesting a change in the local DMV office hours and an increase in the percentage of compensation. He further explained the burden of work on the staff with the recent increase in daily DMV transactions, as well as the additional fees for required equipment purchases that would have to be absorbed by the Town should the Town renew the DMV contract for FY '08. Town Manager Ritter stated that he recently received a response letter denying the Town's requests.

Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to not renew the DMV contract for fiscal year 2008 and to discontinue service for the local DMV Select office effective June 30, 2007. The motion was unanimously approved.

#### **5. *Mayor and Council Announcements or Comments.***

- Councilwoman Richardson announced that the Planning Commission will meet on June 26 at 7:00 pm.
- Mayor Tarr announced that there will be a joint Council and Planning Commission Workshop with Redman/Johnston on June 28 at 7:30 pm.
- Councilman Ross commented that there are 30" drops off of the bike path along Deep Hole Road and asked that the matter be placed on the next Public Works Committee meeting for consideration. Councilman Wolffe responded that the situation can be resolved by Public Works Director Cosby and staff prior to discussing it at a committee meeting.
- Councilman Howard reiterated that the 18 ½" flounder regulations have made a major impact on the local economy. Mayor Tarr responded that the Town has already begun to discuss next year's flounder regulation options. Councilman Howard also mentioned that there used to be a memorial in front of the old police station that honored officers wounded in the line of duty. He asked if the memorial could be found and put back up where it could easily be seen.

#### **6. *Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia for Discussion of Possible Land Acquisition.***

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss possible land acquisition. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt a resolution of certification of the closed meeting.

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

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law; NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Howard, Richardson, Ross, Speidel, Wolffe  
Nays- None  
Absent- None

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on July 2, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JULY 2, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:34 p.m.

## ***Invocation***

Councilman Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation.***

- Susan Crystal of VIP Island Rentals voiced concerns about the implementation of the transient occupancy tax increase. She stated that they collect full payment 30 days in advance and that the vacationers will be upset with them if they are asked to pay an additional amount.
- Jerry Prewitt of 1848 Island Manor House, bed and breakfast, voiced concerns about how their guests use credit cards to confirm reservations and that they give written quotes on the cost. He did not have a problem with the increased tax, but with the timing of it.
- Tom Derrickson of Hampton Inn Suites expressed concerns with Pony Penning week. They have a contract with customers months in advance, for room reservations during that week and the amount of the room including tax are stated in the contract. He mentioned that this would be the only impact to Hampton Inn, but did not have any concerns with the increase of the one percent transient occupancy tax.

## ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of the Minutes of the June 4 and 21, 2007 Council Meetings.***

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes of June 4 and 21, 2007, as presented. The motion was unanimously approved.

### ***2. Harbor Committee Report of June 13, 2007.***

Councilman Howard presented the following report:

#### ***a. Harbor Master Update (Wayne Merritt).***

- Harbor Master Merritt reported that subleasing has decreased. The largest complaint is due to the minimum fish size regulations. Councilman Howard stated that Council thought the fishing regulations may have a big effect on the Island's economy which seems to be what is happening. Harbor Master Merritt mentioned that the flounder size regulations are 14½ inches in North Carolina and 15½ inches in Maryland.
- Harbor Master Merritt reported that the Coast Guard will be dredging out their facilities (basin) on August 15<sup>th</sup> and the Town has agreed to allow the Coast guard to dump the spoils at the spoil site. The Army Corps of Engineers has been performing some work to get the berm up to standards. He added that the Harbor will not be dredged this year.

- Harbor Master Merritt expressed concern with the floating dock, one side of the dock is for handicapped people and the other side is for loading and unloading. He explained that boats with non-handicapped passengers are tying up to the handicapped side of the floating dock. Harbor Master Merritt added that there are more elderly citizens that need the floating dock in order to board boats. He requested that the Committee consider installing another floating dock to be used strictly for loading and unloading people. This will keep the existing floating dock for its intended purpose, handicapped patrons. The Committee agreed to research the matter and report at their next meeting.

b. Restroom Update.

Harbor Master Merritt stated that the Harbor restrooms and the Town showers have been advertised twice. Bids are due for the second advertisement on June 19<sup>th</sup>.

c. Committee Member Comments.

Councilman Ross asked how to obtain a slip when one becomes available. Harbor Master Merritt explained the wait list and the priorities of the waitlist as stated in the ordinance.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the Harbor Report of June 13, 2007, as presented. The motion was unanimously approved.

### **3. THE PUBLIC WORKS COMMITTEE REPORT OF JUNE 18, 2007.**

Councilman Wolffe presented the following report:

a. May 2007 Report.

Public Works Director Cosby answered questions regarding mosquito aerial spraying and the aquifer test. The aquifer test will need to be conducted again in the winter.

b. Roads, Drainage and Sidewalk Projects.

Public Works Director Cosby reported that the Mumford Street paving project has been completed and the Taylor Street paving project is scheduled to begin the week of June 18<sup>th</sup>. The Committee discussed plan for Hallie Whealton Smith Drive. Public Works Director Cosby agreed to work on the plans for this project in the fall.

c. Deer Depopulation Program Summary.

The deer depopulation report was discussed and overall the Committee was pleased with the program, but asked that the program start on time next year. Public Works Director Cosby suggested that we consider reducing the locations for next year.

d. Solid Waste Center Operations.

The operating procedures for the Solid Waste Center were reviewed with the addition of the compactor. The Committee requested Public Works Director Cosby research possible extension of the hours to 6 p.m.

d. Captain's Cove Groundwater Permit Application.

Public Works Director Cosby asked for questions on the Captain's Cove permit application. Mayor Tarr asked about their required aquifer test. Public Works Director Cosby agreed to obtain a copy of their test.

e. Committee Member Comments – Councilman Wolffe cancelled the July meeting.



Councilwoman Conklin motioned, seconded by Vice Mayor Speidel to approve the Public Works Report of June 13, 2007, as presented. The motion was unanimously approved.

#### **4. ACCOMACK COUNTY BOARD OF SUPERVISORS' UPDATE**

The following items were presented by the Islands District Supervisor, the Honorable Wanda Thornton:

- a. Supervisor Thornton announced a dredging workshop has been scheduled for 9 am, July 10, 2007, Congresswoman Drake will be attending. The meeting's focus will be dredging and funding of shallow passage-ways.
- b. Supervisor Thornton stated she was trying to arrange a workshop on August 13, 2007 with Mr. Don Alexander, who is a director of all onsite wastewater company. The workshop focus would be the new groundwater regulations.
- c. Supervisor Thornton has spoken with Mr. Brit MacMillan, a groundwater consultant with Malcolm Pirnie about conducting a workshop on a GIS groundwater.
- d. Supervisor Thornton is a member of the Eastern Shore Transportation Technical Advisory Committee. The Committee is currently working on a crash analysis of Route 13. The analysis is alarming and improvements to Route 13 are critical.
- e. The fishing regulations have seriously hurt the fishing industry Supervisor Thornton feels it is extremely important that we fight the fishing regulations next year.
- f. Mayor Tarr, Supervisor Thornton and local hunters met with the U.S. Fish and Wildlife concerning hunting on federal land. In the past, permission has been granted for a hunter to use a portion of the land and erect a blind. Now the government wants to allow public hunting without permit and any blind used would have to be erected and taken down daily. This would be detrimental to sport hunting as well as those that make their living from guiding hunting parties.
- g. A economics study was conducted on the Eastern Shore and showed 6.9% growth in the state with only 2.1% in Accomack County. Accomack is the 20<sup>th</sup> poorest County. The state's median household income is \$51,000 and Accomack County's is \$31,000.
- h. A DEQ study on ground surface water affected by concentrated animal feeding operations. A large concentration of animals or the spreading of animal waste as fertilizer creates runoff to the tributaries, which is significant in proportion.
- i. The public safety system strategic plan for fire and emergency medical protection includes Chincoteague in with the County. If you have not read the plan, please read the strategic plan section.

#### **5. Waste Water Report by Mr. David Rigby, Waste Water Management, Inc.**

Mr. David Rigby mentioned the following items in his presentation:

- a. Issues Associated with this Opportunity - Environmental Issues, do no new harm and improve the existing situation. Social Issues, people want to protect their way of life, and enhance commercial viability. Personal Impact, what is it going to cost me? Will I benefit? Will my life be better?
- b. Collection System Alternatives – i. Gravity Sewer to Main Pump Stations, **pros** - non-mechanical in nature and expansion capacity is not restricted, **cons** - results in deep excavation, interference with water and storm sewer lines and cost of repairing the streets may be the single most costly item. ii. Low Pressure Pumping, **pros** - shallow excavation

throughout, easily extended into un-sewered areas, connection locations can be flexible, less disturbance of streets, and vertical interference of water and storm sewers not a problems, **cons** - pumps require electricity from homeowners and perpetual repair and replacement, many easement required to avoid streets. **iii. Vacuum Sewers to Main Pump Stations**, **pros** - shallow excavation throughout, easily extended into un-sewered areas, connection locations can be flexible, less disturbance of streets and vertical interference of water and storm sewers not a problem, **cons** - installation techniques fairly sophisticated, vacuum valves require perpetual repair and replacement, and vacuum station and pump station necessary.

c. Centralize Treatment System - Island is very flat, pumping will be required regardless of plant location, Town owns property, and WWTP can be quite discrete

d. Eight Disposal Alternatives – **i. Connect to NASA for Treatment And Disposal**, **pros** - NASA has limited excess capacity and NASA has a VPDES permit, **cons** - NASA capacity is not permanent and decision will be made in DC, **opinion** - this is not a favorable option. **ii. Apply to Peninsula using Spray or RIBS**, **pros** - facility would be permitted by VDH and VPDES Permit not required, **cons** - requires a lot of pipe, lengthy investigation & permitting, will need to purchase land, 120 Days of storage required and intergovernmental coordination, **opinion** - this is not a favorable option. **iii. Apply to Assateague Island using Spray or RIBS**, **pros** - facility would be permitted by VDH, recharges shallow aquifer and maintains freshwater wetlands, **cons** - will need to get permission from the FEDS requires extensive biological monitoring, application ability NOT permanent, and additional supporting options must be available. **opinion** - This is not a proffered option. **vi. REUSE Water for Irrigation/Secondary Uses**, **pros** - irrigation uses most necessary during hot weather during period of high flow and reduces consumption of potable water, **cons** - VADEQ reuse regulations are not yet formalized and might require cold weather storage, **opinion** - this alternative may work for part of the year along with other options. **v. Treat and Dispose 3-Miles off Shore**, **pros** - DEQ and VDH are in Favor of this option, **cons** - extremely costly option to construct, O&M expensive and subject to wave and storm damage, **opinion** - this is not a feasible options. **vi. Treat and Discharge to Fowling Gut**, **pros** - Fowling Gut provides storage up to 36 million gallons of storage, **cons** - possible public perception issues, required VPDES permit, has limited capacity of approximately 1.0 MGD **opinion** - this is considered a favorable option, appears to be easiest permitting option, receiving capacity based on VDH 24 day retention time, 1,000,000 gallons per day may be possible depending on storm surge analysis, 200,000 gallons per day initial permitting for “tiered” approach would allow project to “get started” while deep well injection is studied. **vii. Discharge to Chincoteague Bay**, **pros** - very cost effective, **cons** - DEQ and VDH say ‘NO WAY!’ and public perception may be an issue, **opinion** - not acceptable. **viii. Deep Well Injection**, **pros** - DEQ favors this option if sewage is treated, reclaimed fresh water aquifer, deters salt water intrusion, permit issued by EPA, **cons** - requires extensive hydro geological studies and it may be necessary to go quite deep, **opinion** - we believe this is an attractive opportunity and should be further analyzed

e. Measured Steps – **i. Collection** - divide town into many small projects and development based on need and desire, commercial areas first, construct only during off season, connect NASA to the island system for continuous flow of sewage and cash. **ii.**

Treatment - modular plant and build capacity as needed. **iii. Disposal** - Fowling Gut, Deep Well Injection or Reuse, **opinion** - pay as you go and address critical areas first.

f. How Will We Pay for the Construction? Some of the possibilities are cash, grants, loans, hotel surcharges, visitor fees, user charges, EZ PASS, boat fees, hook up fees (existing \$2,000), hook up fees (new \$12,000), real-estate assessments, public private partnership

g. How Will We Pay for Operations? Some of the possibilities are high monthly rate versus high water use rates, hotel surcharges, visitor fees, boat fees, NASA connection

h. Community Outreach - Community Education & Outreach, Environmental Issues, current system isn't working, Social Issues, don't want Ocean City south, Enforce and rely on comprehensive plan, Personal Effect, and lastly what are the costs?

## **6. *Donation Request for the Youth Football League***

Councilwoman Conklin made a motion, seconded by Councilman Howard to donate two hundred fifty dollars to the youth football league. Councilman Wolffe mentioned that because the initial costs of the Youth football league were around nine thousand dollars he would like to increase the amount by an additional two hundred fifty dollars for a total of five hundred dollar donation. Councilman Wolffe then motioned to amend the original motion seconded by Councilman Howard, the motion was unanimously amended. The motion was unanimously approved on the original motion including the amendment.

## **7. *Transient Occupancy Increase Implementation***

Councilman Ross made a motion seconded by Councilman Howard that the lodging establishments honor their commitments to their customers with the 2 percent transient occupancy tax, 3 percent would pertain to any new customer or new reservation. Any lodging after July 31, 2007 will be required to be tax the full 3 percent with no exceptions. The portion granted to the Civic Center 17 percent should be adjusted within the guidelines of the Town Manager and the whole process contingent upon legal counsel review. The motion was unanimously approved.

## **8. *Mayor and Council Announcements or Comments.***

- Councilman Ross commented on the T-shirt factory at the entrance of Chincoteague has a T-Shirt that states "Surf Naked". He does not believe this is the message we want visitors to see in any store front and would like to see the T-shirt relocated in the store
- Councilwoman Conklin mentioned that the Chincoteague Beacon has mentioned twice now that we have raised the meals tax. She wants the Beacon to understand that this is not true, that meals tax will remain the same rate.

## **10. *Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia for Discussion of Personnel Matters and Special Awards (Scholarship).***

Councilman Howard motioned, seconded by Councilman Wolffe, to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss land acquisition. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Conklin, to reconvene in regular session. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, 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- Conklin, Howard, Richardson, Ross, Speidel, Wolffe

Nays- None

Absent- None

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on August 6, 2007 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE August 6, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor

Anita Speidel, Vice Mayor

Nancy B. Conklin, Councilwoman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

E. David Ross, Councilman

Glenn B. Wolffe, Councilman

## ***Call to Order***

Mayor Tarr called the meeting to order at 7:35 p.m.

## ***Invocation***

Councilman Ross offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation.***

- Mr. John Howard came before Council to discuss A & N Electric franchising. He has concerns about being tied down to one company for a very long time. He stated that if one wire is down on the island then they shut down power to the entire island, his concerns are over the large amount of people that are bed-ridden. He would recommend that the town ask for things that might be needed before they sign any contracts.

## ***Agenda Additions/Deletions and Adoption***

Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of the Minutes of the June 28, 2007 Special Council Meeting, and the July 2, 2007 Council Meeting.***

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes of June 28 and July 2, 2007, with an amendment on page 6 of agenda packet, number 3 Public Works Committee, change "Councilman Howard presented" to "Councilman Wolffe presented." The motion was unanimously approved.

### ***2. Safety & Transportation Committee Report of July 2, 2007.***

Mayor Tarr presented the following report to Council on the Safety & Transportation Committee meeting of July, 2, 2007:

#### ***A. Emergency Management Report***

i. Fireworks 2007 – Mr. Rush stated that we have just received conformation for the bus drivers. Little change with the bus route has occurred this year for the buses and the trolleys. We had a problem on Jester St. last year; to eliminate some confusion we have changed the routes slightly to accommodate the situation. Mr. Holland was okay to use the parking lot at the school, so we will use that parking lot. Public works will install two portable toilets at the school for the event. The Chamber has printed color copies of the hand out material for the various lodging agencies campgrounds which explained the bus and trolley routes for that evening.

ii. Bridge Closure Policy – Mr. Rush stated that the Hon Wanda Thornton had gotten in touch with her on the issue of emergency type situations which may occur and that we should be prepared. She suggested a plan put together in writing (MOU) with the Coast Guard to have ambulance on the other side of the bridge for such emergencies.

iii. Communications – Mr. Rush stated that all-hazards approach information document was mailed to citizens. The document was included with the annual mail out on the drinking water quality mail out. Mr. Rush also stated that the voice over testing with charter cable was tested on June 1, 2007. The system failed. Charter was notified and has since fixed the system. The system was tested again on June 19, 2007 and the system is now fully functional.

iv. Reporting - The Local Capability Assessment Report (LCAR) for 2007 was sent to the Department of Emergency Management on June 15, 2007. This annual reporting tool is used to justify Grant requests for the state in order to meet the objectives of the assessment.

v. Training - A Citizens Emergency Response Team (CERT) flyer was put in the local newspapers to see if there would be enough citizen interest to hold a class on Chincoteague. Only two individuals expressed interest and they were employees. Bryan Rush stated he will be teaching a fully state funded Emergency Medical Technician (EMT) class at the Chincoteague Fire Station beginning August 12, 2007. Class will meet Sundays, Tuesdays and Thursdays until early January 2008.

vi. EMS Staffing - Applications have been received. Interviews are scheduled for July 9<sup>th</sup>

vii. Information (Fire / EMS Study by the County) - The Accomack County Board of Supervisors approved the monies for a Fire and EMS study for budget FY 07. The study has been completed and is now ready for viewing. The study can be viewed at [www.acdps.net](http://www.acdps.net).

The study suggests the Town of Chincoteague to hand over their three EMS employees to the County Department of Public Safety, to better streamline the county. It also suggests that the county charge a fire/EMS tax for Chincoteague. This tax revenue would be placed in the county's funds.

Also, the suggestion is for a countywide fire chief and that all companies turn their EMS billing money over to the county for services.

The Accomack County Fire Commission will hear a presentation from All Hands Consulting sometime in July. The Accomack County Board of Supervisors will hear a presentation from All Hands Consulting on August 6, 2007 about the suggestions.

viii. Bike Path Safety – Mr. Rush stated that he was informed by Councilman Ross about the drain across the street along Deep Hole Road has a large drop-off and some type of barrier would suffice. The Mayor mentioned that Mr. Cosby is taking care of the situation. Councilman Ross made a comment that he would like to see a barrier similar to the barrier that the Assateague Park has along beach road near the pony pin.

B. Proposed lighting for the Chincoteague new Draw Bridge, starting from Maddox Blvd to where the old section of the causeway ends, including the spur to Marsh Island.

Mr. Ritter reported that on Tuesday June 12, 2007, American Bridge Company had a construction leadership meeting. He statement that the bridge would be safer if we had lighting on the new bridge. The bridge will be equipped with conduit and piers for the light poles. He understood that the engineer took out the lighting portion of the bridge due to cutting cost in order to have the bridge price come in close to budget. The lighting could be on every pier that they currently have on the project with light poles similar to the Robert Reed Park. He made the statement that we would be willing to take over the O

& M of the lights, after the bridge has been turned over to VDOT or after the ribbon cutting ceremony.

Mr. Ritter also stated that he discussed this with the Police Chief and the EMS Director about being a safety issue and they agreed that we should have lighting on the Bridge. The Committee all agreed that lighting is a safety issue. Mayor Tarr requested that when this goes before council that we have more information on the type of lights that we are requesting.

Councilman Wolffe made a motion seconded by Mayor Tarr to recommend to Council that we request VDOT to include in the Bridge project the proper street lighting from Maddox Blvd and Main to where the old section of the causeway ends and new begins, including the new spur to Marsh Island.” The motion was unanimous.

### 3. Committee Member Comments

- Mr. Rush thanked Mr. Jester for all of his efforts and help with the EOP.
- Mr. Jester recommended that local churches have teams that are trained to respond to a severe storm or emergency situation. He also recommended that the Town develop an Emergency Equipment budget for each department.

Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the Safety Advisory Committee Report of July 2, 2007, as presented. The motion was unanimously approved.

Town Manager Ritter presented the following report regarding the lighting of the new bridge from the Safety Advisory Committee:

Mr. Ritter talked to numerous people including the Police Chief and EMS supervisor, most people stated that for safety reasons lights on the bridge should be a priority. The type of lights the town is looking at are the same lights that are used at the downtown park and they are designed not to shed light into the night sky.

The lights were originally supposed to be constructed with the bridge but were later dropped for fear of going over-budget. VDOT did however decide to include the conduit and pedestals in the current project. Since the project is now projected to be completed under-budget staff would like to ask VDOT to again include the light fixtures in the project.

Councilman Wolffe motioned, seconded by Councilman Howard to allow the Town Manager to write a letter requesting the lights be added to current construction. The motion was unanimously approved.

### **3. *The Cemetery Committee Report of July 24, 2007***

Councilman Howard presented the following report:

- a. There was a section of Bunting Cemetery that needed to be cleaned before Pony Penning, so the committee contracted Mr. Richard Taylor to clean the cemetery

for \$75.00; also Greenwood and Mechanics Cemeteries have been cleaned recently.

- b. There is also a section of Christ Union Baptist Cemetery on Willow Street that may need some maintenance sometime this fall, the committee will get together and ride to the cemetery to look at its condition in the following weeks.
- c. The committee has been notified by a citizen that there is a headstone and footstone that was exhumed during construction of a project near the corner of Hallie Whealton Smith Road and Main Street. It is apparently a child's grave that is over 100 years old. The general consensus of the committee was to relocate the headstone and footstone over to Holy Ridge Cemetery.
- d. The committee currently has \$1,800 still left in the fund.
- e. Next meeting is scheduled for Tuesday, September 25, 2007 at 5:30 p.m.

Councilwoman Richardson motioned, seconded by Vice Mayor Speidel to approve the Cemetery Committee Report of July 24, 2007, as presented. The motion was unanimously approved.

#### **4. *Bid Award for the Harbor Office & Restrooms***

On August 1, 2007 one bid was received for the construction of the Curtis Merritt Harbor office/restroom building and the addition of shower facilities at the downtown restrooms. Rocky Hill Contracting, Inc. of Kenbridge, VA was the only bidder. This is the third time this project has been put out to bid. The total cost from the bid was \$156,095.

Councilman Wolffe asked if the town has received any references on prior projects by this contractor. Councilwoman Conklin stated they did the Catholic Church addition on Church Street, and work with NASA on many projects.

There was a motion by Councilman Howard, seconded by Councilman Wolffe to award the contract to Rocky Hill Contracting for the proposed projects at the Harbor and Downtown restrooms. Unanimously approved.

#### **5. *Possible Zoning Changes to Condominiums, Townhouses, and Multi-family Dwellings in C-1 and C-2 Districts***

The issue has already been seen by the Planning Commission, and they have given the Town Council their recommendations for a motion. The Town Council has decided to send the issue to public hearing for comments and concerns with both alternatives for area and setback requirements.

There was a motion by Councilman Wolffe, seconded by Councilman Howard to set a public hearing for September 4, 2007 for the proposed change in the zoning ordinance for condominiums, townhouses, and multi-family dwellings in C-1 and C-2 Districts, pursuant to sec. §15.2-2204 of the Code of Virginia". The motion was unanimously approved.



## **6. *House Demolition Request, Regarding an Unsafe Structure***

Mr. Ritter commented that there is a structure located at 5289 Main Street that staff feels is unsafe. Mr. Ritter presented pictures taken at the property to show to Council. Under the Town Code there is a provision where the Town can take action to rectify a structure that is deemed unsafe. There must be notification in a circulating newspaper for two consecutive weeks and there must have been notification by certified mail to the property owner regarding the unsafe structure. The town must also wait 30 days after notice to take any action. Staff is coming before Council to make sure it is alright to proceed with necessary actions. Councilman Howard asked how long there has been dialogue between the Town and the property owner, Mr. Ritter stated that it has been over a year and the property owner has taken no action to date.

There was a motion by Councilwoman Conklin, seconded by Vice Mayor Speidel to allow staff to advertise for bids to remove the unsafe structure located at 5289 Main Street and take the proper action toward recouping the demolition and removal costs. The motion was unanimously approved.

## **7. *Possible Zoning Change to the Road Subdivision Ordinance***

The issue of amending the roads subdivision ordinance has already been sent to the Planning Commission for comments and recommendations. The Council received those comments and recommendations and subsequently gave it to the Town's Attorney for review. The Town's attorney with staff has come up with recommendations for Council.

One of the main reasons this issue has come before Council is because of the unclear definition of a "road." There was some uncertainty of where a road ends and a parking lot especially for Condominiums, Townhouses, and Multi-family dwellings begins. Councilman Ross questions if an aisle for a parking lot is considered a road. Mr. Poulson stated that aisles should not be considered roads. Councilman Wolffe has concerns over ingress/egress areas and how they may need to be better defined. At what point is it road and at what point does it become a parking lot.

Mr. Poulson stated that a developer cannot just connect with an existing road without someone else's authorization (i.e. VDOT, Town of Chincoteague).

Councilman Wolffe commented that many people come to Council complaining about lack of maintenance on some of the private roads on the island. The reason the town cannot do anything about some of the roads are that they were developed before the Town annexed that particular area.

The proposed ordinance would allow private roads, but requires the developer or an association of owners maintain the roads as an agreement of getting the road to be private.

Mr. Poulson stated that if a developer designs roads to state specs it often drives up not only the construction costs but also the costs of the housing and may make properties

unaffordable to people, which is one reason the town is proposing smaller minimum widths for private roads.

It was mentioned that the Planning Commission addressed parking lots, aisles, and marinas; they were not addressed by the Town Attorney but will instead be addressed separately because they are a different issue and also so staff can properly review those items.

There was a motion by Councilman Wolffe, seconded by Councilman Howard to send staff's recommended changes to the Land Subdivision and Development Ordinance to public hearing as presented with the addition of a number thirteen on page 45 of 86 of the agenda packet which states "The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on a sound engineering basis". The motion was unanimously approved.

## **8. *Conditional Use Permit Application, Ms. Christine Schreibstein***

There was a public hearing with the Planning Commission regarding a conditional use application for Ms. Christine Schreibstein. After proper notice and public hearing the planning commission made a recommendation to Council to approve the application.

Councilman Ross asked Mr. Anderson if the issue of parking came up in the discussion with the Planning Commission. Mr. Anderson stated that the issue of parking was addressed to some degree, but there was confusion on whether it should be addressed now or through the BZA. Councilman Ross has concerns about putting a commercial use in an R-2 district, also he does not want to see more congestion and traffic in residential areas. Mr. Anderson stated that currently there are three off-street parking spaces.

Councilman Wolffe asked why this use falls within the conditional use process. The reason is because complimentary medicine is not delineated as a type of business in the ordinance.

Councilman Howard stated that the Council might be setting a dangerous precedent by allowing the applicant to pick up customers and thus negate the need for parking spaces at the property.

Mr. Poulson stated that even if the use was acceptable by Council, to be permitted in R-2 the applicant should still be able to comply with the parking requirements of the zoning ordinance. Councilman Howard asked if the reason this issue is before Council tonight was to decide if it should go to public hearing or not. That is the reason; however Mr. Poulson advised that it might be better if staff collects more information before sending it to public hearing. It would also be advantageous to ask Mr. Kenny Lewis to come before council and explain the situation as he understands it. Mr. Poulson cited Article IX, Section 9.3, (2), (g) as giving discretion to the Council to allow certain conditions that diverge from the Zoning Ordinance.

There was a lengthy discussion as to whether the applicant was applying for a Home Occupation or a Business License. More information would be needed to make that determination. Mr. Anderson did state that at the planning commission public hearing the applicant stated to the commission that she did not profess to be a physician, but rather the most appropriate term to describe the uses she is applying for is “complementary therapy.”

Another thing to consider is the fact that the applicant already has a business license for a vacation rental property at the residence.

Council members wanted to suspend discussion on this issue until staff can come back with additional information.

## **9. *Comprehensive Plan Focus Groups***

One of the main ideas to come out of the June 28, 2007 joint Council/ Planning Commission meeting with our consultant Pete Johnston was the idea of conducting stakeholder meetings. The idea for bringing this before Council was to get the go ahead to plan and coordinate for these stakeholder meetings.

The idea was to have several meetings on one day in the conference room or council chambers. Ideally there would be approximately 10 individuals in each session so as to get individual input.

There are concerns that there will be many people that want to participate and that keeping the groups small will be hard. Mr. Anderson stated that these meetings will not be closed so that even if a person or organization was not specifically invited they would still be allowed to participate. If staff feels there needs to be another day of holding stakeholder meetings then the consultant and staff will make accommodations for those people. The mayor stated that these meetings are only to get initial input from a small group before the consultant goes to public hearing.

Council has concerns over the date of August 29<sup>th</sup> they advised that it may be better to move the meeting(s) to the second or third week in September instead.

## **10. *Setting of Public Hearing for Lot Line Vacation***

Councilman Ross stated that this might be a unique situation because by dissolving this lot line it is adding land to a subdivision, in addition the two lots are in different zoning districts. Councilman Ross commented that the applicant should understand that when the lot line dissolves there will not be two zoning districts like there are currently and that the lot that was not in the subdivision will now be subject to any covenants or restrictions of the subdivision. There was a motion by Councilman Wolffe, seconded by Councilman Howard to send this issue to set a public hearing for September 4, 2007 for the proposed Ordinance for a lot line vacation. The motion was unanimously approved.

## **11. Mayor & Council Announcements or Comments**

- Mr. Ritter-asked if there was a need for the August recess session because there would be a light agenda and not enough time to properly advertise for the public hearings. Council decided to cancel the Council meeting for August 16, 2007.
- Vice Mayor Speidel- noticed that the downtown restrooms, and Memorial Park restrooms were not unlocked on Sundays, she asked Mr. Cosby if he could look into that.
- Councilwoman Conklin- asked if they could move the Budget and Personnel Committee meeting to August 28<sup>th</sup> at 5:30p.m. Council Agreed
- Councilman Howard- asked if the council would consider purchasing a plaque for the misplaced headstone and footstone of a child to describe why they were placed in Holy Ridge Cemetery.
- Mayor Tarr- wanted to remind people that Mr. Don Alexander from the Health Department would be holding a presentation at the Community Center at 7:00 p.m. August 13 to discuss new regulations regarding on-site sewerage among other things.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on Tuesday September 4, 2007 at 7:30 pm. Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **Regular Council Meeting** CHINCOTEAGUE TOWN COUNCIL

The Regular Council Meeting was held on September 4, 2007 at 7:30 p.m. with Mayor John H. Tarr presiding. Council members present were Ms. Anita Speidel (Vice Mayor), Ms. Nancy B. Conklin, Mr. Terry Howard, Ms. Ellen W. Richardson, Mr. David Ross, and Mr. Glenn B. Wolfe.

Council Staff members present were Police Chief Lewis, Mr. Ritter, Mr. Anderson, Mr. Cosby, and Town Solicitor Poulson.

## **Call to Order**

Mayor Tarr called the meeting to order at 7:35 p.m.

## **Invocation**

Councilman Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### ***Open Forum/Public Participation.***

- Mr. David W. Lewis came before Council to discuss concerns with the Trolley. He also had concerns about the new imposed trash fee and the rumor of the Town purchasing more property.
- Mr. Daniel Williams expressed concerns with the increase in the service fee for the water department to go out and shut off and/or turn on the water valve.
- Mr. Nick Grief expressed concerns that Council should not have created a trash fee but increased taxes to absorb the rising cost of trash. His main concern was that the tax could be a write-off and the trash fee was not.
- Ms. Tina Zoller also expressed concerns about the trash fee should have been an increase in taxes. She also would like to have a better recycle program and thought we had shortened the length of time for cardboard recycling. It was mentioned that the cardboard recycling program time duration was shorten a year ago to 3 months.

### ***Agenda Additions/Deletions and Adoption***

Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

#### ***1. Approval of the Minutes of the August 6, 2007 Council Meeting.***

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes of August 6, 2007. The motion was unanimously approved.

#### ***2. Public Hearing for Possible Zoning Changes to Condominiums, Townhouses, and Multi-family Dwellings in C-1, and C-2 Districts***

The Mayor began discussions by opening up the floor for public comment.

- Mr. Mike McGee is concerned because he has a townhouse project that he has invested a significant amount of money in. He is concerned about whether his project will be grandfathered.
- Mr. Donald Thornton is concerned that the Town's Planner does not have any experience with Virginia Law. Mr. Thornton asked the Council how conditional zoning will be a benefit to taxpayers, and citizens. Mr. Thornton stated that he would like to see more public participation over this issue. He commented that when a government entity downzones it impacts the value of the land and also the ability to borrow money using this land.
- Mr. Thomas Clark started by asking what is the real reason the Town is doing away with the Townhouse option? Mr. Anderson stated that there are two reasons he thought were important. The first being that it gives elected officials discretion for the well-being of the Town, the second reason being it can be used as a mechanism to protect all the commercially zoned parcels from becoming residential.
- Mr. Richard Conklin stated that for four or five years he has had to come to these meetings to defend his property rights. He asked Council to not downzone so that his property is worthless.

- Mr. Edward Tull who owns Inlet View Campground also wants to know if he will be grandfathered, and also believes in having property rights.

Mayor Tarr closed the public comment portion for this agenda item.

Councilwoman Conklin agreed with everyone who spoke, she feels the same way. We should promote landowners rights. In addition we should allow for our consultants to come and explain their proposals.

Councilwoman Richardson stated that we should slow things down and allow for the stakeholder meetings, she will not support this agenda item right now.

Councilman Howard feels that it is a good thing that more people are involved in Council meetings. The critical issue with this agenda item is the concept of private property rights.

Councilman Wolffe stated that when an individual buys in a commercial district there should not be a guaranteed right for residential use. He does not consider changing some residential uses from permitted by right to conditional use in a commercial district as down zoning. As a conditional use it allows the Town and the developers to work together to develop a plan that is in the best interest of both parties.

Councilman Wolffe makes a motion to change Townhouses, Multi-family dwellings, and Condominiums from permitted by right to conditional use in the C-1 and C-2 districts. The motion was seconded by Vice Mayor Speidel.

Before a vote there was discussion by Vice Mayor Speidel who indicated that they should try to protect the town and help in economic growth of the town and protecting the Commercial areas is one way of trying to bolster economic growth.

Councilman Ross stated that Council has not got to this position without a large amount of input. Theoretically we could lose all the commercial parcels to residential uses. People can say they do not want it to happen but there needs to be a mechanism to prevent it from happening. Councilman Ross is not willing to vote in favor of this item now because he is willing to give the process more time.

Mayor Tarr stated that for many citizens it was not the development that concerned them but it was the potential loss of infrastructure. The Mayor does not mind postponing action until after the stakeholder meetings have been completed.

Councilman Wolffe requested a withdrawal of his previous motion, with concurrence of Vice Mayor Speidel. Councilman Wolffe then set forth a motion to postpone this agenda item for a future date. Ayes- Wolffe, Speidel, Ross, Tarr Nays- Conklin, Richardson, Howard. Motion approved by a simple majority.

### **3. *Public Hearing for a Possible Zoning Change to the Road***

## ***Subdivision Ordinance***

Mayor Tarr allowed Mr. Poulson to give a brief summary of the issue for the benefit of the public. Council does not want to be in the business of maintaining driving and parking areas of Townhouses, Condominiums, and Multi-family dwellings.

Mayor Tarr then opened the floor up for public comment.

- Mrs. Mary Jester commented that the first paragraph of the proposed amendment to Sections 14.09 (a) and 15.05(a) are convoluted. She also states that in a major subdivision the roads should always be paved because of the volume of traffic.

Councilman Ross has concerns about leaving too much discretion to the Roads Engineer [Mr. Cosby]; it's not fair to leave all the decisions to him. Mr. Poulson stated that this proposal actually came from staff so they must have thought that they could handle the amount of work.

Councilman Wolffe is fine with this item as long as staff can look at addressing the composition as well as dimensional requirements for ingress/ egress as well as parking lots.

Councilman Wolffe made a motion, seconded by Councilman Howard to amend the Subdivision Ordinance as stated below. Ayes-Wolffe, Howard, Richardson, Speidel, Conklin Nays- Ross.

*2.02 Definitions.* For the purpose of this ordinance the following definitions shall apply:

*Right-of-way.* A strip of land dedicated or reserved for a road, crosswalk, sanitary or storm sewer, water main, drainage facility, public utilities, or other specific use to serve the lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on any plat. Any such right-of-way shall not be situated within the dimensions or area of any such platted lot, unless specifically permitted hereunder.

*Road.* Any public or private way set aside as a permanent right-of-way for vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term "road" shall not include, except as may be specifically required by the Virginia Department of Transportation's Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.

The term "road" shall include, for the purposes of this Ordinance, the Words Street, highway, avenue, boulevard, alley, lane, and drive.

*Road, private.* A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of Transportation, and one not intended for acceptance by the developer into the state highway system.

*Road, public.* A road maintained by the Town of Chincoteague or the Virginia Department of Transportation, or one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of Transportation Subdivision Street Requirements, as herein provided.

(a) Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, and with the express written agreement of the subdivision agent, private roads satisfying the following requirements or criteria

1. Street Width and Right of Way.  
If there is to be No Parking on Street then there shall be a minimum of 18 feet of pavement width, and a 30 foot Right-of-Way.  
  
If there is to be parking on one side of street then there shall be a minimum of 24 feet of pavement width, and 36 foot Right-of-Way.  
  
If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width, and a 40 foot Right-of-Way.  
  
Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
2. Road Structure. Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) "Pavement Design Guide for Subdivision and Secondary Roads." Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
3. Location. Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
4. Cul-de-sacs. An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right of way required as needed.



5. Sidewalks, Curbs, Gutters and Driveway Aprons. Concrete structures shall be installed within the right of way and conform to the specifications of the Town of Chincoteague Drawing number 35, "Misc. Concrete Work". If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
6. Drainage. The developer shall provide the subdivision agent with an engineer's drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates an easement through property outside the right of way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development site includes a drainage way that is considered vital for the storm water management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the Town.
7. Traffic Control. Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation's Federal Highway Administration "Manual on Uniform Traffic Control Devices". 911 signs shall be installed at intersections and street names subject to Town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.
8. Utilities. Easements and utility installations shall be designed in accordance with the current requirements of the Code of the Town of Chincoteague, Virginia as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.

The developer is required to pay an inspection fee during construction in amount set by council each fiscal year.

9. Street Lights. Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirements of the Town of Chincoteague, VDOT, and the electric utility.
10. Performance and Surety Bonds. Performance and surety bonds shall be required in a form mandated by the subdivision agent.

11. Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.
12. Other conditions. In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.
13. The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on sound engineering judgment.

#### **4. *Public Hearing for a Lot Line Vacation***

The Mayor opened up the floor for public comment regarding the lot line vacation for Racing Moon LLC and Mr. John Dukes.

- Mr. Ed Weilbacher is representing Racing Moon LLC, and N.C.L.T. LLP which owns Lot 19 of the Richardson's Landing Subdivision. Mr. Weilbacher states that his client would like to vacate the lot line so he could build a garage on his property. The property in question is currently owned by Mr. John Dukes.

A question came up as to the legality of adding land to a subdivision. Mr. Poulson stated that it should be legal to do so.

- Mr. Lee Davis asks that Council not approve this request because there will be no way to get to his and other property owner's land on the other side of the canal. The main thing he is concerned about is access to his property. At least postpone this decision until the other property owners can figure out a way to get to their land.

Mr. Poulson stated that the main issue here is if these other property owners have an easement through Lot 19. It was suggested that Mayor and Council postpone any action

for adjacent property owners to figure out what is the best course of action. There will be no need to redo the public hearing.

There was a motion by Councilman Wolffe, properly seconded to postpone further discussion of this agenda item for a period of 90 days. Unanimously approved.

## **5. *Ordinance Committee Report of August 8, 2007***

Councilman Ross presented the following report:

### **A. Consider Adoption of the Revised Chapter 58, Article IV (Sec 107), Minimum Sight Distance at Intersections**

Mr. Anderson stated that there is a direct conflict between Chapter 58- Vehicles and Traffic and Section 2.149 of the Zoning Ordinance with regards to Sight Distance Triangles. Both make mention of a sight distance triangle, with different dimensions. Mr. Anderson stated that the Planning Commission has already addressed this issue by recommending that Section 2.149 of the Zoning Ordinance be repealed. The Planning Commission however recommended that Section 58-107 be amended to increase the size of the sight distance triangle from “10 feet from an intersecting street” to “15 feet from an intersecting street.” Councilwoman Conklin made a motion and a second by Councilman Howard and was unanimous, to make a recommendation to Council that Section 58-107 Erections of Obstructions be amended.

### **B. Retrofitting Fuel Tanks with Anchors, Presentation by Jared Anderson**

Mr. Anderson gave a PowerPoint presentation to the committee introducing the issue of retrofitting fuel tanks with anchors to mitigate some of the damage that might be caused by a flood event. He explained that Chincoteague is part of the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). Because the entire island is in a floodplain people living on the island are required to have flood insurance if they have a mortgage. FEMA requires that all new and substantially improved properties must have their fuel tanks properly anchored; however there is no requirement for existing fuel tanks to be anchored.

Mr. Anderson stated that the main reason that he was coming before the Committee to discuss this issue is for informational purposes. Councilman Howard stated that there is going to be an expense, but he was wondering if by anchoring the fuel tanks the Town might be able to receive a higher CRS rating and thus lower insurance rates. Mr. Anderson said that is something that staff is considering.

A short video by FEMA was shown that explained why fuel tanks need to be anchored and how to anchor them properly and inexpensively.

Councilwoman Conklin asked what the service providers used to anchor their tanks. Mr. Watson of Watson Gas in Atlantic said they use an 18 inch anchor attached to a 3/16” cable. Since the propane tanks are the property of the service provider they are also liable for the tanks if anything should happen. Mr. Watson stated that hazard-

wise propane is probably more of a concern, but environmental-wise oil is more of a concern.

Councilman Howard stated that anchors on Chincoteague would probably need to be stronger than the Mainland. Mr. Flournoy of Suburban Propane stated that it is not the length of the anchor that is as important as much as it is the diameter of the anchor. He also commented that fuel oil tanks are much thinner than propane tanks and could puncture more easily.

Councilman Howard is pleasantly surprised that the job of retrofitting could be done relatively inexpensively with anchors. He also likes the idea of having a grace period so that people/service providers have time to get things together. There will be no action taken by the Committee at this time since the purpose of this agenda item was primarily for informational reasons.

**Councilwoman Speidel made a motion to adopt the report, seconded by Councilwoman Conklin. The motion was unanimously approved.**

- **Councilman Ross moved and seconded by Councilman Howard that Section 58-107, minimum sight distance at intersections, Erections of Obstructions be amended as follows:**

No person, firm, or entity owning, leasing or otherwise in possession of real estate in the town, which real estate is situated adjacent to any highway, street, or public right-of-way, including any sidewalk adjoining thereto, shall erect, place, construct, grow, or otherwise maintain on such real estate or the sidewalk adjacent thereto any improvement, permanent or temporary; any structure; any sign; any banner; any tree, shrubbery, or vine; or any other object or thing which prohibits, restricts, or impedes the operator of any motor vehicle utilizing any highway, street, or public way which intersects with the highway, street or public way adjacent to such real estate from having an unobstructed line of sight of at least 250 feet from the intersection of such highway, street, or public way to observe approaching motor vehicles traveling on the highway, street, or public way adjacent to such real estate. The line of sight will be measured at a point ~~ten~~ **fifteen** feet back from the intersecting street.”

**The motion was unanimously approved.**

## **6. *Harbor Committee Report of August 8, 2007***

Councilman Howard presented the following report:

### **A. Harbor Master Update (Wayne Merritt).**

Mr. Merritt reported that subleasing were picking up a bit but still down when comparing to last year at this time.

Five (5) slips may be coming open this up coming month, with one 25 foot slip, one 30 foot slip, and three 40 foot slips. I will be contacting the individuals next on the list to offer the slips to. Currently we do not have any commercial fisherman on the list at the present time, so we will begin with the list of recreation use from those on the Island first.

Mr. Merritt reported that he will bring more information to the table on a second floating dock as discussed at a previous meeting; currently I am still gathering information for the next meeting.

Mr. Merritt discussed that we were having a big problem this year with complaints about the fish cleaning table. He reported that Waste Management was not picking up the waste cans as required and the problem has been fixed. He mentioned the waste cans and the fish cleaning table has been bleached on a regular basis

Mr. Merritt discussed a few problems that we were having with some slip holders (i.e. late paying lease fee, subleasing there slips, and complaints). Sent a letter for payment to Slip 19 with last years address and the letter came back, a boat is in his slip. We will place a note on the boat to get up with harbor master as soon as possible for payment. A few more none payment issues were also brought up by the Harbor Master. Another issue was two signatures on a lease; the committee suggested having the harbor master send a letter with a new lease to have signed by only the original lease holder.

**B. Restroom Update.**

Mr. Merritt stated office/restroom building and the addition of shower facilities at the downtown restrooms were awarded by Council at their last Council meeting to Rocky Hill Contracting, Inc. of Kenbridge, VA, for \$156,095. This amount was just about seventy thousand dollars cheaper than previous bid.

**C. Committee Member Comments.**

Mr. Bowden wanted to know how cars were parking around the loading dock. Mr. Merritt explained it happened once because of parking lot overflow. He also mentioned that he will begin giving out parking tickets to cars with trailers parking perpendicular to the striped lines.

**Councilman Howard made a motion to adopt the report, seconded by Councilwoman Conklin. The motion was unanimously approved.**

## ***7. Recreation and Community Enhancement Committee Report of August 21, 2007***

Vice Mayor Speidel presented the following report:

**A. Maintenance Code Review**

Mr. Anderson addressed the concept of a maintenance code for Chincoteague. The town already has Chapter 46-Solid Waste which addresses some of the concerns of accumulation of trash.

The first document in the agenda packet is an excerpt from the International Code Council's Property Maintenance Code. The state of Virginia has only adopted portions of this code, and it is only the sections that were adopted by the state that the Town can also adopt. Therefore this Code book should be looked at as a foundation. The second document is part of the Municipal Code of Virginia Beach, Chapter 23 which can be used as a model with which the Town of Chincoteague could follow. Councilwoman Richardson asked who would enforce these types of codes if adopted. Mr. Anderson stated that it would be under the Town Code and thus the Code Enforcement Officer would be in charge of enforcement.

The idea behind presenting this to the committee was to get ideas so that staff could possibly bring back more information. Once there is enough information the issue could be sent to the ordinance committee. The topic of whether the Town can mow someone's lawn and then charge them arose. Mr. Ritter stated that instead of charging those with a criminal offense put a lien on their property. This topic needs to be researched because it was unclear if this is permissible or not.

#### **B. Playground Equipment Assessment**

Mr. Anderson gave a PowerPoint presentation on the playground equipment at Memorial Park. The presentation went over all the play equipment that was currently at the Park and what general condition each piece was in. The only thing Mr. Anderson and Mr. Van Dame found that would need immediate attention is a hole in the wooden ship that is approximately 5 feet about ground.

Mr. Conklin stated that it might be advantageous to bring in a certified inspector to look at all the play equipment before the Town purchases any new equipment.

Councilwoman Richardson stated that we might be able to borrow the services of Mr. Mike Tolbert from the Schools to help us.

One of the main ideas for the committee to think about is whether to keep all the equipment and just add new items, or do we want to replace items, or rather do we want to move some equipment to the downtown park or somewhere else on the island?

The town also needs to consider safety and ADA compliance when purchasing new play equipment.

#### **C. Committee Member Comments.**

Mrs. Plant has concerns about the increased amount of geese that are coming to Memorial Park. They are coming here earlier and in greater numbers. She was wondering what the town could do to lessen the number.

Councilwoman Richardson said that a gentleman by the name of Chris Gearing from Denver, CO asked her if he could pay to put a bench in Memorial Park in honor of his mother who had a home here. It was suggested that he could also put bricks down in the downtown area in her memory. This item needs to be on the next agenda for the Committee.

Councilman Ross asked how the trail on the North end of Hallie Whealton Smith Drive is coming. Mr. Ritter stated that there was a group of staff and Jerry Tracey who did a walkthrough last month. The Town needs to come up with a plan to show where the trail will be exactly, and then come back to Mr. Tracey. Staff is waiting till some of the foliage comes down so they can use the GPS to map out the trail.

**Councilwoman Conklin made a motion to adopt the report, seconded by Councilman Ross. The motion was unanimously approved.**

## **8. Mayor & Council Announcements or Comments**

- Vice Mayor Speidel- asked if staff could look into whether a proffer for land for playgrounds and playground equipment could be obtained because equipment and land is very expensive.
- Councilman Ross- asked if the ordinance for political signs needed to be up dated and whether we needed to change the ordinance. Staff mentioned that we needed to change the ordinance to reflect the state code and that it would have to go through the planning commission as a zoning change. Councilman Ross second concern was with the camper park on the corner of Taylor road; which only sets out 4 to 8, 90 gallon trash cans per week and wanted to know if their unique situation could be looked at.
- Councilman Howard- stated he also has a concern with the trash fee by imposing it on the people who only stay at a mobile home park 3 – 4 weeks per year and that several mobile home parks fit this unique situation.
- Mayor Tarr- asked for a letter to go out to all fuel companies that have fuel tanks on Chincoteague, to voluntarily anchor them down. He recited that we already have it required to anchor down fuel tanks for new construction. He stated that the safety of the community comes first in the case of a weather related event. Mayor Tarr also mentioned that we discussed with A & N Electric Coop storm related events and they are willing to work with us in any way possible to make the transition work. They are coming to trim trees first and a lot of line work. Mr. Vernon Brinkley will be coming to the next council meeting for a presentation and for questions. A final note that we have sent A & N Electric Coop a letter requesting to have someone from the island to be on their board prior to taking over the service.

## ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on Thursday September 20, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE SEPTEMBER 20, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

#### **Council Members Absent:**

Glenn B. Wolffe, Councilman

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

### ***Invocation***

Councilman Ross offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Special Presentation***

Mayor Tarr presented Mrs. Linda Ryan of the Island Library with a check from the Town of Chincoteague in the amount of \$5,000 for the library expansion project.

### ***Open Forum/Public Participation.***

- Mrs. Ginny Van Dame expressed concern over the boat at Memorial Park that is used as playground equipment. The boat is currently boarded up and has yellow caution tape around it. She thinks it is a unique piece of equipment that is very popular especially with her grandchildren. She would like to see it back in operation. She also was concerned over the graffiti in the park, and how people would have such little respect for public property was upsetting.

### ***1. Approval of the Minutes of the September 20, 2007 Council Meeting.***

Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the minutes of September 20, 2007, as corrected. Correct page 3 of agenda packet, last bullet delete the word "personal," page 7 number 4 first sentence include "Susan Dukes," and page 11 number 7C last paragraph replace "road" with "drive." The motion was unanimously approved.

### ***2. Consider a Temporary Pump and Haul at the Old NAPA Store for the YMCA.***

Carlton Leonard spoke for the YMCA and stated that the YMCA has been looking for a building and has run into several road blocks, mainly with the health department. He mentioned that if the Town of Chincoteague would consider a temporary pump and haul for the old NAPA building than they would be able to use that facility. Councilman Ross voiced concerns with the house that shares the septic system and Mr. Leonard expressed that the YMCA would pay for all pump and hauls. It was also mentioned that pump and hauling would only be a short term condition and last until the YMCA moves out of the facility. Staff prepared an ordinance reflecting the ordinance that had been done for the library and harbor.



Councilwoman Conklin made the motion seconded by Councilwoman Richardson to adopt the following ordinance to allow for a pump and haul for the YMCA at the old NAPA store. The motion was unanimously approved.

**AN ORDINANCE  
AUTHORIZING THE PUMPING & HAULING OF SEWAGE  
FROM THE HABECK & HOFFMAN, LLC / NAPA PROPERTY**

**WHEREAS**, the Chincoteague YMCA located at 6436 Church Street, hereinafter referred to as the Habeck & Hoffman, LLC / NAPA property, is not able to obtain sewage disposal by septic system or by a central sewage system approved by the Accomack County Health Department; and

**WHEREAS**, the Town of Chincoteague, Inc., hereinafter referred to as the Town, is authorized by Virginia Sewage Handling and Disposal Regulations to enter into and to guarantee a contract providing for the pumping and hauling of sewage; and

**WHEREAS**, the Town is authorized by Section 15.2-1102 of the Code of Virginia to enact legislation it deems expedient to secure and promote the health, safety and general welfare of the inhabitants of the Town; and

**WHEREAS**, the Town Council finds that the regulated pumping and hauling of sewage from the Habeck & Hoffman, LLC / NAPA property, where central sewage treatment is unavailable and a sanitary septic system cannot lawfully be installed, is conducive to the health, safety and general welfare of the Town.

**NOW, THEREFORE**, be it ordained and enacted by the Town Council:  
**SECTION 1.** The Town is hereby authorized to enter into a contract containing such terms and conditions as it deems appropriate, and to execute such other documents as may be necessary to permit the permanent pumping and hauling of sewage when authorized by the Town from the Habeck & Hoffman, LLC / NAPA property by a private contractor holding a valid sewage hauling permit according to the circumstances and under the conditions set out in Sections 2 and 3 below. The Town's Mayor or its manager may act in the Town's behalf in concluding the terms of such a contract and in obtaining Accomack County or Virginia Health Department approval. No such contract shall be deemed concluded or impose any obligation upon the Town unless and until ratified or approved by the Virginia Department of Health.

**SECTION 2.** The contract shall provide that the contractor agrees to pump out and remove sewage from the Habeck & Hoffman, LLC / NAPA property when requested by the Town. The Town agrees to have reasonable notice given and the contractor agrees to respond promptly to any request authorized by the Town. The Town agrees to have this service paid at the rate as agreed to by the Town and the contractor.

**SECTION 3.** The contract entered into by the Town pursuant to this ordinance shall provide that the contract shall terminate upon willful violation of Health Department regulations in connection with the pumping and hauling by the contractor, connection to a central sewage treatment system, or a sewage system becoming available to the Town.

Adopted September 20, 2007  
Date

\_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
Town Manager

### **3. *A & N Electric Cooperative (ANEC) Presentation.***

Mr. Vernon N. Brinkley, President and CEO of A & N Electric Cooperative was in attendance to present information on his coop and to answer any questions the public or Council might have. Mr. Brinkley hopes to complete the final transaction between ANEC and Delmarva Power by December 1, 2007. ANEC moved into a new facility in 2005 anticipating corporate growth not realizing at the time the magnitude of growth that there is going to be shortly. On the day of the takeover there will be a 2.4% rate reduction for residential accounts that were previously under Delmarva Power.

The service department is a concern for many people. Mr. Brinkley stated that the service department will be fully manned in case of emergencies. Another concern he sees on Chincoteague is that there needs to be tree trimming in some of the right-of-ways and that will be started when the leaves are off the trees. There are also a number of poles on Chincoteague that need to be replaced because they are rotting.

There were additional concerns from the Mayor and the Town Manager about what happens when there is a hurricane or significant storm event. Mr. Brinkley stated that ANEC will pre-position a bucket truck and a line truck on the Island when there is an impending storm; however when the storm is there ANEC crews will not work because it is too dangerous. The concern was raised that if they did not station people on Chincoteague and the causeway was closed they would have no one on the Island. Mr. Brinkley stated that ANEC has a fleet that they could deploy, if necessary. The crews are scheduled to report to Tasley each day.

Mr. Brinkley asked for a letter of support to the State Corporation Commission for ANEC.

Councilwoman Conklin asked if there will be someone answering the phones on a daily basis? Mr. Brinkley stated that one of the main goals of ANEC is to provide good customer service, in doing so they will try to have someone answering the phones at all times. When there is an overload of calls there is a support company that will serve as an auxiliary for ANEC in answering calls.

Mr. John H. Howard stated that he has concerns over getting a franchise agreement after purchasing something. Also if ANEC is not going to have a crew stationed up north the businesses in the Town will suffer.

Councilwoman Richardson stated that during previous storms Delmarva Power had some of their crew stationed in hotels on the Island. It does not sound like ANEC is planning

on doing that. Mr. Brinkley stated that if there is a downed wire they will be able to take a circuit out remotely from Tasley.

Mr. Charlie Birch asked if the Council could write some things down that would benefit the community and use them as leveraging tools before reaching a franchise agreement or writing a letter of support for ANEC.

Vice Mayor Speidel asked if ANEC will be transitioning Delmarva Power crews over to their staff. Mr. Brinkley stated that ANEC has offered all Delmarva Power employees a position with the Co-op. So far four are coming over.

Mayor thanked Mr. Brinkley for coming.

#### **4. *Budget and Personnel Committee Report of August 28, 2007***

Councilwoman Conklin Presented the following report:

##### **TOWN OF CHINCOTEAGUE, INC. FY'07 PROPOSED BUDGET AMENDMENT**

<b><u>REVENUES</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>	<b><u>EXPENDITURES</u></b>	<b><u>INCREASE/ (DECREASE)</u></b>
TAXES, PENALTY, INTEREST	\$18,728	GENERAL GOVERNMENT	
MEALS TAX	-\$52,732	SALARIES & BENEFITS	-\$34,561
BANK FRANCHISE TAX	\$12,478	EXPENSES	\$243,711
SALES TAX	\$9,604	CAPITAL IMPROVEMENTS	-\$21,185
BUSINESS LICENSE	-\$1,388	PUBLIC WORKS ADMINISTRATION	
UTILITIES TAX	\$9,827	SALARIES & BENEFITS	-\$22,690
TRANSIENT OCCUPANCY TAX	-\$17,439	EXPENSES	\$5,564
FINES	-\$3,683	FACILITIES DIVISION	
INTEREST	\$22,885	SALARIES & BENEFITS	-\$17,924
BUILDING PERMITS	\$29,543	EXPENSES	\$9,441
FIRE PROGRAMS	\$3,471	CAPITAL IMPROVEMENTS	-\$35,014
REVENUE SHARING - USFWS	-\$3,700	ROADS DIVISION	
MISCELLANEOUS INCOME	-\$2,505	SALARIES & BENEFITS	-\$2,665
911 LOCAL TAX	-\$22,118	EXPENSES	\$58,827
POLICE DONATIONS/GRANTS	\$30,409	POLICE DEPARTMENT	
E911 DISPATCH REVENUE	\$2,525	SALARIES & BENEFITS	-\$61,727
VDOT MAINTENANCE FUNDS	-\$2,463	EXPENSES	\$14,084
DMV AGENCY COMPENSATION	\$1,604	CAPITAL IMPROVEMENTS	\$156
CDBG BROADBAND PLAN GRANT	\$12,750	EMERGENCY DISPATCH	
TRANSFER FR BOAT RAMP REPAIRS	-\$38,975	SALARIES & BENEFITS	-\$49,047
TRANSFER FROM GEN. FUND SAV	\$140,000	EXPENSES	-\$6,049
TRANSFER FR MOSQUITO CONTROL	-\$67,900		
<b>TOTAL GENERAL FUND REV AMEND</b>	<b>\$80,921</b>	<b>TOTAL GENERAL FUND EXP AMEND</b>	<b>\$80,921</b>

MAIN STREET PROJECT GRANTS	-\$312,199	MAIN STREET	
PROGRAM INCOME	-\$5,443	EXPENSES	-\$11,448
LOAN POOL REPAYMENT	\$1,023	CAPITAL IMPROVEMENTS	-\$368,171
TRANSFER FROM GENERAL FUND	-\$63,000		
<b>TOTAL MAIN STREET REV AMEND</b>	<b>-\$379,619</b>	<b>TOTAL MAIN STREET EXP AMEND</b>	<b>-\$379,619</b>
HARBOR RENT	\$1,834	HARBOR SALARIES & BENEFITS	-\$12,166
SUBLEASES/LOADING DOCK/STORAGE	\$1,463	EXPENSES	\$3,533
HARBOR INTEREST	\$6,968	CAPITAL IMPROVEMENTS	-\$57,102
VA PORT AUTHORITY GRANT	-\$76,000		
<b>TOTAL HARBOR REVENUE</b>	<b>-\$65,735</b>	<b>TOTAL HARBOR EXPENSES</b>	<b>-\$65,735</b>
TROLLEY GRANTS	\$44,423	TROLLEY SALARIES & BENEFITS	-\$22,539
TRANSFER FROM GENERAL FUND	\$14,230	EXPENSES	\$48,808
		CAPITAL IMPROVEMENTS	\$32,384
<b>TOTAL TROLLEY REVENUE</b>	<b>\$58,653</b>	<b>TOTAL TROLLEY EXPENSES</b>	<b>\$58,653</b>
WATER RENT	-\$51,974	WATER FUND	
WATERLINE EXTENSIONS	-\$5,532	SALARIES & BENEFITS	-\$24,778
SERVICE CONNECTIONS	-\$15,221	EXPENSES	\$4,136
INTEREST ON WATER RESERVE	\$6,523	CAPITAL IMPROVEMENTS	\$63,472
MISCELLANEOUS INCOME	-\$1,000		
AVAILABILITY FEES	-\$166,600		
TRANSFER FROM WATER RESERVE	\$36,634		
TRANSFER FROM GENERAL FUND	\$240,000		
<b>TOTAL WATER FUND REVENUE</b>	<b>\$42,830</b>	<b>TOTAL WATER FUND EXPENSES</b>	<b>\$42,830</b>
<b>TOTAL ALL REVENUES</b>	<b>-\$262,950</b>	<b>TOTAL ALL EXPENDITURES</b>	<b>-\$262,950</b>

**A. Fiscal Year '07 Budget Amendment.**

An overview of the actual revenues and expenditures for the Town's FY'07 was presented and reviewed. It appears that overall the Town was under budget by \$262,950. Councilman Wolffe moved, seconded by Vice Mayor Speidel to forward the budget amendment to Council for consideration. The motion of unanimously approved.

**B. Consider a Tool Allowance for the Mechanic Position.**

Public Works Director Cosby asked that a tool allowance be considered for the mechanic position. The mechanic is furnishing the majority of his tools and the allowance would compensate for this use of his tools. It would also allow the mechanic to purchase new tools to expand the capabilities of in-house work. Public Works Director Cosby suggested an allowance of \$500 per year paid in quarterly increments of \$125.

The Committee agreed to give the Mechanic \$500 per year in quarterly increments of \$125 as a tool allowance.

**C. Discuss Chincoteague Recreation & Convention Center Authority Funding.**

Chairwoman Conklin stated that the Authority has not been receiving their check from the Town in a timely manner and has asked that staff correct this situation. The check is due to the Authority the first accounts payable run at the beginning of each month.

**D. Closed Meeting in Accordance with Sec. 2.2-3711(A) (1) of the Code of Virginia to Discuss Personnel Matters.**

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

Unanimously approved.

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

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

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

VOTE: Ayes- Conklin, Speidel, Wolffe

Nays- None

Absent- None

**Councilwoman Speidel made a motion to adopt the report, seconded by Councilman Howard. The motion was unanimously approved.**

• ***Consider the Proposed Budget Amendment for FY "07"***

**Councilman Howard made a motion to adopt the fiscal year 2007 budget amendment, seconded by Councilwoman Conklin. The motion was unanimously approved.**

**GENERAL FUND**

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGET AMEND
<b><u>EXPENDITURES</u></b>				
GENERAL GOV'T				

	<b>SALARIES</b>			
105010.0101	MAYOR	\$4,800	\$4,800	
105010.0102	COUNCIL	\$23,040	\$23,040	
105010.1001	TOWN OFFICE STAFF	\$335,479	\$309,037	-\$26,442
105010.1002	EMERG MED TECHS STAFF	\$108,868	\$110,004	\$1,136
105010.1003	OVERTIME	\$17,000	\$18,468	\$1,468
	<b>TOTAL</b>	\$489,187	\$465,349	
	<b>BENEFITS</b>			
105020.2001	SOCIAL SECURITY	\$37,423	\$33,554	-\$3,869
105020.2101	HOSPITALIZATION	\$37,368	\$33,523	-\$3,845
105020.2102	BLOOD BANK	\$100	\$50	
105020.2103	UNEMPLOYMENT/TOWN	\$6,500	\$5,675	-\$825
105020.2201	RETIREMENT	\$20,619	\$18,795	-\$1,824
105020.2202	VSRS/LIFE INSURANCE	\$2,169	\$1,809	-\$360
	<b>TOTAL</b>	\$104,179	\$93,406	
	<b>EXPENSES</b>			
105030.3100	BANK CHARGES	\$1,000	\$608	-\$392
105030.3101	BUILDING ADMIN EXPENSE	\$200	\$0	-\$200
105030.3102	CLEANING	\$9,000	\$8,940	
105030.3103	PLANNING COMMISSION	\$100	\$10	
105030.3104	BOARD OF ZONING APPEALS	\$100	\$29	
105030.3105	BUILDING PERMIT SURCHARGE	\$500	\$1,426	\$926
105030.3106	BOARD OF BLDG CODE APPEAL	\$50	\$0	
105030.3107	EMERGENCY MED. CLOTHING	\$1,500	\$1,080	-\$420
105030.3108	EMS CELL ALLOWANCE	\$0	\$600	\$600
105030.3401	INSURANCE	\$85,000	\$79,214	-\$5,786
105030.3501	AUDITING	\$13,950	\$14,700	\$750
105030.3601	DONATIONS	\$6,000	\$5,850	
105030.3701	TRF.TO CIVIC CENTER (TO)	\$86,250	\$98,642	\$12,392
105030.3705	TOURISM-5%CHAMBER 5%CIVIC	\$43,200	\$38,980	-\$4,220
105030.4030	ANPDC MEMBERSHIP	\$7,000	\$7,000	
105030.4301	SCHOLARSHIP	\$1,000	\$1,000	
105030.4401	OFFICE SUP./PUBLICATIONS	\$9,000	\$10,812	\$1,812
105030.4402	OFF.EQUIP/SOFTWARE MAINT.	\$14,000	\$16,789	\$2,789
105030.4403	POSTAGE	\$10,000	\$9,513	-\$487
105030.4404	TAX BILLS & CONVERSION	\$1,000	\$0	-\$1,000
105030.4501	MOTOR VEHICLE LICENSE	\$2,200	\$2,050	
105030.4801	TRAVEL & TRAINING	\$3,800	\$1,518	-\$2,282
105030.4901	MAYORS EXPENSE	\$300	\$213	
105030.4902	COUNCILS EXPENSE	\$500	\$374	
105030.4903	TOWN MANAGERS EXPENSE	\$250	\$40	

105030.5101	ATTORNEY/LEG.CONSULTANTS	\$25,000	\$19,957	-\$5,043
105030.5201	DRUG/ALCOHOL TESTING	\$1,500	\$1,927	\$427
105030.5501	CHRISTMAS DINNER	\$4,000	\$3,173	-\$827
105030.6101	DUES	\$3,000	\$2,258	-\$742
105030.6102	VML CONFERENCE	\$1,000	\$554	-\$446
105030.7101	ADVERTISING & WEBSITE	\$8,500	\$16,640	\$8,140
105030.7301	BUILDING MAINTENANCE	\$3,000	\$3,028	\$28
105030.7401	ELECTRICITY	\$14,500	\$12,636	-\$1,864
105030.7402	HEATING OIL	\$5,200	\$0	-\$5,200
105030.7601	VA FIRE PROG/CVFC	\$6,000	\$10,471	\$4,471
105030.7602	EOC OPERATIONS/TRAINING	\$1,000	\$527	-\$473
105030.7701	SPECIAL PROJECTS	\$5,000	\$3,732	-\$1,268
105030.7702	PONY PENNING EXPENSE	\$5,000	\$3,875	-\$1,125
105030.7703	DEER DE-POP PROGRAM	\$8,000	\$6,581	-\$1,419
105030.8001	LEONARD ASSISTANCE FUND	\$0	\$0	
105030.8202	TELEPHONE BILLS	\$15,000	\$11,511	-\$3,489
105030.8401	OPTIMUM CHOICE - RETIREES	\$33,243	\$37,422	\$4,179
105030.8402	INSUR-RET SPOUSES & OTHER	\$14,150	\$20,100	\$5,950
105030.8501	MISCELLANEOUS	\$5,000	\$1,350	-\$3,650
105030.8600	CEMETERY CLEANUP	\$1,500	\$1,950	\$450
105030.8800	TRANSFER TO MAIN ST. PROJ	\$63,000	\$0	-\$63,000
105030.8900	TRANSFER TO TROLLEY FUND	\$15,200	\$29,430	\$14,230
105030.8950	TRANSFER TO WATER FUND	\$0	\$240,000	\$240,000
105030.8960	TRANSFER TO GEN FUND			
	RESERV	\$0	\$49,900	\$49,900
	TOTAL	\$533,693	\$776,410	
	<b>CAPITAL IMPROVEMENTS</b>			
	PROPERTY ACQUISTION			
105090.9704	RESERVE	\$25,000	\$25,000	
105090.9709	OFFICE EQUIP	\$10,000	\$1,276	-\$8,724
105090.9740	BOND-SCHOOL BD PROPERTY	\$83,391	\$83,391	
105090.9750	PLANNING CONSULTANTS	\$50,000	\$37,355	-\$12,645
105090.9760	SOFTWARE	\$42,368	\$22,963	-\$19,405
105090.9770	BROADBAND PLANNING	\$0	\$19,589	\$19,589
	TOTAL	\$210,759	\$189,574	
	<b>GENERAL GOV'T TOTAL</b>	<b>\$1,337,818</b>	<b>\$1,524,739</b>	<b>\$187,965</b>

## **PUBLIC WORKS ADMINISTRATION**

### **SALARIES**

106010.1001	SALARIES	\$79,041	\$64,785	-\$14,256
106010.1003	OVERTIME	\$1,000	\$0	-\$1,000
	TOTAL	\$80,041	\$64,785	
	<b>BENEFITS</b>			
106020.2001	SOCIAL SECURITY	\$6,124	\$4,223	-\$1,901
106020.2101	HOSPITALIZATION	\$8,304	\$4,152	-\$4,152
106020.2201	RETIREMENT	\$3,668	\$2,287	-\$1,381
106020.2202	VSRS/LIFE INSURANCE	\$386	\$206	
	TOTAL	\$18,482	\$10,868	
	<b>EXPENSES</b>			
106030.4401	OFFICE SUPPLIES & EQUIP.	\$1,000	\$868	
106030.4701	GASOLINE/DIESEL	\$50,000	\$61,304	\$11,304
106030.4703	OIL/GREASE	\$1,500	\$1,354	
106030.4704	TOOLS/SHOP	\$1,000	\$1,079	\$79
106030.4801	TRAVEL & TRAINING	\$200	\$812	\$612
106030.5202	CLOTHING/UNIFORMS	\$6,500	\$7,725	\$1,225
106030.7301	BLDG. MAINTENANCE	\$1,500	\$323	-\$1,177
106030.7302	EQUIPMENT REPAIRS	\$10,000	\$4,922	-\$5,078
106030.7303	SAFETY	\$200	\$36	
106030.7304	VEHICLE P/M'S	\$3,000	\$2,765	
106030.7305	TIRES	\$3,000	\$667	-\$2,333
106030.7306	GARAGE SUPPLIES	\$500	\$423	
106030.7307	VEHICLE REPAIRS	\$5,000	\$6,364	\$1,364
106030.7401	ELECTRICITY	\$7,000	\$6,324	-\$676
106030.7402	LP GAS	\$2,000	\$1,283	-\$717
106030.8501	SUNDRY	\$200	\$1,161	\$961
	TOTAL	\$92,600	\$97,410	
	<b>P W ADMIN TOTAL</b>	<b>\$191,123</b>	<b>\$173,063</b>	<b>-\$17,126</b>

### **FACILITIES DIVISION**

	<b>SALARIES</b>			
106310.1001	SALARIES	\$155,146	\$151,005	-\$4,141
106310.1003	OVERTIME	\$2,000	\$1,091	-\$909
	TOTAL	\$157,146	\$152,096	
	<b>BENEFITS</b>			
106320.2001	SOCIAL SECURITY	\$12,022	\$11,083	-\$939
106320.2101	HOSPITALIZATION	\$37,368	\$26,382	-\$10,986
106320.2201	RETIREMENT	\$7,199	\$6,250	-\$949
106320.2202	VSRS/LIFE INSURANCE	\$758	\$598	



	TOTAL	\$57,347	\$44,313	
	<b>EXPENSES</b>			
106330.4100	SEASONAL DECO & BANNERS	\$5,000	\$1,449	-\$3,551
106330.4101	STREET MAINTENANCE	\$1,000	\$3,962	\$2,962
106330.4201	SIDEWALKS	\$500	\$550	\$50
106330.4202	STREET SIGNS/911	\$2,000	\$1,982	
106330.4650	TIPPING FEES	\$1,000	\$1,367	\$367
106330.4704	TOOLS	\$500	\$215	-\$285
106330.4708	MOWERS/TRIMMERS	\$500	\$451	
106330.6201	SANITATION SERVICE CONTRA	\$337,000	\$331,728	-\$5,272
106330.6202	OTHER FACILITIES EXPENSES	\$500	\$1,602	\$1,102
106330.6260	PUBLIC RESTROOM SUPPLIES	\$2,000	\$2,167	\$167
106330.6301	WEED CUTTING/SPRAYING	\$200	\$0	-\$200
106330.7302	EQUIPMENT REPAIRS	\$1,000	\$252	-\$748
106330.7401	ELECTRICITY	\$4,000	\$2,491	-\$1,509
106330.7450	STREET LIGHTS	\$52,000	\$67,393	\$15,393
106330.8501	SUNDRY	\$200	\$202	\$2
106330.8590	PARKS & REC EXPENSE	\$5,000	\$5,963	\$963
	TOTAL	\$412,400	\$421,774	
	<b>CAPITAL IMPROVEMENTS</b>			
106390.9105	DRAINAGE	\$20,000	\$6,189	-\$13,811
106390.9300	WALK BEHIND PLANER	\$5,000	\$5,000	
106390.9610	BOAT RAMP REPAIRS	\$0	\$25,241	\$25,241
106390.9846	BASE MAPPING/GIS SYSTEM	\$2,000	\$867	-\$1,133
106390.9855	CHURCH/PENSION DRG. PROJ	\$35,000	\$0	-\$35,000
106390.9870	STREET SWEEPER PYMT	\$28,167	\$28,167	
106390.9880	SEWAGE TREATMENT STUDY	\$60,000	\$49,689	-\$10,311
	TOTAL	\$150,167	\$115,153	
	<b>FACILITIES TOTAL</b>	<b>\$777,060</b>	<b>\$733,336</b>	<b>-\$43,497</b>

## **ROADS DIVISION**

	<b>SALARIES</b>			
106510.1001	SALARIES	\$60,630	\$62,123	\$1,493
106510.1003	OVERTIME	\$2,000	\$1,842	
	TOTAL	\$62,630	\$63,965	
	<b>BENEFITS</b>			
106520.2001	SOCIAL SECURITY	\$4,792	\$5,082	\$290
106520.2101	HOSPITALIZATION	\$12,456	\$8,304	-\$4,152
106520.2201	RETIREMENT	\$2,814	\$2,518	-\$296

106520.2202	VSRS/LIFE INSURANCE	\$296	\$243
	TOTAL	\$20,358	\$16,147

**EXPENSES**

106530.4101	STREET MAINTENANCE	\$8,512	\$3,097	-\$5,415
106530.4102	SNOW REMOVAL	\$2,000	\$400	-\$1,600
106530.4150	MAINT. COATINGS/REPLACE.	\$325,000	\$418,289	\$93,289
106530.4201	SIDEWALKS & GUTTERS	\$30,000	\$11,321	-\$18,679
106530.4202	SIGNS/TRAFFIC CONTROL	\$20,000	\$24,035	\$4,035
106530.4250	ROADSIDE STRUCTURES	\$8,000	\$300	-\$7,700
106530.4704	TOOLS/SMALL EQUIPMENT	\$1,000	\$871	
106530.6250	DRAINAGE MAINTENANCE	\$3,000	\$1,179	-\$1,821
106530.6301	WEED CONTROL	\$2,000	\$1,342	-\$658
106530.7001	EQUIPMENT RENTAL	\$500	\$0	-\$500
106530.7450	ELECTRICITY	\$12,000	\$9,876	-\$2,124
	TOTAL	\$412,012	\$470,710	

<b>ROADS TOTALS</b>	<b>\$495,000</b>	<b>\$550,822</b>	<b>\$56,162</b>
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**POLICE DIVISION**

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGET AMEND
	<b>SALARIES</b>			
107010.1001	SALARIES/OFFICERS	\$410,000	\$365,407	-\$44,593
107010.1003	OVERTIME	\$7,500	\$5,537	-\$1,963
	TOTAL	\$417,500	\$370,944	
	<b>BENEFITS</b>			
107020.2001	SOCIAL SECURITY	\$31,912	\$26,256	-\$5,656
107020.2101	HOSPITALIZATION	\$33,216	\$24,912	-\$8,304
107020.2201	RETIREMENT	\$17,699	\$16,488	-\$1,211
107020.2202	VSRS/LIFE INSURANCE	\$1,862	\$1,526	
	TOTAL	\$84,689	\$69,183	
	<b>EXPENSES</b>			
107030.4801	TRAVEL & TRAINING	\$8,500	\$6,982	-\$1,518
107030.5201	UNIFORM ALLOWANCE (OFF.)	\$6,000	\$6,274	\$274
107030.5202	UNIFORMS (TOWN)	\$1,500	\$491	-\$1,009
107030.6102	POLICE CONFERENCE	\$400	\$0	-\$400
107030.7201	PHOTOGRAPHY	\$300	\$0	-\$300
107030.7300	OFFIC SUPP/EQUIP MAINT	\$4,000	\$4,630	\$630
107030.7302	EQUIP. REPAIRS & SUPPLIES	\$3,000	\$3,500	\$500

107030.7304	VEHICLE MAINTENANCE	\$4,900	\$9,429	\$4,529
107030.7901	DRUG ENFORCEMENT	\$15,000	\$12,674	-\$2,326
107030.7903	ACADEMY DUES	\$3,700	\$0	-\$3,700
107030.7904	BICYCLE PATROL COMMUNITY/YOUTH	\$200	\$180	
107030.7905	PROGRAMS	\$5,000	\$22,881	\$17,881
107030.7906	GRANT FUNDED EXPENDITURES	\$5,000	\$8,487	\$3,487
107030.7907	AMMUNITION	\$1,400	\$348	-\$1,052
107030.7908	POLICE DRUG DOG	\$4,500	\$2,396	-\$2,104
107030.8203	CELL PHONE ALLOWANCE	\$3,600	\$3,132	-\$468
107030.8501	SUNDRY	\$1,200	\$860	-\$340
	TOTAL	\$68,200	\$82,264	
	<b>CAPITAL IMPROVEMENTS</b>			
107090.9650	PATROL VEHICLE	\$26,500	\$26,656	\$156
	TOTAL	\$26,500	\$26,656	
	<b>TOTAL POLICE</b>	<b>\$596,889</b>	<b>\$549,047</b>	<b>-\$47,487</b>

### **EMERGENCY DISPATCH DIVISION**

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	
	<b>SALARIES</b>			
107510.1001	SALARIES/DISPATCHERS	\$172,000	\$132,203	-\$39,797
107510.1003	OVERTIME	\$1,500	\$744	-\$756
	TOTAL	\$173,500	\$132,947	
	<b>BENEFITS</b>			
107520.2001	SOCIAL SECURITY	\$13,274	\$9,422	-\$3,852
107520.2101	HOSPITALIZATION	\$16,608	\$9,901	-\$6,707
107520.2201	RETIREMENT	\$1,466	\$3,633	\$2,167
107520.2202	VSRS/LIFE INSURANCE	\$477	\$375	-\$102
	TOTAL	\$31,825	\$23,331	
	<b>EXPENSES</b>			
107530.4801	TRAVEL & TRAINING-DISP.	\$1,500	\$960	-\$540
107530.5201	UNIFORM ALLOWANCE (DISP	\$1,400	\$1,170	-\$230
107530.5202	UNIFORM (TOWN-FOR DISP)	\$500	\$400	-\$100
107530.7300	OFF. SUPPLIES/EQUIP. MAIN	\$12,000	\$8,162	-\$3,838
107530.8202	E911 LINE FEES	\$6,000	\$5,487	-\$513
107530.8203	911 ADDRESSING	\$1,100	\$472	-\$628
107530.8501	SUNDRY	\$200	\$0	-\$200
	TOTAL	\$22,700	\$16,651	

<b>CAPITAL IMPROVEMENTS</b>				
107590.9270	911 EQUIP. RESERVE FUND	\$10,000	\$10,000	
	<b>TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>	
	<b>TOTAL DISPATCH</b>	<b>\$238,025</b>	<b>\$182,929</b>	<b>-\$55,096</b>
	<b>TOTAL EXPENDITURES GENERAL FUND</b>	<b>\$3,635,915</b>	<b>\$3,713,935</b>	<b>\$80,921</b>

**REVENUES**

104001.0100	REAL ESTATE TAX LEVY	\$460,000	\$463,952	\$3,952
104001.0125	TANGIBLE PROP. TAX LEVY	\$320,000	\$342,546	\$22,546
104001.0130	DEL.TAX,INTEREST,PENALTY	\$38,000	\$30,230	-\$7,770
104001.0500	MEALS TAX	\$432,000	\$379,268	-\$52,732
104001.0600	BANK FRANCHISE TAX	\$46,000	\$58,478	\$12,478
104010.0100	SALES TAX	\$115,000	\$124,604	\$9,604
104010.0200	BUSINESS LICENSE	\$120,000	\$118,612	-\$1,388
104010.0300	MOTOR VEHICLE LICENSE	\$71,000	\$71,502	
104010.0500	UTILITIES TAX	\$295,000	\$304,827	\$9,827
104010.0600	TRANSIENT OCCUPANCY TAX	\$345,000	\$327,561	-\$17,439
104015.0100	FINES	\$36,000	\$32,317	-\$3,683
104020.0100	INTEREST ON SAVINGS	\$70,000	\$92,885	\$22,885
104041.0100	BANNER DONATIONS CEMETERY CLEANUP	\$25	\$0	-\$25
104041.0150	DONATION	\$1,000	\$925	-\$75
104041.0200	USER FEES	\$25,000	\$25,427	
104041.0500	BUILDING PERMITS	\$60,000	\$89,543	\$29,543
104041.0600	ZONING ADVERTISEMENTS	\$8,500	\$2,490	-\$6,010
104045.0100	GRANTS/LITTER	\$2,000	\$2,187	
104049.0100	SALE OF CAPITAL ASSETS	\$2,000	\$0	-\$2,000
104051.0100	ABC PROFITS	\$5,000	\$5,184	
104051.0200	OPTIMUM CHOICE/RET.SPOUSE	\$14,100	\$17,559	\$3,459
104051.0300	VA FIRE PROGRAMS	\$7,000	\$10,471	\$3,471
104061.0100	REVENUE SHARING - USFWS	\$3,700	\$0	-\$3,700
104061.0105	HARBOR ADMINISTRATION	\$2,000	\$2,000	
104091.0100	OVERAGE/SHORTAGE RECOVERED COST FROM	\$0	-\$18	
104101.0200	WATER	\$105,144	\$105,144	
104201.0100	PUBLIC WORKS MISC. REV	\$20,000	\$6,623	-\$13,377
104303.0100	MISCELLANEOUS INCOME	\$10,000	\$26,337	\$16,337
104303.0300	TIPPING FEE REFUND - CTY.	\$74,000	\$73,186	-\$814

104401.0100	LAW ENFORCEMENT FUNDS	\$124,446	\$124,448	
104401.0150	POLICE DONATIONS/GRANTS	\$20,000	\$50,409	\$30,409
104401.0200	911 DISPATCH REVENUE	\$15,000	\$17,525	\$2,525
104401.0300	911 LOCAL TAX	\$42,000	\$19,882	-\$22,118
104501.0100	VDOT MAINTENANCE FUNDS	\$495,000	\$492,537	-\$2,463
104501.0101	ROAD PERMIT FEES	\$1,000	\$600	
104501.0103	DMV AGENCY COMPENSATION CDBG BROADBAND PLAN	\$13,000	\$14,604	\$1,604
104501.0120	GRANT	\$0	\$12,750	\$12,750
104545.0130	DCR GRANT - LAND ACQUISIT	\$0	\$500,000	\$0
104701.0400	TRF. FROM RAMP REPAIR FND	\$63,000	\$24,025	-\$38,975
104701.1000	TRF.FROM GEN.FUND SAVINGS	\$100,000	\$240,000	\$140,000
104940.8900	TRF. FROM MOSQUITO CTRL.	\$75,000	\$7,100	-\$67,900
	<b>TOTAL REVENUES</b>	<b>\$3,635,915</b>	<b>\$4,217,720</b>	<b>\$80,921</b>

#### MAIN STREET

ACCOUNT	DESCRIPTION EXPENDITURES	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGET AMEND
202030.7101	MAINTENANCE	\$7,833	\$1,597	-\$6,236
202030.7401	ELECTRICITY	\$6,000	\$788	-\$5,212
202030.7601	TRF. TO LOAN POOL	\$4,820	\$4,820	
	<b>CAPITAL IMPROVEMENTS</b>			
202090.9711	MAIN STREET PROJECT	\$404,667	\$20,490	-\$368,171
	<b>TOTAL</b>	<b>\$423,320</b>	<b>\$159,902</b>	<b>-\$379,619</b>

ACCOUNT	DESCRIPTION REVENUE	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGET AMEND
204501.0100	PROGRAM INCOME	\$35,000	\$29,557	-\$5,443
204501.0110	CDBG MAIN STREET	\$0	\$11,526	
204501.0115	TEA-21 GRANT MAIN ST	\$277,000	\$23,075	-\$277,000
204501.0130	BOATING INFRAST GRANT	\$43,500	\$8,301	-\$35,199
204501.0150	DCR OUTDOORS FUND GRANT	\$0	\$81,600	
204501.0200	LOAN REPAYMENT	\$4,820	\$5,843	\$1,023
204501.8900	TRANSFER FROM GEN. FUND	\$63,000	\$0	-\$63,000
	<b>TOTAL</b>	<b>\$423,320</b>	<b>\$159,902</b>	<b>-\$379,619</b>

#### HARBOR FUND

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGET AMEND
<b>EXPENDITURES</b>				
<b>SALARIES</b>				
308010.1001	SALARIES	\$26,167	\$ 19,248	-\$6,919
308010.1003	OVERTIME	\$200	\$ -	-\$200
	TOTAL	\$26,367	\$ 19,248	
<b>BENEFITS</b>				
308020.2001	SOCIAL SECURITY	\$2,018	\$ 1,464	-\$554
308020.2101	HOSPITALIZATION	\$4,152	\$ -	-\$4,152
308020.2201	RETIREMENT	\$1,215	\$ 915	-\$300
308020.2202	VRS LIFE INSURANCE	\$128	\$ 87	-\$41
	TOTAL	\$7,513	\$ 2,466	
<b>OPERATION EXPENSES</b>				
308030.3100	ADMIN. EXPENSE/TOWN	\$2,000	\$ 2,000	\$0
308030.7300	OPERATIONS, MAINT., ETC.	\$10,000	\$ 14,533	\$4,533
308030.8501	SUNDRY	\$1,000	\$ -	-\$1,000
	TOTAL	\$13,000	\$ 16,533	
<b>CAPITAL IMPROVEMENTS</b>				
308090.9124	TRF TO RESERVES	\$0		\$219,373
308090.9126	CMH REPLACEMENT PROJECT	\$302,720	\$ 26,245	-\$276,475
	TOTAL	\$302,720	\$ 26,245	
<b>TOTAL HARBOR BUDGET</b>		<b>\$349,600</b>	<b>\$64,492</b>	<b>-\$65,735</b>

#### REVENUE

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	
304031.0100	INTEREST ON HARBOR SAVINGS	\$2,600	\$9,568	\$6,968
304031.1000	HARBOR RENT	\$40,000	\$50,548	\$10,548
304031.1001	RENT NEW SLIPS (RESTROOM)	\$9,000	\$286	-\$8,714
304031.1002	SUBLEASES	\$15,000	\$17,608	\$2,608
304031.1003	DRY/WINTER STORAGE	\$2,000	\$680	-\$1,320
304031.1004	LOADING DOCK	\$5,000	\$5,175	\$175
304031.1050	VA PORT AUTHORITY GRANT	\$276,000	\$200,000	-\$76,000
	<b>TOTAL REVENUE</b>	<b>\$349,600</b>	<b>\$283,864</b>	<b>-\$65,735</b>

#### TROLLEY FUND

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGE T AMEND
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<b>EXPENDITURES</b>				
<b>SALARIES</b>				
703010.0100	SALARIES	\$48,500	\$25,961	-\$22,539
	TOTAL	\$48,500	\$25,961	
<b>BENEFITS</b>				
703020.2001	SOCIAL SECURITY	\$1,900	\$1,917	
	TOTAL	\$1,900	\$1,917	
<b>OPERATION EXPENSES</b>				
703030.3401	INSURANCE	\$5,500	\$642	-\$4,858
703030.4401	SIGNS/PRINTING/ADVERTISE	\$1,500	\$6,609	\$5,109
703030.4701	FUEL	\$3,500	\$9,074	\$5,574
703030.7302	EQUIPMENT REPAIRS/MAINT	\$9,500	\$5,453	-\$4,047
703030.8501	OTHER EXPENSES	\$5,000	\$52,030	\$47,030
	TOTAL	\$25,000	\$73,808	
<b>CAPITAL IMPROVEMENTS</b>				
703090.9001	TROLLEY PURCHASE	\$0	\$32,384	\$32,384
	<b>TOTAL EXPENDITURES</b>	<b>\$75,400</b>	<b>\$134,070</b>	<b>\$58,653</b>

#### REVENUE

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGE T AMEND
704501.0100	TROLLEY GRANTS	\$55,200	\$120,912	\$44,423
704501.0110	PROGRAM INCOME	\$5,000	\$5,790	
704501.8900	TRANSFER FROM GEN. FUND	\$15,200	\$29,430	\$14,230
	<b>TOTAL REVENUE</b>	<b>\$75,400</b>	<b>\$156,131</b>	<b>\$58,653</b>

#### WATER FUND

ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGE T AMEND
<b>EXPENDITURES</b>				
<b>SALARIES</b>				
806210.1001	SALARIES	\$146,330	\$129,066	-\$17,264
806210.1003	OVERTIME	\$3,000	\$2,275	-\$725
806210.1004	PUMP DUTY	\$9,000	\$9,616	\$616
	TOTAL	\$158,330	\$140,956	
<b>BENEFITS</b>				
806220.2001	SOCIAL SECURITY	\$12,113	\$10,048	-\$2,065
	HOSPITALIZATION	\$20,760	\$16,608	-\$4,152

806220.2201	RETIREMENT	\$6,790	\$5,758	-\$1,032
806220.2202	VRS LIFE INSURANCE	\$715	\$559	-\$156
	TOTAL	\$40,378	\$32,974	
	<b>OPERATION EXPENSES</b>			
806230.4401	OFFICE SUPP/EQUIP MAINT	\$3,000	\$3,816	\$816
806230.4403	POSTAGE	\$5,000	\$3,196	-\$1,804
806230.4704	TOOLS	\$500	\$551	\$51
806230.4705	CHEMICALS	\$6,000	\$6,236	\$236
806230.6101	DUES/LICENSES	\$700	\$1,125	\$425
806230.6200	OTHER WATER DEPT EXPENSE	\$500	\$627	\$127
806230.7301	BUILDING MAINT/REHAB	\$500	\$1,473	\$973
806230.7302	EQUIPMENT REPAIRS	\$500	\$0	-\$500
806230.7400	RAW WATER PURCHASE (NASA)	\$2,000	\$0	-\$2,000
806230.7401	ELECTRICITY	\$40,000	\$41,517	\$1,517
806230.7402	LP GAS	\$300	\$339	\$39
806230.8101	DISTRIBUTION & REPAIRS	\$20,000	\$18,962	-\$1,038
806230.8103	SUPPLY REPAIRS	\$15,000	\$19,223	\$4,223
806230.8202	PAGER/WELL MONITORING	\$1,000	\$292	-\$708
806230.8204	MISS UTILITY	\$700	\$464	-\$236
806230.8501	SUNDRY	\$200	\$27	-\$173
806230.8601	REIMBURSEMENT TO FUND 10	\$105,144	\$105,144	
806230.8750	REGULATION COMPLIANCE	\$200	\$1,735	\$1,535
	STATE GROUNDWATER			
806230.8770	PERMITS	\$6,042	\$6,695	\$653
	TOTAL	\$207,286	\$211,422	
	<b>CAPITAL IMPROVEMENTS</b>			
806290.9101	WATER MAIN EXTENSIONS	\$30,000	\$16,038	-\$13,962
806290.9201	AQUIFER TEST PLAN	\$20,000	\$391	-\$19,609
806290.9505	WATER BOND-SUPPLY MAIN ST	\$123,871	\$113,549	-\$10,322
806290.9506	WATER BONDS	\$380,002	\$248,500	-\$131,502
806290.9600	WATER TANK PAINTING CTP	\$270,000	\$235,099	-\$34,901
<b>806290.9601</b>	<b>WATER TANK ROOF REPAIR</b>	<b>\$0</b>	<b>\$124,950</b>	<b>\$124,950</b>
	<b>WATER TANK ROOF REPAIR</b>			
<b>806290.9602</b>	<b>RES</b>	<b>\$0</b>	<b>\$149,951</b>	<b>\$149,951</b>
806290.9846	BASE MAPPING/GIS SYSTEM	\$2,000	\$867	-\$1,133
	TOTAL	\$825,873	\$889,345	
	<b>TOTALS:</b>	<b>\$1,231,867</b>	<b>\$1,274,697</b>	<b>\$42,830</b>

## REVENUE



ACCOUNT	DESCRIPTION	FY 07 BUDGET	YEAR TO DATE TOTALS	BUDGE T AMEND
804101.0100	WATER RENT	\$790,000	\$740,108	-\$49,892
804101.2200	WATER ADJUSTMENTS	-\$2,000	-\$4,082	-\$2,082
804131.0100	WATERLINE EXTENSIONS	\$20,000	\$14,468	-\$5,532
804131.0200	SERVICE CONNECTIONS	\$30,000	\$14,779	-\$15,221
804131.0300	INTEREST ON WATER SAVINGS	\$15,000	\$21,523	\$6,523
804131.0400	MISCELLANEOUS	\$1,000	\$0	-\$1,000
804131.0500	AVAILABILITY FEES	\$190,000	\$23,400	-\$166,600
804701.0100	TRANSFER FR WATER RESERVE	\$187,867	\$224,501	\$36,634
804701.0700	TRANSFER FR GENERAL FUND	\$0	\$240,000	\$240,000
	<b>TOTAL</b>	<b>\$1,231,867</b>	<b>\$1,274,697</b>	<b>\$42,830</b>

## ***5. Resolution, Correction of the General Public Improvement Obligation Bond (2005)***

Ms. Hipple, Director of Finance, stated that during the recent audit of the Town's financial statements, it was discovered that the amortization schedule published in the bond did not reflect the amount billed by Wachovia Bank. It was found that there was a typographical error on page one of the bond agreement. The bank has requested that Council adopt a resolution to make the Bond Documents correct.

Councilwoman Conklin made a motion, seconded by Vice Mayor Speidel to adopt the proposed resolution, unanimously approved:

### **AMENDING RESOLUTION TO CORRECT THE GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2005, ISSUED BY THE TOWN OF CHINCOTEAGUE, VIRGINIA, ON OCTOBER 5, 2005**

**WHEREAS**, on October 5, 2005, the Council (the "Council") of the Town of Chincoteague, Virginia, issued and sold its \$1,200,000 General Obligation Public Improvement Bond, Series 2005 (the "Bond"), to Wachovia Bank, National Association (the "Bank"); and

**WHEREAS**, it has been determined that the Bond delivered to the Bank contained a typographical error in the amount of the combined monthly payment of principal and interest, and the Council desires to correct such typographical error;

**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF  
CHINCOTEAGUE, VIRGINIA:**

1. The payment amount in the second sentence of the first paragraph of the Bond is hereby corrected to insert \$11,919.03 in the place of \$11,913.03. The Director of Finance of the Town is hereby authorized and directed to have prepared a corrected page 1 of the Bond and to substitute such page on the original Bond held by Wachovia Bank, National Association.

2. This resolution shall take effect immediately.

## **6. *Setting the Date for a Public Hearing for a repeal of Section 2.149 Sight Distance Triangle***

Councilman Howard made a motion, seconded by Councilwoman Richardson to schedule a public hearing for the repeal of Section 2.149 Sight Distance Triangle. The motion was unanimously approved.

## **7. *Setting the Date for a Public Hearing to change the Zoning Ordinance for Exterior Door Landings***

Mr. Anderson gave a brief description of the issue. He stated that expanding the landing for exterior doors from 3 feet x 3 feet to 5 feet x 5 feet was a safety concern. Staff felt that allowing a door landing of 5 feet x 5 feet will allow for maneuverability especially when considering persons with disabilities. Councilman Howard asked if Mr. Anderson's short presentation was for informational purposes. Mr. Anderson stated that it was for informational purposes. Councilman Ross asked if this issue dealt with the stairs leading up to the door landing. Mr. Anderson stated that it only dealt with the actual door landing and not the stairs.

Councilwoman Conklin made a motion, seconded by Councilwoman Richardson to schedule a public hearing. The motion was unanimously approved.

## **8. *Safety & Transportation Committee Report of September 6, 2007***

Mayor Tar presented the following report of the Safety Advisory and Transportation Committee:

### **A. Emergency Management Report**

i. EOP Revision – Mr. Rush stated that Mr. Nelson Jester has been a great help with the EOP revision and that he planned to begin a hard copy revision by the middle of September. Mr. Rush advised that each member has received an After Action Report for ESVAX 07 and that parts of the report are going to be used to update the EOP.

ii. Training – Mr. Rush stated that there is a CERT class being held at the Chincoteague Community Center. Residents from Chincoteague, Captains Cove, and members from the Eastern Shore Area on Aging are participating. Mr. Rush also advised the committee that there was an Emergency Medical Technician Course being held at the fire station. Twenty students are enrolled. The students are from Chincoteague and other areas of the County. Mr. Rush believes there will be 3 or 4 students that will sign up

locally to become volunteers, which will strengthen the volunteer ranks of EMS. Mr. Rush also advises that he will be implementing an Advanced Life Support continuing education class for the career EMS providers at which time they will also have their monthly staff meeting. He advised that he is also opening the class up to local volunteers and volunteers from the County. Councilman Wolffe advised that it would be a good idea to have Stephen Furness put an article in the paper about the ALS CE program. Mr. Rush has scheduled CPR class for the Police Department. Paramedic Drewer and Paramedic Holloway will be teaching the classes. It is Mr. Rush's goal to have all Town employees trained in CPR by the end of the year. Mr. Rush advised the committee that the USCG could not do the ICS 300 training; however, he found an ICS 300 & 400 class in Melfa September 29 and 30<sup>th</sup> from 09:00 – 17:00 and October 2 and 4<sup>th</sup> from 18:00 – 22:00. Let him know if anyone is interested in signing up. ICS 100, 200, IS 700 and IS 800 are prerequisites.

iii. EMS Staffing - Mr. Rush updated the committee on the new EMS staffing. Since August the 5<sup>th</sup>, the career EMS employees have logged 81 EMS calls. Councilman Wolffe questioned if this was both volunteer and career or only career. Mr. Rush advised Councilman Wolffe that this was only career calls. Mr. Rush stated that as of today they have already logged 16 calls in September, which is busy for September. Councilman Ross questioned if there were any tallies kept on whether the calls are visitors or locals. Mr. Rush advised that he did not, but has an idea after reading through reports that most were locals. Councilman Wolffe asked how many of those calls were true ALS calls. Mr. Rush advised that he did not have the information in front of him, but recalls 68. Councilman Wolffe stated that his thoughts were that as we increase coverage in the future, that it may be beneficial to have a BLS unit as well. Mr. Rush advised that he is seeing a faster response from the volunteers as well as coming out more during the day so that one employee can stay behind to get out a second ambulance with a volunteer. Councilman Ross questioned the times of CERT class. Mr. Rush advised the class was currently full and that it went from 09:00 to 17:00 daily. Councilman Wolffe questioned the age of EMS personnel to volunteer. Mr. Rush stated that a 16 year old can ride the ambulance, but to ride by themselves they must be 18.

iv. Information (Fire / EMS Study by the County) - The Accomack County Board of Supervisors approved the monies for a Fire and EMS study for budget FY 07. The study has been completed and is now ready for viewing. The study can be viewed at [www.acdps.net](http://www.acdps.net).

The study suggests the Town of Chincoteague to hand over their three EMS employees to the County Department of Public Safety, to better streamline the county. It also suggests that the county charge a fire/EMS tax for Chincoteague. This tax revenue would be placed in the county's funds.

Also, the suggestion is for a countywide fire chief and that all companies turn their EMS billing money over to the county for services.

The Accomack County Fire Commission has heard a presentation from All Hands Consulting as well as the Accomack County Board of Supervisors. Various members from the Town and Fire Company were present. These meetings were informational. Mr. Rush said that some of the supervisors have requested that the County Fire Companies

submit a letter supporting 10 – 12 actions from within the study. Mr. Rush said the Fire Commission meets the third Thursday of the month and that the study should be the hot topic.

v. Information – Mr. Rush stated that his intern Mr. John P. Lewis had applied for a grant in the spring from the Department of Fire Programs as part of his internship. Mr. Rush has found out that the grant for \$4,474.45 had been approved. The grant will be a 50/50 match for the Chincoteague Vol. Fire Co. They will be able to purchase wild land firefighting gear to include chainsaws. Mayor Tarr suggests that a letter be sent to Mr. Lewis recognizing his efforts. Councilman Ross asked what the SOP for a woods fire on Assateague consisted of. Mr. Rush advised that he did not know but would have to direct that question to the fire chief. Mr. Rush gave an update on a materializing tropical storm (later known as Gabrielle).

Councilman Ross questioned Mayor Tarr about a secondary EOC at NASA. Mayor Tarr advised that the Town was in the process of entering into a memorandum of understanding to have a secondary EOC on base as well as some dormitory space in the event that we were there a while. Councilman Ross questioned who will be responsible for equipment in the secondary EOC. Mayor Tarr said NASA will have phone lines and the EOC staff would take their laptop computers. Councilman Ross questioned how we would know to go their. Mayor Tarr said it would depend on the size and magnitude of the storm. Councilman Ross states there should be a plan. Mayor Tarr advised one would be drafted after the MOU with NASA is finalized. Councilman Ross agreed that a secondary EOC and that he was sure the proper planning would be done. He also stated that know one needed to be on Chincoteague if we were facing a category 3 storm. Mayor Tarr said that other issues with the fire company needed to be worked out as well as putting names and badges to those 10 – 12 people that will go to NASA.

iv. Bike Path Safety – Mr. Rush stated that he was informed by Councilman Ross about the drain across the street along Deep Hole Road has a large drop-off and some type of barrier would suffice. The Mayor mentioned that Mr. Cosby is taking care of the situation. Councilman Ross made a comment that he would like to see a barrier similar to the barrier that the Assateague Park has along beach road near the pony pin.

## 2. Committee Member Comments

- Councilman Ross concerned that the barriers on the bike trail on Deephole Rd, requests a side panel similar to the barriers on Assateague by the horse pound. Mayor Tarr advises that the issue will be sent to Mr. Cosby.
- Councilman Ross concerned about parking downtown on the weekends. He is also concerned about parking on Maddox Blvd after the bridge is placed there. Councilman Ross suggests that council look into purchasing estate properties in the area to allow for more parking.
- Councilman Ross enquiring if a study will be done about the traffic flow on Maddox and turn lanes to alleviate traffic hazards. Mayor Tarr advised that VDOT did a study when the Deephole Rd. light was installed. The study puts a classification rating of A-E on the flows. That intersection was a class C and the study was to be good until 2020. VDOT believes that a light at Main St. and Maddox Blvd. will improve traffic flows in that area or at least not get any worse. Councilman Ross suggests that maybe redirecting

traffic to Halley Whealton Smith Dr. would ease traffic flows. Mr. Tarr advises they will ask Mr. Holloway with VDOT if a study was or will be done about alternate traffic patterns. Councilman Wolffe suggests that information needs to be obtained to see if a Left Turn lane will be included in the traffic pattern. If not, it could potentially be a real mess. Councilman Wolffe suggests we advocate such a turn lane. Mayor Tarr states that the Town could add a turn lane after the fact but not with federal money from VDOT. Councilman Ross states that he thinks there is a right-a-way from Deephole Rd. to Chicken City near the Dollar General store. Mayor Tarr advised that is correct, but highly controversial because there are properties built in the right-a-way now.

- Mayor Tarr commented on his meeting with Mr. Jester. Mr. Jester says that we need to get information out. Using the web page was a great way. Mr. Rush advised that he sent information to the Mr. Chris Mills to update the Town's web page. Mayor Tarr suggests we test the phone lines in the EOC. He also stated we need to contact all involved parties to see if there is anything they want to add to their EOC stations.
- Mayor Tarr stated he was concerned about the equipment that was located in the channel owned by American Bridge Co. Mr. Rush advised he had been in contact with American Bridge to go over site safety plans as well as hurricane plans. American Bridge told him they would move the equipment out when a storm came. Further conversation in a separate meeting yielded information from the Coast Guard that the anchors would hold the barges in place. Mayor Tarr would like a meeting with American Bridge Company to confirm their plans.
- Councilman Ross commented that Island Communications tested the phone lines a few years ago and all was ok. He also asked Mr. Rush how many computers would be needed. Mr. Rush advised two would be sufficient. Councilman Ross questioned how many connections to the internet there were. Town Manager Ritter advised that there is now a wireless connection.
- Mayor Tarr also states that Mr. Jester recommends that we have a separate work station for call takers in the EOC.
- Mayor Tarr states he is looking for available grant monies as well as help through state and federal agencies to obtain a Fire/Rescue/Police boat for the island under advisement of Mr. Jester.

**Councilman Howard made a motion to adopt the Safety Advisory and Transportation Committee report, seconded by Councilwoman Speidel. The motion was unanimously approved.**

## **9. *Mayor & Council Announcements or Comments***

- Mr. Ritter announced there will be a workshop with the Town's wastewater consultants on Thursday, September 27, 2007 at 7:00 PM at the Community Center.
- Councilwoman Richardson just wanted to remind people that there will be a Planning Commission meeting Tuesday, September 25, 2007 at 7:00 PM in the Council Chambers.
- Mayor Tarr wanted to thank Mr. Anderson for putting together the stakeholder meetings and staying the entire day to hear from different citizens.

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

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

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

Councilwoman Richardson moved, seconded by Vice Mayor Speidel 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- Conklin, Speidel, Richardson, Howard, Ross  
Nays- None  
Absent- Wolffe

***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on Monday, October 1, 2007 at 7:30 pm. Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE OCTOBER 1, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**Council Members Absent**

Nancy Conklin

## ***Call to Order***

Mayor Tarr called the meeting to order at 7:30 p.m.

## ***Invocation***

Councilman Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Open Forum/Public Participation.***

- Mr. Mike McGee voiced his concerns regarding last month's Waste Water Management Meeting. He's concerned of the impact on the seafood industry if statements made in this meeting were to be printed in newspapers. He would like to see the local shellfish sanitation department involved in checking our waters. Mayor Tarr advised that since that meeting, he had Mr. Ritter pull reports from shellfish sanitation for the past two and one half years. They are still waiting for reports from the National Park Service as well as DEQ, if there are any. They will sit down with Mr. Rigby of Wastewater Management to go over these reports. Mayor Tarr advised Mr. McGee that he would get the name and address and forward it to him.

## ***Agenda Additions/Deletions and Adoption***

Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of the Minutes of the September 20, 2007 Council Meetings.***

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### ***2. Accomack County Board of Supervisors Update. (Honorable Wanda Thornton)***

- Mrs. Thornton stated that the county will receive their central sewage study on October 4, 2007 at 7:30 p.m. at Nandua. She said it would be beneficial to attend.
- She has made the town aware of the Aquaculture Enhancement Zones. Anyone that has not read it, she suggests they do. The meeting for this is October 17<sup>th</sup> at 2:00 p.m. at the Painter extension office. The county's attorney has reviewed it as well and is quite concerned. She said the county is requesting only people from the Eastern Shore and a few members of the board of supervisors sit on the committee as it only applies to the Eastern Shore. The Groundwater Committee has requested that the chairman, vice-chairman and the groundwater engineer be a part as well. They are hopeful that someone from the organization will come to the Groundwater Committee Meeting on October 16<sup>th</sup> and give a presentation. The meeting will be at 7:30 p.m. at the Chincoteague Center. There will be public participation after the meeting.

- The six year transportation plan meeting is in Chesapeake on October 9<sup>th</sup> at 6:00 p.m. She will be there representing Accomack County. She stated she had received a phone call from Beth Bounds asking if she could be an advocate for improvements to Rt. 175. Ms. Bounds is the mother of Chance Holston. Beth has attended one meeting with Mrs. Thornton and will be attending the meeting in Chesapeake. Mrs. Thornton has requested a safety audit of the whole area of the Queen Sound boat ramp. The Technical Advisory Committee is selecting the causeway for a safety audit as well.
- The county is going forward with their Comp Plan.
- She had a meeting with the Park Service recently in reference to the posting of an elevated count in the water. They told her it was probably an anomaly, but by law a notice of elevated count had to be posted. She has met with the Park Service and will invite the Health Department to come to the next community leaders meeting to help work out some kind of protocol in case this were to happen again.
- She received a report from Rick Bull, Superintendent of the Schools, and he has advised that enrollment in the schools continues to decrease. There is a composite index the state uses, whereas if property values rise the amount of money you get to fund your schools decreases. As we all know, our property values continue to rise and therefore we will get less money at the state level which means locally we will have to make it up.
- They are in the process of having a Saltwater Intrusion Research done for ground water. The USGS has almost finished the three year study that was funded to look at all groundwater on the Eastern Shore and the availability of the ground water. Now they want to look at the saltwater intrusion. The county voted last week to fund a portion of that money. Most of the money is coming from grant money but there is a small portion we would need to fund.
- There will be a public meeting on October 17<sup>th</sup> to rezone the land at Wallops Park from agricultural to industrial.
- Visitation at Assateague is up and there were not as many beach closures this year as in the past.
- Councilman Wolffe asked if the comment period for the Aquaculture Enhancement Zone had been extended. Mrs. Thornton advised they had requested that it be extended but had no response as of yet. The comment period is scheduled for October 24<sup>th</sup> as of right now.
- Councilman Ross asked about the tax re-assessments. Mrs. Thornton explained the appeal process and also noted that she will vote against any tax increases as she has in the past.
- Councilman Wolffe and Councilman Howard had questions regarding the meeting that was held on the consolidation of the fire departments within the county. She advised should this happen it would be devastating to Chincoteague. Many are in opposition and the document is full of flaws and inaccuracies. It is asked to go back to the Fire Services Commission who will decide. She will advise us when the meeting will be held.

### **3. *The Public Works Committee Report of September 11, 2007.***

Councilman Wolffe just wanted to let everyone know that there would be some fairly major work happening on Church Street this fall continuing into the spring. It would



include water, drainage and surface. The public will be informed well in advance before it takes place.

Councilman Howard motioned, seconded by Vice Mayor Speidel to approve the minutes as presented. The motion was unanimously approved.

#### **4. *Budget and Personnel Committee Report of September 18, 2007***

Vice Mayor Speidel stated that at this meeting the issue of solid waster fee relief was discussed. She advised that pursuant under Section 54-93 any parcel that qualifies for exemption of real estate taxes should also be exempt from the solid waste collection fee. The committee has approved to send this motion to council.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- Consider changes to the Code (Section 46-17) for trash fee relief. After much discussion it was decided to add subsection (c) to Sec. 46-17 of the Town Code to read as follows:

- (c) Any parcel that qualifies for exemption from real estate taxes pursuant to Section 54-93 shall also be exempt from solid waste collection fees.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the addition. The motion was unanimously approved.

#### **5. *Recreation and Community Enhancement Committee Report of September 18, 2007***

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as written. The motion was unanimously approved.

#### **6. *Mayor & Council Announcements or Comments***

Councilman Wolffe advised that the Public Works Committee meeting scheduled for 5:30 p.m. on October 9<sup>th</sup> will need to be changed to 6:00 p.m.

Councilman Howard advised everyone of the Cemetery Committee Meeting on October 23<sup>rd</sup> at 5:30 p.m.

#### ***Adjournment of Meeting***

Councilman Howard motioned, seconded by Vice Mayor Speidel, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE OCTOBER 11, 2007**  
***TOWN OF CHINCOTEAGUE SPECIAL COUNCIL MEETING WORKSHOP***

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy Conklin, Councilwoman

**Council Members Absent:**

Anita Speidel, Vice Mayor

**Call to Order**

Mayor Tarr called the meeting to order.

**Invocation**

Councilman Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Agenda Additions/Deletions and Adoption**

**Councilman Wolffe motioned, seconded by Councilwoman Richardson, “to adopt the agenda as presented”. The motion was unanimously approved.**

Mr. Rigby from Waste Water Management stated that this meeting will be geared towards answering any questions, and obtaining direction from the Town of Chincoteague as to what are the next steps. Mr. Nicholas Valcourt from Waste Water Management gave a presentation that recapped the meeting held a few weeks ago. Mr. Valcourt reported bacteria and nutrients are leaking into the bay from on-site sewer systems, which is affecting the water quality. Several sources have documented these findings. Waste Water Management, the Environmental Protection Agency, National Park Service, and the Virginia Department of Health (VDH) were among those mentioned.

Implications of degradation of water quality include an inability to increase sewer discharges, inability to improve/expand properties, and beach restrictions. Mr. Valcourt stated new on-site waste regulations will increase the homeowner’s expense for a septic system. Deep well injection was also discussed at the meeting with the EPA and grant funding was discussed. Mr. Valcourt said he would be referring to the 2006 Maryland Bay Coastal Report in which it explains the presence of nitrogen isotopes that are from human derived sources. Mr. Valcourt showed pictures of healthy sea grass and also pictures of sea grass found in the Chincoteague Bay, there is a dramatic difference in the two, due to no sunlight filtering down to the sea beds. Mr. Valcourt reported on an article by Mr. Dave Blazer on the Maryland Coastal Bays website. The article was in response to the May 2007 Captains Cove Project. Mr. Blazer stated the vegetation area is consistently decreasing. Chincoteague Bay is exhibiting slow and consistently increasing levels of nitrates and phosphorous.

Mr. Valcourt reported on comments from Secretary of Natural Resources Preston Bryant in July. Secretary Bryant's impression with all the studies done in and around Chincoteague indicated that there is need for a central sewage system.

Since 1994 EPA has listed Chincoteague Bay as an impaired water body, due to low oxygen levels, high nutrient levels, and the presence of bacteria. Mr. Valcourt said a report from EPA stated the elevated sources, especially near the town of Chincoteague. Mr. Valcourt reported that DEQ has classified 5 specific waters around Chincoteague as being impaired. Chincoteague Inlet, Chincoteague Channel, Tom's Cove, Shepherds Creek and Assateague Channel with all receiving flow from Chincoteague Island. Mr. Valcourt also stated one would not be able to harvest shellfish from these areas in the future, as the Department of Health put an indefinite restriction due to a potential threat to humans.

Waste Water Management has completed its own testing as Mr. Rigby and Mr. Valcourt went out for samples and took them to the same labs as the National Park Service uses. The findings on the reports were that nutrients in the guts were 500% higher than those in the bay over a ten year period. In a river, you would expect to see 2-8 milligrams per liter, it was found that there was an average of 46 milligrams per liter the gut. Fecal bacteria was 2.2 times the EPA contact limit, one should not even step in the water. E. coli was tested with all the samples being over the testing limit of 2400. Mr. Valcourt said it is twice what the limit is. Chlorophyll, which measures algae growth, was 10 to 50 times what NPS is saying is in the rest of the bay. The gut has a much higher level than the Chincoteague Bay. These levels are what you would see flowing in a waste water treatment plant. Mr. Rigby added that the samples were taken on two different days, two weeks apart. One day on low tide and one on a rising tide. Water quality is more degraded closer to Maddox Blvd.

Mr. Rigby referred to the meeting with the Secretary of Natural Resources, DEQ and VDH in July. Mr. Rigby stated the Governor had taken action to halt discharge in shellfish waters, not realizing Chincoteague had no public sewer system. Criteria within the law of Virginia are when this act is imposed on a community and causes an economic hardship that it would be an avenue for an appeal of the regulation. Mr. Rigby stated the gut could hold some promise for receipt of some sewage, but the volume could not be determined until after the application is made. The state would then come and model the flow. A tabletop computer model was done by Mr. Rigby determining there were 25 to 30 million gallons of water in the gut. VDH does not have a specific number to go by. Example: if we had 24 million gallons of water in the gut, VDH says we can put 1 million gallons a day in there. VDH will determine the numbers after some research.

One idea was brought up at the meeting to have the Coast Guard and Hotels that have existing sewage plants and discharge permits, possibly acquire their volume of TMDL (total maximum daily load) and roll that into a town permit, do a better job of treatment so more flow could go back into the channel. Deep well injection was also discussed. The top permit writer for DEQ sent a letter stating DEQ would prefer the well in the 500 foot range; Waste Management was considering the 980 foot range. DEQ said if the Virginia Marine Resources Commission would state there is no opportunity for shellfish resources in the gut now or in the future, the gut would be a viable option. Mr. Rigby

stated to DEQ he did not want to continue to file applications with all the costs and time to have it be denied. Although not adopted, the waters on the east side of the eastern shore peninsula are being referred to as aquaculture enhancements zones. Mr. Rigby stated at a meeting in January with all the regulatory agencies he was told Virginia was second only to the state of Washington in the amount of shellfish raised through aquaculture farms in the country. This is a primary commercial opportunity and a primary commercial resource that needs to be protected. Mr. Rigby said in late July the DEQ discussed placing a committee in charge of enacting an aquaculture enhancements zone designation that is still open for public comment. This draft talks about the waters east of the peninsula as being prime aquaculture enhancement zones which need to be protected; therefore there could be prohibitions on septic systems and new sewer discharge.

Another issue Mr. Rigby talked about was legislative committee for new onsite sewage disposal regulations. The committee developed a terminology of alternative systems which include pumping, peat systems, treatment units, and systems that use pressure distribution. A designation for the alternative systems would require licensed operators, who would be trained to understand the system and perform yearly maintenance and testing, with all paperwork sent to the VDH. Main Street and Maddox have been looked at as a possible first step. Mr. Rigby stated he is waiting for the Town to give him direction on what the next step would be. Mr. Rigby said without a defined project, grant money would be difficult to obtain. Mr. Rigby then opened the floor for questions.

Councilman Mr. Howard asked how long deep well injection has been done. Mr. Rigby stated deep well injection before it was permitted has gone back 40-50 years. According to EPA there are 1400 active deep well permits in the U.S., none of which are in Virginia. Mr. Howard also asked if the town were to use the gut, how difficult would it be, without the public seeing all the information presented here, to get the point across to the public. Mr. Rigby stated the public's perception of water coming out of a waste water treatment plant would be it is sewage water. Mr. Rigby stated the water would not have any odor or materials in it; they would be left back at the treatment plant. During this entire process, efforts need to be made to educate the public.

Pertaining to the slideshow, Councilman Ross asked Mr. Rigby, if you took the Chincoteague square out of it, is all the water that comes from the Eastern Shore out of the ground, adding up the percentages, it is just about 100%. Mr. Ross asked if Chincoteague was put in with a statement that all of Chincoteague's water is coming from Yorktown Aquifer. Mr. Rigby answered that was what was reported in the ground water report. He also stated that Chincoteague is a subset of what is being taken from the aquifer. Mr. Cosby stated that Chincoteague has surface aquifers around Yorktown. Mrs. Thornton stated most of the water on the Eastern Shore is pulled from Yorktown, Eastover aquifers. Mr. Rigby stated nothing is being drawn from the St. Mary's or Potomac aquifers, 100% of Chincoteague's water comes from above that elevation. Mr. Rigby stated the slide was given to Waste Water Management by US Geological Survey. Councilman Wolfe asked if the Columbia aquifer is an upper aquifer, Mrs. Thornton answered it is an upper aquifer and a lot of areas mix their water from Columbia and Yorktown aquifers. Mrs. Thornton added that the Ground Water Consultant, who has been the Eastern Shore's ground water consultant engineer hydrologists for years and

works with the USGS, would be having a meeting on Tuesday night. Mrs. Thornton said at the meeting he would be reporting on a 3 year study done by the USGS, on how much water is available. Mrs. Thornton clarified to Councilman Ross that all water on the Eastern Shore is pulled from Columbia or Yorktown Eastover Aquifers. Mr. Rigby stated they are only considering deep well injection in the lower aquifers. Councilman Wolffe added that although we do not want waste water anywhere near drinking water, Mr. Rigby has stated that in places like Phoenix and Salt Lake where there are shortages of water, they are purposely taking affluent from the waste water facilities and planting it in places where over time the effluent will seep back into the water that is used for fresh drinking water. Essentially they are recycling their water.

Mr. Rigby stated in the Potomac Aquifer the water is moving west to east where it will be pushed out to sea. Mr. Rigby added if there are no wells in Accomack or Northampton pulling from the Potomac aquifer, the closest well to Chincoteague in that aquifer would be Virginia Beach, 50 to 70 miles. A member of the audience stated the chart shows creditability due to the mention of Chincoteague's water supply. Mr. Rigby asked that a statement that Chincoteague's water comes from Yorktown or above be added in. Councilman Ross stated if Chincoteague is going to be on the chart, only the percentage Chincoteague is drawing should be on there. Councilman Wolffe asked that the ground water report be given to Council. Supervisor Thornton stated that Chincoteague pulls approximately 189 million gallons a year; Perdue and Tyson pull more water than all of the houses in the entire county put together. Mr. Jim Frese asked Mr. Rigby about the testing of the 6 vials. He wanted to know if the samples were taken of Assateague Channel to the east and Chincoteague Bay to the west at the same time these samples were taken. Mr. Rigby stated he did not. He also stated the National Park Service, which has been taking monthly samples for the last 12 years, had not taken any samples of fowling gut. Mr. Jim Frese asked if Mr. Rigby calculated the volume of water to the west and the east of fowling gut. He stated the Assateague Channel, a good portion of the fowling gut, is 1000 feet wide, with the tide ripping through. If fowling gut is 25 million gallons, how many million gallons is the Assateague Channel? Mr. Rigby stated there would be billions of gallons in there. Mr. Frese stated that was his point, if you mixed those 25 million gallons with the billions of gallons from the Chincoteague Bay and the Assateague Bay, it would be clean, like what you would be putting back into the Potomac Aquifer.

Councilman Wolffe stated he was getting conflicting information. He said he understood from the meeting today there is no doubt waters around Chincoteague have been degraded, with studies showing that at least some part of that degradation is from human sewerage. At other meetings others have come, without data, but spoke in front of Council about monthly testing they have done all around the island with the tests being clean. Mr. Wolffe questioned how to put these two bits of information together. Mayor Tarr stated it is the Shell Fish Sanitation Corp. who does the monthly testing. Mr. Rigby stated that the National Park Service testing has shown continuing degradation around the Chincoteague Bay for chlorophyll, nitrogen, phosphorous, and loss of sea grass. Mr. Rigby also stated those numbers do not correlate with the Shell Fish Sanitation's numbers. Councilman Wolffe said some of the closures are not due to actual contamination, only potential for contamination. Mr. Rigby stated Dr. Croonenberghs

said with the removal of onsite septic systems, over time restrictions would be lifted. It was asked why fowling gut has been closed off, causing an overflow into yards. Mayor Tarr stated we have an easement through the glade, with a pipe installed behind the pizza place, along Sweet Fitchett's emptying in Eel Creek. Mayor Tarr stated it is completely flat from the other side of Maddox Blvd to Little Bay. The only way any flushing will be done is when it fills high and pushes out. Mayor Tarr said the culvert under Maddox was replaced. Mr. Rigby said if there were a second connection it would help keep it flushed. Mr. Rigby stated water from a treatment plant would be a lot cleaner than the water that is there now. As it stands now, water overflow from a storm event would leave fecal coli form and chlorophyll on properties. Mrs. Wanda Thornton stated there is no more overboard discharges allowed in the Chincoteague Bay and any discharges in fowling would eventually end up in the Chincoteague Bay.

He also stated that water quality is important, but not the deciding factor in getting a sewer system on Chincoteague. Councilman Wolffe stated there are many grants to pull from so the citizens of Chincoteague will not have to absorb 100% of the cost of a central sewage system. Mr. Rigby stated all the options would be drafted for approval by the Council before being submitted. Councilman Ross stated Shellfish should be brought to Council to discuss this matter. Councilman Wolffe stated even if the water quality is clean; we should research further the option of a central sewer system. The issue of growth was mentioned as a problem. Mayor Tarr listed problems on Chincoteague not due to growth. Mayor Tarr stated there are failing systems on the island. Mrs. Thornton stated she agrees we need a system, but do not use the water quality as the reason. That would be detrimental to the seafood industry and tourism. Mr. Rigby said a purpose has to be stated. Data has to be shown. Councilwoman Conklin asked if Mr. Rigby could prepare the white paper so that all information could be presented. Councilman Howard stated an accurate account from all agencies needs to be brought to Council. Councilman Wolffe asked if one of the primary reasons the grant funding agencies may be amendable to this funding is due to the ecological and environmental aspect of the project. Mr. Valcourt said it was. Councilman Wolffe stated it is important to keep in mind that it is now or may be in the future water quality issues which could aid in obtaining funding.

**“Councilwoman Richardson made a motion, seconded by Councilman Ross to have Shellfish Sanitation come before Council”. The motion was unanimously approved.**

**A motion was made by Councilman Wolffe, seconded by Councilman Howard “to have Mr. Rigby begin on the white paper”. The motion was unanimously approved.**

### **Adjourn**

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

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Mayor

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Town Manager

**MINUTES OF THE October 18, 2007  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

**Council Members Not Present:**

Anita Speidel, Vice Mayor

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

***Call to Order***

Mayor Tarr called the meeting to order at 5:10 pm.

***Invocation***

Councilman Howard offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

***1. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Mr. Anderson began the discussion by stating that the Planning Commission has been looking at amending the sign ordinance for several years. The original request from the Council was for the Planning Commission to look at the issue of scrolling signs. Chairman Rosenberger stated that this process is in its fourth year and there have been over thirty meetings regarding this issue.

In looking at the structure of the proposed sign ordinance amendments the vast majority of struck through text is text that has been moved to another section, not removed completely.

Councilman Wolffe suggested that Council go through the 'Definitions' section of the proposed sign ordinance one page at a time instead of reading through each individual definition. It was agreed by participating members that Council go through the definitions one page at a time.

The first definition questioned was "abandon sign." Councilman Howard wondered if it should read "abandoned sign." Mr. Anderson stated that the first paragraph of 'definitions' should take care of Councilman Howard's concern. Chairman Rosenberger added that this was a new definition that would address signs that are not needed, yet still erect.

Councilman Wolffe asked what signs are covered under 7.2.3. 'Animated signs?' Chairman Rosenberger stated that LED signs that display letters or characters, with the example being the sign outside the chamber of commerce were the types of signs that were to be covered in the definition. The term "animated sign" in the proposed amendments is similar to the current definition of "scrolling signs."

Mayor Tarr commented that 7.2.14. 'Changeable letter signs' do have electric so putting "non-electric" in the definition is not correct. Council asked staff to look into rewording this definition.

There was some uncertainty by the Council and Staff as to the difference between 7.2.16. 'Commercial Directional signs,' 7.2.18 'Directional,' and 7.2.20 'Directional sign.' The definitions seem to say similar things and some of the terms are confusing. Chairman Rosenberger called attention to 7.2.22 'Directory Signs' and how the Town would own and maintain these types of signs. The intent of "Commercial Directional sign" in the current ordinance was to be a small sign that was on-site and directed someone somewhere.

Mayor Tarr commented that the Council may need to take the dimensional requirements "four square feet or less in area" out of the definition on 7.2.18 'Directional.' The Mayor asked Mr. Anderson if he would look at 7.2.16 through 7.2.20 to see if staff needs to amend these to avoid repetition.

Councilman Wolffe has concerns that on the Sign Survey 81% of the respondents were in favor of 'off-premise signs,' he wonders if those respondents knew what 'off-premise' signs were.

It was noted by Mr. Anderson that the term 'General Advertising Signs' does not show up in the body of the ordinance, it was suggested that 'General Advertising Signs' be taken out if it is not used in the body of the ordinance.

Councilman Ross asked how the Town has been enforcing 7.2.30 'Glaring Signs.' What may be a nuisance to one person may not to another. Mr. Anderson stated that he will talk to Mr. Lewis about glaring signs.



Mayor Tarr does not understand the last sentence for 7.2.37 'Incidental Sign.' He thinks it may be contradictory to the 'Home Occupation Sign.' Council wants staff to look into whether to keep this definition if it is not identified in the body of the ordinance.

Councilman Wolffe indicated that 7.2.38. 'Location Sign' seems very similar to the off-premise sign, and requested that staff look into keeping this definition.

Chairman Rosenberger stated that there will need to be a definition for Mansard Roof.

Mr. Anderson stated that 'Off-Premise Signs' are not explicitly stated in the body of the ordinance. The Mayor indicated that the probable intent of the Planning Commission was to not allow 'Off-Premise' signs, so they should be added to the prohibited section of the ordinance.

The Mayor stated that on 7.2.52. 'Roof Signs' the second sentence should be in another section but not in 'Definitions.' It was recommended that the sentence be taken out of the definitions.

Mr. Anderson stated that 'Scrolling Sign' is a common term that even though these types of signs are covered under 'Animated Signs' there should still be 'Scrolling Signs' under the definitions for quick reference.

There was some uncertainty as to the difference between a 'Freestanding Sign' and a 'Monument Sign.' It was clarified by indicating that the monument itself is the sign.

7.2.56 'Sexually Graphic Sign' is not explicitly stated in the Ordinance but it was probably intended by the Planning Commission to be included in Prohibited Signs.

7.2.61. 'Snipe Sign' was not explicitly stated in the body of the ordinance but it should be included in Prohibited Signs. Councilman Wolffe asked if someone was selling a lawnmower could they put a sign in the yard? It was determined that there is a difference between putting a sign indicating a garage sale in someone's property and putting it on a utility pole that is in the public right-of-way. Council asked staff to look at 'Snipe Signs.'

Councilman Wolffe has concerns about the definition for 7.2.62. 'Street Frontage' and the reason the Town would measure the shorter of the two sides at a corner to determine street frontage. Mr. Anderson explained that this was taken from another part of the zoning ordinance which defines which is the front of a corner lot with regards to setbacks. Council would like staff to look at the reason for keeping 'Street Frontage' in the sign ordinance.

Mr. Anderson described the interpretation of window signs by Mark Flynn, of the Virginia Municipal League, to the Council. Mr. Anderson understood Mr. Flynn's remarks to signs that can be seen from the sidewalk or road through a window, but are not on the window are not subject to the Town's sign ordinances. However if the sign is attached to the window the Town may have enforcement rights.

The Mayor has concerns with the enforcement of 7.2.66. 'Vehicular signs' especially if the vehicle is properly licensed. Signs such as those on a moored boat may be encompassed in 'off-premise' sign. Council would like staff to address this issue.

Mr. Anderson stated that the Council has reviewed the definitions and that it might be a good place to stop for the evening. It was suggested that the workshop be postponed until staff could research and make any changes to the items reviewed today.

**There was a motion by Councilman Wolffe, seconded by Councilwoman Conklin to adjourn the meeting. Unanimously approved.**

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Mayor

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Town Manager

## **MINUTES OF THE NOVEMBER 05, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy Conklin, Councilwoman

### **Call to Order**

Mayor Tarr called the meeting to order at 7:30 p.m.

### **Invocation**

Councilman Ross offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance

### **Open Forum/Public Participation**

Mr. John Jester stated he had been asked by the mayor to work with town staff on updating emergency plans. Mr. Jester said in the case of a storm on the island, fuel tanks are of great concern. The largest fuel tanks, which are near the water and would be affected first in the case of a storm, are the most dangerous. Mr. Jester is asking the ordinance to be supported.

### **Agenda Additions/Deletions and Adoption**

Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

### **1. Approval of the Minutes of October 18, 2007 Council Meetings.**

Councilman Howard asked Councilman Ross to clarify if he had given a report on water quality at the Water Treatment presentation. Councilman Ross stated he had referenced a report on water quality, and it was suggested the word “gave” be replaced with “referenced.”

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt the minutes. The motioned was unanimously approved.

## **2. Ordinance Committee Report of October 10, 2007**

Councilman Ross asked for questions or corrections to the report. Councilman Ross referred to the fuel tank ordinance. He stated we have a FEMA guideline where by we need to anchor fuel tanks with strapping materials and anchors within the ground; this has been under consideration for the past month. Councilman Ross went on to read the definitions of Section 30-7. Councilman Howard stated “existing” should be fitted into the second paragraph of Section 30-7 to clarify all tanks will have to be fitted with a Fill Tube Screw-on Tight fit Cap with gasket. Councilman Wolffe questioned Mr. Anderson if the intention of the committee is to write into statute that all tanks, whether being replaced or not, have the 3 foot extension put on and if so how difficult of a modification it would be. Mr. Anderson stated the intent was to have all three retrofits simultaneously completed. Mayor Tarr stated that most retrofits are just a piece of pipe that would be screwed down. Mr. Poulson stated the definition should read “all existing, new and/or replacement. Mayor Tarr questioned Mr. Lewis on conditions after the flooding in Franklin, VA. Mr. Lewis advised during his visit he observed large amounts of oil on the grounds which were creating hazards. Mr. Lewis did not recall any problems with propane cylinders; however the oil and kerosene residue made unsafe conditions. Changes to the wording of the ordinance were discussed.

### **• Consider Proposed Adoption of the Revised Chapter 30, Floods**

Councilman Wolffe motioned, seconded by Councilman Howard, “to adopt the following ordinance:

#### **Section 30-7. Definitions**

***Fuel Oil Tanks* for the purposes of this ordinance means any container greater than 10 gallons used for storage of fuel oil.**

***Propane or Liquefied Petroleum Gas Tanks* for the purposes of this ordinance means a container greater than 50 pounds, used for storage of propane.**

#### **Section 30-19. Anchoring Fuel Tanks**

**All new, replaced, or existing oil, and propane tanks must be anchored against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at/or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.**

**All new, replaced, or existing oil tanks shall have their vent pipe extend at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.**

**All new, replaced, or existing oil tanks must all be fitted with a Fill Tube Screw-on Tight-fit Cap with Gasket.**

**Upon approval of this ordinance there shall be a 12-month grace period before enforcement of this ordinance.**

**Any person violating the provisions of this article shall, upon conviction, be guilty of a class 4 misdemeanor and be punished by a fine of not more than Two Hundred and Fifty Dollars (\$250.00). Each day in violation shall constitute a separate offense.**

The motion was unanimously approved.

**3. Harbor Committee Report of October 10, 2007**

Councilman Howard stated 5 slips have been leased, with all lease rent current. Health Department permits need to be in hand before the construction of the restrooms can be start. Some vandalism has occurred at the Harbor. A suggestion has been made to have cameras installed on the new Harbor Master building. A change in meeting time from 7:30 p.m. to 7:00 p.m. was agreed upon. The next meeting will be on November 14, 2007.

**4. Budget and Personnel Committee Report of October 16, 2007**

Councilwoman Conklin stated a Tractor/Mower purchase for mosquito control was discussed. A tractor was purchased. With the remaining funds it was asked if another mower could be purchased. Due to the fact the amount was not greater than the budgeted amount it was agreed upon. Funding for the Church Street project was discussed, it was agreed this issue would be addressed at the next council meeting.

**5. Cemetery Report of October 23, 2007**

Councilman Howard stated it was agreed upon that Cemetery cleanup week would be November 12<sup>th</sup> – 17<sup>th</sup>. Christ Union Baptist Church Cemetery will be the cemetery to be cleaned this year. A tombstone found on the corner of Main Street and Hallie Smith Whealton Drive was repositioned to the Holy Ridge Cemetery on October 17, 2007. The cemetery fund is at \$925.00.

**6. Setting a date for Public Hearing for Condition Use Permit Application**

Mr. Anderson stated on July 18, 2007 the Planning Commission held a public hearing for a Conditional Use Permit application for Ms. Schreiberstein. Mr. Anderson asked that a public hearing be set. Mr. Poulson stated that now Ms. Schreiberstein has changed her application to a home occupation, which affects the way it was advertised by the Planning Commission. Mr. Anderson stated Ms. Schreiberstein changed her application after the Planning Commission meeting. Mayor Tarr asked that a letter be sent to Ms.

Schreibstein with the option to either proceed on as a business or go back and have a new public hearing with the Planning Commission as a home occupation.

## **7. Consider a Used Trolley Acquisition**

Mr. Van Dame asked the Council to move to allow staff to procure one of the used trolleys from DRPT and use the trolley reserve funds. He stated a back up trolley was needed as the blue trolley is unreliable.

Councilwoman Richardson made a motion, seconded by Councilman Wolffe “to allow the staff to proceed to purchase one of the trolleys from DRPT and use the trolley reserve fund and not to exceed \$10,000.00. The motion was unanimously approved.

## **8. Mayor & Council Announcements or Comments**

Mr. Ritter stated there would be a Recreation Community Enhancement Committee meeting on November 20, 2006 at 6:30 p.m. Mr. Ritter stated a tentative schedule of November 28<sup>th</sup> or 29<sup>th</sup> was set to meet with Waste Water Management. Councilwoman Richardson remarked on Mr. Jimmy Carpenter’s book, “From Tears to Memories,” a book about the island’s cemeteries. Mr. Ross asked Council to have a meeting with Verizon concerning broadband. Mayor Tarr stated the Chamber of Commerce had been notified asking them to put a letter out to all businesses for their support on this matter. Mayor Tarr has also spoken with Mr. Christenson on this matter. Mayor Tarr recognized Sylvia Miller from Thelma Drakes office. Mayor Tarr urged everyone to vote tomorrow.

A motion by Councilman Howard, seconded by Councilwoman Richardson to go into closed session under proper codes of Virginia for discussion of personnel matter and possible litigation. The motion was unanimously approved.

## **9. Closed Meeting in Accordance with Sec. 2.2-3711(A) (1) of the Code of Virginia to Discuss Personnel Matters.**

Councilman Wolffe moved, seconded by Vice Mayor Speidel to convene a closed meeting under Section 2.2-3711(A) (1) of the Code of Virginia to discuss personnel matters. The motion was unanimously approved.

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

Councilman Wolffe moved, seconded by Vice Mayor Speidel 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- Conklin, Speidel, Wolffe, Howard, Ross, Richardson  
Nays- None  
Absent- None

## **AJOURN**

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

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Mayor

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Town Manager

### **MINUTES OF THE November 15, 2007 CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

#### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

#### **Council Members Not Present:**

Anita Speidel, Vice Mayor

#### **Planning Commission Representative Present:**

Ray Rosenberger, Chairman

#### **Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator

### ***Call to Order***

Mayor Tarr called the meeting to order at 5:15 pm.

### ***Invocation***

Councilman Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Agenda Additions/Deletions and Adoption***

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Consider Adoption of the October 18, 2007 Special Council Meeting Minutes.***

Councilman Howard motioned, seconded by Councilman Wolffe to adopt the minutes as presented. The motion was unanimously approved.

### ***2. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.***

Mr. Anderson began the discussion by reviewing what was addressed at the October 18th Special Council Meeting regarding the Sign Ordinance. Mayor and Council went through Sections 7.1 and 7.2 of the proposed sign ordinance amendments. Anything that was amended by staff was added as red text to denote their amendments as opposed to the Planning Commissions amendments.

Mr. Anderson suggested that the Council go through each page to see if there are any concerns. Councilman Ross has concerns about the part of 7.2.3. Animated Signs that states “Includes Scrolling Signs,” he says it may not be needed because it does not actually describe Animated Signs. Mr. Anderson stated that the reason it was added to the definition is because the term “Scrolling Signs” do not have a definition but rather refers to the Animated Sign definition. It was decided to leave “Includes Scrolling Signs” in the definition for 7.2.3. Animated Signs.

Regarding 7.2.8. Beacon it was noted that we should change “not one the same” to “not in the same.”

Councilman Wolffe asked the Building and Zoning Administrator if the definition for 7.2.15. Clearance is fine in terms of enforcement. Mr. Lewis recommended that the definition for Clearance read, “The smallest vertical distance between the existing grade and the lowest point of any sign, including framework and embellishment.”

There was some uncertainty between “7.2.16.Commercial Directional Signs,” “7.2.18.Direction,” and “7.2.20.Direction Sign.” The staff decided to eliminate “Commercial Directional Sign,” and “Directional” and keep the definition of “Directional Signs.”

7.2.23. Festoons were not identified in body of ordinance. Mr. Lewis asked what the reference to ‘flag’ is in this definition, because ‘flag’ has its own definition later. Councilman Wolffe asked that if there is a definition that is not later identified in the body of the ordinance a citizen may assume that it is either permitted or prohibited. Mr.

Rosenberger stated that the intent of the Planning Commission was to prohibit festoons for commercial purposes, which would not include charitable organizations such as the Chincoteague Volunteer Fire Department which uses festoons during the Carnival time. It was decided to put the definition for Festoons back on the proposed amendments.

Mayor Tarr had some questions on 7.2.37. Incidental Signs specifically the last sentence of the definition. Mr. Lewis believes that incidental signs are similar to the signs in Tom's Cove Campground that state that a certain building is a 'bathhouse.' Incidental signs should not be signs that are visible from the public right-of-way.

Mr. Anderson stated that the definition of Mansard Façade was added to Section 7.2. It is addressed in the body of the ordinance. It was originally included in 7.2.52. Roof Signs definition.

7.2.61. Snipe Sign- there is a difference between a for sale sign for a lawnmower on someone's property and one that is posted on a utility pole. The Planning Commission's intent was that snipe signs are on public property. It was suggested that "private" be taken out of the definition.

Mr. Anderson stated that the definition for "Yard Sale Sign" was included, and that the definition for 'Yard Sale' is still with the definitions at the beginning of the Zoning Ordinance.

Mr. Lewis stated that the Town has already gone to court over 'vehicular signs.' Basically if the car is properly tagged and licensed they are allowed to have signage on them. A more broadly defined term might need to be added to include moored boats, for example 'mobile signs' with the intent to advertise.

Mr. Rosenberger had correspondence with the Virginia Municipal League about what constitutes a 'window sign,' it was suggested that only if it is attached to the window it shall not be considered a window sign.

Councilman Ross does not understand why political signs are an issue since the Virginia State Supreme Court ruled that a jurisdiction cannot place temporal restrictions on political signs. Mr. Anderson stated that 15.2-109 of the State Code of Virginia allows for temporal regulations of political signs only if they meet the regulations for temporary non-political signs. Councilman Ross stated that the Supreme Court ruling would supersede anything previous. It was decided that if the Supreme Court ruled this way then the Town should not keep this part of the ordinance. It was suggested that taking down the signs is more of a concern than putting up the political signs too early. It was suggested that if there can be no time restrictions on political signs then that refers to after the election also. The second paragraph of 7.3.4. needs to be deleted to reflect these changes. It is recommended that everything in 7.4.5. should be crossed off with the exception of the last two sentences starting with "Owner of said parcel must give..."



Another issue of concern are cigarette signs, it was suggested that staff look at these signs in greater detail before the next workshop.

7.4.2. Temporary real estate signs were addressed by Council. Currently a real estate sign needs to be 10 from the right of way. The Planning Commission is recommending that they be allowed 25 from the edge of the road. Some Council members feel that 25 feet is too restrictive. Mr. Rosenberger stated that the difference is that the Planning Commission is taking the measurement from the edge of the road instead of the property line. It was decided by Council that real estate signs shall be measured from the edge of the road 15 feet, or if the structure is closer, then the sign may be placed half way between the structure and the edge of the road.

Mr. Lewis requested the following amendments to 7.4.10. Yard Sale Sign. "Sign of not more than four square feet (two feet by two feet) shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property. Signs displayed under this section must be removed within 48 hours of the close of the sale activities. No permit required."

It is suggested that 7.5.2. General Restrictions be amended to read "Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in sections 7.3.9. and 7.11."

It was determined by the Mayor and Council to conclude this workshop at 7.6 and continue the review of the Sign Ordinance at the next workshop meeting which date will be decided at a later Council meeting. It was stated that the next Council workshop regarding Central Sewerage is scheduled for November 29<sup>th</sup>.

There were no Councilmember Comments.

**There was a motion from Councilman Wolffe, seconded by Councilwoman Richardson to adjourn the meeting. The motion was unanimously approved.**

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Mayor

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Town Manager

### **MINUTES OF THE DECEMBER 3, 2007 CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman  
Nancy Conklin, Councilwoman

**Staff Present**

Robert Ritter  
Mike Cosby  
Edward Lewis  
Jon Poulson

## **Call to Order**

Mayor Tarr called the meeting to order at 7:30 p.m.

## **Invocation**

Councilman Ross offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

## **Open Forum/Public Participation**

Mr. Jim White, who resides on Main Street between phase I and phase III of Sunset Bay, stated that Sunset Bay parking lot is the mirror image of a New Jersey parking mall. He said in Section 6.61 the requirement for off street parking is 2 motor vehicles spaces. Mr. White asked the council to review the parking regulations before phase III construction begins. Mayor Tarr stated the Council will be looking at Sunset Bay's parking lot, entrance ways and marina parking issues in January 2008.

Mr. Spider Flemings spoke on the need for broad band on Chincoteague. He believes the best dollar for the home owners would be through Verizon. Mr. Flemings suggested Chincoteague residents visit the Verizon website to show support for broadband on the island.

Mr. Ron Mason thanked all for their support of the History Tours for the past year. Total riders were 866 with a total income for the town of \$2,404.00. Mr. Mason asked that a spot in front of the Center be designated for handi-cap parking.

Mr. C. Lee Davis thanked the council for the 90 day waiting period for the lot line easement. He stated an agreement between himself and Mr. Lansberger has not been met. Mr. Lansberger stated he would agree to a 5 ft right of way when needed so repairs to the canal could be made.

Mr. Mike Myers stated he feels the town council should be involved in the reassessments, and that citizens need an idea of how the assessments were done.

## **Agenda Additions/Deletions and Adoption**

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

### **1. Approval of the Minutes of November 5, 2007 Council Meeting.**

Councilman Howard made corrections to the Harbor Committee Report, stating it should read permits need to be in hand before construction begins. A correction under the Cemetery Report should read Christ Union Baptist Church. A correction under Public Hearing for Conditional Use Permit Application should read Mr. Anderson stated on July 18, 2007 the Planning Commission held a public hearing for a Conditional Use Permit application for Ms. Schreibstein. Mr. Howard also stated under the Closed Meeting Session shows two motions were made; only one is needed. Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the minutes with the proposed changes. The motion was unanimously approved.

## **2. Presentation of the development of Wallops Research Park and its Planned Work Force Training Center and Business Incubator.**

An over view was given by project manager, Amy Bull, of the Wallops Research Park. The four goals of the Wallops Research Park are to create high tech jobs, to spark economic growth, to supplement the education of the workforce and to plan for the future. Councilman Wolffe made a motion, seconded by Councilwoman Conklin to adopt the Resolution. The motion was unanimous. The Resolution states that:

Be it resolved that, the Town of Chincoteague, VA, supports the development of Wallops Research Park and its planned Work Force Training Center and Business Incubator and;

Whereas Virginia Department of Housing and Community Development and the park's first tenant have committed funding to begin the development of the park which will result in a projected 130 jobs and that additional park tenants should create more jobs for our Community and;

Whereas, the work force training center will be instrumental in recruiting new industry for the Wallops Research Park which will possibly create new jobs for folks living in the Town of Chincoteague and;

Whereas further study must be conducted to ensure that the planned center will address needs of these prospective tenants as well as needs of existing businesses and citizens of the Town of Chincoteague;

Let it be known that Chincoteague Town Council is in favor of the Wallops Research Park Education Center feasibility study and will support the project by cooperating with the Wallops Research Park education committee to gather information needed for this study. This pledge of cooperation will ensure that the Virginia Department of Housing and Community Development will grant fifteen thousand additional dollars to further study this project.

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John H. Tarr, Mayor

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Attest, Robert G. Ritter Jr.

## **3. Christmas Home Decoration Judging**

Mayor Tarr announced that this year the judges will be provided by the Chincoteague Island Library. The judging of homes will take place on Monday December 17, 2007.

## **4. Accomack County Board of Supervisors Update**

Supervisor Wanda Thornton spoke on safety on the causeway. She stated the Board of Supervisors voted to support a grant that would help create a bike path on the causeway. On the assessments Supervisor Thornton stated there is no rhyme or reason of how the assessments were done. More than 500 complaint calls were made to the assessment office. Every waterfront lot seems to be assessed at no less than \$450,000.00 no matter the size. Chincoteague's assessments went up by 131%. Supervisor Thornton said people who feel their assessment is unfair should appeal

their assessment to the Equalization Board. Supervisor Thornton said that it is important for Chincoteague residents to attend the County Comprehensive Plan meetings on December 11<sup>th</sup> and 12<sup>th</sup>. Supervisor Thornton stated the health department may require an application of the Chesapeake Bay Act on the island.

**5. Possibility of the Town sending out a Letter to the County Supervisors about Reassessment.**

The Town Council agreed to send a letter to the Board of Supervisors referring to the Reassessments. Town Manager Robert Ritter will draft the letter. Town Attorney Jon Poulson will review the letter before it is signed.

**6. Public Hearing for a Lot Line Vacation** (for Racing Moon LLC)

The Council agreed to place on hold an action referring to vacate a lot line separating Lot 19 on Warren Street in Richardson's Landing and Parcel II. It was agreed the issue will be on the January agenda, giving time to review Mr. Poulson's draft document.

**7. Budget & Personnel Committee Report of November 20, 2007  
Consider the Proposed Budget Amendment for FY "08"**

Councilwoman Conklin stated budget changes were recommended to Council in order to fund the Church Street Project and replacing the 911 equipment. Also, possible changes to the employee handbook concerning the Family Medical Leave Act. The Committee agreed to give town employees monetary Christmas gifts. Councilman Wolffe moved to make a budget amendment, seconded by Vice Mayor Speidel. The motion was unanimously approved. The following was amended in the budget:

**BUDGET AMENDMENT TO FUND CHURCH STREET PROJECT**

**GENERAL FUND**

<b>LINE ITEM</b>	<b>NAME</b>	<b>ORIGINAL</b>	<b>AMENDED</b>
104101.0200	RECOVERED COST FROM WATER	\$ 123,720.00	\$ 63,720.00
105030.8910	TRANSFER TO GF RESERVES	\$ 88,174.00	\$ 28,174.00
<i>The above reduces general fund revenues by \$60,000 (money not received for repayment of the FY'07 loan to water. Repayment will be for four years beginning FY'09.)</i>			
<i>The above also reduces general fund expenditures by \$60,000 (money that was to be put into general fund reserves.)</i>			
104401.0400	911 EQUIPMENT GRANT - VITA	\$ -	\$ 150,000.00
			<b>NEW LINE ITEM</b>
104401.0450	TRF FROM 911 EQUIPMENT RES.	\$ -	\$ 40,000.00
			<b>NEW LINE ITEM</b>
107590.9270	911 EQUIP. RESERVE FUND	\$ 10,000.00	\$ -
107590.9370	911 EQUIPMENT REPLACEMENT	\$ -	\$ 200,000.00
			<b>NEW LINE ITEM</b>

The above increases general fund revenues by \$190,000 (Town awarded an 80/20

grant for 911 equipment from the Virginia Information Technologies Agency Total award: \$187,500= \$150,000 80% VITA + \$37,500 20% Town) (Additional \$12,500 for unknowns in the equipment replacement)

### **WATER FUND**

<b>LINE ITEM</b>	<b>NAME</b>	<b>ORIGINAL</b>	<b>AMENDED</b>
804701.0100	TRANSFER FR WATER RESERVE	\$ -	\$ 30,000.00

NEW LINE ITEM

*The above increases the water revenue by \$30,000 (additional money needed to fund water line replacement on Church Street.)*

806230.8602	REIMBURSEMENT TO FUND 10	\$ 60,000.00	\$ -
806290.9602	CHURCH ST WATERLINE REPLA	\$ 60,000.00	\$ 150,000.00

*The above increases the water fund expenditures by \$30,000 and shifts the money that was to be used on the FY'07 loan repayment to the Church Street Waterline Replacement Project. FY'07 loan repayment for four years to begin in FY'08 at \$60,000 per year.*

## **8. Mayor & Council Announcements or Comments**

Councilman Howard said the Cemetery Committee cleaned the Christ Union Baptist Church cemetery in November. He thanked all who helped especially Public works director Mike Cosby and his department for assisting. Councilman Wolffe announced that Delegate Lynwood Lewis will hold a town hall meeting on the Island at 7:00 p.m. on December 11 at the Chincoteague Center. Councilman Howard has asked Town Planner Jared Anderson to look into the requirements of anchoring fuel tanks on the island. Mayor Tarr stated a second meeting was planned with the gas and oil companies who supply the island. The companies stated the work may not be complete in the one year grace period.

## **9. Closed Meeting in Accordance with Sec. 2.2-3711(A) (1) of the Code of Virginia to Discuss Personnel Matters.**

Councilman Wolffe moved, seconded by Vice Mayor Speidel to convene a closed meeting under Section 2.2-3711(A) (1) of the Code of Virginia to discuss personnel matters. The motion was unanimously approved.

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

Councilman Wolffe moved, seconded by Vice Mayor Speidel 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- Conklin, Speidel, Wolffe, Howard, Ross, Richardson  
          Nays- None  
          Absent- None

## **AJOURN**

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

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Mayor

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Town Manager