

MINUTES OF THE JANUARY 9, 2017
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Participation

Mayor Leonard opened the floor for public participation. There were none.

5. Council Action List, Informational Items & Staff Update

Mayor Leonard asked Council if they had any additions, deletions or corrections for the Action List. There were none.

Staff Update:

Police Department:

Chief Mills advised that the report is in the packet. He reported that they helped 49 children with toys and clothing. He also stated that they gave 125 turkeys to the Food Pantry. Chief Mills reviewed the speed statistics from the radar trailer that was placed on Main Street in the area of Peterson Street. He stated that the average speed was 29 miles per hour.

Public Works Department:

Public Works Director Spurlock stated that the report is in the packet. He mentioned the loan for the auto-read water meters. He added that Van Guard is the company that Suffolk is currently using to install their meters.

There was brief discussion.

General Government:

Administrative Assistant Lewis advised that the report is in the packet as well. She stated that the total EMS responses for December were 65, which was the busiest December of record. She

stated that there were 25 ALS, 24 BLS and 16 other calls. She also added that the total calls for 2016 were 1,003 and noted that it was the busiest year of record.

Administrative Assistant Lewis reported that the new informational television station is up and running. She added that it is now channel 190. She announced that Davis Disposal will not be collecting trash Monday or Tuesday. She added that they will begin collecting on Wednesday morning through Saturday doubling up on the routes to make sure everyone is accommodated. She asked that everyone have their trash receptacles at the curb by Wednesday morning and allow a few days for pick it up.

Administrative Assistant Lewis stated that she had an item to add to the Action List as well. She explained that the current utilization of the Facebook page was for emergency public service announcements. She stated that it would service the Town better to have 2 Facebook pages. She explained that one page could be for general information such as meetings, Code changes, mosquito control and such. She added that the other one could be for Emergency Operations which only puts out information such as road closures, water outages and storm information. She further explained that if the Town uses one page for all of the information then eventually those following will see a lot of activity and “unlike” or “unfollow” the Town causing the word not to get out. Administrative Assistant Lewis stated she spoke with Chief Mills and Dispatcher Benjy Holloway will be setting up the new Emergency Operations/Services page for specific PSA’s for weather, catastrophic and emergency events and notices.

Vice Mayor Bowden commented that Facebook is the way of the world.

6. AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

7. Adoption of the Minutes

- **Regular Council Meeting of December 5, 2016**

Mayor Leonard and Vice Mayor Bowden had 2 typographical corrections.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the minutes of November 7, 2016 as corrected. Unanimously approved.

8. Christmas Decorations Winners

Mayor Leonard read the list of winners and congratulated them all on a beautiful presentation. He also thanked the judges; his wife Mary Esther Leonard and April Hooper.

Most Illuminated:

1st place: Bill & Ginger Birch who will receive \$100.00.

2nd place: Jack & Sherry Tarr who will receive \$50.00.

Most Traditional:

1st place: Bill & Maureen Derrickson who will receive \$100.

2nd place: Joe Burns who will receive \$50.00

Most Festive

1st place: Dill Wilgus and Arlene who will receive \$100.

2nd place: Paul Bloxom who will receive \$50.

9. Alcalde & Fay Report

- **Approval of payment for 6 months.**

Councilman Taylor motioned, seconded by Councilman Frese to approve the services of Alcalde and Fay for another 6 months. Unanimously approved.

10. Mayor & Council Announcements or Comments

Councilwoman Richardson thanked the Town, Public Works and the Police for everything they do and for the most recent storm. She stated that her power was out and she called around to see who had power. She advised that she then called Public Works Director Spurlock to see if the Town had power, which they did. She stated that within minutes the ANEC truck was there and restored power. She added that you don't get that service everywhere else, only on Chincoteague. She added blessed the Town is.

Vice Mayor Bowden also stated that the Town has a good group. She agreed with Councilwoman Richardson.

Councilman Ellis agreed with Councilwoman Richardson and Vice Mayor Bowden. He thanked the girls in the office for stepping up to the plate and taking on additional responsibilities. He stated that it doesn't go unnoticed and thanked them.

Councilman Lewis stated that everyone else has said it all.

Councilman Taylor expressed how blessed the Town is. He mentioned an episode that Councilman Ellis needed EMS during the holidays and they were there. He feels the Town is very blessed.

Councilman Frese supported everything that his colleagues stated and added that this is a great Town of citizen and employees.

Mayor Leonard mentioned the new television in the Council room for emergency events, PowerPoint, etc. He concluded by saying "Roll Tide".

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

- **Personnel Matters**

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

Councilman Frese motioned, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Frese 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- Bowden, Richardson, Frese, Taylor, Lewis, Ellis

Adjourn

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

Mayor

MINUTES OF THE JANUARY 19, 2017 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent

Gene W. Taylor, Councilman

Call to Order

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

Invocation

Councilman Ellis offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

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

Councilman Ellis motioned, seconded by Councilman Taylor to reinstate the Wastewater Advisory Committee with the exception of Mr. Spiro Papadopoulos. All present were in favor and the motion was carried.

**Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia
Personnel Matters**

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

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

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

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

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

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

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

Recess Meeting

Councilman Frese motioned, seconded by Councilwoman Richardson to recess the meeting. All present were in favor and the motion was carried..

Mayor

**MINUTES OF THE FEBRUARY 2, 2017
CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Gene W. Taylor, Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

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

• Personnel Matters

Councilman Frese motioned, seconded by Vice Mayor Bowden to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Vice Mayor Bowden to reconvene in regular session. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt a resolution of certification of the closed meeting. All present were in favor and the motion was carried.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted

from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

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

Adjourn

Councilman Lewis motioned, seconded by Vice Mayor Bowden to recess. All present were in favor and the motion was carried.

Mayor

MINUTES OF THE FEBRUARY 6, 2017 CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

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

• Personnel Matters

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

Councilman Ellis motioned, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adopt a resolution of certification of the closed meeting. Unanimously approved.

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

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

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

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

Adjourn

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

Mayor

MINUTES OF THE FEBRUARY 6, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Reverend Eley with Union Baptist Church offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Presentation of FY '16 Audit Report from Robinson, Farmer, Cox and Associates

Mr. Michael DelBiondo with Robinson, Farmer, Cox and Associates reviewed the FY 16' Audit Report. He stated that it is their responsibility to issue an opinion on the financial statements. He advised that their opinion was unmodified, which means it is clean. He thanked Finance Director Hipple and Accounting Specialist Hammonds who were instrumental in aiding them throughout and after the audit process. He commented that Council has a great staff in the Town.

He continued to review the balance sheets, statement of activities, fund balances, capital assets, sundry, revenue and expenses. He also commented on the notes to the financial statements, the schedules in the back of the audit, detailed reports and the report on internal controls. He explained that they didn't find any deficiencies on the internal audit. He asked if there were any questions.

Councilwoman Richardson and Vice Mayor Bowden thanked Mr. DelBiondo for the report.

Councilman Ellis reiterated that the accounting practices within the Town meet all standards.

Mr. DelBiondo responded that he was correct.

Councilman Ellis also reiterated that they found that the finances in the Town are stable.

Mr. DelBiondo again responded that he was correct. He added that they don't have any financial concern and the financial statements are stable.

Councilman Taylor thanked Mr. DelBiondo for bringing good news. He also thanked Finance Director Hipple and Accounting Specialist Hammonds for their assistance. He thanked all Department Heads.

Mr. DelBiondo stated that this year was a little more challenging than in the past because of the switch in accounting systems. He stated that they planned to conduct the audit a little earlier but because of the change in accounting systems they were postponed. He added that they did a great job.

Finance Director Hipple pointed out the percent of taxes collected. She stated that the Town of Chincoteague has a collection rate of 97.4% which says staff is doing a wonderful job. She also stated that the tables will give a clear picture as they are broken down.

Mayor Leonard thanked Finance Director Hipple and Accounting Specialist Hammonds because their accounting is what makes this report possible.

Councilman Frese commented that the front office staff certainly collects those taxes.

5. Presentation from Chincoteague Recreation & Convention Center Authority

Miss Jessie West introduced herself. She advised that she grew up on Chincoteague, went to college and has been living in Philadelphia for the past 16 years. She stated that she is excited to be back and bringing what she learned in Philadelphia to help make the Center more successful. She stated that they've had some exciting things happen, for example hiring a part-time bookkeeper, Dawn Simpson. Miss West stated that they've been partnering with the YMCA Walking Program. She stated that they've recently held the wireless meeting. She announced that they are working on their strategic plan. She closed by stating that she looks forward to finding ways to be more efficient and planning for the future.

6. Presentation from Ms. Kerry Allison, Eastern Shore Tourism Commission

Ms. Allison with the Eastern Shore Tourism Commission came before Council with a PowerPoint presentation. She reviewed statistics, strategies, marketing and vision. She stated that they are Virginia's 2nd growing tourism in the Commonwealth. She reported on visitors' spending and local numbers. She compared statistics from 2015. Ms. Allison stated they track visitors. She feels that their Facebook platform is their most important platform. She stated that they have approximately 22,000 likes. She added that they pilot and test because it's not a cut and dry science. She explained that they study on how people plan trips. She stated that people don't plan trips like they did 20-30 years ago. She stated that they are enticing the next generation to the Eastern Shore. She listed the top visited states and cities.

Ms. Allison explained a marketing plan with Facebook that brought more inquiries. She advised that in 2017 they are going to continue with their regional marketing. She stated that they want to get the media here. She also stated they want to create a new website.

Finance Director Hipple asked if there is still an ad at the Chesapeake Bay Bridge Tunnel.

Ms. Allison advised that they do.

Finance Director Hipple stated that the Town has a light box there and the contract runs out the end of June. She asked if the pictures need to be changed or updated.

Ms. Allison stated that she will check on the light box and will make sure it's ready to be renewed in June.

7. Public Participation

Mayor Leonard recognized the Girl Scouts, Troop #1025 that were in attendance working on their Government Badges. He thanked them for attending.

- Mrs. Cindy Oehm, President of the Chincoteague Cultural Alliance mentioned the recent renovations of their building with the help of donations and volunteers from the community. She stated that they now have new septic thanks to the Town. She stated that the CCA does well over 100 programs per year. She also stated that many of the programs are offered for free to the community. She also stated that they offer free art classes for children along with movies in the Park and theatre in the Park. She also mentioned the Farmer's Market and the Artful Flea.

Mrs. Oehm explained that she is asking Council if they will participate in the Virginia Commission for the Arts Grant again this year. She stated that it is a partnership with the Town. She also stated that the funds go towards the movies and music in the Park. She brought a copy of the calendar of events to give an idea of all they do. She invited and encouraged everyone to look it up online. She stated that this is a group of gifted people that brings programs for the community.

Councilwoman Richardson stated that this is a \$5,000 grant with matching funds of \$5,000 from the Town.

Mrs. Oehm stated that when people come to the program it's for free because of this grant.

Councilwoman Richardson asked if this has to be applied for each year.

Mrs. Oehm responded that they do but have to have Council's approval for the match.

There was brief discussion.

Vice Mayor Bowden stated that she has participated in a couple of things with the CCA and feels it's another great asset to the community. She stated that they have done a fantastic job. She complimented how good the building looks.

Mayor Leonard thanked Mrs. Oehm and stated that they will put this matter on the agenda for the workshop meeting on the 16th.

- Dr. Glenn Wolffe approached Council regarding the Maddox Campground Water Park. He explained that he will be out of town for the Council meeting in March when they address this matter. He stated that he is for the Water Park. He also stated that whether he is for or against the Water Park is irrelevant. He fully supports the reasonable use of the land. He asked Council during their consideration of the conditional use deliberations that they try to minimize the visual impact of the Water Park on Maddox Boulevard. He stated that at some level it would be advantageous to Chincoteague and the community to soften the way it is viewed on Maddox Boulevard. Dr. Wolffe stated that it would be nice to ask the developer to put a natural barrier along the side of the Water Park to lessen the visual impact. He suggested a type of hedge row along with a nice sign.

Dr. Wolffe feels that the Water Park is designed in such a way that the back is being viewed from Maddox Boulevard. He asked Council to suggest that the developers move the taller structures further back from Maddox Boulevard. He asked Council if they could keep structures taller than 25' back from Maddox Boulevard. He explained that he is unable to make the public hearing and wanted to make his concerns and suggestions known. He also stated that they have to ask themselves how to make the Water Park move forward with the least impact.

8. Council Action List, Informational Items & Staff Update

Mayor Leonard referred to the Action List. He asked to add "video" to the item regarding audio for the Council Chambers. He would like for people to view meetings on the web.

Councilman Ellis mentioned the Wage Study and asked if this would be discussed in the workshop.

Finance Director Hipple advised it would be discussed at the workshop.

Police Department

Chief Mills stated that the report is included in Council's packet. He added that the VoIP backup is now working. He advised that the accreditation cycle is ongoing but is on schedule. He added that they are setting up a dispatcher basic school at the Community Center. He also reported that with Finance Director Hipple's help they have applied for the USDA grant.

Public Works Department

Public Works Director Spurlock reported that they received notification from the U. S. Fish & Wildlife that the regional office has approved the Sarbain's Grant. He explained that the Sarbain's Grant is money left over from the U. S. Fish & Wildlife Service. He continued that the Town applied for the grant for Main Maddox Multi-Modle Transportation Project. He stated that this it to enhance the bicycle traffic linking the Downtown Historic area over to the Refuge. He also stated that it is \$4.5 million.

General Government

Finance Director Hipple stated that she had nothing further to add to the report that is included in the packet. She stated that staff has ordered auto decals. She informed Council that they order decals for all of the towns in Accomack County. She stated that they go on sale March 15th but due by Monday, April 17th.

Vice Mayor Bowden asked how much the newsletter costs the Town.

Finance Director Hipple advised that she would get back to her with the cost. There was a brief discussion about the wage study.

9. Agenda Additions/Deletions and Adoption

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

10. Adoption of the Minutes of the January 9th and 19th Meetings

Councilwoman Richardson asked for a couple of spelling corrections.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the Minutes of the January 9th and 19th Council meeting as corrected. Unanimously approved.

11. Adoption of Resolution for Bridge Street Acceptance by VDOT into the Urban System

Public Works Director Spurlock explained that this puts Bridge Street into the Urban System to increase the maintenance funding.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Resolution for Bridge Street Acceptance by VDOT into the Urban System. Unanimously approved.



**RESOLUTION
TOWN COUNCIL, TOWN OF CHINCOTEAGUE
STREET ACCEPTANCE
BRIDGE STREET
EASTERN SHORE DISTRICT**

WHEREAS, certain streets on the attached sketch titled Bridge Street, Chincoteague Island and described on the attached Form U-1 (Rev. 10-1-2014), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

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

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

RESOLVED, by the Chincoteague Town Council this 6th day of February 2017, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Urban System for maintenance, as provided in 33.1-41.1, Code of Virginia; and, be it

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

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

Signed:

Attest:

Hon. John A. Leonard, Mayor

Harvey Spurlock, PW Director

12. Appointment to Fill Vacancy on the Parks and Community Enhancement Committee

Mayor Leonard explained that there is a vacancy on the Parks and Community Enhancement Committee. He stated that no one applied, however Mr. Bill Borges who was the interim Center Director has agreed to fill the vacancy.

Councilwoman Richardson motioned, seconded by Councilman Frese to appoint Mr. Bill Borges to the Parks and Community Enhancement Committee. Unanimously approved.

Vice Mayor Bowden stated that he is fantastic.

Mayor Leonard commented that he will bring a lot to the meetings.

13. Mayor & Council Announcements or Comments

Councilman Taylor stated that the Department Heads keep things right. He stated that 2017 will be tight and their expertise will be needed.

Finance Director Hipple mentioned the wage study and stated that it will be difficult to be able to see the community grow and improve with the same amount of money.

Vice Mayor Bowden stated that the Town has the best employees anyone could ask for. She stated that there's not a time she's walked in the door and hasn't received the answer to a question. She mentioned the audit and stated that she is learning. She stated that the auditor said the Town is healthy. She added that as Councilman Taylor and Finance Director Hipple stated they have a tough year coming up to pay for things. She commended Finance Director Hipple and the staff for the audit and hopes to tough it out.

Councilwoman Richardson stated that all of the employees of the Town are a team and work together. She stated that they're called out at midnight or when there's snow on the ground. She also stated that they are out working when temperatures are extremely hot. She commended the supervisors and workers. Councilwoman Richardson stated that there are a lot of people that come from out of town complimenting the Town staff. She also reminded everyone of the Public Works Meeting Tuesday evening at 5:00 p.m.

Mayor Leonard announced that the next regular Council meeting will be March 6th. He stated that they are anticipating a very large turnout. He stated that during public participation there will be a sign-up sheet and each speaker will have 3 minutes to be used by the person that signed up to speak. He stipulated that it cannot be used by anyone other than the person who signed up to speak. He thanked everyone for coming out.

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

• Personnel Matters

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

Councilman Frese motioned, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

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

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

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

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

VOTE: Ayes- Bowden, Richardson, Frese, Lewis, Ellis, Taylor

Nays- None

Absent- None

Adjourn

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

Mayor

MINUTES OF THE FEBRUARY 9, 2017 CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman
Edward W. Lewis, Jr., Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

Mayor Leonard called the meeting to order at 5:30 p.m.

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

- **Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Councilwoman Richardson to reconvene in regular session. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt a resolution of certification of the closed meeting. All present were in favor and the motion was carried.

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;

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

Councilman Frese motioned, seconded by Vice Mayor Bowden to hire Mr. James M. West as the Town Manager with a start date of March 6, 2017. Unanimously approved.

Vice Mayor Bowden motioned, seconded by Councilman Frese to send the COBRA letter with the last payment to Mr. Ritter. Unanimously approved.

Adjourn

Councilman Frese, seconded by Vice Mayor Bowden to recess. All present were in favor and the motion was carried.

Mayor

MINUTES OF THE FEBRUARY 16, 2017
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

He announced that the live audio/video feed is up and running.

4. Agenda Additions/Deletions and Adoption

Mayor Leonard asked to add item 8a for Mayor and Council Announcements and Comments to the agenda.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the agenda adding item 8a for Mayor and Council Announcements and Comments. Unanimously approved.

5. Commission for the Arts Grant

Finance Director Hipple advised that the Chincoteague Cultural Alliance has been applying for the Commission for the Arts Grant each year with the Town's blessing.

There were comments.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the Commission for the Arts Grant and Town's match. Unanimously approved.

6. Trolley Grant

Transportation Director Welsh addressed Council regarding the Trolley Grant. He explained that this is an operating assistance application for fiscal year 18. He further explained the increases to salaries, education, training, fuel, lubricants and maintenance. He stated that the application will be reviewed in March, April and May by the DRPT. He also stated that it will be presented for final determination in June to move forward for approval in July. He added that the percentage will be determined at that time. He stated that the agreement will then be sent to

grantees in September with the consent to submit withdrawals. Transportation Director Welsh also reviewed the performance chart.

There were brief questions and comments.

Transportation Director Welsh advised he would provide the previous budget with the expenditures and revenue figures.

7. Light Box at Chesapeake Bay Bridge Tunnel

Finance Director Hipple referred to the picture in the packet showing the current placement of the light box. She stated that for \$149 more a year Council can upgrade to a larger light box with a better location.

Council concurred and asked to see the picture for the light box before it's displayed.

8. Wage Study Report from Springstead

Mr. John Anzivino with Springstead, came before Council with the requested Wage and Study Report. His presentation was via PowerPoint. He explained the purposes for the study and why a study of classification and compensation is necessary. He reviewed the typical cycles for classification and compensation along with pay philosophy and study methodology. Mr. Anzivino reviewed their findings. He stated that the Town's salary levels are, for the most part, far lower than the average salary rates paid in comparable regional benchmark organizations. He recommended that the current pay plan be changed to an open range system. He reviewed the benchmark communities and municipalities.

Mr. Anzivino gave the salary survey results and pay scale comparisons with a proposed pay scale. He recommended a SAFE, Systematic Analysis and Factor Evaluation System for job evaluation factors. He reviewed the salary curve and options. He recommended Option 3, Years of Service Adjustment. He then reviewed the Town's fringe benefits recommending a change in annual leave for 1 to 4 years of service along with 20+ years of service. He stated that everything else was consistent except the deferred compensation.

Mr. Anzivino concluded that the adoption of the report's recommendations will result in fairer and more equitable compensation to employees in a competitive and changing labor market. He stated that improved opportunities to reduce turnover among current employees and to recruit quality replacements when needed. He also stated that compensation that addresses internal equity and external market competitiveness. He added that establishing a market position that is fiscally responsible with public records. He asked for questions.

There were comments.

Mr. Anzivino offered to return to Council to answer questions.

Council agreed that they need time to review and absorb the information presented. They thanked Mr. Anzivino for coming and presenting the report.

8a. Mayor and Council Announcements and Comments

Councilwoman Richardson advised that the Cemetery Committee and Museum are partnering in the cleanup of the Christ Union Baptist Church Cemetery on Saturday, February 25th. She asked for volunteers.

Mayor Leonard announced that there will be a public hearing on the Conditional Use Permit for a Water Park, March 6th at 7:00 p.m. He listed the rules for public comment:

1. Each person wishing to speak must sign up **prior** to the beginning of the meeting.
2. Each person who signed up to speak will have 3 minutes to speak.
3. Each person who signed up to speak cannot give their 3 minutes to anyone else.

Mayor Leonard expressed his disappointment that the Navy Triton drone project will not be coming to Wallops. He advised that they are going to Florida.

Mayor Leonard also announced that Mr. James M. West has been hired as the new and returning Town Manager.

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

• Personnel Matters

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

Councilman Frese motioned, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

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

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

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

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

VOTE: Ayes- Bowden, Richardson, Frese, Lewis, Taylor, Ellis

Nays- None

Absent- None

Adjourn

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

Mayor

MINUTES OF THE MARCH 6, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Supervisor Billy Joe Tarr offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

Mayor Leonard announced that due to the number of attendees the meeting will be moved across the street to the Chincoteague Center at 6155 Community Drive.

4. Public Participation

- Mrs. Lorna Gagneux of 6322 Cleveland Street thanked Council and the Planning Commission for looking into historic districting and designation. She mentioned that there are historic designations that are strictly honorary without restrictions. She explained that this is a promotional tool for tourism. She also stated that the next step is a 50/50 cost sharing program for area designations. She asked Council to consider this for this year's cycle ending March 31st.

- Mrs. Mary Chrisman of 4235 Main Street came before Council again regarding the vacation of property line matter adjacent to her property. She advised she and her husband moved to Chincoteague in 1965. She stated that they purchased and operated the Lighthouse Inn for many years. She also stated that they built their home in 1985. She advised that in December 2015 she attended a Council meeting where Mr. Poulson put an application in to

vacate a property line for his clients along a 10' road. She stated that this road was continually used since 1980 and it runs behind their home. Mrs. Chrisman advised that this was brought to Council in February 2016. She stated that this process was started and withdrawn. She asked how Mr. Poulson's client could receive a fence permit encompassing this road without a vacation of property line. She stated that the process was started and withdrawn. She asked if there are different criteria for different people. She asked how a fence permit could be issued to someone who does not legally own the road.

Mrs. Chrisman advised that their lawyer did an extensive search of land records and there is no evidence that this road was conveyed to Mr. Poulson's clients. She also added that they only have Mr. Poulson's claim that the road is a periphery road to a subdivision. She stated that they have the altered deed where he inserted a paragraph stating that the road is only for ingress and egress. She added that there is no legal evidence that this road belongs to Mr. Poulson's clients.

Mrs. Chrisman stated that Mr. Poulson advised the road is only for ingress and egress for his clients use. She further explained that parcel 2 is found on the northwest side of this particular 10' road. She stated that knowing this road is in dispute, they feel they have been denied due process. She doesn't understand how the permit could be issued to encompass the road beside it. She stated that Building and Zoning Administrator Lewis' response was that she would have to ask a higher authority. She asked how this happened and how were they left out of the process. She advised that a civil action suit has been filed in court. She also stated they don't have a court date as of yet. She wants Council to repeal the fence permit and insist that Mr. Poulson go forth with the vacation of property line. She added that they were shocked to find out this permit was issued. She thanked Council for allowing them to express themselves and their disappointment.

Mayor Leonard advised that Council will find some answers and get back to her.

5. Council Action List, Informational Items & Staff Update

Council reviewed the Action List, there were no comments.

Police Department

Chief Mills stated that the report is in the packet. He added that the Cub Scouts visited the station. He also stated that he was a guest reader at the Library for the Tales of Tots Program. He reminded everyone of the Senior Luncheon this Wednesday at 1:00 p.m. at Don's Seafood Restaurant.

Planning Department

Town Planner Marney also advised that the report is included in the packet. He mentioned research for the Storm Water Ordinance and that the DEQ has to do multiple authorities. He also stated they are working with the central office in Richmond and will know more on March 8th during a teleconference. He reported that the Town is in good standings with FEMA. He also stated that the historic districting matter will be addressed at the next Council workshop.

Public Works

Public Works Director Spurlock advised that other than the report, Fish and Wildlife requirements for federal assistance has been approved to build the multi model transportation

project for \$1.5 million. He also announced that the Virginia Resource Administration has approved the loan request for the radio read meter system.

Councilman Ellis asked for an update of the reimbursement for the Main Street Project.

Public Works Director Spurlock stated that it is currently tied up with the higher ups of VDOT. He also stated that it is over the issue of “buy America”. He added that there has been no reimbursement as of yet.

6. Committee Reports

Wastewater Advisory Committee

Public Works Director Spurlock additionally reported that he will be attending the meeting in Virginia Beach tomorrow morning regarding wastewater.

Public Works Committee

Councilwoman Richardson reported that they had one water account appeal. She stated that they agreed to give the individual the opportunity to have a payment plan with specific criteria. She also stated they are looking at an ordinance with a time limit for the leak repairs regarding adjustments. She stated that Davis Disposal will be providing rolling carts for those who do not have them. She added that this is not the Town and Davis Disposal will decide who needs them and deliver them.

Councilwoman Richardson stated that they will be considering approval of the Spring Paving Contract later in the meeting. She listed the plans for the paving. She also advised that the preliminary report has been issued for the flooding issues at the Main Street and Maddox Boulevard intersection. She stated that the options are to increase use of flood gates or to raise the road elevation. She commented that raising the road will cause flooding to the adjoining properties. She added that this will have to be discussed and reviewed further.

Harbor Committee

Mayor Leonard advised there were several basic maintenance items. He also reported on an emergency situation that they voted to repair immediately. He explained that part of the seawall was caving in at a certain point. He stated that the Committee authorized a new 24' sheet bulkhead. He added that Fisher Marine agreed to have this done within a week or two.

7. Agenda Additions/Deletions and Adoption

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

8. Adoption of the Minutes of the February 2, 6 (2), 9, 16, 2017 Meetings

Councilwoman Richardson advised there were a few minor changes that have been corrected.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the minutes of the February 2, 6 (2), 9 and 16, 2017 meetings as corrected. Unanimously approved.

9. Banking Signature Authority

Mayor Leonard explained that this is so that Town Manager West is authorized to sign checks.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve Banking Signature Authority for Town Manager West to sign Town checks. Unanimously approved.

10. Street Name Request

Mayor Leonard advised that Mr. David Landsberger has requested that his minor subdivision street near Mason Oil Company on Ridge Road be named "Racing Moon Landing". He asked for the pleasure of Council.

Councilman Frese motioned, seconded by Vice Mayor Bowden to name the street of the minor subdivision "Racing Moon Landing". Unanimously approved.

11. Award of Paving Contract

Public Works Director Spurlock advised there was one bid from Branscome Eastern Shore for \$390,267.51. He added that this will come from the Urban Maintenance Program.

Councilman Frese asked when this will start and when it will be completed.

Public Works Director Spurlock advised that target completion date is May 8th but the drop dead date is June 30th.

There were brief comments.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the Spring Paving Contract 01-PAV-17 with Branscome Eastern Shore in the amount of \$390,267.51. Unanimously approved.

12. Public Hearing – Conditional Use Permit – Waterpark

Mayor Leonard opened the public hearing at 7:39 p.m. He read the rules of the public hearing.

- Mrs. Claire Pacifico of 7222 Fiddler Bay Lane read a statement to Council. She advised she has been coming to Chincoteague for 35 years and camped at Maddox Campground. She stated that when she first purchased their home it was close to the campground and they felt like they were coming home. She mentioned the view of the lighthouse. She stated that when the campground was sold there were improvements made to enhance the experience. She was disappointed to find out that the owners had chosen this type of amusement for the campground. She does not want it to become mini Ocean City. She understands this is likely to be approved. She requested that Council fully endorses the recommendations made by the Planning Commission. She added that that they should build no higher than 36'. She suggested landscaping and buffering to mask the view of the water park along with a muted color scheme. She also supports the decommissioning plan. She mentioned closed water parks in the Outer Banks and does not want that here. She also would like a guarantee of no development of the marshlands now or in the future.

- Mr. Paul Brzozowski, 5122 Main Street advised that they are the owners of the Capt. Timothy Hill House. He stated that he and his wife passionately oppose the water park. He felt that it would change the character of Chincoteague forever and will not fit in with the natural character and setting. He stated that if it is approved he suggested the Planning Commission's recommendations for height restrictions and color scheme. He read past statistics regarding injuries at amusement parks and water parks. He stated that the height barrier is crucial. He continued with information regarding the speed of a fall and the pounds of force. He expressed his concerns for safety.

- Mrs. Carol Smoots, 5148 Twilley Drive stated that she has been here for 20 years and coming here for 35 years. She stated that she is opposed to the water park. She stated that this could be long term and irrevocable damage. She mentioned the natural impact and the cost associated because of injuries along with emergency response. She also discussed the immediate impact is traffic with hundreds of additional cars on Maddox which is already crowded and congested. She feels this will create a large overflowing parking lot preventing people from visiting the beach. She also expressed her concerns of more road construction and who would pay. She doesn't want the excessive noise of 200 people screaming and laughing. She also addressed the cost associated with decommissioning. She urged Council to reject the project.

- Mrs. Karen Theisen, 3350 Main Street advised she and her husband has been here for 47 years. She stated she was a previous Trolley driver. She stated that she resigned about 5 years ago. She also stated that when they would try to get out at about 5:00 p.m. Maddox Boulevard was already jammed. She expressed her concern about the additional traffic. She mentioned reconstruction on Maddox Boulevard and additional traffic lights. She thanked Council and asked them to reconsider the project.

- Ms. Lisa Traynor, 5277 Main Street expressed her concerns regarding safety and the tremendous amounts of accidents and fatalities this could cause. She stated that she is opposed to this project and concerned about traffic keeping the EMS from getting there on time.

- Mr. Richard Hawthorne, 7182 Fiddler Bay Lane stated that he is concerned and urged Council to deny the Conditional Use Permit. He stated that it isn't keeping the character of the small town Chincoteague. He stated that visitors will see faded plastic slides and empty concrete swimming pools. He also mentioned the large amounts of highly chemically treated water that will damage the highly sensitive wetlands. He added that the landowner has the right to maximize the use on their site. He stated that it's the Town's role to make the decisions allowing development that will not harm the community. He recommended the Planning Commission's conditions and urged Council to add fast growing trees along Maddox Boulevard to partially screen the water slides. He also stated that this will not improve the beautiful community. He asked Council to keep it safe.

- Mr. Scott Norris, 6355 Pine Drive, stated that he is very opposed to the water park. He mentioned the 2015 Comprehensive Plan which calls for business development that is consistent with the character of the Town with businesses opened year round rather than seasonal. He stated that Maddox Campground will have chemically treated water which could flow to the adjacent wetlands and cause damage. He stated that Pine Drive is on the northeast side of

Maddox circle. He is concerned with increased traffic. He also stated that there are over 100 houses on that side of Maddox Boulevard. He added that this will increase employment, but jobs will be hard to fill. He also stated that the business owners are already having difficulty finding good help. He thanked Council and the Planning Commission for having to run through this process.

- Mr. Reid Thornton, 6195 Taylor Street thanked Council. He stated that he is a college student at Johnson and Whales in Providence, RI with a travel and tourism major. He stated that tourism provided him with a job. He stated that it has provided a lot of money for the Town. He stated that this will be built. He stated that this Conditional Use allows Town children somewhere to go. He again stated that it will be built. He stated that when you drive to Chincoteague you won't see the trees, you see chain hotels. He added that there will be no water that will be loss. He stated that this won't compete with Ocean City as it's economically and geographically impossible. He also stated that they can allow a business to come here and thrive to donate to our community. Mr. Thornton also stated that there are concerns about what it will look like. He again stated it's going to be built. He referred to a pdf in the Hotel & Leisure Advisor.

- Mr. Dean Orsino, 4211 Main Street stated that he has been a resident for 11 years and visiting for 27 years. He stated that he and his wife moved to start a business here. He stated that the Virginia Bureau of tourism recommends being a better host to visitors. He also stated that height restrictions can be heard on a case by case basis. He mentioned the \$200,000 decommissioning plan. He also stated that there are 2 to 3 deaths on the beach each year. He asked if we shouldn't go. He also stated that when it's your time it's your time because it's the good Lord's will. Mr. Orsino also stated that they won't get to build the park this year because of the delays. He stated that they need to come together and do what is best for the Town. He added that we are tourism and tourism is what keeps taxes down. He also stated that the YMCA wants a community pool and we finally have something that is a pool and they don't like it. He stated that they are going to get this. He added that this is for public access. He advised that if it's not approved he can rent a campground site and enter the park anyway. He concluded by stating that the public pools, hotel pools and water goes into the bay now by private use. He stated that this water will be trucked in and out.

- Mr. Bob Shendock, 6322 Cleveland Street, stated that this has been a long process and has been handled well by the Town. He stated that the problem is the vast majority is concerned with the visual impact with the height and color. He also stated that the Planning Commission's recommendations have brought the opposing sides together. He added that industries in Town have changed multiple times over the years. Mr. Shendock stated that in his life on the Island for 25 years it went from commercial fishing to sports fishing and tourism. He stated that there is a lot of hope and expectation that NASA will bring a lot of jobs. He feels that maintaining character is important. He added that he and his wife respect their properties and their properties respect the character of the Island. He recommended the Planning Commission's conditions.

- Ms. Susan Johnson, owner of a business at 4080 Main Street, read an article from Country Living which stated the reason Chincoteague Virginia is the #1 beach town. She mentioned the connection to Assateague. She wants Chincoteague to be a place to come for

people who love nature. She mentioned that 2 Planning Commission members didn't want to see this because it is not in the tune of natural beauty. She feels this is very important to include the Planning Commission's recommendations and restrictions.

- Ms. Joyce Pettit, 6356 Jester Street wants to keep the Island's natural beauty and is opposed to this water park.

- Ms. Shelia Conner, 6258 Mumford Street, stated that she is in favor of the water park. She submitted to Council a petition of 80+ signatures of registered voting residents in favor of the water park.

There were no further comments.

Mayor Leonard closed the public hearing at 8:16 p.m.

Mr. John Custis, the attorney for Oceanside Resort, LLC, stated that he was present with his client and his team Mr. Todd Burbage, Mr. Chris McCabe of Coastal Compliant Solutions, Mr. Mike O'Neal with Waterpark Consulting and Mr. Bob Haymen of R. D. Haymen and Associates. He asked that all documents were submitted and should be made part of the official record. He stated that there have been public hearings and round-tables that have been conducted that have exemplified an extraordinary amount of time and energy that has been expended on this application. He explained that they started September 29, 2016 which was a joint meeting with the Planning Commission and this body. He stated that concerns and questions were addressed. He added that on October 26th, 2016 the application was formally submitted to the Town. Mr. Custis stated that some of those concerns were laid to rest. He stated that on November 8th, 2016 the application was initially reviewed by the Planning Commission. He informed that instead of holding a public hearing at that time the Planning Commission decided to hold a round-table workshop to discuss again and review the project on December 1, 2016. He advised there was a list of additional information and the applicant addressed the concerns. He also stated that there was a public hearing with the Planning Commission on January 10th, 2017. He also added that on January 17th, 2017 the Planning Commission voted to recommend approval of the application with conditions.

Mr. Custis advised that he won't go into every detail. He informed everyone that there are no secrets. He stated that the primary use of the property is a campground facility. He stated that the water park hours will be from 10:00 a.m. – 6:00 p.m. from Memorial Day to Labor Day which is less than 100 days a year. He stated that there will be 28 jobs or more. He added that Chincoteague is a tourist town. He also stated that the Comprehensive Plan and the C4 Zoning District encourages resort commercial uses and campgrounds. Mr. Custis stated that both indicate that tourism and resort uses play an important role by catering to the tourism population. He added that the Comprehensive Plan states that the Town should continue to create a vital and design of businesses to ensure the Town's economic prosperity for years to come. He stated that the primary purpose of the C4 District is to encourage the continuation of campground facilities and commercial resort uses. He also stated that the Planning Commission as a body recommended approval which is a strong statement. He stated that this increases the tax base, it gives a place for non-profits to hold fundraisers and it's a great place to raise children.

Mr. Custis mentioned the marshes and advised that they will not build in the marshes. He stated that they only plan to build as plans show in the areas outside of the tidal wetlands. He added that state and federal requirements must be met and they are not building on the marsh. He also addressed the visual impact. He stated that they do not plan to clear cut the trees because they want to shield the slide from public view. He explained that the platform will be at 35' with shade and rails above the platform. He added that they aren't talking about Busch Gardens; they are talking about a few slides, a lazy river, adult and kiddie pools. He reminded everyone that the idea of a waterslide is not new to the area. He showed a picture of the waterslide on the north side of the traffic circle. He stated that there is precedence for the use in this area.

Mr. Custis stated that all applications have been submitted; site plan, landscape plan, building and drawings to Code, stormwater management plans that have been to the County for approval, wastewater treatment plans which has been submitted to the Virginia Department of Health for approval and additional information to help make this decision. He stated that the plans have been provided with various details. Mr. Custis feels the applicant has gone above and beyond to provide to the Town the information for this proposal. He stated that the applicant has been very compliant and continues to be throughout the project. He addressed stormwater management strategies. He advised that the stormwater management plan that was submitted will address the flooding at the traffic circle. He explained the plan which is state of the art having grass filter strips and rain rails to irrigate landscape reducing usage from the domestic water main. He added that the state of the art plan is not required but done to protect the environment. He stated that this will improve water quality 3 fold with highly specified plans. He continued to address traffic concerns. He reported that 70%-80% of the users will be from the campground not generating additional trips. He advised that they will install a separate turn lane with flaggers and signage when the park is full. He added that the Planning Commission requested spill-over parking. He also stated that EMS access has also been addressed.

Mr. Custis advised that the applicant wants these things and has worked hard to address all the concerns. He reminded everyone that after all of this, the public hearings and workshops the Planning Commission voted to approve on January 17th, 2017. He stated that the application was approved as being in compliance with the Zoning Ordinance and within the Comprehensive Plan. He then stated that there were several conditions placed by the Planning Commission. He read a quote that stated any condition placed on approval must have a nexus that is related to an actual impact or proposal and must be relative. He stated that in January the Planning Commission placed a list of conditions. He advised that the applicant didn't have a problem with several of them: 1) No building on the marsh. 2) Providing additional spill-over parking in the campground. 3) Building a park in compliance with the application and all of the materials submitted. 4) Permitting the fencing of 6' chain-link with green vinyl as opposed to 4'. He stated that the applicant has no problem with these conditions.

Mr. Custis stated that they would like the Town not impose these 3 conditions: He stated that aesthetic look and slides, specifically the height of the slides and the color. He stated that in order to provide the most fun possible the slides were designed for the maximum amount of fun to be had. He also stated this is with the exception to the safety features of the railings and shade. He advised that the applicant will be screening for vegetation as well as leaving a good amount of the trees. He stated that the trees will not be clear cut. He also stated that they have

submitted plans to the Council. He added that they are hopeful that the Town Council will deem it appropriate and assist in any mitigating any of the concerns. Mr. Custis stated that in respect to the height of the slides, the only reason they are higher is for safety features. He added that the height request is only for the reason of safety features. He explained that a decommissioning bond is typically done with a 3rd party development on the land owner's property. He gave an example and stated that this is not the case. He stated that the landowner is building and operating the business. He added that this is not a usual decommissioning situation as the developer would be left holding the bag. He asked that the decommissioning bond not be made a part of the stipulations. Mr. Custis advised that his clients are no strangers here. He stated that they want to increase the tax base not only for the campground but for visitors who come to the gift shops and restaurants. He also stated that C4 is a Resort Commercial District. He stated that it is their pleasure to request for Council to approve the application that was submitted. He thanked everyone for taking their time and added that it is a win-win for all.

Mayor Leonard asked for discussion from Council.

Councilman Frese stated there are 7 stipulations and he wanted to review each of them: "All structures associated with the development shall comply with 36' height limit as required in the Zoning Ordinance". He advised that he approved this stipulation. He feels they should comply with the height limit as contained in the Zoning Ordinance in force at the time of the original application. "All slides shall have a more neutral color scheme which is to be agreed upon between the applicant and the Mayor and Town Council." He added that this is outside the prerogative of the Planning Commission. He added that the surrounding trees well exceed the total height of the planned waterslide and it is out of the view or the traveling public. He further commented on the tree heights and added that they were taking down 12 trees but are planting more to block the view. He doesn't feel Council can enforce color. "An overflow parking area containing 50 spaces shall be provided on the property." He advised that this was agreed upon by the applicant.

Councilman Frese further read: "The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover." He stated that the applicant agreed to this as well. He continued, "The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame. The cost associated with the Decommissioning Plan shall be altered to \$70,000 for Phase I and \$250,000 for Phase II for a total cost for removal of \$320,000. Additionally a bond or letter of credit shall be provided for the amount stated. (a). Upon updating the Decommissioning Plan the language shall be updated to clearly identify the Plan's intent to cover ceasing of operations not recovery from storms or other natural disasters. Councilman Frese expressed his concerns that the Decommissioning Plan should be deleted in its entirety and it is inappropriate. He stated that it is unlawful in that Council, let alone the Planning Commission lacks the authority and reason. He added that it casts doubt on the integrity and honesty of the Applicant, who owns the land. He added that it betrays a strong anti-business attitude on the part of the Town.

Councilman Frese stated that it ignores the unnecessary cost and ongoing administration costs. He also stated that there has never been a Decommissioning Plan requirement on Chincoteague. He added that it denies our visitors and young folks a clean, honest and enjoyable activity. He

also mentioned that Council allows the carnival for the Fire Company for kids until 11:00 p.m. He feels it's a better place to have another activity. He suggested eliminating the Decommissioning Plan. "No construction associated with the waterpark shall impact any wetlands on the property." He stated that since construction in the wetlands is governed and prohibited by Town, County, State and Federal laws, this requirement is totally inappropriate.

Councilman Frese continued, "Any deviation, alteration or expansion from the plan and associated documents as approved by Mayor and Council shall require that the applicant go through the Conditional Use Permit process." He stated that since the state of Virginia law is very explicit on this and the state law exceeds the Town Code. He also stated that he reviewed the records to see what the Burbages have done. He found out that the assessment on Maddox Campground is \$5,353,800. He asked if anyone believes that they are going to spoil their property with an assessment like this. He informed that they have a grand total of \$39,190,500 tax base that they pay taxes on. He agreed to item 1, 3 and 4 but feels Council should take the rest out.

Councilman Taylor asked Councilman Frese about the 36' height, if it included the railings and canopy.

Councilman Frese stated that the 36' rule applies to habitable structures. He feels anything over that such as safety railing and canopy aren't unreasonable.

Councilman Taylor stated that he is willing to approve the Conditional Use Application except for the 36'. He feels it should be a maximum total height of 36'. He made a suggestion and stated that the canopy isn't necessary. He thanked everyone for being civil. He doesn't feel he's messing up the park by requiring the 36' total maximum height.

Councilman Lewis also thanked everyone and stated that he asked opinions all over the Island. He stated that some are for it, some against it and some just don't care. He agreed with Councilman Frese. He agrees with the 36' platform height with additional 4' railing and canopy. He mentioned the color scheme. He suggested that everyone should look down Beach Road. He stated that there are clothes on a line and boats with polka dots. He feels that no one should tell the owner what color to have. He also feels there should be no Decommissioning Plan.

Councilman Ellis feels that the Burbage family and their team has been most cooperative and responsive. He focused his comments on the Comprehensive Plan. He advised that the Planning Commission voted 3 to 2 to recommend this be forwarded to Council. He read the introduction of the Comprehensive Plan. He stated that there has been speaker after speaker against the water park. He advised that people have sent many emails and the consensus is overwhelmingly opposed. He also stated that those who oppose the water park agreed to the water park with the stipulations. He believes that those who took the time to write letters truly don't want it. He read an excerpt from the Comprehensive Plan. He stated that 4 of the 7 conditions of the Planning Commission's recommendations deal with hiding the park or taking it down if it fails. He advised that in the Comprehensive Plan, Chapter 4; Economic Development that deals with strategies to balance year-round economy for the Island. He stated that the water park isn't going to increase year-round economic activity and won't enhance the unique historic culture

and character of the Town. He stated that another strategy is conserving unique values and provide protection from irreversible values. He added that another strategy is environmental, historic and scenic values of the Island.

Councilman Ellis reminded that they aren't talking about 1 water slide they're talking about 3 water slides. He doesn't feel they will enhance the beauty. He stated that Chincoteague is a natural resort with environmental quality and natural beauty. He also stated that the Island quality should be preserved for summer visitors, residents and this Town. He doesn't feel that the proposal is consistent with the Comprehensive Plan. He then quoted from Vice Mayor Bowden's Facebook post about her recent trip. He quoted that she was very anxious to get there because of the beauty, quality and peacefulness that the Island holds. He stated that he and his wife chose to retire here because of the qualities that Vice Mayor Bowden wrote about St. John's Island. He feels that if this is approved they are opening the door to other things in the future the Town doesn't want. He stated that if this is approved not by right they won't be able to disapprove the conditional use permits for other things that are not allowed by right. He added that they are opening the doors that cannot be shut.

Vice Mayor Bowden stated that she wrote of the tranquility, beauty and peacefulness of St. John. She stated that she finds those same qualities here. She advised that on November 1st, 2016 she started carrying a log book everywhere she goes. She asked people first if they were a resident of Chincoteague and then asked if they were for or against the water park. She reported that between November 1st, 2016 and February 16th, 2017 there were 583 for the park, 247 for no park and 117 that didn't care. She advised that when she ran for Council, if she wants this but the majority of the people didn't as a representative of the people she had to vote against it. She added that she is here to vote for the majority of the people. She feels there are valid concerns. She stated that she cannot go for a height higher than 36'. She advised that can't vote for a variance against the Code. She stated that she is not opposed to the Decommissioning Plan but does not agree with the bond. She stated that Council has to represent the people and the Town.

Vice Mayor Bowden stated that no one will please everyone 100% of the time. She added that they do their best to listen to all valid concerns. She also stated that it's time bring it to an end. She understands that it's against the law to build on wetlands but they still want to see that law. She believes that it can get hammered out but she will not budge on the 36' height limit. She advised that she drives the ambulance and has not been anywhere that she can't get into. She stated that she's been driving the ambulance for 20 years and does not see any issues with emergency vehicle access. She also stated that as a member of the Chincoteague Volunteer Fire Company for 25+ years do not see any issues with firetruck or ambulance access. She greatly appreciated everyone here. She also stated that she will go with the Decommissioning Plan without the bond because they have never required a bond from anyone else. She concluded that she will not approve beyond the 36' height limit.

Councilwoman Richardson stated that she has been sitting on Council for 16 years. She mentioned the 36' height restriction. She stated that she remembers discussion on the Planning Commission and understands the 36'. She understands adding railings for safety above that. She also doesn't feel Council should determine colors. She stated that she has a problem with the bond and the Plan is already there for Decommissioning. She also stated that Mr. Burbage

has the right to build a water park. She added that we don't want our kids on the road to Ocean City. She concluded by stating that the Burbages have done very tasteful things.

Vice Mayor Bowden added that if this passes and conditions are set she guarantees that she will personally go by every day or every week to make sure the conditions are met.

Mayor Leonard advised that his family moved to Maddox Boulevard in 1973 at the Refuge Motel. He stated that when they moved, there were only 3 buildings on Maddox Boulevard. He advised the all of Piney Island was his playground which was undeveloped land with cows and horses. He stated that all of the other hotels were built where there were blackberry patches. He reminded of when McDonald's was built and the outcry against it. He reported that McDonald's is the #1 restaurant. He mentioned the go-cart track on Maddox Boulevard and the outcry then. He stated that it is a successful operating business. He added that it gives people something to do. He stated that he sees the same with the water park. He also reminded everyone of the large woman statue in a polka dot bikini next to another water slide years ago. He stated that this is not detracting. He also stated that it gives the kids something to do as it is another opportunity and its part of an attraction to many places. He sees it as an addition to the beautification.

Councilman Frese stated that the 36' height has to do with habitable structure. He mentioned absolute height and stated that steeples and tanks are above 36'. He believed that one of the hotels was approved to put a 6' façade to cover the air conditioning unit. He advised that he is proposing the 4' railing and canopy because it isn't a habitable structure. He added that the trees will shield it. He stated that if they want to make the 36' height restrictions for auxiliary structures then he isn't for it. He stated that they aren't building something to live in or occupy above 36'. He asked about Town's legal liability regarding safety railings in case of an injury.

Councilman Taylor asked Building and Zoning Administrator Lewis about the maximum height.

Building and Zoning Administrator Lewis advised that the upper most portion of that device cannot exceed 36'. He stated that this type of device does not follow that Code.

Councilman Lewis stated that this is a Maddox business section. He stated that the rest is peaceful. He doesn't feel it will be that much of a difference. He also stated that the other businesses should clean up their businesses.

Councilman Ellis asked if there would be fill where the park is being built.

Mr. Custis responded that there will be land grading, they will raise it 1-3 feet and the 36' will be at grade.

Building and Zoning Administrator Lewis interjected that it will be measured at the existing grade.

Mr. Custis also stated that they didn't need the Conditional Use Permit to build the water park. He explained that because they want to allow public use they are required to have the Conditional Use Permit.

Building and Zoning Administrator Lewis responded that this was incorrect. He advised that they would have to have the Conditional Use Permit for this use no matter what.

Mr. Custis objected and asked that his objection to Building and Zoning Administrator's response be put into record.

Councilman Ellis asked about the permits and approval from the Army Corps of Engineers.

Mr. Custis responded that they anticipate it soon.

Mayor Leonard asked for discussion or a motion.

Councilman Lewis motioned, seconded by Councilman Frese to approve the Conditional Use Permit with the 36' height plus the 4' railing above the 36'. The motion was not approved.

Discussion started as to what the motion was because there was confusion about the other conditions.

Building and Zoning Administrator Lewis then asked about the condition of the 6' chain-link fence with the green vinyl coating.

Mayor Leonard advised that it would be best to vote on the Planning Commission's recommendations individually. He read each condition.

1. All structures associated with the development shall comply with the 36' height limit as required in the Zoning Ordinance.

Councilman Taylor motioned, seconded by Vice Mayor Bowden not to exceed the 36' maximum total height. The motion was carried.

Ayes: Taylor, Bowden, Ellis, Leonard

Nays: Frese, Lewis, Richardson

2. All slides shall have a more neutral color scheme which is to be agreed upon between the applicant and the Mayor and Town Council.

Councilman Ellis motioned, seconded by Councilman Taylor to include the color scheme as one of the conditions. The motion was not approved.

Ayes: Ellis, Taylor

Nays: Bowden, Richardson, Lewis, Frese

3. An overflow parking area containing 50 spaces shall be provided on the property. Mayor Leonard advised that this has already been included in the plans.

4. The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover.

Councilman Frese motioned, seconded by Councilman Taylor to approve the 6' chain-link fence with green vinyl cover. Unanimously approved.

Ayes: Bowden, Ellis, Richardson, Frese, Lewis, Taylor

Nays: None

5. The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame. The cost associated with the Decommissioning Plan shall be altered to \$70,000 for Phase I and \$250,000 for Phase II for a total cost for removal of \$320,000. Additionally, a bond or letter of credit shall be provided for the amount stated.
 - a. Upon updating the Decommissioning Plan the language shall be updated to clearly identify the plans intent to cover ceasing of operations not recovery from storms or other natural disasters.

Councilman Ellis stated that the Planning Commission was specific to put this in as a condition.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to require the Decommissioning Plan without the bond. The motion was carried.

Ayes: Bowden, Richardson, Lewis, Taylor, Frese

Nays: Ellis

6. No construction associated with the water park shall impact any wetlands on the property.

Mr. Custis requested to keep the verbiage as "tidal wetlands and marshlands". He explained that the Stormwater Management Plan requires a drainage ditch. He stated that if it isn't written this way it wouldn't allow drainage.

Councilman Frese motioned, seconded by Vice Mayor Bowden that no construction shall impact tidal wetlands and marshlands. Unanimously approved.

Ayes: Bowden, Richardson, Lewis, Ellis, Taylor, Frese

Nays: None

7. Any deviation, alteration, or expansion from the plan and associated documents as approved by Mayor and Council shall require that the applicant go through the Conditional Use Permit process.

Councilman Ellis motioned, seconded by Vice Mayor Bowden that any deviation, alteration, or expansion from the plan and associated documents shall require that the applicant go through the Conditional Use Permit process. The motion was carried.

Ayes: Ellis, Bowden, Richardson, Taylor

Nays: Frese, Lewis

Town Attorney Fox asked for clarification that the verbiage on the condition for the Decommissioning Plan was to only eliminate the bond.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Conditional Use Permit for the water park with the conditions:

1. All structures associated with the development shall comply with the 36' height limit as required in the Zoning Ordinance.
2. The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover.
3. The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame.
 - a. Upon updating the decommissioning plan the language shall be updated to clearly identify the plans intent to cover ceasing of operations not recovery from storms or other natural disasters.
4. No construction associated with the water park shall impact any tidal wetlands or marshlands on the property.
5. Any deviation, alteration, or expansion from the plan and associated documents shall require that the applicant go through the Conditional Use Permit process.

The motion was carried.

Ayes: Bowden, Frese, Richardson, Taylor, Lewis

Nays: Ellis

13. Mayor & Council Announcements or Comments

Vice Mayor Bowden stated that in reference to the Historic Districting she hopes to gain Council's support. She thanked everyone for coming out.

Councilman Ellis welcomed Town Manager West. He also stated that the decision to grant the Conditional Use Permit has been made and we have to live with it and move on.

Councilman Taylor thanked the Planning Commission and everyone for their input.

Mayor Leonard also welcomed Town Manager West. He stated that he hates hearing things on the street. He explained that Council is privy to information during closed sessions. He reminded Council that closed session is private and should be kept private. He thanked everyone for coming out and for their input.

14. Adjournment

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

John A. Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE MARCH 16, 2017
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

He asked for public comment. There was none.

4. Agenda Additions/Deletions and Adoption

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 10a. Consider Scheduling a Joint Public Hearing for a Change in the Zoning Ordinance. Unanimously approved.

5. Response to Air Force – Tower Construction

Mayor Leonard stated that it is included in the packet and it is a large structure for Wallops Island. He feels it's a vital piece of communication that the arms services need. He stated that there was discussion about interference.

There was discussion regarding potential interference with cellular service.

Town Manager West stated that he contacted NASA about the frequencies. He stated that he is unsure if this was part of the environmental assessment.

Comments continued.

Councilman Frese motioned, seconded by Vice Mayor Bowden to send a letter of support for the tower construction.

Councilwoman Richardson asked to add a comment about not interrupting cell phone service.

Councilman Frese agreed to amend the motion to include the concerns about interruption of cell phone service. Unanimously approved.

6. Consider Storm Water Management Ordinance

Councilwoman Richardson stated that this isn't about the Stormwater Management Ordinance. She stated that they were talking about the Drainage Ordinance as this is completely different. She asked how you're supposed to contain the water that is in your own yard. She would like to see a swale or ditch between two properties to help control the water from flooding a neighbor.

There were comments.

Councilman Ellis advised that the Planning Commission wasn't leaning in that direction. He explained that if they went with the Stormwater Management Ordinance they would fall under the opuses of various County and State agencies. He added that the County and State would be involved in the requirements and enforcement. He felt that this wasn't what the Town wants.

Councilwoman Richardson stated that they would like to add this to the Drainage Ordinance.

Mayor Leonard asked Planning Commission Chairman Rosenberger if they were working on this.

Chairman Rosenberger advised they were and the real issue is getting the right verbiage. He stated that it's one thing to write an ordinance and another to enforce it. He also stated they are trying to make it as simple as possible.

Mayor Leonard stated that it should go to the Planning Commission then to the Ordinance Committee and back to Council.

There was further discussion and no immediate action taken.

7. Historic District Discussion

Mayor Leonard stated that there has been a lot of research. He advised that they were informed that designation could be made with a lot of restriction. He is unsure of the cost.

Vice Mayor Bowden stated that the Town has the opportunity to apply for a cost sharing 50/50 grant from the Virginia Department of Historic Resources. She advised that the grant application must be submitted by April 1st. She stated that the proposed cost of the project is \$26,000 if everything is encompassed. She also stated that the properties Town Planner Marney identified were on Main Street from Margaret's Lane to Maddox Boulevard. She stated that it could be cut significantly. She advised they will make a decision on April 28th, the Locality Agreement would be May 26th and the proposals would be in June. She added that they wouldn't see anything until the end of the summer.

Councilman Ellis added that this would give them time to include it in the budget for next year.

Vice Mayor Bowden advised that the benefits are the draw for tourism. She explained further that when she goes to other cities she loves the architecture of the older buildings. She would like to see the Town jump on this especially since the properties won't have to fall under great restrictions. She advised that the cost per property is between \$80 and \$100. She stated that a few of the people would be willing to give the money for their home. She recommended approval of the application for the grant. She stated that if they don't see that it is feasible they can turn it down.

There were comments about public approval.

Mayor Leonard stated that this is only an honorary thing. He stated that if it's designated by Council then future Council can enact legislation that is restrictive. He also stated that there is a self-designated historic district. He asked if they have a placard.

Vice Mayor Bowden stated that she assumes that once it has been declared a historic structure they are provided with the paperwork. She also stated that once the home is designated, the homeowner can go all out having more restrictions. She gave an example. She added that they can take it as far as they want to take it.

Discussion continued regarding letters to property owners for voluntary approval.

Vice Mayor Bowden stated Town Planner Marney listed Main Street from Maddox Boulevard to Margaret's Lane. She stated that he also identified 33 significant properties on Church Street. She feels that if they didn't go all the way to Margaret's Lane they could add some of the properties on Church Street. She feels it's a start.

Councilwoman Richardson stated that Mr. Blake McDonald supplied the information she distributed to Council. She feels Council should be very careful with what they're doing. She feels they need time and shouldn't do this too quickly and the application doesn't have to be done this year. She stated that they have to know if they want teeth in this or not. She asked why one couldn't be left out of a district. She read the response, "a concept of a district precludes it's looking like a donut or slice of Swiss cheese. The boundaries of a district are drawn to include the highest concentration of resources that contribute to the significance of the district. There will often be properties within a district that do not contribute to it, for instance: a historic farm complex is likely to have modern structures that do not contribute to the significance of the complex. These properties are included within the district boundaries but are recorded as non-contributing but has the same effect as leaving them out."

Vice Mayor Bowden stated they aren't talking about creating a district, they're talking about individual places.

Councilwoman Richardson stated that they must have a district in order to get the money from DHR. She stated that they should contact Mr. McDonald.

Mayor Leonard stated there are varying degrees of historical designation and there can be honorary designations.

Councilwoman Richardson stated that Mrs. Nancy Payne didn't want her home demolished. She asked if Council wanted this so that anyone can do what they want with their house or Council could add regulations.

Mayor Leonard referred to Councilman Frese's point, and asked if the Town wanted to force someone to do something they don't want to do.

Councilwoman Richardson feels it's something they need to work on. She stated that there are stipulations on how to spend the 50/50 grant money. She added that its DHR, government money with strings attached. She stated that this application is put out every year. She advised that Mr. McDonald is very nice and gave her the information she handed out. She hasn't had a lot of time to go through all of the information. She also stated that with a Historical District there has to be a consultant.

Mayor Leonard asked if the consultant could be voluntary.

Councilwoman Richardson advised she didn't have all the answers and they need more time. She stated that she has a survey from DHR in 1999; Phase 2 Historic Archaeological Evaluation of the Chincoteague Bridge and Chincoteague Historic District. She asked if it was possible they could use this survey instead of having to hire a consultant.

Mayor Leonard stated that this is something they would have to talk out with the state. He feels the state would want up-to-date information.

Vice Mayor Bowden asked if Mrs. Gagneux was familiar with any of this.

Mrs. Gagneux advised that historic is just a word. She stated that any property owner can opt out. She added that there is no obligation. She also mentioned the categories, stating that with honorary, they can opt in or out. She feels there is a benefit. She mentioned that the Leonard home on Cleveland Street was the original home of the Director of the Assateague Lifesaving Station. She feels there is important historical information. She then stated that they can ask the homeowners if they want to opt in and then they can pay the \$80-\$100. She added that the consultant is part of the \$80-\$100 fee. Mrs. Gagneux stated that they can start small and build from there.

Councilwoman Richardson stated that if she were to purchase a historic home she could tear it down. She added that there wouldn't be anything anyone could do to preserve it. She asked if Council wants to casually do this or if they want to actually look at this and get it right.

Vice Mayor Bowden stated that she would never want to force a property owner to do this. She believes that if something can be designated as honorary historic their hands still aren't tied.

Councilman Taylor asked about Mrs. Payne's house.

Mayor Leonard stated that the owners who did the Hill House did a lot of paperwork to individually have it declared a historic home.

Councilman Frese asked if the Town had anything to do with this.

Mayor Leonard responded that the Town had nothing to do with it. He stated that they did this on their own.

Vice Mayor Bowden stated that a good example of this is there are property owners that have no clue that they fall into that category.

Councilwoman Richardson asked if they want to put it in place and keep control or not. She stated that the Bernstein house was a beautiful house and it was torn down. She reminded Council that the same thing can happen with other things where Council doesn't have a say. She asked if Council wanted to be able to allow this.

Vice Mayor Bowden doesn't want to be able to do that. She would prefer the honorary designation and giving the property owners the right to do what they want with their home. She feels it gives them incentive to take care of or restore their property.

Councilwoman Richardson stated that in Mrs. Payne's letter she expressed this concern. She stated that the Town decided they didn't want to put the restrictions on which is why they didn't do it.

Vice Mayor Bowden feels that honorary historic is cool because they don't have to put in the restrictions.

Councilwoman Richardson asked about the value if you can't control it. She stated that once you accept the grant and the district there has to be a review board. She feels they are flying through this and it should be considered carefully. She added that the Town will be out at least \$15,000.

Mayor Leonard feels they need to drop back and possibly get a sub-committee to study it further.

Councilwoman Richardson suggested contacting Mr. McDonald who is with the grant. She added that he would be glad to give more information.

Mayor Leonard is wondering why it's so different than what was explained at the Planning Commission meeting.

Vice Mayor Bowden asked for Chairman Rosenberger's take on that discussion.

Chairman Rosenberger stated that it was for the Town to pursue and they weren't obligated to make any restrictions. He added that this depends on the category they choose. He stated that the recommendation was to apply for the grant to establish what would be qualified under whatever level they choose. He also stated that it is not as restrictive as what is being implied.

Councilwoman Richardson advised that this came from Mr. McDonald, who we submit the application to. She feels Council should be very careful.

Councilman Taylor asked if he could individually have his house designated historic. He added that if Mrs. Payne has done this herself when she sells it and it has devalued the home it's her own fault.

Mayor Leonard asked if she could let that be known. He added that this should be in her sale of contract.

Vice Mayor Bowden stated that she will email Mr. McDonald to set up a conference call.

Mayor Leonard asked for volunteers for the sub-committee for further investigation.

Vice Mayor Bowden would like to speak with Mr. McDonald first.

Councilman Frese stated that there are different levels. He stated that if they know what the levels are they don't have to talk to anyone.

Mrs. Gagneux explained there are districts that are highly restrictive and there are honorary districts with no regulations. He added that they can opt out. She feels if they could designate the buildings downtown this would be very attractive for the visitors coming to our community.

Councilman Ellis added that there are tax benefits for this as well.

Mrs. Gagneux stated that if they want to opt up from honorary they can with their own money.

Councilman Frese advised that he is for allowing them to opt out but not if the Town is going to force people.

Public Works Director Spurlock asked if they had the sheet from the Virginia Department of Historic Resources. He stated that the sheets address most of Council's discussion.

Mayor Leonard advised they are going to table this matter. He doesn't believe they're going to meet the deadline for this year's grant.

Councilwoman Richardson stated that she isn't against it. She stated that when someone tears down a historic home it bothers her. She added that Council has no authority.

Councilman Taylor gave Vice Mayor Bowden some questions for Mr. McDonald. He doesn't understand coming to Council when they can do it individually. He also stated that he can include the historic designation in the settlement documents. He added that he isn't against it.

Councilwoman Richardson read the letter from Mrs. Payne to Council from 2015. She explained that Mrs. Payne expressed her desire along with the reason of tourism enhancement to formally declare the Historic Downtown District.

Councilman Frese stated that if the Town designates this, it puts a negative value on the house. He explained that it puts restrictions on the house whether the owner wants it or not. He further expressed his concern.

Vice Mayor Bowden advised that the home owner could take it that far.

Councilman Ellis stated that on the comparison chart there is only one category where the Town could post any restrictions.

Mayor Leonard stated that what Mrs. Payne wants is to be restrictive. He feels this is an individual thing. He isn't for this.

Vice Mayor Bowden agreed and feels it should be voluntarily.

Mayor Leonard stated that they aren't addressing what Mrs. Payne wants. He added that she wanted it on her house but this would affect a lot of other structures which is not the Town's right.

Vice Mayor Bowden feels it would give incentives. She stated that it's not a local tax it's a state and federal tax incentive.

Mayor Leonard added that they have lost a lot of historic structures in his life.

Vice Mayor Bowden commented about a building that was in business for over 100 years and burned down for a parking lot. She stated that it can happen, but believes it will give some incentive. She feels that if she were coming to Chincoteague to buy a house, if it had a historic house plaque on it she would be more inclined to want that property. She stated she would never want to impose restrictions on people.

Mayor Leonard stated that the Town already has a sign that states "Historic District". He asked that instead of going through DHR could they provide a template for someone who has a historic home to come to the Town for a plaque that they could voluntarily put on their home. He feels this could be something the Town could do without going through the state.

Councilwoman Richardson reminded Council that when they take state money they put restrictions on that money.

Councilman Frese feels this could be something to look into.

Mr. Bill Borges advised that if the Town does it then only the people in Town know the district. He stated that when you have a formal district it is in the state and national publications.

Councilwoman Richardson likes the plaque suggestion. She suggested to do the research on your own home and put a plaque that states the history.

Councilman Ellis mentioned that in Winchester they had a designated Historic District with plaques.

Mayor Leonard feels it's a complicated issue that needs more information.

Councilwoman Richardson stated that she is not against it. She stated that her concern is how they would keep homes from being torn town.

8. Status of Meter Replacement Project

Public Works Director Spurlock reported that in February 2016 the radio read meter technology was discussed at a workshop and April 2016 Council passed a Resolution to apply for the loan. He stated that they received notice approximately 2 weeks ago that the loan has been approved. He also stated that the closing is the end of May which will require another Resolution. He stated that they currently need a letter of commitment.

Councilman Frese asked if the loan also included installation.

Public Works Director Spurlock responded that it does.

Councilman Frese asked if they have made arrangements with someone to do this.

Public Works Director Spurlock advised that the City of Suffolk has done a similar project. He stated that a collaborative clause for procurement says "other localities within the state of Virginia". He stated that the company is Van Guard Utilities. He advised that he has talked with them and they are more than happy to give the Town the same price. He added that it gives the Town more clout than going out and doing it on our own. He stated that he received a very favorable price for installation. He added that this is a turnkey job.

Councilman Frese asked about the time frame.

Public Works Director Spurlock stated that it will take several months to bring their crew in and install meters. He added that it will be a minimal water outage to each home as they are taking one meter out and installing the new meter. He stated that with the Ocean Boulevard project there have been a couple of leaks. He added that it is amazing to see the information from that meter showing exactly when the leak started and stopped along with the gallons.

Councilman Frese asked about valve replacement if needed.

Public Works Director Spurlock responded that the Town would probably do that. He stated that they will be contracted to do just the meter replacement.

Councilman Ellis asked if the leak detection was detected by this system or did they get the information after the leak was detected.

Public Works Director Spurlock stated that it was after the fact. He explained that at this stage they would have to go with a handheld to get the individual meter data. He stated when

everything is installed they will know within minutes. He reminded Council of a year ago in February of the large amounts of leaks and water loss in the system.

Councilman Ellis motioned, seconded by Councilman Frese to send a letter of committal for the acceptance of the loan for the radio read meter replacement project. Unanimously approved.

9. Charter Communications Franchise Renewal

Town Manager West advised that there are more concerns with the Franchise Agreement. He would like to review this further and meet with the Charter representative to iron out the concerns.

Mayor Leonard asked if this could be done for the next Council meeting.

Town Manager West advised he would try.

10a. Consider Scheduling a Joint Public Hearing for Changes to the Zoning Ordinance.

Town Manager West stated that Town Planner Marney started to schedule a joint public hearing regarding a change to the Ordinance pertaining to Tattoo Parlors and Piercings. He stated that the change has been made to make it lawful. He also stated that he believes what the Planning Commission was asked to do is consider what changes should be made in Zoning. He added that it is before Council now with a proposal to provide it as a definition of the Zoning Ordinance not being specific as to what district they prefer.

Chairman Rosenberger stated that this is clarification in a definition and is not a zoning change of any kind. He stated that it establishes the fact that Council can make the decision as to what zone this would go into.

Town Manager West asked Council to consider the joint public hearing.

Chairman Rosenberger added that it fine tunes it so there is no ambiguity. He added that a joint public hearing makes it easier.

There were brief comments.

Councilman Frese motioned, seconded by Councilman Taylor to schedule a joint public hearing for changes to the Zoning Ordinance. Unanimously approved.

10. Closed Meeting in Accordance with Section 2.2-311(A)(1) of the Code of Virginia Personnel Matters

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

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

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

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

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

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

VOTE: Ayes-

Nays- None

Absent- None

Councilman Taylor motioned, seconded by Councilman Frese to approve the new title of Water Works System Specialist with the description and the salary of \$25.82 per hour. Unanimously approved.

Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE APRIL 3, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Mr. Ed Malloy of 6390 Church Street advised the he and Ms. Diana Tilghman are before Council regarding the use of the Island Activity Center for pickleball. He stated there are about 60 – 70 pickleball players. He thanked Council for the use of the gym. He stated that when Ms. Tilghman brought pickleball to the Island last year they had no idea it would take off like it did. He also stated that they didn't envision a side visit for Chincoteague. He explained that Ms. Tilghman put a link for pickleball to Chincoteague Island. He told of people traveling who played pickleball on the Island. He again thanked Council for the use of the gym. He stated that the Town is quick to respond to repairs. He also thanked Public Works Director Spurlock and the Town staff. Ms. Tilghman showed a chart of pickleball and a paddle. Mr. Malloy reviewed the history of the sport.

Ms. Tilghman stated that when they started pickleball back in November there have been 178 different people in the gym. She stated that out-of-towners were 61 and 56 locals. She added that there are about 30 permanent pickleball players. She explained that they have to fill out a waiver. She also mentioned that if you type in pickleball on the computer search engine the gym and pictures show up.

Councilman Ellis asked if they have to register to schedule time to play.

Ms. Tilghman advised they don't. She stated they would show anyone how to play.

Mr. Malloy asked for a copy of the usage schedule of the gym. He stated that if they had the schedule they could spread out the dates to everyone who wants to play. He stated that the parking lot is also used in the summer. He also stated that Public Works Director Spurlock is putting in 2 exhaust fans because of the heat. He would like to adjust the pickleball schedule. He again thanked the Town. He asked that Chincoteague Pickleball be added to the Town's activities adding that it isn't on the Chamber's website or the Town's website.

- Mr. David Johnson stated that he and his wife, Lisa Canon live on Circle Drive. He also stated that he has been coming to Council meetings for dozens of years. He advised that he is someone who has a positive view of Chincoteague government and how issues are dealt with. He stated that he is concerned with the abrupt firing of the Town Planner. He stated that he has had the pleasure of observing the work of the last 3 planners. He feels that they all played a big role in the Community. He believes there are big issues concerning the Council and the Planning

Commission and other committees which need expert and sustain work for decisions to be made. He stated that the beach issue isn't over and there are a number of challenges. He also stated they need to avoid emotional and not thought out decisions and limitations. Mr. Johnson mentioned that they have been through a divisive electoral for mayor. He hopes that this is not follow-on to this episode in somehow having impasse on these decisions.

Mr. Johnson stated that Chincoteague needs a Town Planner. He hopes Council will reconsider this. He feels it's disarmament for the Town. He also stated that the issue of the water park couldn't have been dealt with without the engagement of the Town Planner. He hopes Council will use his input on this issue for the need of a Town Planner.

- Ms. Patricia Farley of 3243 Lisa's Lane agreed with Mr. Johnson. She expressed her concern of eliminating the Town Planner position. She stated that she is also concerned about the process. She stated that she casually heard about the elimination of the position about a week ago. She told Council of rumors. She stated that because this started as a personnel issue the committee went into closed session. She explained that she has read the laws and budget issues are not one of the exceptions to the open meeting. She stated that this was a budget issue that was voted on by 3 people that affects all citizens. She also stated that a vote must be done in a public session. She added that the process stinks which comes back to everyone. She stated that when things are done in secret and done in rumor it's not good for the Town or anyone. She then reminded Council that they are elected by the citizens and it is Council's obligation to reveal their position on important issues. She continued that this is so that citizens can make the decision to support or replace Council in future elections.

Ms. Farley asked Council to provide the public with minutes of the portion of the closed meeting that has only to do with the budget. She also asked how the decision was made to eliminate a position in a Town that has very few positions of that level. She asked how each of the 3 people present voted.

- Mr. Thomas Gary of 4425 Main Street reiterated the importance of the Planning Commission's position. He stated that if the work gets divided between staff it is highly likely that they can get watered down and it won't get done. He also reminded Council of the team Mr. Burbage came with. He doesn't feel that Council will be able to meet that kind of expertise. Mr. Gary stated that the Town is growing with tourism as a leading factor and are a lot of things going on. He feels that the elimination of a position as important as a Town Planner should have been thought out and planned with a suitable support and backup system.

- Mr. Don Morley of 3442 Willow Street read a petition of the boat repair facility that has 36 signatures. He stated that the signatures express a strong disagreement in the boat repair facility from Willow Street residents. He also read from the Eastern Shore Post. He expressed the negative issues: safety, size of lot, ingress and egress along with bicycle, pedestrian and automobile traffic, noise in the area, environmental impact, an active eagle's nest within the area and the quality of life. He isn't against a boat repair facility but feels it's not the place for one.

- Ms. Margaret Nichols of Seaside Properties commended the Police Department of

catching the 2 people who broke into their building. She requested cameras to be put in the Donald Leonard Park and in the downtown area. She also advised she is representing herself and Racing Moon, LLC. She advised she is a real estate broker who has sold a lot of properties near the proposed boat repair business. She expressed her opposition to the boat repair business. She also commented that the eagle's nest is very active behind the proposed business.

- Mr. Shane Whealton of 3565 Willow Street advised he also opposes the boat repair facility. He stated that he spoke at that Planning Commission meeting of the different rules and why it is illegal to propose the R3 property. He also stated that it isn't listed in the ordinances. He added that it is a higher impact industry which is why it isn't listed. He also stated that there are a lot of people against this. He advised that the outboard motor creates 85Db which is the same as an NBA basketball coliseum. He also requested the possibility of getting sidewalks the rest of the way down Willow Street. He mentioned the traffic, bicycles and pedestrians during Pony Penning. He feels it's going to be a good idea to start on Willow Street.

- Mr. John Richstein of 6405 Church Street and Sundial Books stated that his store serves as a general store on Main Street. He stated that everyone comes into the store to discuss the issues of the day that are affecting the Town. He also stated they expect more openness from Council. He advised that he has pieced rumors together and would prefer asking Council why the Town Planner was let go.

Mayor Leonard closed public participation. He stated that information regarding the Planning Director will be forthcoming.

Councilman Frese explained that when it comes to personnel matters there are certain requirements under the law and only certain things can be discussed.

5. Council Action List, Informational Items & Staff Update

Council reviewed the Action List, informational items and staff updates.

Police Department

Chief Mills stated that the monthly statistics are included in the packet. He reported that they received all of the equipment for the in-car camera systems. He stated that Southern Software has updated the software which is part of the annual agreement. He also stated that planning has been completed for the dispatcher school. He added that it will be in the Council room in May. He reported that just about all of the officers completed training with naloxone or narcan in Melfa. Chief Mills also stated that the senior luncheon was last week. He advised there were 162 people. He referred to the pictures included in the packet.

Councilman Taylor thanked Chief Mills. He also thanked Councilman Lewis for starting the annual luncheon.

General Government

Town Manager West reported that they have a draft budget to be reviewed next week. He stated that it is in balance and some of the recommendations of the salary study have been incorporated in this and does include a small COLA. He advised that he hasn't had a lot of time to review the

Employee Handbook. He stated that the Town has been productive at the planning of parking for the Pony Shuttle. He advised that the front office is working on alternate solutions. He also stated that Town decals are on sale and he has been looking at alternate ways to handle the decal fees. Town Manager West reported that he and Town Attorney Fox have been working on accommodating the travel lift at the Harbor. He stated that he has touched base with Charter Communications. He asked for items to include in the draft agreement.

Mayor Leonard stated that Willow Street is very busy Pony Penning Day. He also stated that the Town has taken on the responsibility of shuttling people from their cars to the swim and back to their cars. He asked for volunteers. He requested that everyone get the word out. He announced that the Chamber of Commerce will offer an Oyster Festival ticket for the Pony Shuttle volunteers. He also stated that Town staff has done a marvelous job but they can use all the help they can get.

Mr. Richstein asked for a flyer requesting volunteers to be put in the stores downtown.

6. Committee Reports

Recreation and Community Enhancement Committee

Vice Mayor Bowden stated they met March 14th at 5:00 p.m. She stated that the Committee took a tour around the Island for suitable places to put a dog park. She also stated they found a couple of possible locations and presented this to Council at the workshop on March 16th. She stated that Councilwoman Richardson brought information to the Committee regarding the bridge tender's house. She advised there are plans and they should work together to get it done. She reported that they discussed Historical Districts. She stated that this has been put off a little longer for more information. She stated they also discussed the design and construction of a kayak launch at the Donald Leonard Park. Vice Mayor Bowden stated the cost of construction will be \$30,000. She also stated that the Town doesn't have the funds to do this at the time. She added that launching there could cause a lot of problems because of the current in Lewis Creek. She also stated that a novice kayaker may have difficulties. She advised that this discussion will be held off as well.

Budget and Personnel Committee

Councilman Ellis stated that they met March 21st. He advised that all Councilmembers were in attendance. He stated that Town Manager West and Finance Director Hipple presented the draft budget for the upcoming fiscal year. He also stated that they did not work on the review of the Employee Handbook. He stated there was a closed session at the Budget and Personnel Committee meeting. He reported that the closed session did not have anything to do with the Planning Director or the position. He added that this decision was made earlier. He stated that it was the classification of a single Public Works position.

Vice Mayor Bowden stated that the decision regarding the Planning Director was discussed in the closed session of March 16th.

Planning Commission

Mayor Leonard stated that the only thing discussed was the Conditional Use Permit.

Harbor Committee

Mayor Leonard reported that they are lowering the price of the fuel. He stated that they have a couple of places they are repairing deterioration in the bulkhead. He also stated that they discussed the travel lift and moving forward with the details.

7. Adoption of the Minutes of the March 6 & 16, 2017 Meetings

Councilwoman Richardson motioned, seconded Councilman Frese to approve the minutes of the March 6 and 16, 2017. Unanimously approved.

Councilman Frese commended Administrative Assistant Kelly Lewis on the fantastic job she did on the minutes which are extremely accurate, long and convoluted. He asked Town Manager West to pass on the compliment.

Councilwoman Richardson advised that during the discussion regarding historical districting she mentioned VDOT and it wasn't VDOT. She stated that it was Department of Historic Resources, DHR.

8. Agenda Additions/Deletions and Adoption

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

9. Public Hearing – Conditional Use Permit for a Boat Repair Facility

Town Manager West stated that this matter has been reviewed by the Planning Commission. He stated that after the public hearing the Planning Commission voted to send this matter to Council with the recommendation that it not be approved. He stated that it has been advertised for Council to hold a public hearing.

Mayor Leonard opened the public hearing.

- Mr. Brian Scarborough of 6451 Annamessex Lane advised that his home faces Willow Street. He expressed his opposition. He mentioned that it would be noisy at just a couple hundred feet away. He also agreed with everything Mr. Morley said earlier. He stated that he wished they got the signatures earlier because they only found out Friday night.

- Mr. Morley stated that they only found out about it the other day. He suggested signage on the property advertising a zoning issue. He read the advertisement that was in the paper. He feels that it appears that someone was trying to hide something. He stated that these are things that are important.

Councilman Taylor interjected that there is no address on the lot.

Mayor Leonard stated that there was advertisement for the Planning Commission's public hearing.

Councilman Frese stated that he can assure everyone that everyone knew about it. He added that people knew about it.

Mr. Morley again suggested a sign.

- Ms. Christine Sunda of 3540 Willow Street stated that her home is closest to the proposed business. She advised that she didn't know about the application and found out because they were in town painting. She has since talked to Town Manager West. She explained that she has owned her vacation home for 22 years. She stated that they come for the peace and quiet. She feels that a boat repair facility will not only create a lot of noise but it will create pollution. She stated that anything they do on that property will be hazardous to the environment. She added that it will depreciate their property value and the quality of her vacation home will also depreciate. She doesn't feel it is appropriate to that location.

- Mr. Jean Knight asked Council to uphold the recommendation of the Planning Commission to deny the boat repair facility application in a R3 Zone. She also agreed that they could put up a sign on the property of the proposed property. She stated that she couldn't tell if this was in back of the house or what. She added that it is customary in other areas to put up a temporary sign advertising a zoning issue and the hearing date.

Mayor Leonard closed the public hearing.

Vice Mayor Bowden stated that she heard their concerns about not being notified. She stated that they were well within the law as far as the notifications in the paper. She stated that maybe they can look into sending notice to property owners within a certain number of yards.

Mayor Leonard stated that the applicant is supposed to do this.

Mr. Beall advised that he sent letters and received no response.

Mr. Whealton advised that he received a letter which is how he knew to respond to the Planning Commission.

Other property owners advised they didn't get a letter.

Vice Mayor Bowden stated that she hears their concerns.

Councilman Frese stated that every house within 500 feet is supposed to be mailed a letter.

Mayor Leonard asked the applicant to come forward.

Mr. Brandon Beall stated that they saw the need for this on Chincoteague. He also stated they don't have a lot of money and it was a spot they felt was feasible. He stated that they were required to send letters to every adjoining property owner. He advised he had all of the returned receipts. He stated that he was notified by 2 people who called expressing their concerns about noise. He advised they proposed to build a facility that was well insulated and they would close the doors when they were running the motors. He stated that they don't run a motor all day. He explained that it is on for a couple of minutes for diagnosis and it is then repaired. Mr. Beall stated that he wished he had known there were so many people who oppose this. He stated that

with the 2 calls they received, they were able to explain their side and the solutions to their concerns. He added that this is what Chincoteague needs.

Vice Mayor Bowden asked if it was the law to send letters to adjoining property owners.

Building and Zoning Administrator Lewis advised that the Zoning Ordinance states those properties within 500 feet. He added that the State Code states adjoining property owners and those across the street, canals, rivers, etc. He stated that they were following state code.

Councilman Lewis stated that there are very few residential areas on the Island and he would like to preserve that. He recommended to not allowing this.

Vice Mayor Bowden agreed with Councilman Lewis. She stated that she would like to see a good quality boat repair facility and there aren't a lot of places on the Island within the budget. She also stated that because of the R3 district and those who spoke against it she would also recommend they deny it.

Councilman Frese motioned, seconded by Councilman Lewis to deny the Conditional Use Permit for a Boat Repair Facility. Unanimously approved.

Councilman Taylor stated that the Island needs a boat repair facility. He suggested they keep looking for commercial property.

Building and Zoning Administrator Lewis interjected that if there was a home on the lot the applicant would have been allowed to have it as a home occupation.

Councilman Taylor commented further.

10. Discuss Dog Park Planning

Mayor Leonard stated that the Recreation & Community Enhancement Committee met about a dog park and Ms. Donna Leonard is spearheading this. He asked Ms. Leonard to give a report.

Ms. Leonard thanked those who toured the properties. She advised that she traveled to Norfolk to meet with Dr. Gomez where she visited dog parks. She stated that she along with 4 Councilmembers went looking at various possible dog park properties. She added that they also visited private properties. She stated that they listed the pros and cons of each site they visited. She also stated that they concluded that they could put a dog park at the Donald Leonard Park and listed the pros there. She added that the Hallie Whealton Smith Drive property will take quite a bit of time clearing. Ms. Leonard stated that the Committee agreed they should put a dog park at the Donald Leonard Park. She advised they have \$7,000 to put towards materials. She stated that the Public Works Department can put this up. She mentioned a dog park book that she has been following and gave it to Town Manager West. She then offered her services for the planning of a dog park.

Someone in the audience asked about the size of the park.

Ms. Leonard responded that it is recommended to have half an acre for a small park.

Someone else asked if it would be divided for smaller dogs and larger dogs.

Ms. Leonard stated that it depends on the planning.

Town Manager West asked about the type of fence.

Ms. Leonard stated that they recommend a 5' fence or a 6' chain link fence. She advised that she contacted Wallops Island Supply who is willing to work with the Town to order a fence.

Mayor Leonard stated that one of the concerns is regarding parking for Pony Penning. He wants to move on to identify a plan of where it will be.

Councilwoman Richardson stated that the Donald Leonard Park would be a bad environmental impact if the tide comes up.

Mayor Leonard responded.

Councilman Frese stated that the one corner of the lot by the Island Activity Center would be ideal because it's drainfield. He also stated that he hoped to put a children's park at the Donald Leonard Park. He feels that the property adjacent to the Island Activity Center is ideal.

Ms. Leonard stated that it certainly has potential. She also stated that it is a residential area and some people don't want a dog park in their back yard. She added that the property adjacent to the Island Activity Center is going to be sold. She stated that they were hoping the Town would buy it. She also stated that she could not put a dog park on a property that was going to be sold.

Vice Mayor Bowden stated that the idea was to put it in at the Donald Leonard Park to see how it's working while exploring the Hallie Whealton Smith Drive area.

Ms. Leonard stated that starting small to test the waters would be the best way to go.

Vice Mayor Bowden stated that pets are a billion dollar industry. She sees it as a great amenity to Chincoteague. She commented further. She would like to see Council go forth with the Donald Leonard Park while staff is exploring the Hallie Whealton Smith Drive location. She stated if it goes over well then they put the time, energy and funds into the Hallie Whealton Smith Drive dog park.

Ms. Shotwell asked if the construction of this could be a scout project. She suggested contacting Mr. Chris Bott to see if it is something they would want to work on.

Mr. David Johnson advised that he was on the committee and the Donald Leonard Park is the doable and affordable interim area. He stated that the area off of the dog walk on Hallie Whealton Smith Drive is already partially cleared and large but doesn't have water. He added

that people are already taking their dogs there. He feels that down the road would this location would be the ideal location.

Ms. Leonard interjected that Public Works Director Spurlock stated that water wasn't a problem.

Mayor Leonard stated that what staff needs is direction from Council to look at putting a dog park at Donald Park. He feels there should be a public meeting about it.

Councilwoman Richardson stated that she is not against a dog park. She stated that this piece of land plus the Hallie Whealton Smith Drive land was purchased for the High School for \$1.47 million of taxpayers money. She stated that it is a prestigious piece of property and the School Board didn't want this to go with the other pieces of property. She added that this money went to renovate the school. She doesn't feel the Leonard Park is the correct place for a dog park. She also doesn't feel it should be rushed into. She added that there should be an environmental study, staff to check for licensed animals, vaccinations and cleanup. Councilwoman Richardson stated that the Town staff reported that everyone doesn't cleanup after their pets. She again stated that she isn't against the dog park but she is against it going in the Donald Leonard Park.

Vice Mayor Bowden stated that with all due respect you can ride by the Donald Leonard Park any time of the day and there is always someone out there with their dog.

Councilwoman Richardson agreed and added that they clean up their waste. She added that people utilize that park. She stated that parking at the High School is limited this year. She also stated that there are a lot of people that come for Pony Penning. She added that it is getting harder and harder to find places to park. She would hate to see the Town put it there. She feels Hallie Whealton Smith Drive is the best place and water is not a problem.

Councilman Frese agreed because there are no houses there with more potential areas. He stated that if it goes at the Donald Leonard Park you're cutting out the Pony Penning parking along with the possibility of a kiddie park. He stated that a kayak launch shouldn't be put there as well. He agrees with Councilwoman Richardson and would approve the Hallie Whealton Smith Drive location.

Someone from the audience commented about a kayak launch with rapid current and flooding at the Donald Leonard Park. She agreed that it should be at the Hallie Whealton Smith Drive location.

Councilman Lewis asked if Public Works Director Spurlock was supposed to give an estimate of how long it will take to clear the lot off.

Ms. Leonard stated that she disagrees with Mayor Leonard. She stated that before moving forward with the dog park they need to know what the pleasure of Council is.

Councilman Taylor stated that Public Works Director Spurlock was going to contact the Army Corps of Engineers to make sure the Hallie Whealton Smith Drive location was good.

Mayor Leonard asked if Council was willing to wait until Public Works Director Spurlock returns to give a report.

There were further comments.

Town Attorney Fox stated that they could vote to approve interest in and continue looking into a dog park.

Town Manager West stated he could see their actions as environmental feasibility and determine the cost.

Vice Mayor Bowden asked how long it would take to get the cost.

Town Manager West feels it will take about a week or so.

She asked about the environmental opinion.

Councilman Frese stated that it takes a call to get them to look at it and they can tell the Town on the spot.

Councilman Frese motioned, seconded by Councilman Taylor to continue Council's support for a dog park. Unanimously approved.

There were further comments.

11. Consider change in Subdivision Ordinance

Town Manager West stated that in the past every time a property line has been vacated it came before Council. He added that recently a couple of cases have not come before Council. He also stated that a couple of attorneys have interpreted differently than in the past. He stated that when he and Building and Zoning Administrator Lewis reviewed the State Code they determined there is a hole in the interpretation of what the Town Code says.

Building and Zoning Administrator Lewis explained that if a subdivision is created after the Town adopted the Subdivision Ordinance the Town has full rights to make them go through a deed of vacation. He stated that it is the ones prior to the Subdivision Ordinance that were adopted that don't have to go before Council. He added that there is a phrase in the State Code that says a locality "may" allow for the deed of vacation on prerecorded lots. Building and Zoning Administrator Lewis stated the Subdivision Ordinance is silent in vacating lot lines. He asked if the Town wanted to continue to review the deed of vacations prior to the Subdivision Ordinance adding that the state gives them this option.

Councilman Frese asked for the disadvantage.

Building and Zoning Administrator Lewis stated that 2/3 – 7/8 have been subdivisions created before the Subdivision Ordinance. He gave a couple of examples.

Councilman Frese feels that if 2 property owners agree to change a line legally they should be allowed to do it.

Building and Zoning Administrator Lewis stated that if a developer comes in and starts eliminating lot lines making it one large lot, then the characteristics of the neighborhood is gone. He also stated that they're not getting what they bought into. He stated that this is the only protection Council has for the public. He explained if someone divides it into a subdivision and John Doe starts changing the subdivision there will be no recourse. He added that if it goes to public hearing before Council at least they will have someone listening to them. He stated that it is up to Council.

Councilman Frese doesn't understand why Council should get involved.

Mayor Leonard responded that they aren't always willing participants.

Councilman Taylor feels it is right the way it is written. He stated that the person that is dropping lot lines do not own both pieces.

Building and Zoning Administrator Lewis stated that if you read the bottom paragraph the governing body can't approve it. He commented that all of the years they have been doing this there hasn't been anything in the Zoning Ordinance allowing them to do it. He added that this will bring the Town within the State Code.

Councilman Frese didn't understand why Council has to approve a vacation of lot line if a person has adjoining lots.

Building and Zoning Administrator Lewis stated they are changing the line of the subdivision.

Town Attorney Fox stated that this is leaning more toward a larger subdivision. He gave an example; if Mr. Donald Leonard created a subdivision on Ridge Road in the 40's prior to the Town's Ordinance and it was intended to be a trailer park then someone comes in and buys 3 or 4 lots and wants to remove the 3 trailers to create one lot to build a home there. He stated that it would no longer be a trailer park. He added that those surrounding those lots wouldn't have a voice.

Vice Mayor Bowden stated that it's as if she's going to go into Misty Meadows buy 4 lots, clear them out and put a dog park in.

Building and Zoning Administrator Lewis recommends cleaning it up and adopting the Ordinance.

Vice Mayor Bowden asked if it protects each property owner by doing it this way.

Building and Zoning Administrator Lewis stated in any subdivision before they tamper with the lot lines they would have to come before Council.

Councilman Frese asked if it wasn't in a subdivision.

He added that they can do it anyway. He also stated that if it's not in a designated subdivision then this doesn't apply.

They discussed the vacation of lot line on Poplar Street west.

Building and Zoning Administrator Lewis explained that the tax map numbers show if it is a subdivision and when it was created. He stated that they are asking to see if the Planning Commission will have a joint public hearing.

Councilman Taylor motioned, seconded by Vice Mayor Bowden to forward the Ordinance of Vacation of Property Line to the Planning Commission for review and to approve a joint public hearing. Unanimously approved.

12. Consider change in Chapter 62 of the Town Code

Mayor Leonard referred Council to the requested change in the packet.

Councilman Frese asked what happens if they don't know they have a leak.

Town Manager West advised that they almost always find out in their water bill.

Mayor Leonard stated that this will change when they get the automated meters.

Town Manager West explained that this eliminates those who wait 6 months for their credit because they aren't here.

There was discussion.

Councilwoman Richardson motioned, seconded by Councilman Taylor to approve adding the verbiage in Chapter 62, Section 62-59 of Article II of Utilities of the Town Code: "(3) The property owner's request and supporting documentation shall be provided to the public works director for a decision, *no later than the current billing cycle payment due date.*" Unanimously approved.

13. Mayor & Council Announcements or Comments

Councilwoman Richardson advised of the fee increase at the Wildlife Refuge. She stated that it isn't right to take away the day pass. She suggested Council send a letter to Fish and Wildlife to reinstate the day pass. She also asked someone to contact Supervisor Tarr and ask the County to send a letter.

Vice Mayor Bowden agreed.

Councilman Frese suggested sending copies to the senator and governor.

Councilwoman Richardson also asked what the Fish and Wildlife or Park Service is doing to stabilize the south end of the beach.

Mayor Leonard responded that they are doing nothing.

Councilwoman Richardson stated that it is eating away.

Town Attorney Fox asked if this was supposed to be in the study.

Mayor Leonard responded that the Army Corps of Engineers is doing a study. He stated that the study is approved but not the funding. He stated that the Fish and Wildlife stance is that it will continue moving westward and they don't want to interrupt the westward movement. He stated that the Manager asked if they would have any objections to them pumping into the cove.

Councilwoman Richardson feels this would smother the clams and seafood there.

Mayor Leonard stated that they are waiting to see what happens. He also stated that Congressman Taylor will be here this month to look at it.

Vice Mayor Bowden stated that "let nature take its course" is the Fish and Wildlife's motto. She stated that it's beyond her comprehension that those people can't come and see what's going on.

Councilman Taylor stated that they are maintaining the wash-over.

There was discussion about the dunes, grass and berm. They also mentioned the Inlet.

Mayor Leonard stated that the Inlet is an Army Corps issue and they are aware. He added that they should let Congressman Taylor know.

Councilwoman Richardson asked if they should remove the sign about canoeing and kayaking at the Donald Leonard Park.

There was discussion.

Mayor Leonard announced the Middle School Boys Baseball team won 13-0 against Northampton and the Girls Softball Team won as well. He invited everyone to come and support the High School.

Mayor Leonard closed by saying Roll Tide.

14. Adjournment

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

John A. Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE APRIL 20, 2017
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

There was none.

5. Agenda Additions/Deletions and Adoption

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

6. Consider Adoption of Eastern Shore Hazard Mitigation Plan

Emergency Coordinator Rush explained that the Plan has to be adopted every 4 years according to FEMA standards. He also stated that the Town has to have an active Hazard Mitigation Plan on file in order to be eligible for FEMA assistance. He added that the ANPDC actually puts the Plan together and is done as a regional standpoint. He stated that the Town is broken out because they have their own Emergency Operations. He explained the data changes which is incorporated in the Plan. He asked Council to adopt the Plan so they can send the information to FEMA and VDEM. He reminded Council that this is not the Town's Emergency Operation Plan, which is being done in-house.

Councilman Ellis asked if there were any significant changes in this Plan from the others.

Emergency Coordinator Rush advised there are very few changes other than the things the Town has accomplished from the last plan. He stated that they were able to continue to use data from the newer storms to change strategies.

Councilman Ellis stated that it talked about a false sense of security regarding flooding vulnerabilities. He asked if any steps have been taken to change this.

Emergency Coordinator Rush referred to a page in the Plan.

Councilwoman Richardson stated that this is so that they can get a break on flood insurance.

Emergency Coordinator Rush responded that because of the change in flood elevation in 2015 some houses are in the flood zone and some houses are out of the flood zone. He continued that this causes the false sense of security because they aren't in the flood zone anymore and they feel they don't need flood insurance. He added that there is no exact science

There were further comments and discussion regarding flooding countywide.

Vice Mayor Bowden explained that she has a friend within 50 feet of a body of water. She stated that when the new flood maps came out she was no longer required to have flood insurance according to her mortgage company.

Councilwoman Richardson added that this is why there is a false sense of security.

Council commented on Hurricane Sandy.

Emergency Coordinator Rush stated they have worked on this Plan for 2 ½ years.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the Eastern Shore Hazard Mitigation Plan. Unanimously approved.

**RESOLUTION
2016 EASTERN SHORE OF VIRGINIA
HAZARD MITIGATION PLAN
TOWN OF CHINCOTEAGUE, VIRGINIA**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, an Eastern Shore Hazard Mitigation Planning Committee comprised of members of the business community and non-profit organizations, and local officials was convened in order to study the County's risks from and vulnerabilities to natural hazard, and to make recommendations on mitigating the effects of such hazard on the County; and

WHEREAS, the Accomack-Northampton Planning District Commission updated a regional Hazard Mitigation Plan including the Town of Chincoteague; and

WHEREAS, the efforts of the Town of Chincoteague, the Eastern Shore of Virginia Hazard Mitigation Steering Committee members, and the Accomack-Northampton Planning District Commission have resulted in an update of a regional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town of Chincoteague, Virginia, that the sections pertaining to Chincoteague in the Eastern Shore Hazard Mitigation Plan dated April 2017, is hereby approved and adopted for the Town of Chincoteague, Virginia.

J. Arthur Leonard, Mayor

Town of Chincoteague

Date

7. Request for Support of CES Junior BETA Club

Mayor Leonard stated that they have a request for support for the Chincoteague Elementary School BETA Club. He explained that a few of their participants are going to nationals to Orlando, Florida.

Councilwoman Richardson stated there are about 12 children going and will cost \$1,200 per person.

There was further discussion.

Councilman Taylor motioned, seconded by Councilman Lewis to support the Chincoteague Elementary School Junior BETA Club in the amount of \$1,200. Unanimously approved.

8. Report on Dog Park Planning

Town Manager West stated that part of the report is the cost. He explained the pricing list. He stated that he hasn't estimated all of the costs. He added that other costs are running a water line along with site preparation and play equipment. He also stated that his estimate for the Hallie

Whealton Smith site would be \$25,000 - \$29,000 which excludes playground equipment, trash and waste receptacles, benches and the water stations.

Town Manager West advised that he also quoted a price for the Donald Leonard Park. He added that there is water there and wouldn't be extensive site preparation. He reported that he and Building and Zoning Administrator Lewis met with the Army Corps of Engineers Tuesday on both sites. He stated that the soil at the Donald Leonard Park was good. He added that they said that this is a preliminary indicator and they want an engineer to propose to the Corps what the delineation is and what they found. He stated that they went to the Hallie Whealton Smith location. He reported that the Corps called that area non-tidal wetlands. He stated that they found an area width of 20-30 feet. He explained that the site was used by the Town to store crushed concrete and broken asphalt. He stated that they could do some site work and put fill on top of it. He commented further.

There was discussion about wetlands delineation, jurisdictional determination and other locations.

Vice Mayor Bowden asked Town Manager West for his recommendation.

Town Manager West responded that he didn't have a recommendation.

There were further comments and suggestions along with the permitting process.

Mayor Leonard stated that regarding the land, he and his sisters discussed leasing the property they own adjacent to the Island Activity Center to the Town. He also stated that he will discuss this again with his sisters.

9. Closed Meeting in Accordance with §2.2-3712 (A)(1) of the Code of Virginia to Consider Changes in Employee Salaries

Councilman Frese motioned, seconded by Councilwoman Richardson to convene a closed meeting under §2.2-3712(A)(1) of the Code of Virginia to discuss personnel matters.

Unanimously approved.

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

Councilman Frese motioned, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

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

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the actions as proposed by Town Manager West. Unanimously approved.

11. Mayor & Council Announcements or Comments

Town Manager West asked Council if they were able to attend the Budget Workshop on Monday at 10:00 a.m.

All but Vice Mayor Bowden will be able to attend.

Councilman Lewis thanked Town Manager West for all the work he has done for the Town.

Councilman Ellis agreed with Councilman Lewis.

Vice Mayor Bowden agreed with Councilman Lewis. She stated that she is glad that she was able to be a part of having Town Manager West back.

Town Manager West thanked everyone.

Mayor Leonard commented on how well it is to work with Town Manager West.

There were brief comments.

12. Adjournment

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

John A. Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 1, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Student Government Day-Introduction and Report

Mayor Leonard welcomed the Chincoteague High School students and invited them to take their respective stations at the Council table.

Town Manager West introduced Student Government Town Manager, Elizabeth Shelley.

Student Government Town Manager Shelley introduced the Student Government Day participants:

Mayor:	Miss Raahkema Cropper
Chief of Police:	Mr. Bradley Watson
Public Works Director:	Mr. Noah Jester
Councilmembers:	Miss Sara Bradley
	Miss Allie Kean
	Mr. Robbie Meek
	Miss Emilie Hollingsworth
	Miss Madison Hudgins
	Mr. Chris Conser

Student Government Mayor Cropper thanked Council for allowing them to participate in the Student Government Day. She stated that they had a very good day. She advised that there were several topics that each of her classmates will speak to Council about.

Student Government Councilwoman Hollingsworth proposed to permanently instate a youth representative on the Town Council. She suggested having an 11th and 12th grade representative who will attend most meetings to observe the workings of the Town Council. She also stated they would put forth the ideas they have from the youth of Chincoteague. She suggested they serve two years starting in the 11th grade and should be nominated by the school faculty. She feels this would improve youth involvement in community government.

Student Government Councilman Meek stated that he spoke with the bike shop owners asking them how they felt about widening the bike paths along Maddox Boulevard from the traffic circle to the beach. He mentioned the bicycle lane dividers (bumps) that bicyclist have hit causing them to fall. He suggested having a wider lane for safety.

Student Government Councilwoman Kean proposed crosswalks at the intersection of Maddox Boulevard and other major points of interest. She expressed the safety concerns of pedestrians. She feels this will make sure they get where they need to go safely.

Student Government Councilwoman Bradley requested a left turn lane at the intersection of Maddox Boulevard and Main Street because of the high volume of traffic backup during the busy season.

Student Government Councilwoman Hudgins suggested a safer intersection at the Chicken City Road, Ridge Road and Church Street intersection. She explained that there should be a 4-way stop to make it safer for traveling because of the house on the corner that blocks the view.

Student Government Councilman Conser stated that the Island Library has multiple disabled people who work and volunteer there. He also stated they would like to see the sign for “30 minute parking” removed and use this space as handicapped parking.

Student Government Mayor Cropper stated that she hopes Council enjoyed what they came up with. She asked that they think about some of the suggested changes. She again thanked Council and expressed that they had fun time.

Mayor Leonard thanked the Student Government Day students. He stated that it’s good to get them involved giving a younger example of what they need to be doing.

Council thanked them as well.

5. Public Participation

Mayor Leonard opened the floor for public participation.

- Mr. Ed Malloy, 6390 Church Street and with the Chincoteague Island Pickleball addressed Council regarding the hazardous conditions of the floor at the Island Activity Center. He explained that this time of year during play there is moisture on the floor which causes players to fall. He mentioned an event that is scheduled on the 27th. He suggested that the Town use a waiver form. He asked them to review their waiver. He then requested air conditioning.

Councilman Taylor commented on air conditioning.

Mr. Malloy stated that opening the doors made it worse. He thanked Council. Councilman Taylor asked if there were any funds left in the Parks and Recreation fund.

Public Works Director Spurlock advised he would check into it.

- Mr. John Richstein and Mr. David Landsberger with the Chincoteague Theatre Company approached Council about the Island Theatre. Mr. Richstein announced the annex is open from 5:00 p.m. – 7:00 p.m. on Friday. He invited everyone explaining what they have planned.

Mr. Landsberger advised that they purchased the building in 2012 and independently raised the money for purchase and renovations. They stated that they could originally park along the side of the building on Mumford Street. He understands there is a problem at the turn. He stated that he doesn’t mind a “no parking” zone 20-30 feet in but is has put a severe crimp on their parking. He also stated that there has never been a “no parking” area since he has been there but was told that years ago it was a no parking zone. Mr. Landsberger mentioned the amount of money they’ve spent and that they haven’t asked the Town for anything. He stated that they are asking the Town for their parking spaces back. He asked for 1-2 spaces advising there is a “no loading” sign. He stated that this wasn’t discussed with them.

- Ms. Patricia Farley advised that she submitted a formal Freedom of Information Act request to the Town. She read the cover letter for the FOIA request. She asked Council to reinstate the Town Planner position. She stated she knows the meeting and discussion happened in closed session. She believes that the public should have access to the Council's discussion and vote on the important matter. She added that the vote should have taken place in public session. She added that secrecy only protects the government with something to hide.

6. Council Action List, Informational Items & Staff Update

Council reviewed the Action List, informational items and staff updates.

Police Department

Chief Mills pointed out a change in his monthly report due to a busy weekend. He reminded everyone that they are having a telecommunication/dispatcher school at the Community Center and Council room this week.

Councilman Ellis asked when the training was.

Chief Mills advised they began today and gave the class schedule.

Public Works Department

Public Works Director Spurlock stated that the asphalt plant is open and the spring paving will begin within the next week.

There was brief discussion.

Public Works Director Spurlock advised they were doing Cleveland Street, Clark Street, Chicken City intersection, Main and Maddox Boulevard and Hallie Whealton Smith.

Councilman Taylor asked him to check on the funds for the air conditioning at the Island Activity Center.

Public Works Director Spurlock advised he would and suggested looking into a dehumidifying system.

General Government

Town Manager West reported that they are close to advertising the FY 2018 Budget. He stated that the public hearing will be at the June regular Council meeting. He also stated that he is revising the Employee Handbook. He added that he is attempting to schedule a meeting with Charter about the franchise agreement but has heard nothing back. He advised they have a couple of proposals for repairs to the building. He reported that staff has been planning for Pony Penning. He informed Council of the plans for the jumbotron to view the swim. Town Manager West stated that the decal deadline came and passed which resulted in the collections of a lot of taxes.

Vice Mayor Bowden asked Town Manager West to elaborate on the dog park plans.

Town Manager West reported that he recommended a 5' black chain link fence. He stated that they explored 2 locations. He also stated that the Donald Leonard Park's soil was good but would have to have an engineer to delineate to ensure it was safe. He also stated the other location was Hallie Whealton Smith. He added that the Army Corps of Engineers advised this would never work because of non-tidal wetlands. Town Manager West stated that the Army Corps of Engineers suggested the east side of the entrance to the nature walk. He felt this would be challenging and not enough space. He advised that the other suggestion was to lease the Leonard property on Smith and School Street.

Mayor Leonard advised that he and one of his sisters are in agreement but he had to wait until his other sister returned.

7. Committee Reports

Public Safety

Mayor Leonard reported on the grant for \$7,500 that Paramedic Rush is working on with VDEM. He advised they also discussed the next ANTARES launch.

Budget and Personnel

Councilman Ellis advised this was an opportunity to review the draft budget and added there are no new taxes.

8. Agenda Additions/ Deletions and Adoption

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the agenda as presented. Unanimously approved.

9. Adoption of the Minutes of the April 3, 2017 and April 20, 2017 Meetings

Councilwoman Richardson advised that under item #10 in the minutes from April 3rd she stated that the piece of land on Hallie Whealton Smith Drive was purchased from the high school. She made the correction that it was purchased from the Board of Supervisors because it was Accomack County surplus property. She also stated that the next line stated that the School Board didn't want this. She also corrected this statement that the Board of Supervisors didn't want the waterfront piece of property to go with the Hallie Whealton Smith Drive piece. She stated that she spoke with Mrs. Lewis who suggested bringing it up at the meeting so she could make the corrections in the minutes.

Councilwoman Richardson also stated that in the Announcements and Comments it states that she feels this would smother the plants there. She corrected this statement that it would smother the clams and seafood there.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the minutes of the April 3rd and April 20th, 2017 Council meetings as corrected. Unanimously approved.

10. Public Hearing – General Obligation Water Bond

Mayor Leonard opened the public hearing. He explained that this is a bond to pay for the new radio read water meters which will indicate a leak. He added that this pays for the water meters and installation and doesn't cost anything to the taxpayers.

There were no comments and the public hearing was closed.

Councilman Taylor asked if they could put this on the large water mains to help detect leaks in those as well.

Vice Mayor Bowden asked when they anticipate installation.

Public Works Director Spurlock stated they are doing a collaborative installation with Van Guard Utilities. He also stated that the contract expires December 31st. He explained he is trying to balance the installation and added that the impact to the individual meter is minimal. He advised he is unsure at this time.

Councilman Frese asked when they will start.

Public Works Director Spurlock responded that he needs a schedule from Van Guard Utilities to know the answer.

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt a resolution providing for the issuance sale and award of a taxable general obligation water bond, Series 2017, of the Town of Chincoteague, Virginia, in a principal amount not to exceed \$971,400, heretofore authorized, and providing for the form, details and payment thereof. Unanimously approved.

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A TAXABLE GENERAL OBLIGATION WATER BOND, SERIES 2017, OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$971,400, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, on May 1, 2017, the Council (the "Council") of the Town of Chincoteague, Virginia (the "Town"), adopted an ordinance (the "Ordinance") authorizing the issuance of general obligation water bonds in the maximum principal amount of \$971,400 to finance improvements to its water system, including (without limitation) the costs of replacing water meters, together with related project and financing expenses (collectively, the "Project");

WHEREAS, the Town has determined to issue a single general obligation water bond to finance the Project; and

WHEREAS, the Town has applied to the Virginia Department of Health for a loan to finance a portion of the Project costs, and the Virginia Resources Authority ("VRA"), as

Administrator of the Virginia Water Supply Revolving Fund (the “Fund”), has agreed to purchase the Bond (as hereinafter defined), pursuant to the terms of a Commitment Letter dated March 9, 2017, and in accordance with the terms of a Financing Agreement between VRA, as Administrator of the Fund, and the Town (the “Financing Agreement”), the form of which has been presented to this meeting;

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE, VIRGINIA:

1. Issuance and Award of Bond. Pursuant to the authorization contained in the Ordinance and in accordance with the laws of Virginia, including the Public Finance Act of 1991 and the Town Charter, the Council hereby provides for the issuance and sale of the Bond in a principal amount not to exceed \$971,400 to provide funds, together with other available funds, to pay the costs of the Project and to pay the costs incurred with the issuance of the Bond. The Bond is hereby awarded and sold to VRA in accordance with the terms of this Resolution and the Financing Agreement.

2. Authorization of Financing Agreement. The form of the Financing Agreement submitted to this meeting is hereby approved. The Mayor and the Vice Mayor of the Town and the Town Manager, any of whom may act, are authorized to execute the Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Financing Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof. All capitalized terms used but not otherwise defined herein shall have the same meanings as set forth in the Financing Agreement.

3. Bond Details. The Bond shall be issued as a single, registered bond and designated “Taxable General Obligation Water Bond, Series 2017,” or such other series designation as the Town Manager may choose (the “Bond”). The Bond shall be dated the date of its delivery to VRA, shall be numbered R-1 and shall mature no later than December 31, 2040. The interest or “Cost of Funds” on the Bond shall be computed on the disbursed principal balance thereof from the date of each disbursement at a rate not to exceed 2.00% per year (including the part thereof allocable to the administrative fee), calculated on the basis of a 360-day year of twelve 30-day months. The Bond shall provide for VRA to make principal advances from time to time in an aggregate amount not to exceed \$971,400 and to note such advances on the Bond as moneys are advanced by VRA thereunder. An authorized representative of VRA shall enter the amount and the date of each such principal advance on the Certificate of Principal Advances on the Bond when the proceeds of each such advance are delivered to the Town. The Bond shall be payable in installments in such amounts and on such dates as shall be determined by the Town Manager to be in the best interests of the Town. If principal disbursements up to the maximum authorized amount of the Bond are not made, the principal amount due on the Bond shall not include such undisbursed amount. However, unless the Town and VRA agree otherwise

in writing, until all amounts due under the Bond and the Financing Agreement shall have been paid in full, less than full disbursement of the maximum authorized amount of the Bond shall neither postpone the due date of any semi-annual installment due on the Bond nor change the amount of such installment. In addition, the Town shall pay from its legally available funds a late payment charge as provided in the Financing Agreement if any payment is not received within 10 days after its due date. Principal and Cost of Funds shall be payable in lawful money of the United States of America by (a) check or draft mailed to the registered owner at its address as it appears on the registration books kept for that purpose by the Registrar (as hereinafter defined) or (b) wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Notwithstanding any provision of this Resolution to the contrary, the final payment shall be payable upon presentation and surrender of the Bond at the office of the Registrar.

4. Payment and Redemption Provisions. The Town may redeem, prepay or refund the Bond upon the terms set forth in the Financing Agreement.

5. Execution and Form of Bond. The Bond shall be signed by the Mayor or Vice Mayor, and the Town's seal shall be affixed thereon and attested by the Town Clerk. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor or Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Pledge of Full Faith and Credit; Pledge of Revenues. The full faith and credit of the Town are hereby irrevocably pledged for the payment of principal of and Cost of Funds on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and Cost of Funds on the Bond.

In addition, subject to the right of the Town to apply Revenues to the payment of Operation and Maintenance Expense, the Town irrevocably pledges the Revenues to the payment of principal of and Cost of Funds on the Bond. Such pledge of Revenues shall be on a parity with a similar pledge of Revenues securing any other bonds heretofore or hereafter issued and secured by a parity pledge of Revenues.

7. Preparation of Printed Bond. The Town shall initially issue the Bond in typewritten form. Upon request of the registered owner and upon presentation of the typewritten Bond at the office of the Registrar, the Town shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Bond in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and

multiples thereof (except that one Bond may be issued in an odd denomination of less than \$5,000), of the same form and maturity and registered in such names as requested by the registered owner or its duly authorized attorney or legal representative. The printed Bond may be executed by the facsimile signature of the Mayor or the Vice Mayor with a facsimile of the Town's seal printed thereon and attested by the facsimile signature of the Town Clerk; provided that if both such signatures are facsimiles, the printed Bond shall not be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication has been noted thereon. The typewritten Bond surrendered in any such exchange shall be canceled.

8. Registration and Transfer of the Bond. The Town appoints the Town Treasurer as paying agent and registrar (the "Registrar") for the Bond. If deemed to be in its best interests, the Town may at any time appoint a qualified bank or trust company as successor Registrar. Upon surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the Town shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, of the same form and maturity, bearing a Cost of Funds at the same rate and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal and Cost of Funds, and the exercise of all other rights and powers of the owner, except that installments shall be paid to the person or entity shown as owner on the registration books on the 15th day of the month preceding each Cost of Funds payment date.

9. Mutilated, Lost or Destroyed Bond. If the Bond has been mutilated, lost or destroyed, the Town shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the Town shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the Town in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the Town and the Registrar evidence satisfactory to the Town and the Registrar that such Bond was lost or destroyed and (b) has furnished to the Town and the Registrar satisfactory indemnity.

10. Preparation and Delivery of Bond. The Mayor or Vice Mayor and the Town Clerk are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver it to VRA as the purchaser thereof upon receipt of the first principal advance thereunder. The Mayor or Vice Mayor and the Town Clerk are further authorized

and directed to agree to and comply with, on behalf of the Town, any and all further conditions and requirements of VRA not inconsistent with this Resolution in connection with its purchase of the Bond.

11. Other Actions. All other actions of Town officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are ratified, approved and confirmed. The Town officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bond pursuant to this Resolution and the Financing Agreement.

12. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A - Form of Bond

Interest on this bond is intended by the issuer hereof to be included in gross income for federal income tax purposes.

REGISTERED

REGISTERED

R-1

_____, 2017

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

TOWN OF CHINCOTEAGUE

**Taxable General Obligation Water Bond
Series 2017**

The **Town of Chincoteague, Virginia** (the "Town"), a political subdivision of the Commonwealth of Virginia, for value received, acknowledges itself in debt and promises to pay to the Virginia Resources Authority ("VRA"), as Administrator of the Virginia Water Supply Revolving Fund, or its registered assigns or legal representative, solely from the sources hereinafter described and pledged to the payment of this bond the principal sum equal to the sum of the principal advances shown on the Certificate of Principal Advances below, but not to exceed [NINE HUNDRED SEVENTY-ONE THOUSAND AND FOUR HUNDRED] DOLLARS (\$[971,400]). Interest or "Cost of Funds" on this bond shall be computed on the disbursed principal balance thereof from the date of each disbursement at the rate of 2.0% per year (subject to adjustment as referenced below), calculated on the basis of a 360-day year of twelve 30-day months. Cost of Funds only is due on [_____] 1, 20____]. Installments of combined principal and Cost of Funds of \$[_____] shall be payable beginning on [_____] __, and continuing on each [_____] 1] and [_____] 1] thereafter, with a final installment of

\$[_____] due on [_____] 1, 20__]. If principal disbursements up to \$[971,400] are not made, the principal amount due on this bond shall not include such undisbursed amount. However, unless the Town and VRA agree otherwise in writing, until all amounts due under this bond and the Financing Agreement (as hereinafter defined) shall have been paid in full, less than full disbursement of \$[971,400] shall not postpone the due date of any semi-annual installment due on this bond, or change the amount of such installment unless the principal amount due hereunder is less than the amount of such installment. If not sooner paid, all amounts due under this bond shall be due and payable on [_____] 1, 20__]. Capitalized terms used but not otherwise defined herein shall have the same meanings assigned to them in the Financing Agreement.

All amounts due hereunder are payable in lawful money of the United States of America by (a) check or draft mailed to the registered owner at its address as such appears on the registration books kept for that purpose at the office of the Town Treasurer, who has been appointed paying agent and registrar (the "Registrar"), on the 15th day of the month preceding the payment date or (b) wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner, except that the final payment is payable upon presentation and surrender hereof by the registered owner at the office of the Registrar.

No notation is required to be made on this bond of any payment or prepayment of principal. THEREFORE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

Notwithstanding anything in this bond to the contrary, in addition to the payments of debt service provided for by this bond, the Town shall pay, but only from legally available funds, such additional amounts, if any, that may be necessary to provide for payment in full of all amounts due under the Financing Agreement, including late payment charges equal to 5.0% of any payment received by the registered owner of this bond more than 10 days after its due date.

This bond is authorized and issued pursuant to an ordinance and a resolution adopted by the Council of the Town on September 8, 2017 (together, the "Resolution"), a Financing Agreement dated as of [_____] 1, 2017, between the Town and VRA (the "Financing Agreement"), and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended), to provide funds, together with other available funds, to finance improvements to its water system, including (without limitation) the costs of replacing water meters, together with related project and financing expenses.

The full faith and credit of the Town are irrevocably pledged for the payment of principal of and Cost of Funds on this bond and the performance of the Town's obligations under the Financing Agreement. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Council of the Town shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and Cost of Funds on this bond.

In addition, subject to the Town's right to apply Revenues to the payment of Operation and Maintenance Expense, Revenues are irrevocably pledged for the payment of principal and Cost of Funds on this bond and the payment and performance of the Town's obligations under the Financing Agreement. Such pledge of Revenues shall be on a parity with a similar pledge of Revenues securing any other bonds heretofore or hereafter issued and secured by a parity pledge of Revenues.

This bond may be redeemed, prepaid or refunded at the option of the Town upon the terms set forth in the Financing Agreement.

This bond is issuable as a fully registered bond. Upon surrender of this bond at the Registrar's office, together with an assignment duly executed by the registered owner or such owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the Town shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds in the manner and subject to the limitations and conditions provided in the Resolution, having an equal aggregate principal amount, in authorized denominations, of the same series, form and maturity, bearing a Cost of Funds at the same rates and in the same manner, and registered in such names as requested by the then registered owner of this bond or such owner's duly authorized attorney or legal representative. Any such exchange shall be at the Town's expense, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect to it.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal and Cost of Funds and the exercise of all other rights and powers of the owner, except that the regular installments of principal and Cost of Funds shall be made to the person shown as owner on the 15th day of the month preceding each payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the Town, is within every debt and other limitation prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Town of Chincoteague, Virginia, has caused this bond to be signed by its [Vice] Mayor, the Town's seal to be affixed hereto and attested by the Town Clerk, and this bond to be dated the date first above written.

(SEAL)

[Vice] Mayor, Town of Chincoteague, Virginia

ATTEST:

Town Clerk, Town of Chincoteague, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

: :
: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing

_____,
Attorney, to transfer said bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed
by an Eligible Guarantor Institution such
as a Commercial Bank, Trust Company,
Securities Broker/Dealer, Credit Union
or Savings Association who is a member
of a medallion program approved by The
Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must
correspond with the name of the
registered owner as it appears on the
front of this bond in every particular,
without alteration or enlargement or any
change whatsoever.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Ordinance
authorizing the issuance of general obligation water bonds of the Town of Chincoteague,
Virginia, in the estimated maximum principal amount of \$971,400. Unanimously approved.

**ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION
WATER BONDS OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, IN THE
ESTIMATED MAXIMUM PRINCIPAL AMOUNT OF \$971,400
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE,
VIRGINIA:**

1. It is determined to be necessary and expedient for the Town of Chincoteague,
Virginia (the "Town"), to finance improvements to its water system, including (without
limitation) the costs of replacing water meters, together with related project and financing

expenses (collectively, the “Project”), to borrow money for such purpose and to issue one or more series of general obligation bonds therefor.

2. Pursuant to the Public Finance Act of 1991 and the Town Charter, there is authorized to be issued general obligation bonds of the Town in the estimated maximum principal amount of \$971,400 to provide funds to finance the Project.

3. The bonds shall bear such date or dates mature at such time or times not exceeding 40 years from their date or dates, bear interest at such rate or rates not to exceed 2.00% per year, be in such denominations and forms, be executed in such manner and be sold at such time or times and in such manner as the Town Council may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the Town for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged. In addition, the net revenues of the Town’s water system may also be pledged.

5. The Town Clerk, in collaboration with the Town Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Accomack County, Virginia.

6. This ordinance shall take effect immediately.

ADOPTED this ____ day of May, 2017.

APPROVED

Mayor
Town of Chincoteague, Virginia
11. Proclamation – Boating Safety Week
Town Manager West read the Proclamation.



PROCLAMATION

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED I, Mayor J. Arthur Leonard, proclaim May 20 through 26, 2017 as National Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 1st, day of May, 2017

Mayor J. Arthur Leonard
Town of Chincoteague, Inc.

BMC Gregg Pescuma
Officer in Charge
U. S. Coast Guard
Station Chincoteague

James M. West, Town Manager
Town of Chincoteague, Inc.

Robert Haroldsson
Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

12. Resolution – Spring Clean-up, Paint-up, Fix-up Week
Town Manager West read the Resolution.



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

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 13th, 2017; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

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

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

1. That the week of May 13th – May 19th, 2017 is designated as **SPRING CLEAN-UP, PAINT-UP, & FIX-UP WEEK** in the Town of Chincoteague to coincide with the Mother Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 13 –May 19, 2017 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

J. Arthur Leonard, Mayor

Attest: _____
James M. West, Town Manager

Councilman Taylor suggested encouraging volunteers to get out and clean up litter around the Island. He stated that when he walks he sees a lot of trash on the side of the road. He suggested advertising that the Town is looking for volunteers to help keep the Island clean.

Councilwoman Richardson asked if the Town had a program.

Public Works Director Spurlock responded that the Town has an Adopt the Road Program. He stated that there are a lot of roads that aren't adopted.

Councilman Taylor motioned, seconded by Councilman Frese to approve the Resolution for Spring Clean-up, Paint-up, Fix-up Week. Unanimously approved.

13. Resolution – 2018 VDOT Revenue Sharing Litter Grant Program

Town Manager West read the Resolution.



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation, Fiscal Year 2018 Revenue Sharing Program; and,

WHEREAS, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Town Cleanup Projects;

NOW, THEREFORE, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any such approved revenue sharing project.

ADOPTED by unanimous vote of the Town Council on May 1, 2017.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Mayor Leonard stated that they have been doing this for quite some time.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to approve the Resolution for the 2018 VDOT Revenue Sharing Litter Grant Program. Unanimously approved.

14. Resolution – 2017 Hurricane Preparedness Week

Town Manager West read the Resolution.



**RESOLUTION
Hurricane Preparedness Week 2017**

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 7-May 13, 2017 has been designated "Hurricane Preparedness Week"; and

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

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

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

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 21st – May 27th, 2017 as Hurricane Preparedness Week:

in the Town of Chincoteague.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Resolution for Hurricane Preparedness Week 2017. Unanimously approved.

15. Mayor & Council Announcements or Comments

Councilman Frese talked about the trash collection slide on Channel 190. He asked if it could be changed.

Councilman Taylor mentioned the proposal from Student Government Councilwoman Hollingsworth. He would like to see 2 students from the school give input. He asked Council to make it happen. He added that the Town needs young leaders.

There was discussion about setting guidelines.

Mayor Leonard suggested discussing this matter at the workshop on the 18th.

Town Manager West suggested putting all 6 of their proposals on the workshop agenda.

Mayor Leonard agreed.

Councilman Lewis asked if Chief Mills would look into the no parking on Mumford Street matter.

Councilwoman Richardson offered them to ride with her on the bus. She stated that she almost hit someone in a vehicle that morning. She added that you can't see because of the buildings. She advised she was heading south on Main Street and turned left onto Mumford Street.

Town Attorney Fox asked if there was a VDOT regulation as to how wide the road has to be for parking and such. He feels if it is a VDOT regulation the Town should abide by that.

Vice Mayor Bowden asked if they could post no parking for a certain time of the day.

Councilwoman Richardson advised that there is no parking on one side of the street now.

Vice Mayor Bowden added that they can post no parking from 7:00 a.m. – 5:00 p.m.

There was further discussion and comments.

Mayor Leonard stated that they can look into it further.

Councilman Ellis stated that he and his wife would like to thank the Town and the Town staff for the thoughtfulness and kindness along with sending flowers during the passing of his wife's mother.

Vice Mayor Bowden advised she received a reply from Mr. Blake McDonald from the Historical District. She stated that she asked if an individual home owner could apply for evaluation on their own. She also stated in the email that her colleagues wonder why they should put up any money if the homeowner could do this on their own. She advised that his reply was that they can, however the requirements on an individual homeowner to put their property on the state/national registry are more rigorous than if they are considered part of a historic district. She added that if an individual does it on their own they are held to the higher standard of keeping up with the historic level.

Councilwoman Richardson stated that she was approached by a citizen making a payment on his back water bill. She stated that they voted to give him a payment plan of so much per month. She advised that he doesn't get his check until the 3rd of the month and asked if they could change his due date from the 1st to the 3rd. She also stated that he asked staff and they advised that this was voted on by Council and they would have to make that change. She stated that it is the pleasure of Council. Councilwoman Richardson stated that she told the citizen that she would bring it up at the meeting but it couldn't be voted on until the next regular meeting.

There was discussion and Council agreed that this doesn't have to come to Council that the Town Manager has a certain amount of leeway.

16. Adjournment

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adjourn.
Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 18, 2017 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman

Council Members Absent:

J. Arthur Leonard, Mayor

Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Vice Mayor Bowden led in the Pledge of Allegiance

4. Public Participation

Vice Mayor Bowden opened the floor for public participation.

- Ms. Donna Leonard expressed her support for the 4-way stop at the intersection of Church Street, Chicken City Road and Ridge Road as recommended by the students.

5. Agenda Additions/Deletions and Adoption

Town Manager West asked to add items 9a) Consider Change in Employee Handbook, 9b) Closed Meeting to Discuss Acquisition of Real Property for Public Purpose, and 9c) Certification of the Closed Meeting.

Councilwoman Richardson motioned, seconded by Councilman Taylor to adopt the agenda adding items 9a, 9b and 9c as amended. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

6. Presentation – Island Library

Mrs. Linda Ryan, President of the Chincoteague Island Library Board of Directors, came before Council with a PowerPoint presentation. She thanked Council for allowing her to report on the Library. She stated that the Island Library has been serving the Island for almost 22 years. She reviewed the children's and adults' programs. She mentioned the many volunteers and volunteer Board of Directors. She stated that the Board is a working Board that they help organize events, programs, maintenance etc. She added that they also volunteer for the programs as well. She advised of the annual solicitation. Mrs. Ryan reported on the Tales for Tots Program which brings an average of 20 children every week. She stated that earlier today they had a reader from the U.S. Coast Guard who brought 2 boats. She advised they had 28 children and 4 infants who participated. She added that there were 28 children when NASA came to read last week. She also mentioned the Summer Reading Challenge which is for children from kindergarten to high school. She reviewed the many volunteer guests from NASA, the Police Department, the Fire Department and the local schools. She continued to review the different themes for the Children's Programs.

Mrs. Ryan mentioned the library cards and visitor library cards, visitor use, social media and webpage. She advised of the webcam overlooking the Donald Leonard Park and Chincoteague Channel. She mentioned books, fundraisers and events such as “Local’s Week”. She talked about fieldtrips and upcoming summer Children’s Programs. She explained that the majority of their funding comes from private donations. She stated that they expanded their mailing to reach more donors. She stated that the Town who donated the land for the new addition has also provided periodic financial support.

Mrs. Ryan reviewed the upcoming fundraisers: The 1st night of summer, Sunset Cruise on June 21st on the Miss Martha with Captain Carlton, Memorial Day indoor yard sale, Black, White and Read all Over Gala, Dinner-Dance at the Center on Saturday, November 18th. She stated that all of these events help to fund Library programs. She closed by saying that for almost 22 years the Library has been fortunate in the success of their fundraising. She stated that they will continue to expand their efforts. She explained that maintenance, inspections and insurance costs have continued to escalate. She stated that they are committed in continuing the expansion of their programs and services maintaining and improving the building and grounds, providing quality library services to the residents and visitors. She advised they will continue to make the Library one they can be proud of. She added that they are hopeful Council will realize their value in improving and enhancing the lives of both residents and visitors by supporting their efforts. She thanked everyone.

Councilman Taylor stated that one of the things that the Student Council discussed was the need for handicapped parking for the volunteers. He made a suggestion and asked if it would help.

Mrs. Ryan stated that they have been told the handicapped parking space has to be larger than a regular parking space. She added that there are 5 spaces next to the Library. She feels that the issue is when the park is being used. She added that one handicapped space would suffice. She also stated that they don’t want to impact the rest of the spaces.

Public Works Director Spurlock stated that he will research this a little further.

There was discussion and a suggestion to either give up one space or to make the flower garden a little smaller.

Council thanked Mrs. Ryan.

7. Report on Status of Water Supply

Town Manager West advised of a report on April 12th from NASA advising of the contaminant PFAS. He stated that they had contaminated monitoring wells and testing wells which made the Town believe that our wells were also contaminated. He advised that testing took place on the 12th and 13th, sampling the wells and the finished water supply. He reported that the results of the tests were they found the PFAS in the shallow wells and in well #5, which is the deep well. Town Manager West stated that this has been cause for some concern for a couple of weeks now because they couldn’t understand why it was in the deep well. He advised they’ve been testing the deep well and the contaminant has been reduced. He also advised that since then they have pumped the deep well off and sampled it once again. He stated they should have those results in

another 10 days or so to see if it's safe to use again. He explained that they use the shallow wells for blending because the deep wells have some levels of arsenic as many wells do. He also stated that after having to turn off the shallow wells they have lost their ability to blend the shallow wells with the deep wells to make better quality finished water.

Town Manager West stated that they became concerned last week with the shallow wells being off for a long period of time that in well #5 that they would experience elevation in arsenic. He also stated that they contacted NASA with that concern to entertain connection to their system. He added that they have worked on an agreement and NASA gave a letter approving the use for 21 days upon working on a permanent agreement. Town Manager West stated that this is considered a trial period. He advised that before connecting to NASA there was testing for arsenic on Friday where they tested the finished water for arsenic and they tested the deep well. He reported that well #8 tested above the MCL of 10 parts per billion. He added that on the same time on Friday they tested their finished water before the filters and after the filters.

Public Works Director Spurlock commented.

Town Manager West stated that before filter they were right at the contaminated level and right after they were 8 parts per billion. He also stated that they used NASA's water all weekend and they thought that by diluting they were eliminating any arsenic levels close to hazardous. He advised they came and tested for arsenic again on Monday. He reported that the arsenic going into the system had been reduced to 6.6 parts per billion which was a great reduction from the test on Friday. He stated that the mysterious thing was after the post filter they tested the water twice and one of the levels the arsenic level was 10 and the 2nd was at 11. Town Manager West has tried to talk to the environmental group at NASA to figure out the anomaly. He advised that in talking to staff they had problems with blending NASA's water. He stated it was either NASA's water or the wells. He also stated that once the tank drifted down in levels it somehow had an effect on the concentration change. He advised that all week they have tweaked how they operate their connection and maintained the level in the tank and constant pressure from other mixing wells. He added that this is a learning process and they don't expect this to continue. He stated they are testing again tomorrow with the thought that they have been maintaining a constant level in the tank.

Town Manager West stated they will test tomorrow and the tank level has been up all week. He also stated that if this was a contributor then with the high level, they believe they have eliminated it. He added that they should have Friday's test results by Monday or Tuesday which will be reported then. He stated that if they still hover around the MCL they would have to have some kind of plan.

Public Works Director Spurlock stated that they are below the MCL.

Town Manager West feels they have a good solution using NASA's water supply. He also stated that they have 21 days to decide what to do next with their water supply and what kind of agreement to enter into. He added that during this period the Town might be increasing the use of their water. He explained that the Town is using 80,000 to 100,000 gallons per day and may

increase it up to 140,000 gallons per day or more. He added that they would like to prove that they can do it with the lower level and if not the Town will crank it up.

Public Works Director Spurlock stated that arsenic in NASA's water is right at 2 parts per billion.

Councilwoman Richardson asked what type of filter could be used for arsenic.

Public Works Director Spurlock responded that it's usually a charcoal filter which will take a lot more than arsenic. He also advised that right now they have to dispose of what is collected in that filter as hazardous waste.

Vice Mayor Bowden asked if they would continue to test after Tuesday's results.

Town Manager West stated that they are going to test as much as necessary to keep their eyes on all of this. He also stated that there is no need to test for PFAS in the shallow wells because they have been shut off. He added that theoretically, they could use one of the shallow wells because it tested below the advisory. He is hoping they will get well #5 back. Town Manager West stated they still have flexibility. He is in contact with NASA regarding long range.

Councilman Taylor asked questions regarding former wells 7A and 7B.

There was discussion.

Town Manager West stated that they discontinued using them. He explained that they weren't all that efficient because they weren't producing 100 gallons per minute when they were cut off. He stated that they were drifting off and the Town thought about rehabbing them and decided to drill a deep well. He recalled that during the permitting they decided to use well #8 to replace them.

Discussion continued about the well depths.

Councilman Frese asked what the Health Department is saying about this.

Town Manager West advised that they gave an example of Oceana Air Station which had chemicals surrounding the neighborhood. He stated that the base ended up supplying bottled water for the neighborhood.

Vice Mayor Bowden asked if NASA was taking any responsibility for this.

Town Manager West advised they were and they are willing to do the testing along with giving the Town water. He stated that they want to make sure they can come to an agreement within the next 21 days.

8. Adoption of Emergency Operations Plan

Vice Mayor Bowden stated that EMS Supervisor Rush gave copies of the EOP to the Public Safety Committee about a month ago and Council received the copy within the last week. She stated that she is on the Committee and they are happy with it.

EMS Supervisor Rush advised that the only change after adoption is in appendix B, where the old resolution will be removed and replaced with the new resolution. He stated that the document has to be reviewed and revised every 4 years according to the Code of Virginia.

Councilwoman Richardson asked about the elected officials taking online courses. She asked if he kept a copy of those.

EMS Supervisor Rush advised they do.

Councilwoman Richardson also asked which courses were required of Council.

EMS Supervisor Rush advised that course 700 and 100 are required for Council.

Councilman Ellis asked if they are online courses.

EMS Supervisor Rush stated that they are online courses and he can set them up for Council to take them. He advised the courses are under the NIMS compliance which is a grant requirement.

Councilwoman Richardson motioned, seconded by Councilman Frese to adopt the Emergency Operations Plan dated May 18th, 2017. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

9. Discuss Recommendations from Student Government

Vice Mayor Bowden stated that the student government was at the last meeting with ideas. She stated that they recommended: youth representatives to attend Council meetings, widening the bike path on Maddox Boulevard, crosswalks on Maddox Boulevard, the installation of a left turn lane on Westbound on Maddox Boulevard and Main Street, converting the intersection of Church Street, Chicken City Road and Ridge Road from a 2-way to a 4-way stop and increase the disabled parking for the Island Library.

Councilman Taylor stated that the disabled parking at the Library is being looked into. He mentioned the youth representatives at the Council meetings. He would love to have a representative from the 11th and 12th grade.

Vice Mayor Bowden agreed.

Councilman Taylor stated that they have had Student Government Mayors speak eloquently. He feels they are very much a part of the community and would love to have an 11th and 12th grader represent the youth.

Councilman Ellis asked if the intent was to have them there as observers and speak during public participation or would they speak on matters before Council.

Councilman Taylor didn't have a problem with them commenting on matters.

Councilman Frese stated that every citizen has the right and you can't take one group and give them extra rights. He agrees with the concept to allow them to come to get their perspective but he feels this is as far as this should go. He suggested a space reserved but should speak when the public speaks or when Council asks.

Vice Mayor Bowden interjected that they shouldn't be in open discussion about everything.

Councilman Ellis explained that the students and student representatives have specific guidelines within their school district. He also stated that the student representative is free to participate in discussions as a member of the board but do not have a vote or say in personnel matters.

Councilman Taylor stated that Councilman Frese has the perfect solution. He stated that they can speak during public participation and when directed or asked by Council.

Councilman Ellis asked if they would be given the packet to prepare for the meeting and matters.

Vice Mayor Bowden feels they could come up with guidelines. She suggested they come up with 5 or 6 points. She stated that with the widening of the sidewalks, there is the Sarbanes Grant which will take care of that.

Councilman Lewis asked if they could get crosswalk lights at the traffic lights.

Public Works Director Spurlock stated they are reviewing this in the Sarbanes Grant.

Vice Mayor Bowden stated that they need cross walks at some of the businesses along Maddox. She also stated that they need street lights at Island Creamery on Maddox Boulevard.

Councilwoman Richardson stated that as the Chairman of the Public Works Committee she would like Council to put their concerns and matters such as the light on paper and send it to Public Works Director Spurlock. She stated he will get a synopsis for discussion during the next meeting.

Councilman Taylor stated that the installation of a left turn lane isn't impossible. He knows that it's expensive. He explained that the Town would have to purchase property to do this.

Councilwoman Richardson made a suggestion about changing the length of the light to make it better.

There was further discussion and suggestions.

Town Manager West suggested adding this to the VDOT capital improvement list.

Public Works Director Spurlock stated that he will contact Mr. Isdell with VDOT regarding the Church Street, Chicken City Road and Ridge Road intersection.

Vice Mayor Bowden stated that Public Works Director Spurlock will contact Mr. Isdell with VDOT about the Church, Chicken City and Ridge intersection. She also asked everyone to get their comments to Public Works Director Spurlock by June 6th regarding the Sarbanes Grant which could help with Maddox Boulevard. She also mentioned the left-turn lane and possibly asking VDOT to change the light situation. She added that Public Works Director Spurlock will look into the disabled parking. She feels the easiest thing to be able to do is add a youth representative to Council. She asked Town Manager West to create criteria.

9a. Consider Change in Employee Handbook

Town Manager West stated that this comes from the existing employee handbook. He stated that he is following up on the performance based pay system as previously discussed. He also stated that he changed it from November to July and changed that the merit or equity increases might additionally happen during the year. He added that he got rid of all of the salary increase dates. He explained that it enables him to change to a performance based salary increase system.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the changes to the Employee Handbook as presented by Town Manager West. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

9b. Closed Meeting in Accordance with § 2.2-3712(A)(3) of the Code of Virginia to consider the Acquisition of Real Property for Public Purpose.

Councilman Taylor moved, seconded by Councilman Lewis to convene a closed meeting under Section 2.2-3712(A)(3) of the Code of Virginia to discuss acquisition of real property for public purpose. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

Councilman Frese moved, seconded by Councilman Lewis to certify that to each member's knowledge only public business matters lawfully exempted from open meeting requirements and only such public business matters were identified in the motion by which the closed meeting was convened or heard discussed or considered in the meeting by the public body. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

9c. Certification of Closed Meeting in Accordance with § 2.2-3712(D) of the Code of Virginia.

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

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

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

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

VOTE:

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

Councilman Frese moved, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved. All present were in favor and the motion was carried.

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

10. Council Announcements or Comments

Councilwoman Richardson reminded everyone to get their suggestions to Public Works Director Spurlock regarding the Sarbanes Grant.

Vice Mayor Bowden thanked everyone.

11. Adjournment

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

Ayes: Frese, Taylor, Richardson, Ellis, Lewis

Nays: None

Absent: Leonard

Denise P. Bowden, Vice Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 5, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Ms. Patricia Farley of 3243 Lisa's Lane came before Council again regarding her FOIA request that she sent to the Town Office. She read email correspondences to and from the Town Office regarding the elimination of the Town Planner position.

There were no further comments and Mayor Leonard closed the public participation.

5. Chincoteague Center Report

Center Director West thanked Council and handed out a schedule of events and a list of free Center sponsored events. She added that they have also been doing indoor walking Tuesdays and Thursdays. She stated there will be a Wednesday night game night where locals and visitors

can come and play board games. She also stated that the first game night is scheduled for June 14th. She highlighted a few of the sponsored upcoming events. She mentioned the Taste of Chincoteague, a local Job Fair, Wagaplooza, Buzzfest, Flower and Garden Show, the Annual Yard Sale and Strawberry Festival. She asked if there were any questions.

Councilman Ellis stated that there is a real effort being made by Director West and the Board to have the Center open and used. He stated she is doing a wonderful job.

6. Information al Items & Staff Updates

Police Department

Chief Mills stated that the monthly report is in the packet. He added that they have graduated 14 students from the telecommunications school. He advised they completed the in-car camera installation and training and there were a few video-conferences. Chief Mills stated that the 3 new officers have completed the law enforcement training. He advised they will be at the next meeting for introductions. He added that this gets them back to regular coverage schedule and helping with events. He mentioned the click-it or ticket campaign. He reported that because of the annual Poker Run the Police Department was able to give 3 \$500 scholarships away to Chincoteague High School graduating seniors.

Councilman Ellis asked if all the officers were graduates of the academy.

Chief Mills advised they were.

Mayor Leonard asked if there would be a crossing guard at the Carnival.

Chief Mills stated there would be.

Public Works

Public Works Director Spurlock advised that the Public Works Committee meeting is tomorrow night. He advised one item on the agenda is the preliminary session for the Multi-Model Transportation Project. He added that this will not be the only opportunity for input. He reported that the last of the Water Works Technicians passed the Class 3 Water Works Operators exam. He announced that the Town is fortunate to have 3 Class 3 Water Works Operators.

Councilman Taylor congratulated him.

Vice Mayor Bowden discussed the possibility of spraying for mosquitoes by helicopter. She stated that the plane over the last couple of years didn't seem to be doing the job. She asked if a helicopter would be better.

Public Works Director Spurlock stated that he has done a lot of research and he discovered that the vendor who flies the plane has switched to another system which produces a finer droplet. He also stated that the helicopter can't get the air speed to use a flat pan.

Mayor Leonard asked if they have been conducting mosquito control.

Public Works Director responded they have been doing counts every day. He added that there have been very few. He stated they have 18 different locations and they have started their routine spraying.

Councilman Ellis stated that he was approached by a single lady about collection of grass clippings and brush. He stated that she advised that Davis Disposal doesn't collect this any longer and the Town will collect this once a month. He added that she wanted to know if the Town would do this more than once a month.

Public Works Director Spurlock stated that he will look into the Ordinance and the Contract with Davis Disposal.

Councilman Frese asked if they could investigate going back to malathion. He explained that it was used years ago for mosquito control and it worked. He also stated that it seems that the down-draft from a helicopter would push the chemical down where it's needed. He doesn't feel it would be carried off by the wind. He also asked what he knows about malathion.

Public Works Director Spurlock stated that he recently researched this chemical. He explained that it is on hold with the EPA because of the toxicity and is required to spray a lot higher than with the other products. He stated that the density in the droplet is much less than the product they're currently using. He added that it is more of a drifter.

Councilman Frese stated he is basing it more on the amount of mosquito bites that he has.

Public Works Director Spurlock stated that there is also a big odor issue with malathion.

Councilman Ellis stated that paving was done with a minimum disruption of traffic.

Public Works Director Spurlock commented that Branscome did an excellent job. He added that the drainage issues on Clark Street will be addressed.

General Government

Town Manager West stated he is still working on the Cable Franchise Agreement. He also stated that the travel lift agreement was not accepted and the person who submitted the request is no longer interested. He reported that the PFAS is singled out to just the shallow wells. He stated that well 5 was retested and feels it was a cross contamination issue. He stated that the 30 day approval has been extended to the fall. He also stated that NASA is hosting a public information session on June 14th at the Visitor Center. He added that the Town has been invited to attend and feels it would be a good idea to go. He advised that he and Public Works Director Spurlock will be in attendance to answer for the Town of Chincoteague.

Town Manager West stated that there were 2 things that came out of the Recreation and Community Enhancement Committee meeting. He advised that one was studying kayak use at the boat ramps. He stated he is trying to get to the bottom of a few things. He stated that he also wanted to refine the donation policy. He reported that he received good press for the Ponytron

which was Finance Director Hipple's idea. He explained that they discussed this with a company last week and should come to an agreement this week.

Councilman Ellis complimented Town Manager West and the Town for an excellent job of keeping the Mayor, Council and public informed on what was going on.

Mayor Leonard also expressed how appreciative he is.

7. Committee Reports

Budget and Personnel

Councilman Ellis stated that the primary discussion was a suggestion from Town Manager West of possible changes in pay, how it was handled, possible changes in job descriptions and performance assessments. He stated that the Committee agreed for him to move forward on the recommendations. He added that they discussed the award of the Justin Stone Scholarship.

Councilwoman Richardson asked who received the scholarship.

Mayor Leonard advised it was Madison Hudgins.

RCEC

Vice Mayor Bowden advised they met on May 9th. She stated that they discussed the kayak use at the Town's facilities. She stated that he is diligently talking to the kayak business owners to adhere to the rules and regulations by not tying up the boat ramps. She also stated that the dog park planning is ongoing. She mentioned the signage and Waterman's Memorial at Mariner's Point was discussed. Vice Mayor Bowden stated that Town Manager West will come to the next meeting with more information. She stated that there has to be commitments and research has to be done. She feels that there are Committees and nothing is getting done. She gave an example of 7 years ago when the new bridge was built. She mentioned the old bridge tender's house adding that nothing has been done.

Councilwoman Richardson stated that she has pictures, they need to decide what to do and they have to have the money to do it.

Vice Mayor Bowden feels it shouldn't take 7 years to decide and do something to get it done.

Councilman Frese stated that Councilwoman Richardson has advocated for this for years. He stated that there are a number of things that have been brought up numerous times. He mentioned the no wake issue along Eastside which has caused someone to lose about 10' of property. He witnessed a 28' boat that was pushing water within 25' of the boat ramp. He mentioned fishermen with cut lines because of those boaters. He wants to do something as a Council. Councilman Frese stated that the maritime law states they are responsible for their wake.

Mayor Leonard stated that in the minutes of the RCEC meeting it states "Mr. Leonard" and should be changed to "Mr. Jester".

Councilman Taylor asked if they should get up with the VMRC.

Mayor Leonard stated that Town Manager West could ask VMRC or the USCG what they could do. He stated that the Town can post the area “no wake” but it is patrolling it and enforcement. He mentioned seeing if there can be buoys placed out there.

There was further discussion.

Vice Mayor Bowden stated that it has been going on for 20 years. She asked what can be done today. She added that Council has a responsibility to the people of the Island.

Councilman Taylor stated that they need to bring it to a vote.

Councilman Lewis asked Chief Mills if there are any boats through the DRMO for the police.

Chief Mills responded that in the past they have had some boats. He stated that they would be glad to do it but it would take some money.

Councilman Frese suggested putting cameras out there.

Chief Mills stated that he doesn’t know what can be proved by seeing the cameras and feels they would have to be of higher quality. He asked if it would prove how large the wake is.

Councilman Lewis stated they should talk to VMRC.

Councilman Frese stated that he will talk to the VMRC and report to the RCEC on June 13th.

Planning Commission

Building and Zoning Administrator Lewis stated that they will have 2 joint public hearings tonight. He advised that Finance Director Hipple has updated the Zoning and Town Codes.

Planning Commission Chairman Rosenberger stated they will start next Tuesday on the resource conservation zoning and C4 zoning.

Vice Mayor Bowden stated that at the RCEC meeting they discussed the gym needing air conditioning. She asked Public Works Director Spurlock if he had a chance to see if they had the money.

Public Works Director Spurlock advised that it is on the agenda for the Public Works Committee meeting.

8. Agenda Additions/Deletions and Adoption

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

9. Adoption of the Minutes of the May 1, 2017 and May 18, 2017 Meetings

Vice Mayor Bowden asked for a correction on page 43 which states that the Vice Mayor needed crosswalks at the businesses on Maddox. She advised that she didn't say at the businesses but she did remember saying at certain places on Maddox. She added that she did say that it is dark around the Island Creamery and there should be more lights.

Councilwoman Richardson stated that on page 16 there was a typo, it should be Mrs. Cherrix instead of Mr. Cherrix.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the minutes of the May 1, 2017 and May 18, 2017 meetings as corrected. Unanimously approved.

10. Joint Public Hearing – Conditional Use Permits for Tattoo Businesses

Building and Zoning Administrator Lewis stated that several months ago Council adopted to put in the Town Code regulations for tattoo parlors and body piercings. He stated that it was sent back to the Planning Commission to determine what zones to put the tattoo businesses and body piercing in. He advised that it was the intent of Mayor and Council that this was to be in commercial districts only by conditional use. He stated that they determined that C1, C2, C3 and C4 a tattoo parlor and body piercing parlor would only be allowed in a commercial district by conditional use. He added that the Planning Commission would like to hold a public hearing first and see if there are any changes.

Planning Commission Chairman Rosenberger stated that the Planning Commission would like to have a joint public hearing at which time they will take a position on the subject and then Council can take a position following their recommendation.

Vice Mayor Bowden thought this was already discussed several months ago.

Building and Zoning Administrator Lewis responded that what Council reviewed several months ago were the changes that were going to happen in the Town Code. He added that it didn't address the Zoning Ordinance.

Planning Commission Chairman Rosenberger stated that this is just to keep the Ordinance in compliance with the State Code.

Councilman Frese asked if there was a pending case or application.

Building and Zoning Administrator Lewis stated there is nothing official.

Planning Commission Chairman Rosenberger called the Planning Commission meeting to order for the purpose of the public hearing. He advised they do have a quorum.

Mayor Leonard opened the public hearing.

- Mrs. Jeanne Knight of 8139 Sea Shell Drive stated that she would not like a tattoo parlor

added to a C4 district. She stated that as they are going through the rezoning process they should downgrade the allowed uses.

There were no further comments.

Planning Commission Chairman Rosenberger, on behalf of the Planning Commission, made the recommendation to approve the Zoning change to allow tattoo and body piercing parlors in C1, C2, C3 and C4 Districts with a conditional use permit.

Vice Mayor Bowden clarified that in those 4 zones it will have to come before Council for the conditional use permit.

Building and Zoning Administrator Lewis advised this was correct.
Councilman Ellis asked if it was only for the C4 specifically.

Building and Zoning Administrator Lewis stated it was for C1, C2, C3 and C4.

Councilman Frese motioned, seconded by Councilman Taylor to accept the recommendation from the Planning Commission and approve the change as presented. Unanimously approved.

Add to section 2.18 Definitions: **Body-piercing salon.** Any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Body-piercing does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both. (See Chapter 18, Section 18.2 Code of the Town of Chincoteague).

Add to section 2.164 Definitions: **Tattooing; operating tattoo business.** (See Chapter 18, Section 18.2 Code of the Town of Chincoteague).

C-1

Add section 4.2.5.2: Tattoo business

Add section 4.2.5.3: Body-piercing salon

C-2

Add section 4.5.4.2: Tattoo business

Add section 4.5.4.3: Body-piercing salon

C-3

Add section 4.8.4.2: Tattoo business

Add section 4.8.4.3: Body-piercing salon

C-4

Add section 4.11.4.2: Tattoo business

Add section 4.11.4.3: Body-piercing salon

11. Joint Public Hearing – Comments on Proposed Change in Subdivision Ordinance

Building and Zoning Administrator Lewis explained that in the State Code there are sections that deal with a subdivision and going through the legal process to relocate a property line or delete a property line. He stated the ones after the Town created the Subdivision Ordinances had to go through the deed of vacation and Council had to approve it. He also stated that those Subdivision Ordinances prior to Council adopting regulations on subdivisions, Code specifics state that they had to adopt an Ordinance giving the Town the right to do this. Building and Zoning Administrator Lewis stated that they have been doing it. He added that it is Council's decision if they want to deal with the ones prior to the Subdivision Ordinance being created or treat everyone the same.

Planning Commission Chairman Rosenberger opened the public hearing.

Mayor Leonard invited those from the public to speak.
There were no comments from the public.

Planning Commission Chairman Rosenberger, on behalf of the Planning Commission recommended approval of the proposed changes to Section 17, 17.01 and 17.02.

Mayor Leonard opened the floor to Council for discussion.

Councilman Frese asked if this meant they were going to handle them all.

Mayor Leonard responded that they are currently handling all of them. He stated that because of the Code they weren't doing this correctly. He added that there was no Ordinance and this creates the Ordinance to continue as they have been.

Councilman Taylor feels that Building and Zoning Administrator Lewis would have sense enough to make a decision on the basic simple vacation of lot lines. He also feels it's a lot of extra costs to the applicants for something that Building and Zoning Administrator Lewis could approve. He added that if it's a big project they could come before Council.

Building and Zoning Administrator Lewis interjected that he doesn't believe the State Code allows them to do that. He advised that the Code states they are either going to vacate a lot line or not. He asked that if there is no Ordinance then why would Council require a vacation of the lot line. He also stated that once the Ordinance is adopted it has to be enforced whether it's 2 lots or 3 lots.

Councilman Frese feels there are enough subdivisions already there and they're covered. He stated they should have the right to go to the attorney and vacate the lot line. He doesn't believe they should have to come to Council.

Mayor Leonard stated that they aren't creating a new Ordinance. He added that they've been doing this for years.

Councilman Frese explained that this was his point. He doesn't feel it's necessary.

Councilman Taylor stated that they could go simple and cheaper.

Mayor Leonard believes they should err on the side of caution to eliminate problems down the road. He gave a few examples.

Councilman Ellis stated that they have had a similar situation come before Council within the past several months. He explained that a lot line was eliminated by an attorney causing the rights of adjacent property owners to be eliminated. He stated that if it came before Council that family would have had the right to speak.

Building and Zoning Administrator Lewis stated that it came before Council but the attorney vacated the lot line.

Vice Mayor Bowden motioned, seconded by Councilman Ellis to adopt the Ordinance as presented by the Planning Commission with the changes and additions to Section 17, 17.01 and 17.02 renaming to Section 18, 18.01 and 18.02. The motion was carried.

Ayes: Bowden, Ellis, Taylor, Richardson, Lewis

Nays: Frese

Absent: None

Move existing and rename:

Section 17. Validity clause. Section 17.01 and section 17.02 must be renamed to; **Section 18. Validity clause. Section 18.01 and Section 18.02.**

Add New section:

Section 17. Relocation or vacation of boundary lines.

The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision (i) approved as provided in this subdivision ordinance or (ii) properly recorded prior to the applicability of a subdivision ordinance, and executed by the owner or owners of the land as provided in § 15.2-2264 of the Code of Virginia. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

Alternatively, the Town may allow the vacating of lot lines by recordation of a deed providing that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express consent of all persons holding any holding any interest therein. The deed shall be approved in writing, on its face, by the Town. The deed shall reference the recorded plat by which the lot line was originally created. (§ 15.2-2275 Code of Virginia).

12. Public Hearing – FY 18 Budget

Town Manager West reviewed the highlights of the Budget. He stated that the total budget is \$8,059,139. He stated that there is no increase in: real estate taxes, personal property taxes, excise taxes, transient occupancy taxes, meal taxes, water rates or trash fees. He also stated that the budget includes \$17,000 for donations to various levels of nonprofit organizations. He added there is a \$57 increase for health insurance premiums and 5% of the meals tax will go for playground equipment. He explained that in FY 17 the 5% of meals tax was earmarked for drainage. He also stated that the FY 18 Budget includes a reserve of \$186,800 for beach recreation and tourism. Town Manager West explained that this began in FY 13 which represents a 1% increase that was enacted back then. He advised of a transfer from savings for Mosquito Control to purchase fogging vehicles for \$45,000. He reported that the Police Department has no capital improvement projects in FY 18. He stated that it includes a transfer to land acquisition reserve for \$25,000 and the Sarbanes Grant is included.

Town Manager West reported that the Town of Chincoteague and the Chincoteague Volunteer Fire Company continues a partnership for 2 emergency medical staff on duty 24 hours a day, 365 days a year. He added that these are Town employees using Chincoteague Volunteer Fire Company housing and ambulances. He stated that the Fire Company is contributing \$85,000 to defray some of the costs. He also reported that the Town match for the Trolley is \$30,000 and the total cost on the expenditure side is \$86,000. He stated that the water fund has a new bond for water meter improvements through automated water meters in the amount of \$965,400. He added that the project will cost \$983,808 and they will draw \$18,408 from water revenue. Town Manager West advised that the water fund will be repairing the high rise ladder on the tank at \$30,000 and purchasing a new trencher for \$10,000.

Mayor Leonard opened the floor for public comment. There were none and Mayor Leonard closed the public comment. He congratulated Town Manager West and Finance Director Hipple. He stated that going into this budget was dreaded and most of Council thought there would be tax increases of one means or another. He feels that they worked magic coming with a budget that works with no new taxes.

Councilman Frese asked about the reserve of \$186,800 for beach recreation and tourism.

Finance Director Hipple explained that this was a 1% increase on Transient Occupancy which was set aside for beach recreation and tourism.

Councilman Frese asked what that was.

Mayor Leonard stated that if the parking lots at the beach get devastated during June or July, this fund kicks in to help the Federal Government help replace them. He also stated that it is also for a tourism event, such as the jumbo-tron where this fund will kick in and help the Town pay for it.

Councilman Frese asked if they would have to come to Council for this.

Mayor Leonard advised they would.

Councilman Taylor stated that they would want that. He also stated they would like to have \$650,000 in that account. He added that if there is a wash-over at the beach the Town can partner with them to get it back open quickly.

Finance Director Hipple stated that this was put into existence several years ago. She advised that this fiscal year the entire amount is going into the reserve. She added that next year the entire amount will go into the reserve. She also stated that there is nothing being taken out of it. She advised that the last couple of years it was being used to match various grants, playground equipment and other things.

Councilman Frese asked how much is in total reserves.

Finance Director Hipple responded there is \$2,000,000 in total reserves. She added that Council gets this report every month.

Councilman Taylor stated that it's not a lot. He feels this won't pay the salaries if something happens.

There were comments.

Councilman Taylor thanked Town Manager West for producing the budget with no tax increases.

13. Consider Award of Engineering Services Contract in Support of Sarbanes Grant

Public Works Director Spurlock explained the RFQ is in the packet for the multi-model trail project. He reported there were 2 responses one from Clark Nexen and the other from Vista Designs. He advised that members of the Public Works Committee reviewed the proposals. He stated that the recommendation is to enter into negotiations with Clark Nexen to get together a task order contract. He added that Council isn't authorizing any type of expenditure tonight. He also stated that this establishes the official relationship.

Councilman Taylor asked about the cost.

Mayor Leonard stated there is no cost to the Town at this time. He stated that it was only a request for qualifications.

Public Works Director Spurlock stated there were very specific evaluation criteria in the RFQ.

Councilman Taylor asked about Vista.

Mayor Leonard explained that Vista contracts others to do the work.

Councilman Ellis asked if the negotiations will include the statement where the total award value will not exceed \$200,000.

Public Works Director Spurlock stated that it won't at this point. He also stated that they will issue individual tasks. He added they will have a stakeholders meeting to collect and analyze the data which will be a discrete task and then enter into negotiations.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to approve Public Works Director Spurlock to enter into negotiations with the engineering firm of Clark Nexsen for the Multi-Model Trail Project. Unanimously approved.

14. Discuss Possible Change in Zoning to Require Conditional Use Permits for Certain Buildings

Town Manager West stated they had concerns because of recent applications for buildings. He stated that the most recent concern was a hotel which is permitted by right. He stated that there is nothing they can do to curtail that. He added that if Council would like to control this type of growth which is the higher density buildings, there is an option to change zoning to require the applicants to come to Council.

Vice Mayor Bowden stated that she spoke with Town Manager West about this. She stated that they have all watched the Island change. She also stated that Chincoteague looks like a fort with the condos and hotels all the way around it. She feels that before long there won't be a strip of land that you can see the water from. She stated that if they can prevent or regulate this drastic growth, maybe they wouldn't have the townspeople in such an uproar. She feels it's beginning to be too much. She also stated that there is a commercial corridor along Maddox Boulevard. She feels they are losing so much water front to the developers that have the money to buy the land and build the stuff that the average person can't do. She feels the Town is losing out. Vice Mayor Bowden stated that she takes the tour just about every day and sees it. She would like to see Council do something to get a handle on it because it's out of control.

Councilman Frese respectfully disagrees with Vice Mayor Bowden. He stated that over the years this particular piece of property was a restaurant, bar and a number of shops that used the waterfront for tourist activities. He stated that they would like to think that they are heavily burdened with taxes. He reported that the biggest group of taxpayers on the island is the big hotels and motels. He stated that the citizens only pay \$638,000. He mentioned the meals taxes that bring in \$900,000 a year.

Vice Mayor Bowden stated that no one is building restaurants. She stated that if you ask anyone they would like to see a restaurant at the Landmark Plaza.

Councilman Frese stated that he is against it.

Mayor Leonard stated they aren't proposing to restrict them. He added they would be coming under more scrutiny. He stated that he agrees with Councilman Frese. He stated that if someone came to propose a large hotel where Inlet View Campground is there wouldn't be the uproar that you're hearing because of the Landmark property. He also stated that it is easy for the public to uproar when it's someone else's property. He feels it will be a tough situation for Council. He added they are putting the rights of some of the citizens above the rights of others. Mayor Leonard stated that they aren't the first to hear this. He commented that just because it was waterfront and a traditional Chincoteague business doesn't give precedent over someone wanting to build a hotel over it. He asked if she would rather have a rusted broken down processing plant or a nice looking hotel that is bringing money to the Town.

Vice Mayor Bowden explained that she isn't necessarily talking about waterfront properties. She feels they are inundated with hotels. She stated that they are talking about regulations on the property owners. She feels they are regulated to death. She mentioned the Fire Company taking so long because of regulations and a motel could be built in less than a year. She doesn't want to see blight. She feels that the Town government should have more of a say of what kind of businesses are coming here to develop things.

Councilman Frese stated that he has yet to have anyone raise concerns. He feels they need to remember that sometimes in progress there are consequences they don't like. He would like to buy the property and put a house in the middle of it. He stated that if he had the money he should have the right to do something with it. He believes the previous administrations made the zoning C1 – C4 with the plans in mind. He agrees that it's a very desirable piece of land but thinks the water makes that type of industry very successful. He also stated that they collect taxes.

Vice Mayor Bowden stated that it is in the Town Code that a building can't be over 36'. She stated that they just told the property owner he can't go over that height. She explained that they are still telling the property owner what they can and can't do with their land. She knows that this isn't the only community that puts out restrictions. She commented further and feels that the development is out of hand in the Town. She stated that the Town needs tax money. She advised she graduated in 1987 when the McDonald's came to Town. She also stated that this was the biggest uproar. She added that those same people complaining about McDonald's are the same ones drinking coffee there every morning. She understands that everyone wants to vacation on Chincoteague. She feels there is a point in time where Council has to look out of the Town people.

Councilman Frese stated they are supplying jobs for people.

Vice Mayor Bowden stated that several stores on the island are posting that they need help.

Councilman Ellis feels it's irresponsible of the elected officials to allow by right this construction. He stated that it is giving the rights of the elected officials to determine the future growth and development. He also stated that it is taking away the rights of the citizens to be able to voice their opinions about the future of their town. He added that they aren't saying they can't do what they want with this land; they're saying they have to have a plan in hand with approval to do it. Councilman Ellis stated that if it isn't in the direction that the elected and the citizens want to go then it gives Council the direction to go. He feels it's irresponsible to say that by right they can do whatever they want to.

Mayor Leonard stated that if they want to change the zoning it would have to go to the Planning Commission.

Councilwoman Richardson stated that in looking at that particular piece of land it can't be changed now. She added that they're talking about other applications.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to forward this matter to the Planning Commission. The motion passed.

Ayes: Ellis, Bowden, Richardson, Lewis, Taylor

Nays: Frese

Absent: None

Councilman Taylor stated that they will go back into session after closed session and anyone who wants to wait is welcome to come back when they're finished.

15. Closed Meeting in Accordance with §2.2-3712(A)(3) of the Code of Virginia to Consider the Acquisition of Real Property for Public Purpose.

Councilman Frese motioned, seconded by Vice Mayor Bowden to convene a closed meeting under §2.2-3712(A)(3) of the Code of Virginia to consider the acquisition of real property for public purpose. Unanimously approved.

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

Councilman Frese motioned, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

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

17. Mayor & Council Announcements of Comments

Councilman Taylor congratulated Vice Mayor Bowden for receiving the Chamber's Citizen of the Year Award.

Councilman Lewis also congratulated Vice Mayor Bowden.

Vice Mayor Bowden thanked everyone.

Councilman Ellis stated that it was well deserved.

Councilwoman Richardson reminded everyone of the Public Works Committee meeting tomorrow night.

Mayor Leonard expressed his condolences to Town Attorney Fox for losing his grandmother last week. He stated that Mrs. Fox was a good woman in the community. He also stated that you could walk into the bank and even though she didn't know you she acted like she was your best friend. He added that she was a wonderful person.

Town Manager West suggested moving the regular Council meeting from July 3rd to July 10th. He added that this would be the only meeting in July.

Council concurred.

18. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 15, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

There were none.

5. Agenda Additions/Deletions and Adoption

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

6. Street Name Request

Town Manager West referred to the drawing and advised this is a 12' right-of-way adjacent to Willow Street. He stated that the adjoining property owners have approved the requested name of "Monarch Lane".

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the street name request of “Monarch Lane” for the lane north of Willow Court in the vicinity of 3478 Willow Street. Unanimously approved.

7. Adoption of the Traffic and Vehicle Code.

Town Manager West stated that the update captures any changes within the State Code because the Town follows the State Code for traffic and vehicle.

Councilman Lewis motioned, seconded by Councilwoman Richardson to adopt the Traffic and Vehicle Code. Unanimously approved.

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

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

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2017, except those provisions and requirements the violation of which constitute a felony and except those

provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-17)

(b) The provisions of this section, as readopted, shall be effective as 12:01 am July 1, 2017. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-17)

8. FY 18 Budget – Adoption

Mayor Leonard asked for further discussion regarding to the proposed budget.

Councilman Frese suggested that Council approve any fund transfers from the budgeted categories.

There were comments.

Mayor Leonard believed that it was already in place that anything within 2% of the total budget had to go before Council.

Town Manager West stated that the Code calls for a budget amendment.

Mayor Leonard stated that they receive the reports each month.

Councilman Ellis feels they should be informed. He suggested a notice on transfers of a certain amount.

Councilman Frese suggested that Council be notified of transfers of \$10,000 or more.

Councilman Ellis commended Town Manager West, department heads and Finance Director Hipple for putting this together. He stated that the timeline was short and he feels they've done an outstanding job.

Council concurred.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the FY18 Budget as presented. Unanimously approved.

TOWN OF CHINCOTEAGUE, INC.

FY'18 PROPOSED BUDGET

REVENUES

GENERAL FUND

REAL ESTATE TAX	\$638,000
TANGIBLE PROPERTY TAX	\$204,000
DELINQUENT REAL & TANGIBLE TAXES	\$30,000
PERSONAL PROPERTY TAX RELIEF	\$129,246
MEALS TAX	\$900,000
BANK FRANCHISE	\$75,000
SALES TAX	\$135,000
BUSINESS LICENSE	\$128,000
MOTOR VEHICLE LICENSE	\$72,000
UTILITIES TAX	\$206,000
TRANSIENT OCCUPANCY TAX	

EXPENDITURES

GENERAL FUND

GENERAL GOVERNMENT	
SALARIES & BENEFITS	\$756,339
EMS SALARIES	\$521,471
EXPENSES	\$1,103,335
CAPITAL IMPROVEMENTS	\$29,000
PUBLIC WORKS	
PUBLIC WORKS ADMINISTRATION	
SALARIES & BENEFITS	\$155,416

	\$1,100,000		
FINES	\$40,000	EXPENSES	\$507,271
INTEREST	\$24,000	CAPITAL IMPROVEMENTS	\$275,486
MOBILE HOME SALES TAX	\$7,700		
DOG PARK PLANNING	\$2,000		
DECORATION DONATIONS	\$1,500	MOSQUITO CONTROL DIVISION	
CEMETERY CLEANUP DONATION	\$1,000	SALARIES & BENEFITS	\$37,622
ROBERT REED PARK DONATIONS	\$100	EXPENSES	\$105,350
USER FEES	\$25,000	CAPITAL IMPROVEMENTS	\$80,000
BUILDING PERMITS	\$50,000		
ZONING ADVERTISEMENTS	\$1,200		
GRANTS/LITTER	\$1,700	FACILITIES DIVISION	
SALE OF CAPITAL ASSETS	\$1,500	SALARIES & BENEFITS	\$306,444
HEALTH INSURANCE RETIREES	\$12,000	EXPENSES	\$75,600
FIRE PROGRAMS	\$11,000		
PAYMENT IN LIEU OF TAXES - USFWS	\$7,300		
RENTAL INCOME TROLLEY	\$12,000	ROADS DIVISION	
TOWER RENT	\$5,520	SALARIES & BENEFITS	\$176,231
COMMUNICATIONS TAX	\$125,000	EXPENSES	\$516,188
RECOVERED COST FROM WATER	\$91,000		
MISCELLANEOUS INCOME	\$20,500		
SOLID WASTE COLLECTION FEE	\$394,439		
LAW ENFORCEMENT FUNDS	\$100,000	POLICE DEPARTMENT	
DISPATCH REVENUE	\$24,000	SALARIES & BENEFITS	\$665,275
VDOT MAINTENANCE FUNDS	\$692,419	EXPENSES	\$101,100

ROAD PERMIT FEES	\$100		
VA COMM. FOR THE ARTS GRANT	\$5,000		
POLICE COMMUNITY DONATIONS	\$20,000	DISPATCH	
POLICE GRANTS	\$10,000	SALARIES & BENEFITS	\$234,332
USFWS - SARBANES GRANT	\$225,486	EXPENSES	\$19,750
VDEM GRANT	\$7,500		
CVFC - EMERGENCY MEDICAL SERVICES	\$85,000		
TRANSFER FR MOSQUITO CTRL SAVINGS	\$45,000		
TOTAL GENERAL FUND REVENUE	\$5,666,210	TOTAL GENERAL FUND EXPENSES	\$5,666,210
MAIN STREET		MAIN STREET	
PROGRAM INCOME	\$3,000	EXPENSES	\$3,000
TOTAL MAIN STREET	\$3,000	TOTAL MAIN STREET	\$3,000
HARBOR FUND		HARBOR FUND	
HARBOR RENT	\$66,534	HARBOR SALARIES & BENEFITS	\$47,133
SUBLEASES/LOADING DOCK/STORAGE	\$18,900	EXPENSES	\$138,526
HARBOR INTEREST	\$225	CAPITAL IMPROVEMENTS	\$50,000
FUEL REVENUE	\$100,000		
TRANSFER FROM LONG-TERM SAVINGS	\$50,000		
TOTAL HARBOR REVENUE	\$235,659	TOTAL HARBOR EXPENSES	\$235,659
TROLLEY FUND		TROLLEY FUND	
TROLLEY GRANTS	\$45,433	TROLLEY SALARIES & BENEFITS	\$39,933

PROGRAM INCOME	\$7,000	EXPENSES	\$42,500
TRANSFER FROM GENERAL FUND	\$30,000		
TOTAL TROLLEY REVENUE	\$82,433	TOTAL TROLLEY EXPENSES	\$82,433

WATER FUND		WATER FUND	
WATER RENT	\$1,070,937		
WATERLINE EXTENSIONS	\$5,000	WATER SALARIES & BENEFITS	\$348,383
SERVICE CONNECTIONS	\$10,500	EXPENSES	\$294,549
INTEREST ON WATER RESERVE	\$3,000	CAPITAL IMPROVEMENTS	\$1,436,405
MISCELLANEOUS INCOME	\$500		
AVAILABILITY FEES	\$24,000		
AMI BOND REVENUE	\$965,400		
TOTAL WATER FUND REVENUE	\$2,079,337	TOTAL WATER FUND EXPENSES	\$2,079,337

TOTAL ALL REVENUES	\$8,066,639	TOTAL ALL EXPENDITURES	\$8,066,639
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THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE CURRENT TAX YEAR WITHIN THIS

BUDGET:

REAL ESTATE TAX LEVY	\$0.07 PER \$100 OF ASSESSED VALUE
PERSONAL PROPERTY	\$0.85 PER \$100 OF ASSESSED VALUE
EXCISE TAX (MEALS)	5%
EXCISE TAX (TRANSIENT OCCUPANCY)	4%
MOTOR VEHICLE LICENSE	\$27.00
SOLID WASTE COLLECTION	\$2.00 PER WEEK
PERSONAL PROPERTY TAX	70%

RELIEF

A COMPLETE COPY OF THE PROPOSED BUDGET, PROPOSED GENERAL GOVERNMENT FEE SCHEDULE AND WATER RATE SCHEDULE ARE AVAILABLE IN THE TOWN OFFICE, 6150 COMMUNITY DRIVE, CHINCOTEAGUE ISLAND, VIRGINIA.

9. Discuss No Wake Zone Ordinance

Mayor Leonard stated that he witnessed the same boat on Eastside Channel causing the wake.

Councilman Frese stated that he knows people that have lost land. He has been attempting to get an appointment with the U. S. Coast Guard.

Mayor Leonard stated that the Town has to discuss this with the Commonwealth. He asked where the No Wake zone would be.

Councilman Frese suggested from the campground just about to the Assateague Bridge. He discussed the areas that have been affected. He feels they have to address all of the authorities to see what the Town has to do. He also stated that the information Town Manager West gave was great. He added that he will continue to speak with the U. S. Coast Guard.

10. Finalize Plans for Waterman's Memorial Signage

Mayor Leonard stated that they need to discuss the signage at the entrance of the Harbor and another one at the memorial. He stated that they were supposed to approve the signs at the February meeting but didn't.

Councilwoman Richardson asked where they were going to put the new sign.

Mayor Leonard stated it could be put near Mr. Tull's fence and at the entrance to Mariner's Point on the other side of the split rail fence.

There was discussion about where to put the signs and the wording on the signs.

Mayor Leonard stated that the signs will be made in-house so they match the other signs.

Council agreed that the signs should be "Chincoteague Island Watermen's Memorial" with the Town seal and an arrow to the Harbor and at the entrance to Mariner's Point on the hill will be the 2nd sign.

Mayor Leonard feels that they should only address the 2 directional signs this evening. He feels that if there will be another debate then all the signs should be taken down. He personally doesn't want to discuss this further.

Councilman Ellis stated that it was discussed at the Committee level and because it wasn't resolved it was sent back to Council.

Vice Mayor Bowden stated that she wasn't in favor of taking the sign down because it was a Boy Scout project. She stated that she is in favor of moving to another location at the Harbor.

Councilman Taylor stated that it has been moved twice. He feels the project was tasteful. He stated that the Town owns what's up there. He added there have been no complaints.

Councilman Ellis stated that this concept was developed by Mr. Abell since 2006. He stated that Mr. Abell has raised thousands of dollars and done all of the research of the sign. He stated that Mr. Abell made arrangements for the cross to go up, he completed the concrete work, and installed the memorials. He also stated that Mr. Abell moved the memorials. He feels that the Town should accommodate Mr. Abell for everything he has done.

Councilman Frese agreed and stated that basically they are asking to take the original sign with the exception of the lower right-hand corner. He believed there was an agreement there should be a change. He feels they owe Mr. Abell. He added that Mr. Abell agreed to pay for the new sign with the change.

Mayor Leonard stated that this is the same sign they fought over. He doesn't want to face this again. He stated that this is over. He also stated that Mr. Abell has done a lot of work and signed everything over to the Town. He feels it's time for Council to finish the project and move on. He stated that Council approved the sign that is currently there. He would like to put the 2 new signs up and be done.

Ms. Donna Leonard stated that as a person like Mr. Abell, who has done a lot of work at Memorial Park, there are proper procedures that should be followed. She stated that she did the work at Memorial Park and raised the money turning it over to the Town. She stated that she couldn't put the equipment in and install the signs. She recommended allowing Mr. Abell to donate the money to the Town to use for signage. She added to not allow him to do it himself. She feels that if the Town allows Mr. Abell to get the signs, they won't be what Council approved.

Mayor Leonard stated that on the agenda are the final plans for the 2 directional signs to go in at the Harbor. He asked if there was any further discussion on the 2 signs.

Councilwoman Richardson motioned, seconded by Councilman Taylor for the Town to purchase and install 2 directional signs with the Town Seal at the Harbor for the Chincoteague Island Watermen's Memorial; one sign at the entrance and one on the hill. The motion was carried.

Ayes: Richardson, Taylor, Bowden, Lewis

Nays: Frese

Abstain: Ellis

11. Proposal for Location of Dog Park

Town Manager West reported that the Recreation and Community Enhancement Committee asked to send the Dog Park proposal to Council. He stated that they have asked for a reduced quote to change the fence height to 3 feet.

Vice Mayor Bowden stated that they discussed this matter 3 months ago to possibly start at the Donald Leonard Park and if it works out they could move it to another permanent location. She stated that they are only talking about a small portion.

Councilman Taylor doesn't want a 3' fence.

Councilman Frese stated that this is the first real proposal of the Dog Park. He stated that the Donald J. Leonard Park is a park the Town paid for. He stated that Mr. Donald J. Leonard single-handedly made this park. He stated that they took the charge to name it. He objects to putting a Dog Park at the Donald J. Leonard Memorial Park.

Councilman Lewis stated that with respect to the family, if they're going to put one on a temporary basis it should be at the Donald Leonard Park. He added that a lot of people already use this facility with animals.

Councilman Taylor discussed the cost difference in fence height.

Mayor Leonard stated that his father and mother loved dogs. He feels that by giving it a trial run it will allow Council to see if a Dog Park is useful. He mentioned a veterinarian friend who used the Donald Leonard Park to let his dogs blow off steam. He doesn't want to see the Donald Leonard Park turned into the Dog Park but agrees that to use the Park as a trial.

Councilwoman Richardson stated that she is not against a Dog Park but is against it at the Donald Leonard Park. She also stated that if the tide comes up and the waste goes out into the bay it could cause problems. She added that she respected and loved Donald Leonard but feels that this Park is not the place for a Dog Park.

Councilman Taylor mentioned the ballfield at Memorial Park. He stated that they need to see just how utilized it is. He feels that even if its temporary people are going to fuss. He stated that it should be temporary to see if it's going to be used.

Councilman Ellis asked if the budget is ok with the Dog Park. He also asked about the resident at the south end of the Donald Leonard Park.

Vice Mayor Bowden stated that there are dogs already out there. She asked what the difference was to allow it or have a small fence which would be temporary to see how it goes over. She stated that she is in favor of it. She added that she isn't in favor of it being there long term. She also stated that if it goes over well she would like to see it moved somewhere more feasible. She asked for a vote of Council whether they want to move forward with the Dog Park or not.

Councilman Taylor suggested adding a 2-year limit to either keep it where it is, move it or do away with it.

Mayor Leonard asked how much Wagapalooza made.

Ms. Leonard advised \$3,000. She stated that the Town has received donations and she is unsure of the balance to date. She believes that it should be close to \$9,000.

Mayor Leonard asked if there was anywhere in the budget that could fund this.

Town Manager West stated they would have to look. He commented further.

Mayor Leonard feels the funds will be a bit of a stumbling block with the expense of \$25,000 plus maintenance. He asked about liability.

Ms. Leonard stated that they presented specifications and the same people that insure the Community Center also insure Dog Parks. She added that she passed this on to Mr. Marney.

There were comments.

Councilman Taylor stated that without the funds the Town can't move forward.

Vice Mayor Bowden motioned, seconded by Councilman Lewis to move forward with putting the temporary Dog Park at Donald Leonard Park with a 5' fence for 20,000 square feet with funds to be raised. The motion was carried.

Ayes: Bowden, Lewis, Taylor, Frese, Ellis

Nays: Richardson

12. `Instruction for Town Manager on Meeting Agendas

Town Manager West stated that he has had numerous staff and Council ask why there are no votes in the work sessions. He stated that his past experience is to take care of business all along. He was told that the work sessions were strictly for discussion. He is asking for direction. He reviewed the Dill Rule. He stated that the reason the rule works is that there is public notification. He explained that the Town publicizes the agenda. He advised there is nothing in the Code to publish the packet. Town Manager West explained that the first rule is that the public has to have 3 days' notice of a meeting. He added that the next rule is when Council gets all the information for the meeting the public gets the same information for the meeting. He asked if the rule should be followed with the 2 additional agenda items.

Councilman Frese stated that this was used over the years. He mentioned the calendar and stated that it is published on the board and at the front counter. He stated that he remembers the Dill Rule and believed that it was cancelled.

Councilman Ellis stated that he asked for the resolution that was approved in 1998. He stated that there were 2 points to it. He continued that one was the Roberts' Rules of Order and the other stated, "no action shall be considered or taken by Council as to any item of business unless such item was placed on the printed agenda for consideration prior to such meeting". He added that it states "any member of Council desiring to have a matter placed on the agenda for the next meeting or session of Council shall make such request to the Mayor or Town Manager by noon of the Tuesday preceding any such meeting or session. Council agenda packets will be

distributed no later than the Thursday morning preceding the regular Council meeting". Councilman Ellis stated that as long as it is advertised it should be ok.

Town Manager West explained that he was trying to get direction.

Councilman Ellis feels its fine to take action as long as it's on the agenda.

Vice Mayor Bowden agreed and added that according to that rule under the item Agenda Additions/Deletions Council wouldn't be able to add anything.

Councilwoman Richardson stated that she wasn't on Council when the Graham Dill Rule was made. She stated that she remembered it because it came up a lot at the meetings. She explained that the purpose was when a motion was made, Council passed it that night and the public hears about it left them up in arms. She added that it would give them a chance to come and voice their opinion of whether they liked it or not. She also stated that decisions were held for 30 days. She stated that this is why the Graham Dill Rule was proposed.

Town Manager West stated that there was also public participation and depending on how passionate the participant would be could compel Council to vote on something before any length of time or deliberation. He added they shouldn't be reacting to this. He feels there's goodness in this in taking time to think. He also stated that because of this Rule, Council has been trained to wait before acting on something within the same night that the public brought it up.

Vice Mayor Bowden commented. She doesn't feel that it is the Council's responsibility to go out and tell everyone that they need to attend. She understands when there are big things to discuss there is a larger audience. She stated that as a citizen it's her responsibility to find out what is going on to either inquire or show up to say what she wants to say.

Mayor Leonard feels that without the rule they could railroad their position not allowing the public time to research and comment on the matter. He also stated that the items that were added on tonight's agenda were discussions. He stated that he allowed them to be put on the agenda. He also stated that if they were new items he would have waited. He would like to see the Dill Rule stay.

Town Manager West read and excerpt. He stated that these agenda items have been around long before he got here. He explained that the he sends a list of items for the agenda to the Mayor and asks if he agrees. He stated that the only oddball he had was this week and it was for discussion. He added that there were 3 items that were posted for 3 hours.

Councilman Ellis feels that staff needs the time as well. He would like to continue with this process.

Councilman Frese motioned, seconded by Vice Mayor Bowden to dispense of the Dill Rule. The motion did not pass.

Ayes: Bowden, Frese

Nays: Ellis, Taylor, Lewis, Richardson

Mayor Leonard agrees with Councilman Ellis that they want to continue to use the Dill Rule but be able to vote at work sessions. He stated that this isn't a written rule. He explained that staff told him that there shouldn't be anything on the agenda that requires action only deliberation at a workshop.

Councilwoman Richardson stated that years ago they had recessed meetings and Council could vote because it was a recessed meeting and not a workshop.

There was further discussion.

Vice Mayor Bowden referred to the current agenda. She stated they are getting ready to go into closed session. She continued that when they come back they have Council Announcements or Comments. She asked if this could be moved up in the agenda before the closed session.

Mayor Leonard and Town Manager West advised it could.

Mayor Leonard stated that the format has changed this past year. He also stated that Council never voted at a workshop. He doesn't have anything against it.

Town Manager West agreed. He stated that at workshop they didn't need to vote but could at another regular meeting.

Mayor Leonard directed Town Manager West that after this evening Council will have 2 meetings per month except for July. He stated that they will have full voting rights at both meetings.

Council concurred.

Mayor Leonard moved item 15. Council Announcements or Comments, to the next item.

15. Council Announcements or Comments.

Councilwoman Richardson referred to a letter written by Vice Mayor Bowden. She stated that she has concerns with the last statement. She stated that in the book of ethics it is about perception. She stated that it's fine if she wrote the letter and stated that it was her personal opinion, not that of the Town Council and not on Town stationary. She added that they need to be careful or it could come back to bite them.

Vice Mayor Bowden stated that she was contacted by the gentleman in the letter. She read the private message where the gentleman questioned the Town using drones during the Pony Swim. She advised that she referred him to Town Manager West. She read further that he directed her to look at this matter from a safety standpoint. She advised him that she, as an elected official and as a representative of the Fire Company, will have an official response addressing his concerns by next week. Vice Mayor Bowden advised that she contacted Finance Director Hipple to get more information and then wrote the letter.

Councilwoman Richardson stated that she knows what was done. She referred to the Town Charter. She read a section under what the Mayor and Vice Mayor do: "The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter and by general law and such may be imposed by the Council consistent with this office." She stated that this means that the Vice Mayor shall perform the duties of the Mayor during his absence or disability. She also stated that conversing back and forth is one thing. She added that when it is put on Town letterhead it looks like Council agreed with what was said. Councilwoman Richardson stated that she tries to follow the law. She reminded everyone to be very careful because it comes back on all of Council. She also stated that they don't have an ordinance on drones and can't control them.

There were further comments.

Councilman Frese mentioned writing a letter on letterhead and stated that you should never put yourself in the position where they can tie you as a representative of an entity.

Vice Mayor Bowden asked how she can't respond when asked as their representative.

Councilman Frese stated that you have every right to respond. He added that when you use letterhead it is assuming that the full force of the Town is behind you. He also stated that it is a bad situation.

Councilman Ellis stated that he wishes Vice Mayor Bowden had said something that the jumbotron was voted on by Council unanimously and that she was responding as an individual Councilmember.

Discussion continued.

Councilwoman Richardson stated that the gentleman approached her about this. She advised she responded that it was brought to Finance Director Hipple, it was her idea and a good idea. She added that all of Council accepted it and agreed giving her the go ahead with the limit to spend.

Councilman Taylor stated that you would want to be nice and accommodate everyone, but it isn't possible. He stated that this is the place to come and speak at public participation.

13. Closed Meeting in Accordance with §2.2-3712 (A) (3) of the Code of Virginia to Consider the Acquisition of Real Property for Public Purpose.

Councilman Frese Motioned, seconded by Councilman Lewis to go into closed meeting in accordance with §2.2-3712 (A) (3) of the Code of Virginia to consider acquisition of real property for public purpose. Unanimously approved.

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

Councilman Frese motioned seconded by Vice Mayor Bowden to certify the closed meeting was in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.

16. Adjournment

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adjourn.
Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JULY 10, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr., Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Ms. Donna Roeske, Captain Bob's Marina, came before Council presenting the opportunity to purchase Captain Bob's Marina. She feels there's potential on the beautiful property. She mentioned the Parks that the Town maintains. She doesn't feel that the Robert Reed Park or Memorial Park brings a lot of revenue to the Town. She stated that Captain Bob's Marina would bring revenue. She also mentioned the Curtis Merritt Harbor. She explained the requirements to qualify for a slip at the Curtis Merritt Harbor. She also stated that there are 114 slips at Captain Bob's. Ms. Roeske advised there are over 5 acres of land and she allows boat trailer parking which brings in more revenue. She talked about the delay at the Curtis Merritt Harbor boat launch during holiday weekends.

Ms. Roeske advised that because of those delays it has built a big business for her. She stated that Chincoteague is known as the quaint fishing village. She also stated that the Town's infrastructure comes to a standstill when it comes to people getting on the beach during the

weekends. She discussed the traffic and plans to give tourists an alternative. She talked about fishing at the manmade reef 3 miles off of the Inlet. She also mentioned shark fishing and making money on the bait. She discussed the tax issue. She added that regardless of the community you live, to maintain the community there will be a tax increase every now and then.

Ms. Roeske stated that there was an issue with the bridge years ago but it is beautiful coming into Town. She stated that the downtown looks beautiful. She feels there is a need to build up the south end of the Island and suggested preserving it. She stated that the Town could have the best of both worlds with a marina and dog park. She asked if this would be an asset to Chincoteague. She reminded everyone of the time it took to revitalize the Downtown Park and Memorial Park. She added that it doesn't happen overnight, it has grown over the years. She feels that with renovations to Captain Bob's it will generate revenue and attract new customers. She hopes Council will act on this property offer.

- Ms. Barbara Nast, 7444 Fisher Drive, explained an issue with a couple of homes on LeKites Drive. She is concerned with many unrelated people living in the homes. She feels they are in violation of the regulations there. She mentioned one septic system with 15 people living in the home. She also advised there is a 3 bay garage bunkhouse. She didn't think this was legal to do. She advised they are 3 bedroom homes. She talked about the many bicycles in front of both homes. She asked who could resolve this issue. She also asked if it was legal to have a bunkhouse in a garage. She stated there is a conditional septic permit for 6 people from 1995. She also stated that the maximum amount of people should be 8. She asked if anyone could help her clear up this issue.

Councilwoman Richardson asked if it was LeKites Drive or Fisher Drive.

Ms. Nast responded that it was LeKites Drive.

- Mr. David Landsberger, 5475 Warren Street, came before Council representing the Chincoteague YMCA. He stated that their YMCA would like an indoor pool. He suggested an indoor pool on the gym property. He asked Council to join efforts with the YMCA in building a pool. He stated that the YMCA would operate it because the Town doesn't have the staff or knowledge of running a pool. He added that the Town would contribute toward the upkeep and maintenance. He stated he wanted to open up discussion to see if the Town was interested in doing something like this. He described what they would like a pool to be. He asked if there was any interest.

Mayor Leoard stated that he should go before the Recreation and Community Enhancement Committee with the idea.

- Ms. Barbara Huffman Walker, 5335 Merritt Drive, asked Council when is enough enough. She stated that the Robert Reed Downtown Park, Memorial Park and the Donald Leonard Park is under control by the Town and is beautiful. She feels South Main Street needs something also. She stated that there are endless possibilities for this property. She feels strongly that the Town can't afford not to purchase Captain Bob's. She added that if it isn't purchased and controlled by the Town then they will live to regret it.

- Mr. Will Turner, 4309 Ridge Road, stated that he is astounded at the worse laid out traffic pattern at the bridge intersection. He stated that if you want to turn south coming on the Island and one person wants to go straight then you have to wait. He suggested a lane turning south. He asked Council to consider doing something with that intersection.

- Mr. Joe Serino, 3250 LeKites Drive, mentioned the idea of the Town purchasing Captain Bob's and building a dog park. He stated that the Town doesn't need a dog park. He added that people walk their dogs on public roads. He doesn't think they should spend Town money and his money to purchase this. He also doesn't feel the Town needs another dock. He asked what was at the south end of the Island. He stated that people go there to launch or dock their boats. He feels they shouldn't add another park. He added that he is considering the cost and whether it's a good deal. He asked what it would do for the Town in the long run. Mr. Serio also discussed the overpopulation of a couple of the homes on LeKites. He stated that Ms. Nast is having problems with the young people living there and the noise element. He stated that there are 20-30 people. He expressed his concerns and commented on the trash being strewn all over the neighborhood and in his yard.

- Mrs. Donna Mason, Waterside Motor Inn, thanked the Mosquito Control and commented that they are doing an amazing job. She addressed the Bridge intersection. She suggested making the left lane a straight and left turning lane and the right lane a right turning lane only. She stated that a couple of things concern her. She feels they are over-building and the infrastructure can't sustain what is coming here along with the overcrowding in the rental houses. She advised she is in favor of a dog park as long as they don't have to walk by her property. Mrs. Mason mentioned the acquisition of the Captain Bob's property. She stated that for \$500,000 4 people got together and held the property in a trust until the Town could purchase it. She advised that this property is now the Robert Reed Park. She added that they donated the property that the Library is on and they remediated soil, took up gas tanks and spent a fortune making the property available to the Town when they were able to purchase it. She feels they are heading in the wrong direction and 5 acres of waterfront property is a deal. She also feels that this is a good opportunity. She hopes Council can find ways to get grants, partnerships or something to make it work. Mrs. Mason stated that once it's gone they won't get it back. She mentioned the potential revenue and the good will by the Town. She added that they need an alternate beach and suggested making it a little beach. She concluded that this is a good opportunity and hopes they look into it.

- Mrs. Tina Zoller, 3454 Main St, complimented everyone on the Watermen's Memorial. She stated that it is a beautiful spot and she appreciates it. She also mentioned walking. She stated that there are certain places that need crosswalks. She also stated that it is difficult to navigate on a bicycle. She also stated there should be a crosswalk at the YMCA and Pico's Taqueria and other areas of the Town.

5. Information al Items & Staff Updates

Councilman Ellis asked Public Works Director Spurlock if the sign was up at the Watermen's Memorial.

Public Works Director Spurlock advised it was up.

Councilman Ellis asked about the status of the grants from VDOT for the Main Street Project.

Town Manager West advised they are still working on this. He added that they are not as responsive as he would like them to be. He stated that they found things that weren't compliant and it has been over a year since they have closed the last phase. He also stated that VDOT wants the Town to perform testing for quality control to prove the materials used are sufficient.

Mr. Serio asked what they were testing for.

Town Manager West advised it is for asphalt, concrete curbing and gutter, bricks and density of bricks. He stated that the Town has yet to meet with them to figure out why and what is needed.

Mayor Leonard stated that when the Town asks them a question they never get back to us.

Police Department

Chief Mills stated that the monthly report is in the packet. He added that last month they held the annual Bike Rodeo where they gave away 3 bicycles and \$300.00. He reported they completed Hazardous Materials and Emergency Operations training. He stated that he has been working on performance reviews. He also stated that they completed the documentation of the USDA grant for the in-car cameras and purchased a new police car.

Mayor Leonard asked if he has received comments on the graphics of the new car.

Chief Mills advised they have only received compliments.

Councilman Taylor stated that naturally they want to say prayers for all of the Town's police officers. He added that they especially want to say a prayer for Sargent Brent Hickman who had heart surgery today.

Public Works

Public Works Director Spurlock advised that the kayak launch at Memorial Park is an attempt to take the pressure off of the boat launch. He explained the cost which is the site prep work and bulk heading.

Vice Mayor Bowden asked how long this project would take to be completed once approved.

Public Works Director Spurlock responded that it should be immediately. He further described the floating dock.

General Government

Town Manager West stated that the big news is the water supply. He reported that the water is safe to drink. He advised that NASA has reported that they have discovered traces of the contaminant in a couple of their deep wells. He stated that their concern is where is it headed and what's going on. He also stated that NASA wants to treat the water from the shallow wells

so that the Town can continue using them. He reported that NASA will do a filtration plan within 4 weeks. He stated that this along with parallel efforts will ensure the Town has safe water now and in the future. Town Manager West discussed the yearend balance sheet.

Mayor Leonard on the new ambulance which is an 80/20 match. He explained that it's 80% from the state and 20% from the Fire Company.

Vice Mayor Bowden stated that usually it's a 50/50 match and they were very pleased to receive this information. She explained that once the ambulance is purchased the Fire Company has to purchase everything to put in it.

6. Committee Reports

Mayor Leonard stated that the reports are in the packet. He also stated that rather than go over each report item per item he asked Council if they had any questions or corrections.

Vice Mayor Bowden stated that she had a correction on page 21 under the Recreation and Community Enhancement Committee minutes. She explained that she didn't suggest a floating dock at Memorial Park. She advised that she suggested a ramp area and that she talked about a floating dock at the Eastside Boat ramp. She also stated that on page 27 where she suggested spraying mosquitoes by helicopter. She explained that what she said was she would prefer going back to the other spray rather than what they had within the last couple of years.

Mayor Leonard stated that they talked about mosquito spraying in the Public Works Committee meeting. He also stated that they discussed trying out the helicopter but haven't had a reason to try it yet.

Councilwoman Richardson stated that the Committee reports are clearer and contains more information. She feels it means a lot to read this and gives a synopsis of what is going on.

7. Agenda Additions/Deletions and Adoption

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

8. Adoption of the Minutes of the June 5, 2017 and June 15, 2017 Meetings

Councilman Frese referred to page 47 in the 3rd paragraph referring to the Donald J. Leonard Memorial Park. He advised that he stated that Councilwoman Richardson and he led the charge to get it named the Donald J. Leonard Memorial Park. He also stated that in paragraph 6 the Mayor expressed his father's extreme love for the dogs, along with his mother. He stated that his father liked ponies very much and with his own expense and time took care of the sick and injured ponies for the Fire Company for many years. He added that Mr. Donald Leonard is his unsung hero. He would like this noted in the minutes.

Councilman Ellis motioned, seconded by Councilwoman Richardson to adopt the minutes of the June 5th and June 15th, 2017 meetings as corrected. Unanimously approved.

9. Consider Award of Initial Design Services Task in Support of Sarbanes Grant

Public Works Director Spurlock stated that he has a proposal from Clark Nexen. He explained the task and stated that they will be doing a lot of traffic analysis. He also stated that they will hold a stakeholders meeting to get the public and Town's perspective on what needs to be done. He also stated they will come up with a conceptual plan. He added that the proposed fee is \$45,083.66. He stated that the initial budget for the engineering element of the Sarbanes Project is \$245,000. He recommended that they accept Clark Nexen's proposal.

Mayor Leonard asked for discussion.

Councilman Frese wanted to know if some time ago they received the right-of-way from the County.

Public Works Director Spurlock stated that they did. He added that one of the additional tasks would be to make some significant drainage improvements. He hopes they will be able to make these improvements.

Councilman Taylor added that Mr. Turner was correct about a right turn lane. He feels it would actually help people get to the beach. He asked if it could be incorporated in this.

Public Works Director Spurlock stated that this could be included in the request. He advised that the intersection belongs to VDOT and it's up to them. However, he will request that VDOT revisit this. He added that the residency in Accomack is aware of this.

There were further comments about the traffic problems at the bridge intersection.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the award of the Initial Design Services Task supporting the Sarbanes Grant. Unanimously approved.

10. Overview of Performance Pay Plan for Town Employees

Town Manager West presented a PowerPoint presentation. He advised that in the last meeting of the Budget and Personnel Committee meeting staff reviewed the Performance Pay Plan. He added that they approved it to present to Council. He explained the current Employee Policy regarding potential increases. He advised of Council's concerns. He stated that they assembled a team of staff who designed a performance based pay system. Town Manager West reviewed the system in detail. He reviewed the electronic form explaining the personalization of each statement. He stated that this is the only review and potential for increase in the year. He also stated that the increases fell within the budget. He further discussed the process.

Councilman Ellis stated that the whole idea was to get away from the concept of "one size fits all" and to truly reward those who are doing outstanding work. He added that it will provide incentives to those who aren't where they should be. He added that Town Manager West and his team did an outstanding job.

Mayor Leonard asked when they go into effect.

Town Manager West stated they can make it go into effect tonight assuming it is approved.

Mayor Leonard stated that the Budget and Personnel Committee already approved it.

Councilman Taylor motioned seconded by Councilman Frese to approve the performance evaluations and pay plan. Unanimously approved.

Mayor Leonard thanked everyone.

Councilman Frese stated that Town Manager West and staff is very professional.

Vice Mayor Bowden added that when you walk into the Town office the overall joy staff seems to have especially since Town Manager West has come aboard is twofold. She also stated that the Town has a great staff. She added that when you have happy employees, you have a happy, good running business. She feels the Town is definitely on the right track.

11. Discuss Property Offered for Sale

Mayor Leonard referred to a letter in the packet from Custis, Lewis and Dix. He asked for comments.

Councilman Lewis feels it would be great. However, he has concerns. He stated that he doesn't like the \$150,000 non-refundable deposit. He also stated that the Town has \$100,000 a year debt now. He stated that a \$2 million purchase would put the Town in a debt of \$250,000 each year for 10 years. He also stated that they have worked hard not to have a budget increase. He asked where the Town would come up with the money. He added that next year they have EMS salaries and the vehicles that weren't purchased this year. He asked how much of a tax increase would it be.

Councilman Frese stated they have to consider the engine that drives this Town or any other town or city. He stated that they have a tough time running the business of this Town. He doesn't feel it is fair for the Town to compete with private enterprise. He also stated that in looking back at what the Town has done, the cost of doing that has gone up. He added that the Town can't keep that up. Councilman Frese stated that if they keep spending money, they're going to spend themselves into the poorhouse. He doesn't feel the Town should be in competition with private enterprise. He also stated that he looked at the park that was built and it was built primarily for the fishermen and the natives. He stated that when it came time to build it they couldn't afford it. He added that the Town had to get grants. He doesn't feel it's a good idea.

Councilman Frese stated that they would pay \$2 million for this and another \$.5 million to bring it up to date. He also stated that it's not the Town's business. He added that their business is the health safety and welfare of the citizens. He doesn't think it is fair to the citizens and they have a terrible burden on the tax payers. He stated that they have to draw the line somewhere. He also stated that waterfront property is the most desired. He added that from the Landmark Plaza to the last motel is about .8 miles. He estimated the waterfront of the Island to be about .8 miles. He explained that the .08 of a mile of waterfront property represents about 4.4% of the waterfront of the Island. He reminded Council of the taxes that the waterfront motels pay.

Councilman Frese stated that last year the transient occupancy taxes brought in \$1.2 million. He also stated that the meals tax brought in about \$900,000. He stated that the total real estate taxes for the citizens are about \$690,000. He doesn't think the Town should go into competition with businesses. He also doesn't think the Town should burden the taxpayers. He doesn't believe the Town will make a profit on another marina.

Councilman Taylor stated that on a project like this they will need a public/private investor group. He also stated that the investors should be commended as some of them sacrificed and made payments over years. He thanked those individuals for investing in the Town. He feels that if they are going to have something of this magnitude they will need investors. He would love for the Town to have another waterfront park but doesn't feel it's possible. He also stated that he would like to see another sandy beach. He commented that the Wetlands Board allows sand to be pumped in. He added that under different circumstances he would be for this.

Councilwoman Richardson advised that she remembers when the Town was offered Taylor Marina at a reasonable price. She stated that it was turn-key. She also stated that the Town lost that opportunity. She commented on what is currently there. She understands that the Town doesn't have the money but feels it would be an asset. She suggested having a fishing pier there. She would hate to see the Town lose this opportunity and isn't against it. She is unsure where the Town would find the money.

Councilman Ellis feels this is a wonderful opportunity. He stated that there is only so much land available. He added that if the Town doesn't make the effort to see what money is available they could lose it.

Vice Mayor Bowden advised she put this on Facebook to see how everyone felt about it. She reported that she had 438 comments within 72 hours overwhelmingly in support of the Town purchasing this property. She stated she has talked with Town Manager West and her fellow Councilmembers about where they could find the money. She understands it will take a lot of money and a lot of work. She also stated that this is a rare opportunity to have the space that would never see a condo or hotel. She feels they are at the point where they ask when enough is enough. She suggested negotiating with Ms. Roeske's attorney about the timeline. She discussed the motels along Main Street and the condos on Eastside. Vice Mayor Bowden stated that this is a beautiful Town and people want to see what they have to offer. She asked what the Town was offering that if visitors can't get on the beach or have the oceanfront for fishing. She feels they need to offer the visitors the amenities they want to come for. She stated that this is a gift of sorts that Ms. Roeske came to the Town first. She advised that Ms. Roeske has worked hard to make it what it is. Vice Mayor Bowden would like Council to agree to go into negotiations about a timeline.

Mayor Leonard asked Ms. Roeske if this was 5 acres.

Ms. Roeske advised that it totals 5.5 acres but she is keeping 200 feet on the north end for herself. He added that she is offering a little over 5 acres including the boat slips.

Mayor Leonard asked about the acreage.

Councilman Taylor stated that they should keep it as a harbor because it was hand dug out. He also stated that someone could fill this in. He compared this to the property of the Hampton Inn.

Mayor Leonard stated that \$2 million is getting the foot in the door. He also stated that there are a lot of other expenditures that are unknown. He mentioned the bulkhead repair, maintenance and digging out slips. He feels that if they start buying waterfront property to preserve it then Council is setting a precedent. He commented that those property owners can come to the Town with the stipulation if the Town doesn't buy it they will go to a big hotel chain. He asked where the Town draws the line. He agrees that it is a valuable piece of property. He also agreed it would be a valued addition. He stated that the Town shouldn't buy it because its waterfront. Mayor Leonard also stated that they have to average it out. He added that there are a lot of unknowns. He stated that the letter gives a hard date and the Town can't apply or receive a grant before the October deadline. He mentioned a meeting he recently attended where the Department of Interior gave the entire state of Virginia a boating infrastructure grant for \$700,000. He added that the Town is looking for this much again. He also stated that the Town is one small municipality within the entire Chesapeake Bay watershed. He doesn't feel the Town will receive the money they need for this.

Mayor Leonard agreed that this is a great piece of property. He doesn't feel the Town can afford it. He advised that he doesn't have a vote he only presides.

Councilman Frese stated they have to recognize that within the last 8 years the national debt has gone from \$6 billion to almost \$20 trillion. He stated that the handwriting on the wall is that grants are shrinking. He doesn't feel the Town will get very much help from the government. He also stated that grants are almost a thing in the past. He stated that they were able to have work done on the Town's marina because it's a harbor of refuge. He added that if it weren't for this the Town wouldn't have received the grants. He is concerned about the financial stability of the Town especially if they start out spending \$2 million on a piece of property that needs a lot of work. He stated that it scares him. He also stated that they are paying 1/3 of the County's taxes in addition to their own. He urged everyone to consider this.

Mayor Leonard asked Vice Mayor what everyone wants to do with this property according to her Facebook poll.

Vice Mayor Bowden responded that they wanted another restaurant.

Mayor Leonard feels they need to find a way they can encourage restaurants. He added that the Island is becoming a food truck nation. He suggested that Council come up with ways to promote restaurants.

There were comments about Pocomoke purchasing the Riverside Restaurant building and leasing it out.

Vice Mayor Bowden would like to see Council move forward and negotiate with Ms. Roeske on a timeline. She stated that they could enlist Town Manager West to see how, when, what and if

they could find the money to do this. She added that this is an opportunity of a lifetime. She commented that she would hate to see another hotel on the waterfront, no matter how much money they bring in to the Town.

Councilman Taylor stated that the timeline would be at least a year before they could make a deal. He feels they shouldn't do \$150,000 nonrefundable deposit. He added that some projects just don't work out.

Councilman Ellis agrees with Vice Mayor Bowden. He stated they would be remiss if they declined at this time without exploring every possible option. He would like to negotiate funding.

Mayor Leonard stated that they have a letter before Council which is what they have to deal with. He also stated that these were the terms set forth in the letter from a lawyer. He reiterated the purchase price is \$2 million with a \$150,000 nonrefundable deposit and closing must take place prior to October 31st. He feels there's no way they could close by October 31st. He also stated that Council has to look at the document in front of them. He doesn't think they could accept these terms.

Vice Mayor Bowden again stated that she would like to see Town Manager West and Town Attorney Fox negotiate the terms of what the Town may be able to do with the timeline and money. She doesn't want the Town to push it aside and wait for Ms. Roeske to come back to Council. She feels that Council should respond.

There was further discussion as to how to handle the formal request and possibly referendum.

Town Manager West stated that the cost alone dictates that they would have a budget amendment which requires a public hearing. He stated that it would be advertised as soon as they could prepare a budget amendment.

Vice Mayor Bowden stated that before Council goes that route she feels they should go back to Mr. Custis to give him the terms the Town could deal with.

Mrs. Donna Mason stated that she has been in a similar situation previously referring to the Robert Reed Downtown Park. She explained once again that the downtown property became available and the Town couldn't buy it. She stated that a group of citizens purchased the property until the Town could buy it. She added that it took a while. She also stated that where there is a will there is a way. She asked if anyone could say it was a mistake and the Town is not better off because of the purchase of that property. She stated that it is a showpiece and with the streetscape it's beautiful. She is proud of every minute she put into this. She added that this was a vision. She suggested finding creative ways to do this.

Councilman Frese stated that the downtown property was at a purchase price of \$500,000 with 5 people coming together assuming the liability. He stated that when it comes to \$4 million he is unsure.

Mrs. Donna Mason stated that \$500,000 back then wasn't any less than \$2 million now.

Councilman Taylor agrees with Mrs. Mason. He stated that they can't do this by the timeline of October 31st. He added that the downtown property purchase went longer than anticipated and they stuck with it.

Mayor Leonard stated that they should send a letter back to Mr. Custis explaining that these terms are unacceptable and request other terms.

12. Mayor & Council Announcements or Comments

Vice Mayor Bowden reiterated that she feels the purchase of Captain Bobs which is an opportunity they can't let go. She stated that she didn't have children or grandchildren; she only has nieces and nephews. She knows a lot of people that do and would love to see the future generations be able to grow up with what they all grew up with. She stated being able to grow up with this property is a big thing. She feels they should work toward making this happen for their future. She also commented on the intersection. She would like Public Works Director Spurlock start a dialog with VDOT to get the turn lanes changed. She feels it is a backup nightmare.

Councilman Taylor commented on the improvements in the area which takes sacrifice. He mentioned the renovations to the theatre. He thanked everyone and added that it takes effort. He reminded everyone to pray for Sargent Hickman.

Mayor Leonard closed by saying, "Roll Tide".

13. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE AUGUST 7, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Edward W. Lewis, Jr. Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Mrs. Patricia Raw, 8269 Seaweed Drive, asked why the grass at half of the Mechanic's Cemetery wasn't getting cut and the other half was. She added that in the back it isn't getting cut and she has had it cut twice.

Councilwoman Richardson responded that the cemeteries are cut 3 times a year. She advised they're cut Memorial Day, Pony Penning and Veteran's Day or when needed.

Mrs. Raw interrupted that they don't cut Pony Penning because Mr. Richard Taylor cut for her on Pony Penning.

Councilwoman Richardson stated that Mr. Taylor mentioned this. She advised that if someone has hired him to cut it then he needs to cut it. She stated that the Town is using taxpayers' dollars to cut it. She also stated that the Town cuts it and it's not the Town's responsibility.

Mrs. Raw asked why the Town does it.

Councilwoman Richardson explained that the Town has an Ordinance that states if the grass is over 10" Building and Zoning Administrator Lewis will send a letter to have the grass cut.

Mrs. Raw advised that after July 4th her sister and nephew went to put flowers on the grave of Mr. Donnie Wayne Tyndall and had to go home to get the weed eater and cut the grass.

Public Works Director Spurlock stated that he was unaware they didn't finish that cemetery. He stated that he would look into this and take care of it.

Mayor Leonard asked that she contact Public Works Director Spurlock next time and he would take care of it.

Councilman Ellis stated that aside from the specified times to cut the cemeteries it is on an as needed basis.

Public Works Director Spurlock stated that it also has a lot to do with the equipment but it is done on an as needed basis.

5. Informational Items & Staff Updates

Mayor Leonard stated that the informational items are in the packet. He also stated that if there are any questions they can see Town Manager West.

Police Department

Chief Mills stated that the monthly report is in the packet. He stated that they had a good Pony Swim with a lot of extra security at the Park and around. He also advised of the Safe Medications Drop Box in front of the dispatcher's window for old prescription drugs. He added that this was at no cost to the Town.

Public Works

Public Works Director Spurlock advised that VDOT completed their survey of the Main Street and Maddox Boulevard intersection. He stated that they decided to take the center lane coming onto the Island a straight and left (north) turn lane and the right lane right turn only.

Councilman Taylor asked if they made any suggestions leaving the Island and was advised there were none.

General Government

Town Manager West reported on the water supply, that the PFAS levels have not increased and the levels in NASA's wells have decreased. He stated that NASA continues with plans to filter the water from the Town's shallow wells. He also stated that they are working on engineering plans. He added that their plans should be completed in August, construction in October and proof testing in November so they could start use in December or January. He explained that the Town has an option on a piece of property as close as they could get to the pump houses. He stated that they are hoping that an exploratory well on that property will reveal there is a possibility of developing new deep wells. He has a request later in the packet to move forward with the exploratory well on that property. He added that this should lead the Town well into the future if it works out. He stated they created an EMS Division in the budget to segregate all costs within the EMS Department.

Town Manager West stated that regarding the No Wake Zone, VMRC visited the Town and passed on information to Councilman Frese. He advised that they pointed out some things in the State Code. He stated that they offered to speak to Council. He also stated that he and Public Works Director Spurlock continue working with VDOT to get the reimbursements. He reported on Pony Penning advising that he counted all those who were involved in supporting the Shuttle Operations. He stated that it is about 100 people. He also stated that it is very impressive. He commended Finance Director Hipple for planning along with all of the staff for participating. He advised there were 19 volunteers this year that ride the buses acting as tour guides. He also reported that the Pony Tron was a success in helping those who couldn't see the swim. He hopes they can budget for this again next year.

Councilman Ellis asked about the list of noncompliance on the 2C Project.

Town Manager West stated that in the most recent news VDOT wants to do a validation test of the concrete, asphalt and bricks. He also stated that once they do the testing they will come back

and advise where the Town stands. He further explained what his plans are when they meet again with VDOT.

There was discussion about responsibility.

Vice Mayor Bowden stated that as a fireman she can't say enough about how well Pony Penning went this year. She asked Town Manager West to pass along to Finance Director Hipple and staff that they have received nothing but compliments. She added that the whole Town did a fantastic job and the Fire Company appreciates it very much.

Mayor Leonard also stated that he heard nothing but compliments about the shuttle. He feels everything went smoothly and was well run and well appreciated.

6. Committee Reports

Mayor Leonard stated that the reports are in the packet. He stated that there are no items to be acted upon.

7. Agenda Additions/Deletions and Adoption

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

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

8. Adoption of the Minutes of the July 10, 2017 Meeting

Vice Mayor Bowden advised that her statement in the minutes on page 26, she was quoted to say that she had nieces and nephews. She advised that she doesn't have nieces or nephews.

Councilman Frese referred to page 22 in the 4th paragraph that states that he looked at the Park. He corrected that it was the Harbor or Refuge not the Park. He also advised that in the next paragraph it stated that he estimated the island to be 20 miles. He corrected that it should be 18 miles of waterfront and .8 mile are taken up of motels on Main Street. He mentioned on page 25 where he stated that there was discussion of handling a formal request and referendum. He explained that it was his understanding that they had to have a referendum.

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt the minutes of the July 10th, 2017 meeting as corrected. All present were in favor and the motion was carried.

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

9. CVFC Request to Acquire Cropper Street Property

Mayor Leonard stated they have a request from the Chincoteague Volunteer Fire Company to acquire the Cropper Street property. He added that Council has a letter in the packet. He advised that the Fire Company is seeking the Town's old building on Cropper Street. He stated that they would like to make the necessary repairs so they could use it. He also stated that they are currently leasing and using the building and they just want to make ownership official.

Councilman Taylor asked if it included the jail property as well.

He was advised that it does.

Councilman Taylor stated that he is for it. He explained that the firehouse is for sale but does not have parking. He stated that it will enhance the firehouse property so that they can have parking when they sell the building.

Mr. Tarr stated that they started leasing and using the property for about 15 years as they didn't have enough space to put the trucks because of the ambulances. He added that the ambulances need to be where the EMS is. He stated that they spent a lot of money to prepare the building on Cropper Street to be able to house the ladder truck. He mentioned a crack in the building. He doesn't know of anything else that can be done but to tear it down and use the land for parking. He discussed the insurance savings as well.

Councilman Taylor stated that he didn't want any confusion and wanted everyone to know this was so that when the Fire Company sold the property they could use this parcel for parking.

Councilman Ellis asked if the Town would sell this property to the Fire Company at fair market value.

Mr. Tarr stated that they wouldn't want to pay fair market value on a building that you can't do anything with. He advised that the insurance company has approximately \$500,000 worth of insurance because of the equipment inside.

Councilman Ellis stated that he isn't concerned about the equipment he is concerned about the property value and the price that the Fire Company would be charged.

Mr. Tarr also stated that they use this building as a de-con building for those exposed to toxic chemicals.

Councilman Frese asked if the firehouse has internet.

Public Works Director Spurlock commented on the available broadband and added that something would have to be arranged with the Eastern Shore Broadband.

Mayor Leonard stated that this is a historical building.

Councilman Frese stated that this building could be used for Mosquito Control. He understands that the Public Works space is a little shy. He feels it would be ideal for the Mosquito Control. He also stated that there is a 40 year lease at \$10 per year.

Mr. Tarr stated they are in year 16.

Councilman Frese feels the first obligation is to see what they need in the safe and efficient running of the Town. He understands they would need a parking lot; however, Council has to take a look at the Town's side also. He added that it belongs to the people and they should exercise diligence all the way around. He doesn't feel that this is something they should just jump right into.

Mayor Leonard stated that they may want to have it appraised and surveyed. He stated that there is one portion that you can see daylight through.

Councilman Frese stated that the Town and a perspective buyer should take this into consideration. He also stated that if the Town decides they don't need it then they should consider the enumeration return to the taxpayer. He doesn't feel they should make a decision tonight.

Councilman Taylor stated that he buys things like this. He gave an example and added that long-term leases change the value. He stated that if someone has a lease on it then it isn't worth the full value. He feels it benefits the Fire Company. He stated that the Fire Company only asks so much. He also stated that they can't do too much for the Fire Company. He added that with the 24 years left on the lease, it changes the actual value.

Councilman Ellis stated that if the Town sells this to the Fire Company at a reduced rate and they turn around and sell it, then the fair market value sale at that time goes to the Fire Company and out of the pockets of the citizens of this community.

Vice Mayor Bowden stated that the building belongs to the Town and the taxpayers. She stated that the fire trucks and equipment in the building essentially belong to the taxpayers. She also stated that in the 92 years of this Fire Company they have saved those people over \$1,000,000,000 in taxes. She added that if you walk into the building tonight it is not salvageable. She advised they have put over \$100,000 into the building. She stated that she is for the Fire Company and the sale of the property will eventually turn around and roll back into the community. She feels like sometimes the things that the Fire Company does is taken for granted. She asked what will happen to the Fire Company if in 10 years they can't do it anymore. She stated that the people are going to pay taxes like they've never paid before.

Vice Mayor Bowden stated that she falls into the category with Councilman Taylor and wants to see the Fire Company acquire this property. She added that she doesn't necessarily want it gifted. She also stated that considering the entity that the Fire Company is, there should be some serious consideration given about this building to the Fire Company.

Councilwoman Richardson stated that when the Town leased the old Town garage to the Fire Company there were stipulations. She stated that there were things they were supposed to do. She explained there was a Phase 1 which was complete at the cost of \$57,000. She stated there was Phase 2 and over 2/3 of the things that were supposed to be done were not done. She advised they were supposed to put in a sloped floor for a wash pit, and that didn't happen. She also stated they were supposed to remove the existing bathrooms and install new a facility to include 2 water closets, urinals and 2 showers, and that didn't happen. She added that they were

supposed to install petitions for the bathroom, kitchen, a lunchroom and a radio room for ambulance crews, and that didn't happen. Councilwoman Richardson continued that they were supposed to install separate heat and air conditioning for the quarters, and that didn't happen. She stated that they were to modify the existing shed with a concrete floor closing the front for storage, and that didn't happen. She also stated that they were supposed to paint the remainder of the building, insulate the first and second floor ceiling, and that never happened. She added that they were to install the ceiling on the first and second floor, and that didn't happen. She also stated that they were supposed to patch the hole in the existing floor, and that didn't happen.

Councilwoman Richardson read the lease: "The Lessee shall maintain the herein-demised premises in a clean orderly and safe condition and deliver up the premises at the expiration or the termination of this lease in as good a condition as received. Reasonable wear and tear accepted provided that the Lessee shall construct the agreed upon improvements. The Lessee shall be responsible for all necessary repairs and any improvements on the said real estate during the term of this lease. Lessor and Lessee shall make a joint inspection of said herein-demised premises at the inception of this lease with memorandum and prepared and initialed by Lessor and Lessee detailing the condition of said premises. At the conclusion, within 5 days after the termination of said lease, Lessor and Lessee shall make a joint inspection of said premises to determine the condition of said premises."

Councilwoman Richardson continued to read under Utilities: "Lessee shall be responsible for all utility bills incurred relative to said premises during the term of this lease." She stated that when the hole was cut for the ladder truck was when the wall cracked. She added that it weakened the structure and can be prepared. She asked if the property is sold and they use it for parking why shouldn't the Town use it for municipal parking. She stated that the public doesn't know what the Town pays for EMS which is paid by the taxpayers of the Town. Councilwoman Richardson stated that this is public information. She explained that when you total up the contributions given to the Fire Company for paid EMTs, 24 hour service, 365 days a year, 6 paid full-time employees, 8 part-time employees with 2 running on each call, this is what the Town of Chincoteague is providing to the community. She stated that what's coming next is a paid fire company. She feels it will come within 10 years.

Vice Mayor Bowden stated that as long as she has breath in her body she will get out there and run calls.

Councilwoman Richardson stated in looking at the Town's budget, if the Fire Company didn't ask Accomack County to come in with taxes of \$350,000 a year which were collected extra from the Town of Chincoteague that could have gone to the Fire Company. She advised that it wasn't discussed before it was done. She mentioned the jib of land that the Town gave the Fire Company. She also stated that it should have been brought to a public hearing because it's the law. She stated that it is in the budget that the Town is providing over \$500,000 to the paid EMTs and helping support the Fire Company. She added that this is the taxpayers' money that totals \$701,821. She also stated that there isn't another town on the Eastern Shore that supports their fire company like the Town of Chincoteague.

Councilwoman Richardson advised of some complaints she received that the Town doesn't do anything for the Fire Company. She stated that they don't see the figures of what the Town does. She handed out a paper showing the figures.

Mayor Leonard asked the Town offices were still at the firehouse when the lease was drawn up. He mentioned a statement of some of the things that she was saying about the closets and showers for the ambulance crews. He explained that when the Town moved to the new Municipal Complex the Fire Company took over the old Town offices. He added that this meant they didn't have to do those things to the maintenance shed.

Councilwoman Richardson stated those things are in the lease.

Councilman Taylor referred to the jib of land given to the Fire Company and stated that there wasn't one soul that knew that the Town owned that property. He stated that Mr. Harry Thornton asked Councilman Taylor to call and the state didn't own. He stated that they were advised that any residual land was given to the Town. He also stated that this is simple. He stated that he is voting to keep this volunteer company up and running as long as it possibly can. He added that they have young people. He also stated that he will try his best to say they have his support and it bothers him that they can't get together on that.

Councilman Frese stated that he is trying to get a picture of the whole thing. He also stated that he is far enough into this to realize that the Town is paying around \$700,000 per year to the Fire Company. He believes that the Town has cooperated with the Fire Company and the Fire Company has cooperated with the Town. He stated that the Fire Company and the EMS do a tremendous job for the citizens of this Town. He added that if it wasn't for this Town there wouldn't be a volunteer fire company. He stated that the volunteers and people of the Island have paid over \$700,000 through their taxes that he picked out of the Town's budget which goes to them. He doesn't feel it's a question of fighting with the Volunteer Fire Company. He believes that it stems from the people of this Town who pay the taxes.

Councilman Frese also stated that when the Town has the power to tax then the Town has the responsibility of the health, safety and welfare of the people. He stated that he sees that the Town is taking over \$700,000 of the taxpayers' money and giving it to the Fire Company. He added that the Fire Company utilizes it very well. He wants to get things into perspective. He stated, in his opinion, that they can't ignore the fact that this property or any other property belongs to the people. He also stated that they have to be very careful and be good honest stewards. He added that sometimes you have to say things that don't make you a favorite and honesty comes first. He stated that this is the taxpayers' money in one form or another and they can't rush into this. He also stated that it isn't the Council against the Fire Company. He added that he will continue to review the budget and find out because \$700,000 a year is a lot of money.

Vice Mayor Bowden asked Town Manager West to issue a breakdown showing exactly what the Town is actually giving to the Fire Company in terms of salaries, etc.

Councilwoman Richardson showed Vice Mayor Bowden the EMS budget.

Vice Mayor Bowden asked Town Manager West to break down the cost to show where the \$700,000 per year is.

Mayor Leonard referred back to the building. He feels it would benefit the Town to get it appraised, figuring that the Fire Company has a lease. He stated that they can come back to it when they get the appraisal. He also stated that the Town is straddling on inter-Council debate over expenditures. He added that the Fire Company does more than just fight fires and ambulance calls. He stated that as long as he has been on Chincoteague, the Fire Company has been the community center and heartbeat. He added that through everything there has always been a Chincoteague Volunteer Fire Company. He also stated that it isn't Council against them; it's us, all of us.

Mayor Leonard stated that when they start bickering of who does what, when and where then we're slapping ourselves in the face. He stated that they provide a big service for the Town and the Town provides a service for them, it goes hand in hand. He feels the Town needs to do their part to have an inspection and appraisal. He suggested staying focused.

Councilman Ellis stated that Council is responsible to be fiscally sound stewards of the taxpayers' money. He also stated that it is one of the responsibilities of being on Council. He added that it appears that the Town has no particular use for this property. He stated that as soon as you see the appraisal it will give you an as is value at that time. He also stated that there can be some negotiation to mutually benefit the Fire Company and the Town and work out a figure that is reasonable and fair to both entities. He added that they have to watch out for the taxpayer and the Fire Company.

Councilman Ellis motioned, seconded by Vice Mayor Bowden for the Town to have the old Public Works building and property appraised and evaluated. All present were in favor and the motion was carried.

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

10. Recommendation from the Planning Commission – Conditional Use Permits

Planning Commission Chairman Rosenberger explained that this is in response to Council's request to look at the provisional use in the aspects of a Conditional Use within the Town. He stated that there were 2 things they responded to. He also stated that they reviewed the commercial zoning and went through the "right to use", which is the largest issue. He advised that they presented Council with a list of recommendations that these rights to use aspects that are currently in the Zoning should be removed which puts them into the category for a conditional use.

Planning Commission Chairman Rosenberger stated that the second part of the process was that a conditional use is a burden. He stated that Council expressed that this is very expensive for the applicant. He also stated that some of the projects are million dollar projects and \$1,500 doesn't seem like a lot of money. He added that with the \$150,000 projects the \$1,500 fee is a lot of

money. He explained that he checked in the Virginia Code which doesn't define the conditions of the conditional use. He stated that they recommended that it can be done with mini-conditional uses. He stated that it provides public input. He also stated that any time there is a conditional use it has to go before Council. He added that the intent for the recommendations was to reduce the right to use aspect and to make conditional use of lesser developments.

Councilman Frese stated that every 5 years they have to do a review of the Comprehensive Plan which will be done 2020. He also stated that it should be in the format of that which is already in place, i.e. the 5 year Plan. He feels that they will get to the point where every year they will decide to make changes.

Planning Commission Chairman Rosenberger stated that they aren't changing the Comprehensive Plan. He added that they are changing the Zoning of the Comprehensive Plan.

Councilman Frese stated that the Comprehensive Plan is supposed to be the overall general guide that makes up the rules and regulations.

Planning Commission Chairman Rosenberger stated that there is nothing in the Comprehensive Plan today that precludes them from doing this process.

Councilman Frese responded that it doesn't authorize it either.

Planning Commission Chairman Rosenberger explained that this is in response to Council. He reminded Council that they are an advisory board. He added that he is the chairman and speaking for the Commission. He stated that it was something that was given to them from Council and this is their recommendation. He also stated that if they want the Commission to revisit the matter and make modifications then that's their role. He added that the Commission loves the job to be able to give their input to the Town. He hopes that what they do benefits the Town.

Vice Mayor Bowden stated that she has gone through the information several times. She commended the Planning Commission for doing an excellent job. She respectfully disagreed with Councilman Frese in the sense that the taxpayers are screaming every day wanting input on whether a hotel or a nursing home is going to be 5' from their property. She also stated that Council has to give the taxpayers some input on what's happening in their neighborhood. She added that just because she owns a piece of property doesn't give her the right to build a 3-story condominium right next to her neighbor. Vice Mayor Bowden stated that when your business or entity is impacting your neighbors in such a way then she feels she has a right to say something about that. She stated that they should have the right to come before Council and express how they feel about that.

Vice Mayor Bowden feels that the Planning Commission has covered it well in what should or shouldn't come under a conditional use. She agreed that the average person can't just come in and do this. She added that it takes corporations and a lot of money to do this. She also stated that everyone has the same rights to do this and they work just as hard. She thanked the Planning Commission and hopes that Council takes this into consideration.

Planning Commission Chairman Rosenberger stated that none of the recommendations preclude someone from doing those things. He also stated that it presents an opportunity for the Town to participate and the public aspect of this.

Councilman Ellis stated that the “By Right” items that were changed in each of the zoning districts are large projects or commercial items. He added that they aren’t preventing individual housing in a residential neighborhood. He agrees with Vice Mayor Bowden that there should be citizen input. He stated that the mini-conditional use permit is a good idea as it reduces the public hearing to one. He feels it makes a lot of sense and would ease the developer.

Planning Commission Chairman Rosenberger stated that since incorporation a lot of things have changed. He explained a brief evolution of zoning. He stated that they didn’t want a commercial business in an R1 planned community. He stated that they hoped to reduce some of this allowing people to express their concerns.

Mayor Leonard asked about the proposed change when a project comes in.

Building and Zoning Administrator Lewis explained that currently when someone applies for a motel, as long as they meet the requirement of the Health Department, the Building Code and the Zoning then the permit is issued. He stated that the whole half of the Island can be against it but if it’s a use permitted by right it would be granted. He further reviewed the changes. Building and Zoning Administrator stated that in the R3 Residential Districts the Planning Commission recommended to delete rest homes. He stated that nursing homes and schools have been deleted as uses permitted by right. He added that cemeteries, townhomes, condominiums, multi-family dwellings, campgrounds, travel trailer parks, hotels, motels and mobile home parks were deleted in the uses permitted by right. He added that they are special exceptions and now moved to conditional use permits. He stated that this gives the public input.

Building and Zoning Administrator Lewis stated that on the R4 District they removed rest homes, professional office, nursing homes and mobile home parks. He stated that under special exceptions they deleted cemeteries, townhouses, condominiums, multi-family dwellings, campgrounds, travel trailer parks, hotels and motels and moved those items to conditional use permits. He continued that in C1 they deleted wearing apparel shops and gift shops because they are retail sales. He stated they deleted restaurants, nursing homes, wayside stands and tailgate sales and moved them to a conditional use permit. He stated that townhouses, condominiums and multi-family dwellings have been deleted as a use permitted by right and moved to conditional use permit.

Building and Zoning Administrator Lewis stated that in C2; flower shops, bakeries, wearing apparel stores have been deleted because they fall under regular retail business. He stated that hotels, motels, townhouses, condominiums, multi-family dwellings and rest homes. He referred to the conditional use permits. He stated that all big projects will go to the conditional use permits. He stated that in the C4 district they deleted wearing apparel shops, gift shops and they relocated motels, nursing homes, townhouses, condominiums, multi-family dwellings and cemeteries to conditional use permits. He added that they also deleted rest homes. He stated that

this is the recommendation as presented. He also stated that if Mayor and Council wants anything changed or altered they can let Councilman Ellis or Planning Commission Chairman Rosenberger know and they'll take care of it.

Vice Mayor Bowden asked Building and Zoning Administrator Lewis if he felt comfortable with the proposed changes.

Building and Zoning Administrator Lewis responded that he does.

Councilman Taylor asked about anyone that has their business and land and Council changes something in between if there was a way that they could be grandfathered until the next Comprehensive Plan. He gave an example.

Building and Zoning Administrator Lewis stated that this is a recommendation from the Planning Commission. He feels that it wouldn't be the intent by Mayor and Council to deny these things. He stated that it can be approved with conditions or changes. He also stated that with the conditions Council puts on it will give the public their considerations.

Councilman Taylor stated that the issue is when they bought the parcel it was already allowed. He asked if there was any way that for those people who already own properties would be grandfathered until the next Comprehensive Plan is adopted.

There was discussion.

Planning Commission Chairman Rosenberger stated that the Comprehensive Plan just leads Council to something. He added that they can change zoning every year. He suggested not tying the two together so there is no separation.

There were further comments.

Councilman Frese asked Planning Commission Chairman Rosenberger if he said this wasn't a change at all.

Planning Commission Chairman Rosenberger advised he didn't say that.

Councilman Frese stated that he misunderstood.

Vice Mayor Bowden feels that this goes back to what Building and Zoning Administrator Lewis said that the changes in zoning does not mean that someone can't build a hotel. She stated that it means they will be held more accountable to Council and the citizens. She sees this as a win/win for the landowners and taxpayers and for Council. She stated that she is happy with the way the Planning Commission presented this.

Planning Commission Chairman Rosenberger referred to the mini-conditional use that they tried to minimize it to 5 units or 1 acre.

Councilman Taylor thanked the Planning Commission. He also stated that the reason that people like to come to the Island is because of the hard work they put in.

Mayor Leonard asked Council for discussion.

Councilman Frese stated that it is mandatory in the state law that they update the Comprehensive Plan. He stated that once it is updated it is given to the Council to review. He also stated that when he saw these changes he felt this is what is done in the Comprehensive Plan.

Councilman Taylor stated that when you go to the bank and the Town posts this change in the paper then the bank could withhold their funds. He added that if they give them the opportunity of time or grandfather them until the Comprehensive Plan is updated then the bank would loan the money.

Councilman Ellis stated that this is separate and apart from the Comprehensive Plan as it has nothing to do with the Comprehensive Plan. He commented on the types of projects that would be recommended for removal of by right to conditional use. He stated that if Council doesn't approve it they have a responsibility to the citizens of the Town and to Council to have control over what happens in this community. He also stated that if they don't do this kind of thing then it would be entirely up to the developers to do whatever they please.

Vice Mayor Bowden agreed with Councilman Ellis.

Councilwoman Richardson referred to the new hotel by the U. S. Coast Guard base. She stated that Washington, DC was notified of this because of security as it was built so close to the base. She stated that she understands that this gives the people the right to say wait a minute it could be moved a little further away.

Mayor Leonard directed the Planning Commission to conduct a separate public hearing and in September they will have a public hearing. He stated that they will have the legalities taken care of that time.

11. Consider Approval of Exploratory Well Expenditure

Town Manager West explained that as soon as they had the option on a piece of property they would begin. He stated that they have talked with A.C. Schultes based on their previous experience who gave a quote for an exploratory well. He discussed complying with the regulations. He asked Council to approve spending \$28,300 to proceed with A. C. Schultes to proceed with the exploratory well.

Public Works Director Spurlock referred to the quote from A. C. Schultes.

Vice Mayor Bowden asked if NASA was giving the Town any financial assistance.

Town Manager West stated that he hasn't presented this plan as of yet. He also stated that in lieu of spending so much money on the filtration they could help with the new well field. He added that if this doesn't happen he would negotiate with them because it's the Town's future.

Vice Mayor Bowden stated that her personal feeling is that they should be held accountable.

Town Manager West stated that their solution was that they contaminated the shallow well and are willing to fix it, in their way. He also stated that it is the direct approach and their regulations and attorneys won't allow them to think outside the box. He added that the wells will be on property that the Town owns.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the expenditure for an exploratory well for \$28,300. All present were in favor and the motion was carried.

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

12. Discuss Main St. Parking & Intersection of Church St. and Chicken City Rd.

Mayor Leonard advised this was discussed at a Public Safety Committee meeting. He stated that when the intersection of Chicken City Road and Ridge Road was first straightened out people weren't used to it. He advised that the Public Safety Committee recommended that instead of putting a 4 way stop to put a caution sign at the east side of Chicken City Road on Church Street.

Councilman Frese agreed with the caution sign and stated that he travels this intersection every day and he hasn't observed any reason to put a 4 way stop there. He feels it confuses a lot of people.

Vice Mayor Bowden agreed with Councilman Frese. She asked if there would be a caution sign on both sides of the intersection or just on the east side of Chicken City Road.

Councilman Frese stated that you can see coming from the other side. He added that the only problem is coming from Eastside Road that the house and shrubbery impedes the view. He thinks the caution sign is good.

Councilman Frese motioned, seconded by Vice Mayor Bowden to put a lighted caution sign on the east side of Chicken City Road on Church Street. All present were in favor and the motion was carried.

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

Mayor Leonard also reported that the other issue is parking on Main Street in the area of the Island Motor Inn. He stated that there is already no parking on the west side. He also stated that on the east side of Main Street beyond Taylor Street has resulted in sideswipes because the road narrows. He added that the recommendation states no parking 200 feet north of Taylor Street.

Public Works Director Spurlock advised that it would eliminate approximately 7 parking spaces. He also stated that there are so many driveways along that area that they would only have to mark the areas between the driveways.

Vice Mayor Bowden stated that it is a nightmare in that area. She stated that you can't see the cars coming from North Main Street. She also stated that you have to come around into the other lane. She added that this has been discussed many times. She advised that she spoke with Mr. Stubbs that his customers almost got hit by cars going around the parked cars. She added that the curve where the parking was eliminated wasn't nearly as bad as this curve.

Mayor Leonard asked Building and Zoning Administrator Lewis if they are required to have a parking space when they have a home occupation.

Building and Zoning Administrator Lewis advised they are required to have 2 parking spaces for the residence and one parking space on the property.

There was discussion as to possibly having a public hearing.

Public Works Director Spurlock stated that they didn't have a formal public hearing last time. He also stated that they put door hangers out for those affected residents advising them of the no parking. He added that the backlash from the door hangers brought a lot of them to the Council meeting.

Councilman Frese motioned, seconded by Vice Mayor Bowden post no parking on Main Street 200 feet north of Taylor Street. All present were in favor and the motion was carried.

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

13. Mayor & Council Announcements or Comments

Councilwoman Richardson stated that next month is Labor Day Monday. She asked if they would meet Tuesday after Labor Day. She advised that the Town Charter states that if a holiday falls on the Monday of a meeting then the meeting will be moved to Tuesday.

Mayor Leonard stated that if it says that in the Charter then the next meeting will be on that Tuesday.

Councilman Ellis stated that he has been coming to Chincoteague for 25 years and lived here for 7 now. He has had the opportunity of attending his first Pony Penning. He wanted to compliment the Town staff and EMTs on the job they do. He feels this was easy as pie.

Councilman Taylor stated that it takes more than one entity to make a community. He added that cooperation amongst one another makes it fun to live here. He also stated that it's easy to ruin things. He feels that sometimes people don't appreciate what they have. He mentioned Pony Penning and stated that there are people from all states that come here to help out and love it. He appreciates the Fire Company and the Town's employees. He stated that we live in a great place

and we have good people. He asked everyone to remember that they need to help one another and lift each other up.

Mayor Leonard asked Town Manager West to replay the drone videos of the Pony Swim. He concluded by saying “Roll tide and have a good evening.” He recommended that everyone stay and watch the video.

14. Adjournment

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

Ayes: Frese, Ellis, Taylor, Bowden, Richardson

Nays: None

Absent: Lewis

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE AUGUST 17, 2017 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Edward W. Lewis, Jr. Councilman

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

- Ms. Donna Leonard, 6415 Leonard Lane, stated that at the last Recreation and Community Enhancement Committee meeting Mayor Leonard suggested using the unused baseball field at Memorial Park for the Dog Park. She asked Council if they would reconsider their decision of putting it at the Donald Leonard Park. She advised that they toured Memorial Park and felt that parking was at a premium with all of the other uses. She stated that when the field was established they didn't have the ballfields that are here now. She feels the use is

nowhere near what it was when the field was put there. She passed out paperwork and advised that the donations to date are \$2,920.00. She feels there is a lot of fence at Memorial park that could be repurposed. She also stated that the dugouts could remain for shaded seating areas. She also stated there is a tremendous cost savings; it's already a recreational space and plenty of parking. Ms. Leonard suggested that it would be nice for people to make donations online.

- Ms. Estelle Elliot, 7223 Mason Drive, stated she has 2 dogs and would like to be able to socialize them. She stated she went to Memorial Park and was impressed with the size of the ballfield. She agreed with Ms. Leonard that the Town could reuse some of the fencing. She stated that the most expense will be the double gates. She also stated that the other issue is parking. She stated that there are quite a few boat trailers. She suggested parking along the pedestrian trail on the back side. She advised that she has several ideas for fundraising. Ms. Elliot suggested that the dog friendly hotels could add an extra tax to the room charge so that they could use the Dog Park as well. She feels it's a great idea to have the Dog Park at Memorial Park.

- Mrs. Sharon Trigueiro, 4356 Main Street, stated that she received a note on her door regarding no parking along Main Street beginning September 4th. She asked what the genesis of this was. She also stated that she has 2 teenage grandchildren that are saving for cars which would leave them hard pressed for parking spaces.

Mayor Leonard explained that the reason for no parking there is because of the cars that park along the turn is causing a traffic hazard. He advised there have been several incidents where there have been accidents.

Mrs. Trigueiro asked about the accidents near her house.

Chief Mills advised there have been sideswipes and property damages on the turn. He explained that because of the cars parked there vehicles traveling north have to cross the double yellow line. He added that the road isn't wide enough.

Mrs. Trigueiro asked if they could take 4 to 5 feet of the properties to widen the road rather than take the parking spaces.

Mayor Leonard stated that it would be more involved than just eliminating the parking. He stated that they are going to see if no parking works. He advised that the no parking area north of this area has worked giving more space.

Mrs. Trigueiro feels that the big hazard is bicyclists.

Chief Mills agreed that the bicyclists make it worse especially when the cars are parked there. He added that during school the school bus traffic makes it even more hazardous in that area.

Vice Mayor Bowden mentioned the speed trailer.

Chief Mills stated they put the speed trailer there to conduct an informal survey. He explained that it wasn't an overwhelming number of cars that drove above the speed limit.

Mrs. Trigueiro asked why she wasn't notified.

Mayor Leonard stated that this was discussed several times at the Public Safety meetings and at Council meetings which are published.

Mrs. Trigueiro stated that she is all about safety and asked for suggestions about the 2 extra cars that will be in her driveway.

- Mr. Ken Webb, 4495 Main Street, stated that he was there to find out about the no wake zones. He added that he is in the section close to the high school where there are a lot of people who don't know what 25 mph is. He invited officers to park in his driveway.

5. Agenda Additions/Deletions and Adoption

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

Ayes: Bowden, Frese, Taylor, Richardson, Ellis

Nays: None

Absent: Lewis

6. No Wake Zones

Mayor Leonard introduced Officer Allen Marshall and Officer Alex Tucker with the VMRC who will address the no wake zones.

Officer Marshall stated that he represents the Virginia Marine Resource Commission. He introduced Officer Tucker who was formerly a Chincoteague Police Officer. He advised that they are before Council to explain the process to establish a no wake zone and answer questions about enforcement and regulations. He stated that the Town has to apply to the Department of Game and Inland Fisheries and designate the type and location buoys or markings. He added that they can determine if they want this year-round or seasonal. He also stated that it could be approved with a little tweaking of the locations and purposes. He stated that the Town is responsible for the placement, maintenance and liability of the buoys. He also stated that they can place a sign on the land and it is easier to get to for maintenance.

Officer Marshall further explained the enforcement issues. He stated that they can enforce this once it's posted and approved. He explained there are already a lot of no wake zones around Chincoteague that are not legal and enforceable because they weren't approved. He feels that the Curtis Merritt Harbor needs to be a no wake zone. He stated that anywhere you have a boat ramp there should be a no wake zone. He also stated that Lewis Creek is been recognized as a no wake zone but it isn't a legal no wake zone. He suggested that while the Town is applying they should add this and make it a legal no wake zone. He also stated that in Virginia, the state, county or locale such as the Police Department can act as an ex officio Game Warden which means they can enforce it. He stated that the Police Department, Harbor Master and special Park

officer can be the witness and while the VMRC would issue the summons. He hopes that the no wake zones will slow the traffic enough and a summons will not be required.

Councilman Frese stated that many times the sea craft boats sail around and throw a wake like you wouldn't believe. He added that there aren't any police officers around. He asked if it would suffice if someone could get a picture of the boat, numbers and size of the swell within the proximity of the dock.

Officer Marshall stated that normally it would suffice, however, there are caveats. He stated that one is to prove who is operating the vessel. He also stated that if it is a commercial vessel there's only one person that is supposed to operate it. He added that if it's a rental vessel it can still be done but it's going to be hard. He explained that they would have to go and get the boat rental agreement and see who the operator was at the time. He advised that according to the rules in Virginia with the classes and certifications they have to take, the driver is in charge of that vessel. He stated that it can be done but on a case by case basis.

Councilman Frese stated that from personal experience they will come within 20 feet of his dock. He also stated that there was a small vessel that cut fishermen's lines.

Officer Marshall stated that there are all kinds of laws for that. He explained that 6 years ago Virginia adopted a slack in speed and controlled wake field or structure. He read the law.

Vice Mayor Bowden asked about the turnaround time for approval of the application.

Officer Marshall stated that it depends on what's on their plate. He advised that it goes through the Department of Game and Inland Fisheries or as they're now called the Conservation Department. He added that they are having a lot of issues. He feels if it goes through the same branch it could be a year. He added that if it goes through a separate branch or entity it could be within the month. He stated that he will call tomorrow to see exactly what the turnaround is.

Mayor Leonard discussed a no wake area on Eastside from Memorial Park to the boat ramp. He asked if this would include the channel.

Officer Marshall responded that the Town decides what they want. He explained that they could come all the way across with a no wake zone or they could come out halfway of the channel. He added that on low tide they'll have to come into the no wake zone but on high tide they can stay to the outside. He stated that this is where the Town has to decide what to ask for.

There was discussion about the area.

Officer Marshall asked if they were having problems all year long or during the summer months. He feels it's just the summer months. He stated that the winter months are busy for the commercial fishermen and charter boats. He also stated that at 3:00 a.m. when it's 20° outside the commercial fishermen would have to slow down in a Carolina Skiff that isn't throwing a lot of wake. He suggested keeping an area open for those guys.

Councilman Frese stated that when the smaller boats go faster they don't throw much of a wake.

Officer Marshall stated that this would be why you would have a no wake zone and not a speed limit. He added that if they go through with this they include the reasons as erosion and public safety.

Councilman Frese asked if they could call on them for help.

Officer Marshall advised he and Officer Tucker would be available to help them. He stated that there is more paperwork that they can help the Town with.

Mr. Leonard Jester of Herbie's Lane stated that they've been working on this for 5 years. He feels there's no reason this can't be done. He doesn't feel they need to come to the eastern side of the channel. He advised that he moved there in 1996 and his front yard has gone down 10". He referred to the map and discussed how much land his neighbor has lost. He feels that 8 months a year is what is needed. He gave examples that need no wake zones. He feels that Eastside, the Harbor and the downtown boat ramp should all be no wake zones. Mr. Jester discussed the many areas he has traveled with no wake zones. He thanked Council for letting him speak.

Councilman Taylor asked if he was saying that all the way across the channel should be no wake.

Mr. Jester responded all the way across the channel in the summer. He commented further.

Mr. Webb asked where the Town was looking at establishing a no wake zone. He stated that he lives at the last bulkheaded property along north Main Street. He gave examples. He stated that he has had work done on his bulkhead and his neighbor's bulkhead has collapsed. He is concerned and suggested incorporating his area as well. He mentioned his floating dock that is affected as well.

Vice Mayor Bowden agreed that everywhere there is a boat ramp should be no wake. She feels there are several areas around the Island that should be included.

Harbormaster Vernon Merritt stated that there are a lot of no wake signs around the Island. He stated that a lot of them won't need the buoys and are mounted on structures. He stated that they need the ability to enforce the no wake zones. He advised of where there were no wake zones years ago. He feels that the no wake zones should start along the U. S. Coast Guard dock through Lewis Creek. He added that Councilman Frese wanted it to stop along Snug Harbor. He feels it should be all the way through Sheepshead Creek. He stated the signs are there but they're only a suggestion. He added that they need a way to enforce it.

Councilman Frese stated that every vessel is responsible for their wake.

Officer Marshall advised that this was true but they have to do damage. He stated it has to be proven that there is damage.

Officer Tucker stated that by the time this is called in, the boat is long gone before they get there. He stated that it is a misdemeanor committed outside of their presence. He explained that they

will need the person calling it in to come to court to testify after they have positively identified the driver of the vessel, the boat description and boat numbers.

Mr. Webb reiterated that if it would be sufficient if he got a picture of the vessel and driver before he called it in.

Officer Tucker explained that if they arrive and ask for these things they aren't trying to get out of anything. He stated that it is what the court makes them do or it's dismissed.

There were comments from the audience.

Officer Marshall asked everyone to keep in mind that if they go through with this that it is something that the U. S. Coast Guard or whoever can enforce. He added that up until now there hasn't been anything enforceable. He also stated that they are asking to enforce what they already have with a few additions to protect property.

Vice Mayor Bowden stated that their goal isn't to have anyone go to court or be arrested. She added that it's to make these people more aware of what they're doing.

Officer Marshall stated that putting the signs and making it legal will fix 75% of the problem. He also stated that the first time someone gets a ticket will take care of another 20%. He commented further.

Councilman Frese stated that they require the identification of the operator of the vessel. He then asked how the cameras can take a picture of a license plate and send the ticket to the owner and not necessarily the operator.

Officer Marshall stated that this is within the ordinances. He explained that Virginia Beach has an ordinance and Chincoteague could do this but could take years. He stated that the ordinance states that the owner of the vehicle or vessel is responsible. He stated that they discussed doing the no wake zone, start the paperwork then start the ordinance that says around the Island there can't be a wake on the property.

Chief Mills explained the traffic light cameras. He stated that the state law states that the Town may adopt these cameras at traffic lights. He also stated there are specific instructions which state the owner of the vehicle that runs the traffic light is responsible for it. He added that this doesn't go against the driving record. He advised that he isn't sure if there is a state law for boats and wakes.

Councilman Taylor further discussed the area to extend to Tom's Cove Campground. He mentioned Mr. Tommy Clark's aquaculture business that is impacted as well.

Mayor Leonard mentioned the commercial operations adding that time is money. He explained that if they're sailing from one area to the next having to keep slowing down could hurt their product.

Officer Marshall stated that during the summer months the Health Department has imposed serious regulations on the oyster harvesters which limits them to 2 hours to get to market. He stated that you could be in an area that takes half an hour to get in then you add the no wake zones.

There were comments.

Mayor Leonard asked Harbormaster Merritt if he remembered if there was an official no wake zone from the U. S. Coast Guard.

Harbormaster Merritt responded that if the clam boats threw a wake in the channel they got ticketed. He added that they idled up the channel. He stated that the U. S. Coast Guard dock to Lewis Creek which should be no wake.

Mayor Leonard commented about the public's misconception of a no wake zone.

Officer Marshall responded that the Town has the option to ask for what they want as a Town. He added that they can ask for no wake and slack in speed. He feels that this will take care of most of the problems.

Councilman Frese stated that to operate a boat you have to obtain a license. He also stated that in that course they teach the difference between speed and wake. He advised that generally in a displacement hull the faster you go the more the wake. He also added that in a planing hull the faster you go the less the wake.

Mayor Leonard stated they have to worry about the general public who do not take boating classes.

Councilwoman Richardson mentioned the narrowness years ago of Lewis Creek when you had to wait for a boat to go through there before you went. She stated that there was no wake posted on baskets on each end of Lewis Creek.

Harbormaster Merritt mentioned how narrow Sheepshead Creek is and asked if they lived on that Creek if they would want boats going wide open there. He advised he is comparing no wake to speed limit.

Vice Mayor Bowden stated that if they can propose the idea, get a few signs out after applying for it and have a public hearing about it she feels a lot of this would cease. She added that when she's out on her boat the last people she wants to see is the VMRC. She added that no one wants to get stopped by the VMRC. She also added that she is relieved when she sees Officers Marshall or Tucker.

Officer Marshall stated that he and Officer Tucker try to do things the old way. He advised that they aren't going up to a commercial fisherman the first time and slap them with a fine. He stated that it is an educational thing. He also stated that when someone gets a ticket with them it's usually because they've been told time and time again not to do something and they continue to do it.

Someone commented in the audience.

Mayor Leonard asked to place this on the agenda for the next Public Safety Meeting.

Councilman Frese stated that if someone could draft a basic idea of what Council wants. He stated that they could refine it and then have the public hearing.

Mayor Leonard stated that it should go to the Public Safety Committee who would be responsible for establishing the area. He stated that they would approach Council with their suggestions for action and then make application to the Game and Inland Fisheries.

Councilman Taylor feels this is easy. He mentioned Council saying no to the no wake zones in the past and doesn't believe they will say no this time.

Councilwoman Richardson stated that they didn't have the VMRC come to explain what they could do.

There were comments.

Officer Tucker suggested that everywhere they choose to put a no wake zone to get in a boat and ride through it like it was a no wake zone to see what kind of headache they're going to put everyone through. He also stated that they may see that some places don't need it. He stated that it will put it in real time from others' perspective.

Councilwoman Richardson stated that she remembers the VMRC explaining that because they wanted to put it in the water and couldn't maintain the signs that were in the water.

Officer Marshall agreed and stated that buoys have come a long way. He stated that there are several competitors that are making inexpensive buoys. He also stated that is why he stressed the seasonal no wake because the winter is hard on a buoy. He added that a smaller buoy is easier to maintain because it takes a smaller weight to hold it.

Mayor Leonard advised they will send this to the Public Safety Committee. He asked for everyone to submit where the no wake zones should go.

Council thanked Officers Marshall and Tucker for coming this evening.

7. Closed Meeting in Accordance with §2.2-3712 (A) (3) of the Code of Virginia to Conduct an Employee Performance Review.

Councilman Frese motioned, seconded by Vice Mayor Bowden to go into a close meeting in accordance with §2.2-3712 (A) (3) of the Code of Virginia to conduct an employee performance review. All present were in favor and the motion was carried.

Ayes: Bowden, Frese, Taylor, Richardson, Ellis

Nays: None

Absent: Lewis

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

Councilman Frese motioned, seconded by Councilwoman Richardson to certify that the closed meeting was in accordance with §2.2-3712 (D) of the Code of Virginia. All present were in favor and the motion was carried.

Ayes: Bowden, Frese, Taylor, Richardson, Ellis

Nays: None

Absent: Lewis

9. Council Announcements or Comments

Councilwoman Richardson appreciated this being brought up about the no wake zones this evening. She stated that this has been brought to Council over and over. She feels they need to get this finished.

Councilman Taylor suggested having the public hearing and vote in the same night.

Town Manager West announced that there is an opening on the Board of Zoning Appeals. He advised that Council doesn't appoint them. He stated that he sent a letter to the judge.

Mayor Leonard asked if anyone has expressed any interest.

There was brief discussion that Council thought that there was something in the paper asking for those interested to contact the Town.

Town Manager West also stated that next Thursday there will be a FOIA class at 3:00 p.m. in the Council Chambers. He stated that it is required for some of staff but would be beneficial for Council. He added that Finance Director Hipple talked them into coming to Chincoteague to host a meeting. She has contacted those who would benefit from Northampton County and Accomack County.

10. Adjournment

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

Ayes: Bowden, Frese, Taylor, Richardson, Ellis

Nays: None

Absent: Lewis

John A. Leonard, Mayor

James J. West, Town Manager

MINUTES OF THE SEPTEMBER 5, 2017
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Mrs. Patricia Farley, 3243 Cleveland Street, stated she is before Council to provide information regarding the old Public Works building. She stated that she doesn't want to be in the middle of any dispute but she owns property beside the old Public Works building property. She added that there is another house next to this property as well. She advised that she, the owner of 6282 Cleveland Street and Mr. & Mrs. Alex Hutson of 6286 Cleveland Street, would be willing to purchase the property if this is an alternative. She stated that both of their properties are zoned commercial. She feels it would help for future parking for them. She stated that if the property does become a parking lot she suggested a very secure fence around it to prevent people from cutting through. She also stated that they would like to know where the septic system is for this property.

- Ms. Nancy Payne, 6258 Circle Drive and 4296 Main Street, advised that she received information from Public Works Director Spurlock that on the 20th of September there will be a meeting that she can't attend. She felt she should express her thoughts at this meeting. She stated that the Town received a grant for the Multi-Modal Transportation Enhancement Project. She added that the stakeholders' meeting is on the 20th at 5:00 p.m. She explained the intent of the grant which is to improve sidewalks, bikes and trails to connect the Refuge to the historic downtown with routes for a safer bicycle access. She added that the bulk of the improvements will be on the Maddox and Main Street corridor. She recommended that they remove all on-street parking on Maddox Boulevard. She feels there would be no interference with residents or businesses. Ms. Payne also stated that along Maddox Boulevard there are walkers, bikers, car

drivers, skateboard riders, joggers, baby buggies, large trucks, cars with many visitors and a few days ago she saw someone on a horse.

Ms. Payne stated that this is a congested area. She also suggested changing the traffic pattern. She feels this would be an easy solution. She explained that they could make Maddox Boulevard one way traffic and Ocean Boulevard the other way. She stated that Ocean Boulevard is the widest street on the Island and there is no reason why they can't have traffic going both ways on that street. She also stated that at the Deep Hole Road light there can be signage to direct traffic which way to turn to go north, off the Island or south. She feels the traffic needs to be spread out. She also mentioned the traffic coming off the beach clogging up the roads. She explained issues with the businesses along Maddox Boulevard. She thanked Council for hearing her suggestions.

- Mr. David Landsberger, 5475 Warren Street, stated that he came before Council a couple of meetings ago about a joint YMCA indoor community pool. He advised that he addressed the RCEC and was curious if Council received a report from the RCEC.

Mayor Leonard stated that the RCEC didn't take any action on the matter. He stated that they should address this at the next meeting on September 12th at 5:00 p.m.

- Mr. Harry Thornton, 6195 Taylor Street, CVFC, stated that he and the Fire Company has a couple of questions that he needs answered. He stated that from the last meeting there were some disturbing things put in the paper. He advised that he asked Town Manager West where the \$701,000 check was but it wasn't cut yet. He stated that they've always worked together. He also stated that Councilwoman Richardson presented to the public that the Town gives the Fire Company \$700,000.

Councilwoman Richardson responded that she did say that and added that it is for the EMS.

Mr. Thornton stated that it sounded like the Town is giving the money to the Fire Company.

Councilwoman Richardson interjected that the Town is funding this.

Mr. Thornton agreed they were funding it. He stated that it isn't a tax on the local people. He added that it wasn't set up that way.

Councilwoman Richardson stated that it is the taxpayers' money.

Mr. Thornton stated that it's in the Ordinance and states that the only way the EMS system would be set up is if it wasn't done as a burden to the taxpayers. He stated that Council decided to increase the Transient Occupancy Tax. He added that this would stabilize the EMS System. He also stated that later down the road the EMS was taken out and put into its own department just like any other department the Town has. He also stated that they can't separate it and say they give the Fire Company \$500,000 for EMS. He added that the Town isn't giving it to the Fire Company. He also added that it's the Town's department. He stated that they take care of

everything else and it's a conflict. He also stated that it doesn't sit well with this community. He added that he is going by what is on the paper.

Councilwoman Richardson stated that she has been sitting on Council since 2000. She stated that she knows nothing about the funds being set aside. She also stated that this is the Town of Chincoteague not Accomack County. She added that the Town of Chincoteague's taxpayers are funding this.

Mr. Thornton interrupted that the local taxpayers aren't funding the EMS and shouldn't be. He stated that the Transient Occupancy Tax is funding EMS. He also stated that its two different things and it's not a real estate and personal property tax on the people of this Island. He added that he isn't going to argue. He stated that what's on the paper isn't coming to the Fire Company. He also stated that they would love to have a \$700,000 check. He added that everything was running smooth until something like this is put in the paper.

Councilwoman Richardson asked if the Fire Company asked the Town to fund the EMS.

Mr. Thornton responded that they did and they set it up.

Councilwoman Richardson continued that this was to put the tax on to pay for the EMTs that were put on paid duty because the calls weren't being answered. She added that this is when the Town stepped up and paid for those EMTs.

Mr. Thornton stated that the reason the EMS was set up was because the Fire Company was looking down the road at the future. He stated that the local people weren't creating the problems for the ambulance system. He added that the motels and visitation is what created the need. He mentioned the first two EMTs, Mr. Bryan Rush and Mr. Eric Harris that came on through the week from 8:00 a.m. to 4:00 p.m. He also stated that instead of being a burden to the community and raising taxes they agreed to take 1% out of the Transient Occupancy Tax. He added that the tourism is paying for the EMS System and down the road they would keep building up along.

Mr. Thornton stated that the EMS is a department just like the Police Department or anything else. He also stated that it should be able to fund itself and the Fire Company or anyone shouldn't have to come and ask because it should build up itself. He added that this was the way it was set up. He stated that it gets in the wrong direction.

Councilwoman Richardson stated that somewhere along the line someone dropped the ball.

Mr. Thornton agreed that they did. He stated that they took it out of the line item budget and put it into the general fund. He also stated that he didn't want to go there because he knows what happened. He stated they haven't had to ask the Town for a whole lot. He mentioned the piece of property a little while ago that Councilman Taylor helped with. He stated they just spent \$500,000 for a new firetruck to keep the fire insurance down because of the 10 year policy with ISO. He also asked to look at the \$5 million project across the street. He added that people have

gone to him asking where the money is which is why he wanted to come to Council to find out what is going on.

Mayor Leonard understands where the Fire Company is coming from. He added that Council isn't ready to tackle the questions that Mr. Thornton is asking. He stated that the property hasn't been assessed. He knows that facts and figures were thrown out which raised eyebrows. He stated that those figures were probably spat out to make a point. He stated that they weren't spat out to be factual. He explained that what the Town has to do can probably be done with an interior audit. He personally doesn't want to make a mountain out of a molehill. He stated that they are dealing with a piece of property that the Town doesn't use and probably won't ever use again.

Mr. Thornton stated that he didn't understand what he was talking about.

Mayor Leonard responded that he was referring to the Cropper Street property.

Mr. Thornton stated that this was immaterial to the Fire Company. He stated that he was there to address what was said about EMS. He stated that he didn't want to discuss Cropper Street and didn't care about Cropper Street.

Mayor Leonard explained that the facts and figures were brought up because of Cropper Street.

Mr. Thornton then understood that when they asked for the Cropper Street property all the figures came out. He stated that all the figures weren't right.

Councilman Frese stated that any tax that Council puts on anyone on the Island goes to the General Fund.

Mr. Thornton disagreed.

Councilman Frese stated that it is the law. He stated that it is up to the Council to disburse this. He also stated that the prime responsibility is to the taxpayers of the Town. He added that their responsibility is to the health, safety and welfare of citizens. He explained that those items that were discussed with Councilwoman Richardson are taken directly from the budget. He advised that he has taken those items and come up with the same figures from the budget. He stated that it's interesting to note that there is a difference between the departments and the EMS which the Town funds. He stated that what hasn't been said is that the run money that comes from EMS calls doesn't come to the Town. He also stated that this is part of the equation that wasn't stated. He added that he can say, without fear of contradiction, that under the tax laws, Council has the power to raise taxes and Council has the power to spend taxes and that's it.

Mr. Thornton interrupted that he disagrees. He referred back to the insurance money that the Fire Company takes in is what purchased a \$250,000 ambulance. He stated that if the Town wants to get into their own ambulance service and purchase their own ambulance then he would be tickled to death.

Councilman Frese stated that they have to give credit for one of the Town employees who wrote the application for the grant which got the 80/20 grant. He advised that this was Paramedic, Bryan Rush who is an employee of the Town.

Mr. Thornton stated that he was wrong on this and advised that Paramedic, Kevin Holloway wrote the grant. He stated that it has nothing to do with Cropper Street. He stated that when you look at the figures they just aren't there.

Councilman Frese stated that he knows personally that they're there.

Mayor Leonard stated that the citizens of Chincoteague are all behind the Volunteer Fire Company because when you dial 911 they're there. He stated that they need to stop going back and forth. He stated that it may have been thrown out in error or may have been thrown out factual. He also stated that the Town has setup an EMS system. He knows there has been a long drawn out battle over EMS and fire tax in the past. He added that some of the members on Council have gone to battle against this. He doesn't want to see this digress where someone is pitting Council against the Fire Company. He advised that he has said this once and will say it a thousand times that the Town should be supporting the Volunteer Fire Company. He added that they save the Town money in the long run. He stated that they will go back to the facts and figures. He also stated that he will get Finance Director Hipple to sharpen her pencil and look at it to get the facts altogether. He doesn't want to weigh Council down by the figures that were thrown out. He knows that it hurts the Volunteer Fire Company with the things that were said, however, they were said for a different reason. Mayor Leonard stated that Council has to go back and check their figures. He doesn't want it to pit Council against the Fire Company as it shouldn't be that way.

Mr. Thornton stated that it won't be that way. He stated that he understands now why this came up after all these years, which was because they asked for the Cropper Street property. He stated that they could take their time. He thanked Council.

Vice Mayor Bowden stated that she doesn't feel that Mr. Thornton, Mr. Dize or Mr. Malone came with the intention to pit the Fire Company against the Town. She advised that she received a phone call telling her to get a copy of the paper. She stated that when you see something like that in the paper it is tough to swallow. She also stated that whether it's fact or fiction she feels strongly that the taxpayers need to know where the money is coming from and where it's going. She doesn't feel at all that this is any kind of grudge match between the Town and the Fire Company at all. She stated that they are making sure that the people that support the Town and Fire Company knows where the money is actually coming from and where it's going.

Mr. Thornton thanked Council.

- Mrs. Peggy Thomas, 7805 Eastside Road, stated that about 6 years ago her husband started having a lot of problems. She advised that she couldn't tell how many times the Chincoteague ambulance came to get him. She stated that she never received a bill from the Fire Company. She also stated that 3 weeks ago she had an episode and had to go to the hospital. She advised they weren't 10 minutes arriving at her door. She stated that Paramedic Drewer and

another gentleman that she didn't know came. She stated that the Island better stick with the Fire Company. She also stated that if they go to a paid fire company that is what they'll be out. She added that she's never received a bill from them. She stated that as far as she's concerned about the property on Cropper Street she feels the Town should let them have it.

5. Informational Items & Staff Updates

Mayor Leonard asked for staff updates.

Police Department

Chief Mills stated that the monthly report is in the packet. He also stated that they have finalized all of the documentation and received the money from the USDA for the in-car camera grant. He mentioned the training that the officers completed.

Mayor Leonard asked Chief Mills to give a rundown on Saturday's event.

Chief Mills stated that it is the 13th annual Poker Run. He stated that it started out for the kids at Christmas and has grown into many things such as the food bank, fuel assistance, help with medicines at the pharmacy, doctor bills, toys at Christmas, scholarships and food assistance. He stated that this is the one money maker that funds all year around. He added that they also have the senior luncheon at Don's. He stated that they have a toy drive as well. He stated that this helps sponsor athletics for kids too. Chief Mills explained that this is a motorcycle ride which will be different this year. He stated that they ride up to Maryland and return to food, auction and a band. He stated that hopefully everyone can make it.

Mayor Leonard stated that it's been a lot of fun in the past.

Public Works

Public Works Director Spurlock stated that on September 20th at 5:00 p.m. there will be a stakeholders meeting for the Multi-Modal Transportation Project. He stated this is an opportunity for the public to receive information and he encourages everyone with any interest to attend. He also advised that they received 50 tons of road salt.

Councilman Frese asked about the wastewater discharge permit he sees in the budget.

Public Works Director Spurlock stated that there is a Wastewater Advisory Committee meeting on September 14th at 10:00 a.m. He stated that Duffield who is the wastewater consultant will be there. He also stated that the DEQ has a plan called the hydrographic discharge. He added that there will be a lot of details about this presented at that meeting.

General Government

Town Manager West reported that the water supply remains safe to drink. He stated that they are pursuing 2 paths toward the future. He advised that NASA is working on a filtration system. He added that the Town is working on plans to drill wells elsewhere. He reported that regarding the VDOT grant that he remains positive after speaking to them a few times. He stated that they will be able to collect \$127,000 within two weeks. He explained that VDOT has taken administrative

costs from the balance. He reported that they have the abbreviated final General Management Plan from the NPS. He stated that this addresses public concerns. He added that it's online. Town Manager West praised Harbormaster Vernon Merritt. He stated that the fuel sales are indicative of the use at the Harbor. He also gave accolades to Finance Director Hipple for setting up the FOIA training which reflected very favorably on the Town.

Councilwoman Richardson commended Harbormaster Merritt. She compared the income from August of this year to August of last year. She stated that someone is doing his job.

6. Committee Reports

Mayor Leonard stated that the reports are in the packet. He asked to hear the reports this evening.

Public Safety:

Mayor Leonard reported that the Emergency Management Report was explaining what they have been working on. He stated that they received the traffic surveys for Main Street and Maddox Boulevard. He also stated that they discussed removing the parking spots on Main Street north of Taylor Street.

Budget & Personnel:

Councilman Ellis advised that they met on June 29th. He stated there were 4 items on the agenda. He stated there was a vacancy in Public Works and to review a change in the job description to add other duties. He stated that because it would not impact the budget the Committee encouraged the recommendation so they could move forward. He also stated that the Commission for the Arts Grant is a 50/50 grant the Town has funded half of for years to the tune of \$5,000. He stated that the grant was reduced and the question was would the Town reduce their half as well. Councilman Ellis stated that because it was already budgeted they decided they should fund it in the amount of \$5,000. He also stated that the match to the library would also be approved again this year for \$5,000. He added that both of these grants would be looked at in the future. He also stated that the entities would be notified of this change. He stated that the 3rd thing was the payphone at Memorial Park. He stated that because of the cellphones they decided to remove the phone. He also stated that the 4th item was in closed session for the performance review for the Chief of Police with the salary increase which was recommended to Council with approval.

RCEC

Vice Mayor Bowden stated that during the public participation, Mr. William Fox, II presented the possibility of adding a Parks and Recreation Advisor to the Town. She feels there are a lot of facilities on the Island that are being underutilized. She stated there is a potential for money coming into the Town with a Parks and Recreation Department. She added that this could be significant. She also advised that Mr. David Landsberger spoke on behalf of the YMCA with their desire for a community pool. She stated that they were hoping that the Town and the YMCA would go together for the project. She added that the estimated project is around \$2 million just for the pool. She also stated they discussed the dog park. She stated that they discussed where to put the dog park. Vice Mayor Bowden advised they first discussed a small dog park at the Donald Leonard Park. She stated that they discussed the old ball field and skate

park area at Memorial Park. She added that this is up in the air and will be discussed on September 12th.

Vice Mayor Bowden stated that they discussed a kayak launch. She stated that Public Works Director Spurlock spoke with Mr. Dean Fisher of Fisher Marine to give an estimate for a kayak ramp to be placed on the left side near the cross. She advised the cost is approximately \$7,500 which will free up the ramp that is being heavily used by kayakers.

Mayor Leonard asked if there were any questions about the Planning Commission report or the Center's report.

There were none.

7. Agenda Additions/Deletions and Adoption

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

8. Adoption of the Minutes of the August 7th and August 17th, 2017 Meeting

Councilman Frese referred to page 26 and the 7th paragraph. He stated that "enumeration" should be "remuneration".

Councilman Ellis motioned, seconded by Councilman Frese to adopt the minutes of the August 7, 2017 and August 17, 2017 meetings as corrected. Unanimously approved.

9. Mayor & Council Announcements or Comments

Councilwoman Richardson stated they have another cemetery that needs cutting. She also stated that she would like to meet with the Cemetery Committee before she brings it to Council. She added that the Town reluctantly cut it because the people who were cleaning it can't clean it any longer. She advised that it's on Willow Street called the Odd Fellows.

Vice Mayor Bowden stated that she has been thinking about this for quite a while. She stated that Chincoteague was founded on the seafood industry and it has grown into this tourism industry, which is all she's ever known. She feels that Marguerite Henry has put Chincoteague on the map. She would like to see a day next July proclaimed as Beebe/Henry Day. She explained that this could be a proclamation to honor what they have been able to do for the Town.

Vice Mayor Bowden also stated that in the last week she has had more comments, phone calls and emails on the cemeteries. She feels that the Public Works Department is stretched thin on getting them done. She stated that they will now have to add another one to maintain. She thinks that the Town should look into contracting this out next year. She doesn't see how the Town's employees can keep up with it. She also stated that once it gets past the 6"-7" mark it looks bad. She mentioned the Mechanic's Cemetery where it was cut and nothing was trimmed. She again stated that the Town should look into contract work with that.

Vice Mayor Bowden stated that with Mr. Thornton's comments she does not feel in any way shape or form that this Town or either entity wants any kind of battle about anything. She also stated that they all have to work together. She added that when things come out in the paper and they are questioned, it's hard to swallow. She understands why people want to know what the true facts are and the truth of it all. She stated that there is no way in the world that anyone would want a conflict because they all have a job to do. She also stated that the Fire Company helps protect this Town and the Town government helps protect the citizens as well. She concluded that they all have to work together and stay on the same page.

Councilman Ellis reminded the public that the Planning Commission will have a public hearing on September 12th, at 7:00 p.m. to discuss their recommendations changing large commercial projects from "by right" to "conditional use". He stated that the purpose of this recommendation is to allow citizens' input.

Mayor Leonard stated that it's going to be a busy month. He advised that the Town has calendars on the website.

Councilman Taylor agreed with Vice Mayor Bowden and stated they love the Fire Company. He also stated that he wanted the Fire Company to know that as long as there is a breath in his body they have his support. He added that he knows they aren't perfect but neither is he. He stated that what the Town spends on EMS they do it for the health, safety and welfare of the community. He also stated that with their time and effort he sincerely prays that this storm doesn't hit anyone. He added that if the storm hits Chincoteague they aren't going anywhere. He stated that they are out there rescuing like the ones you see on television in Texas.

Councilman Taylor stated that they are the ones in the boats and in the trucks. He also stated they're not on the mainland hiding out. He added that the task is tough. He stated that they need any kind of support and prayers that they can get. He commented on the calls they've been on. He stated that they have to do everything together. He understands that they're all stretched thin. He thanked the Fire Company and the thanked the Town for stepping up and taking over the EMS division. He knows their feelings are hurt but they love them, they support them and they're in their prayers. He added that they'll have his support.

Councilman Frese stated that there is no question about it that Council supports the Fire Company. He also stated that there is no doubt that they have to look out for the taxpayer. He added that it requires an honesty and wise look at the situation. He stated that it may be that they're asking too much of the volunteers. He suggested that it may come to a part volunteer and a part paid system. He stated that he sees that it's overwhelming based upon the calls and length of time between the calls. He commends them and couldn't do it. He also added that they have to be realistic. He stated that they have come up with something. He also stated that with the Fire and EMS minutes are critical. He added that they have to come up with something that is not going to kill the Volunteer Fire Company. He also stated that they can't kill the taxpayer either.

Councilman Frese explained that what he and Councilwoman Richardson are saying is that those are the figures that are in the books and in the records to the sum of \$700,000. He stated that it's

costing the taxpayers of this town and he will defend this. He advised that he has personally looked them up and come up in an excess of \$700,000 in 2017. He stated that the facts have to be on the table. He personally feels that after seeing what they go through and the problems they have for volunteers it's getting more difficult all the time. He added that the age of the Volunteer Fire Company is expanding up. He stated that he couldn't do it and wouldn't even try. He believes there has to be a good look because the older people are going to suffer. He explained that generally the older people are going to need more of the EMS services than the younger. He doesn't feel that they will forever depend on the volunteer firemen and volunteer EMS. He thinks they should start looking at it now. He stated that they need honestly and reasonably rationalize what is the best direction to go and to prepare for the future. He added that it's not a fight, it's not meant to be a fight or put anyone down. He stated that the human body, especially the younger, has so many pressures now that they can't devote the time. He would like everyone to know; the citizens and the Fire Company that Council isn't against them, they support them. He added that they have to make sure they are doing their due diligence and look to the future and take care of their responsibilities to the taxpayers and citizens of which they all are.

Mayor Leonard congratulated all the Chincoteaguer's that made it. He stated that it's after Labor Day and they can go back to being themselves. He stated that it's amazing how the streets revert to what they're used to. He commented further. He added that football season is upon them and he concluded by saying "Roll Tide".

10. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE SEPTEMBER 21, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Participation

Mayor Leonard opened the floor for public participation.

- Mrs. Wanda Thornton, of Pine Grove Campground, came before Council regarding the request for more money for the engineering services for wastewater system. She stated that they were told it would cost \$40 million if they send waste water to the mainland. She also stated that there was no cost if they send it to the Harbor. She advised that her major concern is that the public needs to know. She feels there won't be many people who will support having a collection system at the Harbor and discharging it in the Inlet. Mrs. Thornton also stated that DEQ has to give a permit if they apply. She added that the other agencies aren't positive or negative. She stated that the decision is up to the VMRC. She advised that the VMRC was the agency that held up the bridge for months. She added that they don't want any more overboard discharge. She doesn't feel the public would want this type of venture. She doesn't know why Council would give any more money to the engineering firm to do more studies when it isn't a feasible operation.

Mrs. Thornton added that the public needs to know it isn't a feasible operation. She discussed the referendum and spending money up until they get to that point when the Town doesn't have the money to spare. She feels there are a lot of other things they need money for. She believes that the public will not support an overboard system that has the potential of condemning all of Tom's Cove and the aquaculture. She stated that if it is stored in the Harbor and there is a hurricane the chances of survival of the sewage storage container will not be great. She added that once it is destroyed all of it will go into the Inlet. She stated that it will condemn everything. She feels they are treading on very thin ground. She asked Council not to fund this until they find out a lot more about it. Mrs. Thornton mentioned the study done in 2007 which advised that they were cost prohibited to do this. She wants the public to have more input before money is spent that could cause irreparable harm to the community.

- Chamber Executive Director, Mrs. Evelyn Shotwell, Chincoteague Chamber of Commerce, stated that the Chamber supports the continuation of this project. She advised that there was a strategic planning session in 2015 and wastewater discharge was the #1 concern. She stated that they strongly urge Council to continue with the services and next steps based on the information received. She also stated that the need for a wastewater system on Maddox was identified as a priority. She added that there is a need for more upscale waterfront dining options which is an example of missed opportunities due to a lack of sufficient wastewater treatment methods. Mrs. Shotwell stated that tourism is the #1 economic driver on the Island. She gave statistics. She also stated that tourism is growing and to offer the best visitor experiences they need to have wastewater discharge systems on the Island. She stated that to experience growth the tourism industry will need the infrastructure to support that growth. She added that the Chamber is in support of this decision.

- Mrs. Jane Fetterman, 7441 Herbie's Lane, came before Council because of the water and drainage issues at Memorial Park and near her house. She mentioned a side street near Boothe Street when the people came to the Town to dig the ditches out. She understood that when the Town dug the ditches out they found appliances and such to help fill for extra land. She advised that a few years ago she was preparing to rehab her bulkhead advising that her dock was built in 1998. She contacted Accomack to find out what she needed to re-build her bulkhead. She was advised that she couldn't re-build her bulkhead and she would have to fight it in Norfolk. She was told that she would be encroaching on others. She stated that she chose not to pursue it at that time. Mrs. Fetterman added that all of her pilings were put in exactly as they were required to be. She explained that Fisher's Marine had to dig up all of them at angles and she lost 10' to 12' off of the front of her property.

Mrs. Fetterman stated that her neighbors have brought in load after load of chopped down and shredded trees. She believes that because of the fragmities there are wetlands around the Park. She stated that she believes that this is why there is standing water in the Park. She mentioned the recent rain and she couldn't get out of her lane. She explained that there used to be 2 puddles that were 1" to 2" deep. She added that now it's the entire lane. She showed and explained a picture to Council. She stated that she had to go down Emma Lane because they were completely under water. She asked Council to scout around the Island and see the areas that were filled.

Councilwoman Richardson stated that it is wood chips.

Mrs. Fetterman stated that it has backed the water up. She asked for Council's help.

Councilwoman Richardson stated that the fragmities are invasive but holds land.

Mrs. Fetterman stated that she spoke with Thomas Gardens and they can't sell certain plants because they cause encroachment. She didn't think they could encroach on other's properties. She stated that when Mr. Neville was here she gave him a booklet with pictures of her area and other areas that are a problem. She thanked Council.

5. Updates

Town Manager West reviewed the updates. He stated that the Planning Commission held their public hearing on conditional use permits. He advertised Council's public hearing for November 6th at the regular Council meeting. He also stated that he advertised the no wake zones which will go before Council October 2nd. Town Manager West reported that the crop on the option property was harvested last week and staff met with DEQ on September 18th to discuss plans for the well. He stated that they will begin scoping the well on October 3rd. He added that NASA will be doing testing as well.

Town Manager West discussed waterfront improvements. He stated that staff met with VDH to discuss the Boating Infrastructure Grant Program and the upcoming cycle which will be awarded in July of 2018. He stated that they discussed improvements at the Robert Reed Park, the Harbor and Memorial Park. He advised that he and Public Works Director Spurlock will develop a plan

over the next couple of months for Council's review and approval prior to applying for grants from different sources to address all of the projects. He reported that they received a payment of \$115,000 for the SRTS project last week.

6. Agenda Additions/Deletions and Adoption

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

7. Community Pool Proposal

Mayor Leonard stated that Mr. Landsberger came before Council and the RCEC about a community pool that would be partnered by the YMCA and the Town. He stated that Mr. Landsberger isn't asking for money at this time. He advised that he is looking for a willingness to cooperate with the YMCA.

Mr. Landsberger stated that he is looking to see if the Town is interested in exploring grants and the YMCA will explore grants. He stated that he shared some rough numbers. He also mentioned googling YMCA/Town partnerships. He stated that the Town doesn't have to worry about maintaining or staffing it. He explained that this is just looking into grants that the Town can get. He added that the YMCA will also look into the grants they can get. He stated that he has \$500,000 committed, giving \$20,000 to \$25,000 a year to run the facility. He mentioned the design he presented to Council. He stated that the budget amount is around \$2 million to build the pool and \$500,000 for the endowment to operate it. He feels that it's not going to happen for a year or two and unless they look into it this will never happen.

Vice Mayor Bowden asked if the pool would be a 4 lane pool.

Mr. Landsberger stated that the picture shows a 4 lane pool but he believes they could make it a little bigger. He talked about possibly purchasing adjacent property. He described the pool and area.

Councilman Ellis asked Mr. Landsberger if he had a lead on the potential grants.

Mr. Landsberger stated that the YMCA knows of the grants they can look to. He is unsure about government grants.

Councilman Ellis asked if there was literature from other YMCA's partner grants.

Mr. Landsberger stated he was unsure. He also stated that they don't have a recreation department or someone to run a pool. He advised that it costs about \$50,000 to run a pool every year which includes maintenance and staffing. He talked about St. Michaels who partnered with the YMCA. He stated that they gave land for the YMCA to build on as long as the YMCA will operate the Senior Center within their structure. He stated that they are already doing senior activities. He suggested getting grants for partnership with the YMCA. Mr. Landsberger doesn't know that they will have another opportunity to have an indoor pool for this amount of money.

Councilman Taylor asked if Mrs. Edwards with the ANPDC will know what would be available.

Mayor Leonard stated that he is sure she would know.

Vice Mayor Bowden asked if the YMCA was set on having a pool at the YMCA facility.

Mr. Landsberger stated that they are willing to have it on the property near the Chincoteague Center as formerly proposed. He also stated that it wouldn't be their first choice but they are willing. He stated that the other issue is the 10 year bond and if they could raise that kind of money.

Mayor Leonard stated that there has been talk about a pool for a long time. He stated that the Town would only be out the discovery. He also stated that they are only backing the idea.

Councilman Ellis stated that they are not committing money at this time.

Councilman Frese stated that the Town is spending over \$100,000 per year to the building across the street. He referred to the economy of the country and feels they are in trouble. He believes that the days of the grants are coming to a halt. He mentioned the billions of dollars spent because of the hurricanes in the last few weeks. He stated that there are priorities they have to accomplish before they can commit to the niceties. He doesn't feel that now is the time to go into it. Councilman Frese discussed the drainage issues. He feels it's getting worse and the Town doesn't have the money. He stated that the Town has to spend money on drainage or the Town will be under water. He respectfully submits that they look into the reality of things. He added that the Town has flooding problems and it's getting worse. He doesn't think the Town will ever see the amount of grants they've seen in the past. He stated that they have postponed this for years.

Mayor Leonard doesn't see this costing the Town but a few hours of time. He stated that if the grants aren't there then they're not there. He feels that if they give approval this is only to seek information for the potential for grants.

Councilman Ellis asked if the YMCA and the Town would work together on this.

Mr. Landsberger responded that Mr. Robby Gills would be the person to work with the Town on this. He stated that he can come and talk to Council. He feels there will be a YMCA pool but it's a question of whether the Town can use it without joining the YMCA. He added that there is already \$500,000 committed. He also stated that there may be more from private sources.

Councilman Taylor stated that Mr. Donald Leonard tried for years to get a pool. He stated that what they're doing isn't wrong and the Town will look for grants. He added that if they can't find the money then they can't commit.

Vice Mayor Bowden stated that they don't know until they find out. She added that if it's not available then they're not out anything.

Vice Mayor Bowden motioned, seconded by Councilman Taylor to seek a grant for the Town's partnership with the YMCA in a community swimming pool. The motion was carried.

Ayes: Bowden, Taylor, Richardson, Lewis, Ellis

Nays: Frese

Absent: None

8. Consider Award of Engineering Services toward Wastewater Discharge Permit

Mayor Leonard stated that originally they were onboard to see if the Town could get a discharge permit. He also stated that this is the next step which is more expensive.

Public Works Director Spurlock stated that he just found out that the bottom line of the flowchart will cost a lot less than originally thought. He was unsure how much less but was told that they drastically reduced the cost. He stated that the Wastewater Advisory Committee has done a lot of work and decided to start with a small project which is the Main and Maddox corridor with a small sewage system. He also stated that they consulted an engineer. He referred to the Task Flow Chart. He stated that they had to determine if the Town could get a permit. He also stated that when they were advised they could get a permit the Committee decided to go ahead with it. He commented further about how they came up with the plan.

Public Works Director Spurlock continued to review the Task Flow Chart explaining the associated costs. He advised that they did the modeling and the \$150,000 cost. He explained that they could get the permit for 500,000 gallons of discharge per day as opposed to getting a smaller permit and having to do this again for a bigger permit. He added that whatever permit they get will be the number of gallons discharged per day which would not be dedicated to just Main and Maddox, it would be for anywhere on the Island.

Public Works Director Spurlock stated that the next step is what to do with the permit. He also stated that they won't know without doing this to what extent of the shellfish closure they'll experience. He added that tonight they should consider if they want to pursue the permit. He feels they should strike while the iron is hot.

Councilman Taylor asked if with the permit this would be doable.

Public Works Director Spurlock responded that it is and the permit is for 5 years.

Councilman Taylor stated that if they don't go ahead with the permit they've wasted their time and money. He asked if he could get the permit application in for that amount.

Public Works Director Spurlock stated that they can, but they have to get certifications.

Councilman Taylor asked if they could give the Town an amount they would feel confident to could get the permit application in.

Public Works Director Spurlock advised that they could do a model for 100,000, a model for 250,000 and a model for 500,000 because they don't know how this will affect the shellfish. He stated that the cost is building the model.

Councilman Taylor doesn't see why they would spend any more money if they can't get the permit.

Public Works Director Spurlock stated they have a model, but not for the Chincoteague Inlet. He added that he was advised that the cost of \$150,000 has been drastically reduced.

Councilman Frese stated that he remembers when this first came up. He stated that they were advised they would tell Council if they could get the permit or not. He also stated that now he understands that according to the DEQ they could get the permit. He added that as far as the Environmental Protection Agency and VMRC, they don't know.

Public Works Director Spurlock responded that the permit comes from DEQ. He added that the only other agency that has anything to do with it is the Division of Shellfish Sanitation.

Councilman Frese stated when Captain's Cove applied for central sewage, DEQ was applied for. He stated that what happened was the man from VMRC took a 10 minute spin around there came back and denied it. He believes that it's up to Shellfish Sanitation. He remembers when they said no more overboard permits. He feels the answer is that they don't know if they can get the permit. He reminded Council that there is already a sewage authority on the Island which was gathered in 2012 and was extended from Church Street to about Bunting Road. He also stated that it was expanded from Bunting to Maddox on Main Street. He stated that this already exists on the overboard discharge permit. He feels this will affect everything. He stated that these are questions that have to be answered. He doesn't want to spend any more money until these questions are answered.

Public Works Director Spurlock stated that he went to Virginia Beach and sat in the office of the Regional Director of the DEQ. He advised that the head permit writer told them unequivocally that they would be issued a permit to use the hydrographic release.

Councilman Frese asked that the DEQ guarantees the Town will get the permit and the Shellfish Sanitation can't stop it.

Public Works Director Spurlock stated that they couldn't stop it and they will determine the impact to shellfish if and how great the closure is. He stated that the Town wouldn't want a permit that would close a significant amount of shellfish ground. He added that they don't know the extent of the closure without this investment.

Vice Mayor Bowden stated that this is a lot of information and a lot of money. She also stated that if they have a referendum the citizens won't understand most of this. She added that when it shows that their shellfish grounds might be closed off they'll understand. She feels that it's a high risk to spend this kind of money and not know what they're going to get. She stated that she's heard for many years from her grandmother that central sewage is a bad thing. She added that she doesn't feel that this is a good thing. She doesn't have a good feeling spending another \$50,000 and possibly another \$75,000 when they don't know what it'll be. She also stated that the last thing she wants to see is a treatment plant around by the hill when she's riding in her boat by the Harbor.

Councilman Ellis stated that as part of the 2nd step regarding the \$58,000, there will be as part of the application process a preliminary model developed. He asked if the DSS will react to that in imposing restrictions or limitations.

Public Works Director Spurlock responded that when the permit is submitted they will determine the amount of restrictions.

Councilman Ellis commented that this could change the whole model.

Public Works Director Spurlock stated that it wouldn't change the model. He also stated that the main thing of this model is where the discharge will go.

Councilman Ellis asked if they didn't review the data until the last step is taken.

Public Works Director Spurlock advised that he was correct. He added that they will say, once they issue the permit with the specified discharge area, if they will close those surrounding shellfish areas.

Vice Mayor Bowden asked that if the water coming out is purer than drinking water then why would the Department of Sanitation close anything off.

Public Works Director Spurlock responded that this could be because it is fresh water.

Mayor Leonard asked if there have been any other shellfish closures with the other discharge systems.

Public Works Director Spurlock stated that he isn't asking them to spend \$58,000 tonight. He also stated that whether they like it or not eventually someone in the EPA will come along and slap the Town with a compliance order requiring a central sewage system. He added that they've done it several places north of Chincoteague. He stated that this is the most economic system of this character. He commented further about pumping to the mainland and advised the pipeline could cost \$3 million to \$4 million for the initial construction. He added that there is also the expense to maintain the pipeline as well. Public Works Director Spurlock then explained that with this option they will do a directional bore somewhere close to the Harbor. He also stated that this is well over \$1 million. He added that this is virtually no maintenance because it's all underground.

Councilman Frese stated that another question was raised. He stated that they will take a look at the amount of sewage that is eventually permitted. He added that they could alter whatever it is they're going to give the Town.

Public Works Director Spurlock asked if he means DSS.

Councilman Frese responded that whoever has that authority. He asked if the Town has taken into account the fact that there are already existing permits on Main Street that have not been brought on line yet. He also asked if they were going to take them into their initial calculations.

Public Works Director Spurlock stated that they have not.

Councilman Frese stated that this means that they could go all the way to the ribbon cutting and then come along with regulations.

Public Works Director Spurlock advised they couldn't do that. He stated that this permit will tell the Town, using the hydrographically controlled releasing model, they can release "x" gallons at that point at the Curtis Merritt Harbor.

Councilman Frese stated that the permits issued in 2007 and 2012 can't have any effect on it. He also stated that each permit is based on the outcome from that permit. He asked if they don't know what the estimate is from the others and they come online with a certain volume would it affect the new one.

Public Works Director Spurlock responded that it would not affect the new permit.

Councilwoman Richardson stated that Mr. Duffield was supposed to do this plan for the Town. She asked if he was supposed to give the Town the cost and how many people would connect to it.

Public Works Director Spurlock stated that the initial proposal was close to \$4 million. He also stated that it included the things Councilwoman Richardson brought up which included funding and plant design along with a whole lot of stuff. He advised that the Committee made the decision with Council's concurrence that there was no sense in spending the extra design money until the Town knows they can get the permit. He added that they heard for years that there will be no more overboard discharge. He stated that he was pleasantly surprised to hear the regional director and head permit writer advised they would get the permit.

Councilwoman Richardson asked if they would renege on it later.

Public Works Director Spurlock stated that this is his point. He stated that this is from the ascending administration. He added that he has no way of knowing if their replacement will.

Councilwoman Richardson reminded that in 2007 in the Wastewater Management Plan the typical hookup fee ranged from \$2,500 and went as high as \$40,000. She added that the typical monthly fee was \$20 - \$100 per month. She continued that the contact operator fee per hotel was between \$35,000 and \$50,000. Councilwoman Richardson stated that she understood when they hired Duffield, they were going to give the Town what it was going to cost and how many people would sign on.

Public Works Director Spurlock stated that it was until they redirected it.

Councilman Frese stated that he remembered it quite well listening to him and asking what the whole thing would cost. He also stated that they wouldn't give him an answer. He added that it would cost \$50,000 to get that answer. He stated that he only wanted a ballpark figure.

Councilman Taylor stated that it isn't Duffield that will be giving the permit, it is DEQ.

Public Works Director Spurlock stated that they have to get the NPDS permit to discharge into the channel.

Councilman Taylor stated that there is a challenge to get the permit from DEQ.

Public Works Director Spurlock stated that they haven't directed them. He also stated that he doesn't have the answers. He added that he is convinced that someday the Town will have a central sewage system whether they like it or not. He stated that they will pay the fees and its coming.

Councilwoman Richardson commented that there will be a lot of people that can't afford it.

Public Works Director Spurlock stated that if they go through this process and get a permit. There will be plant construction, funding, design and developing a collection system. He added that you're looking at 8 – 10 years before the first flush happens.

Councilwoman Richardson asked what happens when a storm hits and the power goes down for the plant. She added that they said on the news no electricity and no flushing.

Public Works Director Spurlock responded that there are holding tanks. He added that it's not a choice. He stated that the Town is going to do this.

Vice Mayor Bowden stated that it is a double edge sword.

Councilman Taylor stated that they don't have the money for it. He also stated that if the government is looking for a shovel-ready project and if the Town has the permit then they are ready to go. He added that the Town just isn't ready for this project. He stated that they're talking \$40 million.

Councilman Frese doesn't believe \$40 million will touch this project.

Councilman Taylor feels they should get the other price before they do anything. He further commented on the cost.

Public Works Director Spurlock added that he doesn't know if VIMS actually drew the modeling or they hired a subcontractor.

Councilman Taylor suggested getting the 3rd phase price before they commit to paying this price.

Mayor Leonard stated that regardless of whether they want it or not sewage is coming. He added that the current septic systems are antiquated. He stated that he fears that one day they won't issue any more permits for anything such as repairs or a new system. He also stated that \$58,000 is hard to swallow. He added that they found out they could get a permit but it takes more steps.

He would like to narrow this down. He advised Public Works Director Spurlock that they were going to wait.

Vice Mayor Bowden stated that she feels like they have been stung. She stated that they thought it was \$42,000 and get answers. She added that they need to be told that they want a price set in stone.

Public Works Director Spurlock referred to the chart and stated that it is the final submission with the completed application, documentation and model design.

Councilman Ellis stated that on November 7th, Mr. Beetschen clearly stated that the end of the 1st phase he had a letter from DEQ that they would approve the permit. He added that the Town would go from there.

Public Works Director Spurlock stated that he will make sure everyone gets a copy of that letter.

Mayor Leonard asked Public Works Director Spurlock to contact Mr. Beetschen.

Council commented.

Mr. Spiro Papadopoulos asked to address this matter. He gave the history of his involvement on this matter for over 6 years. He stated that they worked hard to come up with a situation. He advised they came to a conclusion based on the input of the surveys and Chamber of Commerce. He stated they came up with an infrastructure of a sewer to serve the commercial corridor from McDonalds on Maddox Boulevard to the Bridge on Main Street and south to a certain extent. He also stated that at the same time there is a sewage design from Bluewater Development. Mr. Papadopoulos stated that they service several businesses through the downtown. He stated that the Town approved an extension of the PSA to allow them to service up to that point. He feels it is working. He explained that the #1 economic engine in the Town is tourism. He referred to the Transient Occupancy and Meals Tax. He stated that the money to support the services that the Town needs will fall on the rest of the Town. He also stated that by providing the infrastructure along the commercial corridor they are improving their source of income from the tourist income that they need.

Mr. Papadopoulos explained that to accomplish this they went to a lot of extent and concluded to hire this engineering firm to continue further with the steps. He stated that there were steps to talk to the various agencies that do not coordinate with each other. He also stated that the other one is a technically difficult problem to solve. He advised they don't have the land to discharge in an economical way. He stated that the only way to discharge in an economic way is into the ocean which is doing it by the model that has been proposed. He stated that they need to go through the steps to see if they can get a permit and see if they can get any further. He understands it is a lot of money. He asked if they can spend this money now to know if they can go forward or forget tourism. He doesn't believe this is prudent. He added that it is for the commercial purpose.

Mr. Papadopoulos stated that there are many new technologically water treatments that can be used in the residential areas which solve the problems of cesspools and existing systems. He stated that they don't have enough land to have individual plants. He asked Council to consider the issues and look at it from that point of view. He asked them what the future of the Town is economically to be valuable and without having the threat of the federal government demanding that the Town do this because they're polluting the environment. He offered to answer questions as he has spent a lot of time and effort on this. He feels there is misinformation or a lack of information. He would rather see it done now but understands to see whether they can do it.

Vice Mayor Bowden asked what Mr. Tommy Clark's feelings were on the potential hazards for discharge. She asked if he was still in support.

Mr. Papadopoulos stated that he was.

Councilman Frese stated that he is now finding out that it is just this one corridor and he doesn't have a problem with this as long as those businesses pay the price. He stated that when it is taken out of the general treasury it affects all of them. He stated that he knows what the average people think and they don't want central sewage.

Mr. Papadopoulos stated that they aren't saying that, it is for the commercial corridor only.

Councilman Frese asked that if this is the case then why Council is talking about general tax funds to pay for this.

Mr. Papadopoulos stated that tourist is the #1 economic engine and the money that comes from that are the cause of these merchants. He stated that the Town benefits from that income.

Councilman Frese understands and stated that they allow them to have the business. He asked if Mr. Papadopoulos agreed that it should be businesses on that corridor to pay the price.

Mr. Papadopoulos responded that they don't know if it can be done yet. He stated that they would rather not proceed any further if they're not going to do it.

Mayor Leonard stated that in essence they are already paying it.

Councilman Frese stated that on the flip side without the Town they wouldn't exist.

Mayor Leonard stated that they still need costs.

9. Support Letter for TIGER Grant Application

Mayor Leonard advised that they applied for the TIGER Grant last year and didn't qualify for it. He stated that they are reapplying this year. He also stated that if you go over to the beach you'll understand why it's needed. He reminded everyone that all 3 parking lots were closed. He stated that it will only cost Town Manager his time to write the letter to show the Town's support for U.S. Fish and Wildlife.

Councilman Taylor motioned seconded by Councilman Frese to approve the support letter for the TIGER Grant application. Unanimously approved.

10. Council Announcements or Comments

Councilman Frese feels they are at the point they need public information about the sewage and what is likely to come down the road. He stated that he learned a lot this evening. He would like to communicate to the citizens of what they have in mind.

Councilman Ellis advised there were a number of citizens that attended the Wastewater Advisory Committee meeting where information was exchanged.

Vice Mayor Bowden thanked Mr. Papadopoulos for the information. She also thanked Public Works Director Spurlock for all his work on this.

Public Works Director Spurlock stated that if they have further questions to let him know.

Vice Mayor Bowden stated that when it comes to informing the public they can't emphasize enough that they are talking about the commercial corridor.

Mayor Leonard announced that next month's Council meeting will be a lot that the public needs to be informed about. He stated that the flooding issue isn't a new issue. He advised that it is hard to regulate a good neighbor. He understands the flooding issues and commented that when you buy waterfront property and you take that chance. He stated that those filling in ditches have been doing it for years. He concluded by saying "Roll Tide".

11. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE OCTOBER 2, 2017
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Agenda Additions/Deletions and Adoption

Councilwoman Richardson motioned, seconded by Councilman Frese to adopt the agenda as presented. The motion was carried.

Ayes: Richardson, Taylor, Frese, Ellis and Lewis

Nays: None

Absent: Bowden

5. Staff Updates

Police Department:

Chief Mills reported on a successful Ride for Kids Poker Run and Block Party with 130 bikes in attendance. He thanked everyone for their help and support. He introduced the Department's newest Police Officer, Cpl. David Gladding.

Public Works:

Public Works Director Spurlock reported on the progress with the radio read water meter project. He advised that approximately 500 registers have been changed out in-house. He stated that Vanguard Utility Service will be onsite next week to begin the mass change-out. He also stated that the Multi Model Trail Stakeholders meeting was successful.

Councilwoman Richardson commented on the success of the meeting as well.

General Government:

Town Manager West reported that water supply continues to be safe to drink. He stated that the scoping meeting was postponed a week and hopes to get the work done by the end of October. He advised of several inquiries regarding drilling at NASA. He stated that they are doing drilling series of the perimeter, both shallow and deep wells, to monitor potential contaminated water. He added that the obvious benefit if the Town builds the well that there will be a built-in warning system.

Town Manager West stated that there was a meeting earlier today with VDOT regarding the grants on 2D for the Main Street Project. He advised there is a new representative and they want to start fresh. He reported that Public Works Director Spurlock and Mrs. Kat Edwards with the ANPDC will be heading to Suffolk on Thursday with the appropriate documents for VDOT. He stated that he along with Finance Director Hipple, Harbormaster Merritt and Public Works Director Spurlock has been meeting to form a 3-year plan. He advised they are reviewing operating costs, fuel system expenses and income, etc. He stated that once the plan is complete they will set up a meeting with the Harbor Committee for review.

Town Manager West also stated they have signed and sent the letter to the Governor's office asking for \$1.5 million of state funds to be set aside to match federal funds to fund an Army Corps of Engineers Study to provide data for Assateague, north Wallops, Tom's Cove area, the Inlet and the Harbor. He stated that the results would support beach restoration or improvements to the Harbor. He added that he will be asking Accomack and the ANPDC for support letters and sending a copy to Congressman Taylor.

Supervisor Tarr interrupted to just tell them what they need and they'll do it.

Town Manager West advised that he intends to and will send a copy to him.

Mayor Leonard asked if he would contact Delegate Bloxom as well.

6. Committee Reports

Public Works Committee:

Councilwoman Richardson advised that they would be discussing the Fall Paving Project later in the meeting.

Planning Commission:

Mayor Leonard advised that the Planning Commission held the public hearing regarding the "Use Permitted by Right" change in zoning. He stated that Council will hold a public hearing at the regular meeting in November.

Public Safety:

Mayor Leonard advised that they will discuss the No Wake Zones later in agenda.

7. Consider Adoption of the Minutes of the September 5 and September 21, 2017 Council Meetings

Councilman Frese stated that he would like to add the question and response left out of the minutes from last meeting. He advised that he asked Mr. Thornton if they collected the run money and the response from Mr. Thornton was yes they do.

Councilwoman Richardson motioned, seconded by Councilman Frese to adopt the minutes of the September 5 and 21, 2017 meetings as amended. The motion was carried.

Ayes: Richardson, Taylor, Frese, Ellis and Lewis

Nays: None

Absent: Bowden

8. Public Comment

Mayor Leonard opened the floor for public comment.

- Ms. Lorna Gagneux, Cleveland Street, advised she attended the Planning Commission public hearing regarding the proposed zoning change for the high density developments. She stated that she believes the comments made by Planning Commission Member Mollie Cherrix summed it up best. She advised that Mrs. Cherrix stated she has never before seen a public hearing where all the participants were in agreement in favor of the proposed change. She stated

that this proposal was a win-win for the citizens of Chincoteague as high density developments impact their community's infrastructure, services, drainage, water supply as well as the view of their beautiful surroundings. She thanked the Planning Commission for listening to the concerns of citizens and responding with the proposed zoning change. She added that other island and coastal communities that have followed the less 'Use by Right' and more 'Conditional Use Permit' pathway have enjoyed improved aesthetic development, well-managed impact and infrastructure and increased property values.

9. Consider Application for the Establishment of No Wake Zones

Mayor Leonard stated that Council considered in the previous meeting no wake zones which was referred to the Public Safety Committee. He advised that they made the proposal showing the areas on the map that is included in the packet. He explained that Lewis Creek is posted but this will make it a legal no wake zone. He added that it does the same at the Harbor where it makes it a legal no wake zone. He asked for Council's comments.

Councilman Taylor addressed Mr. Leonard Jester and asked if seasonal from May to September was sufficient.

Mr. Jester agreed.

Councilman Taylor suggested making Lewis Creek year round.

Councilman Frese stated that he has seen properties destroyed due to wave action. He commented further about erosion.

Mayor Leonard interrupted suggesting that Council carefully word this. He feels that they should be concerned about safety instead of erosion control. He explained that if they focus on erosion control then every time anyone has damage from a storm they'll come to Council for a No Wake Zone and it will end up around the entire Island.

Councilman Frese stated that he missed his point. He stated that: 1) They shouldn't do anything in haste. 2) They need to study the channel depth and carefully mark passage depth. 3) Everyone has trouble with rushing water. He believes that buoys or channel markers should be put out to create a navigable deep enough channel for boats to pass with "slow" signs posted.

Mayor Leonard responded that it's about the wake not the speed.

Councilman Frese concurred.

Councilman Lewis stated that this has been talked about for many years and nothing has been done.

There was further discussion.

Councilman Ellis motioned, seconded by Councilman Taylor that they make application for no wake zones year-round for areas designated in the yellow areas on the map. The motion was carried.

Ayes: Richardson, Taylor, Frese, Ellis and Lewis

Nays: None

Absent: Bowden

10. Consider Approval of Fall Paving Plan and Award

Public Works Director Spurlock handed out the Fall Paving Plan. He stated that the potential expense for this would be \$284,000.

Councilman Ellis motioned, seconded by Councilman Frese to approve the Fall Paving Plan and award the bid to Branscome Eastern Shore in the amount of \$284,665. The motion was carried.

Ayes: Richardson, Taylor, Frese, Ellis and Lewis

Nays: None

Absent: Bowden

11. Mayor & Council Announcements or Comments

Councilwoman Richardson reported that there was an informal meeting regarding the bridge tender's house. She stated that Mr. Taylor in Public Works has given an estimate and she feels they need to save the building as soon as possible. She distributed photos of the house and surrounding property. She advised that the informal group met to view the potential of a park area.

Mayor Leonard asked Councilwoman Richardson to bring the proposal to the next Council meeting. He advised to gather the costs and report to Council whatever it is they want to do.

Councilman Taylor stated that this was a terrific meeting and thanked everyone for participating.

Councilman Frese stated that he would like to form a committee to discuss the East Side No Wake issues.

Mayor Leonard stated that he was fine with this however, the Town was moving forward with this. He stated that Councilman Frese will head the Committee and that he should include boat captains including his brother Mr. Carlton Leonard.

Mayor Leonard concluded by saying "Roll Tide".

12. Adjournment

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. The motion was carried.

Ayes: Richardson, Taylor, Frese, Ellis and Lewis

Nays: None

Absent: Bowden

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE OCTOBER 19, 2017
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Agenda Additions/Deletions and Adoption

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

Ayes: Ellis, Richardson, Taylor, Frese, Lewis

Nays: None

Absent: Bowden

5. Public Comment

Mayor Leonard opened the floor for public comment.

- Mrs. Susan Rabuck, advised she lives in Ocean Breeze. She approached Council regarding safe access to her home. She discussed the conditions of the road where she has lived for the past 15-16 years. She has paid someone to fill in the potholes along Sea Shore Drive to Sea Spray Drive. She stated that she was informed that Mr. Tull has been told to fix the roads. She stated that he won't. She was also told that the Town would like to take over the roads and he won't relinquish them. She is having a hard time accepting this. Mrs. Rabuck stated they pay \$100-\$200 a year to fill in the potholes. She also stated that she received a belligerent note on her door.

Mayor Leonard stated that as long as he can remember it is a private road.

Councilman Taylor interrupted that he knows the Town can't fit every side road. He feels that the road from Ridge to Main is privately owned but publically used. He suggested asking permission to put crusher run in the holes. He added that it is a thoroughfare. He understands they can't fix every private road. He feels it's a start. He feels that Council has an obligation on this particular road.

Councilman Frese asked to bring everyone up to date on this matter. He stated that years ago several people came to Council and the Town hired Attorney, Jon Poulson to research this. He advised that the Town took Mr. Tull to court and the judge threw it out. He added that the Town was told by a legal expert that if the Town spends any money on a private road the Town would be held responsible. He stated that the Town can't do this and he will vote against it. He also stated that it's something the Town can't do. He added that the titles were researched and it was part of the title that all the owners have to form an association contributing to the upkeep of the roads. He stated that when the people came to Council they advised that they attempted to form an association but several of them lived off of the Island and wouldn't participate. He added that no association was formed.

Mrs. Rabuck asked if they should form an association.

Councilman Frese advised they should and stated that one part of the association is to collect dues. He stated that Attorney Poulson pointed this out to Council.

Mrs. Rabuck stated that safe access is what she is weighing in on. She understands that they can't do it unless they form an association and pay for it themselves. She asked if Mr. Poulson was a lawyer and if he deals with real estate.

Councilman Frese advised that he is.

Mayor Leonard also responded that he was the Town's attorney and deals in all matters.

Mrs. Rabuck commented further and stated that Mr. Tull owns the roads and an association needs to come together. She doesn't see why he would be resistant. She referred to the note which indicated they need to get the Board of Health, the Mayor, County Officials, State Representatives, Mr. Tull and the residents affected by the area to have a discussion about this. She stated that the bottom line is the roads have to be a safe access. She discussed the costs for blacktop.

Councilwoman Richardson stated that in order for them to do this Mr. Tull would have to turn the roads over to the property owners. She added that he would have to turn over the ownership of the roads. She also stated that the Town has attempted to get an easement from Ridge Road to Main Street and they almost had it and Mr. Tull wouldn't let it happen.

There was further discussion.

Councilwoman Richardson also advised that the Town took Mr. Tull to court and Council was told they shouldn't have charged Mr. Tull with a criminal act. She stated that he should be charged with a civil act. She added that this is where the property owners come in and can sue him in a civil act to maintain the roads.

Discussion continued.

Councilman Frese suggested forming an association collecting enough money then approaching Mr. Tull. He feels he may agree.

Mrs. Rabuck advised they have a septic fund with a lot of money in it. She added that there are people concerned about the septic and drainage along with mail delivery. She will copy the note and give it to Town Manager West.

There were further comments.

Mrs. Rabuck asked if Mr. Tull would turn the roads over would the Town take them.

Councilman Frese responded under state laws private roads have to be brought up to a specific standard before they can be brought into the state system. He added that once they're accepted into the system the state has the obligation to maintain them.

Councilman Taylor stated that they have the right to form an association. He doesn't feel Mr. Tull will prevent anyone from putting in crusher run or filling potholes. He stated if they want it better they will have to put out the money.

Discussion continued.

Mrs. Rabuck asked about the ditches.

There were comments.

Councilwoman Richardson addressed the mailbox issues. She explained that the Town went round and round with Mr. Tull. She advised that they reviewed every option and at the end of Sea Breeze there was a clear piece of land. She advised that the property owner wouldn't allow it.

Mrs. Rabuck thanked Council for their input.

- Ms. Andrea Canfield, of Chincoteague, advised that the Town's website does not have an https:// protocol. She added that Chrome who has 40% of browser usage is updating next weekend. She stated that the Town's site is going to come up as not secure in browsers. She also stated that she ran a report for our host so he would know what to do. She gave the documents to Town Manager West.

6. Proclamation – Cemetery Cleanup Week

Mayor Leonard read the Proclamation:



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John A. Leonard do hereby proclaim the week of November 4th
through 10th 2017, as Cemetery Cleanup Week within the Town of Chincoteague and call upon
our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 19th day of October, 2017.

John A. Leonard, Mayor

ATTEST:

James M. West, Town Manager

Mayor Leonard stated that over the years there are a lot of cemeteries that are in disrepair. He stated that Councilwoman Richardson has taken this on and needs help.

Councilwoman Richardson stated that on Saturday, November 4th they will be at the Odd Fellow Cemetery on Willow Street. She stated that someone has cut the grass there and they will be cleaning the cemetery. She stated that if anyone knows a cemetery that needs to be maintained or if they want to help they would be glad to have them. She advised that Cemetery Cleanup Week is posted in the Beacon and there is history about the Odd Fellow Cemetery as well.

7. Bridge Tender's House Project

Councilwoman Richardson explained that there is an estimate of \$3,000 to replace windows, the door and install vinyl siding to preserve the structure from further weather damage while other plans are being made. She also stated that restoration will be much more expensive. She added that Town Manager West was approached by an individual who suggested if they are going to restore it they should do it first class. She reported that Finance Director Hipple has found the money for this portion of the project.

Councilman Ellis asked if the roof was sufficient.

Councilwoman Richardson advised that it is in good shape and not leaking.

Councilman Taylor stated that if they don't do this they will lose it.

Councilwoman Richardson stated that it can be made into a park and is a beautiful area. She added that the Road Scholars may come and help clean up the area.

Councilman Taylor motioned, seconded by Councilman Frese to approve spending \$3,000 for materials to replace windows, entry door and install vinyl siding. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Taylor, Frese, Lewis

Nays: None

Absent: Bowden

8. Consider Use of Frontage at Robert Reed Park

Town Manager West advised there is about 200 feet of frontage north of the transient boat slips. He advised that the Harbormaster was approached and he received a letter of intent. He explained that an interested party with an 80' vessel would like to lease the property to run a paddlewheel type boat with dinner cruises and tours. He stated that he cited there is a similar

type of operation near Cambridge, Maryland. Town Manager West stated that he wanted to see if Council was interested in leasing the property. He also stated that the next step would be to send out a request for proposals where he or anyone else would propose a lease agreement with what they wanted to do with the property. He added that after advertisement they would entertain the use for the property and then work on a lease agreement. He asked Council if they wanted to lease it. He advised that the owner of the pirate ship also inquired about leasing the property.

Councilman Frese stated that they have to look at parking. He stated that this property is backed up by businesses. He expressed his concerns. He feels it's a great idea. He added that parking could adversely affect the businesses that are there now.

Councilman Taylor stated that the pirate ship is behind Don's now. He feels that things like that should be kept on private property. He doesn't want to compete with Don's for the rental space. He feels they should have their own private parking and dock space. He stated that this will take business parking spaces away.

Mayor Leonard stated that the Harbormaster has talked with someone from the state about reorganizing the whole area.

Town Manager West advised they discussed revamping the existing spaces with grant money. He feels they can get the space more flexible.

There was discussion about parking.

Town Manager West stated that he will contact the person advising that Council can't make a decision without knowing the parking plans.

There were brief comments.

9. Workshop – Personnel Handbook

Mayor Leonard advised that Town Manager West is in the process of reviewing the Personnel Handbook.

Town Manager West stated that he hopes to solicit anything from Council that should be included or repaired. He explained that he went to the employees to see what they feel was wrong with it. He's looking for comments, thoughts or anything that Council feels is wrong with the Handbook.

Councilman Frese feels that this is the correct way to go about it. He feels they could get bogged down trying to figure out what to do with the state and federal regulations. He feels it should be left up to Town Manager West who will come back with the work product.

There were comments.

Town Manager West feels he should start with a fresh document. He advised he downloaded the VML model Personnel Handbook with the laws. He feels he should build on that. He stated that the current Handbook is too verbose. He warned that it could be bad practice in HR to do this. He explained that it is suggesting to the reader that it's all inclusive.

Councilman Ellis feels it's redundant.

Town Manager West called VML legal counsel who agreed that it is bad practice to include job descriptions and pay scales in the Handbook. .

Mayor Leonard stated that Council is in favor of Town Manager West taking the VML document to create a new Town Handbook.

10. Council Announcements or Comments

Councilman Ellis stated that the Center Authority will be coming to Council requesting an increase of 2 members on their Board. He stated that the state law allows 5 – 17 and Council sets the number. He added that there has to be a public hearing to make this change.

Town Manager West stated that there will be a public hearing on the tower application.

Mayor Leonard commented that he is thankful he is on Chincoteague.

11. Adjournment

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

Ayes: Ellis, Richardson, Taylor, Frese, Lewis

Nays: None

Absent: Bowden

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE NOVEMBER 6, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

None

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Public Comment

Mayor Leonard opened the floor for public comment.

- Mr. David Landsberger, Assateague Inn Owner's Association, stated they met Saturday regarding the bike path that the Town is working on. He advised they unanimously voted to support the Town in whatever way they can. He added that the Association has elected him as the liaison between the Association and Council. He concluded that they are behind it 100%.

- Mr. Scott Norris, 6355 Pine Drive, stated that he travels around the traffic circle on Maddox Boulevard. He advised there have been 27-30 trees cut down on the Maddox Campground property. He stated that he reviewed the reports from the public meeting where they were only cutting down 12 trees. He asked Council if they were doing anything to make sure they keep their other promises for the Water Park.

5. Agenda Additions/Deletions and Adoption

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

6. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He added that they had a few training events that officers attended. He stated that they read at the Library, Tales for Tots Program. He added that they closed the Downtown area Halloween night for trick-or-treating. He also reported that there was an officer stationed there as well.

Public Works:

Public Works Director Spurlock added a correction to the monthly report. He stated that the utilities' contractor count was reported as 200 and it is actually 500 radio read meters that have been installed. He added that the data is now streaming live. He spoke with Clark Nexen and they are finalizing the engineering report for the bike path. He added that they should have the initial release soon.

Councilman Ellis stated that at the last meeting there was a question about the private road grading in Ocean Breeze.

Public Works Director Spurlock stated that Sea Mist has been done. He reminded that the Town has a strict policy regarding road grading.

General Government:

Town Manager West advised they drilled an exploratory test well last week on the option property. He stated they are waiting for the test results and watching the volume. He reported that they are still working on the VDOT grant reimbursements. He added that Public Works Director Spurlock went to Suffolk to meet with the new project manager and the mission is to close the project out. He advised that the judge has appointed Mr. Archie Shipe to the Board of Zoning Appeals.

Town Manager West stated that it is tax time. He reported 10,000 tax bills have been mailed; \$641,000 in real estate and \$221,000 in personal property. He stated that the prior year collection rate was about 97% which will be approximately \$836,000 in taxes. He also reported they mailed to 43 different states, the District of Columbia, one overseas address and one to a military address. He also stated he continues to work with Mr. Landsberger on the pool proposal.

7. Committee Reports

Cemetery Committee:

Councilwoman Richardson reported that they recently cleaned up the Odd Fellows' Cemetery. She stated that the American Legion came to help and put more flags out. She stated there were about 8 volunteers and someone other than the Town is cutting the grass there. She stated that the Odd Fellow's Cemetery is one of the Town's 2 African American cemeteries.

Budget and Personnel Committee:

Councilman Ellis reported that they discussed the quarterly newsletter and it was decided to post it online to save money. He stated that they discussed closing the Town office from noon to 1:00 p. m. each day and because of objections Town Manager West decided not to proceed with the change. He also stated they discussed separating the job descriptions and salary information from the employee handbook. They talked about the Wastewater Study where no decision was reached as they are waiting for the cost information of the Phase 2. They also discussed a worker's compensation claim.

8. Consider Adoption of the Minutes of the October 2 and October 19, 2017 Council Meetings

Vice Mayor Bowden motioned, seconded by Councilman Frese to adopt the minutes of the October 2 and 19, 2017 meetings as presented. Unanimously approved.

9. Public Hearing

• Communications Tower Application

Mayor Leonard opened the public hearing.

Mr. Steve Romine, Attorney for Verizon Wireless, introduced himself and Mr. Larry Bickens, Site Acquisition Specialist and Zoning Manager for Verizon. He thanked Building and Zoning Administrator Lewis for his help. He stated that they have entered into a lease with Burton Seafood, Tom's Cove Campground to build a 150' tower with lightening rod. He added they are required to obtain a conditional use permit. He also stated that the goals are to protect public health, safety and welfare and preserve the aesthetic quality of the community providing safe

communications. He added that the tower will provide better communications for citizens, emergency services and businesses.

Mr. Romine explained that the pole will be approximately 40' shorter than the current tower. He referred to the plan describing the tower. He stated that it will be enclosed into a compound with a 6' fence. They are proposing a propane generator on a 5'6" platform. He stated there is an extensive set of plans included in the packet. He feels this is a strong application and good location. He requested approval of the permit.

Councilman Frese stated that the phone service on Eastside isn't always sufficient. He asked if this tower would improve the service.

Mr. Romine stated that it will if he has Verizon Wireless service. He feels it will improve coverage.

Councilman Ellis stated there was concern about security in the surrounding area. He asked if the 6' fence would be adequate.

Mr. Romine responded that they proposed an 8' fence but they scaled it back to what the Code allows which is 6'. He stated that the foot holes don't start until 20-25 feet and it can't be climbed. He added that it will be monitored.

Mayor Leonard advised no one other than Mr. Romine signed up for public comment. He asked Council for further discussion. There was none.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the communications tower application as presented. Unanimously approved.

10. Public Hearing

- **Zoning Change**

Mayor Leonard opened the public hearing for the Zoning change.

Building and Zoning Administrator Lewis read the proposed changes, additions and deletions. He stated that it is not the intent to not allow these uses on Chincoteague. He gave a couple of examples.

Mayor Leonard asked Planning Commission Chairman Ray Rosenberger if he had anything to add.

Planning Commission Chairman Rosenberger commented that it isn't to remove the rights of the people. He stated that it's to provide public and Council input.

Mayor Leonard invited public comment from those who signed up to speak.

- Mrs. Wanda Thornton, Pine Grove Campground, discussed the uses eliminated from each

District and expressed her opposition. She stated that she has never seen such drastic changes. She feels they should have brought in and consulted a land use attorney. She feels it would be a travesty to do this and it could be handled in another way.

- Mr. Mike McGee, 7274 Olga Drive, stated that he has a few pieces of commercial property on the Island. He advised that he has been doing business for 45 years from seafood business, to condos and restaurants. He mentioned that the Town didn't care when a sewage plant was put next to Capt. Fish's with a restaurant and bar. He doesn't believe it's legal to downsize commercial property. He explained his plans for townhouses on the Stubbs Seafood property. He feels that Council is going about this the wrong way. He asked them to vote from their heart because this is unconstitutional. He concluded that they shouldn't destroy what the hardworking individuals have been working for.

- Mr. David Cole, Manager of Tom's Cove Campground, advised he is before Council on behalf of the Campground and owners Mr. & Mrs. Kenneth Burton as they were unable to attend. He stated that over the past 10 years there have been hotels going up and then someone realized that almost all the property has been built on. He stated that the Burtons own and pay taxes. He doesn't understand how the Town can tell tax payers what they can do with their property. He feels they should be able to build a hotel if they meet the criteria without going before those few people elected or appointed. He doesn't feel this is a proper way to do things.

- Mr. Ray Davis, 4175 Main Street, stated that he is confused in the reason for the change in the zoning. He stated that it is an unscripted ordinance. He also stated that frequently zoning issues involving commercial properties such as the one before Council this evening, are the result of competing economic interest. He feels this is a clash of two cultures; the young supporting a family and the old and retired. He mentioned the declining economy in the 50's and 60's. He expressed his concern on the restrictions on growth. He asked about tax increases because of this restriction. He strongly recommended that this matter be tabled until an economic impact study can be completed studied and published for the community as a whole.

- Mr. Chris Bott, 4227 Sunrise Drive Circle and H & H Pharmacy, stated that he is speaking on behalf of himself and his father James Bott. He advised that they are against changing the current zoning. He feels the current zoning was well thought out and fulfills the need of the community. He feels this is a bad path for the Town. He stated that this is an attempt to micromanage operations which is not the way to control growth and sustain an economy that has become dependent on tourism. He continued that he purchased the property understanding that they could develop it as they so choose. He believes the change takes away rights on certain issues. He added that even though the intentions and interpretations may be one thing the governing body will change over time and the original intent of these changes may not remain the same. He stated that this is a rash decision and they should allow the free market an opportunity to work. He thanked Council for listening and asked them to take his thought into consideration and not change the current zoning.

- Mr. Richard Conklin, Water's Edge Townhouses, stated that he is against the changes as they are taking away civil rights. He stated that he agreed with everything being said. He asked for clarification and reviewed the changes. He commented on the motel recently built next to his

property. He stated that the sewage treatment plant gets louder every day. He doesn't understand why the Town can't control this without making the proposed changes.

Mayor Leonard interjected that this is what the conditional use is.

Mr. Conklin responded that this isn't what they want. He asked who controls where the sewage goes.

There was brief discussion about placement of the sewage treatment plant and the vacation of property line.

Mr. Conklin thanked Council and asked them to rethink this.

- Mr. Eddie Tull, Inlet View Campground, stated that he agrees with the people that do not want this to change. He gave his history on the Island. He expressed his opposition. He stated that if Council votes to put this through and deny him the right to develop on his property he will take this matter to court.

- Mr. Matthew Reed, 4093 Sunnywood Drive, advised he is before Council on behalf of himself, his father and brother who are all in the business of building homes. He discussed their property off of Birchtown Lane along with what they've spent and the hoops they've jumped through. He feels Council is taking their rights as landowners. He stated that as long as they stay within all of the guidelines, he doesn't see how Council has the right to change their rights as the landowners. He added that 10 years from now this Council may not be here. He stated he has a long way to go. He hopes they see it in their hearts to look out for his future, his children's future and the young business owners on the Island. He asked them not to take their rights.

Mayor Leonard closed the public hearing. He asked for Council discussion.

Councilman Frese feels if it's not broken, don't fix it. He stated that it covers a number of things like taking away the rights. He stated that this is 100 degrees off. He gave his history of coming to the Island. He advised his father was a hardworking man but taught him the values. He stated that the people of Chincoteague exemplify those values. He also stated that the way they build most of their wealth is through their efforts and land. He feels that Council, over the years, is taking this away from them and it is fundamentally wrong. He sympathized with those who didn't want Chincoteague to become another Ocean City. He knows what the townspeople went through. He knows the character of those who tried to seek out a living. He added that the people here built a utopia for him. He feels it's wrong what they want to do to the people and their land. He expressed his opposition.

Councilman Taylor recalled a meeting several years ago with Redman and Johnson who was hired to take away land rights. He added that he didn't run for Council to take people's property rights away and he agreed with Councilman Frese.

Councilman Lewis stated that he had split emotions about his decision. He stated that you have commercial owners and the homeowner. He referred to the Landmark Plaza. He asked if that

owner brought 50 dumpsters on that property, would the adjacent property owners who have lived there all their lives have any right to stop them. He asked what rights the homeowners have. He stated that they've come out to speak and others didn't show up. He added that he has to support the people.

Councilman Ellis stated that he was asked by people he respects to reexamine this issue. He also stated that he has read the history of zoning, the State Code and reviewed the Zoning Ordinance. He added that the purpose of zoning is to attempt to balance the public interest against the private interest. He advised that the Planning Commission has had many more people come before the Commission expressing their concerns of the kind of development that is going on. He stated that Council has had many people come before them about this issue. He explained that according to the Planning Commission the intent of this change was not to take away property rights. He stated they can do with it what they choose. He also stated that this is to give the citizens of the Island an opportunity to express their opinions not making the decision of what they can or can't do, but to express opinions about very specific high density large scale commercial items. He added that it would put the burden on Council but allow the public to comment. He isn't interested in taking any property rights away but is interested in what other people in this community think about the direction of the Town.

Vice Mayor Bowden stated that eleven people out of a population of 3,500 have talked to her and 10 of them were this evening with the other earlier today. She stated that with an issue as big as this only 11 people. She stated that it saddens her to think that less than a dozen people have interest in what's going on in this Town. She feels there's miscommunication and things have been taken out of context. She asked if this downsized commercial property.

Building and Zoning Administrator Lewis advised he didn't believe so.

Town Attorney Fox also didn't believe that it downsized property.

Vice Mayor Bowden asked if there was anywhere in that plan that states you can't build anything or do anything you want. She added that it doesn't say it can't be done at all, it's saying they have to be accountable.

Building and Zoning Administrator Lewis and Town Attorney Fox agreed.

Vice Mayor Bowden asked if any zoning was changed.

Building and Zoning Administrator Lewis stated that outside of deleting the uses that weren't needed for example: "rest homes", there is no change.

Vice Mayor Bowden stated that you're talking about people's property rights. She advised she was the one who asked Building and Zoning Administrator Lewis to look into this and take it to the Planning Commission. She believed they came up with a good plan. She thought it didn't take away anyone's rights. She stated that Mr. Conklin asked if they could come up with something that would make things better in the future. She thought this was it. She listened to the 11 people with 8 against and 3 for it. She asked the people to come and talk with them and

not wait until a Council meeting to talk about things. She understands that they work and invited them to call her or go see her. She promised she would listen and she also stated that she would go with the majority. She has mixed feelings and stated that the last thing she wants to see is another motel going up. She added that she doesn't have a problem with it but, majority rules.

Councilwoman Richardson stated that when this came up it was about the Coast Guard station. She stated that she was surprised that something was built so close. She was advised that in the State Code there is certain footage. She understands that Building and Zoning Administrator Lewis spoke with the Coast Guard and they spoke with Washington, DC. She stated that her sources advised that the people in Sector Hampton Roads didn't know anything about it. She also stated that she has seen a lot and been through a lot. She mentioned Mr. Matthew Reed's comments. She also asked what if there was an all-new Council and they didn't want anyone to build what they apply for. She is not for taking away from people because they have worked all their lives. She is not for taking away people's rights and she wouldn't want them to take away hers.

Mayor Leonard stated that he believed that this was within the Town's rights to do this because they weren't changing zoning.

Town Attorney Fox responded that even if there was a change to zoning, Council could do so as long as it is within the public's health, safety, morals or general welfare. He added that they could make changes to zoning as they see fit or if it is essentially a good housekeeping, such as if something is listed twice.

Mayor Leonard doesn't feel that it was going to take anyone's rights or uses away. He mentioned the Verizon Wireless application that had to get a conditional use permit. He talked about tourism that keeps the Island going. He echoed Councilman Frese that they don't want another Ocean City.

Councilman Ellis stated that for the purpose of voting he motioned to approve the proposed changes submitted by the Chincoteague Planning Commission. There was no second and the motion died.

11. Discuss Recreation and Civic Center Authority Board Seats

Town Manager West stated that they received a request from the Authority Board and information was included in the packet. He believes they will have to adopt a resolution and modify the Articles of Incorporation.

Town Attorney Fox recommended including "minimum" or "maximum" in the language.

Councilman Ellis advised that he serves on the Community Center Board. He stated that the Town approved the creation of the Authority and adopted the Articles of Incorporation. He advised that the Articles of Incorporation, adopted at that time, consisted of 5 members. He stated that the State Code says that Towns can create an authority by resolution or ordinance and the membership on the authority can be 5 to 17 members. He also stated that there have been 5 members on the authority since he can remember. He explained that last July there were 2

resignations and vacancies were advertised. He stated that there were 5 applicants who were very well qualified. He added that Council appointed 2 additional members. He then stated that there was another member who resigned.

Councilman Ellis added that the Board at that time was in the process of building a strategic plan with the intent of making the Center more self-sustained. He added that they were also in the process of hiring a new director and Board didn't feel it was the time for additional members. He stated that they have finished the strategic plan which will be presented to Council in the near future. He also stated that the whole intent is to make the building self-sufficient. He explained that Mr. Armbuster has resigned because he is now living in Charlottesville. He advised that the Board feels it would be beneficial to have 2 additional members for the purpose of additional thinking of ways to make it successful, get it open and filling it during the weekends. He stated that the local government is to set the membership. He read the State Code explaining that Council can change this after a public hearing.

Councilman Taylor commented on the 5 applicants and feels they should go to 11 members.

Mayor Leonard stated they will address this at the next Council meeting at the public hearing.

12. Mayor & Council Announcements or Comments

Vice Mayor Bowden expressed her disappointment that such a big issue has come to light with very few people to take a stand. She wishes people had more thought into the community process than what they see. She knew that it wasn't going to be easy but she has lost sleep over a few things. She knows that not one person can please everyone. She stated that she tries to be out and about amongst people. She advised that if there is an issue or if someone has something they want to talk to her about to please tell her. She was told that people are afraid to approach Council. She hopes that no one feels this way. She invited everyone to let Council know if they have concerns or issues about the community.

Councilman Ellis appreciated those who came out to express their opinions. He stated that there were probably more people than this who came before the Planning Commission who expressed their desire to speak about the proposed developments. He stated that this was the purpose of this proposal. He was sorry that those didn't show up to this meeting. He stated that he has served almost 50 years working for the public as a principal and superintendent. He stated that you can please some of the people all of the time and all of the people some of the time but you can't please all of the people all of the time. He also stated that what they should do is what is right in your heart. He appreciated everyone who came out and they made him think of things he hadn't thought of before this meeting. He hopes more people come before Council to let them know what they want for the future.

Councilman Lewis agreed with Vice Mayor Bowden that he is out in the public every day and likes talking about politics. He stated that some of the homeowners won't come to Council because they feel intimidated. He also stated they need to be here to tell the Council what they want. He feels that the business people that want to build a hotel should be able to. He added that on the other hand he has to look out for the homeowner as well. He stated they have to look at both sides. He also thanked Chief Mills for the 125 turkeys for the Food Pantry for the

holidays. He asked if Town Manager West would ask why the Center is charging the Police Department to use the facility after all the years they haven't charged.

Town Manager West advised that he has contacted 2 members of the Authority and it has been taken care of.

Councilman Taylor thanked the citizens in attendance along with Council for stability.

Councilman Frese stated that zoning does protect the homeowner. He also stated that what they're facing is property rights where it's zoned commercial. He added that this is saying anyone that lives anywhere on this Island has the right to voice an objection. He doesn't feel this is fair. He believes the zoning is very fair and the property owners are protected. He feels the Town dropped the ball regarding the motel next to the Coast Guard base. He stated that the Town should have had a conversation with the motel owner about the building and sewage placement on the property. He commented further. He feels they are taking people's rights who purchased property as an investment and telling them what to do.

Councilman Lewis asked Building and Zoning Administrator Lewis what rights as a 40 year homeowner would he have if he owned a house next to the Landmark Plaza and that commercial property owner put 50 dumpsters there. He added that when they bought the home there wasn't anything on that adjacent property.

Building and Zoning Administrator Lewis explained that they would be able to have unsanitized dumpsters along the property line, because there are no regulations against it. He also stated there will be trucks early in the morning with their backup alarms and loading dumpsters etc. He added that without a conditional use permit those adjacent homeowners will suffer.

There were further comments.

Vice Mayor Bowden stated there was a home built before zoning existed, referring to the Deitch property. She also stated that whoever now owns the Landmark Plaza now has the right to put what they want there. She asked Councilman Frese would feel if Ms. Janet Gaddow wants to close Etta's Restaurant, sells it to Chincoteague Waste Management and 50 dumpsters are put there.

Councilman Frese doesn't believe she'll make as much money as they would the restaurant.

Vice Mayor Bowden asked hypothetically how Councilman Frese would feel about that.

Councilman Frese responded that he wouldn't care for it. He stated that he knew when he bought that property what was going to be there.

Vice Mayor Bowden added that long before Councilman Frese bought that property Mrs. Lucy Toothill had a home there which was before zoning. She thanked the Planning Commission and Building and Zoning Administrator for all the work they did. She hopes they can revisit it at a later time.

Mayor Leonard reminded everyone that tomorrow is Election Day. He asked everyone to come out and vote. He also stated that this is November and there are a lot of things going on. He advised of the Tree Lighting Ceremony Downtown on November 25th. He added that there is a Council workshop on November 16th. He closed by saying “Roll Tide”.

13. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE NOVEMBER 16, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Agenda Additions/Deletions and Adoption

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

5. Public Comment

Mayor Leonard opened the floor for public comment. There were none.

6. Report – Chincoteague Recreation and Convention Center

Mr. Stephen Frolick, Director of Marketing, provided an update on activities at the Center. He advised of the recent changes. He reported on roof and window repairs along with a new pricing structure beginning January 2018. He stated they have made improvements inside with

improvements to multi-media services, charging stations, lighting and new signage. He also stated that the facility is doing very well with the Library Gala this weekend and holiday events next month. He added that they are trying to come up with Center sponsored events for the community. He reported they already have bookings in 2019.

Councilwoman Richardson asked about the multi-media system. She asked if they have improved the PA system.

Mr. Frolick responded they are working on this. He stated that the biggest complaint was the Wi-Fi and they have taken care of it.

Councilman Ellis stated that he has had a privilege of serving on the Board. He stated there is a completely different attitude where it is open and accessible. He stated that leadership and the direction has made a significant difference. He also mentioned the roof and window repairs. He added that it hasn't been an easy task. He stated that with the direction of Mr. Frolick and Ms. West the Board has come up with a final strategic plan for the Center which is to make the place more self-sustaining in the future. He feels they have done a fantastic job.

Councilman Frese asked if they were ever going to go back to the policy from years ago where the elderly would walk there.

Mr. Frolick advised they come in twice a week. He added that there is no end date.

7. Consider Proposal to Install Flag Pole and Flag at the Foot of the Bridge

Public Works Director Spurlock advised that he was given an updated price.

Vice Mayor Bowden stated that she brought this to the RCEC. She explained that when you go over the bridge in Pocomoke, one of the first things you see is a tall flag pole with a flag that you can see it for miles. She feels that the flag that is at the Robert Reed Park is small. She envisioned a large flag that could be seen on the causeway.

Public Works Director Spurlock advised the 20' by 30' flag will cost \$900. He feels that 6 months is the life span for the flag. He also stated that a 50' flag pole will cost \$4,340. He reported that the next size down is a 15' by 25' flag and will cost \$660. He added that a 40' flag pole would be \$3,246. He stated that either pole could be installed in-house.

There was discussion about placement of the flag pole and funds.

Councilman Lewis feels they shouldn't spend that kind of money on a flag pole when they already have 3.

Councilman Frese agreed with Councilman Lewis and stated they have a nice setup in front of the Town offices. He feels they have to be more frugal. He referred to the Country's finances and feels there won't be many more grants later. He stated they should be looking out for the taxpayers. He reminded Council that they pay 32% or 33% of the taxes that the County takes in

with 8% of the population of the county. He stated that the taxpayers are burdened with the County with very little return.

Councilwoman Richardson asked what size flag was on the flag pole at Robert Reed Park.

Public Works Director Spurlock responded that it was a 12' by 20' flag but was too big for the pole. He stated that the flag pole is not rated for that size of flag and it has been downsized.

Councilman Ellis stated that it would be more inviting for tourist and residents to see an American flag flying than a water park on Maddox Boulevard that have removed the trees in front.

Councilman Taylor asked about the Chamber's flag.

Public Works Director Spurlock believes it is a standard flag which is 4' by 6'.

Councilman Taylor suggested speaking with Chamber Director Shotwell and possibly putting a larger flag pole and flag there.

Mayor Leonard feels that Chincoteague is the most beautiful entrance you've ever seen. He added that they are trying to enhance something that is already phenomenal. He feels they should use this money for something else.

8. Call for Projects and Capital Improvements for FY '19

Mayor Leonard stated that they have held work sessions in the past where they have worked on ideas for the years to come. He asked for input from Council.

Councilman Taylor stated that they don't have a way to record everyone's license plate and time traveling on and off the Island. He hopes they don't ever have to use it, but feels there will be a time they wish they had this availability.

Town Manager West stated that this is one of the things that Chief Mills has identified.

There was discussion about a public restroom at the Chamber circle and the possibility of including this in the Sarbanes grant. They talked about replacing piers at the Curtis Merritt Harbor.

Mayor Leonard advised of a documentary about Chincoteague and how clean it is. He would like to build on beautification.

Vice Mayor Bowden understands the Town has a grass and weed Ordinance. She mentioned that there are a few places where there are a few untagged cars in the yard, on blocks or junk everywhere. She asked if there is anything they can do about this. She also stated that the Island is a soft target especially during Pony Penning and the 4th of July. She asked if there was one way to get in and one way to get out of Memorial Park.

Town Manager West responded that they put jersey barriers across the front to minimize intrusion.

Vice Mayor Bowden asked if they check backpacks.

Public Works Director Spurlock stated that the State Police had an explosive sniffing dog this past year.

Vice Mayor Bowden discussed the potential dangers and precautions that should be taken. She feels there should be training.

Councilman Lewis stated that the police have been trained in this. He wasn't sure if Public Works have had training.

Vice Mayor Bowden is going to address this with the Fire Company as well. She expressed her concerns further.

Town Manager West stated that they had a review by an agency on potential threats, but didn't participate in the planning. He feels even the volunteers could use the training to step it up and be aware.

They discussed this matter further. They agreed to ask Chief Mills to look into further training.

Councilman Ellis stated that Council will have to make decisions at some point regarding central sewerage. There was discussion about non-compliance orders issued in other out of state communities who were given 10 years to get a sewerage system installed. They were given a moratorium on building and development until they complied. He feels it should be on the Capital Improvement Plan. He also asked if there were funds set aside to maintain what the Town currently has.

Public Works Director Spurlock stated they do have the funds but it is minimal.

Mayor Leonard advised that in the 10 year plan it is listed to install more parking at Memorial Park. He added that there are other plans for Memorial Park such as the expansion of the boardwalk and they will have to expand parking. He would like to see this incorporated in the recreation money. He also mentioned the floodgates and drainage, especially at the bridge which should be a priority.

There was further discussion.

Public Works Director Spurlock stated they received numbers on the study and the cost to raise that intersection was astronomical because it includes the road and utilities.

Councilman Taylor suggested asking the state for the property behind the Lotts' property so that the Town can bulkhead it. He feels the state would give it to the Town as a quitclaim deed.

There was discussion as to the reasons that the intersection is flooding and possible resolutions.

9. Council Announcements or Comments

Vice Mayor Bowden advised she will be out of town for the December 4th meeting.

Mayor Leonard stated they just received sad news that Mr. Wesley Bloxom has passed away. He expressed his condolences.

Mr. Ray Rosenberger announced that on MSN, Chincoteague was identified as the Most Adorable Small Town in the State of Virginia.

Councilwoman Richardson commented that the gentleman who took pictures of them at the cemetery cleanup, talked about how everyone was nice to him and it gave him a warm feeling to be here.

Public Works Director Spurlock announced that the veterinarian that does the cat spaying and neutering program is doing a free rabies clinic at the old public works shop on Cropper Street, December 2nd.

10. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE DECEMBER 4, 2017 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ellen W. Richardson, Councilwoman
Edward W. Lewis, Jr. Councilman
Gene W. Taylor, Councilman
Ben Ellis, Councilman
James T. Frese, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance

4. Presentation: The Museum of Chincoteague

Mrs. Maria Grenchik, the Executive Director of the Museum of Chincoteague Island approached Council regarding funding for 2018. She presented a PowerPoint presentation reviewing the visitation and events from 2017. She advised there were over 12,000 visitors and reviewed the schedule and events for 2017. She reported on the 5th grade Oral History Project, the new exhibits and components added to the exhibits. Mrs. Grenchik mentioned the moving of the Miles Hancock carving workshop. She added that the programs generate \$400,000 into the Island economy. On behalf of the Museum Board of Directors, staff and volunteers she thanked Council for their past, present and future funding.

5. Public Comment

Mayor Leonard opened the floor for public comment.

- Mr. James Russell, 4162 Vivian Street, addressed the proposal for the dog park at Memorial Park. He advised that the property was donated to the Town by the Veterans of the Island. He stated that the sign was paid for by the American Legion. He feels that with children playing and families having picnics it could be detrimental. He also stated that there isn't anyone that can guarantee that no dog would get loose to go to the children or families having picnics or reunions. He added that children like animals and there have been incidents where children and people have been bitten. He feels it's the wrong place to put a dog park. He suggested the Hallie Whealton Smith Drive location.

- Ms. Donna Leonard, 6415 Leonard Lane, readdressed the dog park. She stated that she was glad to hear a veteran speak to explain why the veterans don't want having the dog park at Memorial Park. She also stated that she has used Facebook and social media to get the word out for ideas, she's hired a professional and looked at different locations. She advised the Recreation and Community Enhancement Committee has voted to have it at the Donald Leonard Park and Councilman Frese objected. She stated that the Mayor suggested they look at Memorial Park and Councilman Taylor suggested going to Hallie Whealton Smith Drive. She also stated that Hallie Whealton Smith Drive has never been recommended by the professional or by the Committee. She feels this is the reason it's being held up. She added that she has heard of permits from the Army Corps of Engineers and she feels it would take a tremendous amount of tax money, over and above what the group has raised. She feels there should be a dog park somewhere. She stated she resisted calling environmentalist opposing the site at Hallie Whealton Smith Drive.

Ms. Leonard advised that she started a Christmas card campaign to have people mail them to Council. She explained they will tell you that those people are in favor of a dog park at Memorial Park. She stated that they looked at Memorial Park and feels there would be a lot of savings. She mentioned a dog park she visited in Norfolk. She concluded that she wants to see this moved forward and a decision made.

- Ms. Deb Martin, 4090 Channel Lane, stated she and her husband are new to the Island. She advised they have been following the dog park project. She mentioned the different locations and they don't agree that it should go on Hallie Whealton Smith Drive. She stated that she last heard they were looking at Memorial Park. She feels it's far enough from the

playground and fishing to have it in the area. She added that it wouldn't be as much money to have it there. She is in support of having the dog park at Memorial Park.

- Mr. Bob Cherrix, 4052 Sunnywood Drive, stated he is a dog owner and likes dogs. He stated that you have to be careful with dogs. He also stated that when your dog is on a leash you have to maintain control at all times. He asked who would be responsible if there were an accident and law suit. He also stated he is in opposition of having a dog park at Memorial Park. He added that it was put there for the Veterans. He mentioned that occasionally the U.S. Coast Guard lands on the ballfield and if there is an emergency medivac can land there. He also suggested putting a landing pad there.

- Ms. Toni Cox, 6050 Tarr Street, stated she has had experience of starting up a dog park in Savannah County. She stated that it works very well and she has learned a lot. She feels site selection is a critical consideration. She explained that if a gate is close to the road and a dog isn't securely leashed it could create a tragedy for the dog. She stated that noise is also a consideration. She stated that putting a group of playing dogs near a sanctuary would disturb the quiet environment of that area. She discussed the options and stated that the Hallie Whealton Smith area is a quiet and serene place. She feels that putting a noisy dog park in that area would destroy the tranquility of both trails. She believes the trail location would be cost prohibited. She mentioned filling of wetlands in that area.

Ms. Cox also added that moving water and bathroom facilities to that location would be difficult. She feels that the ballfield at Memorial Park is readymade for a dog park and the noise wouldn't interfere with the sounds of playing children. She understands there are objections to the Memorial Park location. She feels the issue is logistical placement. She stated they don't want to disrespect the Veterans. She suggested that safety measures could be in place toward control of the dogs. She hopes Council will give consideration to the cost, safety and environmental issues choosing the site at Veteran's Memorial Park.

- Mrs. Linda Ryan, President of the Chincoteague Island Library Board, came before Council to announce they were hosting a guest author, Jim Duffy who wrote Eastern Shore Road Trips tomorrow night. She stated that on behalf of the Board and volunteers of the Island Library that they had an incredible 2017 thanks to the Town's generous support. She reviewed the programs and expansion of programs. She added that because of their generous donations it helped to maintain the building and grounds so they could fulfill the designated role as the anchor of the Downtown Park. She stated that they couldn't have achieved their level of growth without the support from the Town. She hopes they continue to support the Library's efforts to be a valuable community resource.

6. Agenda Additions/Deletions and Adoption

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

Ayes: Richardson, Frese, Ellis, Taylor, Lewis

Nays: None

Absent: Bowden

7. Staff Updates

Police Department:

Chief Mills advised the report is in the packet. He added that Dispatch Supervisor Lewis and he attended a video presentation at the Eastern Shore 911 Center regarding secondary dispatch centers and next generation 911. He reported that they placed toy barrels all around the Island. He also stated that the Department participated in the “No Shave November” and raised about \$2,300 for cancer research. He reported that they donated turkeys to the Island Food Pantry and food cards for the local grocery store. He explained that this helps those in need purchase groceries during the holidays.

Public Works:

Public Works Director Spurlock stated that Vanguard Utilities are installing wireless read water meters. He feels they will be done by the middle of February. He stated that they will start milling south Main Street later this week. He added that they will be repairing the drainage issues on Clark Street from earlier this year.

General Government:

Town Manager West advised that the water still remains safe to drink with all the test. He advised they did the exploratory wells earlier last month and waiting for test results of contaminants. He stated they had to do proof testing of Phase 2C for the reimbursement. He also stated that there is a lot of support to receive the \$1.5 million match from the state for an Army Corps of Engineer study of the Inlet and surrounding area. Town Manager West advised he and Public Works Director Spurlock met with someone from the Game and Inland Fisheries who had a few questions regarding the No Wake requests. He added that there was no date given as to when they would act on it.

8. Committee Reports

Curtis Merritt Harbor Committee

Mayor Leonard stated that later in the meeting they will discuss the Harbor’s budget and plans. He stated that they are losing the southeast side and have had to put riprap there. He added that they discussed getting an ice machine down there.

Public Works Committee

Councilwoman Richardson reported they met November the 7th. She stated that Chamber Director Shotwell asked for a directional sign at the foot of the bridge as there used to be a sign but it is now gone. She advised that staff is currently working on this. She also reported that the striping on Hallie Whealton Smith Drive is done. She stated that they discussed the Radio Read Water Meter Damage Policy and explained that if someone tampers with the antennae they would have to replace it with a charge of \$50.00.

Public Works Director Spurlock interjected that they haven’t established a cost and it would be done at the next budget cycle with the rates. He added that the Committee has approved the ordinance and have forwarded it to the Ordinance Committee.

Wastewater Advisory Committee

Public Works Director Spurlock reported that they met November 16th. He stated that Mr. Lee Beetschen with Duffield Engineering Services made a presentation. He stated that they went

back to the state agencies who agreed to drastically reduce what would have to be modeled for the permit. He stated that it went from well over \$100,000 to \$55,000. He also stated that they would do it in steps and they're waiting for a revised proposal from Duffield.

Councilman Ellis asked about the additional costs.

Public Works Director Spurlock stated that it is \$139,000 to get the actual permit and have the model in place.

Councilman Ellis asked what would happen then.

Public Works Director Spurlock explained that the first step is to do a preliminary design as part of the application process. He stated that they would get the system permit from DEQ to discharge water based on this typographical model. He also stated that after they get the permit they would have to do the design. He believes that funding is the next step. He added that they could actually build the plant cheaper than they could 3 years ago. He also stated that there is a 2 step process for application.

Councilman Frese asked who would be paying for this and what would the ultimate cost be.

Public Works Director Spurlock advised they don't know. He stated that the Wastewater Advisory Committee voted to recommend the commercial corridor. He also stated that this permit does not lock the Town into doing the commercial corridor. He added that it is an opportunity for the Town to get a discharge permit of up to 5,000,000 gallons per day which would have to be renewed every 5 years at a minimal cost. He stated that right now the plan is to do the commercial corridor.

Councilman Frese understood and stated that they have to start somewhere. He stated that they have already spent \$50,000 and then another \$139,000 of other people's money. He added that they still have no idea what this will cost.

Public Works Director Spurlock responded that the long-term idea is where DEQ comes in and slaps the Town with a compliance order.

Councilman Frese stated that he understands that but doesn't buy it. He asked if this would cost \$25 million.

Public Works Director Spurlock advised he couldn't tell him. He stated that they don't know what size or configuration they would need.

Councilman Taylor thought NASA's last plat was around \$34 million. He feels they need the permit so they could be a shovel ready project. He stated that DEQ is saying to get the permit.

There were questions and comments regarding the gallons per day and estimated cost.

Councilman Taylor stated that this would be less than \$34 million.

Councilman Frese interjected that this is only part of it. He stated they have to add the 6.5 miles of main trunk installation which isn't cheap. He also stated that they are paying about \$34 million for the plant, and 6.5 miles of main which doesn't include each building.

Public Works Director Spurlock stated that for 100,000 gallons per day it wouldn't be anywhere near \$34 million. He added that for 6 miles of main it would be 2" low pressure force main and wouldn't be that expensive. He stated that the grinder pumps and individual connections would cost more than the main.

Councilman Frese asked if Public Works Director Spurlock could get a cost estimate from the engineer for 100,000 gallons per day. He added that then they should start telling people what they have in mind.

Mayor Leonard stated that they first need to get the permit. He feels that if they don't get the permit and down the road when no more permits are issued the Town would be stuck. He stated they need to get the permit in hand and it would benefit the Town in the long run.

Councilman Frese reminded him of the Captain's Cove permit. He stated that there are no more permits issued there. He understands that the DEQ can give the permit but they aren't the final authority. He wants to go to the final authority.

9. Adoption of the Minutes of the November 6, 2017 and November 16, 2017 Council Meeting.

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

Ayes: Richardson, Frese, Ellis, Taylor, Lewis

Nays: None

Absent: Bowden

10. Public Hearing – Proposal to Modify Articles Incorporating – Chincoteague Recreation and Convention Center Authority

Councilman Ellis stated that the State Code allows localities to determine the number of members on authorities. He stated that in 1992 when this authority was passed the membership was set at 5. He also stated that about a year ago there were a couple of vacancies that were filled but there were several people who were well qualified. He added that at that time there was discussion amongst Council of expansion of the membership. He explained the Board, because of the strategic planning process, requested that Council not add additional members until the plan was completed. Councilman Ellis advised that the plan is completed and will be presented to the Town in the near future. He stated that the Board is now ready and requesting to expand to 7 members. He added that it will also require the Board to modify their bylaws on the change as well.

Mayor Leonard opened the floor for public comment and because there was none he closed the public comment. He asked for comment from Council. He added that in the State Code it says they can have no less than 5 and no greater than 17.

Councilman Ellis motioned, seconded by Councilman Frese to modify the Articles of Incorporation to expand the membership of the Chincoteague Recreation and Convention Center Authority from 5 members to 7 members. The motion was approved.

Ayes: Richardson, Frese, Ellis, Taylor, Lewis

Nays: None

Absent: Bowden

AN ORDINANCE AMENDING THE ARTICLES OF INCORPORATION OF THE CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY

WHEREAS, the Town Council of the Town of Chincoteague, Virginia, through an ordinance which was passed by unanimous vote on December 2, 1991, created a Recreation and Convention Center Authority on the Island of Chincoteague, Accomack County, Virginia in accordance with the "Public Recreation and Authorities Act" (under then Chapter 29 of Title 15.1 of the Code of Virginia of 1950); and

WHEREAS, the Town Council deems that the original Articles of Incorporation should be amended to change the location of the principal office, and increase membership of the Authority Commission that shall possess the powers and authorities granted under the "Act",

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CHINCOTEAGUE, VIRGINIA AS FOLLOWS:**

Section 1. Pursuant to and in accordance with the provisions of "Creation of Authorities", § 15.2-5602 of the Code of Virginia (formerly 15.1-1273) the CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY, Articles of Incorporation are amended and are as follows:

ARTICLES OF INCORPORATION

ARTICLE I. The name of the Authority shall be "Chincoteague Recreational & Convention Center Authority", and the address of its principal office shall be 6155 Community Drive, Chincoteague Island, Virginia 23336.

ARTICLE II. The Authority is created and modified pursuant to "Creation of Authorities" (§15.2-5602 of the Code of Virginia of 1950, as amended).

ARTICLE III. The Town of Chincoteague, a municipality, is the only participating political subdivision.

ARTICLE IV. The power of the Authority shall be exercised, pursuant to Section 15.2-5603, by a Commission consisting of seven (7) members, who shall be appointed by the Town Council. All members shall reside in the Town of Chincoteague. Officers and employees of the Town of Chincoteague, the participating political subdivision, may be appointed to the Commission and may constitute a majority of the Commission.

The terms of the successors of the originally declared members appointed December 2, 1991 shall be for a period of four years. Members added with the adoption of this ordinance, shall have four year terms beginning on January 1, 2018. Any person appointed to fill a vacancy occurring prior to the expiration of a term shall serve only for the balance of the unexpired term, and further provided that any member shall hold office until their successor is appointed. Any member shall be eligible for re-appointment to succeed himself. A member may be removed, either with or without cause, by the affirmative vote of a majority of the members of the Town Council. The Commission shall otherwise be governed by and act in accordance with the terms and the provisions of Section 15.2-5602 and 15.2-5603 of said Act.

ARTICLE V. The purposes for which the Authority was created is the planning, acquisition, construction, improvement, operation and maintenance of a public recreation and convention facility or center to be located on the Island of Chincoteague, and in relation thereto the exercising of all powers and authorities conferred by the Act as same may be amended from time to time.

Section 2. The Authority shall continue in existence in perpetuity, unless sooner dissolved according to law.

Section 3. This Ordinance shall be effective upon its adoption.

Ayes:

Nays:

Approved this 4th day of December, 2017.

Mayor

Councilman Ellis advised there will be openings for 3 new members. He explained they recently had one member to resign and the 2 new positions. He added those wishing to express interest should contact Town Manager West.

11. Public Hearing – Curtis Merritt Harbor of Refuge Slip Rental Increase Proposal

Mayor Leonard advised that the Harbor Committee met and is seeking an increase in slip rent. He explained the Harbor is in need of repair and maintenance. He mentioned the disrepair of the bulkhead and advised they want to increase the rate a little more. He opened the floor for public comment.

- Mr. David Cooper expressed his opposition to the 43% slip rate increase. He stated that the increase last year was to pave the parking lot. He suggested charging parking fees for the tour boat businesses. He feels this shouldn't come out of the Harbor money. He added that a 43% increase is an unbelievable amount for repairs that have been in need for years. He feels it's because of improper building of the current bulkhead and doesn't feel they should have to pay for the mistakes of years past.

- Mr. Charles Carter also complained about the increase. He feels that 43% is a lot and he recommended doing this gradually. He advised that he is subleasing and the cost of the sublease fee is almost more than what it is to get the slip. He feels the list should be redone fairly. He has been through 4 Harbormasters and still subleases. He commended Harbormaster Vernon Merritt. He also understands the costs and increases but feels this is drastic.

Mayor Leonard closed the public hearing as there were no further comments. He asked Council for their comments.

Councilman Frese stated that the original Harbor was built primarily with grants and had a reasonable slip rental rate. He feels they didn't plan ahead enough to know what it would cost to replace it. He stated that 15 or so years ago when it came time they didn't have 25% of it and they had to get more grants. He added that because this was a Harbor of Refuge the Town received the grant. He feels if they would have put the rates at the point that it could sustain the Harbor it would be a little higher and it wasn't done. Councilman Frese stated that someone was smart enough to get the grants under the Harbor of Refuge. He feels they need to catch up a little bit. He added that if this goes they will be hard-pressed to get another grant. He discussed the economy and fears there won't be any more grants. He also feels they need to bite the bullet and increase it if they want to keep the Harbor. He doesn't see any way out of it.

Councilman Ellis stated that when the Harbor Committee met the Harbormaster explained what needed to be done. He wanted to know if this could be implemented gradually and found out that there hasn't been a fee increase at the Harbor since 2013. He also learned that the fees at this Harbor are significantly lower than surrounding areas. He added that this was a unanimous agreement because it needs to be maintained.

Harbormaster Merritt stated that it started in the spring when a part of the bulkhead blew out. He stated it was a major expense of nearly \$22,000. He added that upon inspection they found another place and they can either let it go or repair it. He gave some cost estimates. He stated that everyone that is in the Harbor can testify that the surge is terrible. He feels they need to get a price to construct a jetty to deflect the surge. He stated that Finance Director Hipple gave him all of the budget information from this year. He gave the revenue and expenditures. He added

that they would like to do 200' of bulkhead. He stated that they have to do something to save what they have. He feels the jetty is a necessity and the bulkhead needs repairing.

Councilman Ellis motioned, seconded by Councilman Frese to approve the increase in the Curtis Merritt Harbor of Refuge Slip Rent as proposed by the Harbor Committee. The motion was approved.

Ayes: Richardson, Frese, Ellis, Taylor, Lewis

Nays: None

Absent: Bowden

12. Mayor & Council Announcements or Comments

Councilman Ellis thanked Chief Mills and the Chincoteague Police Department for all they do. He commended him on the reports as they are always easy to read. He thanked Public Works Director Spurlock for not only the Public Works Department but for his work on the Wastewater Advisory Committee. He added that he appreciates his willingness to share information and thoughts with Council and the public.

Councilman Lewis thanked Chief Mills for the turkeys that were donated to the Food Bank.

Councilman Taylor thanked Chief Mills for continuing the hard work that Councilman Lewis started. He also thanked Councilman Lewis for starting this because it is very important.

Councilman Frese wished everyone a Happy Christmas.

Mayor Leonard talked about the tree lighting ceremony and said it was a good mixture of visitors and locals. He stated that it was the largest crowd he's seen in the Christmas parade. He feels everyone enjoyed it along with the gorgeous weather. He added that you can't experience a better thing with the Town than seeing the tree lighting and Christmas parade. He closed by saying "Roll Tide".

13. Adjournment

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. The motion was approved.

Ayes: Richardson, Frese, Ellis, Taylor, Lewis

Nays: None

Absent: Bowden

J. Arthur Leonard, Mayor

James M. West, Town Manager