

CHINCOTEAGUE TOWN COUNCIL WORKSHOP A G E N D A

May 16, 2019 - 5:00 P.M. - Council Chambers - Town Municipal Center

1. Call to Order
2. Invocation
3. Pledge of Allegiance Mayor Leonard
4. Public Comments
5. Agenda Adoption
6. Public Hearing – Property Line Vacation Pg. 2
7. Consider Approval of FY 2020 Proposed Budget Pg. 5
8. Planning Commission Proposal – “Filling” Ordinance Pg. 7
9. Proposal to Modify Chapter 30, Floods, Sec. 30-16 Pg. 9
10. Mayor & Council Announcements or Comments
11. Adjournment

Agenda Item 6: Property Line Vacation

A public hearing to gather comment on the possible adoption of the following ordinance was properly advertised and all adjacent property owners were notified of the intent of Mr. & Mrs. Conklin to vacate property lines within the Waters Edge subdivision. The ordinance will in essence, eliminate lots 15 through 20 and create a new lot A (depicted on Page 4). Waters Edge is bounded by the Waterside Inn to the southwest and the Marina Bay Hotel to the northeast.

After receiving comment in the public hearing, Council is asked to consider adopting the ordinance.

**AN ORDINANCE VACATING PROPERTY LINES
OF A SUBDIVISION PLAT
PURSUANT TO SECTION 15.2-2272.2**

WHEREAS, Richard T. Conklin, Sr. and Carolyn R. Conklin, own seven (7) parcels of land shown on a certain plat entitled "The Landings, Water's Edge, Chincoteague, VA", dated October 21, 2004, and recorded in the aforesaid Clerk's Office in Plat Book 2004, Pages 124 and 125 within the Town of Chincoteague, Tax Map Number 030A32400001500, 030A32400001600, 030A32400001700, 030A32400001800, 030A32400001900, 030A32400002000 and 030A3A000001600 (the "***Lots***");

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

WHEREAS, the said Richard T. Conklin, Sr. and Carolyn R. Conklin have requested that the division or property lines between for Lots be vacated so that the lots become one parcel;

WHEREAS, the notice requirement of Section 15.2-2272.2 has been complied with;

WHEREAS, the governing body affirmatively finds that no owner of any lot shown on said Plat will be irreparably damaged by the said vacations of said lines.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the division or property lines between the Lots as shown on a certain plat of survey entitled "The Landings, Water's Edge, Chincoteague, VA.," dated October 21, 2004, and recorded in the aforesaid Clerk's Office in Plat Book 2004, at Pages 124 and 125 be and are hereby vacated, as is shown by the plat attached to the Application for this Ordinance (the "*New Plat*").

2. That as the result of said vacation of property lines, the former Lots shall result in one (1) parcel of land, as shown on the New Plat.

3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of the Circuit Court of Accomack County.

Ayes: _____

Nays: _____

Approved as of _____, 2019

Mayor

Commonwealth of Virginia
County of Accomack

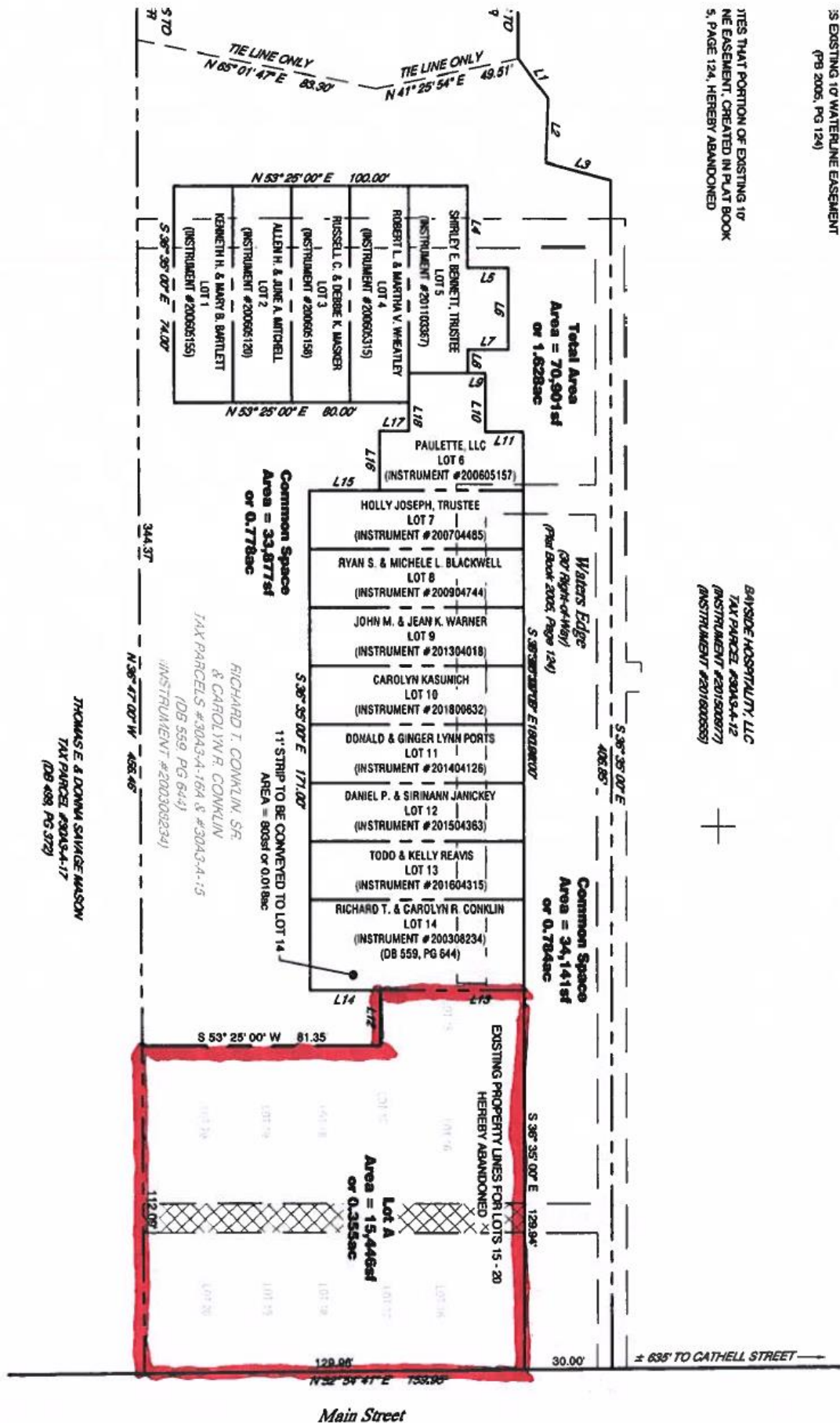
The foregoing Ordinance was acknowledged before me this _____ day of _____,
2019, by _____, Mayor, in my jurisdiction aforesaid.

Notary Public

Commission Expires: _____

THESE EASEMENTS ARE NOT PART OF THE PLAT BOOK 5, PAGE 124, HEREBY ABANDONED

BAYSIDE HOSPITALITY, LLC
TAX PARCEL #30A3-4-12
(INSTRUMENT #201500877)
(INSTRUMENT #201600635)



Agenda Item 7: FY 2020 Budget

Council held a Public Hearing in the May 6 Council meeting and received public comment. As provided by §15.2-2506 of the Code of Virginia, seven days have passed since the public hearing and the Council may now consider the budget for adoption. Again, the synopsis of the proposed FY '20 Budget is provided below.

REVENUES		EXPENDITURES	
GENERAL FUND		GENERAL FUND	
REAL ESTATE TAX	\$630,000	GENERAL GOVERNMENT	
TANGIBLE PROPERTY TAX	\$195,000	SALARIES & BENEFITS	\$596,459
DELINQUENT REAL & TANGIBLE TAXES	\$15,000	EXPENSES	\$743,135
PERSONAL PROPERTY TAX RELIEF	\$129,246	CAPITAL IMPROVEMENTS	\$65,000
MEALS TAX	\$1,000,000		\$1,404,594
BANK FRANCHISE	\$72,000		
SALES TAX	\$145,000	EMERGENCY SERVICES	
BUSINESS LICENSE	\$128,000	SALARIES & BENEFITS	\$834,692
MOTOR VEHICLE LICENSE	\$73,000	EXPENSES	\$51,450
UTILITIES TAX	\$224,000	CAPITAL IMPROVEMENTS	\$4,500
TRANSIENT OCCUPANCY TAX	\$1,210,000		\$890,642
FINES	\$50,000		
INTEREST	\$35,000		
MOBILE HOME SALES TAX	\$12,000		
CAR RENTAL DISTRIBUTION TAX	\$6,000	PUBLIC WORKS	
CEMETERY CLEANUP DONATION	\$200	SALARIES & BENEFITS	\$402,599
ROBERT REED PARK	\$2,000	EXPENSES	\$563,945
USER FEES BOAT RAMPS	\$24,000	CAPITAL IMPROVEMENTS	\$808,265
USER FEES DOG PARK	\$4,000		\$1,774,809
BUILDING PERMITS	\$46,000		
ZONING ADVERTISEMENTS	\$750	MOSQUITO CONTROL DIVISION	
SALE OF CAPITAL ASSETS	\$20,000	SALARIES & BENEFITS	\$40,615
HEALTH INSURANCE RETIREES	\$13,000	EXPENSES	\$88,305
FIRE PROGRAMS	\$10,000	CAPITAL IMPROVEMENTS	\$25,000
PAYMENT IN LIEU OF TAXES - USFWS	\$8,400		\$153,920
RENTAL INCOME TROLLEY	\$15,000		
TOWER RENT	\$5,520	ROADS DIVISION	

COMMUNICATIONS TAX	\$107,000	SALARIES & BENEFITS	\$154,676
RECOVERED COST FROM WATER	\$100,000	EXPENSES	\$542,639
MISCELLANEOUS INCOME	\$16,000		\$697,315
SOLID WASTE COLLECTION FEE	\$384,176		
LAW ENFORCEMENT FUNDS	\$112,000		
VDOT MAINTENANCE FUNDS	\$697,315	POLICE DEPARTMENT	
ROAD PERMIT FEES	\$200	SALARIES & BENEFITS	\$775,018
VA COMM. FOR THE ARTS GRANT	\$4,500	EXPENSES	\$111,900
POLICE COMMUNITY DONATIONS	\$30,000	CAPITAL IMPROVEMENTS	\$104,390
POLICE GRANTS	\$7,200		\$991,308
USFWS - SARBANES GRANT	\$450,000		
VDEM GRANT	\$7,500	DISPATCH	
VA PORT AUTHORITY GRANT	\$99,000	SALARIES & BENEFITS	\$243,669
TRF. FROM RAMP REPAIR FUND	\$33,000	EXPENSES	\$17,750
TRF FROM GENERAL FUND SAVINGS	\$35,000		\$261,419
TRANSFER FR MOSQUITO CTRL SAVINGS	\$18,000		
TOTAL GENERAL FUND REVENUE	\$6,174,007	TOTAL GENERAL FUND EXPENSES	\$6,174,007

HARBOR FUND

HARBOR RENT	\$108,545
SUBLEASES/STORAGE	\$53,000
HARBOR INTEREST	\$400
FUEL REVENUE	\$376,290
MISCELLANEOUS	\$1,000
TOTAL HARBOR REVENUE	\$539,235

HARBOR FUND

HARBOR SALARIES & BENEFITS	\$60,465
EXPENSES	\$360,300
CAPITAL IMPROVEMENTS	\$118,470
TOTAL HARBOR EXPENSES	\$539,235

TROLLEY FUND

TROLLEY GRANTS	\$62,883
PROGRAM INCOME	\$1,500
TRANSFER FROM GENERAL FUND	\$25,685
TOTAL TROLLEY REVENUE	\$90,068

TROLLEY FUND

TROLLEY SALARIES & BENEFITS	\$47,842
EXPENSES	\$42,226
TOTAL TROLLEY EXPENSES	\$90,068

WATER FUND

WATER RENT	\$1,020,000
WATERLINE EXTENSIONS	\$5,000
SERVICE CONNECTIONS	\$6,111

WATER FUND

WATER SALARIES & BENEFITS	\$364,424
EXPENSES	\$236,450
CAPITAL IMPROVEMENTS	\$869,237

INTEREST ON WATER RESERVE	\$8,000		
MISCELLANEOUS INCOME	\$6,000		
AVAILABILITY FEES	\$45,000		
TRANSFER FROM WATER RESERVE	\$380,000		
TOTAL WATER FUND REVENUE	\$1,470,111	TOTAL WATER FUND EXPENSES	\$1,470,111
TOTAL ALL REVENUES	\$8,273,421	TOTAL ALL EXPENDITURES	\$8,273,421

THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE CURRENT TAX YEAR WITHIN THIS BUDGET:

REAL ESTATE TAX LEVY	\$0.07 PER \$100 OF ASSESSED VALUE
PERSONAL PROPERTY	\$0.85 PER \$100 OF ASSESSED VALUE
EXCISE TAX (MEALS)	5%
EXCISE TAX (TRANSIENT OCCUPANCY)	4%
MOTOR VEHICLE LICENSE	\$27.00
SOLID WASTE COLLECTION	\$2.00 PER WEEK
PERSONAL PROPERTY TAX RELIEF	65%

Agenda Item 8: ‘Filling’ Ordinance

The Planning Commission forwarded a proposal for modifying Article III of the Town Code to the Ordinance Committee. The proposal was reviewed and discussed and the Committee voted to send the change to the Town Council for consideration. The excerpt from Chapter 22, Environment, Article III of the Town Code (proposed addition in red) follows:

ARTICLE III. NUISANCES*
DIVISION 1. GENERALLY

Sec. 22-61. Prohibited generally.

It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statutes or common law of this state or as defined by this Code or other town ordinance at any place within the town.
(Code 1977, § 12-1)

Sec. 22-62. Certain nuisances enumerated.

(a) The following acts when committed or conditions when existing within the town are defined and declared to be nuisances:

- (1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintain, placed or found in or upon any public or private place which is injurious or dangerous to the public health or
- (2) All buildings, bridges, streets, roadways, or other structures of whatever character owned or maintained or which are permitted by any person owning or person having control thereof to be kept and maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the occupants or users thereof, or the general public.
(Amended 02/01/10)
- (3) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.
- (4) All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, public place or lot to the injury or disturbance of the public.
- (5) All obstructions caused or permitted on any street or sidewalk to the danger or disturbance of the public and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or disturbance to the public.
- (6) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.
- (7) All stables, kennels, cattle yards, sheep or cow pens or yards or structures for poultry or other animals permitted by the owner thereof or the person responsible therefor to be a harboring or breeding place for rodents or which accumulate animal wastes or which are otherwise to be in such a condition as to become offensive, disturbing or injurious to the public or to persons in the neighborhood thereof.
- (8) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
- (9) All septic tanks, privies, cesspools and privy vaults of a type prohibited by state law or by rules and regulations promulgated by authority of state law or which are maintained in any manner contrary to state law or rules and regulations promulgated by authority of state law or which otherwise constitute a menace to the health of or are offensive to persons in the neighborhood thereof.
- (10) a. The filling or placing, or permitting the filling or placing, or allowing to remain and/or the maintaining of, any material or substance, whether manmade or natural, in any creek, basin, canal, ditch, or any other drainage way, whether on public property or private property, which in any way impedes, obstructs, blocks, adversely alters, or otherwise detrimentally affects the volume or flow of water through such creek, basin, canal, ditch, or other drainage way.

As to any such creek, basin, canal, ditch, or other drainage way on private property, this provision shall only apply to those creeks, basins, canals, ditches, or other drainage ways which, when connected to other such creeks, basins, canals, ditches or other drainage ways constitute the system, or a part thereof, that drains public lands or improvements within the town, or otherwise assists in the removal of stagnant water from such private property whereon such creek, basin, canal, ditch, or other drainage way is situated. Prior to performing any work, such private owner shall seek a determination by the director of public

works as to whether such creek, basin, canal, ditch, or other drainage way is subject to or exempt from this provision.

(Ord. of 5-6-2002)

- b. Notwithstanding the provisions hereinabove any private land owner, if otherwise in compliance with all other provisions of law, may place piping and suitable fill in any such canal, ditch, or other drainage way situated on such owner's private property, expressly provided such is installed in accordance with a plan approved by the town director of public works, which plan shall specify such pipe size and type, the fill material, and all other specifics required by the director of public works to ensure that the existing volume or flow of water is not adversely affected, or adversely affects the drainage of any adjacent properties. The director of public works shall issue a permit for the work and such work shall be completed in strict accordance therewith. Such work shall be inspected by the director of public works upon its completion. The fee for any such permit shall be as specified by the town council from time to time.

(Ord. of 5-6-2002)

- c. Whenever any such material or substances is caused to be deposited into any such creek, basin, canal, ditch, or other drainage way on private property by Acts of God, or other natural causes, such material or substance may be removed by the town at no cost to the landowner.

(Ord. of 5-6-2002)

- d. The filling or placing, or permitting the filling or placing, or allowing to remain and/or the maintaining of, any material or substance, whether manmade or natural on any property which may impede, obstruct, block, or adversely affect an adjoining property and it is determined that the placing of fill or other substance has affected the adjoining property, then a ditch, swale or other approved method must be installed to prevent such property from gaining water from the adjoining neighbor's actions.

(b) The provision of Section 15.2-900 of the Code of Virginia of 1950, as amended, including the definition of the term "nuisance" and the remedies provided therein are hereby adopted mutatis mutandis.
(Amended 02/01/10)

Agenda Item 9: Proposal to Modify Sec 30-16 of the Town Code

After meeting on May 9, 2019, the Ordinance Committee voted to send the following proposed change to Chapter 30 of the Town Code:

Sec. 30_16. Specific standards.

In all special flood hazard areas, the following provisions shall apply:

- (a) Residential Construction - New construction or substantial improvement of any residential structure (including manufactured homes) ~~after May 18, 2015~~ shall have the lowest floor, including basement, elevated no lower than base flood elevation plus two (2) feet of freeboard.

(Amended 5/18/2015)

- (b) Non-residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) ~~after May 18, 2015~~ with the exception of

30-16(c) below, shall have the lowest floor, including basement, elevated to no lower than base flood elevation plus two (2) feet of freeboard. Non-residential construction may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two (2) feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyance. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the zoning administrator.

(Amended 5/18/2015)

(c) Non-residential Construction with Slab on Grade Type Foundation - New construction or substantial improvement of any commercial, industrial, or non-residential building with a slab on grade foundation (including post and frame with slab floor), shall have the lowest floor, including basement, elevated to no lower than base flood elevation. Non-residential slab on grade construction may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyance. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the zoning administrator.

(Amended 5/16/2019)

(d)(e) Elevated Buildings - Enclosed areas, of new construction or substantially improved structures, which are below the lowest floor elevation shall:

(1) not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;