

**CHINCOTEAGUE TOWN COUNCIL
REGULAR MEETING
A G E N D A**

November 5, 2018 - 7:00 P.M. - Council Chambers - Town Municipal Center

1. Call to Order
2. Invocation
3. Pledge of Allegiance Mayor Leonard
4. Public Comments
5. Agenda Adoption
6. Staff Updates Pg. 2
7. Committee Reports Pg. 8
8. Consider Adoption of the Minutes of the October 1, 2018 and October 18, 2018 Council Meetings Pg. 22
9. Public Hearing – Property Line Elimination Pg. 49
10. Commission and Committee Vacancies Pg. 52
11. Consider Expanding Sarbanes Grant Work Pg. 53
12. Mayor & Council Announcements or Comments
13. Adjournment

CHINCOTEAGUE POLICE DEPARTMENT

November 2018 (October Activities)

The Chincoteague Police Department received 331 calls for service which resulted in 20 investigations of criminal offenses that included: 1 shoot, stab, etc., with the intent to maim, kill, etc., 1 brandish a firearm, 1 robbery, 2 use of a firearm in a robbery, 2 breaking & enterings, 1 theft from a building, 1 obstruction of justice, 1 unauthorized use, 1 child endangerment, 4 driving under the influence, 2 drunk in public, 2 refusals to take a breath or blood test and 1 possession of a controlled substance. There were 10 arrests with 20 charges as a result of these investigations.

The Department also responded to 8 accidents, 16 alarms, 21 suspicious activities, 6 civil problems, 21 assisting other agencies, 5 welfare checks, 6 animal complaints and 7 noise complaints.

In addition, 44 security checks, 8 public service calls, 13 finger printings and 12 traffic controls were conducted.

The Department issued 20 summonses for traffic offenses and issued 26 warning tickets.

The Department also:

- Provided security for the Chamber of Commerce's Oyster Festival
- Provided extra officer coverage for the Navy's Annual Ball
- Upgraded video evidence software
- Accreditation Manager Amy Lewis, Sgt. Greenley and Chief Mills attended the annual accreditation conference in Richmond, Va.
- Patty Drewer provided CPR, AED, First Aid and Infectious Disease training to members of the Department
- Escorted CHS Homecoming Parade
- Assisted with the Boy Scouts Jamboree held in Town
- Officer David Gladding attended General Instructor training
- Provided extra officer coverage for the down town trick or treat event and in the Sunnywood neighborhood to monitor pedestrian safety

PUBLIC WORKS DEPARTMENT REPORT
November 2018

Activities:

- Continued sidewalk replacement as part of the multi-modal improvement transportation project. Performed berm repair and shoreline stabilization at Mariner's point in conjunction with this effort;
- Completed temporary repair of Sturgis Lane storm water drainage piping;
- Prepared for, and removed debris from, Tropical Storm Michael;
- Three staff members completed advanced training on the radio read water meter software;
- VDOT conducted annual inspection of the primary road system with no deficiencies noted;
- Filled/graded Veteran's Memorial Park skate park site;
- Supported Oyster Festival/Main Street Halloween events;
- Purchased replacement Robert Reed Park Christmas tree;
- Continued restoration of the Marsh Island bridge tender's shack;
- Completed routine mosquito fogging for the year;
- Performed routine equipment, park and office complex maintenance;
- Conducted routine drainage maintenance;
- Completed the mowing of designated cemeteries;
- Completed regularly scheduled bulk trash/brush collection;
- Conducted routine street sweeping, roadside mowing and traffic control maintenance;
- Performed routine water supply, distribution and repair.

Upcoming Projects:

- Continued construction of multi-modal improvements on Main St/Maddox Blvd

GENERAL GOVERNMENT REPORT
November 2018

Water Supply: The Mayor and Town Manager met with NASA officials on October 10, 2018. In that meeting, NASA stated that the filtration plant may be ready for use the first of the year. The Town's agreement with NASA to use water from their system will be valid until the summer of 2019. NASA requested that we reduce the amount of water being used from their system, and we have done so. There should be no negative impact from this reduction since we are beyond the peak demand season. The legislative change in NASA's appropriations which would enable them to pay for wells and land acquisition is delayed until sometime after the mid-term elections.

Desalination: On Monday, November 19th at 2:00 pm, Shannon Alexander from the ANPDC will give a presentation on desalination. I've placed this item on the most recent version of the Town Calendar.

VDOT Grant Reimbursements: Financial details were reported to Council, but VDOT has yet to indicate the process by which we can close these projects.

Dog Park Update: Our permit application was finalized. We are waiting for the permit.

RAFT: The RAFT team meets again on November 8, 2018.

Vehicle Decals: Vehicle tax at \$27/vehicle has been added to our personal property tax bills, which we should be processing and mailing during the week of November 5th along with real estate tax bills.

CMH Floating Dock: We are expecting engineered drawings by November 2nd for review prior to fabrication. We have concurrently released a package to acquire a contractor for installation of the dock components and anchor pilings.

Smith Street Property: Our attorney is drafting an agreement containing the terms to which Council agreed in the October 18, 2018 meeting.

Wastewater Alternatives: The Wastewater Committee will meet in November to discuss the status of our existing study and attempts to acquire a discharge permit. We will also be discussing other alternatives. I did not have the date and time of the meeting established before preparing this report but will hopefully be able to provide that to Council on or before November 5.

Rental Tax: We discovered that some taxes for the rental of low-speed vehicles were mistakenly paid to the County. Karen is working with the State to recover some of these taxes.

Maddox & Main Flooding: We have again met with VDOT to discuss solutions but little or no progress is being made. The topic will be discussed in the November 6th Public Works Committee meeting.

Capital Expenditure Plan: Chair Ellis of the Budget & Personnel Committee announced the development of the Capital Expenditure Plan. A copy of the first draft is included in the packet. The Plan will be used for budget planning and will be reviewed regularly by the Committee. If Council would like to make additions or corrections to the plan at any time, please contact the Town Manager.

Code Updates: Code edits and changes for over a one-year period have been completed, reflecting all changes that have been adopted by Council. Please update your Code with the revisions included in the packet mailing. The revised Code is also on the Town's website.

Building, Zoning & Code Enforcement: During the period from September 25, 2018 through October 29, 2018 the Building and Zoning Department performed the following:

- Conducted 102 inspections
- Assigned 3, 911 addresses
- Issued 3 business licenses
- Investigated 6 complaints
- Performed 47 construction inspections
- Performed 29 zoning inspections
- Investigated 3 zoning violations
- Answered 2 zoning inquiries
- Pursued one case in court
- Cited 8 grass ordinance violations
- 44 building permits were issued with a total value of \$1,386,481
- \$4,032 in fees collected for permits
- Fines for code violations totaled \$50

**EMERGENCY SERVICES
November 2018**

EMERGENCY MEDICAL SERVICES DIVISION

TOTAL EMS RESPONSES: 108

(33 MORE THAN IN SAME PERIOD 2017): 75

ADVANCED LIFE SUPPORT: 49

BASIC LIFE SUPPORT: 46

OTHER: 13(Fire Stand-by, Public Assist Calls, etc.)

HAZMAT: 0

COMMUNITY SERVICE

BP SCREENINGS

EMS staff conducted a total of 2 blood pressure screenings for individuals that came to the station for such service.

TRAINING

CONTINUING EDUCATION

EMS staff completed four hours of continuing education training.

- Protocol Review

PLANNING

BOY SCOUT JAMBOREE

Staff coordinated EMS and Fire for demonstrations at this year's Boy Scout Camporee, that was held October 26-28, on Chincoteague. EMS, Fire, Emergency Management, USCG, USFW, and Accomack County agencies participated, along with just over 200 scouts and their leaders.

EMERGENCY MANAGEMENT DIVISION

- Daily weather monitoring is ongoing with briefings being issued as necessary.
- The planning process is ongoing for the remaining large-scale events of the year (Antares Launch-November 15 at 0449)
- Initiated monitoring and elevated Hurricane Response to 4 for Hurricane Michael. No issues were reported.
- Participated in conference calls with VDEM and regional partners concerning Hurricane Michael.
- Issued PSA for Michael.
- Compiled response costs for consideration in CAT B protective measures in the Public Assistance Process. There were no expenditures for Michael.
- Participated in the Complex Coordinated Terrorist Attack gap analysis through VDEM and Homeland Security.
- Participated in regional after-action meeting concerning Florence. Took concerns with the zoned evacuation to the table, along with a suggestion to leave the zone areas but implement them by locality in the future. Also, discussed concerns over the timing of evacuations and the lifting of the evacuation order.
- Participated in planning meetings and will participated in the Boy Scout Camporee that was held on Chincoteague, October 26 – 28. This year's theme was "Emergency Preparedness"



**MINUTES OF THE OCTOBER 2, 2018
PUBLIC SAFETY COMMITTEE MEETING**

1. Chairman Leonard called the meeting to order at 17:02

Present: Mayor Leonard, Chairman
Councilman Edward Lewis
Bryan Rush, Director of ES
Randy Mills, Police Chief
Bryan Lewis, Major
Nathan Clark, Chief, Volunteer Fire Company

Absent: Councilwoman Denise Bowden

2. Public Participation

Mr. Alex Hubb stated that he would like to repeat his concerns of lawn mowers and debris that he voiced to Council in last night's meeting. Mr. Hubb stated that Virginia Code 18.2-324 defines debris in road from lawn mowers. He advised 75 people are killed by road debris from lawn mowers every year and 20,000 are injured. Mr. Hubb states that the adage "nothing bothers you until it happens to you" applies here. Mr. Hubb states he would like to see some type of law/ordinance that makes operators of lawn mowers have guards in place and not blow debris in streets.

Agenda Adoption

A motion to adopt the agenda was made by Councilman Lewis and seconded by Mayor Leonard. Motion unanimously passed.

3. Emergency Management Report

**Submitted by Bryan Rush
September 27, 2018**

PLANNING

ANTARES

NASA Emergency Management reports that the next scheduled Antares launch will be no earlier than November 2018. There will be a meeting with NASA, USFW, NPS, USCG, Accomack County, and the Town of Chincoteague as the launch date is confirmed to develop a response plan to the event utilizing guidance from the Town of Chincoteague (STAR) Space Tourist Action Response Plan.

LARGE EVENT PLANNING

Planning for the next Antares Launch and the Oyster Festival are on-going. Best practices from previous after-action reports (AAR) are being used to develop response plans. The Medical Reserve Corps (MRC) will be providing first-aid for the Antares Launch and the Oyster Festival. An incident action plan (IAP) is developed for each event.

HURRICANE EVACUATION STUDY

VDEM is still assisting FEMA with local input conducting the hurricane evacuation study which will include the Eastern Shore this time. The study will be on-going and can be utilized to plan evacuations, as a great deal of data must be considered.

BOYSCOUT CAMPOREE

The planning process for the Camporee is in its final stages. The estimated 320 campers and their leaders will arrive Friday, October 26, 2018, and set camp at the KOA. Campers will be shuttled via the Pony Express Trolley to the carnival grounds on Saturday, October 27, where various displays, demonstrations, and inter-active programs will occur. The scouts will parade to the USCG station for lunch and back to carnival grounds. Upon wrap up, the scouts will have a bonfire on the beach that evening and will then depart on Sunday, October 28. We are actively participating, since this year's theme is Emergency Response.

EVACUATIONS

Due to the evacuation order given by the Governor during the Hurricane Florence response, the Shore localities have been discussing the situation. At no time in the past has the state government interfered with a localities decision to evacuate. We want to get this message back to VDEM in a clear and concise manner to avoid the confusion and what was an unnecessary action that may have affected the local economy during that time period as well as our messaging to those we serve. This will be initially addressed through the AAR VDEM is compiling for the event.

LOGISTICS

LOCAL EMERGENCY MANAGEMENT PLANNING GRANT

Application process for the Local Emergency Management Planning Grant (LEMPG), which is a matching grant of \$7,500, is in progress. The grant is offered by VDEM to enhance emergency management training and response of the locality.

EMERGENCY MEDICAL SERVICES

June through September of 2018 has shown response numbers just slightly above than the same time period in 2017. 450 calls have been logged so far for the time period, compared to 444 last year for a difference of 6 more calls.

OPERATIONS

DAILY WEATHER MONITORING

Daily weather monitoring is on-going, with situational awareness emails sent to department heads and staff as necessary.

HURRICANE FLORENCE

The Town initiated Hurricane Readiness Condition 3 for Florence. Daily briefing meetings occurred for four days, until the threat level decreased. The Town was back to Hurricane Readiness Condition 5 by Friday, September 14. No recovery process was initiated, as there were no related expenditures or damage.

TRAINING

HVX

Bryan Rush completed HVX training. HVX is the new web-based version of Hurrevac and is currently a stand beside for this hurricane season; however, it will become the primary tool in 2019.

PUBLIC INFORMATION

PREPAREDNESS

Disaster preparedness information will continue on the Town's web page and information kiosk in the office.

FLORENCE

Daily PSA's were issued for Florence to provide an accurate flow of information to the public. This was a difficult process for the planning team due to the Governor's actions and messaging.

The Hurrevac Decision Making Assistance Tool has had its yearly update from Sea Island Software. This will be the last year of Hurrevac use. Beginning in late summer of 2018 HVX will be used. HVX will be a more robust software incorporating Hurrevac, SLOSH Modeling and Evacuation software.

4. Chincoteague Volunteer Fire Company Report

Chief Clark advised that the new fire station was slated for completion at the end of November or first part of December of this year. He advised that the first priority would be to move the career staff into the new facility. Director Rush advised that he has told his staff that the move in won't be until January if all is completed by then due to all the holiday schedules. Chief Clark advised that the department had a successful July 4th, Carnival, and Pony Swim thanks to Director Rush's guidance from a safety perspective.

5. Discuss "No Parking" Zones on Anderton Avenue

Director Rush advised that an email had been received by Director Spurlock from a Mr. Marks concerning parking on Anderton Ave. Mr. Spurlock had advised Mr. Marks of tonight's meeting to present his concerns. No one was present with concerns and no action was discussed.

6. Committee Member Comments/Other Discussion

Mayor Leonard stated that Mr. Hubb's concerns need to be evaluated and some direction set forth. Chief Mills reported that he had been researching state laws today and did not find any mention of grass clippings. He further researched local ordinances and did find a reference to grass clippings which stated that they clippings were to be removed from the

street immediately. Chief Mills advised that Major Lewis had also assisted him in the research.

Mayor Leonard asked Chairman Rosenberger if the topic had ever come before the Planning Commission and Chairman Rosenberger advised that it had not. Chief Mills advised that they had found a local ordinance on “slop” with some mention of vegetation. He further advised that he believed the state code on debris was focused around motorcycles. Mayor Leonard advised that he would like to see something addressing this issue come from this committee and be sent to Council for action. Mayor Leonard suggested that some wording include “putting chutes down”. Councilman Lewis asked if the Town employees were following this. Mayor Leonard advised that he would look into it, so that we set a good example. Mayor Leonard advised Chief Mills to look into what other communities are doing about debris in the roadway and chutes on lawnmowers. Mr. Hubb interjected that he had researched Miami, FL and Kansas City, MO. Mayor Leonard advised Chief Mills to report back at the next Public Safety Meeting.

Mr. Hubb asked as to what to do should a citizen see a violation now. Mayor Leonard advised that there was nothing that could be done about the chutes not being down but the police could write a citation for grass in the roadway. Chief Mills advised that a “chute” law could be enforced to the letter but the Town could find themselves in a miserable place. Councilman Lewis suggested that the officers educate the public.

Fire Chief Clark questioned as to an ordinance on Sunday grass cutting. Chief Mills stated that the ordinance referenced noise and named specific devices. The ordinance allowed those devices from 7AM to 9PM Monday – Saturday but did not mention their use on Sundays. Chief Mills further stated that it would need to be a citizen complaint and not just an officer witnessing the noise for it to be enforced.

7. Adjournment

A motion to adjourn was made by Councilman Lewis and a second given by Mayor Leonard. The motion was unanimously approved.

The meeting adjourned at 17:26.

MINUTES OF THE OCTOBER 4, 2018 *CURTIS MERRITT HARBOR COMMITTEE MEETING*

Committee Members Present:

J. Arthur Leonard, Chairman
Matthew Reed, Councilman
Mike Handforth
Danny Bowden

Staff Members Present:

James West, Town Manager
Vernon Merritt, Harbormaster

1. Call to Order

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

2. Public Comment

There was no public comment.

3. Agenda Adoption

Councilman Reed motioned, seconded by Mike Handforth to adopt the agenda.

4. Harbor Master's Report/Updates

Harbormaster Merritt spoke about the work done last month. The staving and the addition of the bulkhead in the northwest corner has helped with the surge in the Harbor.

The permit for the floating dock came in today and the materials were ordered. The contractor that will supply the materials is Ravens Marine.

The cost of the dock and the catwalk is \$111,683.00. We will get \$94,000.00 from the Port Authority to help with the cost.

A bid will be put out for someone to pump the new poles, put the dock together and take out the old poles and catwalks from five slips.

We will be losing 5 slips but will be gaining 26 slips. Two slips will be added later to the handicap dock.

A meeting will be held on October 18th with OPW concerning a new fuel system.

This winter the fuel tank will be painted and the fence will be taken down in the northeast parking lot and the area cleaned up.

5. Committee Member Comments/Other Discussion

Danny Bowden suggested putting the fence back to keep the trash out of the Harbor. He also asked about how long the floating dock was going to last. Town Manager West stated he thought it would last around 15-20 years, although the manufacturer states 35 years.

Harbormaster Merritt stated he thinks the fuel pumps are in good shape but the system needs to be upgraded.

Wayne Lewis asked about dock boxes on the new pier.

Mr. Mike Handforth stated fishing in the Harbor has been a problem. There are kids running around, tents are being set up, and parking is an issue. He would like to only allow fishing from the end of September until the beginning of May.

Chairman Leonard thanked Harbormaster Merritt for keeping the Harbor in order and bringing in revenue.

6. Adjournment

Mr. Mike Handforth motioned, seconded by Councilman Reed to adjourn the meeting.

MINUTES OF THE OCTOBER 9, 2018 BUDGET AND PERSONNEL COMMITTEE MEETING

Members Present:

Ben Ellis, Chairman

Gene Wayne Taylor, Councilman

Arthur Leonard, Mayor

1. Call to Order

Chairman Ellis called the meeting to order at 1:00 p.m.

2. Public Comment

There were no public comments.

3. Agenda Adoption

Councilman Taylor motioned, seconded by Chairman Ellis to adopt the agenda. Unanimously approved.

4. Report on VDOT Reimbursements

Town Manager West told the committee that he has been trying to close the VDOT grants. These grants are concerning the 2C, 2D, and the Safe Routes to School projects. After what we owe them and the amount they owe us, the balance the Town will receive is \$51,114. The way it will work is that they will pay us first and then we will pay them the amount that they are owed. Town Manager West will be working with VDOT on this process. He will also report to Council on this matter.

5. Capital Spending Plan

This is the first attempt at a capital spending plan. Staff members worked on this in order to do a better job at future planning for the Town. There will be future meetings concerning this plan.

6. Committee Member Comments/Other Discussion

There were no comments.

7. Adjournment

Councilman Taylor motioned, seconded by Chairman Ellis to adjourn the meeting. Unanimously approved.

**MINUTES OF THE
PLANNING COMMISSION MEETING
TOWN OF CHINCOTEAGUE, VIRGINIA
October 9, 2018 - 7:00 P.M. – Council Chambers**

Commission Members Present:

Mr. Ray Rosenberger, Chairman

Mr. Ben Ellis, Councilman

Mrs. Mollie Cherrix

Mr. Robert Shendock

Mr. Steve Katsetos

Mr. Michael Dendler

Staff Present:

Kenny L. Lewis, Staff Support

Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

Invocation

Councilman Ellis offered the invocation.

Pledge of Allegiance

Chairman Rosenberger led in the Pledge of Allegiance.

Public Participation

Mr. James White spoke regarding the maintenance of private roads and the requirements for the Town to take over private roads.

Agenda Additions, Deletions and Adoption

Mr. Katsetos motioned, second by Mr. Dendler to approve the agenda. All in favor, motion carried.

1. Approval of the September 11, 2018 Regular Meeting Minutes

Mr. Katsetos motioned , Second by Mr. Shendock to approve the minutes. All in favor, motion carried.

2. Public Hearing for Wayside Vendors

Mr. Lewis read the proposed changes to the zoning ordinance as advertised for this public hearing:

Delete

~~Sec. 2.179. Wayside stand/market, roadside stand.~~

~~Any structure open on at least one side or land used for the sale or resale of products used by individual purchasers.~~

Add

Sec. 2.179 Wayside Vendors (see Section F-1 Wayside Vendors)

Add

SECTION F-1: Wayside Vendors.

Mobile Food Units: Cargo type trailers that are fully self-contained “kitchens on wheels” that are pulled to various locations.

Pushcarts: A device that is designed to be pushed or pulled to various locations. Usually a hot dog or snow ball unit and similar type sales.

Vending Trucks/Vans: A enclosed commercial truck /van used to sell commercial items.

Produce or seafood units: Utility trailers, pickup truck beds or open trailers that are open on all 4 sides pulled by a motor vehicle or driven to the site used to sell seafood, produce or similar products.

- (1). No flags, signs, or any attachment to the units are permitted unless imprinted on the unit. (permanent decals or painted art work)
- (2). Only one wayside vendor is permitted on a parcel. Special Events are exempt from this requirement. For the purpose of this section a “Special Event” shall be defined as any event where a large number of the public are brought together to watch or participate. A Special Event is conducted for a limited number of days not exceeding 14 days.
- (3). Wayside vendor units shall comply with C-3 Corridor Commercial setbacks.
- (4). Each Wayside vendor shall have a minimum of 4 parking spaces. (see parking requirements in Sec. 6.6 Parking) Push carts are exempt from this requirement if such complies with Section 18-94 “Peddlers” of the Town Code.
- (5). No additions shall be permitted to be attached to the units. If accessory structures are requested, no such accessory structure shall be closer than 3’ from the unit.
- (6). Units must be removed from property from November 1 through March 1.
- (7). The above regulations shall apply to all Wayside Vendors whether the unit is licensed through DMV or not.

C-1 Neighborhood Commercial

Delete

~~4.1.11 Wayside stands, tailgate sales.~~

C-2 Old Town Commercial District

Delete

~~4.4.29 Wayside stands, tailgate sales.~~

C-3 Corridor Commercial District

Delete

~~4.7.12 Wayside stands, tailgate sales.~~

Add

4.7.12 Wayside Vendors

C-4 Resort Commercial District.

Delete

~~4.10.11 Wayside stands, tailgate sales.~~

Mrs. Pat Farley spoke against some of the proposed changes. She advised she is a frequent customer of the existing food trucks. She proposed that signage regulations should be the same as for other businesses, instead of limiting food trucks to one per parcel there should be a square footage requirement for each unit, allow food trucks in different zoning districts and it is unfair to limit the food trucks to certain times of the year.

Scott Landolt spoke against some of the new regulations. He advised that without central sewerage people are restricted in opening of food establishments. He advised he agreed with what Mrs. Farley said.

Darrell Chrisman spoke against the proposed changes. He advised that tying a hot dog cart to section 18-94 Peddlers of the Town Code is unfair due to time restrictions. He also felt that the restrictions that require the removal of the units from November through March is unfair. Mr. Chrisman also voiced his objection to only allow food trucks in C-3 District.

Joan Everingham spoke in favor of the proposed changes. She felt that with additional food trucks this could look like a carnival town. She felt that the rules are needed.

Caitlyn from PICO's spoke against the proposed changes. She felt that food trucks are the only way a person can open a food business. She advised that over a million people come to Chincoteague each year and need a place to eat. She advised they hire 12 people each year and pay over a hundred thousand dollars for land rent, meals tax and other donations to the community. She felt the Town is limiting these types of businesses.

John Owen co-owner of Lilly's on Maddox Blvd. He advised he had a issue with having to pull out the food trucks at certain times of the year.

Janet Trader spoke against the new regulations. She advised does business with all of them in a year. She advised she has 10 grandkids and the food trucks are easier to get the kids a meal instead of being in a restaurant. She is against having to remove the food trucks from November to March.

Tina Zoller advised she does have a restaurant for sale on Ridge Road.

Jenni Chapman, co-owner of Black Narrows on Chicken City Road talked about what she liked about the island. She felt that it is good to allow people to open a new business here in Chincoteague.

John Richstein advised that a lot of his customers ask for good places to eat. The customers that have gone to the food trucks really like the food. He asked the Commission to work with the food vendors.

Mr. Kasetos felt that the Commission needs to relook at the number of units permitted on a lot and to relook at requiring them to remove the food trucks during the year.

Mr. Rosenberger advised the public that the Council wanted them to take a look at the food truck regulations and come up with a balance for everyone. He advised that it is not the intent of the Commission to take away people's rights.

Mr. Ellis questioned if the new restrictions more restrictive than that of mortar businesses. Mr. Lewis advised that a feather flag is not permitted, however if they are placed on the unit we can not do anything about it.

Mr. Rosenberger felt that the Commission needs to do some research on this matter and recommended to not to act on this matter tonight. Mr. Katsetos motioned to table this matter until next month. Mr. Dendler second, all in favor.

3. Comprehensive Plan Review

Mr. Shendock requested to get back the flash drives he gave to the members so they could be updated. Mr. Shendock advised all but one document is on the flash drive. Mr. Shendock requested that the Commission review Chapter 1 and 2 at the November meeting.

Mr. Rosenberger requested that the maps be made larger. Mr. Lewis advised he should be able to put them on 11” x 17” paper.

4. Work Plan

The Commission reviewed the updated work plan.

5. BZA Meeting of October 11, 2018

Mr. Rosenberger advised that the new motel installed a large sewer plant along the property line of Water’s Edge. The Water’s Edge Association has requested to put a 6’ fence along the property line as a noise barrier and a visual barrier.

The Commission agreed to advise the BZA that they are in support of the proposed variance.

6. Announcements or Comments

No comments.

Adjourn

Chairman

**MINUTES OF THE
BOARD OF ZONING APPEALS
OCTOBER 11, 2018 AT 7:00 P.M.**

Members Present:

Robert Cherrix, Chairman
Chuck Ward
Jack Gillis
Archie Shipe
Donald Thornton
David Landsberger
Mike McGee

Call to Order

Chairman Cherrix called the meeting to order at 7:00 p.m.

1. Approval of minutes of July 12, 2018.

Motion by Mr. Gillis, second by Mr. Thornton to approve the minutes of July 12, 2018 as presented. All in favor. Motion carried.

2. Appeal 18-10-01 A request from the Landings at Water's Edge HOA, LLC for a variance from Article 4, section 4.4.39 (1) of the Zoning Ordinance of the Town of Chincoteague. The applicant wishes to construct a 6' solid fence along the north property line along the roadway of Water's Edge for a distance of 268'. Current zoning prohibits a 6' solid fence from the rear of the main structure forward to the front lot line. This property is zoned C-2 Old Town Commercial.

3. Public Participation

None

4. Board Action on Appeal 18-10-01

Mr. Ray Rosenberger spoke as the Chairman of the Planning Commission. He advised that the Commission felt this request should be granted. Marina Bay could have put the fence in without an appeal.

Mr. Landsberger questioned why they don't have a fence around the dumpster. Mr. Lewis advised the zoning ordinance allows them to install a 6' fence around the dumpster but they chose not to install one.

Mr. Landsberger questioned the blue markings and the red markings on the site plan. Mr. Lewis advised that the "blue" marking is where the existing 3' fence will stay as is, the "red" is where the proposed 6' solid fence will go.

Mr. Landsberger asked if the town has been to the property to measure the noise from the sewerage system. Mr. Lewis they do decibel reading upon complaints from a property owner.

Mr. Ward had concerns that the applicant did not show up for the meeting. The Board cannot ask specific questions to the applicant.

Mr. Landsberger motioned, second by Mr. Thornton to approve the request. All in favor. Motion carried.

Mr. Cherrix requested that the Planning Commission look at this issue to see if a property owner can be made to put a fence around a septic system or dumpster.

5. Adjourn

Mr. Cherrix adjourn the meeting.

Robert Cherrix, Chairman

Chincoteague Recreation and Convention Center Authority
Board Meeting October 15, 2018 at 3:00 p.m.

Members present: Shotwell, Wilder, Ellis, Beitzel, Van Dame, Zoller, Stanfield

Staff present: Jessi West, Michaila Webb

The meeting was called to order at 2:58 p.m.

Treasurer's duty: Reconciliation Summary for period ending 8/31/18 was initialed and given to Ms. West.

Board Meeting Minutes unanimously approved from the September 24th, 2018 board meeting.

September Profit & Loss and Financial Statements were unanimously approved. Ms. Simpson (Bookkeeper) did some initial investigating on the negative Accounts Receivable number on the Balance Sheet from August. She will need to get feedback from the Accountant.

Director's Report: Jessica West

- Building Maintenance/Equipment Maintenance
 - Jack Tarr has fixed the lighting issue (with the florescent units and the incandescent cans in the main hall) but it is temporary since wiring will be an ongoing issue until corrected. It was reported that this is in no way a safety issue but could impact reliability for on demand use. Main hall need attention but the classrooms can be left as is for now. Ms. West is working on getting a quote on the replacement of the can light and florescent systems in the Main Hall.
 - Over the past week, moisture has started seeping through the bathroom walls and the administrative office walls. Dean will put sealant on the exterior walls in the trouble areas.
 - The Center's boiler system has 2 pumps. About a year and a half ago, the main gasket to one of the two pumps started leaking. The repair was nearly as expensive as the replacement of the entire pump. The entire pump was replaced at that time. The plumber let Ms. West know that he wouldn't be surprised if we had the same issue on the other pump in the next 6 months. The second pump lasted a bit longer (year and a half) than anticipated but is facing the same issue. The new water pump will be installed later this week.
 - There was a faulty light in The Center's awning that has been repaired by Mr. Butler.
- Recent Event Update
 - **Navy Ball 10/13/18:** Navy Ball was a huge success. Professional photographer took pictures of the event for ad use. The Navy representatives were very pleased with how smoothly the planning process and actual event went.

- **Intrepid Health Care Blood Pressure Monitoring 10/11/18:** Intrepid set up on 10/11 but left early at 11:30 a.m. Afterwards, two people showed up to have blood pressure taken. Intrepid has not been entirely reliable about being set up and ready to take blood pressure readings at the agreed upon dates and times. Board agreed The Center is not a good fit for Intrepid. Ms. West will reach out to them and let them know.
- **Marsh/Ferebee Wedding 10/6/18:** The Marsh/Ferebee wedding had about 100 guests. The event only went until 10pm. The bride and groom were pleased. It was a successful event.
- Upcoming Events
 - **Gonzalves Quinceanera 10/20/18:** We are anticipating approximately 350-375 guests for this party.
 - **Yard Sale 10/27/18:** We have already sold many tables and booths for the Yard Sale but anticipate selling more in the week leading up to the event. The last 2 yard sales have had a lot of last minute bookings. The Chincoteague Beacon unfortunately ran an old ad with the incorrect date this week but they will run the correct ad next week.
 - **Denby/O’Flynn Wedding 11/3/18:** This is a 150-250-person event. The Center is still awaiting the final head count and is in the final planning stages with the bride and groom.
 - **Polling Station 11/6/18:** The Chincoteague Center will serve as a polling station on 11/6/18.
 - **Captain’s Cove Member Meeting 11/10/18:** The annual members meeting will be at Chincoteague Center this year. Ms. West is hoping it can become an annual rental for The Center. They are expecting about 100 guests.
 - **WIRA Quarterly Meeting 11/7/18 (New Date):** The WIRA quarterly meeting has moved a week early to keep the week of 11/12-11/18 clear for the Northrop Grumman Antares launch rental. They are expecting approximately 75 guests.
 - **Antares Launch 11/13-11/16/18:** The Northrop Grumman rental is slated for 11/13-11/16. Ms. West is waiting on confirmation on the date from Ken O’Keffe. It should be about a 600-person event.
- New Bookings/Leads Updates
 - **Bluewater Developments 12/7/18:** Mr. Burbage’s company Bluewater Developments will be holding a conference at The Center. They are expecting about 5 guests and will be using the Main Hall and 4 classrooms for break-out sessions. Ms. West is hoping this will become a repeat customer.
 - **Arcadia Class Reunion 6/8/19:** Arcadia High School has officially booked the Center for their high school reunion. More details to come.
 - **Kiwanis Blood Drive 5/2/19:** Ms. West was approached by the Kiwanis Club to hold a blood drive at The Center on 5/2/19. This will be a free

community event if booked but is tentative right now. The Kiwanis Club needs to verify the date with the Red Cross.

- Miscellaneous

- CGI Communications reached out to Jessi for a video ad sale to be posted on the Eastern Shore Chamber of Commerce website. The ads are sharp and modern looking. However, the price tag is a bit out of The Center's marketing budget. Perhaps they will come back with a discount package or The Center can consider in a subsequent year.
- The Inside Chincoteague ad The Center is purchasing comes with a professional photographer shoot. Ms. West has an appointment set up for the Navy Ball. This will allow the photographer to get exterior photographs of the building as well as some interior party setup shots.
- August 3rd, 2019 was discussed as next concert event. Ms. West will check with Wayne George on the availability on the band.

Old Business:

- Board reviewed Sam Serio's counter offer. The board will be sticking with their last offer of \$1,400.00 per day for Thursday, Friday, Saturday and Sunday. They also approved to have the Center available for Sam Serio's set up outside 4 – 8 p.m. on Wednesday at \$400. Ms. West will relay the final offer to Mr. Serio.

New Business:

- Craig Beitzel and Bob Zoller have submitted letters of interest to serve on the Chincoteague Center Board to Jim West.
- Board approved a spending limit of \$5,000 for Ms. West executing Center related costs. Any transactions about that threshold will require board approval.
- Bylaws were approved with changes as presented. Fully executed copies will be distributed for board members' records at next month's meeting.

Next Board meeting Monday, November 19th, 2018.

Meeting Adjourned at 3:53 p.m.

Respectfully submitted by Theresa Stanfield & Jessica West

MINUTES OF THE OCTOBER 1, 2018
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ben Ellis, Vice Mayor
Denise P. Bowden, Councilwoman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, 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. Presentation – Chincoteague Recreation and Convention Center Authority

Mrs. Jessica West, Director of the Chincoteague Center, came before Council to give an update on the progress, improvements and changes at the Center. She reviewed the last 4 years explaining the challenges where it was an underutilized facility with low attendance in a building that needed maintaining. She listed the problems caused by the lack of maintenance that were addressed. She also advised that marketing was addressed. She explained the upgrades and changes that caused the Center to become a professional polished and modern facility. Center Director West advised they addressed the interior and exterior repairs along with the creation of a maintenance plan. She listed the repairs.

Center Director West reviewed the strategic plan and goals. She listed the upgrades and purchased items to enhance the Center and events. She also reviewed the growth over the past 4 years. She advised of the projected events, the increase of the attendants and the increase in community events. She continued reviewing the increase in rental revenue and projected rental revenue. She feels the Center is receiving positive feedback and has made great progress toward the strategic plan. She stated that all signs point to an increase in the Center. She invited everyone to come to an event.

Mayor Leonard stated that when he was first on Council, the Center was poorly run, staffed and managed. He stated that it has gone from a building that has been crumbling to a building that is doing what it should do. He congratulated Center Director West and the Board.

Center Director West thanked Council.

Vice Mayor Ellis stated that for fiscal year 2019 the figures are very conservative. He feels they will grow significantly. He stated that with all the repairs and maintenance that have been addressed, the Board hasn't come before Council requesting additional funds, adding that this has been taken care of on their own. He stated that this is a reflection of the work the Center Director West and the Board is doing. He thanked Center Director West.

Councilwoman Bowden stated that she hasn't been a fan of the way things have been going at the Center. She stated that Center Director West has enlightened her and she appreciates that. She doesn't feel that the Center is used the way it was meant to be used. She sees it going in a better direction.

Center Director West again thanked Council and offered to email the presentation. She concluded that this wouldn't be possible without the Board, the Town and the contributions the Center receives from the Town. She thanked Council for their continued support.

Councilwoman Bowden feels she is doing a great job.

5. Presentation – “Stuff the Trolley”

Transportation Director Welsh advised that the Pony Express was looking into community outreach efforts. He reported that they partnered with community folks, primarily the Library because they are working with the toddlers of the community. He stated that this is a way to teach the toddlers things that are happening in the community like transportation with a program called “Ride to Read”. He also stated that by participating in the community outreach and initiatives they found out that families are spending a lot of money and teachers are spending their own money for school supplies. He explained that from August 20th – 25th they declared it as “Stuff the Trolley” week. This was to help with the expense of school supplies to the local schools. Transportation Director Welsh advised they partnered with the Chamber of Commerce, the YMCA, the Island Clergy Association, and there several people that contributed. He stated that there were numerous collection sites throughout the Island to make it convenient for people to drop off supplies. He stated that on the back of the flyer was a list from the schools of their greatest needs. He listed the partners; The Island Clergy, The Library, Chincoteague Chamber of Commerce, CTG 96.5 who came up with some creative advertising ideas for the merchants.

Transportation Director Welsh explained that if they gave a donation, they would get a certain amount of free advertisement. He stated that the word got out and they were collecting supplies before the week. He also stated that the Kiwanis Club was an active participant. He mentioned the crisis closet at the school and because of the donations the schools were able to take the money to purchase other things like coats and shoes. He reported that they were stationed at the Chamber on a “Crush Friday” with carvers and other attractions to help bring people onboard. He stated that they started on August 21st at the Library and the people came out. He told of a gentleman who left with a list and returned with 2 huge shopping bags of school supplies. He continued that the collected supplies were brought to the Town Office. He also advised that H & H Pharmacy was one

of the largest collection points along with the Dollar General and the Library. He also mentioned that there were private donors.

Transportation Director Welsh stated that the teachers and principals knew this was being done. He stated that when they came to the office to pick up their supplies they were overwhelmed. He added that there is also approximately \$600-\$700 to purchase the items left that they need. He advised they received a very nice thank you card. He commended the High School P.E. teachers for lifting the heavy supplies. He also stated that if you aren't touched by what the community has done he asked that you take a look at it again. He feels there are wonderful caring folks here. He thanked Council for their time.

Mayor Leonard thanked Transportation Director Welsh.

6. Public Comments

Mayor Leonard opened the floor for public comments.

- Ms. Maria Grenchek, the Director of the Museum of Chincoteague Island, came before Council to ask for their support in designating the week of March 17 – 23, 2019 as the official Clean up, Paint up, Fix up Week for the Town. She explained that this week coincides with the Museum's Heritage Week. She advised that the theme for 2019 is "Downtown, the Heart of Chincoteague". She stated that the Museum is currently working with representatives from the Chincoteague Chamber of Commerce, CIAO, CCA, Island Library, Chincoteague Center, the local elementary and high schools and the Mainstreet Merchants. She also stated that this will highlight the history of downtown. She added that they are asking the Town to designate this week as the annual Clean up, Paint up, Fix up Week so that local businesses and property owners are ready to invite locals and visitors to exhibitors and events all over the Island. Ms. Grenchek stated that the Clean up, Paint up, Fix up week dates back to the 1950s and capped off with a parade. She also stated that they aren't asking the Town for additional funding or manpower but for the title and designation to coincide with Heritage Days. She invited everyone to a roundtable discussion at the Museum on October 9th at 10:00 a.m. She explained that they have invited local members of the community to share with their stories and help with the downtown research and preparation of Heritage Days 2019. She thanked Council for their time and support.

- Accomack County Supervisor Billy Joe Tarr came before Council regarding beach parking. He stated that they've been fighting for this for the last 8 years. He added that he attended meetings at the Waterside Motor Inn because of his affiliation to the Chincoteague Volunteer Fire Company. They want to promote economic growth obtaining the ability to attract visitors that can visit Assateague Island by private automobile. He reminded of the past Refuge Manager wanting to transport people by a trolley system. He stated that the committee established goals: The Committee wanted the continuation of the maintenance of 961 parking spaces in parking lot #1 and parking lot #4 as was established many years ago. They wanted an establishment of the beach replenish program, to develop and implement a road map that creates future beach access to an area of Assateague not projected to lose significant beachfront. He stated that Senators Webb and Warner and

Congressman Nye came for political and economic support at the federal level. He stated that they drafted language for beach parking working in partnership with the Town to achieve those goals. He added that they also wanted to have talking points to maintain the beach parking.

Supervisor Tarr stated that with the help of Town Planner Neville a survey was created for the visitors. The survey showed the range of how important beach access is. He reported on those results: 79% of the visitors primarily go to Assateague beach. 98% voted yes to have the beach restored after storm damage. 76.2% supported relocation to a more stable beach with additional parking. There was a strong “no” with 92.3% on the survey regarding a trolley system for transportation to the beach. Visitors expressed high importance of having direct beach parking with 92.6%. He explained that the Community Leaders Committee met monthly. He stated that the current Park Service would do what they could to maintain the current parking as long as they could until this was decided on. He reported that then the Federal Transportation Committee provided the U.S.F&W with a proposal of approximately 6 parking lots approximately 1 mile north of the current beach.

Supervisor Tarr stated that Mayor Leonard, Town Manager West and himself went to review the options and they picked the best parking lot they thought would be for the best experience for the visitors. He also stated that they picked the closest lots to the beach. He stated that they had resistance but stood firm because visitors didn’t want to walk hundreds of yards with beach paraphernalia and children to get to the swimming beach. He advised that he and Mayor Leonard attended a training session at ESCC about a year ago to review a computer program that contained data on the coastline along the Eastern Shore and the Chesapeake Bay. He stated that when they looked at the proposed beach location just a little north they discovered it had not changed, wider or smaller, over the last 100 years. He went back to the location several times to confirm. He stated that he would absolutely love to have the beach parking where it is. However, he advised, there are forces greater than man taking that option away. He continued that the U.S.F&W are making plans with the NPS to build a parking lot just north of the current beach.

Supervisor Tarr stated that he is sure the Town will do everything within its power to make the new location a pleasant experience. He suggested that if they allow, the Town could go over and spray for bugs. He mentioned the trolleys and suggested that one could go over to the beach and take or pick up visitors. He strongly recommended they allow the U.S.F&W and NPS build the parking lot with minimum resistance. He then stated that once they have a stable parking lot north they can attack them to do something to maintain the existing beach. He added that they promised to keep the road open. He advised of a study of Chincoteague Island. He also stated that they have been saving money to help. Supervisor Tarr urged everyone to let the process work and that things don’t happen overnight. He concluded that the whole problem in dealing with the U.S.F&W and NPS is the Town’s fault for letting them purchase the land. He stated that it is the Chincoteague National Wildlife Refuge and the wildlife comes first on a wildlife refuge. He added that it has to remain as if the wildlife is not disturbed. He stated that beach parking is not a priority on the wildlife refuge. He suggested that everyone pray about it.

- Mr. Jim White asked for the status on the Wastewater Treatment Project.

Mayor Leonard asked Town Manager West if there is an update.

Town Manager West referred to the instructions of the public comment. He then advised they are still in a phase of study. They dropped 3 drones into the water to determine what the outfall would be. He reported that 2 out of 3 successfully showed the drone had traveled far outside the inlet. He added that one of them showed it going into the bay, which caused problems. They are at a decision point on whether they want to proceed. The idea was to get a permit to do the studies and VIMS has provided promising data that the Town could get an outfall permit if they discharge deeper in the water column. He stated that the next step is not the survey but to speak with DEQ.

Mr. White asked Mayor Leonard if he could ask more questions.

Mayor Leonard responded that public comment is for public comment not to ask questions back and forth. He explained that when the public steps to the podium Council is prepared to answer those questions.

Mr. White suggested that Council and the Town Manager consider using Virginia based consultant engineering firms. He stated that they know the players in Norfolk and Richmond. He feels the learning curve would be reduced substantially and the Town would have a relationship with the government agencies. He also suggested to start with the tail end of the project by going to the Harbor and ask who the Town should contact that has a say in this. He understands that the DEQ would issue the permit. He asked about the Department of Shellfish Sanitation, the Department of Interior and the Wetlands Board. He stated that if the Town would speak to these agencies they could voice their objections and help the Town to succeed. He added that this would a denial. He added that this is just a suggestion to talk to the people in government who would be willing to help the Town.

- Mrs. Wanda Thornton, 5384 Deep Hole Road, thanked Center Director West for her hard work at the Center. She suggested that she read the legislation of why it was created so she would have an understanding. She stated that the Center is a great thing for the Town and they've been doing a great job. She then advised that she disagrees with Supervisor Tarr. She stated that she has taken several trips to Assateague. She stated that the NPS removed the dunes, dune fencing and dune grasses at the beach which was very important to the stabilization to the dunes. She advised that they removed the dunes and that they did not come down by themselves. She feels the same thing will happen in the new location. She had the Army Corps of Engineers come and look at it with Mr. Lou Hines. She asked them a lot of questions and asked them to come meet with members of the Town Council. They suggested dumping the dredging on the beach, so it would be natural. She stated that the U.S.F&W was not in favor of this because they didn't want anything that would stabilize the beach so that it could be utilized. She also stated that there are a lot of factors in what is causing this to happen, mostly because man manipulated it. She advised she has documentation that the Army Corps of Engineers and the Department of Interior furnishes \$2 million a year to stabilize Assateague Island National

Seashore. She added that they use the excuse for appropriating the money because if the jetty was built it would change the dynamics of the water. She feels that a lot of it changed the dynamics on the Island as well.

Mrs. Thornton stated that she also has a letter from Senators Kaine and Warner. She read an excerpt: "Sir, there should be a full and open communication between the U.S. F&W Service, the National Park Service and the community on these issues such as the lent of the recreational beach footprint forth and Fish & Wildlife and other relevant agencies should take measures to address current vulnerabilities of the regional geography. These include maintaining Assateague Island as a barrier island for Chincoteague Island protecting the recreation and shellfish industry activities in Tom's Cove and guarding the impact of the federal facilities at Wallops Island." She added that if the Town sits by, lets them do what they're going to do, let the beach go flat and wash all the sand in Tom's Cove, the Town will lose everything that's there. She stated that there are millions of dollars' worth in clams and the livelihood of people that live here. Her position is to not sit down and roll over because someone in the federal government says they must, the Town doesn't have to do it. She suggested planning a strategy, lobbying the agencies and working hard at it. She feels they should fight because this community's health, safety and welfare are at risk. She stated that the natural resource at Tom's Cove is far more important than anything that the Park Service or Fish & Wildlife can put up. She added that they do not have all of the environmental permits and have to go through a process to get it. She doesn't believe that the Director of Natural Resources in Virginia is going to be happy destroying everything in Tom's Cove along with a lot of other resources. She urged Council to protect Chincoteague at all cost.

Mrs. Thornton added that she has met multiple times with the Army Corps of Engineers to try and figure out different areas and they want to help Chincoteague. She advised that the hindrance is the U.S. Fish & Wildlife.

- Mr. Alex Hubb, 3015 Ridge Road, commented on 2 public safety issues. He stated that 2 weeks ago, his car was struck and dented by debris from a riding mower on Willow Street. He advised that in the other states he resided, there were mower guard laws so that debris would stay local. He stated that there is a law in place on Chincoteague but isn't enforced. He also stated that his car was hit and has 3 dents on the door the size of a silver dollar. He asked what would have happened if he was on a bike or a child was on a bike or if he was in a convertible or a pedestrian. He commented on the force to cause multiple dents. He suggested requiring guards which cost approximately \$20.00. He requested Council review this matter and invoke an enforceable rule. He also suggested putting a note on the water bill or with the Business License renewals to get the word out.

Mr. Hubb also addressed street lights. He stated the street lights aren't missed until they aren't working. He stated that he rode out about a month ago on 3 streets and 6 lights were out. He stated that he rode out again and those 6 street lights are still burned out. He has talked to someone who works for ANEC and was directed to the Town. He stated that someone from the Town has to report it to them, so they can schedule ANEC to repair it.

7. Agenda Adoption

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

8. Staff Updates

Police Department:

Chief Mills advised that the report is in the packet. He also added that the Department held the 14th Annual Ride for Kids Poker Run. He commented on the weather. He stated that it went well. He advised that without the help of Mr. Tommy Clark of Don's Seafood Restaurant it would have been devastating. He added that Mr. Clark closed his restaurant, so they could hold the auction inside and he helped a lot. He reported that they were in storm planning mode along with in-house training. He stated that last year they participated in the "No Shave November" charity. He also stated that the officers enjoyed it so much last year that they would like to do it again and possibly a little longer. He reported that they would like to donate the proceeds to a local charity. He added that they have reported street lights out and ANEC is aware.

Public Works Department:

Public Works Director Spurlock reported that in addition to his monthly report an application was submitted to American Tower to put a gateway on the cell tower. He was notified that the application was approved but is unsure about the cost. He advised that they have approved installation of another gateway at 150' which will enhance the radio read meter system.

Councilman Ellis asked for an update on the blinking sign at the Ridge Road, Chicken City Road and Church Street intersection.

Public Works Director Spurlock stated that he has a couple of quotes which will be presented at the next Public Works Committee meeting.

General Government:

Town Manager West advised that they placed an advertisement on the website of current committee openings. He stated there is an opening on the Planning Commission with 3 who have expressed interest. He proposed to put this item on the October 18th agenda. He stated that there are 2 expiring terms on the Recreation Committee and 2 on the Center Authority. He has had 1 person who expressed interest.

9. Committee Reports

- **Budget and Personnel:**

Councilman Ellis advised they discussed tax allocations to the Center and Chamber. He reminded that Council passed a cap on this a couple of months ago. He stated that as a

result a Meals Tax Committee will be appointed by Mayor Leonard. He also reported that they discussed the vehicle license sticker that will be discussed later in the meeting which would result in an ordinance revision.

10. Consider Adoption of the Minutes of the September 4, 2018 Council Meeting.

Councilwoman Richardson referred to page 17 the 2nd sentence: “He stated that there is a flashing intersection ahead light on Church Street.” She asked for clarification.

Public Works Director Spurlock advised it isn’t flashing, it’s just an intersection ahead sign.

Councilwoman Richardson asked to remove the word “flashing”.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the September 4, 2018 Council Meeting as corrected. Unanimously approved.

11. Consider Award of Contract for Fall Paving

Public Works Director Spurlock stated they put out a bid for Main Street from Church Street to Maddox Blvd. and Maddox Blvd. from Main Street to Deep Hole Road. He added that it is the same footprint as replacing the sidewalk. He advised that Branscome Eastern Shore was the sole bid with \$219,985.65. He added that they will be using a VDOT approved mix that will look a little different and make improvements there. He reported that they started on the sidewalks on Maddox Blvd. He explained that to work in the lighted intersection the traffic light must be turned off and VDOT will schedule this.

Councilwoman Richardson motioned, seconded by Vice Mayor Ellis to award the fall paving contract to Branscome Eastern Shore with a total bid of \$219,985.65. Unanimously approved.

12. Clean up, Paint up, Fix up Week Proposal

Mayor Leonard stated that there was discussion about Clean up, Paint up, Fix up Proclamation week which is done every year. He asked to add the proclamation to the next meeting agenda for October 18, 2018.

Council concurred.

13. Consider Award of Floating Dock Materials Purchase

Mayor Leonard stated that Town Manager West has been working on the plans for the floating dock which will add to the marina. He feels there will be more parking for the boats and add a safe way to load.

Town Manager West felt his estimate was off. He advised they went to the Virginia Port Authority asking for a grant. He stated that at that time it said it was for 22 slips at the cost

of \$125,000. He advised the Virginia Port Authority agreed. He explained that he thought he missed the estimate and a bid package was created for materials only hoping to save some of the overhead. He stated that he did this in a different way, so they could make an award by trimming it to 18 slips with a bid option for an additional 8 slips for a possible 26 slips. He outlined it in the package 3 ways that it could be awarded. Town Manager West explained that the 1st is to award the base bid in consideration of the cost to install it. He added that it would be approximately \$97,000 leaving enough for the grant and come up with something else to do whether it's the slips or not. He stated that the 2nd option is to award the base bid plus the option which is all 26 slips. He added that this would overrun the project cost projection by approximately \$8,683. He advised that in order to fund this he would draw from the reserve just as he would to meet the match for the grant. He stated that he can now go back to the low bidder and negotiate.

Mayor Leonard asked how many slips they would be losing.

Town Manager West responded that they would be losing 5 slips, however gaining 20 slips in the end.

Mayor Leonard commented on the slip lease and the increase of \$12,000 in one year. He stated that he has been to many communities with floating docks and they're much safer and can be removed during the winter.

Councilman Taylor motioned, seconded by Councilwoman Richardson to award the purchase of floating dock materials to Ravens Marine for \$108,683. Unanimously approved.

14. Proposal to Eliminate Current Vehicle 'Decal' Process

Mayor Leonard stated that Town Manager West has crunched numbers and advised of the amount of money the Town could possibility lose because of uncollected taxes.

Councilman Lewis asked Town Manager West if he could make up the loss.

Town Manager West believes he can by collecting tax for rental vehicles which was paid to the County by mistake and recovering funds from franchise taxes that were given to the County by mistake. He feels that by not having people stand in line this frees up staff to collect taxes. He stated that the Town isn't getting rid of the fee, only the sticker. He added that the decal charge will be on the tax bill. He feels the convenience is worth it. He stated that this doesn't include the ramp stickers. He also stated that the sticker is not a fee it is a tax. He explained that the boat ramp sticker is a user fee and there will be a code change to correct this. He stated that they have reached a decision point and it has to be done now because they have to get the data from the County and send it to the software company to add the amount on tax bills.

Councilwoman Bowden asked about DMV stops on those vehicles whose personal property taxes were not paid.

Town Manager West advised they would continue with the DMV stops. He added that it's challenging if anything changes. He explained that the stop only works on a vehicle and if that vehicle is sold the DMV stop can't be placed.

Councilwoman Bowden doesn't think anyone minds paying the decal tax if they didn't have to come into the Town office. She commented on coming into the office seeing staff do nothing but decals all day long. She is in favor and wants to try. She added that it's a process getting decals with multiple vehicles and she would prefer to see it on the bill.

Councilman Ellis feels the productivity of staff has a value. He stated that if the Town Manager discovers that they have to conduct a public hearing would this give the timeframe needed for the software company.

Town Manager West proposes that they notify the software company of the change and if there is a need to change the code they can have a public hearing later. He doesn't feel there is anything in the language that will be protested.

Councilwoman Bowden motioned, seconded by Councilman Reed change the process of the collection of Town vehicle decal taxes and include the decal tax in the annual personal property taxes. Unanimously approved.

15. Adoption of Resolution in Support of the CTAC

Mayor Leonard read the Resolution to help the CTAC apply and receive grant funding.



**RESOLUTION
IN SUPPORT OF GRANT FUNDING FOR THE COMMUNITY TENNIS
ASSOCIATION OF CHINCOTEAGUE**

WHEREAS, the public tennis courts located at Memorial Park on Chincoteague Island, Virginia, have for many years been a great asset to our community, providing recreational opportunities enjoyed by residents and visitors alike, and

WHEREAS, these community tennis courts are used to teach and promote the enjoyment of the sport of tennis through workshops and camps operated by the YMCA, the Community Tennis Association of Chincoteague and other organizations, and

WHEREAS, the Town of Chincoteague has partnered for many years with the Community Tennis Association to maintain the courts and make continual improvements to ensure they are always in good playing condition, and

WHEREAS, Island weather conditions and tidal conditions often pose challenges in maintaining and improving the courts, and

WHEREAS, costs of maintenance and improvements which include general repairs, resurfacing, and repainting, fencing, wind screens and the like have become increasingly more expensive and difficult to fund.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE that the Town of Chincoteague fully supports the efforts of the Community Tennis Association of Chincoteague to obtain grant funding through the United States Tennis Association in order to continue to maintain and enhance the Community Tennis Courts located at Memorial Park, Chincoteague Island, VA.

Adopted by the Town Council of the Town of Chincoteague Island, Virginia on the 1st day of October 1, 2018.

J. Arthur Leonard, Mayor

Attest:

James W. West, Town Manager

Councilwoman Richardson stated that the Tennis Association never asks for money that they don't have money up front.

16. Mayor & Council Announcements or Comments

Councilman Reed commented on grass being blown in the street. He referred to when he was younger and didn't worry about it being in the street or on other people's cars. He remembers that there used to be a fine which it's still there just not being enforced. He stated that there is a lot of grass being blown on the streets and it's trashy looking. He asked who would enforce this.

Chief Mills advised the Police Department.

Councilman Reed also stated that they are getting ready to do paving and sidewalks at the foot of the bridge. He suggested having the drainage issue resolved there as well. He stated that he is tired of driving his vehicles through salt water there. He also stated that it's coming up through the drain. He has talked with Town Manager West about this who stated they should address this with VDOT. He wants it done before they fix the road and sidewalks there to keep the salt water out of the intersection.

Councilman Reed also advised that there were people that didn't want the schools to have scrolling signs. He then asked why they would want to put flashing lights at an intersection. He is opposed to the flashing signs and doesn't believe that Building and Zoning Administrator Lewis would want one by his house flashing all the time. He then referred to the storm. He advised he had a few business owners that complained that the Town jumped the gun a little on running people out of Town. He understands that the Governor ordered Zone A to be evacuated.

Mayor Leonard explained that in the meeting with the Director of Emergency Services, Bryan Rush and many others, waited to hear the Governor speak. He stated that it was a question and answer session. He also stated that then they made Zone A mandatory evacuation, they were the 2nd people to jump in and let them know it doesn't take Chincoteague as long to evacuate as it does Hampton Roads. He added that the state didn't care that they made it mandatory for all of Zone A. He advised that he felt powerless. He stated that the Post Office and banks were closing and then the Refuge closed because the Governor ordered it. He advised that his business suffered as well. He stated that he along with the Director of Emergency Services will attempt to let the state Emergency Management Team know about it.

Councilman Taylor stated that everyone should count their blessings that they weren't hit like North Carolina with all of the water they're dealing with. He asked for prayers for them. He stated that it was much easier to deal with the category 1 storm than for the previously predicted category 4.

Councilman Lewis agreed with Mrs. Thornton that they need to fight for the beach. He stated that they know when they move the parking lot the Wildlife Refuge won't let the Town spray for the flies. He feels the Town should fight them every way they can. He feels there has to be more.

Councilman Ellis thanked those who came to the meeting this evening, especially those who spoke. He stated that it is heartening to see people attend and speak at the meetings. He feels the more people they have involved with the Town government to share their opinions and feelings the more effective the Town government will be.

Councilwoman Bowden again thanked Center Director West and stated that she made her feel better about how the Center is going. She expressed her deep concerns. She stated that it took Tangier 25 years for approval for a jetty which is unacceptable. She also stated that Congress can't agree on anything and she doesn't trust them to do anything for the Town. She added that she was on the Beach Access Committee where they will tell you one thing and do something else. She added that this is an election year and they will say what you want to hear. She has no faith that they will do what is best for Chincoteague. She feels it's up to Council and the citizens of this community to stand up and fight. She believes if they move it where they propose that it will cripple the economy of this town. She mentioned the flies and mosquitoes and the lengthy walk that will deter visitors. She stated that when she was young the dunes and steps were there. She feels it was much better than going to the proposed location. She doesn't see it happening.

Councilwoman Richardson feels the same way. She has never liked what they are proposing. She also recalled the dunes adding that they were removed. She strongly feels they should do everything they can to maintain where it is and maintain the southern end. She is concerned with the wave action at the Inlet. She added that they can do it and the Town needs to do everything within their power to maintain the southern end of the beach. She mentioned the point and suggested lobbying the Congressmen and Senators.

Mayor Leonard stated that residents/inhabitants of Chincoteague have been here for 400 years. He also stated that in that time Assateague Island has grown to envelope Chincoteague Island. He added that at one time Chincoteague was their own barrier Island and there were multiple inlets broken through on Assateague Island. He stated that they have healed back over making that island a barrier for Chincoteague. He commented on Tom's Cove being a bunker and it filled in causing the big ships to have access long before the government arrived. He also stated that the Coast Guard Station was built in the 20s and abandoned because they could no longer use it because of Tom's Cove filling in. He added that they want the government to fix something that has been changing and moving and doing what nature intends for it to do for hundreds of thousands of years. Mayor Leonard stated that Mother Nature will do what Mother nature will do. He also stated that they have made the statement that they will maintain that parking lot as long as there is a land base to maintain it. He has full faith that they will continue to make the parking lot usable until they can't.

Mayor Leonard also stated that if you don't plan today for what's to come years from now then you'll be standing in the ocean with a flag where the parking lot was. He also stated that now if you go over where the telephone poles and where the restaurant was it's now in the ocean. He feels they need to plan. He also feels they're making an effort and working with what they have to work with. He would like to work with them to make improvements to it. He added that the day the beach washes away, Chincoteague is done. He would much rather plan for the future than fight about it. He stated that they could be a part of it and help plan it. He concluded with "Go Ponies".

17. Adjournment

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

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE OCTOBER 18, 2018
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

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. Public Comments

Mayor Leonard advised that no one signed up to speak.

5. Public Hearing – Cable Ordinance

Mayor Leonard opened the floor for the public hearing, no one signed up to speak and he closed the public hearing.

Town Manager West stated that Mr. Collins, a representative from Charter-Spectrum is present to answer questions.

Mayor Leonard asked if Council had questions.

Town Manager West asked if Charter has plans to keep an office here.

Mr. Collins responded that there are no plans or discussions to close any office at this time.

Mayor Leonard asked Council for further discussion or a motion.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the Cable Ordinance. Unanimously approved.

Mr. Collins stated that recently everyone noticed a huge increase in speed. He added that on October 9th they launched their 1G service and the Town is a 1G town. He also stated

they would like to launch along with the Town an SIA, Spectrum Internet Assist, program which is a customer assist event. He explained that this is a program where the federal government assists in the internet adoption rate. He stated that this is for families that are in the National School Lunch Program so they can receive internet service for \$14.99 at 60 megs per second. He added that it includes seniors that receive a supplemental social security benefit.

Councilwoman Bowden asked how someone would receive this benefit.

Mr. Collins stated that they will roll this out in November and he would like to return to make everyone aware of it.

Mayor Leonard asked if this could be put on the website.

Mr. Collins stated he would send Town Manager West the information to put on the website.

6. Consultant Report

Mr. Rob Catron, Alcalde and Fay, reported that he prepared and gave Town Manager West a document which was forwarded to Council and he would be more than happy to answer any questions. He mentioned the Chincoteague Inlet Study. He stated that the Army Corps of Engineers has approved the study. He also stated they have gone through a multi-year process to have this study put on a bill. He advised it is a 3-year study that costs \$3 million. He explained the requirement and the amount of money. Mr. Catron also discussed the visit to the General Assembly where they are working on getting the funds. He understands the Governor's office is in favor of it. He reported that at the joint committee on Coastal Flooding, the Chincoteague project was mentioned. He spoke to the Army Corps of Engineers, Chief of the Water Division, Mr. Greg Steele who advised if the state can come up with \$1.5 million the federal government will. He added that it is a 3-year study and until it is done they won't do any construction.

Mr. Catron also mentioned the beach parking issues on Assateague. He addressed the NASA water issue. He advised they have been in communication with the Congressmen and Senators. He reported that Congress is supposed to pass an appropriations bill to fund each department of the government. He stated that 7 of them have been passed and of the 5 remaining, one is NASA. He also stated that the NASA appropriations bill should be passed after their return from the elections. He has been told that the language needed to transfer from one NASA fund to another NASA fund must be in the NASA appropriations bill. His firm is working hard to make this happen. He added that if it's not in the NASA bill they will have to find another way or will have to wait until January or February to do it again.

Councilman Ellis asked if the state legislature passes the bill, will the money show in the current budget or FY 2020?

Mr. Catron responded they would have a choice in putting it in the current 2-year budget or include it in the next 2-year budget. He stated that the Army Corps doesn't care. He added that the study would begin either way. He commented further.

Councilwoman Bowden stated that she spoke with constituents and the beach issue is important. She stated that she personally doesn't know why the USFW won't take any initiative to maintain the beach with for example dune fences. She feels that moving north goes against everything they stand for by cutting down trees and taking out marsh grass. She stated that those she has talked to are against moving the beach parking north. She is against moving. She isn't opposed to change but feels it must be responsible change. She added that if they go north USFW will fail to maintain anything else there allowing it to wash over which will take care of Tom's Cove and the south end of Chincoteague. She feels all of this would be a disaster. She wants to see Chincoteague to do their best to stay where they are with smart responsible actions. She doesn't feel they are being heard.

Mr. Catron stated that he works at the direction of Council. He can schedule a meeting with the higher ups to address this. He stated that they fought hard and have wins under their belt. He feels it's a fight worth having, and the beach is a major economic driver for Chincoteague. He will do what Council wants.

Councilwoman Richardson agreed with Councilwoman Bowden. She stated that the same thing that has happened at the current location will happen at the new north location. She also stated that nothing is being done to protect the beach. She referred to the pictures. She wants them to preserve the south end.

Mr. Catron talked about the Maddox Boulevard and Main Street intersection flooding issue. He has talked to VDOT folks in Richmond. He mentioned the smart scale projects and explained their process. He feels this would be a safety issue and if it requires a smart scale application then it has to be submitted by the locality. He added that if it's not a smart scale project is just a maintenance issue. He asked for direction by Council. He also talked about the CCTB representative who lives in Virginia Beach but can be asked to come to the Island and see what needs to be done.

Mayor Leonard thanked Mr. Catron.

Mr. Catron asked Council to call with any problems or concerns.

7. Committee and Commission Vacancies

Mayor Leonard stated that he has a request to table this until the next meeting. He asked for discussion.

Councilwoman Bowden asked if there anything in the rules that requires those interested to submit a letter to Council.

Town Manager West advised that this was started because it gives Council information on the interested party. He also stated that in the past Council almost appointed someone who

wasn't interested. He explained that if they send their written request, Council is certain they are interested in serving. He added that it also gives Council information about the applicant. He stated that there is no requirement to apply and anyone can be nominated.

Councilman Ellis asked if the purpose of tabling the matter is, so more people apply.

Mayor Leonard responded that it is. He asked for discussion or a motion.

Councilwoman Bowden stated she would like to proceed.

Councilman Ellis asked if it was at the request of a Councilmember.

Mayor Leonard advised that it was.

Councilman Lewis motioned, seconded by Councilman Ellis to table this matter until the next meeting. The motion was carried.

Ayes: Lewis, Ellis, Richardson

Nays: Bowden, Reed

Absent: Taylor

8. Proclamation – Clean up, Paint up, Fix up Week

Town Manager West read the Proclamation.



A Proclamation for Spring Clean-up, Paint-up, and Fix-up Week

WHEREAS, many organizations inclusive of the Chincoteague Center, the Museum of Chincoteague, the Chincoteague Chamber of Commerce, the Chincoteague Culture Alliance, the Chincoteague Island Arts Organization, the Chincoteague Island Library, and the Chincoteague Downtown Merchants Association have joined in a planning effort to celebrate the rich heritage of Chincoteague; and

WHEREAS, the heritage celebration to be known as *Downtown: Heart of Chincoteague* is scheduled to occur from March 17th to 23rd, 2019; and

WHEREAS, this celebration will feature activities and events throughout the week that will focus positive attention on our community, highlighting the many great attributes that make our Island very special; and

WHEREAS, the Town of Chincoteague fully supports the planned celebration and wishes to participate with all of the aforementioned organizations in a meaningful way to demonstrate to our citizens and visitors the wonderful characteristics of our Island Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE that the week of March 17th to 23rd, 2019 is hereby **proclaimed** to be CLEAN-UP, PAINT-UP & FIX-UP WEEK in the Town of Chincoteague to coincide with Heritage Celebration; and

BE IT FURTHER RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE that all organized and individual segments of our population are urged to 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 and thereby also serve to enhance the Heritage Celebration.

J. Arthur Leonard, Mayor

Attest: _____
James M. West, Town Manager

9. Consider Agreement – Smith Street Parcel

Mayor Leonard stated that Mr. Landsberger requested that Council review his requests in the drawing.

Councilman Lewis stated that he appreciates the donation of the land. He also stated that by looking at the requirements for the donation, he feels that the Town is paying for everything. He doesn't see how this is considered a donation when the Town has to furnish everything and be told what to do with the property.

Mayor Leonard stated that what they're trying to do is to give the big parcel of 2 acres to the Town. He reviewed the drawings. He stated that this is proposed like creating a new park. He added that they're going to ask VDOT to pay for the paving of the road.

Councilwoman Bowden stated that it is reading like it's not a proposal but in exchange for the gift the Town would agree to provide those specific requests. She asked what would happen if the Town was unable to get these things done before the specified date or if there is a budget crisis.

Mr. Landsberger wanted to know if he donates the property to the Town, what prevents the Town from selling it to a developer.

Councilwoman Richardson stated that this could be put in the deed.

Mr. Landsberger understands that the Town can do this, but he is unsure if he can stipulate that. He explained that his objective is to have a park there.

Councilwoman Richardson stated that it can be stipulated in the deed that it is to be used for a park.

Mr. Landsberger interjected then the Town doesn't have to do anything with it and would remain as it is now. He explained that he was approached by the CCA that they need parking for the Artful Flea and the YMCA doesn't have a designated soccer field on the Island for practices.

Councilwoman Richardson asked if it was necessary to have 70 parking spaces.

Mr. Landsberger stated that it is what fits there. He also added that there is no location for the YMCA to have youth programs and the space they use is upstairs in the YMCA which doesn't meet code. He added that there is a need for daycare, after school care and youth activity. He would like to build a YMCA youth center. He added that they will also have their summer camp there and would be adjacent to the Donald J. Amrien gym, soccer field and the building. He continued to explain parking. He was advised by the Town that they had the materials and it could be done inexpensively.

There was brief discussion regarding the parking.

Councilwoman Bowden stated that she loves the idea. She has a problem with the language of "The Town will support the conditional use permit". She explained that there are residents that will more than likely approve but expressed concern if they don't. She doesn't like someone saying they're going to give something and tell them what to do with it.

Mr. Landsberger stated that they don't have to take it. He also added that it's zoned residential.

Councilman Ellis stated that the Budget and Personnel Committee met and captured an expenditure plan for the next 5 years. He stated that it is a working document and for the FY20 budget they have included curb and guttering at the Smith Street location with parking and develop a soccer field with approximately \$92,000. He added that in the FY21 budget they have included restrooms and lights for \$50,000. He stated that they plan to include around \$142,000 in the budget within the next 2 years to develop this plan.

There was further discussion.

Town Manager West stated that he wrote the bullets after he discussed this with Mr. Landsberger. He also stated that they are planning for it in the capital plan. He discussed the parking situation. He stated he heard a comment that the other organizations should

help with parking. He advised he approached the other organizations. His response was that they were willing if they could have reserved parking. Town Manager West stated they can't do that because it is public parking. He also stated that they can't spend public funds and reserve it for someone. He added that the paving and parking is probably flexible and would be great if the Town could provide parking for the CCA, a heavily utilized field and as overflow parking for Town events.

There were further discussion and comments.

Councilwoman Bowden stated that she takes offense to being offered a gift to develop it as the giver sees fit or they'll build condos on it.

Mr. Landsberger stated that the YMCA will take it, but he doesn't want it as a private facility. He would like to see it for public use.

Mayor Leonard stated that the Town wanted it and set funds aside but couldn't afford it. He stated that this property has been used for the public all of his life. He feels if it is used for anything other than public use it would be a disaster. He feels that Mr. Landsberger is trying to do everything he can to keep it as public Town property. He also asked Town Manager West to schedule a dedication for the athletic center. He asked for further discussion.

Councilman Reed feels, as long as it is budgeted he doesn't see a problem with any of it.

There were comments about parking.

Town Manager West asked Mr. Landsberger if he could reduce the parking spaces to 50 spaces.

Mr. Landsberger agreed as long as there is an option use by the YMCA.

Town Manager West added that it would include those spaces.

Mr. Landsberger explained the parcel, the proposed YMCA building and parking requirements. He added that the YMCA is currently doing a study because of daycare requirements. He also stated that this may also give them enough space for the septic and drainfields. He explained where the drainfields may have to go.

Discussion continued.

Councilwoman Richardson thanked Mr. Landsberger for the gift of the property. She understands that he is only trying to make sure the property gets put to good use.

Councilman Ellis stated that he feels it would be inappropriate for Council to say they would support a conditional before the required public hearing.

There were comments about the possibility of opposition.

Councilman Reed motioned, seconded by Councilman Lewis to draft an aggo to public hearing.

All present were in favor and the motion was carried.

Ayes: Reed, Ellis, Lewis, Bowden and Richardson

Nays: None

Absent: Taylor

10. Updates and Other Matters

Town Manager West discussed the VDOT funds owed to the Town and agreement. He also explained that the amount he gave for the purchase of materials at the Harbor was incorrectly given to Council. He corrected the amount from \$108,683 to \$111,683. He asked Council if they would approve the extra \$3,000 or would they require a revision. He stated that they are currently working on drawings.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to add the extra \$3,000. All present were in favor and the motion was carried.

Ayes: Reed, Ellis, Lewis, Bowden and Richardson

Nays: None

Absent: Taylor

Town Manager West also stated that there was discussion whether there should be a public hearing to eliminate the Town sticker. He advised there is no need for a public hearing as they aren't changing the amount or increasing it. He requested that Council consider approval of the change to eliminate the sticker.

Councilwoman Bowden asked when citizens could remove the sticker from the windshield.

Town Manager West responded after January 1st.

Councilwoman Richardson asked about those who register vehicles in another state.

Town Manager West advised that this is a problem for the shore and all over Virginia. He has asked Mr. Catron for assistance. He added that it is a big loss for taxes. He also stated that by raising taxes they are punishing those people who pay their taxes.

There were further comments regarding enforcement.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden approve the proposed changes to the Ordinance for Motor Vehicle License Tax and Town Vehicle License. All present were in favor and the motion was carried.

Ayes: Reed, Ellis, Richardson, Bowden, Lewis

Nays: None

Absent: Taylor

Article VI. Motor Vehicle License Tax.

Sec. 54-351. ~~Fee Tax levied. amount and exemption from fee.~~

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

(Amended 6-4-07)

Sec. 54-352. License year.

The license year under the provisions of this article shall begin on January 1 and shall expire on December 31 of the same calendar year. Assessment of this tax will be billed on the town's personal property tax bill on motor vehicles, motorcycles and low-speed vehicles. There will be no refunds or proration of months owned.

Sec. 54-353. Payment of vehicle personal property taxes prerequisite to licensing.

No vehicle ~~required to~~ **shall** be licensed under this article ~~shall be issued a town license~~ unless and until the applicant shall have produced **to the town** satisfactory evidence that all personal property taxes on the motor vehicle, **motorcycle or low speed vehicle trailer or semi-trailer** to be licensed or that any delinquent personal property taxes owing have been paid which have been assessed or are assessable against the applicant.

Sec. 54-354. Exemptions.

No license ~~fee~~ **tax** may be levied for any one motor vehicle owned by individuals or organizations as listed herein. This exemption is applicable to the ~~fee~~ **tax** only; all other provisions of this article shall be enforced. **Exemption and bill adjustment will be considered upon presentation of satisfactory evidence of payment of taxes to the town.**

- (1) Any veteran who holds a current state motor vehicle license, which was issued free of charge by the state.
- (2) The Chincoteague Volunteer Fire Company and Rescue Squad.
- (3) An active or life member of the Chincoteague Volunteer Fire Company and Rescue Squad. The Chincoteague Volunteer Fire Company and Rescue Squad shall provide to the town by **October 15th** ~~March 1st~~ of each year a written list of active and life members signed by the president and fire chief towards the application of the exemption.

(Code 1977, § 11-28; Ord. of 9-5-2000)

ARTICLE II. TOWN ~~VEHICLE~~ TRAILER LICENSE

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

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

(Amended 6-4-07)

(b) ~~No license fee tax may be levied for any one motor vehicle owned by individuals or organizations as listed herein. This exemption is applicable to the fee tax only; all other provisions of this article shall be enforced. Exemption and bill adjustment will be considered upon presentation of satisfactory evidence of eligibility.~~

~~(1) Any veteran who holds a current state motor vehicle license, which was issued free of charge by the state.~~

~~(2) The Chincoteague Volunteer Fire Company and Rescue Squad.~~

~~(3) An active or life member of the Chincoteague Volunteer Fire Company and Rescue Squad. The Chincoteague Volunteer Fire Company and Rescue Squad shall provide to the town by October 15th March 1st of each year a written list of active and life members signed by the president and fire chief towards the application of the exemption.~~

(Code 1977, § 11-28; Ord. of 9-5-2000)

Sec. 58-47. Payment of personal property taxes prerequisite to obtaining.

(a) No vehicle required to be licensed under this article shall be issued a town license unless and until the applicant shall have produced satisfactory evidence that all personal property taxes on the ~~motor vehicle~~, trailer or semi-trailer to be licensed or that any delinquent personal property taxes owing have been paid which have been assessed or are assessable against the applicant.

(b) ~~In addition, no vehicle required to be licensed under the provisions of this article shall be issued a town license unless and until the applicant shall have produced satisfactory evidence that all tangible personal property taxes properly assessed or assessable by the town on any tangible personal property owned by the taxpayer have been paid.~~

(Code 1977, § 11-31; Ord. of 1-2-2001)

Sec. 58-48. Penalties for failure to purchase.

Any person failing to purchase such license tags or failing to display them as required by

this article shall be fined not less than \$50.00 for each offense.

(Code 1977, § 11-32)

Sec. 58-49. Term.

For the purpose of this article, the license year shall extend from March 15 to March 14 of the next succeeding calendar year, and the license fee levied under this article shall be paid not later than April 15 in each license year. ~~One half of the annual license fee prescribed herein shall be collected whenever any automobile, truck, motorcycle or motor scooter is acquired by a town resident during the period beginning on October 1 in any year and ending on January 15 in the same license year, and one third of such fee shall be collected whenever any automobile, truck, motorcycle or motor scooter is acquired by a town resident after January 15 in any license year. However, the license fee to be paid by the owner of any motor vehicle when the license is issued after January 15 in any license year shall be not less than \$1.00.~~

~~(Code 1977, § 11-29)~~

Sec. 58-50. Application, transferability; display; place of sale.

(a) No ~~vehicle trailer~~ required to be licensed under the provisions of this article shall be issued a town license unless and until the applicant shall have produced a Commonwealth of Virginia title or registration card issued to the applicant for the ~~vehicle trailer~~ to be licensed.

~~(b) License decals required pursuant to the provisions of this article shall be transferable by the licensee from any motor vehicle sold, traded in or otherwise disposed of by any licensee to any other motor vehicle thereafter acquired by the licensee during such license year without the payment of any additional license fee.~~

~~(c) Every motor vehicle license decal shall be securely affixed to such motor vehicle adjacent to the state inspection decal. Every trailer or semi-trailer license decal shall be securely affixed to such trailer or semi-trailer adjacent to the license tag issued by the state for the same license year.~~

(d) Town licenses shall be sold at the town office or at such other place as may be designated by the council.

(Code 1977, § 11-30; Ord. of 1-2-2001)

Secs. 58-51—58-75. Reserved.

C) Proposed Response: I received a letter from a David MacKinnon of 5330 Deep Hole Road on September 20, 2018. In accordance with his request, I provided copies of the letter to all of Council. On October 14th, he contacted me requesting a reply. If there are no objections, I will send the letter included separately in your packet to him.

Town Manager West also explained an email sent to him for Council. He advised that the gentleman demanded a response. He composed a letter and asked for Council's direction.

Council commented and agreed to the letter.

11. Mayor & Council Announcements or Comments

Councilwoman Richardson commented on the beach situation. She would like to see something done before it is moved.

Mayor Leonard stated that they could make a request. He further stated that the CCP has already taken effect and it is moving forward. He stated that as far as supporting the south end, they have agreed to maintain this until the move has been made. He advised that he intends to speak to them about the road. He suggested speaking to them again.

Councilwoman Richardson suggested having them agree to putting snow fence up or something to protect it. She mentioned them cutting down trees as well.

Councilwoman Bowden stated that she would like to ask Mr. Catron to work on this. She suggested they work on other measures to help until the money comes along to move. She feels they're doing a minimal amount of maintenance which isn't getting anywhere. She also believes the reason they aren't maintaining is because they want the move north.

There was further discussion about the Coast Guard Station.

Mayor Leonard stated that they don't want to take on the task of restoration. He advised they can bring this up as well, but are separate issues dealing with different federal agencies and administration.

Councilwoman Bowden stated that they have a unique situation having the National Park Service and U. S. Fish and Wildlife. She understands that it's been approved. She wants to know that every measure has been taken to protect the beach and the shellfish grounds.

Councilman Lewis thanked Mr. Landsberger for helping him understand the situation around the property. He also thanked Town Manager West for helping him understand the paperwork and money regarding the land.

Councilman Reed agreed and feels Mr. Catron should push this as much as he can. He feels if they're going to spend the money to move the beach north, they should use the money they already have to restore what is currently there. He suggested building dunes,

planting grass and doing things to build it up. He feels it should be a high priority to push this.

Mayor Leonard closed by saying: "Go Colts!"

12. Adjournment

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. All present were in favor and the motion was carried.

Ayes: Reed, Ellis, Richardson, Bowden, Lewis

Nays: None

Absent: Taylor

J. Arthur Leonard, Mayor

James M. West, Town Manager



TO: Mayor Leonard and Town Council
FROM: James M. West, Town Manager
DATE: October 31, 2018
SUBJECT: Public Hearing – Property Line Elimination

The Town is in receipt of a request to vacate the property line between Lots 26 & 27 on Sharpley Street owned by Debra Leigh Fajerski (see drawing below). A public hearing has been properly advertised to receive comment on the proposal. After the public hearing, Council is asked to consider adoption of the following ordinance:

An Ordinance Vacating a Property Line of a Subdivision Plat Pursuant to Section 15.2-2272.2

WHEREAS, Debra Leigh Fajerski, owns two parcels of land shown on a certain plat entitled “Boundary & Physical Survey of Emerson S. Liscum Town of Chincoteague, Island District, Accomack County, Virginia May 14, 2011” made by James B. Latimer II & Associates, L.L.C., dated May 14th, 2011, which plat is attached to a certain deed recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, as Document Number 201102156, Tax Map Number 030A51000002600 and 030A51000002700; and,

WHEREAS, Lots 26 & 27 lie within a subdivision known as the Sharpley Subdivision and shown on certain plat recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia at Plat Book 6, Page 95; and,

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

WHEREAS, the said Debra Leigh Fajerski has requested that the division or property line between said two parcels be vacated so that Lots 26 and 27 become one parcel and to that end has had a certain survey prepared entitled “Property Line Elimination between lots 26 & 27” dated September 12th, 2018 and made by B.J. Nolan Jr., PLS, said plat being attached hereto; and,

WHEREAS, the governing body affirmatively finds that no owner of any lot in the Subdivision will be irreparably damaged by the said vacation of said line.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the division or property line between lot 26 and 27 as shown on the plat entitled “Boundary & Physical Survey of Emerson S. Liscum Town of Chincoteague, Island District, Accomack County, Virginia May 14, 2011” made by James B. Latimer II & Associates, L.L.C., dated May 14th, 2011, which plat is attached to a certain deed recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, as Document Number 201102156 be and is hereby vacated, as shown on the attached plat.
2. That as a result of said vacation former Lot 26 and Lot 27 shall result in one (1) parcel of land.
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk’s Office of the Circuit Court of Accomack County.

Ayes: _____

Nays: _____

Approved as of _____, 2018

Mayor

State of Virginia
County of Accomack

The foregoing Ordinance was acknowledged before me this ____ day of _____, 2018,
by _____, Mayor, in my jurisdiction aforesaid.

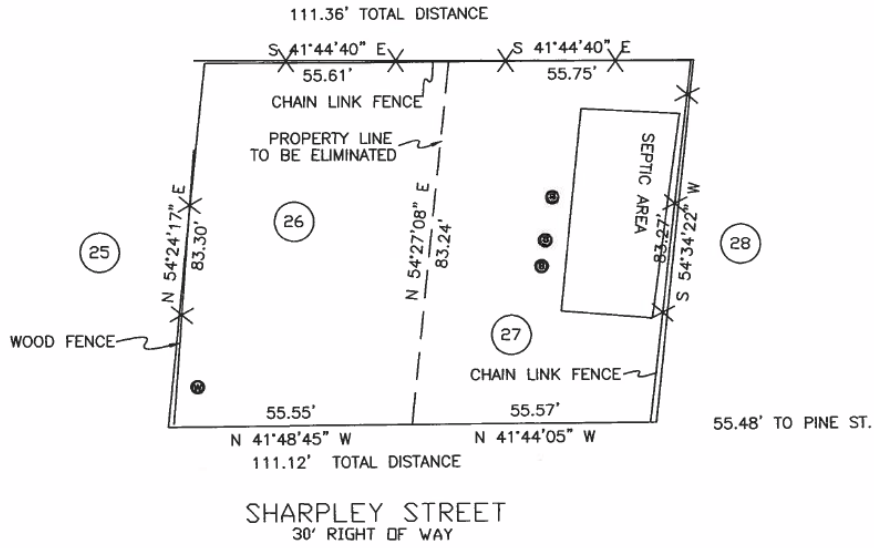
Notary Public

Commission Expires: _____



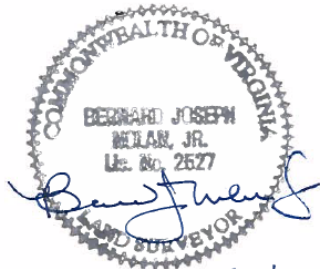
IZOLA JESTER DEC'D
227/207

LYNN L. & LUISE PIXLEY
603/614



THIS PLAT IS BASED ON INSTR# 201102156
 TAX MAP: 030A51000002600
 DEED REF. 201702235
 PLAT REF. 201102156, P.B. 6, PG.95
 FLOOD ZONE PER 51001C0290G, AE ELEVATION 4.0'
 OWNER DEBRA LEIGH FAJERSKI
 NO 911# POSTED

- PROPERTY LINE TO BE ELIMINATED
- SEPTIC MANHOLE
- ⊙ WATER METER



9/12/18

PROPERTY LINE ELIMINATION BETWEEN LOTS 26 & 27		
DRAWN BJN	DATE 09/12/18	B.J. NOLAN JR PLS 7252 AYRES LANE RD SNOW HILL, MD 21863 410-944-5561
APPROVED	DATE	
SCALE 1" = 30'	SHEET 10F 1	PROJECT NO. 63-006-18



TO: Mayor Leonard and Town Council

FROM: James M. West, Town Manager

DATE: October 31, 2018

SUBJECT: Commission and Committee Vacancies

Planning Commission: Letters of interest have been received from three citizens that would like to be considered to fill the unexpired term of Jeff Potts on the planning Commission. The term concludes on December 31, 2021. The interested citizens are Mr. **Jim White**, Mr. **Daryl Chrisman**, and Mr. **David Britton**. Information received from each citizen is included separately in the agenda packet. The Mayor will open the floor to nominations after which Council members may nominate Mr. White, Mr. Chrisman, Mr. Britton or a nominee of their choice. Nominees must be citizens and willing to serve. Nominations do not need to be seconded.

After all nominations are received, the Mayor will close the nominations and will ask Council to vote on each nomination in the order in which they were received. The nominee first receiving the majority of votes will be appointed to the Commission.

Chincoteague Recreation and Convention Center Authority: The four-year terms of Mr. **Craig Beitzel** and Mr. **Bob Zoller** will expire on December 4, 2018. Both men have expressed an interest in continuing to serve and information they submitted toward reappointment is included in the packet. Again, Council may nominate these two citizens or other nominees they wish to be considered, after which voting will proceed as described above.

Recreation and Community Enhancement Committee: The two-year terms of Mr. **Jack Van Dame** and Mr. **William Borges** will expire on December 31, 2018. Both Mr. Van Dame and Mr. Borges have indicated that they *do not* wish to serve another term. Nominations for these vacancies are deferred to a later date.

Building Code of Appeals: Mr. **John Whalen** confirmed that he would like to serve another five-year term after his current term expires December 31, 2018. No other citizens have expressed an interest.



TO: Mayor Leonard and Town Council

FROM: James M. West, Town Manager

DATE: October 31, 2018

SUBJECT: Sarbanes Work

In the June 4, 2018, Council Meeting, an award to Branscome Eastern Shore to perform Sidewalk replacement work under the Sarbanes Grant in the amount of \$401,165.06 was approved. Staff is requesting that work under this contract be expanded to include expenditures of an additional \$81,000, thereby increasing the “not to exceed” award to \$481,165.06.

This is a unit cost type contract and we will only pay for quantities of work performed. The additional work will fit within our existing project plan.

Council is asked to consider approval of the expanded contract amount.