

**MINUTES OF THE JANUARY 2, 2018**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Councilman Taylor offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

**4. Public Comment**

Mayor Leonard opened the floor for public comment.

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

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

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

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

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

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

Mayor Leonard advised it would be determined later.

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

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

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

Mayor Leonard responded it would be discussed later.

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

Mayor Leonard advised that it would be discussed later.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **6. Staff Updates**

### **Police Department:**

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

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

### **Public Works:**

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

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

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

### **General Government:**

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

## **7. Committee Reports**

### **Chincoteague Recreation and Civic Center Authority:**

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

### **Budget and Personnel Committee:**

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

### **Recreation and Community Enhancement Committee:**

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

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

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

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

## **9. Nominations and Appointments**

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

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

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

Chincoteague Recreation and Convention Center Authority:

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

Councilman Frese nominated Mr. Jack Van Dame.

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

Mayor Leonard then opened the floor for nominations again.

Councilman Ellis nominated Mrs. Teresa Stanfield.

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

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

Councilwoman Richardson nominated Mr. Craig Beitzel.

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

Planning Commission:

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

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

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

Curtis Merritt Harbor Committee:

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

Councilman Frese nominated Mr. Mike Handforth.



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

Building Code Board of Appeals:

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

Councilman Frese nominated Mr. Mike Tolbert.

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

Recreation and Community Enhancement Committee:

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

Councilwoman Richardson nominated Mrs. Mollie Cherrix.

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

Mayor Leonard opened the floor for nominations.

Councilman Taylor nominated Ms. Donna Leonard.

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

**10. Consider Approval of Wastewater Consultant Amendment**

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

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

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

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

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

There were comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Works Director Spurlock stated he would try.

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

Ayes: Bowden, Ellis, Lewis, Taylor

Nays: Richardson, Frese

## **11. Dog Park Proposal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **12. 2017 Christmas Decoration Recognitions**

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

### **Most Illuminated:**

1<sup>st</sup> Place: Bill & Ginger Birch

2<sup>nd</sup> Place: Jack & Sherry Tarr

### **Most Traditional:**

1<sup>st</sup> Place: Charlie & Susan Perch

2<sup>nd</sup> Place: Bill & Maureen Derrickson

### **Most Festive:**

1<sup>st</sup> Place: Yvonne Daisey

2<sup>nd</sup> Place: Greg Bojko

### **Honorable Mentions:**

Ricky & Mandy Betts

Steven Lewis

Faith Gregory

Arne & Peggy Breland

Harry & Karen Thornton

Alfred "Dino" Johnson

Billy & Caroline Reed

Paul Bloxom

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

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

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



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

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

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

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

Mayor Leonard closed by saying "Roll tide".

#### **14. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE FEBRUARY 5, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

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

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

#### **1. Call to Order**

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

## **2. Invocation**

Councilman Ellis offered the invocation.

## **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

Mayor Leonard welcomed everyone and recognized the Boy Scouts

## **4. Presentation: Chincoteague Chamber of Commerce**

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

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

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

## **5. Presentation: Chincoteague Island Library**

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

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

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

## **6. Public Comment**

Mayor Leonard opened the floor for public comment.

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

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

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

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

## **8. Staff Updates**

### **Police Department:**

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

### **Public Works:**

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

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

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

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

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

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

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

Councilman Frese asked about the drainage at the bridge.

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

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

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

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

### **General Government:**

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

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

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

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

## **9. Committee Reports**

### **Public Works Committee:**

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

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

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

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

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

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

## **11. Planning Commission Appointment**

Mayor Leonard opened the floor for nominations.

Councilman Frese nominated Mr. Larry Welsh.

Vice Mayor Bowden nominated Mr. Robert Shendock.

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

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

Vice Mayor Bowden agreed with everything Councilman Ellis said.

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

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

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

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

## **12. Consider Approval of Trolley Grant Application**

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

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

Town Manager West responded that it was approximately the same.

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

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

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

### **13. Consider Award – Hallie Whealton Smith Drainage Project**

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

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

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

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

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

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

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

There were brief comments.

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

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

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

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

Councilman Frese thanked the Boy Scouts for visiting.

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

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

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

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

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

There were further comments.

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

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

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

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

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

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



## **15. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE FEBRUARY 15, 2018 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

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

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

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

#### **1. Call to Order**

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

#### **2. Invocation**

Councilman Taylor offered the invocation.

#### **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

#### **4. First Draft FY '19 Budget and Workshop**

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

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

Town Manager West reviewed the projected revenues.

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

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

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

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

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

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

There were comments and further discussion.

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

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

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

Council discussed Park expenditures, giving ideas and suggestions.

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

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

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

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

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

There was further discussion.

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

They discussed the need for capital improvements.

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

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

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

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

Councilman Ellis asked about the Personnel Handbook.

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

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

#### **6. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE MARCH 5, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

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

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

Ben Ellis, Councilman  
James T. Frese, Councilman

**1. Call to Order**

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

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

**4. Recognition: Chincoteague High School Girls Varsity Basketball Champions**

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

**5. Presentation: Chincoteague Cultural Alliance**

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

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

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

Mayor Leonard advised that it is included in the budget.

**6. Public Comments**

Mayor Leonard opened the floor for public comment.

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

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

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

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

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

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

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

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

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

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

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

## **8. Staff Updates**

### **Police Department:**

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

### **Public Works and General Government:**

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

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

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

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

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

There were comments.

## **9. Committee Reports**

### **Budget and Personnel**

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

### **RCEC**

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

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

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

There was discussion about wetlands and buffer.

## **10. Adoption of the Minutes of the February 5 and 15<sup>th</sup>, 2018 Council Meetings**

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

# **11. Consider Request from the Chincoteague Volunteer Fire Company**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Councilman Ellis stated this is a donation not a waiver.

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

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

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

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

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

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

Councilman Ellis added that it really does make a difference.

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Frese asked who answers most of the 911 calls.

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

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

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

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

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

Councilman Frese responded that the Town spends that on EMS.

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

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

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

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

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

The Fire Company members present thanked Council.

## **12. Discuss Dog Park Location**

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

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

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

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

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

Town Manager West stated that size is the limitation.

They listed the other uses at the Donald Leonard Park.

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

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

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

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

Councilman Taylor stated that this is an actual option.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ayes: Frese, Richardson, Taylor, Leonard

Nays: Ellis, Lewis, Bowden

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

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

Mayor Leonard feels it's not simple.

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

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

There was discussion.

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

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

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

### **13. RCEC Dog Park Recommendations**

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

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

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

### **14. Consider Adoption of Revised Personnel Policy**

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

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

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

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

Mr. Terry asked if they have contacted Riverside.

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

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

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

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

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

There were brief comments.

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

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

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

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

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

#### **16. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE APRIL 2, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

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

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

#### **1. Call to Order**

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

#### **2. Invocation**

Councilman Taylor offered the invocation.

#### **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

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

#### **4. Presentation: Eastern Shore of Virginia Tourism Commission**

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



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

Mayor Leonard thanked Mrs. Allison.

## **5. Public Comments**

Mayor Leonard opened the floor for public comments.

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

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

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

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

## **7. Staff Updates**

### **Police Department:**

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

### **Public Works:**

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

### **General Government:**

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

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

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

### **8. Committee Reports**

#### **Harbor Committee**

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

#### **Budget and Personnel:**

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

### **9. Adoption of the Minutes of the March 5<sup>th</sup>, 2018 Council Meeting**

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

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

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

Councilman Frese asked about the changes.

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

There was brief discussion.

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

### **11. Poppy Day Proclamation**

Mayor Leonard read the Proclamation.



**American Legion Auxiliary, Unit #159  
Chincoteague, VA 23336**

**Poppy Day Proclamation**

**Whereas**, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

**Whereas**, millions who have answered the call to arms have died on the fields of battle; and

**Whereas**, a nation must be reminded of the price of war and the debt owed to those who have died in war; and

**Whereas**, the Red Poppy has been designated as a symbol of sacrifice of lives in all wars; and

**Whereas**, the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower,

**Now, therefore**, I, John Arthur Leonard, Mayor of Chincoteague, Virginia, do hereby proclaim, May 12, 2018 as Poppy Day and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this week.

Dated this 2<sup>nd</sup> day of April, 2018.

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J. Arthur Leonard, Mayor

Attest:

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James M. West, Town Manager

## **12. Request for Pump and Haul System**

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

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

## **13. Regulation of Kayak Use – Memorial Park**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chief Mills stated that the state required the move.

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

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

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

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

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

Councilman Taylor suggested handing out instructions on decal placement.

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

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

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

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

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

Unanimously approved.

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

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

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

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

Absent- None

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

#### **17. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE APRIL 19, 2018 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

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

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

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

#### **1. Call to Order**

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

#### **2. Invocation**

Councilman Ellis offered the invocation.

#### **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

#### **4. Staff Updates**

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

#### **HWS Dog Park Location:**

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

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

Councilman Taylor feels they should leave the trees in place.

Councilwoman Richardson added that they absorb water as well.

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

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

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

There were brief comments about ample parking.

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

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

**Option Property:**

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

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

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

**FY '17 Financial Audit:**

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



### **ANEC Rate Increase:**

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

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

### **5. FY '18 Budget Amendment**

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

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

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

### **6. FY '19 Budget Workshop**

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

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

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

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

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

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

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

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

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

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

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

## **7. Charter/Spectrum Cable Franchise**

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

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

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

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

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

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

There was brief discussion regarding internet speed.

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

They discussed Charter internet.

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

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

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

#### **8. RCEC Recommendations**

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

#### **Skate Park Relocation & Memorial Park Ballfield:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Regulation of Commercial Use at Memorial Park:**

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

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

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

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

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

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

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

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

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

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

Council advised this isn't the case.

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

Councilman Lewis added there will be an attendant there.

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

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

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

They discussed the Eastside kayak launch requirement.

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

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

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

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

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

There was discussion about the stickers.

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

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

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

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

Councilman Taylor feels this is pennies for those businesses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Taylor agreed.

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

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

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

**Proposal to Rename Island Activity Center:**

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

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

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

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

Councilman Lewis asked Town Manager West about the buoys.

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

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

Councilwoman Richardson agreed that this is the procedure.

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

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

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

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



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

Mayor Leonard advised that the water is safe.

**10. Adjourn**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

**MINUTES OF THE MAY 7, 2018  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Councilman Taylor offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Student Government Day Report**

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

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

Mayor: Hannah Birch

Chief of Police: Jacob Dove

Public Works Director: Cody Jester

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

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

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

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

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

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

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

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

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

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

## **5. Public Comments**

Mayor Leonard opened the floor for public comment.

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

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

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

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

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

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

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

## **6. Agenda Adoption**

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

## **7. Staff Updates**

### **Police Department:**

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

### **Public Works:**

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

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

Public Works Director Spurlock advised they were.

### **General Government:**

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

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

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

## **8. Committee Reports**

### **Public Works Committee:**

Councilwoman Richardson advised they discussed eliminating the recycling containers.

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

Councilwoman Richardson asked about a residential recycling collection.

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

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

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

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

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

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

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

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

#### RCEC:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were further comments.

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

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

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

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

Councilman Frese asked if there would be signage.

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

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

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

Vice Mayor Bowden disagreed.

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

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

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

Councilman Frese commented on his kayak rental business.

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

#### Ordinance Committee:

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

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

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

#### **10. Joint Public Hearing – Change in Zoning**

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

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

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

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



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

Planning Commission Chairman Rosenberger commented further.

Councilman Taylor explained further.

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

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

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

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

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

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

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

Councilman Frese doesn't feel it's logical.

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

Councilman Frese asked about the difference.

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

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

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

Councilman Ellis asked if they would be licensed.

Councilman Frese responded that he didn't know.

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

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

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

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

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

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

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

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

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

Mayor Leonard closed the public hearing. He invited discussion.

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

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

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

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

Ayes: Frese, Taylor, Richardson, Lewis

Nays: Bowden, Ellis

Absent: None

### **R-3 Mixed Use Residential;**

**Delete**

3.7.9 Rest Home

3.7.13 Nursing Home

### **R-4 Resort Residential;**

**Delete**

3.10.9 Rest Home

3.10.13 Nursing Home

### **C-1 Neighborhood Commercial;**

**Delete**

4.1.5 Wearing apparel shops

4.1.6 Gift shops

4.1.38 Rest homes

**C-2 Old Town Commercial;**

**Delete**

4.4.3 Flower shops

4.4.4 Bakeries

4.4.8 Wearing apparel shops

4.4.50 Rest homes

**C-3 Corridor Commercial;**

**Delete**

4.7.5 Wearing apparel shops

4.7.6 Gift shops

4.7.10 Nursing homes

4.7.42 Rest homes

**C-4 Resort Commercial;**

**Delete**

4.10.5 Wearing apparel shops

4.10.6 Gift shops

4.10.10 Nursing homes

4.10.40 Rest homes

**11. Public Hearing – Real Property Purchase**

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

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

**12. Public Hearing – FY 2018 Budget Amendment**

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

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

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

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

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

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

### 13. Consider Recommendations for New Ordinances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilwoman Richardson doesn't feel there would any problems.

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

### *1. Solid Waste Ordinance*

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

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

Sec. 46-61. Construction of refuse receptacles;

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



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

#### 46-62. Type and size of refuse containers.

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

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

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

#### 46-63 Refuse Receptacles to be Safe

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

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

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

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

#### 2. *Snow Emergency Ordinance*

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

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

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

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

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

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

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

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

Councilman Frese asked about the cost of the meter.

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

There was discussion.

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

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

### *3. Water Ordinance*

Sec. 62-58. Billing and other charges

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

## **14. Consider Recommendation of the RCEC**

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

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

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

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

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

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

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

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

There were brief comments.

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

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

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

#### **15. Consider Advertisement of the FY 2019 Budget**

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

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

#### **16. Spring Paving Award Recommendation**

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

Chicken City Road (Maddox Blvd to Church St)

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

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

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

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

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

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

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

## **17. Proclamations**

Mayor Leonard read the Hurricane Preparedness Week Proclamation.



### **PROCLAMATION**

#### **Hurricane Preparedness Week 2018**

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

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

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

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

**Now, Therefore, Be It Resolved**, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 13<sup>th</sup> – May 19<sup>th</sup>, 2018 as **Hurricane Preparedness Week** in the Town of Chincoteague.

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J. Arthur Leonard, Mayor

Attest:

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James M. West, Town Manager

Chief Mills read the National Police Week Proclamation.



## PROCLAMATION

### National Police Week 2018

To recognize National Police Week 2018 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

**Whereas**, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Chincoteague Police Department;

**Whereas**, there have been 58,627 assaults against law enforcement officers in 2017, resulting in approximately 16,677 injuries;

**Whereas**, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

**Whereas**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

**Whereas**, 360 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 129 officers killed in 2017 and 231 officers killed in previous years;

**Whereas**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 30<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2018;

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

**Whereas**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**Therefore, be it resolved** that the Town of Chincoteague formally designates May 13-19, 2018, as Police Week in Chincoteague Island, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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J. Arthur Leonard, Mayor

Attest:

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James M. West, Town Manager

Mayor Leonard read the Emergency Medical Services Week Proclamation.



## **PROCLAMATION**

### **Emergency Medical Services Week 2018**

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

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

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

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

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

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

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

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

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J. Arthur Leonard, Mayor

Attest:

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James M. West, Town Manager

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

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

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

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

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

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

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

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

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

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



## **19. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE MAY 17, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

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

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

#### **1. Call to Order**

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

#### **2. Invocation**

Councilman Ellis offered the invocation.

#### **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

#### **4. Public Comment**

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

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

Mayor Leonard welcomed Clark Nexsen.

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

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

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

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

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

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

Vice Mayor Bowden agreed and commented.

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

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

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

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

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

Public Works Director Spurlock stated that it is a lot.

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

There was discussion.

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

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

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

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

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

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

Public Works Director Spurlock commented on the flare camera.

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

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

Public Works Director Spurlock commented on the block crossings.

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

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

Mr. Parker commented.

There were comments and suggestions.

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

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

Council agreed they are satisfied and want to continue.

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

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

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

There was discussion about adding another lane.

Mr. Parker stated that they could design it.

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

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

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

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

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

#### **Other Items:**

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

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

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

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

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

Discussion began regarding updates on the Dog Park

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

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

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

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

Councilwoman Richardson would like to see all the equipment go.

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

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

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

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

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

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

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

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

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

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

Mayor Leonard interjected that it comes down to planning.

## **7. Adjournment**

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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

## **MINUTES OF THE JUNE 4, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### **Council Members Absent:**

## **1. Call to Order**

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

## **2. Invocation**

Councilman Taylor offered the invocation.

## **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

## **4. Public Comments**

Mayor Leonard opened the floor for public comment.

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

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

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

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

## **5. Agenda Adoption**

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

## **6. Staff Updates**

### **Police Department:**

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

### **Public Works:**

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

### **General Government:**

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

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

Town Manager West was unaware.

Vice Mayor Bowden asked about the new kayak ramp.

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

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

## **7. Committee Reports**

### **Budget & Personnel:**

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

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



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

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

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

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

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

**9. Public Hearing – FY ’19 Budget**

Mayor Leonard opened the public hearing. There was none.

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

Mayor Leonard closed the public hearing. He asked Council for comments and commended Town Manager West on a wonderful job.

There were none.

**10. Consider Ceiling-Contributions from Meals Tax**

Mayor Leonard stated that there is a description of how the money is used in the packet.

Vice Mayor Bowden stated that Councilman Ellis is the Town’s representative on the Community Center Board. She advised that she expressed her concerns with him over the Community Center. She added that in looking at their budget there has been some difficulty over the past couple of years. She was assured by him that they are turning this around. She stated that the Community Center utilized as it was originally intended, which was for the community and kids. She understands they’ve been struggling for a while but have been meeting and have a lot of things scheduled. She would like to see if Council has any input or ideas to make the Center more available and self-supporting. She added that she agrees with the cap and the 2 entities should be self-supporting.

Mayor Leonard advised that a few years ago they were in worse shape and now things are turning around. He added that there are some costly items coming up. He is encouraged at what is going on now.

Councilman Frese concurred with Mayor Leonard’s analysis. He commended Councilman Ellis on a fantastic job in getting them on the right course. He stated that they are playing the catch-up game and have made a tremendous amount of progress. He feels that they are going to have to

put more money into it. He suggested putting money away to be used on an as needed basis. He agrees it should be capped especially with the expenses coming up within the Town. He mentioned replacing the water system and cost. He stated that the Town just can't give everyone everything. He feels they have to be good stewards of the taxpayers' money.

Councilman Ellis stated that its the collective work of the entire Board. He also stated that they have developed a Strategic Plan that will be adopted by the Board and submitted to Council in the near future. He explained that the goal of the Center is to be self-supporting. He stated that the Board has spent money on repairs on a building that is almost 30 years old. He added that they have spent a lot of money on the heating and air conditioning to repair what they have. He stated that the Center Director, Jesse West is doing a fantastic job to make this place work. Councilman Ellis stated that they are working hard to be good stewards and turn it around. He added that they don't want to be given money if they need money they will borrow it and repay it.

Councilman Frese motioned, seconded by Councilman Ellis to cap on the contributions from Meals Tax to the Chincoteague Chamber of Commerce and the Chincoteague Community Center in the amount of \$90,431. Unanimously approved.

#### **11. Application for Installation of Fuel Tanks**

Mayor Leonard advised there is an application to put fuel tanks at the business on the traffic circle. He asked for comments.

Councilwoman Richardson motioned, seconded by Councilman Taylor to approve the application for the installation of fuel tanks for Mr. Steve Katsetos at 6761 Maddox Boulevard. Unanimously approved.

#### **12. Drug and Alcohol Policy – Trolley**

Town Manager West advised that this policy is specific to the Trolley operations and is prepared in collaboration with the Department of Rail and Transportation of Virginia. He stated that he had questions about how it applies to the Town but reiterated that it only applies to the Trolley Division.

Councilman Ellis doesn't feel it's anything out of the ordinary.

Vice Mayor Bowden reviewed a section regarding the allowable alcohol levels. She feels that the Town should have zero tolerance and at least 8 hours prior. She read that it states 4 hours prior to performance of the safety sensitive job function.

There was discussion and Chief Mills advised that the regular commercial drivers allowable level is 0.2 and can be stopped from driving.

Councilman Frese suggested changing it to 0.2.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Trolley Drug and Alcohol Policy adding the CDL alcohol standard from 0.04 to 0.02. Unanimously approved.

### **13. Sarbanes Grant/Multimodal Improvements-Consider Award**

Public Works Director Spurlock advised that the contract specification is for the replacement of sidewalk on Main Street from Church Street to Maddox Boulevard and on Maddox Boulevard from Main Street to Deep Hole Road. He stated that this is a unit price on the contract. He stated there were 2 bids and Branscome Eastern Shore was the low bidder. He also stated that it was included in the bid that there will be no work Friday, Saturday or Sunday during the summer and 4<sup>th</sup> of July week or Pony Penning week.

Mayor Leonard asked what the total was for the Sarbanes Grant.

Public Works Director Spurlock advised \$1.5 million. He added that the sidewalk contract is roughly 30% of the budget. He stated that if they want to extend the sidewalk they can do it inhouse.

Vice Mayor Bowden asked when would they be able to start if approved.

Public Works Director Spurlock responded within a week or 2. He stated there will be an impact on some of the residents. He explained that they did an average of 100-120 feet a day.

Councilman Taylor stated that as far as Mrs. Nancy Payne's property, she came to the Town to allow the Town to purchase 5 feet which could benefit the Town. He asked if they would be willing to purchase 5 feet of the property. He added that when you move the pole it's too close to the home.

Vice Mayor Bowden stated that this grant can't be used to purchase land.

Councilman Taylor stated that he understands but if they want to entertain the idea of purchasing the 5 feet of property now is the time. He feels if they're interested they need to think about acting. He explained that it can only help the intersection to give an additional lane. He knows the Town needs it.

Mayor Leonard stated that he is suggesting they not fix that one section of sidewalk until this can be discussed and decided on. He added that there is a Public Safety Committee meeting tomorrow and it can be discussed at that time. He asked for further comments or motion.

Public Works Director Spurlock added that this is a unit price and if any of the work is done inhouse it could be reduced.

Councilman Frese motioned, seconded by Councilwoman Richardson to award the contract to Branscome Eastern Shore in the amount of \$401,165.06. Unanimously approved.

### **14. Mayor and Council Announcements or Comments**

Councilwoman Richardson commended the Police Department's Bicycle Rodeo on Saturday. She advised there was a good turnout. She also stated that the Transportation Director, Larry Welsh had a good time.

Vice Mayor Bowden thanked Councilman Frese. She also explained the reason they don't and can't have nursing homes here. She advised that because there's one way on and one way off the Island it isn't acceptable for state codes for nursing facilities. She added that she shares and understands their feelings about signs. She added that there isn't a cleaner and upkept place than Capt. Zacks'. She mentioned not being allowed to put out a banner for a dozen roses on Valentine's Day at the flower shop. She doesn't understand why you can't put a sign out showing what you sell.

Councilman Ellis thanked the Chincoteague Police Department for the Fraud and Identity Theft Workshop. He feels it was interesting, informative and practical. He hopes to advertise these workshops more to get more people out.

Councilman Lewis thanked the Police Department. He also thanked the Public Works Department for cleaning up the cemeteries.

Councilman Taylor doesn't think capitalism is a crime. He advised that he has told Ms. Mitchell to find out the minimum width adding that it takes 4 Council votes to change it and he feels he has those votes. He added that he has heard Councilman Frese called many things but never a socialist or capitalist. He stated that he has been on Council for a long time and has fought for the people and smaller government. He feels that if you're paying your taxes you should be able to put the sign up that says what you're selling. He added that they want to make sure that military flags aren't an issue to fly. He guaranteed that Councilman elect Reed will fill his chair very well and fight for the rights.

Councilman Frese advised that he is shocked to learn that you can't fly the flag with the wares. He agreed with Vice Mayor Bowden. He also stated that he is not degrading the job the Community Center is doing there. He discussed the improvements and feels that financially capping the donations is the right thing to do. He is glad to hear that they don't want a handout they want to repay it. He commended the Councilmen and Mayor. He added that they have a good Town here and is pleased to be a part of it. He thanked everyone.

Chief Mills asked to make a correction as to the CDL allowable alcohol levels. He stated that .04 is when you're issued a DUI. He further stated that the State Code states "no person shall drive a commercial vehicle while having any alcohol in their blood".

Town Attorney Fox asked if the vote was a limit of .02 or to mirror the Code section.

Town Manager West asked if there was distinction between passenger endorsement or CDL.

Chief Mills responded that this is strictly commercial, CDL.

Town Manager West stated that this is with the passenger endorsement and would think it's the same.

Councilman Frese motioned, seconded by Vice Mayor Bowden to amend the motion earlier regarding the Drug and Alcohol Policy for the Trolley Division allowable blood alcohol content from 0.02 to 0.00. Unanimously approved.

Mayor Leonard asked to send the flag matter to the Planning Commission. He asked that they look at the flags extensively. He also stated that the County has approached the Town about installing new illuminated signs at both schools which will be controlled in the office. He explained they want to replace what is currently there with new signs. They are willing to work with the Town but the Code says it's not allowed. He added that this is a governmental agency and if they can review the County's Code along with any other governmental agency's code. Mayor Leonard explained the Code and why it was written, however, feels that because this is a governmental agency it should be considered. He stated that currently they must go outside to make any changes. He added that all schools in the County except Chincoteague schools have gone to the new signs.

Vice Mayor Bowden advised Ms. Mitchell not to expect anything overnight.

Ms. Mitchell asked if the Planning Commission meeting was open to the public.

She was advised that it is.

#### **15. Adjournment**

Councilman Frese motioned, seconded by Vice Mayor Bowden to adjourn. Unanimously approved.

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE JUNE 21, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr. Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

#### **Council Members Absent:**

#### **1. Call to Order**

Mayor Leonard called the meeting to order at 5:00 p.m.

#### **2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comment**

Mayor Leonard opened the floor for public comment. There were no participants.

**5. Public Hearing – Vacation of Property Line**

Mayor Leonard opened the public hearing.

- Mr. Robert Turner, attorney representing Mrs. Toni Clark Merritt described the property where they would like to remove the property lines between lots 3A and 4A in property subdivision known as Rattlesnake Ridge Development at 7055 Wayne Road.

There were no public comments and Mayor Leonard closed the public hearing.

Councilman Frese motioned, seconded by Councilwoman Richardson to eliminate the property line as requested. Unanimously approved.

**AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT  
PURSUANT TO §15.2-2272.2**

**WHEREAS**, Toni Clark Merritt owns two lots designated as Lot No. 4A and Lot No. 3A on a certain plat of survey entitled "Rattlesnake Ridge Development Owned by Wyle Maddox, Chincoteague, Accomack County, Virginia," dated December 26, 1952, and made by William J. Gillespie, C.E., and recorded in the Accomack County Clerk's Office in Plat Book 9, Page 3, within the Town of Chincoteague, Tax Map Number 030A415000004A0 and 030A415000003A0; and

**WHEREAS**, one or more lots within the Subdivision have been sold; and

**WHEREAS**, the said Toni Clark Merritt has requested that the division or property line between said two parcels be vacated so that they become one (1) parcel; and

**WHEREAS**, the notice requirement of §15.2-2272.2 has been complied with; and

**WHEREAS**, the governing body affirmatively finds that no owner of any lot shown on said Plat will be irreparably damaged by said vacation of said line.

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

1. That the division or property line between Lot No. 4A and Lot No. 3A on a certain plat of survey entitled "Rattlesnake Ridge Development Owned by Wyle Maddox, Chincoteague, Accomack County, Virginia," dated December 26, 1952, and made by William J. Gillespie, C.E., and recorded in the Accomack County Clerk's Office in Plat Book 9, Page 3, be and is hereby vacated. The same line being as set forth on the current plat entitled, "PROPERTY LINE ELIMINATION FOR LOTS 3A AND 4A 7055 WAYNE ROAD CHINCOTEAGUE, VIRGINIA", made by B. J. Nolan JR PLS, dated March 15, 2018 as "PROPERTY LINE TO BE ELIMINATED".
2. That as the result of said vacation former Lot No. 4A and Lot No. 3A shall result in one (1) parcel of land.

3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Accomack County.
4. That the effective date of this Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

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Approved as of \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor, J. Arthur Leonard

State of Virginia,  
County of Accomack,

The foregoing Ordinance was acknowledged before me this  
\_\_\_\_ day of \_\_\_\_\_, 2018, by J. Arthur Leonard,  
Mayor, in my jurisdiction aforesaid.

#### **6. FY '19 Budget**

Mayor Leonard explained that a public hearing was held with no comments. He was aware of a couple of changes and a public hearing will be held later in the year for an amendment.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the FY '19 Budget as presented. Unanimously approved.

**TOWN OF CHINCOTEAGUE, INC.**

**FY'19 PROPOSED BUDGET**



PUBLIC HEARING TO BE HELD MONDAY, JUNE 4, 2018 AT 7 PM

IN THE TOWN COUNCIL CHAMBERS

6150 COMMUNITY DRIVE

CHINCOTEAGUE ISLAND, VA 23336

REVENUES		EXPENDITURES	
GENERAL FUND		GENERAL FUND	
REAL ESTATE TAX	\$610,000	GENERAL GOVERNMENT	
TANGIBLE PROPERTY TAX	\$200,000	SALARIES & BENEFITS	\$649,791
DELINQUENT REAL & TANGIBLE TAXES	\$20,000	EXPENSES	\$751,193
PERSONAL PROPERTY TAX RELIEF	\$129,246	CAPITAL IMPROVEMENTS	\$51,483
MEALS TAX	\$915,000		\$1,452,467
BANK FRANCHISE	\$72,000	EMERGENCY SERVICES	
SALES TAX	\$138,000	SALARIES & BENEFITS	\$637,271
BUSINESS LICENSE	\$128,000	EXPENSES	\$52,850
MOTOR VEHICLE LICENSE	\$72,000	CAPITAL IMPROVEMENTS	\$3,500
UTILITIES TAX	\$206,000		\$693,621
TRANSIENT OCCUPANCY TAX	\$1,200,000	PUBLIC WORKS	
FINES	\$55,000	PUBLIC WORKS ADMINISTRATION	
INTEREST	\$23,000	SALARIES & BENEFITS	\$156,674
MOBILE HOME SALES TAX	\$10,000	EXPENSES	\$487,090
CEMETERY CLEANUP DONATION	\$600	CAPITAL IMPROVEMENTS	\$375,000
ROBERT REED PARK DONATIONS	\$3,670		\$1,018,764
USER FEES	\$26,000	MOSQUITO CONTROL DIVISION	
BUILDING PERMITS	\$50,000	SALARIES & BENEFITS	\$39,783
ZONING ADVERTISEMENTS	\$1,200	EXPENSES	\$121,797

GRANTS/LITTER	\$1,700	CAPITAL IMPROVEMENTS	\$45,000
SALE OF CAPITAL ASSETS	\$10,000		\$206,580
HEALTH INSURANCE RETIREES	\$12,100	FACILITIES DIVISION	
FIRE PROGRAMS	\$10,000	SALARIES & BENEFITS	\$306,938
PAYMENT IN LIEU OF TAXES - USFWS	\$8,400	EXPENSES	\$89,520
RENTAL INCOME TROLLEY	\$15,000	CAPITAL IMPROVEMENTS	\$242,434
TOWER RENT	\$5,520		\$638,892
COMMUNICATIONS TAX	\$105,000	ROADS DIVISION	
RECOVERED COST FROM WATER	\$100,000	SALARIES & BENEFITS	\$177,851
MISCELLANEOUS INCOME	\$13,000	EXPENSES	\$606,551
SOLID WASTE COLLECTION FEE	\$385,632		\$784,402
LAW ENFORCEMENT FUNDS	\$112,550	POLICE DEPARTMENT	
DISPATCH REVENUE	\$24,894	SALARIES & BENEFITS	\$696,846
VDOT MAINTENANCE FUNDS	\$783,757	EXPENSES	\$102,350
ROAD PERMIT FEES	\$100	CAPITAL IMPROVEMENTS	\$97,490
VA COMM. FOR THE ARTS GRANT	\$4,500		\$896,686
POLICE COMMUNITY DONATIONS	\$20,000	DISPATCH	
POLICE GRANTS	\$6,000	SALARIES & BENEFITS	\$233,657
USFWS - SARBANES GRANT	\$412,500	EXPENSES	\$17,800
VDEM GRANT	\$7,500		\$251,457
TRANSFER FR MOSQUITO CTRL SAVINGS	\$45,000		
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$5,942,869</b>	<b>TOTAL GENERAL FUND EXPENSES</b>	<b>\$5,942,869</b>
<b>HARBOR FUND</b>		<b>HARBOR FUND</b>	
HARBOR RENT	\$97,107		

SUBLEASES/STORAGE	\$26,000		
HARBOR INTEREST	\$120	HARBOR SALARIES & BENEFITS	\$48,771
FUEL REVENUE	\$226,000	EXPENSES	\$243,956
MISCELLANEOUS	\$1,500	CAPITAL IMPROVEMENTS	\$183,000
VA PORT AUTHORITY	\$93,750		
TRANSFER FROM BOAT RAMP REPAIRS	\$31,250		
<b>TOTAL HARBOR REVENUE</b>	<b>\$475,727</b>	<b>TOTAL HARBOR EXPENSES</b>	<b>\$475,727</b>
<b>TROLLEY FUND</b>		<b>TROLLEY FUND</b>	
TROLLEY GRANTS	\$49,329		
PROGRAM INCOME	\$7,000	TROLLEY SALARIES & BENEFITS	\$46,573
RTAP REIMBURSEMENTS	\$2,000	EXPENSES	\$38,390
TRANSFER FROM GENERAL FUND	\$26,634		
<b>TOTAL TROLLEY REVENUE</b>	<b>\$84,963</b>	<b>TOTAL TROLLEY EXPENSES</b>	<b>\$84,963</b>
<b>WATER FUND</b>		<b>WATER FUND</b>	
WATER RENT	\$1,200,000		
WATERLINE EXTENSIONS	\$5,000	WATER SALARIES & BENEFITS	\$355,148
SERVICE CONNECTIONS	\$6,137	EXPENSES	\$365,061
INTEREST ON WATER RESERVE	\$3,672	CAPITAL IMPROVEMENTS	\$735,100
MISCELLANEOUS INCOME	\$500		
AVAILABILITY FEES	\$40,000		
WELL REIMBURSEMENT	\$200,000		
<b>TOTAL WATER FUND REVENUE</b>	<b>\$1,455,309</b>	<b>TOTAL WATER FUND EXPENSES</b>	<b>\$1,455,309</b>
<b>TOTAL ALL REVENUES</b>		<b>TOTAL ALL EXPENDITURES</b>	<b>\$7,958,868</b>

**\$7,958,868**

THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE CURRENT TAX YEAR WITHIN THIS

BUDGET:

REAL ESTATE TAX LEVY	\$0.07 PER \$100 OF ASSESSED VALUE
PERSONAL PROPERTY	\$0.85 PER \$100 OF ASSESSED VALUE
EXCISE TAX (MEALS)	5%
EXCISE TAX (TRANSIENT OCCUPANCY)	4%
MOTOR VEHICLE LICENSE	\$27.00
SOLID WASTE COLLECTION	\$2.00 PER WEEK
PERSONAL PROPERTY TAX RELIEF	70%

#### **7. Solid Waste Collection Contract**

Public Works Director Spurlock explained the contract with a base period and options. Staff recommended that a contract be awarded for the base period.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to award the contract for the base year. Unanimously approved.

#### **8. Vehicle and Traffic Code**

Mayor Leonard explained that this was an annual event to make sure the Town is in compliance with the State Code. This was just changing dates in Article 58.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the new Vehicle and Traffic Code. Unanimously approved.

### **TRAFFIC AND VEHICLES**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 58-1. Compliance with chapter; violations and penalties generally.**

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

**State law references**—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

#### **Sec. 58-2. Adoption of state law; former provisions.**

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2018, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18)

(b) The provisions of this section, as readopted, shall be effective as 12:01 am July 1, 2018. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18)

Council asked Chief Mills if he was aware of any changes in the Traffic Code and State Code if he would post those changes online.

**9. Mayor & Council Announcements or Comments**

Councilman Frese thanked Council for working with him for 4 years.

Councilman Taylor congratulated Councilman Frese and thanked him for his years of service.

Councilman Lewis stated that it was a privilege to work for and with him.

Councilman Ellis congratulated Councilman Frese. He expressed concerns over the new traffic control devices at the intersections of Ridge Road and Church Street.

Vice Mayor Bowden congratulated Councilman Frese. She advised she hasn't heard of any complaints of the intersection of Ridge and Church.

Councilwoman Richardson recalled having first met Councilman Frese at the old Firehouse which was his first term in office. She stated that she has known Councilman Frese to have always put the people first. She thanked him for his dedication.

**10. Adjournment**

Councilman Frese motioned, seconded by Vice Mayor Bowden to adjourn. Unanimously approved.

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

**MINUTES OF THE JULY 2, 2018  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr. Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

Mayor Leonard called the meeting to order at 7:00 p.m.

**2. Invocation**

Councilman Ellis offered the invocation.

### **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

### **4. Presentation: The Resilience Adaptation Feasibility Tool (RAFT)**

Dr. Michelle Covi from Old Dominion University who is in the Department of Ocean, Earth and Atmospheric Sciences introduced Professor Elizabeth Andrews from the William and Mary Law School who is the Director of the Virginia Coastal Policy Center. She also introduced Mr. Donnie Autrey who is a law student. She explained the Resilience Adaptation Feasibility Tool which is to help Virginia's coastal localities improve resilience to flooding and other coastal storm hazards while remaining economically and socially viable. She stated that this is a tool that has been tested in several locations including Cape Charles. They found it to be very successful in helping localities think through their resilience challenges. She advised that this is a grant they received to come to the Eastern Shore to conduct a regional approach to find resilience. She mentioned the score card and a community workshop scheduled in August. She further explained the phases.

Professor Andrews stated that they are very excited to partner with ODU and UVA. She showed and reviewed the 5 categories that area covered in the score card. She stated that Town Manager West was very helpful. She mentioned the FEMA community rating system. She suggested incentives. She mentioned investing in community-lead resilience programs, education and outreach. She also talked about a checklist.

Councilman Ellis suggested a resource online from a recent workshop.

Mayor Leonard thanked them.

### **5. Public Comments**

Mayor Leonard opened the floor for public comment.

- Ms. Barbara Walker, 5335 Merritt Drive, stated that the mosquitoes are here. She asked about a timeframe for digging out ditches. She stated that when it rains hard the ditches aren't going to drain properly and this causes mosquitoes.

Mayor Leonard advised there is a schedule.

- Mr. Ricky Betts, 6317 Church Street and on behalf of Mrs. Amanda Betts, Salyer's Funeral Home 6327 Church Street, came before Council regarding the increase of food trucks on the Island. He didn't mind having them on Maddox Boulevard and Main Street. He explained that there is currently one across the street from their front yard. He doesn't fault anyone for making money. He asked Council to possibly have the Planning Commission consider newer and better regulations for the food trailers. He feels they need to ask if there will be a limit to the food trucks on the Island. He stated that his area is zoned commercial. He explained that they are in an area of churches that are older buildings and mentioned that Salyer's Funeral Home is over 100 years old. He would like Council to look at increasing regulations. He mentioned

setbacks, restrooms, septic systems and impacts on the already established restaurants. He knows that the Island is getting busier each year. He asked Council to control this a little better.

Mrs. Amanda Betts added that they are worried about her parking lot being used. She also feels that the food trucks are hurting the established restaurants.

- Mr. Billy Joe Tarr, Accomack County Supervisor, stated that he was made aware of an agenda item for the staffing proposal for EMS. He stated that the day of the volunteer is gone. He also stated that the Fire Company can still make enough money to buy the equipment and house anyone that is in there because there is no way volunteers can get the ambulances out. He stated that whatever Council wants and is willing to add is giving back to the citizens. He explained that if someone is waiting for 45 minutes for an ambulance they won't come back. He also stated they can buy an ambulance every year if they want, but they can't get the 2<sup>nd</sup> ambulance out.

Councilman Taylor commented. He asked if it was humanly possible for the Fire Company to get a driver out. He asked if they could get paid to drive.

Mr. Tarr advised that it gets into taxes. He stated that they are all volunteer and they need to keep it like that. He added that the qualifications for the driver isn't as stringent as those riding in the back. He advised that the Board of Supervisors approved an ambulance in Greenbackville and Saxis. He added that they haven't staffed it yet but it's approved.

Vice Mayor Bowden stated that it falls back to the volunteers. She explained that people work or have other obligations. She added that drivers must have EVOC and CPR.

Councilman Taylor commented further.

Mr. Tarr added that they've handled it for 60 years and the last 30 has been hard.

- Mr. Daryl Chrisman, 6219 Maddox Boulevard, owner of Poseidon's Pantry, advised he has a cart on the property with the Poseidon's Pantry. He stated that they were asked to supply food for another business and the hotdog cart seemed the natural fit. He was surprised to find out that to operate his cart at any of the other businesses, that business would have to have 4 additional parking spaces over and above what they currently have. He researched the Zoning Ordinance and parking wasn't mentioned. He discussed "wayside stand". He asked why the pushcart is considered a permanent structure. He read the definition of a pushcart and provided a picture of the cart which is 3' x 4' x 4'. He doesn't understand that he is required to have 4 parking spaces with him wherever he puts his cart.

Mr. Chrisman explained that in many areas a pushcart can be operated right up to the sidewalk. He asked that Council direct the Planning Commission to modify the Zoning Ordinance to include the definition of pushcarts instead of incorrectly calling them a wayside stand and create regulations that are in line with the definition. He added that the Planning Commission, in conjunction with the Town Plan, should create an ordinance that allows pushcarts to operate in the commonsense manner in which they are intended, remove the parking requirement and



provide a more reasonable setback requirement. Mr. Chrisman couldn't find one example of a community that has a parking space requirement for a pushcart operating on private property or at a business that has met the zoning requirements. He stated that most of the businesses that allow pushcarts are a secondary use in a commercial zoning district. He feels the current parking requirements are too restrictive and prevent from realizing the full potential of their investment.

- Ms. Lorna Gagneux, 6322 Cleveland Street, addressed off-shore drilling. She explained that the dangers of sea dumped emissions that could cause hazard to the shoreline. She stated that with military stations at Norfolk, Newport News and Wallops Island there are UXO sites throughout the area. The NASA, Wallops Flight Facility was originally the U. S. Naval aviation ordnance testing station. She advised that in 2010 prior to the beach replenishment operation at Wallops there was an extremely limited underwater scan with a UXO just in the pathway of the planned dredging operation located 2 of these unexploded ordnance sites at 7 and 13 miles off Wallops Island. She added that there are many more. She further discussed toxic waste on the ocean floor. Ms. Gagneux also discussed aquaculture, offshore fishing and tourism. She continued that as of June 1<sup>st</sup>, 2018, 200 east coast municipalities and over 1,200 local, state and federal elected officials and other groups have formally opposed offshore drilling and or blasting. She concluded that Chincoteague can show leadership by joining their 9 coastal neighbors in Norfolk, Hampton, Virginia Beach, Isle of Wight, James City, Portsmouth, Suffolk, Accomack County and Northampton County to pass a resolution. She urged Council to learn more about what can be done and to demand nondestructive magnetic imaging before any air gun surveys can be done. She gave contact information and articles that show the UXO sites here on Chincoteague discovered during the beach replenishment.

Councilman Ellis asked if the beach and town jurisdictions already passed the resolution.

Ms. Gagneux responded that some have. She added that Onancock and Exmore Town Councils are considering resolutions this week.

- Mr. Matt Heim, Mid-Atlantic Organizer for Oceana, also commented on offshore drilling. He explained the withdraw and expressions of concern. He discussed seismic air gun surveys and stated that noise that loud has impact to animals and marine fisheries. He added that the surveys are done as a precursor to drilling. He talked about oil spills and the closures of Assateague beach. He wanted to let Council know what was going on and educate local communities. He also mentioned resolutions from Accomack and Northampton counties. He stated that if there's a way to stop a storm from destroying the Island then Council would want to do this. He also feels that this could also be one of those storms.

Councilman Ellis stated that he is aware of the offshore drilling matter. He asked where Virginia's Senators and Congressional representatives stand on this matter.

Mr. Heim responded that he believes they are opposed to offshore drilling.

There were further comments about bipartisan support and expressing their support by resolution.

- Mrs. Evelyn Shotwell, Director Chincoteague Chamber, welcomed Councilman Reed and invited him to stop by the Chamber. She gave Councilman Reed a copy of the Annual Report and Strategic Plan along with the new Visitor Guide.

- Mr. David Wenbert, 3705 Willow Street and a co-owner of the house on Cleveland Street that is on the agenda later this evening. He stated that in the written information he covered the fact that the process for which these things are determined are faulty. He stated that they oppose the effort to demolish the house. He also stated that they have had no due process and demand due process. He added that there are plenty of legal issues involved and given time he feels they could negotiate something. He advised that if this goes through this will go to court.

- Mr. Jim Frese, 7444 Eastside Road, addressed the EMS staffing proposal. He stated that back in October they had a good discussion with the Fire Company. He stated that they said if the Town wanted to take this over they would be happy. He also stated that with the current EMS budget they can't have the Fire Company under the gun and understaffed with a lack of volunteers. He added that they have told the Town they can't get the volunteers. He urged Council to consider carrying this to a logical conclusion as a department of the Town. He also added that they are talking about one of the single largest expense to the Town. He advised they are hearing that it is taking longer and longer to get an ambulance to a patient and minutes count. He doesn't feel they should put it off any longer. He suggested Council make it a department of the Town. He also stated that they have transferred 911 to the County. He feels that it would make a lot of sense to consider this. He welcomed Councilman Reed and wished him luck.

## **6. Agenda Adoption**

Councilman Ellis suggested moving Mayor and Council Announcements or Comments prior to closed session.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adopt the agenda as amended. Unanimously approved.

## **7. Staff Updates**

### **Police Department:**

Chief Mills advised the report is in the packet. He also reported that they had their annual bicycle rodeo with more in attendance. He stated that they had a NCIC-VCIN audit and passed. They also had a mock accreditation assessment to help keep them on track. They sent 3 officers to local training for officer safety conducted by the FBI.

Mayor Leonard asked if he acquired a crossing guard at the carnival.

Chief Mills advised they had one hired and they backed out. He added that he has another prospect but, hasn't heard back from them.

Councilman Ellis asked if they planned to put up the pedestrian crossing posts.

Public Works Director Spurlock advised that they had no plans to put them back up as they were a deterrent.

**Public Works:**

Public Works Director Spurlock reported that the kayak launch at Memorial Park will be complete tomorrow morning. He stated that regarding the Multi-Modal Trail Project, Clark Nexsen's picklist and construction estimates will be presented in August Committee meeting.

**General Government:**

Town Manager West advised that he received a notice from the NASA Public Affairs office. He reported that Mayor Leonard and he have been working with them on an agreement.

Councilman Ellis stated that Senator Lewis reported on the money for the impact study of the Inlet.

Town Manager West stated that they are currently working with the Feds and Congressman's office for the federal share of the study cost.

Mayor Leonard reported that they purchased the mainland property for the wells.

**8. Committee Reports****Public Safety Committee:**

Mayor Leonard reported that they discussed the "No Parking" zones. He explained that in the Sarbanes Grant they want bicycle traffic and safety. He stated they implemented "No Parking" on the south side of Maddox Boulevard so there are no obstructions for pedestrian crossings. He also added that the NPS and USFW dispatch is going away along with the funding.

**Budget and Personnel Committee:**

Councilman Ellis reported that they met to discuss the Solid Waste Contract. They discussed staffing of the Police Department and EMS Department. He stated that the current funding is for 4 full-time and 8 part-time employees. He reported that the Committee recommended that 2 EMS providers be hired immediately and 2 hired in next year's budget. He added that if adopted, a budget amendment would be required. He advised that Chief Mills has asked for more staffing in the Police Department. He stated that there are currently 10 full-time Police Officers. He explained that during events Chief Mills is concerned about safety. Chief Mills will pursue this for the 2020 budget year.

**RCEC:**

Vice Mayor Bowden reported that Town Manager West gave an update on the dog park. She stated that the site chosen for the layout was partially on school property. She advised that they re-engineered and moved it all on Town property with a result of a loss of .10 acre. She feels they're on the right path. They discussed the Watermen's Memorial at Mariner's Point. They created criteria to be on the plaque. She stated that to be on the plaque they would have to either be a working waterman from Chincoteague or military servicemen from Chincoteague that has lost their life at sea. She gave the cost and timeframe. Vice Mayor Bowden stated that Public Works Director Spurlock gave an idea of a sign for Memorial Park. She also commented on signage with the rule to "ride with and walk against traffic". She added that she would like a

dedication ceremony for the renaming of the Island Gym to the Dr. Donald J. Amrien Recreational Center.

There was a brief discussion about a bicycle stencil for the bicycle path.

**9. Consider Adoption of the Minutes of the June 4, 2018 and June 21, 2018 Council Meetings**

Vice Mayor Bowden asked for a correction to page 8 of the Public Safety Committee Meeting. She advised that it shows she made a motion, however she was absent.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to adopt the minutes of the June 4 and June 21, 2018 Council meetings as presented. Unanimously approved.

**10. Selection of Vice Mayor**

Councilman Taylor motioned, seconded by Councilwoman Bowden to nominate Councilman Ellis as the Vice Mayor for the next 2 years. The motion was carried.

Ayes: Taylor, Bowden, Lewis, Richardson, Reed

Nays: None

Abstain: Ellis

**11. Appointment – Building Code Board of Appeals**

Mayor Leonard advised that Ms. Sonia Williamson is the only person who has expressed interest in serving on the Building Code Board of Appeals. He asked for nominations.

Councilwoman Bowden motioned, seconded by Councilman Ellis to elect Ms. Sonia Williamson to fill the unexpired term of Mr. Spiro Papadopoulos. Unanimously approved.

**12. Staffing Proposal – Emergency Medical Services**

Mayor Leonard stated that the EMS is making many calls and need help. He asked for discussion.

Vice Mayor Ellis stated that he is fully in favor of this. He stated that they are dealing with the money and the adopted FY 2019 budget has a total of EMS expenditures of \$673,621. He advised that Town Manager West reported that the 2 additional EMS providers will cost approximately \$150,000. He stated that this will take the FY 2019 budget for EMS to \$823,621 and to add 2 more EMS providers for FY 2020 will bring the budget amount over a million. He added that in the EMS budget there are no revenues coming in. He also stated that the entire budget is funded by the general fund. Vice Mayor Ellis advised that he does not have an axe to grind with the Fire Company and feels they do a fantastic job. He advised he has researched other towns and jurisdictions to see how they are funded. He mentioned Pocomoke who in 2017 received \$462,000 in county funds. He stated that Chincoteague does not receive county funding for EMS. He also stated that Pocomoke has a revenue of insurance claims in the amount of \$450,000. He added that no insurance claims come to the Town and whatever funds are collected goes to the Fire Company. He compared Pocomoke's population and Chincoteague's tourism population and believes the insurance revenue for Chincoteague would be more. He knows that the citizens of Chincoteague are invited to purchase ambulance insurance for \$100

per year which covers any difference in ambulance fees beyond what the insurance doesn't cover.

Vice Mayor Ellis believes it should be passed but feels there should be some discussions with the Fire Company. He stated that if they are bringing in \$500,000 or more for insurance claims plus ambulance insurance fees, the Town should possibly negotiate revenue sharing with the Fire Company. He added that this is so that the whole burden does not fall upon the taxpayers. He suggested that the Town consider what revenue comes in.

Mayor Leonard responded that this was addressed a few years ago in the meals tax. He explained that one of the points was that they passed an additional meals tax which was to provide additional funds for EMS. He stated that this is one of the reasons why they didn't have rebuttal for increasing the fund. He further explained that majority of the funds are from the visitors and by increasing the meals tax they were increasing that revenue to increase the staff.

There was discussion about the increase in transient occupancy.

Councilwoman Bowden stated that Mr. Billy Joe Tarr receives the ambulance report every month and they take in about half of what Pocomoke takes in.

Supervisor Tarr responded that with the local ambulance insurance and what they receive is roughly \$230,000. He added that they always keep enough money in the ambulance treasury to buy an ambulance in case of an accident so they can replace it quickly until insurance money goes through.

Councilman Lewis asked how many calls they have for the Wildlife Refuge.

Emergency Services Director Rush advised that last year there were 31-32 calls on Assateague from distress on the beach to bicycle accidents. He asked about the radio operations going away and if Assateague should contribute because they have responded to Assateague quite a few times already this year.

Councilman Lewis asked if they've had more calls this year than last.

Emergency Services Director Rush responded that he couldn't answer this as they are only 2 months into the beach season adding that they went over there 6 times last week.

Councilman Lewis stated that they need EMS and Chief Mills advised they need more officers. He asked where they're going to go with this. He asked if they're going to have to raise taxes or increase meals tax to create more revenue.

Emergency Services Director Rush explained that the reason it was brought to Budget and Personnel was that they have to start planning.

Councilman Lewis asked if the \$150,000 would get them more part-time positions than to hire 2 full-time positions.

Emergency Services Director Rush responded that he can't get more part-time staff which is the problem he's currently having. He advised that he has 4 full-time employees and 8 part-time employees. He stated that he has to cover 2 full-time shifts 24/7, 365 days a year. He reported that if this is broken down to 1 person it is 8,760 hours, 2 people is 17,000 hours. He explained that it is easy to do with the full-time positions because they're scheduled. He added that part-time positions have other part-time or full-time jobs. He also stated that he is having to split them into 8-hour shifts, 12-hour shifts and 24-hour shifts. Emergency Coordinator Rush advised that he is getting to the point where he can't cover a 2<sup>nd</sup> position on the ambulance 24 hours a day. He stated that he is running on the ambulances to cover that himself. He feels there is a problem developing. He added that it's not a Chincoteague problem it is a nationwide problem. He also stated that volunteers are becoming a thing of the past.

Emergency Services Director Rush reported that in the time period of June 1<sup>st</sup> of 2016 to June 1<sup>st</sup> of 2017 they ended up with 1,043 calls for service. He stated that for June 1<sup>st</sup>, 2017 to June 1<sup>st</sup>, 2018 there were 1,020 calls which is a 2.2% reduction in call volume. He reported they had 19 volunteers. He added that there was a volunteer reduction of 58% from 2016-2017 to 2017-2018 which has become a thing of the past. He also stated that they're going to wait longer and longer for an ambulance to respond. He added that when the 1<sup>st</sup> ambulance is out, there won't be a 2<sup>nd</sup> ambulance responding or it will come from the mainland stations. He reviewed the county system. He stated that each district in the county system pays an EMS tax that is dedicated to their EMS service and provided by the county. He reported that they've been making it happen since 1992 with 2 people, Monday through Friday, 8:00 a.m. to 5:00 p.m. and did well with volunteers. He also stated that in 2005 they started a 3<sup>rd</sup> shift of midnight to 8:00 a.m. with the decrease in volunteers. He reported that in 2007 they went to one 24-hour shift 7 days a week which worked well until 2015. He then reported that the Fire Company put money in to cover a 2<sup>nd</sup> person during the busy season during the week 8:00 a.m. to 8:00 p.m. He advised that in late 2016 they determined that this is a problem and the Fire Company came to him to see what they could do.

Emergency Services Director Rush then advised that the Fire Company paid \$85,000 for the rest of 2016 and 2017, within the FY 2017 budget to make it happen. He stated that they just finished the 2018 budget heading into the 2019 budget and the problem is only going to get worse. He advised that he needs 4 more full-time employees. He reported that with the 4 new full-time employees he will be able to staff the 1<sup>st</sup> ambulance with no problems and the part-time employees can kick in during the busiest times of the year. He stated that the ultimate goal is to have 4 more full-time employees. However, he added that the Budget and Personnel Committee has said 2. He stated that they can hire more part-time personnel but will have to hire a lot more. He advised that he can't hire part-time out-of-state. He explained that when you come into the Tidewater region you have to go through a very extensive process to be sanctioned to practice in the Tidewater region. He added that on the part-time proposal, it would cost a lot more money to do this. He feels that they've already hit the entire part-time EMS in the Tidewater region. He reported that he advertised last month for a part-time position and has received no applications. He concluded that 2 full-time positions for this year is a start and then add 2 more full-time positions for next year.

Councilwoman Bowden stated that the regulations for hiring out-of-state are strict even with the volunteers. She asked that if they get 4 more full-time employees would there be a need for the part-time employees. She also asked if it would save a little money.

Emergency Services Director Rush advised that there would not, as the part-time hours would be cut back because he would be able to cover an entire 96-hour period with the 8-full-time staff. He explained the need for part-time staff which is to cover vacations, sick leave and they would have staff for the 2<sup>nd</sup> ambulance. He stated that he could hire 30 part-time staff and spend the same amount of money if he could get them.

Emergency Services Director Rush responded that he would cut back and it would save money. He stated that they wouldn't cut back on the part-time staff with 2 new full-time employees but with 4 new employees he could cut back. He stated that benefits are included in the \$150,000 estimated cost.

Councilman Lewis asked Supervisor Tarr if there is any way they could get help from the Wildlife Refuge.

Supervisor Tarr responded that it won't hurt to ask.

Mayor Leonard stated that the Town isn't being taxed for this.

Supervisor Tarr advised that the Town isn't being taxed and it's a few pennies in the taxes.

Vice Mayor Ellis asked Supervisor Tarr about the difference in insurance claims for the Town of Chincoteague which is only half of what Pocomoke is.

Supervisor Tarr responded that Maryland has different rules. He also stated that they get a lot of help from the county and state. He added that anything in a firehouse that is over 4 years old is done away with and they get something newer. He advised that the CVFC ambulances cost about \$400,000 per year to maintain. He explained that a battery is \$500 and a couple of tires are \$1,500. He stated that they put enough in the treasury to buy an ambulance so that if they don't get the funding from the EMS Council they have it. He stated that the ambulance fund is separate from the rest of the treasury.

Councilman Taylor stated that its no way to do this cheaper without the cooperation of the Fire Company. He stated that the Fire Company is willing to continue to purchase and take care of the ambulances and this is the cheapest way to go as long as the Fire Company is willing to continue.

Supervisor Tarr stated that the Fire Company doesn't want to get out of it and they have the carnival to support it.

Councilman Taylor stated that he is going to vote for the 2 EMS providers.

Vice Mayor Ellis stated that the 1<sup>st</sup> responsibility of Council is for the health and safety of the citizens.

Vice Mayor Ellis motioned, seconded by Councilman Taylor to adopt the Budget and Personnel Committee's recommendation to expand EMS staffing by 2 full time paramedics. Unanimously approved.

### **13. Demolition Proposal – Unsafe Structure**

Mayor Leonard explained that this is a demolition proposal for an unsafe structure on Cleveland Street. He advised that it is an unoccupied dwelling used for storage. Building and Zoning Administrator Lewis has deemed this structure unsafe. He stated that it is their civic duty to see what they can do with the structure. He added that he has properly been served and there is a bid for demolition.

Town Manager West advised that Building and Zoning Administrator Lewis has attempted to contact the owner several times and the only response was signing for the certified letter. He stated that this was in effort to make the owner to make this structure safe. He also stated there are holes in the roof and windows missing.

Mr. Wenbert advised that the house is secure, not unsound or unsafe.

Mayor Leonard stated that the holes in the roof and missing windows will quickly make it unsafe. He also stated that his grandmother lived on Cleveland Street and he couldn't recall anyone ever living in that house.

Councilwoman Bowden mentioned to Mr. Wenbert that he purchased the house 4 years ago and asked when he started making plans to rehab the building.

Mr. Wenbert stated that they live next door and it's always been their intention to refurbish it, but it wasn't a high priority. He stated that it's been like this for half a century and doesn't feel another year would make a difference. Councilwoman Bowden referred the picture in the packet and stated that it was from two years ago, and since then the roof has caved in and the windows are broken.

Mr. Wenbert interjected that there is half of a pane broken on one window. He added that the roof isn't caved in.

Councilwoman Bowden stated that the roof is not sound.

Mr. Wenbert responded that there is no one using the house therefore it's not unsafe for anyone.

Mayor Leonard stated that he doesn't know that.

Councilwoman Bowden asked Mr. Wenbert how long it would take to make the necessary repairs.



Mr. Wenbert responded that rebuilding the house will take a year. He commented further.

Councilwoman Bowden then asked Mr. Wenbert how long it would take to make it safe.

Mr. Wenbert was unsure but would do so in a timely manner.

Councilman Taylor feels that what it would take for him to pay a lawyer would fix the roof and windows. He commented that a leaking roof rots the house and they want a safe structure. He stated that they can't allow roofs to cave in. He asked if he was willing to make the repairs.

Councilwoman Bowden suggested 90 days.

Councilman Reed stated that the problem isn't so much as someone living there. He explained that the problem is if there is a storm it affects the properties around you. He also stated that if there is a hurricane parts of the roof are going to fly off and damage the properties around him. He added that replacing a roof could be done inexpensively because it's not a large roof. He agreed with Councilman Taylor that it could be done with the money he would pay a lawyer.

Mr. Wenbert stated that they don't expect to hire a lawyer for construction. He stated that it is their fundamental right to due process and anyone who is having a house torn down should have due process.

There were comments from the audience.

Mayor Leonard asked if Mr. Wenbert signed for letters from Building and Zoning Administrator Lewis.

Mr. Wenbert advised they signed for one.

Town Manager West stated that it was put in the paper and he was notified. He noted that any attempt to contact Mr. Wenbert has been difficult and he doesn't answer the phone. He reported stopping by Mr. Wenbert's house earlier today and knocked on the door with no answer. He stated that they can't indicate anything other than by the ordinance for an unsafe structure if they can't get a response. He also stated that this is the first he's heard of Mr. Wenbert wanting to work something out.

Councilwoman Bowden would make a motion to give 30 days to make the repairs.

Councilman Taylor suggested 60 days because it would be hard to get anyone to do this within 30 days.

Councilman Reed agreed.

Mr. Wenbert stated that this would be sufficient as long as he knows what is required to make this structure safe.

Town Manager West stated that he will have to come into the office and speak with Building and Zoning Administrator Lewis this Thursday or Friday if the motion passes.

There was brief discussion as to the damage.

Councilman Reed asked if the motion was for this to be completed in 60 days or started in 60 days.

Councilwoman Bowden stated that someone owns a property for 4 years and it continues to deteriorate yet they choose to do nothing until forced.

Councilman Reed stated that if he has started within 60 days it should be sufficient to get someone lined up to do it but not necessarily completed in 60 days.

Councilwoman Bowden thinks he should meet with Building and Zoning Administrator Lewis to see what must be done.

Councilman Lewis feels he should meet with Building and Zoning Administrator Lewis and see what has to be done.

Councilman Reed feels it should be demolished because it's not worth fixing.

Councilwoman Bowden motioned, seconded by Councilman Taylor to give Mr. Wenbert 60 days to work out a plan with Building and Zoning Administrator Lewis to make the structure safe and completed at the satisfaction of Building and Zoning Administrator Lewis. Mayor Leonard added that after the 60 days at the September meeting, they will review this matter. Unanimously approved.

Mayor Leonard asked Mr. Wenbert to go to the office and speak with Building and Zoning Administrator Lewis.

#### **14. Presentation: 2018 Performance Based Pay Increases**

Town Manager West stated that most of Council saw the presentation. He advised he met with the departments to try and get scores. He summarized the scores and increases. He advised that he tracks everything proposed and if approved they will be \$10,000 under budget.

Councilman Ellis stated that Town Manager West has worked hard on this along with the Department heads. He also stated that the concept of raises based on performance makes a lot of sense. He added that there will be some people who won't make as much as they thought which gives them the incentive to improve their performance which is the whole purpose of this approach.

There was discussion regarding averages. Council concurred to discuss this further in closed session.

#### **15. Mayor & Council Announcements or Comments**

Councilman Taylor thanked Councilman Reed for his willingness to serve. He stated that he hopes and prays that the Town and Fire Company has a long success for both. He doesn't think the Town realizes what kind of shock it would be to take over the ambulances. He thanked Emergency Coordinator Rush for representing both ends.

Councilman Lewis congratulated Councilman Reed and wished him luck.

Councilman Ellis advised he was standing on the porch of the Library last Thursday overlooking the Robert Reed Park. He stated that it was mowed, clean and trimmed. He commented that it looked absolutely fantastic. He also stated that he took the time that afternoon to drive around the Island and he commended Public Works Director Spurlock and the Public Works staff.

Councilwoman Bowden stated that the first issue she wants to bring up is about food trucks which she thought they were cool when they remained on the commercial corridor between Maddox Boulevard and Main Street. She then stated that when she saw the food cart on Church Street she was shocked to see it in someone's front yard. She understands that it's in the zoning and ordinances. She feels they need to take a good hard look as it is getting quite thick with food trucks. She also stated that being a volunteer is one of the hardest things you'll do in your life and it gets harder. She stated that when she first joined the Fire Company you could go to Mr. Fred Tolbert to learn to drive. She added that now with the new regulations you have to be certified. She also stated that they all have a job to do which is to make the Town safe and welcoming to the visitors. She welcomed Councilman Reed. She thanked Chief Mills and advised that she appreciates everything he and the Police Department do. She asked everyone to be vigilant, look out for what's going on and be nice. She concluded by saying "Go Yankees!" and "ride with and walk against".

Councilwoman Richardson stated that she is proud to have Councilman Reed onboard. She stated that they (Council) don't always agree but when they leave the Council room they're all still friends. She advised that Friday was the ribbon cutting ceremony at Maui Jack's Waterpark. She stated that there was a lot of kids and grownups there along with Chincoteaguers. She also stated that Mr. Burbage thanked the Town for all they've done.

Mayor Leonard welcomed Councilman Reed aboard. He looks to the Planning Commission to tackle the issue with food carts. He stated that he would like to establish another Town committee. He advised that the County Parks and Recreation Department has a "seasoned" citizens event. He would like for the different organizations on Chincoteague to look into forming a senior citizen's committee so they could plan a senior day or activities. He feels it's time for the Town to look into doing something for our seasoned citizens. He concluded by saying "roll tide" and have patience on the Island.

#### **16. Closed Meeting in Accordance with § 2.2-3712 (A)(1) of the Code of Virginia to Discuss Employee Reviews.**

Councilman Taylor motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with § 2.2-3712 (A)(1) of the Code of Virginia to Discuss Employee Reviews. Unanimously approved.

**17. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia**

Councilman Taylor motioned, seconded by Councilman Reed to certify the Closed Meeting was in accordance with § 2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

Councilman Ellis motioned, seconded by Councilman Taylor to approve the proposed merit increases as presented by Town Manager West, award a 2% increase to Chief Mills and a 2% spot bonus to Mr. West. Unanimously approved.

**18. Adjournment**

Councilwoman Bowden motioned, seconded by Councilman Taylor to adjourn. Unanimously approved.

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

**MINUTES OF THE AUGUST 6, 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 7:00 p.m.

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

Mayor Leonard also asked for a moment of silence for Councilman Reed's brother Raymond Britton who recently passed away.

#### **4. Introduction of New Employees**

Chief Mills introduced Officer Chuck McPherson who came from the Accomack County Sheriff's Department with 14 years of experience and a lot of valuable certifications.

Emergency Coordinator Rush advised they were able to hire Mr. Jamie Wheatley as a new paramedic. He advised that due to a family emergency Mr. Wheatley was unable to attend this evening. He reported that he came from Wallops with several years of experience as a paramedic. He stated that Mr. Wheatley is a jack of all trades. He also stated that they were able to hire Mr. Paul Savage as a paramedic who started out working for Chincoteague. He advised that Mr. Savage worked for the Norfolk Fire Department for several years and flew with the Nightingale Air Ambulance. He added that he brings a lot of experience and training experience.

#### **5. Public Comments**

Mayor Leonard opened the floor for public comment.

- Mr. Matt Heim, spoke in support of resolution for no offshore drilling. He added that the resolutions from the local communities carry a lot of weight with a strong message for Washington D.C. He feels that offshore drilling is a storm and if it's allowed there is no turning back. He stated that the resolution is something powerful the Town can do.

- Mr. Alex Hubb, 3015 Ridge Road, also a Board Member of the Misty of Chincoteague Foundation came before Council requesting a sign at the foot of the bridge to advise visitors about Misty. He added that the Foundation recognizes that the Town has budget restraints and they are willing to subsidize the cost of the sign. He also stated that they would like a follow-up meeting of the plans if they vote to approve the plan.

- Mr. Daryl Chrisman, 6219 Maddox Blvd., owner of Poseidon's Pantry, expressed to Council that current zoning is unfair regarding push carts. He discussed parking space requirements for a push cart and sewage/septic problems which is why there aren't more restaurants. He stated that mobile food businesses have given a variety of food choices. He feels the Island is more vibrant, food-wise, than it has been in a long time. He advised that to maintain the vibrancy the Town must adopt commonsense regulations to incorporate mobile food units into the fabric of the Island. He doesn't feel the answer is stricter regulations.

Councilman Ellis stated that in the last Planning Commission meeting food trucks, carts and trailers have been discussed along with new verbiage which should be consistent with what other localities have. He added that the Planning Commission will be developing this and present it to Council.

- Mr. Mike Tolbert, Chief of Maintenance and Operations of Accomack County Public Schools, advised that they have obtained building permits from the County and issued purchase orders for digital electric signs at 9 of the 11 active schools. He reported that as of today all 9 signs have been installed in front of each facility and visible to the street or highway. He advised they will be used to provide public safety announcements, information to the public concerning school activities as well as student achievements. He stated that to afford all 11 of the Accomack County schools the same opportunities the school division has issued likewise purchase orders

for similar signs at the 2 schools on Chincoteague. He also stated they have not been able to obtain a permit from the Town due to the current prohibition on animated signs. He explained that the prohibition on animated and flashy signs was written in the early 1980's when the Island tourism industry was hitting its stride. Mr. Tolbert stated that the law was well written and enforced evenly through the years. He also stated that this prohibition has been a resounding success and Maddox Boulevard and other commercial areas on the Island have retained the small-town charm.

Mr. Tolbert stated that despite the prohibition success, adding that he was a member of the Planning Commission at that time that wrote the original ordinance. He advised that he is before Council to change the ordinance. He advised that he is not proposing a change in the intended purpose of the prohibition but is proposing that animated signs capable of displaying a changeable scrolling message be permitted by right in the public/semi-public district and only in that district. He reported that the capability of the electronic signs was not envisioned in the 1980's. He stated that the modern version of this equipment allows the display to be securely programmed from any internet connection allowing the programmer to accomplish this task remotely from almost any location.

Mr. Tolbert added that this capability makes it easier to control and maintain the message insuring that the latest information is being displayed at all times. He stated that by comparison, the current display on the manually changeable sign at the high school still reads "Welcome Pony Lovers", a message that was put up for visitors during Pony Penning 2 weeks ago. He also stated that some may know that he was tasked with producing an early morning mass phone message to notify students and staff of weather delays. He added that as they start the next school year in September, he will be looking forward to using the mobile app on his smart phone to simultaneously display a "School is 2 Hours Late" message on the sign at all 11 schools without leaving his office or vehicle. He also added that this capability will supplement the robo calls that they currently send.

Mr. Tolbert stated that once allowed in the public/semi-public district, these displays could be subject to certain restrictions such as being used only to provide public service information as well as information incidental to the controlling public entity's activities. He feels they should not be used to display any commercial message or advertise commercial items or events not connected with the public entity's mission. He also feels this limitation would preserve the original intent of the current prohibition as well as conform to the Town's Comprehensive Plan. He advised that the proposal does not differ appreciably from current Town practice as the Town currently allows freestanding permanent on-premises electronic display signs that are not changed manually at gas stations. He reminded Council that the Town allows portable, flashing directional signs for certain events such as the Pony Swim, Fireworks and Seafood Festivals. He added that the Park Service also operates a similar portable, flashing sign within the corporate limits on Beach Road almost daily. He advised that the Chincoteague Police Department operates a portable digital sign that displays an approaching vehicle's speed. He assumed that these signs which are prohibited by the current zoning ordinance are "allowed" due to the public service information that they are displaying and the fact that they are owned and operated by a government entity.

Mr. Tolbert asked Council for nothing less than the same consideration for both Island schools, that is permanently mounted signs that display a local government entity, Accomack County Public Schools. He showed the pictures and stated that the new signs would be installed directly over the existing monuments and would therefore not increase in area or change the existing setbacks. He concluded by thanking Council for entertaining this request and offered to answer questions.

- Chamber Director Shotwell came before Council to give a recap of Pony Penning. She reported that there was a full crowd of media to capture the swim. She stated they are still gathering numbers and is looking for data from the Virginia Tourism Corporation. She reviewed the statistics and did a post Pony Swim survey with the hotels and accommodations were approximately 96% full. She added that there were folks staying in various places all over the shore. She commented on the Chamber's Facebook page reaches and views. Chamber Director Shotwell felt this year went well and the rain didn't seem to bother the visitors.

Councilwoman Bowden stated that she can't say enough about Chamber Director Shotwell and her staff all year. She feels they've been wonderful. She commented that the Chamber here is doing a magnificent job.

Chamber Director Shotwell stated that they will also be on Delmarva Life.

## **6. Agenda Adoption**

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor

## **7. Staff Updates**

Chief Mills played the Chincoteague Police Department's Lip Sync Challenge video.

Mayor Leonard explained that part of the lip sync challenge was to show the area they serve.

Chief Mills gave the credit to Dispatcher Holloway and Captain Lewis as they were the masterminds of the video. He added that Dispatcher Holloway took a lot of time to edit and put it together.

## **Police Department:**

Chief Mills also advised that the report is in the packet. He also reported they coordinated with multi-agencies for the 4<sup>th</sup> of July fireworks and Pony Penning adding that there were more agencies involved as were in the past. He also stated that it came together and went well. He added that they had officers at the carnival and manning the stand. He advised that the Fire Company allows them to have the stand to sell raffle tickets each year.

## **General Government:**

Town Manager West advised that there was a story with the Associated Press about 2 weeks ago regarding the contaminated water. He stated that it was a year and a half old. He reported that there is nothing in the water, they discontinued use of those wells over a year and a half ago. He stated that the water is safe to drink. He advised that the Town is getting the water from NASA's water supply. They are working with NASA for reimbursement toward relocating the wells and purchasing the land as necessary to relocate the wells. He also reported that they are researching various floating piers for the Harbor. He anticipates having a quote from one this week to possibly proceed with plans to execute the project at the Harbor which would create about 20 slips. Town Manager West also stated that he included a letter in Council's box regarding grant reimbursement. He reported that he was contacted by Charter about the improvements to the agreement. He advised that it looks promising.

Town Manager West stated that for the Pont Swim, the Town is very engaged in traffic and crowd control. He reported they run the shuttle and it affects every intersection on the Island. He stated that it takes about 120 people including the Virginia State Police, volunteers who come out every year especially with the rain. He expressed the Town's appreciation for those volunteers.

He reminded Council of the RAFT seminar on the 14<sup>th</sup>. He placed an ad on the website for the memorial plaques at Mariner's Point. He included a financial recap and stated they are able to put some money in the reserves to help Assateague.

Councilwoman Richardson asked about NASA installing a filtration plant and who would be responsible for the contaminants.

Town Manager West responded that NASA would be responsible to filter the water drawn from the Town's wells. He added that it is an interim step.

Councilman Ellis stated that the RAFT workshop is to learn about a tool which has been developed by a consortium of private and public agencies. He explained it is designed to help localities assess their ability to respond during major storms, prepare and develop plans for addressing those kinds of things. He added that it has been something that is used in the state of Virginia.

Mayor Leonard asked about the sidewalk removal and replacement.

Town Manager West stated that it is about 150 feet per week.

Councilwoman Richardson stated that it's just one side and there is no good time of the year to do this work. She asked everyone to be patient.

### **EMS Report**

Emergency Coordinator Rush stated that they are down about 35 calls for service from last year in July. He feels that the weather had a lot to do with it. He reported there was only 1 call for service during the day of the Pony Swim.



Councilwoman Bowden asked about the report regarding the Lucas Device and that it had only been in service for a week and a half and it was used twice.

Emergency Coordinator Rush advised that it was. He explained that the Lucas Device is a mechanical device that does 2 cycles of 2 minutes of CPR. He stated that his staff will put the Lucas Device on and it will continue to do CPR through a cardiac arrest. He also stated that it will perform CPR all the way to the hospital.

Councilwoman Bowden asked about the cost.

Emergency Coordinator Rush reported that it cost roughly \$13,000 and the Fire Company was able to purchase this used model from Oak Hall Rescue for \$3,000.

Councilwoman Bowden stated that it is an amazing device. She stated that Emergency Coordinator Rush, she and others have done CPR on the way to the hospital and it saves a tremendous amount of body work. She added that it is an amazing tool.

Mayor Leonard asked if it was the only one.

Emergency Coordinator Rush responded that it is the only one at this time. He is in the process of looking into a grant to potentially purchase 2, 1 for each ambulance and 1 for the command vehicle.

## **8. Committee Reports**

Mayor Leonard advised that the Planning Commission met in July and the CRCCA met. He stated that the minutes of those meetings are in the packet.

## **9. Consider Adoption of the Minutes of the July 2, 2018 Council Meeting**

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the July 2, 2018 Council meeting as presented. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor

## **10. Consider Resolution Regarding Offshore Drilling**

Councilman Ellis stated that this was brought to Council at the last meeting. He also stated that he was provided resolutions from government agencies from up and down the east coast. He stated that there are agencies in opposition of the drilling. He also stated that he received input and the changes have been adopted in the resolution this evening. He feels this could have a huge impact on Chincoteague. He read a statistic: there was an oil spill in 2010 with an explosion from the oil platform in the Gulf of Mexico. He advised there have been 4,105 offshore explosions, collisions and spills that resulted in 13 deaths. He reported that in 2013 alone there were 10 offshore spills. He feels that if this is approved in the Ocean off the eastern

coast it could be catastrophic because of the reliance of tourism and aquaculture. He also stated that if they read the resolution; NASA, U.S. Navy and the Spaceport is against offshore drilling. He added that it was interesting that Secretary of the Interior Zinke has given exemption to the state of Florida because of the negative impact on their tourism. Councilman Ellis stated that if they're going to exempt one area they should exempt this as well. He strongly recommended adopting it.

Councilwoman Bowden stated that Secretary of Interior Zinke said that Florida was exempt. She also stated that she would think that the reason they were is because the representatives of the state have put a lot of pressure on him. She feels they need to do this as well.

Councilman Ellis stated that both Senators and the Congressman are against it. He added that Congressman Taylor was at one time in favor of it and has since changed his position.

Councilman Reed motioned, seconded by Councilwoman Bowden to adopt a Resolution Regarding Offshore Oil and Gas Drilling and Exploration Including Seismic Testing. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor



**RESOLUTION  
REGARDING OFFSHORE OIL AND GAS DRILLING  
AND EXPLORATION,  
INCLUDING SEISMIC TESTING**

WHEREAS, the federal administration has proposed seismic testing, and oil and gas exploration and drilling in the waters of the Atlantic Ocean from Delaware Bay to Cape Canaveral; and

WHEREAS, the Town of Chincoteague has enjoyed and continues to enjoy the economic benefits of its tourism and aquaculture industries associated with these waters; and

WHEREAS, these industries are thriving and growing and constitute an immense value to the local, regional, and national economy; and

WHEREAS, a healthy tourism and aquaculture industry and economy are necessary to protect the public health, safety, and welfare of our citizens; and

WHEREAS, the Town of Chincoteague has also enjoyed the economic benefits of the Wallops Island Flight Facility, located at Wallops Island Virginia for many years; and

WHEREAS, this facility is noteworthy for its current and future benefits to the town, region, and nation, containing as it does research, aeronautical, marine, and Naval Defense components, as well as space launch facilities; and

WHEREAS, the lease of drilling rights offshore in areas currently proposed would occur in the very midst of the flight range for launches and have similar impacts on the Navy's use of our coastline for preparation of our nation's defense; and

WHEREAS, the proposal to lease oil and gas exploration and drilling rights, including seismic testing, off Chincoteague's coastline has been opposed by the leadership of NASA and the Mid-Atlantic Regional Spaceport (MARS), as well as the United States Navy for well-founded and documented threats to their operational environment; and

WHEREAS, as of June 1, 2018, more than 200 east coast municipalities and over 1,200 local, state, and federal elected officials including the Governors of Virginia, Maryland, Delaware, New Jersey, North Carolina, South Carolina, fishery management councils, chambers of commerce, and other industry groups have formally opposed offshore drilling and/or seismic testing,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE that the Council opposes offshore oil and gas exploration and drilling, including seismic testing in the mid-Atlantic Ocean adjacent to Virginia's coastline.

AND BE IT FURTHER RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE that the Council respectfully requests the assistance of United States Senators Kaine and Warner, as well as Congressman Taylor, in securing these essential protections for Virginia's coastline and its residents.

Adopted by the Town Council of the Town of Chincoteague Island, Virginia on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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J. Arthur Leonard, Mayor

Attest:

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James W. West, Town Manager

#### **11. Discuss Possible Proposal for Smith Street Property**

Mayor Leonard stated that the big lot behind the old elementary school property has been sold. He stated that the Town was looking into purchasing it about 3 or so years ago. He reported that Mr. Davis Landsberger has purchased it and wants the Town to have it. He added that he would like to know what the Town is going to do with it. He also stated that he proposed some ideas to the Town. He explained that Mr. Landsberger wanted the field to continue to be used by the

community, which is what his family wanted it to be used for. He stated that Mr. Landsberger suggested that it could be a playground and he would purchase the first piece of equipment for it. Mayor Leonard read the suggestions and added that Mr. Landsberger suggested an area for food trucks and exercise equipment. He stated that Mr. Landsberger would like for the Town to consider his proposal and come up with ideas and get back to him to express the Town's desires for this property.

He referred this matter to the RCEC for further review to create a list of uses for this property and report back to Council.

Mr. Landsberger stated that he has asked the YMCA and they would like to use the field for soccer. He also stated that they also would like a pavilion. He added that he may split the property up. He stated that the CCA would like overrun parking.

## **12. Discuss Sign Ordinance**

Mayor Leonard advised that the Planning Commission met and recommended not to change the Sign Ordinance. He feels that it should be discussed further by Council. He mentioned the flags and explained that Ms. Mitchell approached Council about changing it.

Councilwoman Bowden stated that reading the Ordinance the way it is states that each business is allowed 2 flags no matter what kind as long as they're a certain size. She stated that there are a lot of businesses that have many more than 2 flags. She understands that if a business wants 2 swoop flags as long as it's the correct size and all other flags are gone. She also stated that they can have a flag with a picture of a shrimp but not with the word "shrimp" which makes no sense to her.

Planning Commission Chairman Rosenberger stated that flags are attention grabbers without advertising. He also explained that if the large flags are allowed there would be 184 businesses with two each. He asked what Maddox Boulevard would look like. He added that from a Planning Commission point of view, how much is too much? He stated that given the way the Town is prospering they didn't know why they would want to introduce an issue that would create more of an issue.

There was discussion about flag size.

Councilwoman Bowden stated that there are a number of businesses that are not in compliance. She feels that if they're going to leave it the way it is then those businesses are going to have to get into compliance.

Planning Commission Chairman Rosenberger stated that they had situations in the past and there was a disastrous clause in the Zoning Ordinances. He explained that anything that existed is grandfathered. He added that to go back and attempt to recapture that or reduce a requirement on the people who had been allowed prior to the change is almost impossible to enforce. He added that Mr. Poulson has reviewed this repeatedly. He stated that the state of Virginia has permitted it throughout the state. He also stated that because someone does it wrong or doing something that someone else can't do doesn't mean they can be forced to comply.

Discussion continued about the current ordinances and enforcement.

Councilman Ellis stated that when this came before the Planning Commission the suggestion was the square footage of the flags be increased from 15 square feet to 40 square feet. He also stated that originally the Planning Commission accepted the idea. He added that they realized that if they had 40 square feet flags on flexible poles in the downtown area, people wouldn't be able to move up and down the sidewalk. He stated that they then tried to come up with an area of the downtown where swoop flags would not be permitted regardless of the size. He stated that it was taken to Mr. Poulson for review and his legal opinion was that the Town couldn't do that. He also stated that they can't restrict those flags from being flown in a particular area. He added that the Planning Commission didn't feel a change in the ordinance would allow every business on the Island 2 flags or 40 square feet in front of their business.

Councilwoman Bowden stated that she has a problem with that because the Town has made many restrictions on different areas for example; tattoo parlors are only allowed in a certain district. She added that they aren't allowed by schools or churches. She added that they can't put a restriction of where they will allow flags.

Mayor Leonard stated that they can put a restriction on it and if they want to contest it they would go before Council.

Planning Commission Chairman Rosenberger stated that Mr. Poulson advised that it is addressed through the zoning by rights. He added that if Council wants to have this by conditional use then it will have to come to Council for a decision. He stated that it isn't an easy task.

Councilman Reed stated that he would like to think most people would use common sense in the downtown within the historic area. He doesn't believe they would be using swoop flags there but can see allowing them on Maddox Boulevard in the commercial corridor.

Councilman Ellis added that there are also regulations in place about merchandise on sidewalks. He advised that enforcement has come before the Board of Zoning Appeals several times. He was unsure of the answer because Building and Zoning Administrator Lewis is only one person and has a lot of other responsibilities. He agreed with Councilwoman Bowden's idea that the wording and pictorial display are one in the same.

Councilwoman Bowden asked about the link between the date of purchase for a business license and when something was passed.

Town Manager West responded that it may not be easy, but it can be done.

Councilwoman Bowden would like to get a handle on this.

Planning Commission Chairman Rosenberger stated that when the Island was incorporated the State Codes came into play. He also stated that in normal zoning there wouldn't be a \$500,000 home next to a mobile home. He added that Chincoteague evolved, and the Planning

Commission has been trying to keep it in the sense of a small-town community. He added that they don't need an Ocean City, but they don't need a metropolitan area either.

Councilwoman Bowden personally doesn't think it's fair that one business is grandfathered to have 6 flags or signs and this business isn't grandfathered and can only have 2. She doesn't feel there's a balance. She also doesn't know the solution.

Councilman Ellis stated that the obvious correction is to make a change to the ordinance and eliminate the grandfather clause.

Councilwoman Bowden feels that if you remove the grandfather clause every business has to adhere to the 2-flag limit and that's it.

Planning Commission Chairman Rosenberger stated that they will look into the State Code. He advised that a recommendation that comes from the Planning Commission is just a recommendation.

Councilwoman Bowden doesn't know if changing it is the thing to do but she wants everyone to be on the same playing field. She added that things change, and you have to change with it.

Councilman Ellis advised that the Planning Commission only addressed 2 sections in the Sign Ordinance. He stated that if Council wants, the Planning Commission can review the entire Sign Ordinance.

Councilwoman Bowden understands there could be a major expense to the business owners. She asked when the flag ordinance put in place.

Councilwoman Richardson advised 2009.

Planning Commission Chairman Rosenberger added that this was a result of a survey where almost 1,300 responded and the issues with the most comments were addressed.

Councilwoman Bowden stated that when this came into effect in 2009, swoop flags weren't being used. She asked why Council couldn't restrict swoop flags altogether.

Ms. Donna Leonard suggested a conditional use permit.

Mayor Leonard advised they could go to the BZA.

Councilwoman Bowden mentioned that the taco truck past Capt. Bob's has several swoop flags with the word "taco" written on them. She feels something has to be done with them. She stated that if it was last amended in 2009 then the ordinance is already written.

Councilman Ellis stated that it is pertaining to "all" flags.

Mayor Leonard recalled when the Planning Commission took on signage and it took a long time. He stated that the next item would be the scrolling signs. He knows if it's Island-wide it would be a problem. He stated that this is for a government entity and he doesn't see a problem.

Chamber Director Shotwell reminded Council that the Center had a scrolling sign on the Chamber's property. She stated that they finally decided it needed to be removed because it wasn't updated regularly.

Councilwoman Bowden feels that Mr. Tolbert gave the perfect case for allowing the sign, which is no commercialization. She added that no businesses will be advertising on it. She feels it's the perfect case for allowing it. She can't see refusing to allow Chincoteague High School to have a sign like every other school in the county.

Councilman Lewis stated that if Council allows it then every business could have one.

Mr. Tolbert stated that current zoning allows different things by right in different zones. He also stated that he is asking for this sign to be allowed within the public use zone and not any other zone. He added that the Town office could have one because they're in that zone. He stated that the Zoning Ordinance allows a lot of things in one zone but no other zones.

Councilman Ellis stated that the Planning Commission obtained a legal opinion from Mr. Poulson and according to him they cannot make a nonpermitted use allowed solely to a specific group such as the School Board.

Mr. Tolbert interjected that it wouldn't be just for the School Board. He explained it would be for any entity within the Public Use Zone.

Councilman Ellis understands and sees the benefit.

Mayor Leonard stated that it's obvious there needs to be a public hearing.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to move forward with a public hearing allowing Public Use Zones electronic scrolling signs. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor

Councilman Ellis asked Town Attorney Fox his opinion.

Town Attorney Fox agreed with Mr. Tolbert allowing it in the Public Use Zone. He stated that there are different commercial zones with different uses permitted by right.

Councilman Ellis asked if there was a revision in the ordinance, would he recommend that animated signs in these areas be permitted by right.

Town Attorney Fox responded he would.

Councilwoman Bowden stated that it makes perfect sense to her and reiterated why have these zones if you can't call for different things.

Town Attorney Fox commented that he doesn't believe it's a spot zoning thing, it's a practical use issue. He added that the Town or Fire Company may need it and they're in the Public Use Zone. He believes it would be fine to allow this by right. He added that this opinion is without researching it too far.

Councilwoman Bowden asked if it would be specifically in "public use zones".

Mr. Tolbert and Planning Commission Chairman Rosenberger advised that the schools are in the "public/semi-private" zone.

Mr. Tolbert advised that both schools and the Town office are in that zone, but the Fire Department is not.

Mayor Leonard stated that in the public comment they can discuss and make specifications referring to the scrolling or electronic signs.

### **13. Mayor & Council Announcements or Comments**

Councilwoman Richardson asked who is policing the buoys that were put in the Assateague Channel.

Mayor Leonard responded that the VMRC is enforcing them. He explained that the Town was responsible for placing the buoys and the public is responsible for contacting the VMRC with complaints of violation.

Councilwoman Richardson added that it's up to the Town to replace them or maintain them.

Councilman Reed talked about using commonsense. He asked: if you're allowed to be broke out on the outside of the buoys but not on the inside of the buoys; where's the wake going that's on the outside of the buoys. He advised that it's going to same place as if you were on the inside of the buoys. He stated that he grew up in that area and was there every day in his boat at the age of 12 years old. He has watched the changes to the shoreline. He explained that it's the extreme current that runs there. He added that it undermines the bank. He also stated that there are poles put in the marsh that weren't long enough and fell in and the problem is the current. He feels the only real solution is a bulkhead.

Mayor Leonard interjected that the reason the buoys were put there was for public safety for the several docks and Memorial Park when you're trying to pull a boat up. He stated that Council felt with a no wake zone it would help prevent some of the incursions that were happening. He advised of reports of near collisions and by slowing it down it protects the Town's dock and Park.

There were a few comments from the audience regarding the no wake zones.



Councilwoman Richardson advised that the buoys have moved. She stated that the ropes aren't long enough and when the tide changes it causes the buoys to move.

Mayor Leonard advised the Harbor Master has repeatedly worked on those. He added that it's a process to see what they can put there that will hold on the bottom.

Councilman Reed stated that the problem is that people see "slow, no wake" and they slow down, but are still half broke out. He advised that the Park Attendant came out running and screaming as a boat was pulling an innertube who was half broke out. He added that people don't realize what "no wake" means.

Mrs. Fetterman commented that prior to this year there wasn't anyone there monitoring the "no wake" zone.

Councilman Reed stated that he has seen the VMRC sitting at Tom's Cove.

There was further discussion.

Councilwoman Bowden stated that Mr. Jester asked about this as well. She stated that she spoke with VMRC Officer, Alex Tucker and he advised that they're not going to sit there all day watching boaters. She added that he stated that if anyone sees something to call it in. She agreed and added that there is no answer to this.

Comments came from the audience about the boater's safety course.

Councilwoman Bowden also referred back to the sign ordinance. She addressed Mr. Tolbert and hopes they can get this matter resolved soon. She offered her full support.

Vice Mayor Ellis stated that Emergency Coordinator Rush introduced 2 new EMS providers in the meeting. He advised that the cost of the EMS providers will take the Town's EMS budget just short of \$825,000 for this fiscal year, which is more than \$100,000 of what was budgeted. He reported that this will cause a budget amendment and Town Manager West and Finance Director Hipple will have to find the funds. Vice Mayor Ellis added that Emergency Coordinator Rush came to the Budget and Personnel Committee along with the Council with a verified need for 2 more EMS providers in 2020. He reiterated Supervisor Tarr's comment from the last meeting that the era of the volunteer is over. He stated that the 2020 budget will take the EMS line item to almost \$1,000,000. He also stated that several years ago the Meals Tax was increased in part to cover some of the cost of EMS. He reported that in 2020 the cost of EMS will be more than the entire revenue taken in from Meals Tax. He feels they need to look at some additional revenue sources.

Vice Mayor Ellis also added that Chief Mills has a verified need of at least 2 additional police officers. He stated that they are making calls and going into some very dangerous situations and this needs to be addressed. He reminded Council they need to plan for this.

Vice Mayor Ellis stated that the U.S. Fish and Wildlife, Park Service and Highway Administration have prepared an environmental assessment that analyzes the design plan for

parking and access to the new beach. He advised that if anyone was interested it is available online, at the Bateman Center and Island Library. He stated there will be a public information meeting Monday, August 27<sup>th</sup> at the Bateman Center at 4:00 p.m. He added that they will have visuals and graphics of the proposed relocation, parking and access.

Councilman Lewis thanked Mr. Landsberger for considering donating this property to the Town. He also agreed with Mr. Tolbert and feels the sign will be a big help to the public, children and their families.

Councilman Reed thanked the Chamber of Commerce, the Fire Department, the Police Department and all of the people that helped with Pony Penning to make everything go so smoothly. He thanked Mayor Leonard and Council for sending flowers when his brother passed away. He stated that it meant a lot to know they were thinking about him on an occasion such as that. He would also like to work toward getting the sign approved for the schools. He feels it would be a help.

Mayor Leonard stated that Councilman Taylor was unable to attend the meeting as he was taking his son to the U. S. Coast Guard boot camp.

Councilwoman Richardson asked for prayers for their family.

Mayor Leonard stated that there is a “Stuff the Trolley” with school supplies campaign from August 20<sup>th</sup> – 25<sup>th</sup> with all of the supplies going to the Chincoteague schools.

Councilwoman Bowden thanked Chamber Director Shotwell for her help with the media. She was reminded to thank the Police, EMS and Town staff and that all the help they give at Pony Penning does not go unnoticed. She thanked them for doing what they do along with their professionalism, adding that it is greatly appreciated.

Mayor Leonard stated that as much as everyone moans and groans about Pony Penning he believes that everyone pitches in whether it’s with traffic and having patience and understanding. He concluded by saying “Roll Tide”.

**14. Closed Meeting in Accordance with § 2.2-3712 (A)(1) of the Code of Virginia to Discuss Personnel Matter.**

Councilman Ellis motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with § 2.2-3712 (A)(1) of the Code of Virginia to Discuss Employee Training Contracts.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson

Nays: None

Absent: Taylor

**15. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia**

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to certify the Closed Meeting was in accordance with § 2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson

Nays: None

Absent: Taylor

Councilwoman Richardson motioned, seconded by Councilman Lewis to deny a request for waiver from training expense from former officer Winter. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor

#### **16. Adjournment**

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. All present were in favor and the motion was carried.

Ayes: Ellis, Richardson, Bowden, Lewis, Reed

Nays: None

Absent: Taylor

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE AUGUST 16, 2018 *CHINCOTEAGUE TOWN COUNCIL WORKSHOP***

#### **Council Members Present:**

J. Arthur Leonard, Mayor

Ben Ellis, Vice Mayor

Edward W. Lewis, Jr. Councilman

Matthew Reed, Councilman

Ellen W. Richardson, Councilwoman

Gene W. Taylor, Councilman

#### **Council Members Absent:**

Denise P. Bowden, Councilwoman

#### **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 opened the floor for public comment.

- Mr. David Landsberger asked if Council wanted to ask questions now or during the discussion of the Smith Street property proposals.

Mayor Leonard stated they will wait so they can discuss it at that time.

## **5. Proposals for Smith Street Property**

Mayor Leonard advised there was a meeting of the RCEC Tuesday night which included discussions with Mr. Landsberger regarding the Smith Street property.

Councilman Reed advised that the RCEC agreed that they liked the layout he presented. He stated that they didn't decide what they wanted to do about paying for parking. He added that they discussed putting a restroom facility in the playground/picnic area.

Councilman Lewis mentioned that Mr. Landsberger offered to purchase 1<sup>st</sup> piece of playground equipment.

Town Manager West advised it would be easier for the Town to purchase the playground equipment and Mr. Landsberger pay for the parking area.

Mayor Leonard advised the Town has a playground fund that gets added to every other year.

Mr. Landsberger stated that they could get a grant to install chess tables. He advised that those tables are approximately \$3,000.

Town Manager West stated that the motion from the RCEC was that they recommended Mr. Landsberger's concept and that Town Manager West would work with Mr. Landsberger on a proposal for this project.

Mr. Landsberger explained that the YMCA needs space for programs. He explained that they have daycare and an after-school program. He added that the upstairs of the current building won't be certified. He added that they would like to eventually have a building for this program and for summer camp. He stated that the summer camp has to be near an outdoor area with field, playground and picnic area. He feels this would be sufficient for that. He also stated that the CCA would like additional over-flow parking with about 68 spaces. He added that this would be a youth soccer field large enough for the smaller children to play and practice. He advised that he wants to see parking for the CCA, green space and to continue to allow the YMCA to have soccer along with a building for the YMCA.

Councilman Ellis asked about the portion for the YMCA.

Mr. Landsberger responded that it would be subdivided and deeded to the YMCA.

Councilman Ellis stated that the Town would own the rest of it.

Mr. Landsberger added that the only agreement would be for the parking spaces to meet the YMCA's requirements.

Councilman Ellis asked about septic.

Town Manager West advised he spoke with Mr. Landsberger and it isn't an issue.

Mr. Landsberger advised that the YMCA has agreed to pay for a portion of the building and which he is deeding to the YMCA. He stated that the property is 14,650 square feet and the building is 3,750 square feet. He stated that there is still 11,000 square feet of land left on which to install septic.

Councilman Ellis asked that even though it's zoned residential there are no issues with the uses.

Mr. Landsberger responded that there are no issues with the Town Park. He stated that he would have to get a conditional use permit before he did the whole thing. He also stated that if approved he would have to subdivide and get a conditional use permit. He mentioned time pressure to get it finished by the end of the year.

Councilman Taylor stated that the YMCA is already into daycare.

Mr. Landsberger interjected that they're doing the afterschool program and would like to get into daycare.

Councilman Taylor added that they're already there and it's nice for the community.

Mr. Landsberger added that they're going to get more involved into the senior program on Mumford Street in the foreseeable future.

Councilman Taylor stated that the Town needs the park to be the Town's. He would like a 3-way partnership.

Mr. Landsberger interjected that the Town's athletic field is the Town's greenspace.

Councilman Taylor doesn't feel they need to pay for 38 parking spaces for this greenspace. He doesn't feel anyone would have a problem paying for 1/3 of it.

Mr. Landsberger stated that the YMCA building will be approximately \$250,000. He feels they shouldn't have to pay for parking. He feels the CCA should pay for parking. He added that the Town should have some parking there. He stated that the parking lot will cost approximately \$30,000. He suggested that the Town pay for half of the parking lot. He added that they are trying to get the YMCA to pave 10 spaces. He asked Public Works Director Spurlock if they could park parallel to the street, because he would like to have 10 spots dedicated to the YMCA to be paved as well, which would be dedicated YMCA spaces.

Councilman Taylor reiterated that they would only be responsible for half of the paving costs and that the Town would understand that during soccer season the Town would let the YMCA's Youth Soccer League use the greenspace.

Mr. Landsberger agreed and advised it is September through October.

Mayor Leonard added that it is Saturdays and afternoons which frees the area up. He feels there are a lot of possibilities.

Councilman Taylor doesn't have a problem with having to purchase playground equipment.

Mayor Leonard advised they can have sponsorships for playground equipment.

Councilman Ellis asked if the CCA was aware of the parking requirement?

Mr. Landsberger stated that they have only agreed so far to mow the lawn. He added that they expressed that the Artful Flea would fall apart without this. He also stated that they didn't want a playground because it would take away from their parking. He suggested asking for a donation from Branscome.

There were further comments regarding paving costs.

Councilwoman Richardson reiterated that where the YMCA is going will be deeded to the YMCA and the rest; parking lot and playground will be the property of the Town.

Mr. Landsberger responded that assuming the Town would agree that there will be a soccer/athletic field, parking lot and something else there, it would be deeded to the Town.

There was discussion regarding the septic for the house at the corner of the property, the subdivision, potential plans and parking. They also discussed the allowance of backing from a parking lot onto the road and ADA requirements.

Councilman Reed asked if he felt the CCA would have any problems with paying for part of the parking lot.

Mr. Landsberger stated that they will have a problem paying for part of the parking, but he feels they will pay. He also stated that to buy 1/3 of the property would cost far more than paying for it. He suggested that the Town, the CCA and the YMCA get together and work it out.

Comments continued about parking, pavement, estimated costs, requirements, etc.

Councilman Taylor motioned, seconded by Councilwoman Richardson to proceed with planning. All present were in favor and the motion was carried.

Ayes: Ellis, Lewis, Reed, Richardson and Taylor

Nays: None

Absent: Bowden

**6. Discuss Possible Changes to Article VII (Signs) of the Zoning Ordinance**

Town Manager West advised that after direction from Council he has advertised the public hearing and it will be in the paper this August 17 and 24. He explained that he extracted phrases from Mr. Tolbert's letter regarding "for public information only" among other items. He stated that once you advertise you can loosen what was advertised but you can't make it more restrictive. He also stated that he made it as restrictive as possible and included what Council wants to do. He commented further.

Councilman Reed asked if the Town is legally able to govern over what the County has.

Town Manager West stated that he recalled discussions in the past where zoning applies to the County. He also stated that zoning applies to the Town.

Planning Commission Chairman Rosenberger advised that he understands it as the Town's zoning supersedes the County.

Town Manager West recalled a question to Mr. Poulson if the Town was exempt from its ordinances and his response was, "no".

There was discussion regarding the Wildlife Refuge's scrolling signs and the locations. There were further comments.

Town Manager West stated that it wasn't clear to him if there was any further action regarding the swoop signs.

Mayor Leonard stated that he didn't believe there is a change and that the Planning Commission recommended no change.

Town Manager West stated that he researched if the Town can know what is grandfathered. He advised that staff has created a spreadsheet showing the beginning Business License dates. He stated that another column can be created to show when those businesses weren't in compliance. He stated that it can now be documented.

Councilman Ellis stated that coming back from the RAFT class he saw at least 2 schools with the signs. He advised that they aren't just text, they have bright colors and moving objects. He was wondering if they are still interested in installing the same signs.

Mayor Leonard stated that they advertised this, and they can invite Mr. Tolbert.

Town Manager West advised he wrote it the same way Mr. Tolbert listed it in his request.

Councilman Taylor asked if they needed to be that restrictive for the school. He stated that it wouldn't hurt for them to advertise their fundraisers.

Councilman Ellis stated that the schools are closed, and they are putting messages on the boards that he doesn't feel the Town would want to see in the Chincoteague.

Mayor Leonard stated that he thinks they don't mind that it's restricted to text only. He added that they can invite Mr. Tolbert back.

There were further comments.

Councilman Reed feels that looking at the location, especially the elementary school, it wouldn't bother anyone. He stated that it would only affect Mr. Bogush and his garage is blocking it. He welcomed it and doesn't have a problem with it.

Mayor Leonard stated that at the public hearing they can drop a lot of it and just allow animated signs in the public use areas.

Councilwoman Richardson asked if it was made less restrictive would it have to go back to a public hearing. She stated that all the other schools have their signs running.

Mayor Leonard advised they have the signs and are waiting for the Town's approval to be installed.

Councilwoman Richardson stated that the people of the Island have asked for directional signage.

Mayor Leonard responded that this was part of the sign debate back when it was all changed.

Planning Commission Chairman Rosenberger added that it began the debate of where it would be put on public or private land, how would sign boards be put up with 17 different directions. He also stated that he took pictures in Snow Hill and in that area, it works. He added that it doesn't work on the commercial corridor like Maddox Boulevard. He stated that there is an explosion of signs and it can be overwhelming. He also stated that if you can't find something on the Island within 15 minutes then the GPS isn't working.

## **7. Consider Creating a Recovery Fund as Surety for Certain Permits**

Town Manager West stated that they have always required a surety of \$1,000. He also stated that in the 90's the Town leadership decided not to make them put up a surety because they would have to get bonded. He added that they decided to require a joint CD with the owner and the Town. He advised that it's not clear if it's in perpetuity. He reported that contractors in Virginia have to pay into a recovery fund and if something is damaged or ruptured then they would go into the recovery fund. He stated that the Town wants to propose something similar. Town Manager West suggested that the Town hold the money. He would like to figure out something by footage of exposure. He gave an idea of charges and stated that they haven't developed the fee structure.

Mayor Leonard asked if the Town has any of those.



Public Works Director Spurlock advised that the Town does. He explained that the problem is when the CD matures, or the property has been sold. He added that the person who posted the CD has nothing to do with it and wants their money back.

Town Manager West stated that they haven't developed a fee structure. He also stated that they have someone now and they need to know what to do. He explained that the risk of the project will sometimes cost more than \$1,000. He added that the reason they stopped requiring a surety bond is the question of what it would actually cost, which is more than \$1,000 in the future.

Councilman Taylor suggested putting the \$1,000 in its own fund.

Town Manager West stated that it would be a recovery fund and it would never be refunded.

There were further comments.

Mayor Leonard stated that they should come up with a fee schedule.

Public Works Director Spurlock added that it's different when you're dealing with a sewage line verses a small phone line.

Councilman Ellis asked if Town Manager West and Public Works Director Spurlock if they could come up with a fee schedule.

Town Manager West advised they could and commented further.

Councilman Reed agrees that it makes sense to come up with a fee schedule. He stated that every 2 years he renews his contractor's license and has to pay into the recovery fund.

Council concurred to allow Town Manager West and Public Works Director Spurlock to create a fee schedule and report back to Council for approval.

## **8. Mayor & Council Announcements or Comments**

Councilman Reed stated he would like to see something be done to allow the County the electronic signs. He understands the restrictions but doesn't have anything against it.

Councilman Taylor agreed with Councilman Reed. He doesn't see why it would be bad to allow an advertisement for a school event.

Councilman Lewis asked if anything can be done if there are complaints about the brightness of a sign.

Mayor Leonard stated they would have to ask Mr. Tolbert.

They discussed the prohibitions.

## **9. Adjournment**

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. All present were in favor and the motion was carried.

Ayes: Ellis, Lewis, Reed, Richardson and Taylor

Nays: None

Absent: Bowden

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

**MINUTES OF THE SEPTEMBER 4, 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**

Vice Mayor Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comments**

Mayor Leonard opened the floor for public comment.

- Ms. Donna Leonard, 6415 Leonard Lane, expressed her concerns regarding the USFW Environmental Assessment and 10-Year Plan. She explained the opportunities of beach access in the 1960s. She mentioned the lack of dunes and small stretch of coastal barrier islands. She talked about the current plan to install a gate on Beach Road for conversion to non-recreational beach use and winter over-sand vehicle use. She also reported that the plan states that a vehicle turnaround, OSV gate, pull-off and tire inflation station would be constructed on Beach Road after the south pony corral parking area. She continued that the remainder of Beach Road,

former parking area and the recreational beach will be restricted. She feels it's imperative that the Town, the political leaders, the county, state, federal, Chamber of Commerce, the citizens and businesses should speak out in opposition of restricting flowing traffic and non-recreational users from access to Beach Road. Ms. Leonard stated that hundreds of thousands of federal dollars have been spent to repair and reinforce the road since Hurricane Sandy. She asked what the need is to take the public's use of that road. She also stated that many people have taken a daily ride to the beach as has been done for the last 53 years. She added that they don't get out of their car, they view wildlife along the way, they get to the ocean front and turn around. She suggested opposition and do not allow them to take that opportunity away. She stated that a 10-year plan may take 10 years to plan. She added that the planners have done a fine job of coming up with a parking facility. She supports the hybrid plan. She reminded Council of the historical hayride where they were told that as soon as the 10-year plan was implemented they planned to demolish the road. She further stated that after their comments they haven't since mentioned demolishing the road. She reminded everyone that their comments have to be heard by September 30<sup>th</sup>.

## **5. Agenda Adoption**

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the agenda as presented. Unanimously approved.

## **6. Staff Updates**

### **Police Department:**

Chief Mills advised that the report is in the packet. He also reported that he and Major Lewis attended a crisis meeting at the Chincoteague Combined School where they reviewed items of safety and future plans to keep the school safe. He stated that they have also been planning for this Saturday's poker run.

Councilwoman Bowden reported that she had a citizen who contacted ANEC regarding street lights that are out. She was advised that it was the responsibility of our Police Department to call in.

Chief Mills stated that they normally do and have a report the officers complete on a routine basis. He added that they forward the report to Public Works Director Spurlock. He advised he will motivate the officers on this matter.

Public Works Director Spurlock stated that people call on a regular basis and he also checks after sunset to report to ANEC.

Councilman Taylor suggested a sign reminding of the stop sign ahead at the Ridge and Church Street intersection.

Vice Mayor Ellis stated that Mr. John Howard expressed his concerns for the same intersection where there were people have missed the stop sign. He stated that Mr. Howard suggested rumble strips.

Chief Mills agreed and described an accident there this summer.

Councilwoman Bowden feels that it has been worse since the intersection has been straightened.

There were further comments.

Public Works Director Spurlock suggested flashing beacons. He stated that there is a flashing intersection ahead light on Church Street. He explained that he is suggesting a flashing yellow light that on Chicken City Road and Ridge Road to will draw people's attention to the stop sign.

Building and Zoning Administrator Lewis added that there are a lot` of locals that aren't stopping there.

Mayor Leonard commented that the Public Safety Committee has discussed this as well.

Public Works Director Spurlock will research the cost of the solar powered lights there.

#### **Public Works Department:**

Public Works Director Spurlock reported that in addition to his monthly report he advised that he received permission this afternoon to close the westbound lane west of Wire Narrows to repair the water main. He advised that a VDOT employee drove a post through the 8" line. He added that they will close 1 lane of the causeway at 8:00 a.m. Wednesday.

Vice Mayor Ellis stated that he noticed the Public Works staff has been cutting grass at a couple of residences. He asked if those residences were charged.

Public Works Director Spurlock responded that they are fined and charged for this.

Mayor Leonard gave a couple of areas that need to be trimmed because of the sight triangles.

Public Works Director Spurlock advised they would take care of it.

#### **General Government:**

Town Manager West advised that \$11 million in funding has been requested for the new wells. He stated that a conference call was held last week to discuss the VDOT grant reimbursements. He would prefer to discuss this with the data at the Budget and Personnel Committee meeting. He also reported that he, Councilman Lewis, Vice Mayor Ellis and Finance Director Hipple met with the County about eliminating the vehicle stickers. He explained that it's relatively inexpensive to have the Town's vendor make the change with the data file from the County. He stated that the hindrance remains with the delinquent collections.

Vice Mayor Ellis stated that according to Finance Director Hipple this past year they collected \$50,000 in delinquent taxes when people came in to purchase the decal. He feels this will be a tough decision.

Town Manager West stated that in efforts of the Town staff they could divert the long lines for decals to vehicle stops. He is unaware what that revenue would be. He would also like to estimate the revenue from vehicle stops. He added that they will continue researching the matter further.

## **7. Committee Reports**

- **Public Works Committee:**

Councilwoman Richardson reported that they are still working on the Multi-Model Project. She stated that the Committee advised Council that they would research replacing the Memorial Park restrooms and pavilion. She also stated that they suggested rehabilitating the pavilion instead of removing it. She added that they recommended to purchase motorized doors for the Town offices.

Public Works Director Spurlock interjected that the vendor included 2 of the 3 doors needed to get into the office. He explained that the door to the front office is a fire rated door and the total estimated cost is \$15,000. He intends to discuss this further at the next Public Works Committee meeting.

Councilwoman Richardson stated that they discussed the Hallie Whealon Smith Drive drainage. She reported that 2 plugs were purchased instead of permanent flood gates.

- **RCEC:**

Councilwoman Bowden advised they met on August 14<sup>th</sup> and discussed the Smith Street property that Mr. David Landsberger recently purchased. She explained that the reason for purchasing the property was to meet the needs of the Town, YMCA and other things such as that. She also stated that they were to come up with some ideas that would possibly take place on the property. She reported that they have asked Town Manager West to research some planning ideas. She stated that she made a statement about a month ago regarding the Chincoteague Historical Society. She wanted to make everyone aware that this would not be an effort of the Town and she would be proceeding independently. She also reported that they are waiting for some permits on the dog park along which are now delayed because of a bat study.

Town Manager West advised that the study is in progress.

- **Budget & Personnel Committee:**

Vice Mayor Ellis pointed out that Town Manager West recommended the Harbormaster position be changed from hourly to an exempt position. He advised that this has become more of an administrative position. He stated that the increase of salary is met by the overtime that was

already being paid. He stated that they reviewed the compensation plan which is in the packet. He advised that the Budget and Personnel Committee has unanimously approved this plan.

Vice Mayor Ellis also stated that they discussed Meals Tax. He informed Council that in the June meeting Council approved a cap of the amount that is given to the Chamber of Commerce and to the Chincoteague Center. He stated that there was discussion as to whether this was a legitimate action based on the Ordinance. He also stated that Town Manager West suspended the implementation of this until they receive more information. He added that Mayor Leonard felt no action should be taken until the Meals Tax Committee could be formed and give recommendations. He reported on the budget amendment that will be done at a later date.

#### **8. Consider Adoption of the Minutes of the August 6, 2018 Council Meeting and August 16, 2018 Council Workshop.**

Vice Mayor Ellis referred to page 37 of the vote regarding scrolling signs. He corrected that instead of “move forward with allowing Public Use Zones electronic scrolling signs” it should be “move forward with a public hearing toward allowing...”

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the August 6, 2018 Council Meeting and August 16, 2018 Council Workshop as corrected. Unanimously approved.

#### **9. Public Hearing – Consider Change in Zoning (Signs)**

Mayor Leonard explained that the public hearing is to consider the change in zoning of the electronic scrolling signs. He opened the public hearing.

- Mr. Mike Tolbert, Chief of Maintenance and Operations of Accomack County Public Schools, advised that Accomack County Public Schools has obtained a permit and issued purchase orders for the purchase of electric signs. He reported that as of today, 9 of 11 signs have been installed and active. He explained the purpose of the signs. He stated that they have been unable to obtain a permit from the Town of Chincoteague due to the current prohibition of animated flashing signs. He gave the history of the animated signs. He feels the law was well written at that time and the prohibition has been a resounding success in maintaining the small-town charm. He advised that he is before Council to propose a change in the ordinance. He added that he is not proposing a change in the intent or sentiment of the current prohibition. He is proposing that animated signs capable of displaying a changeable electronic message be permitted by right within the public/semi-public district and only in that district. Mr. Tolbert stated that the capabilities of the electronic signs was not envisioned in the late 1980s. He explained that the modern display allows them to be securely programmed from any internet connection allowing the programmer to accomplish this task remotely from any location. He also stated that this capability makes it easier to control and maintain the message with the latest information. He reported that he is tasked with the early morning phone message notifying staff and students of weather delays. He is looking forward to completing this task on his smart phone to simultaneously display a school is 2 hours late message on all 11 signs at all 11 schools without leaving his office or vehicle.

Mr. Tolbert stated that this proposal does not differ from the current Town practice. He stated that the Town currently allows free standing electronic signs by permit on premise that are not manually changed at the gas stations. He also stated that the Town allows portable flashing signs for certain events such as the Pony Swim, fireworks and seafood festival. He added that the Park Service also has a similar flashing sign within the corporate limits on Beach Road. He stated that the Chincoteague Police Department displays a portable electronic light up sign that displays the speed. He assumes that these signs, which are prohibited by the current sign ordinance are allowed due to the public service information they display since they are operated by the current government entity. He advised that he is asking for nothing less than the same consideration for both Island schools which are permanently mounted signs that display public service announcements and school information that are owned and operated by a local government entity being Accomack County Public Schools. He reported that as of yesterday, the Accomack County Public Safety Department contacted the School System for permission to have a letter of understanding to use the new signs as they have with other businesses on the highway for emergency messages in the case of evacuation. He stated that he will propose this to the Superintendent and it will then be presented to Accomack County.

Mayor Leonard closed the public hearing.

Councilwoman Bowden doesn't feel there is anything to discuss.

Planning Commission Chairman Rosenberger stated that this was a well written proposal. His concern is that it would be considered as spot zoning.

Councilman Taylor stated that spot zoning happens all the time. He feels Council should help the kids and schools. He doesn't mind seeing different school events. He mentioned advertising for the decoy show but not for an individual item.

Town Attorney Fox interjected that advertisement of an event would be allowed, but not a specific item.

Vice Mayor Ellis advised that he will vote for this and understands the need for this. He expressed his concern that there is a prohibition. He stated that over the years there has never been a request to change it. He is concerned with what will happen at a later time. He sees the need for it at the schools.

Mayor Leonard mentioned the proposal where it restricts graphics and illustrations on the animated signs. He can see the benefit of allowing this.

Councilwoman Richardson stated that if they don't delete that section they won't be able to make a change in the scene, for example adding an American flag.

Councilwoman Bowden then asked where it would stop.

Mayor Leonard feels as long as it's advertising a school or Town function it should be ok.

Vice Mayor Ellis stated that it concerns him with the other schools' flashing signs along Route 13.

Councilman Reed doesn't see a problem with this at all. He stated that they change but it isn't going overboard.

Councilwoman Bowden feels that with the recommendation it is sealing the deal for any other business to have an electronic sign. She also stated that the Town and the schools are part of the county. She feels it would be unwise to deny this for the schools. She stated that you can't go wrong getting any information out there for the kids. She believes that §7.14.1.3 covers those businesses attempting to get a sign on their property.

Councilman Reed added that §7.14.1.1 seals the deal to only allow this in public/semi-public districts.

Mayor Leonard asked if Council wanted to remove §7.14.2.2.

Councilwoman Bowden commented on how beautiful Pocomoke Volunteer Fire Company's sign is with the flag. She asked where they draw the line.

Mr. Tolbert responded that the signs aren't 20' x 20' and relatively small. He stated that it wouldn't be practical to put just anything on there. He mentioned that there would be some contrast because of the text. He added that the sign is capable of doing a lot of things but wouldn't be practical.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the proposed change in zoning and removing §7.14.1.2. Unanimously approved.

## **Article VII, Signs**

***Change Sec. 7.6. Prohibited signs:*** 7.6.1. Animated signs. (defined 7.2.3.) (See Sec 7.14. PSP Public/Semi-Public District)

***Add to Article VII. SIGNS: Sec. 7.14. PSP Public/Semi-Public districts.***

Within public/semi-public districts, permits are required for all allowed signs.

**7.14.1.** Animated signs (electronic message devices) are permitted in Public/Semi-Public Districts with the following restrictions:

7.14.1.1. These devices shall be used to provide public service announcements and information relevant to the activities of the public use facilities only.

~~7.14.1.2. Information displayed is restricted to text only. Changing scenes, graphics or illustrations are not permitted to be displayed on the animated sign/electronic message board.~~

7.14.1.3. Commercial messages and messages advertising items for sale on these devices is prohibited.

7.14.1.4. Only one such device is permitted per public parcel, except as provided in 7.14.1.5.



7.14.1.5. Such devices are restricted to 33 square feet in size. Where both sides of a sign contain allowable display, they shall be considered as one device and one side only shall be used to compute the allowable size of the sign.

**7.14.2.** All other signs on Public/Semi-Public parcels shall comply with applicable sections of this Article.

## **10. Demolition of Unsafe Structure**

Mayor Leonard advised that 60 days ago the owner of the Cleveland Street structure asked for an extension to the demolition of his house. He advised that the owner has done nothing.

Building and Zoning Administrator Lewis advised that on March 6<sup>th</sup>, 2018 a letter was sent to the owner advising that the building was unsafe, and it needed to be fixed or demolished. He also advised the owner that he could file a grievance to the Building Code Board of Appeals. He stated that April 20<sup>th</sup> and 27<sup>th</sup> it was put in the newspaper with a 30-day appeal process. He added that there has been 60 days for the appeal process. He reported that the owner has not attempted to speak with him. Building and Zoning Administrator Lewis stated that before he received bids for demolition he attempted to call the owner 4 times with no response.

Mayor Leonard advised that Council is well within their rights.

Building and Zoning Administrator Lewis stated that there have been a lot of buildings removed or demolished because they were unsafe structures.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to demolish the unsafe structure located on Cleveland Street. Unanimously approved.

## **11. Consider Establishing Recovery Fund for Land Use Permits**

Mayor Leonard explained that when someone cuts into the road a surety would be necessary.

Public Works Director Spurlock advised that VDOT requires a surety any time you cut into their roads. He stated that primarily with sewage permits the Town requires a \$1,000 CD in perpetuity. He added that the CD had to be renewed every 5 – 10 years. He explained that the recovery fund rates will be established as: \$33/LF for sewage utilities placed in the public right of way with a maximum amount of \$5,000 and \$25/SF for utility cuts in the paved or covered surface (sidewalks) of the right of way. He added that this fund would be used to repair any failed or affected utility.

Councilwoman Richardson motioned, seconded by Councilman Reed to establish a Recovery Fund for Land Use Permits with a fee structure of:

- \$33/LF for sewage utilities placed in the public right of way with a maximum amount of \$5,000 per permit (project)
  - \$25/SF for utility cuts in the paved or covered surface (sidewalks) of the right of way.
- Unanimously approved.

## **12. Franchise Agreement – Charter/Spectrum Cable**

Town Manager West advised he wanted to lock in the cable service. He stated that the upgrade will increase the line speed throughout the Island. He also stated that there have been rumors that Charter is considering removal of the storefront. He added that he has asked for some sort of guarantee that they would still have an office on Chincoteague. He is asking for the approval to advertise for a public hearing.

Councilwoman Richardson asked how long the Town has been operating without a franchise agreement.

Town Manager West advised it has been approximately 10 years.

Vice Mayor Ellis asked about section 10 and being held harmless.

Town Manager West advised that Charter would not be able to indemnify the Town from willful misconduct.

Councilwoman Richardson motioned, seconded by Vice Mayor Ellis to schedule the public hearing for the Charter/Spectrum Cable Franchise Agreement. Unanimously approved.

## **13. Consider Adoption of Compensation Plan**

Mayor Leonard stated that the Budget and Personnel Committee has researched, prepared and approved a compensation plan for the Town. He also stated that the plan establishes pay ranges on all current jobs the Town has.

Vice Mayor Ellis added that this also includes job descriptions.

Councilwoman Bowden stated she has reviewed it and doesn't feel they could have created anything better. She commended the Committee.

Vice Mayor Ellis motioned, seconded by Councilwoman Bowden to adopt the Compensation Plan as presented. Unanimously approved.

## **14. Mayor & Council Announcements or Comments**

Councilwoman Richardson advised she attended the meeting at the beach and she is unhappy about it as well. She doesn't think that the restriction on allowing people to access the south beach is fair or acceptable.

Mayor Leonard stated that he will express this as well and suggested submitting comments.

Councilwoman Bowden stated she has a problem with the entire plan. She stated that what they are proposing is a couple of different parking scenarios. She commented about the areas to walk through to get to the beach. She advised she has submitted her comments. She doesn't feel it is beneficial to the visitors and residents. She stated that it isn't over, and the residents of the Town should send in the comments. She added that once the federal government is finished, they will

not give the beach access experience that we have enjoyed. She further commented on the money they're putting in the new plan. She feels there's a better way than what was presented.

Vice Mayor Ellis agreed with Councilwoman Bowden.

Councilman Taylor advised that he commented on the savings to use the southern beach and was turned down cold.

Councilman Reed asked Public Works Director Spurlock if he would look into flashing lights at the old Camper's Ranch intersection. He feels this is an area where people miss the stop sign. He also stated that they have to have the beach. He feels they've made it more difficult with children having a longer walk. He suggested putting jetties in if they want to spend money. He feels they need the hook because it's the lifesaver at the southern end of Chincoteague. He stated they can't let them take it away or the Town will be stuck with the bill. He strongly urged everyone to get involved.

Mayor Leonard stated that it wasn't long ago that the proposal from the government was to have a big parking lot off of Assateague and have a shuttle system. He stated that the public was heard, and it went away. He added that they haven't included himself in the planning and as far as he knows, no shuttle service has been proposed. He agrees that they have to protect the southern end and the wash-over. Mayor Leonard stated that they have always thought the wash-over was nothing new and would be an inlet one day. He advised that in the 30's when they went to the beach they drove by boat to the old Coast Guard Station and walked to the ocean. He stated that they have to look at the long run. He also stated that they've had the easiest public beach access on the coast. He discussed the ocean rage and feels it's hard to make plans when you're that close to the ocean. He knows this plan isn't perfect but it's what they have to work with. He mentioned the effect on the federal government when you fight. He suggested working with the federal government as it is a wildlife refuge. He knows it will be devastating to the Town's economy. He again urged the public to send in their comments. He concluded by saying, "Go Ponies".

Councilwoman Bowden, with all due respect, disagreed with Mayor Leonard. She feels that you have to fight for what you want. She stated that they fought against the shuttle service to Assateague. She has never felt that the Town of Chincoteague was a group of people that would just let anyone roll over them. He feels that even though they may not win the war there are some battles that need to be fought. She believes this needs to be fought.

**15. Closed Meeting in Accordance with § 2.2-3712 (A)(1) of the Code of Virginia to Discuss Actual and Pending Litigation and the Acquisition and Disposition of Real Property**

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with § 2.2-3712 (A)(1) of the Code of Virginia to discuss actual and pending litigation and the acquisition and disposition of real property. Unanimously approved.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

**16. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia**

Councilwoman Richardson motioned, seconded by Councilman Reed to certify the Closed Meeting was in accordance with § 2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

Councilman Taylor motioned, seconded by Vice Mayor Ellis to approve the Declaration of Public Use for Bunting Road Extension. Unanimously approved.

Council directed Town Manager West to proceed with negotiations with Mr. Landsberger regarding the Smith Street property.

**17. Adjournment**

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

**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 20<sup>th</sup> – 25<sup>th</sup> 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 21<sup>st</sup> 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 9<sup>th</sup> 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 not 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 be 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 of 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 loss 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 14<sup>th</sup> 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 18<sup>th</sup> 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 2<sup>nd</sup> 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 1<sup>st</sup> 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 2<sup>nd</sup> 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 floating dock materials to Ravens Marine for \$108,683 with the. 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.

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.

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J. Arthur Leonard, Mayor

Attest:

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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 2<sup>nd</sup> 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

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J. Arthur Leonard, Mayor

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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 ask 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 9<sup>th</sup> 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 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 17<sup>th</sup> to 23<sup>rd</sup>, 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 17<sup>th</sup> to 23<sup>rd</sup>, 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 it before the public hearing.

There were comments about the possibility of opposition.

Councilman Reed motioned, seconded by Councilman Lewis to go 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 1<sup>st</sup>.

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 15<sup>th</sup> March 1<sup>st</sup> 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 15<sup>th</sup> March 1<sup>st</sup> 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 14<sup>th</sup>, 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

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

### **MINUTES OF THE NOVEMBER 5, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

J. Arthur Leonard, Mayor

Ben Ellis, Vice Mayor

Denise P. Bowden, Councilwoman

#### **Council Members Absent:**

Edward W. Lewis, Jr. Councilman  
Matthew Reed, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**1. Call to Order**

Mayor Leonard called the meeting to order at 7:00 p.m.

**2. Invocation**

Councilman Taylor offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comments**

Mayor Leonard opened the floor for public comment.

- Mr. Tim Parsons, 6298 Cleveland Street, addressed the pedestrian crossings. He advised that the crossings are unsafe and concealed. He is unsure what can be done to enforce the crosswalk law. He thought about the flashing crossing lights but feels it doesn't look like Chincoteague. He expressed his concerns and asked Council what could be done.

Mayor Leonard suggested he go to the Public Safety meeting on December 4<sup>th</sup>.

Mr. Parsons asked if Council would refer this to the other officials or committees.

Councilman Taylor commented and agreed that this is a problem.

Councilwoman Bowden added that she has seen people not use the crosswalks. She also agreed that it needs to be investigated. She commented on the crossing at the Library.

Mr. Parsons stated that the bush at the Post Office obstructs traffic looking north.

Councilwoman Richardson stated that this can be addressed because it is a sight triangle issue. She also suggested that a reflective band that is made of a special paint stands out. She advised that they have it in Snow Hill. She feels this will stand out to show it's a crosswalk.

- Ms. Lorna Gagneux, 6322 Cleveland Street, stated that a total of 13 municipalities on the Eastern Shore opposed offshore drillings. She thanked Council for their support.

## **5. Agenda Adoption**

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the agenda as presented. Unanimously approved.

## **6. Staff Updates**

### **Police Department:**

Chief Mills advised that in the monthly report he listed the training for accreditation. He stated that they have added a fall Senior Luncheon which will be November 15<sup>th</sup> at Don's Seafood Restaurant at 11:00 a.m. for the senior citizens that live on the Island.

Councilman Ellis commended his officers on a nice job at the Library Tales-4-Tots Program. He stated that the children had a great time.

Mayor Leonard thanked the Police Department for being in the downtown area for Halloween and closing off the street.

Councilman Reed suggested they do the same to Sunnywood Manor. He feels there is ample parking at Memorial Park to support this. He commented on an ambulance call in the area during trick-or-treating.

Mayor Leonard advised they will bring this up to the Public Safety Committee meeting in December as well. He feels it has been getting worse each year.

### **Public Works Department:**

Public Works Director Spurlock also reported that regarding the sidewalk work on Maddox they will approach the Maddox and Main intersection within the next 3 weeks. He advised they will have to turn the traffic signal off because of the regulations. He stated that it will last about 2 days. He urged everyone to use extreme caution coming off the bridge. He also advised that at the Public Works Committee meeting Tuesday night at 5:00 p.m. they will address the Ridge, Church, Chicken City intersection. He asked for those with input to attend.

Councilman Lewis asked if the Public Works Department would be providing traffic control at the intersection.

Public Works Director Spurlock advised they would.

### **General Government:**

Town Manager West advised that he and Mayor Leonard met with NASA and was told that the requested appropriations were not in the budget yet. He added that they have to wait until after elections. He stated that the funding for wells and property purchases are in the distance. He advised that the filtration plant will be ready the 1<sup>st</sup> of the year. He is unsure that this will happen. He also stated that NASA asked the Town to throttle back on water usage, which was

done easily as there isn't as much demand. He reported that the ANPDC will be presenting a brief on desalination on November 19<sup>th</sup> at 1:00 p.m. in the Council Chambers.

Town Manager West reported on the dog park and permits. He advised that he and Public Works Director Spurlock will walk the perimeters this week with a plan to complete the project. He also stated that the taxes are printed and being prepared to go out in the mail. He also mentioned wastewater and advised Public Works Director Spurlock will set up a meeting for November 20<sup>th</sup> to update everyone. He also stated that he sent the Code updates out with the packet.

Councilman Ellis stated that the Committee recommended to Council that they amend the agreement with Duffield and Associates. He asked if they have done the review on the requirements and other things they were supposed to do.

Public Works Director Spurlock stated that they have. He also stated that VIMS was the key player to model the inlet which has been completed. He stated that with the results of the modeling they are supposed to give input if this is adequate to file and where to go from here.

Councilman Ellis asked if the Town prepares the permit.

Public Works Director Spurlock replied that they would need an engineering firm and Duffield and Associates are currently not contracted to do this. He stated that the reason to have an engineering firm is the requirement to submit a preliminary design. He added that they are on target.

## **7. Committee Reports**

- **Public Safety**

Mayor Leonard reported that they had 1 participant, Mr. Alex Hubb who addressed lawn mower debris. He stated that there is a law already on the books which needs to be enforced. He advised that Chief Mills will direct his officers to enforce this. He stated that they were also monitoring weather due to the hurricanes.

- **Harbor Committee**

Mayor Leonard reported that they discussed the floating docks which will be in place soon. He advised of the arrival of conch boats. He stated that they discussed the replacement of the gas pumps which have had issues.

Councilwoman Richardson asked if the Committee was in favor of putting the fence back after it's been removed.

Mayor Leonard stated it hasn't been decided but they discussed instead of putting in a chain link fence they may put a split rail fence from the front of the Harbor entrance to the back side of Mr.



Tull's house. He stated that there has been damage from boats that were blown over the fence and trees falling as well.

## **8. Consider Adoption of the Minutes of the October 1, 2018 and October 18, 2018 Council Meetings.**

Councilwoman Bowden asked to add the word "not" to page 26 of the agenda packed, Council minutes of October 18<sup>th</sup>, 2018. She advised: "He explained that when the public steps to the podium Council is "not" prepared to answer those questions."

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the October 1 and 18, 2018 Council Meetings as corrected. Unanimously approved.

## **9. Public Hearing – Property Line Elimination**

Mayor Leonard opened the public hearing.

- A gentleman advised that Ms. Fajerski is a friend of his. He stated that he is in favor of this for her to be able to build a home.

Councilwoman Richardson motioned, seconded by Councilman Taylor to approve the proposed property line elimination. Unanimously approved.

## **10. Commission and Committee Vacancies**

Mayor Leonard stated that this is for the appointments to fill the vacancies on the Commissions and Committees. He stated that on the Chincoteague Recreation and Convention Center Authority, Mr. Craig Beitzel and Mr. Bob Zoller have both expressed interest to continue to serve another term. He also stated that relevant to the Recreation and Community Enhancement Committee, Mr. Jack Van Dame and Mr. William Borges advised they do not wish to serve another term. He added that the nominations for this Committee have been deferred until a later date. He also advised that Mr. John Whalen has expressed that he would like to serve another 5-year term on the Building Code Board of Appeals.

Mayor Leonard then opened the floor for nominations for 1 vacancy on the Planning Commission.

Councilwoman Bowden nominated Mr. David Britton.

Councilman Lewis nominated Mr. Jim White.

Mayor Leonard called for a vote for all those in favor of Mr. David Britton. Those voting for: Councilman Taylor, Councilman Reed, Councilwoman Bowden and Councilman Lewis.

Mayor Leonard called for a vote for all those in favor of Mr. Jim White.

Those voting for: Councilwoman Richardson, Councilman Ellis and Councilman Lewis

Mayor Leonard announced that as per a vote of 4 to 3 Mr. David Britton is appointed to the Planning Commission. He then asked if a councilman could vote for his brother.

Town Attorney Fox asked if it was a paid position.

Mayor Leonard advised it is not.

Town Attorney Fox believes he can because it is not a paid position and he will not be voting for any financial advancements for the councilman or his family.

Town Manager West stated that from history people have normally abstained from voting for a family member. He advised they can repeat the vote.

Mayor asked Council's opinion.

Councilman Taylor doesn't feel it would have been proper for a councilman to nominate his brother.

Councilman Ellis asked if all Councilmembers were aware they could vote more than once.

Mayor Leonard advised they were. He asked Council's direction.

Councilman Taylor asked about increasing the number of members on the Planning Commission. He feels there are 2 very qualified people, and both deserve to be on the Commission.

Town Manager West asked Planning Commission Chairman Rosenberger if this was dictated by state code.

Planning Commission Chairman Rosenberger was unable to answer this. He stated that it was established years ago that they would have 7 members.

Councilman Taylor stated that it's great to have more unless the state says otherwise. He asked if this could be researched.

Planning Commission Chairman Rosenberger advised it is listed in the state code and he will research it. He stated that in prior selections it was the 1<sup>st</sup> person to receive the majority vote. He added that they don't usually go into the next vote. He stated that in this case the 1<sup>st</sup> vote was a majority vote.

Councilwoman Bowden stated that because it isn't a paid position it shouldn't be a conflict. She asked what would happen if it was a paid position

Town Attorney Fox advised that the councilmember would have to abstain.

Councilman Taylor read the guidelines for voting on a commission or committee member appointment. He stated that “after all nominations are received the Mayor will close the nominations and ask Council to vote on each nomination in the order in which they were received and the 1<sup>st</sup> to receive the majority votes will be appointed.”

Mayor Leonard stated that if Councilman Reed abstained the vote would be 3 to 3 and the matter would rest on his shoulders. He then stated that he was advised by Town Manager West he couldn't vote. He stated that they could vote again.

Councilman Ellis suggested tabling it for a month and have Town Attorney Fox research the matter to see if there is a limit. He believes the state code says each jurisdiction must have a Commission, but he doesn't believe it mentions a number.

Councilwoman Bowden feels it may be in the best interest to have Town Attorney Fox review this carefully to do what is best.

Council concurred.

Town Attorney Fox advised that if he finds out that there is no limit as to how many members of the Planning Commission there are it would delay it another month to pass a resolution to add members and another month to add the 2 new members. He asked if it could be done simultaneously.

Mayor Leonard suggested having Town Attorney Fox investigate if Councilman Reed should abstain, if not the vote stands. He added that if so, then they move forward with research of putting more people on the Planning Commission.

Council concurred.

Mayor Leonard opened the floor for nominations for the 2 vacancies on the Chincoteague Recreation and Convention Center Authority.

Councilwoman Richardson nominated Mr. Craig Beitzel.

Councilwoman Bowden nominated Mr. Bob Zoller.

Mayor Leonard called for the vote on Mr. Criag Beitzel.

The vote was unanimous for Mr. Craig Beitzel to serve another term on the Chincoteague Recreation and Convention Center Authority.

Mayor Leonard called for the vote on Mr. Bob Zoller.

The vote was unanimous for Mr. Bob Zoller to serve another term on the Chincoteague Recreation and Convention Center Authority.

Mayor Leonard opened the floor for nominations for the Building Code Board of Appeals.

Councilman Taylor nominated Mr. John Whalen.

Mayor Leonard called for a vote for Mr. John Whalen.

The Vote was unanimous for Mr. John Whalen to serve another term on the Building Code Board of Appeals.

## **11. Consider Expanding Sarbanes Grant Work**

Public Works Director Spurlock explained that this is a unit price contract which is \$9.00+ per square foot of sidewalk. He stated that this will allow them to do more work under the same contract. He requested that work under the contract be expanded to include expenditures of an additional \$80,000.

Mayor Leonard asked if this work would be completed this winter.

Public Works Director Spurlock responded that it is the plan to be completed this winter. He also advised that the paving will be completed in the spring “weather permitting”.

Councilwoman Bowden asked if the additional \$80,000 was coming from the grant money.

Public Works Director Spurlock advised it is.

Councilman Ellis motioned, seconded by Councilwoman Bowden to approve expanding the contract in the amount of \$80,000 not to exceed \$481,165.06 of the Sarbanes Grant work. Unanimously approved.

## **12. Mayor & Council Announcements or Comments**

Councilman Taylor thanked those who are volunteering to serve on our Committees.

Councilman Lewis thanked Chief Mills for the donation to the Chincoteague Food Bank for the purchase of turkeys.

Councilman Ellis thanked Town Manager West and staff for the Town Code updates. He also mentioned that when Mr. Catron was before Council in October he advised that he works at the direction of Council. He stated that two points were raised. He advised they discussed the flooding at Main Street and Maddox Boulevard. He stated that Mr. Catron reported that he discussed this matter with the VDOT representatives in Richmond and the Town has to determine if it is a maintenance problem. He added that if not the Town would have to apply for a smart scale project. He stated that the 2<sup>nd</sup> thing was the beach relocation and parking. Councilman Ellis advised that Mr. Catron stated both times that this was at Council’s direction.

He feels that Council needs to give direction so that our Lobbyist can work at the federal and state level.

Councilwoman Bowden clarified that it isn't necessarily about the parking or recreational beach relocation. She stated that the main issue is the wash-over in Tom's Cove and the flooding impact at the Inlet and the south end of Chincoteague. She feels they need to make a stand one way or the other on how they're going to ask their federal government and state government to move along. She also thanked those who expressed interest in the committees and added that it isn't an easy job.

Councilwoman Richardson feels they need to do something to preserve the southern end of the Island. She asked everyone if they want to push this. She feels they need to do something.

Mayor Leonard reminded of the invite to meet with VIMS on Friday. He explained that the ANPDC is putting on a seminar at VIMS in Wachapreague on Friday about barrier island movement with a fieldtrip to Cedar Island. He stated that they are giving an update on what's happening on other barrier islands and the change on the shore.

Councilwoman Bowden stated that she doesn't have a question about change to the other barrier islands. Her concern is protecting the south end of Chincoteague. She fears it will be gone if they don't protect it. She questions if they are going to take any steps to do something.

Councilman Taylor commented that it's maintained for the birds but not for a barrier island.

Mayor Leonard stated that understanding the movement and any education is better than no education at all. He feels it will better our interpretations. He wished everyone a Happy Thanksgiving as there is no Council workshop scheduled for November. He also reminded everyone to exercise their right to vote tomorrow. He concluded by saying "Roll Tide".

### **13. Adjournment**

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn.  
Unanimously approved

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J. Arthur Leonard, Mayor

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James M. West, Town Manager

## **MINUTES OF THE DECEMBER 3, 2018 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

J. Arthur Leonard, Mayor  
Ben Ellis, Vice Mayor

### **Council Members Absent:**

Denise P. Bowden, Councilwoman  
Edward W. Lewis, Jr. Councilman

Matthew Reed, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**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 – Museum of Chincoteague**

Mrs. Maria Grenchik, the Executive Director of the Museum of Chincoteague, thanked Mayor Leonard and Council for the funds they allotted for the Museum in 2018. She reviewed how the funds were put to good use. They were supported by 32 active volunteers and welcomed over 12,000 visitors to the Museum. They sponsored events: Tuesday night lecture series, cemetery clean-up day, Heritage Days, holiday open houses, decoy carving class, Chincoteague Art Show and Sale, Buckaroo Bingo and decoy carving demonstrations. She advised that a few of these successful events will be repeated in 2019. She stated that they offer 4 fieldtrip options for the standard of learning with 1<sup>st</sup> – 5<sup>th</sup> grades. They had approximately 200 students and scouts visit the Museum on fieldtrips. She added that the fieldtrips are free for students of Accomack and Northampton Counties.

Mrs. Grenchik reported they are partnering with the Chincoteague Elementary School 5<sup>th</sup> grade teachers to teach the students about the importance of collecting oral histories. There are 5 new exhibits and an audio tour with interaction on smart phones. They are planning the Heritage Days annual event and will focus on the downtown March 22-24, 2019. She listed the partners. She continued to review the community event partnerships. She reported that the Miles Hancock workshop was moved just outside of the Museum last year. They hosted 21 successful road scholar programs and are increasing the programs to 29 next year. She thanked Mayor Leonard and the Town Council, adding they wouldn't be where they are today with the continued support.

**5. Public Comments**

Mayor Leonard opened the floor for public comment.

- Ms. Julie Brommer, founder of the Chincoteague Island Community Cats, advised that

this program began in April of 2018. She stated that their mission is to establish a sustainable cat program providing compassionate solutions for island cats. She thanked Council for their support allowing them to use the Donald J. Amrien Recreation Center for 2 weekends this year. They were able to roundup and transport 30 kittens to shelters and rescue groups, spay, neuter, vaccinate and microchipped 94 cats since June. She added that their goal is to reach 100 cats before the end of the year. She reported that the locals have stepped up to help the cats. She again thanked Council for their continued support.

- Mrs. Nancy Cunningham, Island Library, gave an update on what's going on at the Library. She stated that over 1,400 adults and over 125 juveniles have their library cards at the Island Library. She reviewed the increase in new patrons and over 200 new titles added to their collection. They had over 1,000 items in circulation reported in October. The internet usage is 145 within the Library. They are working on fundraising. She added that they continue to sell "The Hidden Galleon" and "The Treasure Island". They will continue the 1<sup>st</sup> Night of Summer Cruise fundraising event along with the Labor Day yard sale.

Mrs. Cunningham reported that there are 2 adult book clubs and they want to add technology sessions. Mr. Dan Thomas a local artist will be at the Library Tuesday evening. Crafts and coloring will begin Thursdays at 6:00 p.m. as another adult program. Locals Week was created to encourage residents to visit the Library. There will be a special event to celebrate Marguerite Henry's birthday. She also reported on the Tales 4 Tots Program with the theme "People in Our Neighborhood". They have special programs planned with the Pony Center, the Salisbury Zoo and a magician. Each Library program is free. They use social media to publicize local events. They now have 2,837 friends on Facebook. They participate in the local events as well. The volunteers also maintain the Little Library box on the corner of Main Street and Cleveland Street. They are proud of serving the community for over 20 years. She concluded that the Library appreciates everything the Town of Chincoteague does for the Library.

- Mr. Ray Rosenberger, Chairman of Planning Commission, mentioned the acquisition from NASA of a new launch and now the request of the Corps of Engineers and Wetlands Board regarding the riprap on their beach. He also mentioned the south end of the Island. He suggested addressing with the Wetlands Board a beach on Main Street. He mentioned, bulkheading, the impacts on the current in the channel along with the flooding at the foot of the bridge. He urged Council to be careful of what transpires there.

He advised that he received an email from Councilwoman Bowden regarding the PSA expansion. He suggested that Council review this carefully as there are other issues taking place such as a request for a PSA just for the Town. He added that they would establish an island-wide system. He also wished everyone a Merry Christmas.

- Mrs. Evelyn Shotwell, Director of the Chamber of Commerce, thanked everyone that had any part in the parade Saturday night. She thanked the Town, Police Department, Public Works, the Museum. She also thanked the Library for the beautiful judges stand. She stated that she appreciated the Town's support.

## **6. Agenda Adoption**

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda as presented. The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

## **7. Staff Updates**

### **Police Department:**

Captain Lewis advised that for the month of November staff received 318 calls for service. They participated in the Tales 4 Tots reading at the Library. They also attended a multi-agency briefing at NASA in preparation for the rocket launch. They held their 1<sup>st</sup> Annual Fall Senior Luncheon at Don's Seafood. He reported that the officers donated \$1,300 for Mrs. Lisa Kambarn with their beard for Lisa Campaign. They hosted a training program with Accomack County Victim Witness Advocates office. He advised they installed new video surveillance within the Police Station, Town Office, common area and outside the main entrance.

Mayor Leonard thanked the Police Department and staff for all their hard work. He added that Mrs. Lisa Kambarn's fundraiser turned out well.

### **Public Works Department:**

Public Works Director Spurlock also reported that they are still working on Main Street and Maddox Boulevard. He stated that paving on Main Street depends on the weather and if Branscome can get to it. He added that the paving on Maddox Boulevard will be in the spring.

### **General Government:**

Town Manager West advised on the water supply, that they had a very good presentation from the PDC regarding desalination. He advised that NASA hasn't scheduled another meeting with the Town. He commented on the VDOT reimbursement, adding that the expected reimbursement had changed again. He stated that they have the permit for the Dog Park and the consultant is reviewing it. He advised they had a group of brilliant students on coastal resiliency. He was able to have a phone conference with Senator Lewis and the Secretary of Natural Resources last week to discuss the possibility of funding in the Governor's budget to help study the Inlet. He was assured that the Governor is also in support of it. They agreed that there are a lot of grants out there. He reported that after the conversation he received a call to try and coordinate the efforts of the 30 or so students who all working on different efforts relative to coastal resiliency. He stated that the floating dock is in production and an agreement for installation has been worked out today. They also have the deed to the Smith Street property that the Mayor has executed. He thanked Mr. Landsberger and mentioned that certain obligations will be upheld.

Mayor Leonard asked if they could expand the floating dock.



Town Manager West stated that over the holidays he will work on a budget amendment which will capture the new fuel pump system, the ADA access, the floating dock section and surveillance system update.

## **8. Committee Reports**

### Public Works Committee:

Councilwoman Richardson reported that the high-rise tank maintenance cost has come in higher than expected and the Committee decided to put it off until the next budget cycle. She mentioned that Public Works Director Spurlock has ordered the flashing stop sign which will include radar. She stated that they agreed to a change in the bulk trash collection policy. She explained that if a mattress is put out for collection it should be in a plastic cover. She added that the fence at the Amrien Center should be taken down.

### Budget and Personnel Committee:

Councilman Ellis discussed 3 items. He advised that Town Manager West was approached by a citizen to be able to hunt the mainland property. He stated that this citizen has hunted the land for several years. They discussed this and feel that if he provides suitable liability insurance he could hunt it this year. They also decided that next year they will put it out for competitive leasing and accept applications. An issue was raised about businesses participating in nonprofit sponsored events who are not required to obtain a business license. He stated that they asked if it was fair to other Island businesses. They decided that it isn't a sufficient problem to address at this time. The final thing they discussed was the lobbyist agreement. They talked about the value received with money they pay. It was agreed that the cost effectiveness was not there, and they would obtain a lobbyist on an as needed basis.

## **9. Consider Adoption of the Minutes of the November 5, 2018 Council Meeting**

Councilman Reed motioned, seconded by Councilwoman Richardson to adopt the minutes as presented. The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

## **10. Public Hearing – Property Line Elimination**

Mayor Leonard advised that no one signed up to comment during the public hearing. He opened the public hearing.

Mr. Osbourne Abbey explained that they request the line be removed to adjoin both properties, so they can put a small addition onto the house. They have been working with an architect and Mr. Lewis to get the proper permits in place.

Mayor Leonard closed the public hearing.

Councilman Taylor feels it would be an improvement.

Councilwoman Richardson motioned, seconded by Councilman Reed to approve the elimination of the property line between lots 46 and 47 on Josephine Lane owned by Mr. & Mrs. Abbey.

The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

## **11. Committee and Commission Vacancies**

### Curtis Merritt Harbor Committee:

Mayor Leonard advised that the term of Mr. Danny Bowden has expired on the Harbor Committee. Mr. Bowden has advised that he would like to be reappointed. He entertained a motion.

Councilman Taylor made a motion, seconded by Councilwoman Richardson to reappoint Mr. Danny Bowden to serve another term on the Curtis Merritt Harbor Committee. The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

### Planning Commission:

Mayor Leonard stated that after the last meeting there was some confusion. There was a vote of 4 -2 in favor of electing Mr. David Britton to the Planning Commission. He stated that Councilman Reed has asked to recuse himself from that vote. Mayor Leonard then explained that this makes that vote 3-3, but his vote for Mr. Britton breaks the tie. Mr. David Britton has been appointed to the Planning Commission.

## **12. Consider Request to Expand Sewer Utility Service Area**

Mr. John Custis, attorney advised he is representing Mr. Bill Davis who has the purchase of Inlet View Campground under contract. He feels the property will be an amazing asset for the Town. They found that Inlet View Campground is one of the largest violators of septic on the Island and in Accomack County. He is working with Mr. Davis on a solution and on-site septic would be the best but tough. He advised he also works for the Burbage family and he has connected Mr. Davis with the Burbage family who owns and controls Sunset Bay Utilities. He stated that they are asking for the option to expand the service area from Sunset Bay to Inlet View Campground if it is feasible. They are unsure if it is feasible at this point but if it is they want to extend the sewer line to Inlet View. He feels it's a dire need as septic is a big issue. He offered to answer questions. He also stated that the procedure is to ask the Town for its support, the Town would send a letter of support to the State Corporation Commission in Richmond who would oversee the expansion. He added that it would be guided by VDOT regulations and the State Code.

Mayor Leonard asked if Mr. Davis would be keeping this as a campground.

Mr. Custis responded that he does intend to keep it a campground.

Councilman Ellis asked if Sunset Bay has the capacity to add this to their current service.

Mr. Custis advised that they do.

Councilman Ellis asked if they are only talking about extending the service area, not the capacity.

Mr. Custis stated that this was correct. He stated that it has nothing to do with Sunset Bay plant, only running the line.

Councilman Ellis then asked if this would have any impact if Council decided in the future to go with the proposal submitted by the Burbage family that Mr. Custis presented.

Mr. Custis advised that Mr. Burbage was only at that meeting in a capacity to hand over the business as he isn't looking to stay into the business. He stated that the massive plan that was proposed a week ago has nothing to do with this. He advised that this is a solution to a major problem that they have. He added that they have a contract problem and have until January to figure out if Mr. Davis is going to buy the campground. He stated that if they can't find a solution to the septic, the plans will fall through. Mr. Custis stated that he is involved in both, but this has nothing to do with the other.

Councilman Taylor asked about the above ground septic systems there.

Mr. Custis was told that in order to solve the problems there it would have to be an on-site plant.

There were further comments.

Councilwoman Richardson stated that she was on Council when Sunset Bay put in sewage downtown for the businesses. They are now in the process of obtaining a permit and they have spent a lot of the taxpayers' money. She agreed with Mr. Rosenberger and Council should tread this lightly. She stated that it isn't just affecting new businesses, it's affecting the whole Island and they should be careful and study it thoroughly.

Councilman Taylor feels she is 100% correct. He stated that they're talking about getting an answer between now and January. He also stated that after they get the permit he can't see the Town doing anything with the permit for the next 10 years. He doesn't feel it's realistic and that they can come up with the money. He believes they can expedite the permit process and the state would help.

Mayor Leonard asked if they would bore or dig up Main Street to hook up.

Mr. Custis stated that it would be regulated through VDOT.

Public Works Director Spurlock interrupted that it would be regulated through the Town and it would be a directional bore. He added that it would be pit dug.

Mr. Custis stated that there would be a protection clause to protect the Town from having to take care of it, much like the original line put in. He thanked Council for their time.

Councilman Taylor feels the on-site sewer is the better option. He stated that he would vote for this if they received something from the Health Department saying they deny an on-site system. He added that the engineering won't be done by January anyway.

Councilwoman Richardson agreed.

Councilman Ellis stated that if they approve the request, they aren't approving the project. This would allow them to put in the applications and obtain the permits. He feels it would allow them to go ahead and see if they can proceed.

Mayor Leonard stated that if the Town gives their approval they will be able to get the permits and go ahead with the project. He expressed his concerns with the engineering, boring and how much would be done to the road. He feels it's a long run and they don't know the facts or what it will take to hook up.

Councilman Reed feels it's the prettiest spot on Chincoteague. However, the biggest eyesore. He asked if he planned to make it a decent campground.

Mr. Custis advised that Mr. Davis was.

There was brief discussion.

Councilwoman Richardson feels that all Council should be present for this vote.

Councilwoman Richardson motioned, seconded by Councilman Ellis to table this matter until next month. The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

### **13. Mayor & Council Announcements or Comments**

Councilman Reed thanked the Chamber of Commerce for the Christmas Parade. He was glad that they were able to have it. He reported that the Youth Football League Float received 1<sup>st</sup> place.

Councilman Taylor wished everyone a Merry Christmas. He stated that it is hard work for the volunteers. He also stated that it is amazing to see everyone work so hard for the benefit of our community.

Councilman Ellis was disappointed and discouraged that the Trump Administration approved permits to do off-shore seismic testing off shore from Delaware to Florida. He stated that every state and local government along the coast expressed strong opposition to this. He also wished his colleagues and everyone a Merry Christmas.

Councilwoman Richardson also wished everyone a Merry Christmas and Happy New Year. She asked about the next meeting.

Town Manager West advised that it is the 1<sup>st</sup> Monday of the month which is January 7<sup>th</sup>.

Mayor Leonard stated that judging of the home decorations will be the 13<sup>th</sup>. He asked when the last day is to bring toys into the Police Department.

Captain Lewis advised it is December 8<sup>th</sup>. He added that they will also have cookies with Santa at 11:00 a.m. on December 8<sup>th</sup>.

Mayor Leonard wished everyone a Merry Christmas and Happy New Year. He concluded by saying "Roll Tide".

#### **14. Adjournment**

Councilman Ellis motioned, seconded by Councilman Taylor to adjourn. The motion was carried.

Ayes: Reed, Richardson, Ellis, Taylor

Nays: None

Absent: Bowden, Lewis

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J. Arthur Leonard, Mayor

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James M. West, Town Manager