

**MINUTES OF THE JANUARY 7, 2019**  
**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.

- Mr. Liam Armbuster, 6389 Annamessex Lane and owner of Island Food on Cleveland Street, came before Council expressing his concerns regarding Main Street. He talked about the condition of the buildings. He feels that if they lose draw value of Main Street it will diminish the ability of other parts of the Island centers to compete. He added that the grocery store makes no money for 6 months out of the year. He feels it is also the case for most businesses that remain open throughout the year. Mr. Armbuster stated that 60% of the revenue that operates the Town is generated by tourism through one vehicle or another. He also stated that when you lose a vehicle to draw there will be loss. He wants to protect the businesses. He advised he owns another store in Bridgewater, which he compared to the Town properties and businesses. He reported that Bridgewater purchased properties along their Main Street and created centers and theatres. He stated that Bridgewater operates as the landlord for these purchased properties. He suggested that the Town would be better to buy the properties and lease them or sell them to an appropriate buyer. He feels that it's better to have a loss on a lease verses a loss in tax revenue. He knows that the 2<sup>nd</sup> floors of some of those buildings downtown are condemned. He stated that there is a high sense of urgency. He needs 5 months of profit to carry him through the rest of the year.

Mr. Armbuster commented further and suggested that the Town should step up. He believes that Main Street should be lifted up to maintain the draw value. He suggested having the downtown as an Enterprise Zone. He feels that even if the Town has to take a small loss it would reduce the reduction in tourism and taxes.

- Ms. Barbara Brandt, advised she and her husband owns a home on Chincoteague. She thanked Council for the Dog Park as they have been hoping for one for years.

## **5. Agenda Adoption**

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

## **6. Staff Updates**

### **Police Department:**

Chief Mills reported that in December they supported the Chamber of Commerce Christmas Parade. He stated that earlier that day they held their annual Toy Run with lunch at Don's. They held a small luncheon for the previous Police Chiefs. They also hosted the annual visit with Santa at the Police Station where they handed out cookies and gifts. He reported that they conducted the annual Christmas shopping where they were able to help 14 families and 23 children. He added that they hired 2 new police officers, 1 is currently in school and the other was from the Accomack County Sheriff's Department. He showed Council the cover of the Chincoteague Beacon with an article about the Chincoteague Police.

### **Public Works Department:**

Public Works Director Spurlock also reported that they have hired surveyors to start the next phase which is sidewalks down Maddox Boulevard.

Vice Mayor Ellis stated that he has received many good comments regarding the flashing stop sign at the Ridge Road and Church Street intersection.

Public Works Director Spurlock advised they are looking into getting one for the intersection of Bunting Road and Ridge Road.

### **General Government:**

Town Manager West advised that he attended a meeting in Richmond today regarding the Inlet Study. He feels it was informative. He stated that if they don't get funded for a Corps of Engineers study through the State budget that State Representatives are committed to providing funding for VIMS. The Corps agreed to review data that VIMS has already completed and will consider future study by VIMS. He stated that it is a stiff competition for funding from federal sources for the funding since only 3 studies were funded in the entire nation last year. There will be more partnering on this project. He reported that he spoke with the new Refuge Manager and she looks forward to talking with everyone. She also thanked this community for being so

cooperative in having the Park open without staffing. He added that the changes in vehicle tax hasn't harmed the budget so far.

Mayor Leonard asked if the Army Corps was at the meeting. Town Manager West advised they were.

Mayor Leonard commented that in all the meetings they have attended, it's based on them getting money from the state.

Town Manager West added that they still have their model. He stated that by the time they study it something devastating may happen. The Town is trying to be proactive. The alternative solution is a letter of commitment from our State Representatives and maybe the Governor if the state doesn't get the local match in the budget. The Corps stated that they could proceed with asking for the study and federal funding should the commitment from the State be formalized pending funding.

## **7. Committee Reports**

### Public Safety:

Mayor Leonard reported that they discussed the crosswalks in the Downtown and they feel the speed limit is too high. However, the camera recorded the maximum speed as 18mph. They will put the crosswalk signs up again this summer. He stated that grass cutters flying debris was brought to their attention. He will refer this to the Ordinance Committee to see if they will put in an ordinance about the rock guards and clippings in the street.

## **8. Consider Adoption of the Minutes of the December 3, 2018 Council Meeting**

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

## **9. 2018 Christmas Decoration Recognitions**

Mayor Leonard recognized the winners of the 2018 Christmas Decorated Homes:

### Best Overall:

1<sup>st</sup> Place - Mr. Richard Conklin  
2<sup>nd</sup> Place – Mr. Billy Reed, Sr.

### Most Traditional:

1<sup>st</sup> Place – Mr. Rocky Taylor  
2<sup>nd</sup> Place – Mr. Bill Derrickson

### Most Festive:

1<sup>st</sup> Place – Mr. Bill & Ginger Birch  
2<sup>nd</sup> Place – Mrs. Yvonne Daisey

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

Councilman Reed hoped everyone had a good Christmas and Happy New Year. He doesn't feel there is a need for the flashing stop sign at the Ridge and Church Street intersection and would like to move it to the Bunting and Ridge intersection.

Mayor Leonard referred his suggestion to the Public Safety Committee agenda.

Councilman Taylor agreed with Mr. Armbuster. He stated that they appreciate the businesses that are opened all year. He added that the Town needs to be behind those businesses. He hopes that the people will take initiative and open businesses.

Vice Mayor Ellis stated that he attended the Town Hall Meeting with Senator Lewis, which was well attended. He advised that Senator Lewis advised on what is coming up in the legislature and upcoming session. He gave his position on several items and was very receptive to questions and concerns raised by citizens.

Councilwoman Bowden didn't know about the meeting and asked where it was advertised.

Vice Mayor Ellis stated that it was on the Chamber website and the Center website.

Chamber Director Shotwell advised they didn't know about it until about 2 days before and they found out through Center Director West.

Councilwoman Bowden stated that the "Sugar Baker's" building has been sold. She also stated that the new owner is bringing in a structural engineer to see if the building is sound. She feels that the Downtown is the best it's ever been since she was a child. She feels the CIAO is doing a fantastic job with the theatre and the events at the Downtown Park. She stated that in the winter it is time to take a break. She stated that with the Chamber and Christmas by the Sea the winter has been a lot better than in the past. She doesn't see how they can make this shoulder season extend any longer. She can't see the Town purchasing property to lease out or make anyone else do it. She feels the Downtown looks great. She believes that the new owners will do something with the "Sugar Baker's" building if the engineers say it can be done. She's happy with the Downtown over the last 20 years. She also wished everyone a Happy New Year.

Councilwoman Richardson agreed with everyone. She knows what it was like when they didn't have a grocery store here and feels it's an asset. She stated that there is an employee who has done a splendid job at putting up the flashing stop sign. She stated that there are very knowledgeable employees that work for the Town.

Public Works Director Spurlock advised that the employee is Mr. Edwin Taylor.

Councilwoman Richardson stated that he can do mostly anything.

Mayor Leonard commented that at every Council meeting he says "Roll Tide. He explained that his mother was born and raised in Tuscaloosa and there was no other team but Alabama. He said that every time he says it he thinks of his mother. He concluded the meeting by saying "Roll Tide".

## **11. 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 FEBRUARY 4, 2019 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:**

## **12. Call to Order**

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

## **13. Invocation**

Councilman Taylor offered the invocation.

## **14. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

## **15. Presentation – Chincoteague Chamber of Commerce**

Chamber Director Shotwell gave a PowerPoint presentation to Council which reviewed the Chamber's Mission Statement, regional tourism statistics, information on tourism dollars spent, membership and achieved goals. She advised they schedule itineraries for groups traveling to the Island, they send about 20 press releases per year to nearly 400 media outlets, they also send social media hash tags to spread the word, they work on business development, business retention and resources, a job fair at the Community College, member services and earned media. She explained that the publications are all over the world. They also work with the

media during the Pony Swim. She reported that they continue to post on Facebook with videos and information. She talked about the different guides, magazines and news they use for advertisement. She explained that this is an idea of where some of the Meals Tax money goes.

Chamber Director Shotwell continued that they will have to spend money on Facebook to target the different markets. She reported on Chamber sponsored events, membership services, benefits and partners. She thanked the Town, Police Department, Fire Department, Public Works Department, Sheriff's Department and all those who help throughout the year. She advised that they have applied for another grant. They are also focusing on digital marketing to make their website stronger and visible. She reported that the Eastern Shore Tourism Commission has been reorganized and created a new Board. The Chincoteague Chamber Board has selected her as their representative. She added that Mr. Billy Joe Tarr is the Accomack County Supervisor who will sit on that Commission as well.

Councilman Taylor thanked Chamber Director Shotwell and her staff for all that they do. He asked if she thought they needed a public restroom at the Chamber property.

Chamber Director Shotwell feels there should be a public restroom on Maddox Boulevard but is unsure where the best place would be. She suggested that it would be maintained by the Town.

There was further discussion regarding a public restroom near the Chamber property.

## **16. Presentation – Chincoteague Island Library**

Mrs. Linda Ryan, President of the Chincoteague Island Library Board, stated that each year she comes before Council to show the many programs the Library has to offer, she thanks Council for their continued support and she recites figures. She advised that this year she wanted to show what it means. She advised that the Library is open year-round, 6 days a week. She explained the many reasons that people come into the Library. She mentioned the book clubs, craft workshops and basic computer workshops. She listed the community events that the Library participates in, she also explained the Library's events, programs and fund-raising endeavors. She talked about the Tales 4 Tots Program theme "People in Your Neighborhood", visits with the Trolley, the Chincoteague Volunteer Fire Company and the Museum. She advised of the participation in the Children's Reading Program, the Special Family Program, Salisbury Zoo to You Program and Summer Program. She announced that the Tales 4 Tots Program is held at the Library and the Young Explorers Program is held at the Island Theatre Annex.

Mrs. Ryan reported that they have painted the front of the building, sprayed insulation in parts of the building and now replacing the park side door. She mentioned the Endowment Fund. She advised of a donation in memory of Travis Birch and the donor who received Travis' heart did not wish to be recognized. He wanted the donation to be from Travis' heart. Travis' name will be on the honor wall plaque and a plaque on the wall in the children's room with a skateboard etched. She thanked Council for giving them the opportunity to share their efforts and accomplishments with Council.

Councilman Taylor asked how many people come into the Library.

Mrs. Ryan advised they have close to 20,000 visitors all year. She stated that people aren't just coming in the Library to take out books. She added that they are very fortunate for the volunteers and staff.

## **17. Public Comments**

Mayor Leonard opened the floor for public comment.

- Mr. David Landsberger, 5475 Warren Street, reported that the Island Community House, LLC is open for business. He reported on the programs at the Community House, the facility space and Board of Directors. He advised that it is available to the Town, community organizations and for private use. He stated that there are 2 bedrooms and a small kitchen which can be used for performers or in the case of an emergency. He added that they will have an open house in about a month. He invited Council to take a tour.

## **18. Agenda Adoption**

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

## **19. Staff Updates**

### **Police Department:**

Chief Mills reported that a few officers attended radar recertification training and a grant workshop. He added that they have completed the 3<sup>rd</sup> term of the accreditation recertification.

### **Public Works Department:**

Public Works Director Spurlock also reported that they have a Public Works Committee meeting Tuesday at 5:00 p.m. to discuss the next step of the Sarbanes Multi-Model Trail. He advised they have almost finished with the sidewalks at Main Street and Maddox Blvd. and paving will begin as soon as the weather warms up. He has a contract for sidewalks between Deep Hole Road and Chicken City Road. He reminded Council of the initial consultant report that they should develop a theme for the trail that will connect Main Street to the Beach.

### **General Government:**

Town Manager West advised that next week they will present plans to the Virginia Port Authority to replace the slips at the Robert Reed Park with the parallel floating sections. He also reported that on the 19<sup>th</sup>, the Budget and Personnel Committee will meet to review the 1<sup>st</sup> draft of the FY 2020 budget. He would like to have a budget review session in the next workshop meeting which would be on February 21<sup>st</sup>.

Councilman Taylor stated that this is one of the best deals for boats and it doesn't get used. He feels it's a bargain.

Town Manager West doesn't feel they will have a problem getting money for this. He stated that in his slide presentation he shows everything that is within walking distance of the pier in the downtown area. He advised that currently it is hard to moor a boat there because the current is so strong and perpendicular to the direction of mooring.

## **20. Committee Reports**

### RCEC:

Councilwoman Bowden advised that they met on January 8<sup>th</sup>. The Dog Park is finally being constructed on Hallie Whealton Smith. There have been no negative comments about it. She feels it will be a great asset for both residents and visitors. They discussed the Smith Street Park plan. They also talked about plans for Heritage Days which is March 18<sup>th</sup> – 24<sup>th</sup>.

### Budget and Personnel:

Vice Mayor Ellis reported that they discussed 2 major items which will come before Council later this evening. The first was an amendment which proposed to reallocate funds in the current budget for 4 specific things; to accommodate the cost in salary and benefits for the new EMS staff, to fund additional Sarbanes grant work, to fund initial work on the Smith Street property and to cover the additional cost for the floating dock at the Harbor. He stated that the proposed allocations are listed in the agenda packet. Vice Mayor Ellis advised that the second item on the agenda is the 2020 Trolley budget. He added that this budget has to be approved for submittal to the Department of Rail and Public Transportation this month. He explained that the Town was informed that they should not be charging for the history tours. He added that the Committee recommends that these items be approved.

### Meals Tax Committee:

Councilman Reed reported that they were getting to know each other and obtain historical information regarding Meals Tax. They decided to schedule an additional meeting to ensure public participation on this as well.

Mayor Leonard informed the public that the open meeting for the Meals Tax Committee will be on February 19<sup>th</sup> at 5:00 p.m.

### Ordinance Committee:

Councilman Reed advised that they discussed the political campaign signs and decided to leave it as it currently is. They also considered the mower safety guard regulations and made changes to the ordinance regarding grass clippings. He read the recommended verbiage and stated they decided to add a \$25 fine to this. He added that the change will be mailed out with the business license renewals.

Mayor Leonard stated that this is on the agenda to be voted on later in the meeting.

## **21. Consider Adoption of the Minutes of the January 7, 2019 Council Meeting**

Mayor Leonard made a correction in the spelling of Mr. Lee Armbuster.



Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the January 7, 2019 Council meeting as corrected. Unanimously approved.

## **22. FY 2019 Budget Amendment**

Town Manager West reviewed the FY 2019 Budget Amendment which adjusts for the EMS positions and benefits and includes the receipt of the sale of the abandoned property.

Mayor Leonard advised that there was an abandoned boat in the Harbor which was sold and removed.

Town Manager West added that this was an advertised public hearing, and no one signed up to speak.

Mayor Leonard opened the floor for public comment on the budget amendment and because no one signed up he closed the public comment. He asked for discussion by Council. Hearing none he called for a motion.

Vice Mayor Ellis motioned, seconded by Councilman Reed to approve the FY 2019 Budget Amendment as presented. Unanimously approved.

## **23. Trolley Budget FY 20**

Town Manager West advised that staff is proposing that Council approve this portion of the budget as he has a state deadline.

Councilwoman Bowden asked about the transfer from the General Fund.

Town Manager West responded that this is the Town's match. He advised that the overall cost is about \$90,000 for FY 20 and from the Town's General Fund they will transfer \$25,685.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the FY 20 Trolley Budget as presented. Unanimously approved.

## **24. Request for Modified Pump and Haul Approval**

Mayor Leonard advised that they had received a request from Black Narrows Brewery for a Pump and Haul Permit.

Mr. Chapman, owner of Black Narrows Brewery, advised that they finished their first year. He thanked the Town for their support. He stated that they are trying to adapt to the change and keep the business going. They feel that they need to add food such as pretzels and pizzas. They went the Health Department for advice and were told their disposal system would not be adequate for food service. He advised that 90% of the water they use at the Brewery is put into a holding tank. DEQ wanted them to have some food waste in their tank. VDH would be amenable with taking the kitchen waste and putting it into the processed water but it would

require a pump and haul permit. He added that they currently use a pump and haul approved by the DEQ but, with the added waste VDH requires a pump and haul permit through the Town. Mr. Chapman asked if they could do the modification as they are already doing a pump and haul but want to upgrade to satisfy VHD requirement.

Councilman Taylor asked if he changed the size of the tank. He also asked if what he is asking for he is technically already doing.

Mr. Chapman responded that the tank size hasn't changed but, because of the food waste VDH considers it industrial waste. They aren't having grease traps or anything like that. They have the maximum amount of parking they can have so they can't add anything to the building. They just want to add dishwashing into what they're currently doing. He stated that every batch of beer they make is 155 gallons. They can do 1,200 – 1,300 gallons of produced liquid which will overshadow any amount of food they will do. He assured Council that this won't actually change the current pump and haul.

Councilwoman Bowden feels it sounds like they are changing the language of how it can be used.

Mayor Leonard asked for discussion.

Councilman Taylor stated that he really isn't asking for anything.

Councilman Reed motioned, seconded by Councilwoman Bowden to approve the requested modified Pump and Haul. Unanimously approved.

Councilwoman Bowden stated that they are more than just making beer. She stated that they have put a lot back into the children of the community and added that it has been phenomenal. She thanked him.

## **25. Consider Grass Clippings Ordinance**

Mayor Leonard asked for discussion.

Town Manager West made a correction to the language. He stated that after "sidewalk" it should say "following completion of mowing operations".

Councilwoman Bowden asked if a copy of the new ordinance would be mailed to the grass cutting businesses in their business license renewals.

Councilman Reed stated that this isn't just for those grass cutting businesses. He added that it is for residents as well.

Town Manager West stated that it will be put on the website.

Councilwoman Richardson asked about repeat offenders and the fine of \$25.00.

Councilman Reed asked if it should be increased per offense.

Chief Mills stated that they're talking about a certain amount which is considered a misdemeanor. They can be taken to court if they don't pay the fine.

Mayor Leonard doesn't know too many people who will leave their clippings because of the fine.

Councilwoman Richardson stated that the purpose of the ordinance against grass clippings is because of the drains in Town. She stated that when the grass gets into the catch basins the water can't run and causes flooding. She added that this has been on the books a long time.

Mrs. Peggy Thomas interjected that if it's on the road there will be a fine and if it's too tall there will be a fine. She asked when the Town is going to quit.

Councilwoman Bowden explained that this is if you're cutting grass and leaving it in the road. Mrs. Thomas asked who would get the fine.

Councilwoman Bowden responded that the fine goes to whomever leaves it in the road.

There was discussion that it is also a hazard to motorcycles and bicycles.

Councilman Reed stated that this isn't a fine while you're cutting your grass and it's blowing into the street. He also stated that once they're done and do not blow it off of the street is when they will be fined. He added that they would prefer the grass not be blown into the streets at all.

Mayor Leonard stated that they've had discussions.

Councilman Taylor stated that this is the lowest fine they could put.

Councilwoman Bowden also stated that this has been on the books a long time.

Councilman Taylor motioned, seconded by Councilwoman Bowden to approve the proposed Grass Clippings Ordinance as corrected and presented:

## **ARTICLE VI. MOWING OPERATIONS**

### **Sec. 38-200. Grass Clippings, Debris**

It shall be unlawful for persons conducting mowing operations to deposit or cause to be deposited, grass clippings or debris from their operations on any public street, roadway, right of way, pavement, or sidewalk following completion of mowing operations. Any person who shall violate this section shall be punished by a fine of not less than \$25.

(02-04-2019)

Unanimously approved.

## **26. Banner Program Support**

Mayor Leonard advised that he received a letter from the American Legion Auxiliary, Unit 150 requesting that the Town continue to support the Chincoteague Hometown Heroes Military Banner Program in 2019. He added that this is in honor of those who serve or have served our Country.

Councilwoman Bowden motioned, seconded by Councilman Lewis to support the American Legion in their Banner Program. Unanimously approved.

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

Councilwoman Bowden stated that there is a new law regarding pole barns over 600 square feet that would have to be at the flood elevation. She mentioned the thickness of the slab and the amount of fill that has to be brought in. She stated that this year there has been a tremendous amount of rain and as people continue to build they are flooding out other people. She mentioned a property on North Main Street. Because of the development in Oyster Bay it has caused flooding. She mentioned the requirement of a swale. She feels Council needs to step up and prevent this from happening. She added that if it's under an acre they don't have to have a swale.

Planning Commission Chairman, Mr. Ray Rosenberger explained that Senator Lewis is requesting this be removed from the State Code. He believes they can approach this by using FEMA regulations. He feels they should still come in and check with Building and Zoning Administrator Lewis if they want to raise the ground level.

Councilman Reed commented that his ditch has nowhere to drain. He doesn't feel there is a lot the Town can do.

There were further comments.

Mayor Leonard referred this to the Planning Commission. He added that raising the buildings is a FEMA requirement.

Councilman Taylor thanked the Library for sharing. He reported that new LED lights were put in the gym. He commented further.

Councilman Reed advised that there are 2 places of concern owned by Mr. Tull. He stated that Zed Ayres Lane and Bunker Hill Road both bring a lot of sand from the roads onto the Town's paved roads. He stated that mopeds and bicycles can easily go down because of this. He asked if millings could be put there.

Mayor Leonard stated that it's private property and the Town can't put millings there. He suggested sending out the street sweeper to remove the sand.

Councilman Reed feels the street sweeper would have to go twice a day.

Mayor Leonard again mentioned that this is private property and the Town is unable to help. He added that they've had this discussion several times in the past.

## **28. 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 FEBRUARY 21, 2019 CHINCOTEAGUE TOWN COUNCIL WORKSHOP 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:**

## **29. Call to Order**

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

## **30. Invocation**

Vice Mayor Ellis offered the invocation.

## **31. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

## **32. Public Comments**

Mayor Leonard opened the floor for public comment.

- Mr. Chester Rhodes, President of the Chincoteague Volunteer Fire Company, requested

that Council re-zone the Fire Company property as Public Semi-Public use. He advised that the Fire Company property on Cropper Street is listed as Public Semi-Public. He feels it fits the definition according to the Comprehensive Plan. He thanked Council for their consideration.

- Mrs. Evelyn Shotwell, 7531 Doe Bay Lane, addressed Council about the van that parks on South Main Street that has been there for approximately 2 years. She advised that it is along the Pony Penning Parade route and added that it is tagged but has not moved for 2 years. She feels it's a public hazard and asked if there is anything anyone can do to have it removed.

Mayor Leonard responded that this has been addressed with the Chief of Police. He explained that as long as it is tagged and parked in a designated parking spot there isn't anything the Town can do.

Councilman Reed interjected that on Pony Penning Day there is no parking in that area on Main Street and it should have been taken care of at that time.

Councilman Lewis stated there is an abandoned vehicle code against this. Town Manager West stated that it is properly licensed. However, it does not have a current inspection sticker.

Councilman Reed also mentioned the sunken pontoon boat across the street from the van as well.

Mrs. Shotwell thanked Council.

### **33. Town of Chincoteague 2020 Comprehensive Plan**

Planning Commission Chairman Rosenberger reported that they started in April of 2017 to review and revise the current Plan. They have gone through this page by page to make improvements and include recommendations. He praised Mr. Bob Shendock who has done a tremendous amount of work on this. Mr. Shendock has traveled the Eastern Shore talking with people at the ANPDC, the County and Onancock. He has been instrumental in the process they have been using. Planning Commission Chairman Rosenberger also stated that they have made corrections to reflect the dates and intend to make updates on the photos as well. They haven't addressed a lot of the zoning issues but have included the marsh areas. He advised the next session is next month to address chapters 3-5. He asked Council to review the Comprehensive Plan and provide input, changes and needs over the next month or two.

Councilwoman Bowden commented that Mr. Shendock has contributed tremendously and added that she feels blessed to have him on the Planning Commission.

Planning Commission Chairman Rosenberger concurred and stated that it has been a pleasure to have him on the Commission.

Councilman Taylor mentioned the 2020 Census and asked if the previous report was even accurate.

Planning Commission Chairman Rosenberger stated that the breakdown of the Census also shows the potential needs of the community.

Town Manager West asked if data was being backed up. He also stated that he spoke with Building and Zoning Administrator Lewis and suggested that the Planning Commission needs a laptop instead of using a private one.

Mr. Shendock stated that it would be nice for the protection.

Town Manager West also stated that it would be nice if the entire Comprehensive Plan was on one computer.

Planning Commission Chairman Rosenberger stated that it's on a flash drive and the redundancy alone gives some security. He added that they're trying to reduce the amount of paper which is why they went to the flash drive. He added that Building and Zoning Administrator Lewis has done a great job of keeping the Planning Commission up to date.

Vice Mayor Ellis also commended Mr. Shendock for all the work he has done.

#### **34. Discuss Request for Rezoning of CVFC Parcel**

Mayor Leonard explained that the Chincoteague Volunteer Fire Company has requested that Council Change the zoning of the new property on Deep Hole Road from Commercial C3 to Public Semi-Public. He stated that it is already a semi-public place. He stated that Council was asked to discuss this matter. He asked for discussion.

Councilman Taylor feels it's already public semi-public property.

Vice Mayor Ellis stated that it fits all of the criteria and definition for the public semi-public zone. He believes it should be that way. He advised that the Planning Commission viewed it both ways.

Planning Commission Chairman Rosenberger interjected that the simplest way to handle this is for Council to recommend it to the Planning Commission. He also suggested a public hearing and joint public hearing for a zoning change. He advised that they should notify the adjacent property owners as well.

Town Manager West asked if this is done by a Zoning Application or is it up to staff to notify the adjacent property owners.

Planning Commission Chairman Rosenberger stated it is at the discretion of Council.

Vice Mayor Ellis stated that if it is by application, there is a fee involved but if Council initiates it there would be no fee. He added that a public hearing is required, and legal notification advertised. He stated that if done as quick as possible it would be done the 1<sup>st</sup> meeting in April.

There was brief discussion about notification of adjacent property owners and Council agreed to send this matter to the Planning Commission.

Councilman Reed motioned, seconded by Councilman Taylor to schedule a joint public hearing on April 1<sup>st</sup>, 2019. Unanimously approved.

### **35. FY '20 First Draft Budget Workshop**

Town Manager West began the review and explained that looking at the columns from 2014 through 2018 gives a good history and applies a logic to the numbers of the FY '20 Budget. He explained the actuals which show where they will end up. He reviewed the Robert Reed Park revenues, Dog Park User Fees and Car Rental Distribution Tax which is for low speed vehicles. He continued reviewing: Solid Waste Collection Fees, Mosquito Control and Reserves, the Main Street Project and the Curtis Merritt Harbor. He interjected that Harbor Master Merritt is very aggressive about subleasing and making money there. He continued discussing the fuel revenue at the Harbor, Trolley, Water Revenue, Reserves and unexpected expenses. Town Manager West stated that at the Budget and Personnel meeting in the departments where there were employees involved was discussed in closed session. He briefly discussed the staffing plans.

Town Manager West continued with the donations and ANPDC membership fees. He advised they will come to Council March 21<sup>st</sup> and explain what the ANPDC offers the Town to see if it would be feasible to continue with the membership. He was relieved to hear that they are working with the Town's Planning Commission.

There were further comments regarding what the membership fees pay for the ANPDC.

Town Manager West continued with the review on personal property taxes, decal taxes, Emergency Services with 2 more EMS providers and training equipment. He commented that the Fire Company has done everything to outfit the EMS needs in the new facility. He reviewed Public Works where he combined the Public Works Administration and Facilities into one department. The sanitation contract difference is the increase in tipping fees. He advised he tried to include everything in the capital improvements plan; the pier and ramp at Memorial Park, the Donald J. Amrien Recreation Center needs work on the fascia and guttering, Robert Reed Park for landscaping and furniture, sidewalk repairs, a floating dock at the Robert Reed Park and playground equipment from the Meals Tax revenue.

There were brief comments about the Smith Street Playground, drainage and funding for the renovations to the bridge tender's house and surrounding area.

Town Manager West reported on mosquito control and the aerial flights which was followed by discussion. He reviewed the Roads Division and discussed the Police Department budget.

Council requested information regarding the rotation of Police Department vehicles and mileage.

Town Manager West continued with the Police Department's requests; kitchen area, another vehicle and a new investigative tool. They discussed the Dispatchers' budget. Town Manager



West stated that the Town is no longer receiving the dispatch money from U. S. Fish and Wildlife. He reported on the current dispatchers. He suggested to have a Police Department meeting to answer questions and for clarification. He moved on to water expenses, high rise tank repairs and advised that NASA advisers aren't talking about the water issues they caused. He reviewed the Harbor Fund, long term replacement, bulkheading, a new fuel board should suffice until the upgraded system comes out and fencing on the north east side of the Harbor. He discussed the floating pier and repairs to the bulkhead. He reviewed the summary page and advised that to balance the budget they need more reductions.

Mayor Leonard suggested removing the patrol car to bring it down.

Town Manager West urged Council to review it and let him know their thoughts. He added that they met with the broker for hospitalization and was informed that he didn't anticipate a large increase. Town Manager West feels he has covered this increase in the budget.

Councilwoman Bowden referred to the Meals Tax Committee meeting where Chamber Director Shotwell and Center Director West gave their reasons why they needed more money. She advised that she reviewed the government expenses and asked if the \$110,000 that goes to the Chamber and the Center comes from the General Fund.

Town Manager West stated that it does, and it is collected from Transient Occupancy. He stated that Council put a cap on it. He explained that it used to be a percentage of Transient Occupancy Tax that went to the Center.

Councilwoman Bowden asked for an explanation of why they were given all that money in the first place.

Councilwoman Richardson believes it had to do with an agreement.

Mayor Leonard stated that when the Center was built the Town agreed to support it.

Town Manager West advised that Mr. Kelly Conklin mentioned it at the meeting that it was a commitment made by the Town for support.

Chamber Director Shotwell interjected that she had a copy of the information they were discussing. She stated that it explains how it was addressed in the General Assembly.

Town Manager West advised it was set up in the Code of Virginia to allow them to create an authority and it was recreational.

Chamber Director Shotwell emphasized that all the residents did not contribute to the money for the authority. She gave a copy to Council.

Councilwoman Bowden stated that they have Center Director West, an assistant, a part-time maintenance man and a part-time bookkeeper. She understands that they are working on things but feels it's a lot of money.

Vice Mayor Ellis explained that their big money rentals are on the weekends and they are limited. He stated that the events are fairly small or at no cost.

Chamber Director Shotwell interrupted that during the week days they are still going to get bills. She stated that for many years the environment at the Center was very hostile and it wasn't a place people wanted to be. She added that they are rebuilding.

Mayor Leonard added that the building was in need of repair as well.

Councilwoman Bowden asked what the Center was doing with the \$110,000 before Director West came. She advised that she hasn't made it any secret over the past couple of years that everything about the Center jabs into her. She wanted to know that if they make a substantial profit at some point would this money that the Town is giving to them go away.

Councilwoman Richardson responded that it won't unless Council changes it. She stated that it was a percentage.

Town Manager West stated that it was changed from a percentage to a specified amount.

Chamber Director Shotwell stated that it was 1% and when Mr. John Jester was on Council it was capped. She doesn't know why she wasn't involved with it at that time.

Mayor Leonard advised that it was capped because the money was going in and not being spent for the Center itself.

Chamber Director Shotwell stated that in the 3+ years she has been on the Center's Board the rentals have increased tremendously. She commended Center Director West on a fantastic job. She added that they have a wonderful Board that cares about it and wants to see it stand on its own feet. She stated that they offer so many community events that they don't charge. She added that in order to continue to do this they have to have the income somewhere to offset that. She stated that it was built for the people to come stay here and the Meals Tax and Transient Occupancy Tax money funded it.

Vice Mayor Ellis stated that it wouldn't be realistic to think it would be self-sufficient.

Chamber Director Shotwell gave a list of repairs or replacements they still need.

Councilwoman Bowden stated that the \$110,000 comes from the Transient Occupancy Tax and the citizens that live here aren't putting in that \$110,000.

Councilman Reed asked how big the Town has to be before they can break off of Accomack County.

Mayor Leonard responded that they've been down that route a couple of times and it's not going to happen.

Councilwoman Richardson stated that they have spent thousands of dollars on lawyers to see what it would take.

Town Manager West stated that it's probably time that they meet with Supervisor Tarr to see what they can and can't do.

There were brief comments.

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

Councilwoman Bowden stated that when this Council dismissed the previous Town Manager, Mr. Robert Ritter, no one was as verbally abused by his spouse as she was. She advised that she received a message from Mrs. Ritter asking for a reimbursement of Mr. Ritter's court appearances. She stated that she replied she will look into it and let her know.

Town Manager West advised there is nothing in the Code that states the Town is responsible to reimburse him. He stated that Mr. Ritter was subpoenaed by the other attorney. He also stated that he only replied there is nothing that provides for this.

There were further comments.

Councilman Reed agreed with Mrs. Shotwell and expressed his irritation of seeing all the junk on that lot and area on South Main Street.

Town Manager West stated that the VMRC admitted to him that this was their problem and they haven't addressed it.

Councilman Reed talked about the sunken boats and the appearances.

There were further comments from Council.

### **37. 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