

**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:**

#### **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 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.

## **5. 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.

## **6. 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.

## **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 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.

## **9. 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.

## **10. 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.

#### **11. 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.

#### **12. 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.

#### **13. 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.

#### **14. 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.

## **15. 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.

## **16. 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.

## **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 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:**

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

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

## **5. 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.

## **6. 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.

## **7. 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.

## **8. 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.

## **9. 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 MARCH 4, 2019 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

J. Arthur Leonard, Mayor

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

Ben Ellis, Vice Mayor  
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**

Vice Mayor Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comments**

There were no public comments.

**5. Agenda Adoption**

Mayor Leonard advised there will be a closed meeting after Council Comment.

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

**6. Staff Updates**

**Police Department:**

Chief Mills reported that the officers received their new laptops and docking stations which have been installed. Officer Gladding has attended advanced DUI training in Williamsburg.

Chief Mills introduced Officer Geminiani who started in December from the Sheriff's Department.

**Public Works Department:**

Public Works Director Spurlock stated that he had nothing to add to the report that was included in the agenda packet.

There were comments about the drainage at the foot of the drawbridge which is contributed to lower tides.

### **General Government:**

Town Manager West advised that the Chincoteague Inlet Study is officially funded. He stated that it is in the State's budget and as part of that he has invited Dr. Hein to the Workshop meeting March 21<sup>st</sup>. He proposes to give him the whole time slot at the Workshop meeting. He mentioned Dr. Hein's study and wants Council to see this. He also feels that he can close in to a near balanced budget at the next Budget and Personnel Committee meeting. The Town has also asked for a desalination and a feasibility study but hasn't heard anything from NASA.

Mayor Leonard asked if they started the filtration plant.

Public Works Director Spurlock advised that they have everything but haven't started construction.

Town Manager West reported that he requested a meeting and NASA hasn't gotten back to him. He added that they haven't met since October.

There were comments about the study.

## **7. Committee Reports**

### **Public Works Committee:**

Councilwoman Richardson reported they met February 5<sup>th</sup>. The spring paving was discussed and should start soon as the weather breaks. They discussed the feasibility of Desalination and another blinker sign has been ordered and will be installed at the intersection of Bunting Road and Ridge Road.

### **Cemetery Committee:**

Councilwoman Richardson advised they met February the 26<sup>th</sup>. They discussed cleaning the Bunting Cemetery where 2 trees fell, one of which hit a headstone. They also talked about repairing the leaning headstones in the Redmen Cemetery. She invited volunteers to help with cleanup in the back of the Bunting Cemetery this Saturday, March 9<sup>th</sup> at 9:00 a.m. weather permitting.

### **Budget and Personnel:**

Vice Mayor Ellis reported that they met February 19<sup>th</sup>. They discussed the request from the ANPDC for annual dues in the amount of \$10,500. The Town pays \$7,000 per year and Town Manager West asked about the increase. He was advised of a Housing Study they are conducting which has nothing to do with Chincoteague. They discussed the value of continuing as a member. He advised that Councilman Taylor pointed out that the Town also contributes \$20,000 to the ANPDC through taxes that go through Accomack County. Vice Mayor Ellis advised that Town Manager West has invited the Executive Director of the ANPDC to speak to Council explaining the services they provide that benefit the Town. They also discussed the 1<sup>st</sup>

draft of the FY '20 Budget. They reviewed the expenditures and revenues and then it was taken to Council. It is moving forward with some additional changes. He added that there was also a closed session dealing with personnel.

Mayor Leonard stated that there was a Meals Tax Committee meeting, but this matter is on the agenda for later in the meeting.

#### **8. Consider Adoption of the Minutes of the February 4, 2019 and February 21, 2019 Council Meetings**

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the February 4, 2019 and February 21, 2019 Council meetings as presented. Unanimously approved.

#### **9. Rates and Fees Review FY 2020 Budget**

Town Manager West referred to the packet advising he included every fee. He asked Council if they wish to change any of the rates which include the slip rents, building permit fees, etc. He stated that he also included the rates and fees of Accomack County. He feels the Town is very competitive. He invited changes which would be incorporated in the rates.

Councilwoman Richardson asked if the fees have been increased since the last budget.

Town Manager West advised that they have not. The only thing that has been increased are slip rentals. There was discussion. There was a separate public hearing and if the Budget and Personnel Committee want to include a rate change in the Budget Town Manager West can re-advertise the budget with the fee changes.

Council concurred to leave the fees as they currently are with no changes.

#### **10. Consider Recommendations of the Meals Tax Committee**

Councilman Reed advised they met February 19<sup>th</sup> where they heard comments from Center Director West and Chamber Director Shotwell along with public comments. They have considered recommendations to Council. He advised they recommend not capping the Meals Tax disposition for this year. They ask Council to consider reviewing it again for FY 2020. The reason they looked at capping it is because of the need of EMS. He read the motion: "Mrs. Jenna Chapman motioned that the Committee recommend to the Town Council that the FY '19 Meals Tax disposition not be capped. Further she moved that the 5% that was to be used [by ordinance] for drainage and parks, be used to support EMS services in the coming fiscal year. Finally, her motion included that the possibility of capping of the Meals Tax be further considered for FY '20. Mrs. Kate Moot seconded the motion. Unanimously approved."

Mayor Leonard asked if they have to rescind their ruling.

Town Manager West stated that if they want to comply with the recommendation they have to rescind.

Councilman Taylor stated they didn't cut the Center and Chamber. He stated that the only way they come ahead is if they do their job. In order for the Town to grow they have to do their job.

Mayor Leonard feels if the Town keeps giving there is no accountability.

Councilman Ellis thinks the rationale and reasons for casting the cap in June of last year were valid at that time and are valid today. He has done a lot of research and contacted the National Chamber of Commerce, he has contacted a number of people in town along with a lot of reading. He doesn't feel that it is necessary or wise for Council to treat the Chamber or the Center the same way. He stated that they have a different mission statement and a different purpose. They serve the Town in different ways. The Center is essentially a branch of the Town as it sits on Town property and the Town is the owner of the building. The original bylaws in 1992 states the original purpose is to serve the Town which can expand to Accomack County and other jurisdictions if the Authority Board chooses. They are doing a lot of things now to promote tourism by making it available to outside groups, nonresidents and tourists. They found out in the Meals Tax Committee meeting that the Town funds approximately 75% of the Center's operating budget through the \$110,000 that comes from the Transient Occupancy Tax and Meals Tax.

Vice Mayor Ellis stated that the Center stayed vacant for the first 20 years as the doors were locked and it wasn't used, maintenance was neglected, and repairs were neglected. It's been within the last 3 years that the Center has been open and used. Director West has showed that use has increased significantly and should generate more income. He added that the Center will never be self-sufficient. He stated that the biggest money makers they have are weekend rentals and there are only so many weekend rentals. The Center provides any number of other space availability opportunities for the Town and various organizations within the Town at no cost or at a reduced cost. The Town will always have to put money into it and its essentially a branch of the Town.

Vice Mayor Ellis continued that he contacted the National Chamber of Commerce to find out their mission which is "to advocate for and promote the local businesses". He feels this is what our Chamber does within a community of a tourist-based economy. He advised that the local chambers within the state do not receive government funding. He added that it isn't illegal but when it is done in most cases it is done for a specific project. Most of the government funds are grant funded. He has no problem with the Town supporting the Chamber with the funds that they support them with. He advised in 2016 and 2017 the Town was provided with a detailed accounting of how the \$45,000-\$46,000 was used to promote tourism by the Chamber. The Town hasn't received any accounting for 2018. He stated that Town Manager West has asked for it. What he found in his review of the last accounting is that some of those costs that were listed as promoting tourism were inappropriate. They were not used to specifically promote tourism. He felt that some of those costs should have come out of the operating budget of the Chamber. He feels they should ask for an accounting from the Chamber and have received the monthly accounting from the Center.

Vice Mayor Ellis stated that the Chamber does an excellent job of promoting. He also stated that if they get the information then Council should decide whether the allocation would be capped or no increase up to the 5% that's there. He feels they should make their decision as the stewards of the taxpayers' money. It shouldn't be automatic this year it should be looked at each year. He suggested they could increase it based on the use of the funds that area made available. He believes that when Mr. Thornton was mayor, when this tax was enacted, the purpose was to provide funding for the additional services that would be required by increased tourism, so the burden wouldn't be on the local tax payers. He doesn't believe at that time that the Transient Occupancy Tax and Meals Tax would be the 2 greatest revenue sources the Town has at this point in time. He feels it should be reviewed each year.

Chamber Director Shotwell interjected that they have a chart of accounts. She advised she did review the expenditures in the short presentation at the Meals Tax Committee meeting, but it was in a summarized form.

Vice Mayor Ellis asked for it in a detailed form. He also stated that they do a wonderful job, but they need to be better stewards instead of automatically funding it.

Councilwoman Bowden asked if Vice Mayor Ellis was proposing this for the Chamber and the Center.

Vice Mayor Ellis responded that he does not. He sees the Center as different because they are a part of the Town with the mission that isn't necessarily to support tourism.

Councilman Reed stated that the Ordinance says that 10% of Meals Taxes go toward promoting tourism. He doesn't see the Center promoting that much tourism. He does see the Chamber promoting tourism.

Vice Mayor Ellis agreed and stated that in his opinion they have to treat them differently. The Center is a Town entity and the Chamber is a private organization. He feels it needs to be taken into account.

Councilman Taylor stated that he knows that the Chamber isn't a Town entity. He added that the Town owns the Chamber property. He understands that it is separate. He asked who maintains the building.

Councilman Taylor then stated that there should be public restroom facilities in that area.

Mayor Leonard interjected that this would be the Town's responsibility and not the Chamber's.

Councilman Taylor feels it is joint. He stated that they are promoting Town businesses and tourism is where the taxes come from.



Mayor Leonard stated that the residents pay Meals Tax here too. He advised that it affects the locals as well. He recalled that when the Meals Tax came into effect the restaurants didn't like it. He feels the Meals Tax isn't regulated as the Transient Occupancy Tax is.

Vice Mayor Ellis explained that Mr. Tommy Clark attended the Meals Tax Committee meeting and was on the original Meals Tax Committee. Mr. Clark stated that the food services industry on the Island was opposed to the Meals Tax. The only reason they went along with it was because 10% of it would be designated to promote tourism.

Councilwoman Bowden sees where Vice Mayor Ellis is coming from. She would feel more comfortable if the Center was included in this because they are getting \$110,000 from Transient Occupancy Tax. She stated that even though they are a Town entity, they should be held accountable as well. She also stated that with the \$110,000 plus Meals Tax she would like to see where they're heading with it. She feels the Community Center is only going to do so much. She agrees and wants to see some accountability from them.

Vice Mayor Ellis agrees and feels that the Center's primary purpose is not to promote tourism. He doesn't believe they'll ever be able to show they're spending \$45,000 on promotions. He stated that they have spent a tremendous amount of money on the roof, windows and a couple of other things. He added that they haven't come to the Town for an additional dime. He mentioned the HVAC system that is soon to be needed which is another major expenditure. He agrees that they should see a report from both the Chamber and the Center on how they're going to spend those funds each year.

Councilwoman Bowden stated that because it does say the money is to promote tourism she asked how the Center gets tourism money. She asked if the Ordinance needs to be changed.

Vice Mayor Ellis responded that they are not going to be able to demonstrate that they spent a certain amount of money on advertisements, promotional materials or media time. They are providing a venue and part of the \$45,000 is to provide the venue. They just spent a small fortune on lights which makes all the difference in the world. He doesn't feel it promotes tourism, but it makes the venue much more amiable. The Town has their financial reports to see where the money is spent. He stated again that they shouldn't be treated the same in his opinion.

Councilwoman Bowden asked if they should follow Vice Mayor Ellis' request.

Vice Mayor Ellis stated that if they rescind the modification of the Ordinance that was approved unanimously in June of 2018 it goes back to 10% of the Meals Tax is designated for promotion of tourism with 50% of the 10% going to the Chamber and 50% of the 10% goes to the Center.

Mayor Leonard stated that this is what the Meals Tax Committee recommended.

Vice Mayor Ellis stated that the Meals Tax Committee wants Council to rescind it for 1 year and then revisit it again. He suggested making a decision of what they're going to do now and look at it again next year.

Councilwoman Bowden agreed.

Vice Mayor Ellis would like accountability and with the information in front of them will be a basis for the decision.

Mayor Leonard advised that Council capped it, and this rescinds that motion to lift the cap.

Councilwoman Bowden stated that by rescinding it leaves it out to pasture. She added that they could then look at the detailed accounting from the Center and the Chamber and hopefully continue.

Councilman Taylor motioned, seconded by Councilman Reed to rescind the capping of the Meals Tax monies given to the Chamber and the Chincoteague Center. Unanimously approved.

Mayor Leonard recounted that this is to let 5% be used by the Chamber and 5% by the Center and 5% for EMS. He advised that now is the time to make the recommendation for accountability.

Councilman Reed explained that the 5% was used each year for drainage.

Councilwoman Bowden stated that if they look at what the Meals Tax Committee recommends the way it is written can they add Vice Mayor Ellis' proposal to have the Center and Chamber provide detailed accounting.

Vice Mayor Ellis motioned, seconded by Councilwoman Bowden that the Ordinance regarding Meals Tax distribution to the Chincoteague Chamber of Commerce and the Chincoteague Center remain at 10% with half going to the Center and half going to the Chamber contingent upon annually going before the next fiscal year of the Town is developed providing a specific accounting of how those funds were spent during the fiscal year and that Council maintain the authority to reduce the 5% if the accounting that is submitted does not seem to support the 5%.

(Before the vote there was further discussion.)

Mayor Leonard explained the motion that could be presented to include the 5% to the Center 5% to the Chamber and 5% for EMS with detailed accounting.

Councilman Reed stated that they should show the accountability. He stated that he asked during the meeting when they considered capping, if they could give them a number they could work with. He didn't want the response of "the more you give me the more I'll spend". He wanted the amount they could function under. He couldn't get that number from them.

Vice Mayor Ellis doesn't have a problem giving the money. He is concerned that this year they have added 2 EMS full-time personnel that they didn't have in the budget. Someone in the Committee meeting said that they're only talking about \$5,000 or \$10,000. He stated that the way that the situation is corrected, and balanced which Council is required to do. He continued that this is done by Town Manager West and staff taking \$2,000 from this line item and \$2,000 from that line item to cover the unanticipated expenses such as EMS. He stated that they are

adding another 2 EMS providers and another police officer in the FY '20 budget. He advised that these are significant increases and the goal is not to increase taxes; property tax or real estate tax. He has been on Council for 5 years and those taxes haven't been increased. He added that there are only a few ways to make the budget work. Staff should be commended for being able to do this. They should be realistic and review the expenditures. You can't expand services if you're not adding revenue. He also stated that they're not adding revenue and the Transient Occupancy and Meals Taxes are increasing.

Councilman Reed stated that they brought up increasing the Transient Occupancy Tax at the meeting by 1%-2% to help offset the additional expenses. He also stated that it helps the locals because they don't pay Transient Occupancy Tax.

Mayor Leonard stated that the Transient Occupancy Tax hasn't been raised in 8 years.

Councilman Taylor stated that there's a point of how much you can stand. He doesn't want to scare visitors off he wants to draw them here.

Vice Mayor Ellis stated that the Meals Tax and Transient Occupancy Tax for Chincoteague are significantly lower than the surrounding areas.

Councilman Taylor reminded Council that the County has 2% on top of this.

Mayor Leonard recapped the motion: Motion to accept the Meals Tax recommendation with the addition that the Chamber and the Center provide the Town with accountability of the funds.

Vice Mayor Ellis stated that this is correct, and advised he isn't saying to wait until next year. He also stated that he is saying to look at it now and forget that 2<sup>nd</sup> part of his original motion. He added that they enacted the 5% of the Meals Tax and allocate based on the accounting. He stated that if it's justified, then it's justified and if not, then they change the number.

Vice Mayor Ellis motioned, seconded by Councilwoman Bowden to accept the Meals Tax Committee's recommendation to remove the cap of the Meals Tax funds to the Chincoteague Center and Chincoteague Chamber with the addition that the 5% that was to be used [by ordinance] for drainage and parks, be used to support EMS services in the coming fiscal year with that the possibility of capping the Meals Tax, be further considered for FY '20 and the addition that the Chincoteague Chamber of Commerce and the Chincoteague Center supply the Town with accountability of those funds. Unanimously approved.

Chamber Director Shotwell wanted to know what Council wants and how to get it to them. She stated that their fiscal years are different than the Town's. Their fiscal year is January 1<sup>st</sup> to December 31<sup>st</sup>.

Town Manager West responded for her to send him the same documents she sent for 2016 and 2017.

Vice Mayor Ellis stated for 2016 and 2017, whatever that time frame is.

Chamber Director Shotwell stated that they should keep in mind that it's not going to reflect the Town's fiscal year but it's going to reflect their fiscal year.

Town Manager West and Vice Mayor Ellis stated that, it was fine.

Town Manager West asked Council for action on parts B and C of the recommendation, and a motion that the money that would normally go to drainage or playground would be used to fund EMS.

Mayor Leonard believed that this was in the motion from the Meals Tax Committee which was included in the motion.

Town Manager West asked for clarification that Vice Mayor Ellis' motion applies to FY '20.

Mayor Leonard responded that this is correct.

Councilman Reed added that the motion is for every year.

Mayor Leonard responded that it is until they go down that path again looking at it through the Ordinance Committee and Meals Tax Committee.

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

Councilwoman Richardson reminded everyone of the Bunting Cemetery cleanup Saturday at 9:00 a.m.

Councilwoman Bowden asked if anyone could rope off Memorial Park Drive that comes out on Ridge Road. She stated that it belongs to the Town.

Public Works Director Spurlock advised that this is a contested issue and Building and Zoning Administrator Lewis is dealing with this.

Councilwoman Bowden stated that a citizen addressed this with her stating that they typically go down that road to Memorial Park and it was roped off. They advised that there was a new owner at one of the houses who decided she doesn't want anyone walking or driving through there. She concluded that it's spring training "Go Yankees!"

Councilman Taylor hopes that the Chamber and the Center weren't offended, and the accountability is just a continuation as they both continue to come to Council giving presentations. He added to keep up the work. He hopes there is a continued rise in the Transient Occupancy Tax and Meals Tax, so the Town can keep the taxes down.

Mayor Leonard advised of an initiative in the community for a child care facility. He stated that the Navy has been trying to get this moving along, but it's a federal entity and they are looking at years down the road. He would like to have it within the next 6 months. He advised of one meeting that took place between one entity that has the facility and one entity that can run it. He

would like the public's input of things they would like to see in childcare. He invited input as there is a big need. He advised it would be licensed by the state and if they send the proper paperwork to the Navy they will be set to go. He announced that the Church of God has the facility with a new kitchen, gym and separate classrooms along with a big field that can be fenced in with a playground area. He stated that the Navy has a problem with finding a facility. They are looking into rehabbing an old dilapidated building over there. Mayor Leonard also stated that the Church of God has personnel that are accredited to do a daycare from the age of 6 months to 12 years old.

Mayor Leonard also advised that the Chamber put on a great general business meeting and it's amazing to find out what's going on in and around the Island. NASA and the Mid-Atlantic Space Port is ramping up to do more launches.

Vice Mayor Ellis advised that Council had the opportunity last week to meet with the new Refuge Manager, Mrs. Nancy Finley. He feels she is very open and willing to work closely with the Town on the beach relocation, replenishment and any other matters. She advised she was willing and able to consider anything and everything. He feels she's a breath of fresh air.

Councilwoman Bowden stated that Chamber Director Shotwell has fielded calls about the ponies with swamp cancer. The Fire Company has met with the new Refuge Manager and she was very open to anything that they needed to do for preventative vaccines and anything else. She also stated she was a breath of fresh air. She hopes the relationship will grow.

Chief Mills announced the Spring Senior Luncheon is this Wednesday.

#### **12. Closed Meeting in Accordance with §2.2-3712 (A)(1) of the Code of Virginia to Discuss Personnel Matters**

Councilwoman Richardson 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 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

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

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the Closed Meeting was in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.

#### **14. Adjournment**

Councilman Reed 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 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:**

**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. Coastal Change Presentation**

Dr. Christopher Hein, Assistant Professor in the VIMS Department of Physical Sciences, came before Council to present his findings from his study of sea level rise in the Chincoteague-Assateague area. He thanked Council for allowing him to attend. He gave an introduction of the coastal perspective of the changes going on around the Island showing pictures. He advised that the Virginia barrier islands are the fastest moving and most dynamic barrier islands he has ever set foot on. He stated that here it seems like the islands move every week. VIMS goal is what they can do to working with partners to implement a solution. Barrier Islands are found everywhere throughout the world. A barrier island is a bar of sand surrounded by water and almost the entire east coast is full of barrier islands. Most of the barrier islands formed about 6,000 years ago and are constantly moving. They tend to be long and the longest is 100 miles in southern Brazil in South America. Barrier islands are made up of the beach, dunes and the shore face where the waves are breaking. He added that it isn't just the sand, it is also the marsh, lagoons and tidal inlands.

Dr. Hein stated that it isn't always what you see on the surface, it's what is under your feet as well. He also stated that probably less than 1,000 years ago there was an open ocean barrier. Over time they start with a barrier island and as sea levels rise the barrier moves and shifts further toward the mainland. The barrier covers the marsh, bays and lagoons. They do a lot of work taking cores. They have taken approximately a dozen cores on Assateague Island. Barrier islands are not just stable they're dynamic. He showed a video of other barrier islands with 30 years of change. The barrier islands in Virginia are more dynamic than anywhere else in the world. Virginia has the 2<sup>nd</sup> fastest rate of sea level rise in the country. The fastest rate of sea level rise in the U.S. is in Louisiana down the Mississippi River near New Orleans. The mouth of the Chesapeake in Virginia is the 2<sup>nd</sup> fastest adding that it is a little slower in this area. The islands here are reacting to the sea level rise. He showed some picture examples of the Eastern Shore of Virginia. He showed Cedar Island and explained that if he went to the beach today leaving a blanket and he returned 1 year later the beach would not be where he left the blanket. He stated that it moves 15 feet a year. It has moved 30 feet in the past 30 years in another area.

Dr. Hein explained that if they're hit by a big storm maybe it will move 50 feet with 1 storm. The average of the entire system it is about 25 feet over 30 years. He pointed out that the numbers are shore line numbers from last year to this year. A beach on a barrier island can erode, losing sand and become narrower. Once it gets narrow enough, the same storm that used to take sand away, instead can go up and over the island and push sand to the back side to help itself stay above water. Its island cannibalism reusing its own sand to help stay above water. He showed Paramore Island over the past 3 years where they have some of the highest elevations on the Eastern Shore. They have 250-year-old dunes. He explained the movement in the pictures. The northern end hasn't changed that much but the backside remained where it is, and the front side has eroded. He reviewed Hogg Island from the 1865 shoreline showing the changes. This island has changed over 7 times its own width. He continued to review the changes of Cedar Island with images from 1994. He showed the width of the beach which is flatter and hasn't changed much, adding that it is an example of migration. The pictures of Cedar Island from 1984 to 2016 and the beach doesn't change but the sand is moving in toward the land.

Dr. Hein reviewed more pictures where he outlined Paramore and Cedar Islands. He then showed the shorelines through 2009. He feels the Cedar Island shoreline is more dramatic. He reviewed all the marsh that has been moved and lost over the last 40 years. He added that this is where the marshes are lost, and the bays are wider. He showed the beach, stating that the forest is dying because of the salt water. Some islands are narrowing, and some are migrating. He added that it's not just the marsh. He reviewed pilings that were left from a house that was built on the marsh which now shows the pilings on the beach. He continued to review the movement of the islands, beaches and marsh.

Dr. Hein explained a new approach they're taking on Cedar Island to try to naturally manage the island. They are testing out with a new approach in the future and bringing it to a much more critical area like Tom's Cove. He reviewed a picture of Cedar Island with the new approach. He then showed a picture of Metompkin. They are working with an engineering firm to develop an engineering plan for a cost estimate to build marsh on the southern end of Cedar Island about ¼ mile wide. They will take, and use dredge out of the channels. There are federal navigational channels there that need dredging and non-federal channels that local boaters and the Eastern

Shore Navigable Waters Committee wants to dredge, taking the dredge and building marsh along the southern strip of Cedar Island. This may help the island and is what they are planning for the natural management of the island.

Dr. Hein moved on to Ocean City. He stated that because of the private and public infrastructure they shouldn't be moving anywhere. He asked what would the other solution be because of sea level rise. When you have dense development with all the houses and then try to have an over-wash where the waves throw sand, those houses stop the waves and stop the sand from moving. You end up with half as much sand or no sand making it from the front side to the back side. It either stops or it pushes back on the beach. He doesn't feel this would be the ideal solution. He stated that you have a developed island, Chincoteague, and then a federally developed island, Wallops and you have a federally managed island, Assateague. There is Chincoteague Inlet which is constantly moving which is unique among the Virginia barriers that is stabilized with rock and brick waters. It's the only place with an old barrier island, Chincoteague and you have a new barrier island, Assateague that has grown in front of it. It cut itself off from the open ocean years ago. He showed the picture from 30 years ago to recent. Wallops has grown wider, and Tom's Cove hook has grown narrower as Chincoteague Inlet has grown wider. Part of this is so much to look at. This has been the focus of his group for the last year. Part of the land is trapping an enormous grove of land that should be going to Wallops, Assawoman, Metompkin and Paramore. He added that you're also seeing the erosion; migration and the whole thing grows.

Dr. Hein continued to review pictures. They went out and collected sediment cores. They found that from the thickness of the core they can tell how thick fishing point is. They can see how much sand is trapped in that part of Assateague at that time. He reviewed a picture with the lower shorelines, going back before the 1900s to 1859 with the lighthouse that wasn't built close to the beach. He showed the growth. He also showed pictures of the modern situation and back many years where Ridge Road was a beach. He explained the potential future changes where Chincoteague is growing longer, and Wallops is growing wider. Assateague has grown in front of Chincoteague to Tom's Cove hook. Wallops is a lot like Chincoteague, Chincoteague Inlet moved to the south and Chincoteague is more protected. Wallops keeps getting all this sand and is now protected by Assateague. He added that this is what the past has shown could happen. He then showed another version of what could happen in the future. Chincoteague Inlet has a deep channel. He explained that when they did the sediment core they hit pebbles under the island and believe that layer to be 300,000 years old. He asked what it would take for the water from a very shallow cove to go out of a very deep channel. At the same time, the system keeps going south and halfway up Assateague Island it becomes a longer route. There are reasons to believe either are possible.

Dr. Hein stated they are hoping to do some prediction work. He asked who remembered storm Jonas, October 27<sup>th</sup>, 2018 that had several breaches. There aren't any holes there now and the sand came and filled the breaches. Maybe it is difficult for the natural system to make the shift. He played a video where they were at the southern end of the parking lot showing a breach which is forming a little inlet during the storm. The State Commonwealth recently gave funding to develop a hydrodynamic model for Chincoteague. When it is complete they can play with the configurations to see what is more likely for the future. They want to know that as the point



continues to elongate, does Chincoteague continue to be protected. He advised they have rented a house the 3<sup>rd</sup> week of June. They will see what kind of sand, how much sand and what the age of the sand is on Chincoteague to know the history. With the goal of projecting the future, they are also working on Cedar Island and building marsh behind the island. The other goal was Tom's Cove and building marsh, one of the big challenges is that it is risky due to the shellfish. He feels that if they can build a marsh with sediment from dredging for a reasonable price then this could bring a lot of information to see if this is a possibility here to slow down the migration allowing the sand to build up some higher dunes. He thanked Council for having him.

Dr. Hein advised he is from Long Island and went to Frontier Town camping when he was a child and they would always go to Chincoteague. He would like to work together and hopes for an opportunity here to study it.

Town Manager West stated that he shows a marsh on the back side of the Assateague 'isthmus' in his projections.

Dr. Hein feels it would help.

Emergency Coordinator Rush asked if there was any consideration of what the water flow is going to be based on those 2 scenarios. He feels they'll get wave action but if they have the elongation and narrowing Inlet he asked about water level rise in the Bay.

Dr. Hein stated that there are more numbers now and this is what they want to study. They have to collect data to help set up the model. He added that they can say throw out the current topography, edit it, and take the drawing to build it back into the model showing an island there. Then they can play those games. It's going to be hypothetical by looking at the storms and estimating. If you look at the past and see how things are growing and the rates, then you can project it.

Town Manager West asked about Wallops.

Dr. Hein responded that VMRC asked VIMS to review this and he was part of the scientific group that reviewed it. He stated they are going to do something. They can keep nourishing the beach, but it will still wash away. He feels it has to be solved. The point will keep moving to the south. He advised that VIMS suggested that when you nourish behind bringing sand from the beach itself then the chunk of beach they're removing is only there because of their past nourishing. He stated that there were concerns about wildlife habitat. He added that if the island continues to go south, Wallops could be in the clear.

Councilman Taylor asked about the actual projection of sea level rise. He was told a long time ago that it's 6" every 50 years. He asked how much it is every 50 years now.

Dr. Hein advised that the projections are nearly a foot by 2050. The way the currents are they should fall within the high end of the projections. He is unsure of this area, but the global rate in the mid-20<sup>th</sup> century was 1.2ml per year and it has more than doubled.

Councilman Taylor feels that the beach will steady roll west even if they build marsh. He doesn't feel it will stop migration.

Dr. Hein responded that it would slow it down. He feels it has an additional benefit. He asked how water would cut through half a mile of marsh on top of beach. He stated that they are buying time at best.

Councilman Taylor commented further about the potential of state property rolling over on government property. He added that you can only own to low water.

Dr. Hein stated that you can't look at it or point fingers at it. This is one of those areas that is chaos. It is the most complicated area that he has seen, and they have to look at it in a strategic and integrated way rather than each individual interaction. This will be the question and challenge getting everyone to work together.

Mayor Leonard thanked Dr. Hein.

Councilwoman Bowden also thanked Dr. Hein adding that she would like to go out and work with them.

Dr. Hein invited them to stop by.

Councilwoman Richardson stated that she was very impressed. She has been reading a lot on the history with the craters in Northampton County. She feels this is very interesting.

Councilwoman Bowden stated that she is also extremely impressed with this information. She thanked him for putting this into language that they could understand. She feels a lot better about this and that they have a chance of doing something as opposed to waiting for it to go. She thanked him for his time and all the work he has put into it.

## **5. Adjournment**

Councilman Reed 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