

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 2nd 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:

1st Place - Mr. Richard Conklin
2nd Place – Mr. Billy Reed, Sr.

Most Traditional:

1st Place – Mr. Rocky Taylor
2nd Place – Mr. Bill Derrickson

Most Festive:

1st Place – Mr. Bill & Ginger Birch
2nd 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.

J. Arthur Leonard, Mayor

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 3rd 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 19th, the Budget and Personnel Committee will meet to review the 1st 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 21st.

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 8th. 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 18th – 24th.

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 19th 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.

J. Arthur Leonard, Mayor

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 1st 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 1st, 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 21st 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.

J. Arthur Leonard, Mayor

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 21st. 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 5th. 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 26th. 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 9th at 9:00 a.m. weather permitting.

Budget and Personnel:

Vice Mayor Ellis reported that they met February 19th. 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 1st

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 19th 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 2nd 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 1st to December 31st.

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.

J. Arthur Leonard, Mayor

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 2nd 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 2nd 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 27th, 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 3rd 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-20th 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.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE APRIL 1, 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

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comments

Mayor Leonard opened the floor for public comments.

- Mr. Daryl Chrisman, with Poseidon's Pantry, came before Council regarding the Wayside Stands. He explained the situation on Chincoteague that relates to food and restaurants. He advised that there were many restaurants here when he was growing up that are gone and not replaced with another restaurant. He stated that it is because of the difficulty of sewage and permits. He feels that going forward, short of sewage, the mobile food trucks are how food on the Island evolves. He stated that the regulations the Planning Commission will present later in the meeting are restrictive. He advised that they will only be allowed in C3. He understands their reasoning which was to avoid what happened on Church Street where a barbeque truck is in someone's front yard. He doesn't feel they should go about it this way. He suggested to consider setbacks. He explained that even though it's in a commercial area, a food cart or truck could still be put in the front yard of a residence. He stated that setting a large setback would avoid the problem. He feels that if they make that change, a food truck could be put at different parts of the Island. He wanted to give a heads up on the situation.

5. Agenda Adoption

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

6. Staff Updates

Police Department:

Chief Mills made a correction to his report regarding summonses. He advised they are upgrading the records management system and has an officer attending training at the CBBT.

Public Works Department:

Public Works Director Spurlock reported that at the end of April, Phase 1 of the sidewalk project will be completed. He added that paving will also be complete up to the Museum and the parking lot will be done at the Municipal Complex.

Vice Mayor Ellis stated that he has had compliments for the flashing stop sign at Ridge Road and Bunting Road.

Mayor Leonard asked Chief Mills about the van on south Main Street.

Chief Mills responded that they are currently in the process of contacting the owner, so they can enforce a state law that allow them to charge him for keeping a vehicle on a state road. He added that locating the owner has been an obstacle.

Mayor Leonard asked if there is a statute that after a certain amount of time they could tow it.

Chief Mills was unaware of anything allowing them to tow it. They are still trying and haven't given up.

General Government:

Town Manager West stated that the delays of the projects they are working on may be over as the weather is beginning to cooperate. They should be able to continue with the Dog Park and begin on the Smith Street property. There were material delays on the floating dock.

He spoke with Delegate Bloxom who is setting up a meeting with the DEQ regarding wastewater alternatives. Delegate Bloxom suggested to speak with the Hampton Roads Sewer District (HRSD) about their plans and they will come to talk to the Town and seek solutions.

Mayor Leonard stated that they [HRSD] are on the Shore talking to Exmore about connecting Exmore to Onancock's sewage.

Town Manager West advised that Mayor Leonard and he met with NASA and they are back to working with Congress toward helping NASA their appropriations to allow remediation work. He added that they discussed desalination with NASA as an alternative to new wells. There were no updates on the construction of a new filtration plant by NASA.

Mayor Leonard added that he didn't hear any concerns of the Town's water usage.

Councilman Taylor commented that the ball park is looking better at Memorial Park. Councilwoman Bowden asked about the kayak ramp and putting railing in.

Town Manager West advised they can have this done.

Mayor Leonard advised that an AED has been installed at the Harbor.

7. Committee Reports

Budget and Personnel:

Vice Mayor Ellis reported that they met March 19th. They reviewed the expenditures from the Chamber and the Center from this past year of the 5% allocation they receive from the Meals Tax revenue. They felt the expenditures were legitimate and the 5% allocation should continue in 2020. He advised that the 1st 20 years maintenance and repairs were not done by the prior administration on the Chincoteague Center. He stated that the Mayor pointed out, that in some point in time the replacement in big items and equipment are inevitable at the Center and the Town may have to assist with some of the costs. He mentioned that the heating and air conditioning system is in poor shape.

Vice Mayor Ellis also advised they reviewed the Town Budget. They recommended this to be presented to Council and to schedule a public hearing. During the Committee members' comments, Mr. Lee Arbuster, with the Island Grocery Store, asked if there were any incentives for the Downtown merchants to make improvements on their properties. It was suggested to possibly give a real estate tax incentive. Another suggestion was to look into Transient Occupancy Tax rates and compare the Town's to other jurisdictions in the immediate area. Mr. Arbuster feels that if the Transient Occupancy tax rates are raised they should earmark the increase for Fire and EMS. The Committee went into closed session to discuss a personnel matter. He advised that after they came out of closed session it was voted to direct Town Manager West to advertise in the VML and other local methods regarding the Police Chief vacancy.

8. Consider Adoption of the Minutes of the March 4, 2019 and March 21, 2019 Council Meetings

Councilman Ellis motioned, seconded by Councilman Taylor to adopt the minutes of the March 4, 2019 and March 21, 2019 Council meetings as presented. Unanimously approved.

9. Joint Public Hearing – Consider Zoning District Change

This is regarding the Fire Company property on Deep Hole Road changing the zoning from C-3, Corridor Commercial to PSP, Public Semi-Public.

Mayor Leonard asked if anyone signed up to speak at the Public Hearing on this matter.

Town Manager West advised that no one signed up to speak.

Mayor Leonard opened the joint public hearing for the Zoning change. He stated that having no one to speak for the public comment he asked Planning Commission Chairman Rosenberger for the Planning Commission's advice.

Planning Commission Chairman Rosenberger reported they took Council's advisement and feel it does qualify for the Public Use as it provides for safety and fire with access to the public. He stated that the Planning Commission is recommending the proposed zoning change from C3, Corridor Commercial to PSP, Public Semi-Public.

Councilwoman Richardson asked if this was what they did for both schools.

Mayor Leonard responded that it is the same but was for the signage. He stated that here they are changing the actual zoning for the firehouse.

Councilwoman Richardson asked if it was just for the firehouse and no further.

Planning Commission Chairman Rosenberger and Mayor Leonard responded that it was just for the firehouse.

Mayor Leonard asked for discussion or a motion.

Councilman Reed motioned, seconded by Councilman Lewis to accept the recommendation from the Planning Commission to change the zone of the firehouse property from C3, Corridor Commercial to PSP, Public Semi-Public. Unanimously approved.

Mayor Leonard closed the public hearing.

10. Consider Planning Commission Recommendation for Zoning Changes

Planning Commission Chairman Rosenberger advised that for several months, the Planning Commission has considered the regulation through zoning of wayside vendors, food trucks and push carts. He explained the basic concept and reviewed the changes:

Appendix A – Zoning, Article II-Definitions:

Delete all of existing Section 2.179, Wayside stand/market, roadside stand, and replace with:

Section 2.179, Wayside Vendors

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

Pushcarts: Devices that are designed to be pushed or pulled to various locations. Examples of such devices are those for hot dog sales, snow ball sales and similar type sales devices.

Vending trucks/vans: Enclosed commercial trucks or vans used to sell commercial items.

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

Appendix A-Zoning. Article IV, Commercial Districts:

Delete 4.1.11, Wayside stands, tailgate sales from C-1, Neighborhood Commercial District

Delete 4.4.29, Wayside stands, tailgate sales from C-2, Old Town Commercial District

Delete 4.7.12, Wayside stands, tailgate sales from C-3, Corridor Commercial District and replace with:

Section 4.7.12 Wayside Vendors (see Sec 2.179)

- (1) No flags, signs, or any similar attachment to the units are permitted unless imprinted on the unit (permanent decals or painted art work).

Only one 32 square foot sign is permitted on a parcel. If multiple vendors are on a parcel, then the 32-square foot of signage must be shared.

- (2) The minimum usable land for one wayside vendor shall be 5,000 square feet in area. Additional wayside vendors on the same parcel are required to have an additional 3,000 square feet of usable land for each unit. Special Events are exempt from this requirement. For the purpose of this section a “Special Event” shall be defined as any event where a large number of the public are brought together to watch or participate. A Special Event is conducted for a limited number of days not exceeding 14 days.
- (3) Wayside vendor units shall comply with C-3 Corridor Commercial setbacks.
- (4) Each Wayside vendor shall provide a minimum of 4 parking spaces (see parking requirements in Sec. 6.6 Parking). Push carts are exempt from this requirement if such complies with Section 18-94, Peddlers, of the Chincoteague Code.
- (5) No additions shall be permitted to be attached to any wayside vending unit. If accessory structures are requested, no such accessory structure shall be closer than 3’ from the unit.
- (6) The above regulations shall apply to all Wayside Vendors whether the unit is licensed through DMV or not.

Delete 4.10.11, Wayside, tailgate sales from C-4, Resort Commercial District

Mayor Leonard stated that they are doing away with C-2 in town and anywhere else except Maddox Blvd. and Ocean Blvd.

Mayor Leonard asked for Council discussion.

Councilman Taylor mentioned the hotdog cart on Church Street and asked if she would be allowed to continue doing business there.

Mayor Leonard responded that she is grandfathered.

Councilman Taylor stated that he can see a difference between a hotdog push cart and a food truck.

Town Attorney Fox interjected advising again that the hotdog stand on Church Street is grandfathered to continue her current business.

Vice Mayor Ellis added that she has a peddler's license to do this. He stated that with the peddler's license as long as the cart is moved periodically she can put it anywhere she wants to put it.

Councilwoman Bowden asked if she could move her hotdog cart from Church Street to the Artful Flea.

Planning Commission Chairman Rosenberger stated that there is an application with the Chincoteague Cultural Alliance that allows her to use the sales space.

Councilwoman Bowden stated that when Mr. Chrisman spoke earlier, with a push cart they would have to have 5,000 square feet in area.

Planning Commission Chairman Rosenberger stated that is not the case. They are not establishing residency.

Councilwoman Bowden stated that with the change they would be limited to the Maddox corridor.

Planning Commission Chairman Rosenberger stated that the problem with the push cart is having it at a location and leaving it there for a period of time. He added that as long as the push cart is moving is the only restriction.

Councilman Taylor would hate to think that if he bought commercial property he couldn't put a hotdog stand on it. He commented further.

Town Manager West asked that if someone did have commercial property would a push cart be allowed on their own property, provided he showed he has 4 parking spaces. He stated that you have created an exemption. He added that if you call yourself a peddler you can do a lot of different things.

Planning Commission Chairman Rosenberger stated that it is different if you own your own property. He advised there will be exceptions to the rule. He added that they attempted to make it uniform.

Vice Mayor Ellis stated that the Planning Commission has had a public hearing, Mr. Chrisman spoke in opposition to the recommendations and others spoke in favor. He suggested they hold the public hearing and then discuss what they want to do. He recommended Council accept their recommendation and forward it to a public hearing, discuss it and decide at that time.

Council agreed to have the public hearing at the May 6th meeting.

11. FY 2020 Budget – Consider Advertisement of Public Hearing

Mayor Leonard agreed with Vice Mayor Ellis that Town Manager West has done a wonderful job of balancing the budget. He stated that the next step is the public hearing.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson hold a Public Hearing for the proposed FY2020 Budget. Unanimously approved.

12. Mayor & Council Announcements or Comments

Councilwoman Richardson appreciated Mayor Leonard inviting Dr. Hein at the workshop meeting. She stated that it was very educational.

Mayor Leonard stated that Mr. Hein will be here this summer and if they could get the word out maybe he would do this again at the Island Theatre.

Councilwoman Richardson thanked Mayor Leonard.

Vice Mayor Ellis showed a packet that was thrown on many properties along Main Street. He was advised by Mr. Lewis that they were also put under the windshield wipers on numerous vehicles throughout the Town. He advised that they contain birdseed and propaganda from the Ku Klux Klan. He understands free speech, but he doesn't feel that the Ku Klux Klan has any right to throw any kind of propaganda on people's property. He is unsure what the Town can do. He feels it is not something that they want or need on the Island. He asked Chief Mills to examine it and see if there is anything they can do to prevent this from happening again.

Mayor Leonard stated that this has been done in multiple jurisdictions as well.

Vice Mayor Ellis feels it's just hateful.

Councilman Taylor thanked Chief Mills for his many years of service. He stated that he worked for Chief Mills for several summers and he knows that when something goes wrong there's a bond. He thanked him for his many committed years and hours of service. He commented further.

Councilman Reed asked if anyone has noticed the increase of foxes on the Island. He stated that he has a large one in his back yard. He asked if there was anything they could do to cut back on the growing population.

Mayor Leonard stated that this should be referred to Animal Control in Accomac.

Councilman Reed asked if the Town would make a call about it.

There was discussion about foxes at the Harbor, the Mechanic's Cemetery where they are digging up graves, at Campers Ranch, Sunnywood-Ridge Road horse pen and many other places throughout the Island.

Public Works Director Spurlock suggested they start with the USDA. He volunteered to contact the USDA.

Councilwoman Bowden suggested they have someone remove and relocate them rather than harming them.

There were further comments.

Mayor Leonard stated that April will be a busy month with a rocket launch, Easter Decoy Show and with more and more people coming into Town which brings along the traffic. He asked for patience. He mentioned pollen season.

13. Adjournment

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 2, 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 4:33 p.m.

2. Invocation

Vice Mayor Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Closed Session

Councilwoman Richardson motioned, seconded by Councilman Reed to convene a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters.

5. Certification

Vice Mayor Ellis motioned, seconded by Councilwoman Richardson to return to the regular meeting. Unanimously approved. Mayor Leonard asked for a show of hands to certify the closed meeting was conducted in accordance with §2.2-3712 (D) of the Code of Virginia. All present certified with a show of hands.

6. Selection Process for Chief of Police Position

Councilwoman Bowden motioned to enlist the services of the Virginia Association of Chiefs of Police (VACP) to assist the Town in the selection process and to provide an interim Police Chief until a permanent Chief is selected. More specifically,

- Select the candidates from the applicants that applied before the April 24th deadline,
- Limit those selections to Virginia DCJS certified
- Include three local candidates in interviews and ranking
- Council will interview and make the final selection with assistance in the interview process by the VACP

The motion was seconded by Vice Mayor Ellis and unanimously approved.

7. Adjournment

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 6, 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. Student Government Day-Report

Miss Ashaunte Fidderman, Student Government Town Manager introduced the participants of the annual Student Government Day:

Miss Samantha Flores, Mayor
Mr. Christian Birch, Public Works Director
Mr. Tavare Handy, Chief of Police
Miss Jennie Hall, Councilwoman
Miss Zoe Mummert, Councilwoman
Miss Madison Murphy, Councilwoman
Miss Samantha Nicholson, Councilwoman
Mr. Jayson Stubbs, Councilwoman
Miss Caitlyn Williams, Councilwoman

Student Government Mayor Flores reported that they visited the local businesses and residents asking what changes they would like to see.

Student Government Councilwoman Hall advised that the locals feared that the tourism wasn't present enough year around. They suggested a winter festival or annual event to help sustain local businesses that are open year around. She also suggested having scooter rentals that would be managed by a phone app.

Student Government Councilwoman Mummert stated that they feel there should be flashing “yield” signs around the traffic circle due to the visitors who aren’t used to a round-about in their area. She feels this would help with safety.

Student Government Councilwoman Murphy suggested public restrooms on Maddox Blvd. She stated that with all the food trucks and merchants they need a place to stop. There isn’t a public restroom on Maddox Blvd. and the funding could be from the fees that food trucks pay.

Student Government Councilwoman Williams stated that the downtown business owners are concerned with the buildings that are beginning to look decrepit. She commented on the beautiful sidewalks and landscaping in the downtown area. She suggested a grant to revitalize the downtown by pressure washing and painting buildings to make it look nice.

Student Government Chief of Police Handy reported that he was with Officer Stevens when they stopped a speeding vehicle. He advised that the people that they stopped were in possession of marijuana as well. He feels that drugs are a big issue in this area because children are able to purchase drugs almost anywhere.

Student Government Mayor Flores thanked Town Manager West and everyone who helped them and made it possible for them to participate.

Councilman Reed commented that 20 years ago he was the Public Works Director and followed the current Town Manager West around all day.

5. Public Comments

Mayor Leonard opened the floor for public comments.

- Chamber Director Shotwell thanked the Town, the community, Public Works, the Police Department and everyone that came out Saturday to help with the Seafood Festival. She reported that they sold 2,700 tickets. She thanked everyone for their support and looks forward to it again in October.

6. Agenda Adoption

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

7. Staff Updates

Police Department:

Chief Mills reported that they assisted North Accomack Little League with their opening day parade, they provided traffic and crowd control for the NASA rocket launch, 2 officers attended the Law Enforcement Symposium in Norfolk that was hosted by the FBI. They also supported the U. S. Coast Guard with traffic control along the Causeway during their cleanup efforts, they

assisted Accomack County Public Schools Bus Rodeo and they assisted in the drugs take back program. He added that they accept prescription drugs at the container at the Police Station as well.

Chief Mills reminded everyone that the Bicycle Rodeo is this Saturday.

Councilman Taylor stated that with his retirement getting close he wanted Chief Mills to know that he appreciates all of the work he's done throughout the years.

Public Works Department:

Public Works Director Spurlock reported that Community Drive is being paved and they have finished Phase 1 of the Multimodal Transportation Project. He received verbal consent of all the property owners to grant easements for sidewalks on Maddox from Deephole to Chicken City Road.

Mayor Leonard asked if they planned to stripe or mark the bike route with bicycle emblems and arrows to show the direction they are supposed to travel.

Public Works Director Spurlock responded that they can add signs to "ride with" and "walk against".

General Government:

Town Manager West stated that the Dog Park will be opened in about 2 weeks. They have to print brochures and passes. He commented on the floating dock. He reported on the wastewater activities. He stated that he was on a lengthy conference call with DEQ and the Town will not get an overboard discharge permit without a change in legislation. He spoke with the Hampton Roads Sanitation District who said the language and regulations are 30 years in the past. The type of treatment plants that are being used today are nothing like they used to be. The regulations have to change for a discharge permit. He added that they proposed a project in the county and Chincoteague is on their radar.

Councilman Taylor asked about desalination.

Town Manager West responded that the Hampton Roads Sanitation District is doing this.

Councilman Ellis asked if any legislatures or agencies taking initiative to make a change because they are out of date.

Town Manager West stated he will contact them.

Councilman Taylor stated that a big thing is to give NASA the money to help us. Everyone is asking for millions of dollars, so we need to get it nailed down for our systems.

8. Committee Reports

Budget and Personnel:

Vice Mayor Ellis reported that they met April 10th with 4 items to discuss. They discussed building improvements to the downtown and the possibility of grants. The second item was additional revenue to the Town if the transient occupancy tax is raised 1% or \$1 per night per room levy to motels and hotels. The revenue for these would be over \$400,000 per year. He reported that Councilman Taylor pointed out that Chincoteague pays 1% of the transient occupancy to the County. He added that not every jurisdiction in the County that has a transient occupancy tax is required to make that payment to the County. They decided to contact the County to see whether they would rescind the 1% or have everyone pay it. The Town's amount is more than some of the jurisdictions.

Vice Mayor Ellis also reported that they discussed the EMT services in the proposed FY 2020 budget. The Town can hire 2 EMTs now with the current budget instead of waiting until after the new budget year. It doesn't require a budget amendment or additional funds. The Committee gave their approval rather than waiting. There is an item in the budget to incur the increase in single coverage health insurance. The Town currently pays the full cost of the single coverage of health insurance.

Ordinance Committee:

Councilman Reed reported they met April 11th. The Planning Commission proposed Chapter 22, Article 3 regarding nuisances. This was regarding filling of properties. He read the proposed ordinance and explained that this prevents adjoining properties from gaining water from unwanted filling. He added that they were in agreement to add this section.

Town Manager West advised he will have this item on the agenda for May 16th.

9. Consider Adoption of the Minutes of the April 1, 2019 Council Meeting

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the April 1, 2019 Council meeting as presented. Unanimously approved.

10. Public Hearing – Change in Zoning

Mayor Leonard opened the public hearing.

- Mrs. Patricia Farley, 3243 Lisa's Lane, advised she spoke at the Planning Commission's meeting regarding food trucks. She stated that she is speaking as a consumer. There were members of the Planning Commission that heard the comments at that meeting and decided to revisit this to finetune the regulations. She feels the regulations are excessive. She explained that the only change was eliminating the requirement to move the food truck off of the location in the winter. They voted to change the space requirement from 1 trailer per parcel to a 5,000 square foot requirement for 1 trailer and 3,000 square feet for each additional trailer. She asked: Why there are so many rules for food trucks? Why has the Town selected wayside vendors as a business category that requires special attention? She asked why the restrictions do not apply to

other businesses on the Island. She further stated that the food truck issue started with 1 truck on Church Street across from the CCA and some neighbors complained about parking.

Mrs. Farley stated that as one of the people who directs traffic at the Artful Flea there has never been a parking issue with the CCA. The owner of the food truck came to the CCA asking if they could use the parking lot and they were told they could not and they haven't been back. She asked if it was more than parking concerns because it can't be the appearance. There are many businesses that they love and patronize that are not pretty to look at. She doesn't feel that the 1 truck in the front yard was any worse than the cars parked across the street at the Adams Auto Repair. She added that she loves and patronizes Adams Auto Repair but feels it's not pretty. She stated that if the issue is cooking on a property that is near a residence with the residence as the primary structure then forbid food trucks to be there. She asked if these restrictions are the result of traditional sit-down restaurant owners fearing competition. She knows that some of them have complained that it is hurting their business. Without a central sewage system, you can't build new restaurants. They can see what happens when a food truck succeeds, like Pico's that has moved into an empty unused space. The Health Department closely regulates food safety and food trucks at the same level. She feels that wayside vendors should be able to operate in any of the commercial districts of the Island including downtown. By restricting trucks to the C3 corridor you're inadvertently changing Taylor Street to a food truck way. There should be setback regulations, sign limitations and parking limitations according to the commercial zone. She feels it should be the same for every business in that zone. She urged Council to learn what a pushcart business is and allow Mr. Chrisman to have his hotdog cart on private property.

Mayor Leonard reminded that there is a 4-minute time limit.

- Mr. Daryl Chrisman, Owner Poseidon's Pantry at 6219 Maddox Blvd., expressed his irritation. He stated that over the past year he has watch the Planning Commission ignore all of the public input they have received on food truck ordinances. He feels the new proposed ordinances are unfair. The mobile food units are basically the only way to serve food on the Island because there is no public sewage system. The sewage treatment system for a 75-seat restaurant is upwards of \$100,000 and only chain restaurants or millionaire developers can afford it. He stated that there are hotels and rental homes everywhere, but the Island struggles to feed all of the visitors. He continued that the Town can't afford to take an anti-food truck stance because there are too many people to feed. The new proposed ordinance will severely limit new food trucks and other new intrapreneurs for 3 reasons: 1) Mobile food units would be restricted to the C3 district. This allows people who own land on Maddox Blvd. to charge a much higher rent for a limited space available. 2) The new ordinances ban flags for food trailers and push carts to advertise and call attention to their business. All signs must be on the trailer or cart plus a small sign on the roadway. This is a ban to the brick and mortar business who are allowed signs. 3) The new ordinance has poorly and incompletely defined mobile food units as wayside vendors, omitting driven units and inaccurately equating hotdog carts and snowball machines.

Mr. Chrisman advised he has done some polling and a lot of people believe things about mobile food carts that are not true. One major misconception is that food trucks are somehow under the Health Department radar. Food trucks are regularly inspected by the Health Department. He reported that they are inspected much more frequently and carefully than most convenient stores and carry-out delis. He asked how to keep food trucks from appearing precariously in front yards in residential neighborhoods. Restricting them to the C3 corridor will not solve this problem. He suggested that instead of banning all food trucks from mixed-use districts, require setbacks that area large enough to eliminate food trucks in the front yard. He hopes Council will reject the proposed changes and the Planning Commission will come up with a more thoughtful way for the mobile food units on Chincoteague.

- Mrs. Janet Trader, 7153 Piney Island Road, stated she is before Council as a consumer with grandchildren who love the food trucks. She is in support of the food truck vendors as they add a tremendous amount of opportunities in revenue and choices for the visitors. There isn't a lot of support here this evening, but if Council will look at the lots in the summertime, that is where the support is. She is still unsure about the flag issue. She explained that when she's driving around with her grandchildren the sign means this establishment is open and that's where they're going to stop and eat. She mentioned the businesses that have t-shirts hanging outside covering a full wall. She feels this is more of an eyesore than a flag. She stated again that she is a consumer and supporter of the wonderful food trucks on the Island that contribute to the economy.

- Mr. Larry Parsons, owner of Woody's, expressed his concerns about wastewater. He advised he was in a meeting with the Health Department and others about wastewater. He stated that he is probably one of the only food trucks that is alright as he has a septic system on the property. He advised he is now going to have to dig up everything he has done to put in an engineered transfer station. He has had wonderful years and disastrous years. He stated that this is his 13th or 14th year and he sees the inconsistencies where the rules change back and forth. The Health Department has changed the rules now as well. Everyone had tanks and they were getting them pumped out. He advised that when he first started he couldn't get them pumped and now you can. This year it is no longer allowed. The trailer's wastewater and water tank have to be pumped out. He added that he has a septic tank that he can pump into like a camper can. This would be 600 gallons of water. Now, they have to have them pumped out of the trailer which would only allow you to operate for an hour to an hour and a half.

Mr. Parsons advised that he has been highlighted in national magazines. Food trucks are here to stay. He added that there are 20 trucks in Washington, DC near the White House. He asked if there was anything they could do to make it a little easier as it is getting harder and harder. It should be getting easier and easier with national attention. He isn't just talking about his business; his issues will be resolved with septic. He asked if they could find a way to make it a little easier.

- Mrs. Wanda Holman, 5085 Chicken City Road, commented. She isn't in favor of restricting the food trucks to Maddox Blvd. She feels Council is picking and choosing. She also feels Council is looking at the current problem that came up on Church Street. She believes Council will create a bigger problem. When you make a bigger regulation with

grandfathered businesses, then the new regulation is already faulted. There is already illogical zoning across Chincoteague. She stated that the Island has to have food trucks because the restaurants can't handle the locals let alone the tourist. There needs to be regulations, but if Council is going to grandfather what's already here then they should proceed slowly for the future of Chincoteague and the food industry. Something needs to be done. She is not in favor of what is proposed because Maddox Blvd. is already too busy, which could cause more traffic issues.

- Mrs. Jenna Chapman, owner of Black Narrows Brewing Company, stated that everyone has already spoken about the matter of the law. She asked to speak about the spirit of the matter. She knows she's young, but she is also an entrepreneur. She has dreams and visions to bring to their business to make it work. She thanked Council for their overwhelming support to allow outsiders to come into a close-knit town. In seeing some of those businesses like Mr. Parson's come to life inspired them. There's a lot that goes into leaving their whole life behind and starting a business. She had a small baby at the time and they didn't know if their dream would work. Those businesses were paving the way to make something special here. She wants to make sure there is that balance in the community of the established and families which are the backbone of this community they respect. They value family and business and they're trying to come up with the best solutions possible.

Mrs. Chapman added that they have to work together. She feels that by banning certain areas of the Town they are taking a certain creativity away from people. She added that Council doesn't know what they can do, and they don't know the revitalization that could happen in different areas. She asked why they would think that the only business that could happen on Chincoteague could only happen on Maddox Blvd. The Island is a small bit of land surrounded by water. She asked why they would want to ban something that could revitalize and bring a new family and a new business that have values. They would be a small family business and not giant corporations coming in to take over. They want to have the freedom and flexibility for all types of families. She asked that they keep this in their minds when they make this type of decision. She added that no one knows what people or tourist are thinking about. They have their dreams and could bring something special to the Island to revitalize the area. They need to band together.

Mayor Leonard closed the public hearing. He asked for comments from Planning Commission Chairman Rosenberger.

Planning Commission Chairman Rosenberger stated that Council has before them the Commission's recommendation. They truly listened to those who spoke. He stated that the recommendation Council has before them is the best recommendation they could come up with at this time. He added that it is just a recommendation and ultimately up to Council. They tried to come up with rules and regulations. He mentioned the flag issues, eating areas, parking areas and safety issues. The corridor limits itself to this type of activity. He stated that the way it is zoned on the Island is chaotic. He added that it evolved and there was never any planning that was done before the Island was incorporated. They felt the corridor was the best approach at this time.

Councilman Taylor asked about the 5,000 square feet. He asked if there was a home on the property would the 5,000 square feet be in addition to the 10,000 square feet or included.

Building and Zoning Administrator Lewis stated that this isn't the intent. He explained that you can have a house on a lot that is 10,500 square feet. He added that they're saying the area you're putting a wayside stand should have a designated 5,000 square feet. If the house is positioned correctly on the lot, there should be 5,000 square feet.

Planning Commission Chairman Rosenberger added that it is the area beyond the area for the house.

Councilman Taylor commented that by the time you meet the setbacks with the house it would eliminate that unless you have a deep property. He commented on the C3 setbacks as well.

Building and Zoning Administrator Lewis stated that for a wayside stand it is 10' – 15' back and 5' side setbacks. A residential dwelling has to meet the residential setbacks, which is why they're set back further.

Councilman Taylor commented further about setbacks.

Councilwoman Bowden stated that she's been reading her notes about everything that has come out regarding this. She has also been listening to the people and there's one thing that has struck her. She advised of a comment from Mrs. Farley who stated that with her business downtown she would love to go to a food truck. She mentioned the food truck "Up Your Alley" because it isn't always convenient to go to Bill's or Don's. She feels it has struck a cord with her. She stated that just about everything you need to do is on Maddox Blvd. The bank is on Maddox Blvd. the pharmacy, dollar stores, hardware store and Chamber of Commerce. She feels this came about because of the 1 food truck on Church Street. She admitted she wasn't happy to see it in the front yard of a house. She hasn't had one restaurant owner complain about the food trucks. She feels they've been a relief.

Councilwoman Bowden personally thinks the setbacks for the food trucks are the way to go instead of limiting them to the Maddox Blvd. C3 corridor. She continued that food trucks are the thing of the times and they bring different foods. She appreciates the hard work that the Planning Commission has put into this. She doesn't feel she can go along with this the way it is written. She suggested the setbacks and feels Maddox Blvd. is busy enough.

Councilman Reed agrees with Councilwoman Bowden. He feels setbacks could control what they want to do. He agreed that the food truck on Church Street was the issue. He doesn't see that the 5,000 square feet is a problem. There has to be a place to park and eat. He also commented on the flags. He added that everything else seemed spot on. He mentioned hot dog carts and feels Maddox Blvd. is hectic enough. He would like to be able to put these types of businesses in other areas of the Island but control the setbacks.

Vice Mayor Ellis stated that other areas on the Island that would accommodate this type of space of this size are limited. He mentioned the comment from Mr. Parsons where on Pennsylvania

Avenue in Washington, DC food trucks are lined up. He stated that if they have food trucks lined up on Main Street there would be a disaster. The Planning Commission looked at the space which is a safety factor. He mentioned the pedestrian and bicycle safety. He stated that pump out was talked about which the Town has no control over. He asked where they will find that kind of space to accommodate parking, eating, exit and safety. He reminded that people don't want them in their neighborhood which is why this issue came up. Neighbors complained about patrons parking on their properties.

Councilwoman Bowden stated that down Maddox Blvd. there is nowhere else to put a food truck. She also commented on the C3 corridor district. She stated that there is nowhere on Pension Street, Quillen Drive, parts of Chicken City Road and Logan Lane to have a food truck. She advised that she is thinking about driving down south Main Street near the Harbor. She doesn't think that anyone in that area on Church Street would have a problem if it adhered to the setbacks. Food trucks are such a specialty thing. She feels that Maddox Blvd. is busy and anything they can do to spread it out would accommodate everyone. She suggested that the Planning Commission look it over again.

Councilman Taylor stated that it sounds like Council is ok with it being in all commercial districts with a 15' setback and the 5,000 square feet for the 1st one and thereafter would eliminate the issue.

Vice Mayor Ellis asked how many food trucks they will be able to get into these areas. He asked where these spaces are.

Councilman Taylor stated that there is property all over the Island.

Councilman Reed asked what the district is on Eastside Road.

Building and Zoning Administrator Lewis responded C1.

Councilman Reed stated that he imagines seeing some on the waterfront properties on Eastside. He doesn't want to see food carts right up to the road. He wants setbacks and the 5,000 square feet requirement. He feels 15' isn't far enough off of the road. He would like to see it at the same setback of a house. He doesn't want to stick the food trucks on just Maddox Blvd. He understands there is no room, but it can be controlled.

Councilwoman Bowden added that they should be allowed to have 1 flag at least to say they're open. She stated that it is afforded to all the other businesses. She also stated that it isn't like the food trucks are going to be there 365 days a year or in the middle of December and January.

Building and Zoning Administrator Lewis stated that one issue is at the Blueberry Festival where a food truck that sells crabs puts 15' teardrop flags all over the top of the trailer and because it is tagged the Town can't do anything about it. The Town makes local businesses take them down if they exceed the square footage, yet this business comes into town and has 6 flags on top of their unit. It isn't right for the local businesses.

Councilwoman Bowden stated that the Blueberry Festival is a special event that comes and goes.

Vice Mayor Ellis stated that the concept of the grandfathering is under State Code.

Mayor Leonard stated that Maddox Blvd. is a limited space. He feels they need to be friendlier to the businesses as they are being squeezed by Accomack County regulations. There are places on the Island where he believes food trucks would be a great venue. He suggested Pony Pines property and south Main Street at the old Sailing Center property. He would rather be friendlier to businesses rather than putting more restrictions on more areas.

Councilwoman Bowden read the 5,000 square feet in area and it states that special events are exempt from this requirement. She understands why the blueberry festival unit is exempt.

Councilwoman Richardson mentioned Chicken City Road, Taylor Street, Pension Street and Quillen Drive and asked where you would put a food cart there.

Councilman Lewis responded that you wouldn't.

Councilwoman Richardson asked how those areas were included in the C3 District.

Building and Zoning Administrator Lewis responded that Council didn't want it in the C1 District.

Councilwoman Richardson showed that they are all residential. She asked how it got to be Commercial, C3.

Building and Zoning Administrator Lewis stated that the Mayor and Council designated these areas as C3.

Planning Commission Chairman Rosenberger stated that there is such a hodgepodge zoning and in order to isolate one thing from another is virtually impossible.

Councilwoman Bowden stated that this Island is so unique in many ways. She stated that they are allowed to do things here that many other areas are not allowed. However, there are a lot of things they can't do here that are allowed in other areas. The Planning Commission has a hard job keeping track of all of this along with trying to please the property owners, pleasing Council and answering their questions.

Mayor Leonard asked the pleasure of Council to either refer it back to the Planning Commission or a motion to vote on it.

Councilman Taylor asked if they could give the Planning Commission direction. He would like to keep it in the Commercial Districts.

Councilman Reed again stated that the easiest way to handle this is to approve setbacks. He feels that Building and Zoning Administrator Lewis would agree it would keep food trucks out of the front yard of residences.

Building and Zoning Administrator Lewis stated that the typical food stand is set more than 25' back. He added that they are either 40' or 50' back. He added that most of them are placed so that customers can park in front which benefits the business. He suggested that if they want a setback they could restrict parking in front of the unit and a car is 18' – 20' long. He gave an example.

There were further comments and clarifications along with lengthy discussion and Council agreed to send this back to the Planning Commission.

11. Public Hearing – FY 2019 Proposed Budget

Mayor Leonard opened the public hearing.

- Mrs. Wanda Holman, 5085 Chicken City Road, asked why trash collection fees aren't in the budget. She also noticed the roads improvements and that there are no taxes for improvements. She thought that the roads division takes care of potholes and things of that nature. She asked if they were planning any type of road improvements. She feels that otherwise it matches well. She commented that they had enough money to hire 2 more EMTs from the current budget and asked what saved them money.

Mayor Leonard responded that Emergency Coordinator Rush saved the Town a lot of money by scheduling.

Mrs. Holman continued that it is a very ambitious budget.

Mayor Leonard stated that the roads division does fill potholes, however, most of the road work is paid for by the state.

Mrs. Holman stated that when you look at the other divisions except dispatch, there are capital improvements. She stated that she assumes the sidewalks don't come out of the road's money.

Councilwoman Richardson advised they do.

Town Manager West interjected that this is a summary and the advertisement states to come in and look at the detail.

Mrs. Holman advised that it can't be read because the print is too small.

Town Manager West stated that you could probably imagine what it would be to publish it in its entirety.

Mrs. Holman added that she didn't see it on the website and that there is no reason it shouldn't be on there.

Mayor Leonard closed the public hearing. He asked for discussion from Council. He commended Town Manager West on a phenomenal job.

Councilwoman Richardson stated that when you look at the budget and revenue that comes in, she is amazed at how the Town funds the items and things that are on the budget. She added that they don't raise taxes. She suggested that everyone study the budget.

Councilwoman Bowden stated that she works with her uncle. They are in a lot of houses. They were in a house last week in Richardson's Landing. They spoke with a gentleman from New Jersey who said they couldn't believe how cheap taxes are here. She advised him that the Town staff does a fantastic job of funding all they do with very little that they receive from real estate and personal property taxes. She added that it has been a long time since taxes were raised. She also stated that she isn't advocating taxes. The staff does a whole lot with a little bit. When she hears someone complaining about taxes and things going high she doesn't want to go there because this area is very blessed.

Councilman Reed agreed that Town Manager West has done a great job at making everything where it's supposed to be.

Town Manager West advised the budget can't be voted on this evening as it has to rest. He will put it on the agenda for May 16th.

12. Planning Commission Proposal – Sign Ordinance

Mayor Leonard explained that this is for banners.

Town Manager West advised they are asking to schedule a joint public hearing.

Councilwoman Bowden asked for an explanation of this.

Planning Commission Chairman Rosenberger advised that this came up because of all the vacation rentals and public use of the property. The Planning Commission had to determine how many banners or flags are necessary and there is no need to have banners or flags at vacation rentals.

Councilwoman Bowden reiterated that 1 small sign is allowed but no banners or flags.

Building and Zoning Administrator Lewis advised that there was a property owner on Eastside Road who put a banner up for a vacation rental. He reviewed the Zoning Ordinance that stated a vacation rental sign is limited to 4 square feet. However, the definition of a banner doesn't prohibit that use being a banner. This is to get it under control.

Councilman Reed motioned, seconded by Councilwoman Bowden to move forward with a joint public hearing with the Planning Commission on June 3rd, 2019. Unanimously approved.

13. Discuss Possible Increase in Transient Occupancy Tax

Mayor Leonard stated that they proposed this, and Town Manager West checked other municipalities in the Mid-Atlantic. He stated Chincoteague has one of the lowest transient occupancy tax rates in the area. He advised that Ocean City, Maryland is raising theirs again.

Town Manger West reported that the Budget and Personnel Committee asked him to speak with the County to lower their percentage of Chincoteague's transient occupancy tax. He spoke with their administrator and they are reluctant to change things. They advised that every other jurisdiction in the County is assessed at 5% transient occupancy tax. They charge the Town 2% and are held at 2% because of the annexation agreement. He added that with the Town's 4% and the County's 2%, Chincoteague is at a 6% total.

There were comments and discussion regarding the percentages paid to the County.

Mayor Leonard stated that the 1 and only reason to increase the transient occupancy tax is to staff the EMS. He feels it makes sense as the tourist are the individuals that use the EMS the most and would be paying for it. He added that the tax would be earmarked for EMS to provide additional staffing and if they need other vehicles. He stated that they are blessed that the Fire Company provides the vehicles. He stated that 2 ambulances don't cut it in the summer causing them to call for assistance from other stations.

There was discussion about \$1 per night per room which includes rental homes, Air B & Bs, motels, etc.

Chief Mills asked if it could be for Emergency Services which could also include an additional police officer if necessary along with the EMTs. He didn't want Council to tie their hands.

Mayor Leonard agreed.

Town Manager West advised that the way they've been paying for EMTs was from other revenues or departments. He stated that the calculations were from reported revenues. He explained that to include this in the 2020 budget they would have to re-advertise the existing budget with refined numbers and hold another public hearing. He suggested doing a budget amendment during the year to incorporate the increase.

Councilwoman Bowden feels that it is needed but wants public input.

Town Manager West added that if they want it in the FY 2020 budget affective July 1, then it has to go back to another public hearing. He stated that some of the businesses are already collecting the current rate of transient occupancy taxes for this season's rentals. He recommended waiting until after the season.

Vice Mayor Ellis also stated that if this is approved now there would have to be a budget amendment.

Town Manager West stated they would go through with the budget now, give the businesses a chance to consider it and then advertise a public hearing in the winter.

Vice Mayor Ellis added that they are not approving the 1% now, they will pick it back up in the winter.

Town Manager West also stated that they would be approving the planning of the increase. He would include it with the other items of the budget amendment mid-year.

Mayor Leonard stated that by doing this it won't get lost in the shuffle.

Councilman Lewis motioned, seconded by Councilman Reed to proceed with planning of a 1% increase in transient occupancy tax to begin in calendar year 2020. Unanimously approved.

14. Request for Pump and Haul Waste Disposal

Mayor Leonard advised that the North Accomack Little League has requested Town approval of a Pump and Haul Sewage Permit on their property adjacent to the Town complex.

Councilman Taylor motioned, seconded by Councilman Reed to approve North Accomack Little League's Pump and Haul Sewage Permit. Unanimously approved.

15. Consider names for Bikeway

Councilman Lewis stated that they name a lot of the parks after the mayors. He also stated that Mr. John "Jack" H. Tarr was mayor for 17 years. He suggested they name the trail after him.

Councilwoman Richardson recommended "Bay to the Beach".

Councilwoman Bowden liked that as well.

Mayor Leonard asked to incorporate the John H. Tarr Bay to the Beach Bike Trail.

There were further comments.

Councilman Lewis motioned, seconded by Councilwoman Bowden to name the trail: The John H. Tarr Bay to the Beach Trail. Unanimously approved.

16. Proclamations:

- **Hurricane Preparedness**
- **National Police Week**
- **EMS Week**
- **Poppy Day**

Town Manager West read the proclamation for Hurricane Preparedness Week:



PROCLAMATION

Hurricane Preparedness Week 2019

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

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

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

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

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 12th – May 18th, 2018 as **Hurricane Preparedness Week** in the Town of Chincoteague.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Chief Mills read the National Police Week Proclamation:



PROCLAMATION

National Police Week 2019

To recognize National Police Week 2019 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

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

Whereas, there have been 58,627 assaults against law enforcement officers in 2018, resulting in approximately 16,677 injuries;

Whereas, since the first recorded death in 1786, more than 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

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

Whereas, 371 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 158 officers killed in 2018 and 213 officers killed in previous years;

Whereas, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 31th Annual Candlelight Vigil, on the evening of May 12, 2019;

Whereas, the Candlelight Vigil is part of National Police Week, which takes place this year on May 12-18;

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

Therefore, be it resolved that the Town of Chincoteague formally designates May 12-18, 2019, as National Police Week in Chincoteague Island, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager
Emergency Services Director Rush read the EMS Proclamation:



PROCLAMATION

Emergency Medical Services Week 2019

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

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

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

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

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

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

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers of the Town of Chincoteague and the Chincoteague Volunteer Fire Company by designating Emergency Medical Services Week;

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 19th – May 25th, 2018 as **Emergency Medical Services Week**.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

Mayor Leonard read the Poppy Day Proclamation:



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

Poppy Day Proclamation

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

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

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

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

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

Now, therefore, I, John Arthur Leonard, Mayor of Chincoteague, Virginia, do hereby proclaim, May 18, 2018 as Poppy Day and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy during this week.

Dated this 6th day of May 2019.

J. Arthur Leonard, Mayor

Attest:

James M. West, Town Manager

17. Mayor & Council Announcements or Comments

Councilman Reed asked Public Works Director Spurlock to speak with VDOT about the programming of the stop light at the bridge intersection.

Public Works Director Spurlock advised it is in the recall mode and when they finish striping the new pavement they will put it back in automatic mode.

Councilman Taylor thanked Chief Mills for his many years of service. He asked Chief Mills to express his appreciation to all of the officers for their dedication and putting their lives on the line every day.

Councilman Lewis also thanked Chief Mills. He stated that he's been working with him for 25-30 years. He took time away from his family on Christmas, birthdays working on murders, rapes, robberies, they've done it all. He advised Chief Mills to enjoy his retirement and not look back.

Vice Mayor Ellis also thanked Chief Mills. He thanked the young people who spent most of their day working and learning. He specifically thanked the citizens for coming out and giving their thoughts and information.

Councilwoman Bowden stated that she has known Chief Mills her whole life. She knows there have been times she has walked into his office and he was wondering what she wanted now. She stated that not only does she appreciate that he was the Chief of Police for Chincoteague, but she appreciates when he took the oath and put the badge on, not just for the career but for the wellbeing to every citizen he has ever served up and down the county. She also stated that he has been a guiding light to some of the younger people that may not have gone down that path. He has served the county and Town very well. She wished him nothing but the best.

Councilwoman Richardson stated that she can remember when he was a child and she has a lot of pictures to prove it. She wished him well and thanked him.

Mayor Leonard echoed everyone else adding that he has done a phenomenal job as Assistant Chief, Patrolman and Chief. He stated that he's going to be hard to replace. He has known Chief Mills for at least 50 years in his grandmother, Mrs. Speidel's daycare. He told Chief Mills

to enjoy his retirement. He expressed how lucky everyone is to live on Chincoteague. He recalled an interview early Friday morning with the 2 Washington, DC ladies who fell in love with Chincoteague. He added that everyone at the Seafood Festival who saw the interview told them how much they enjoyed it and how lucky they are to live here. He added that even though we have our issues it is still the only place he wants to live.

18. Adjournment

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 16, 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 comments.

- Mrs. Linda Ryan, Chincoteague Island Library, advised Council the Island Library is

planning a summer program. They have developed a flyer to give more information. She thanked Council for their support. She added that they are doing a special reading program beginning in the fall in conjunction with the Chincoteague Elementary School. They will be giving gift certificates to the students for their reading. They will work with the teachers to select the reader that is making the best effort that quarter. She is thrilled that the schools are cooperating in this program with the Library. They are continuing to work to try to get the Chincoteague children excited about reading.

Mayor Leonard asked Assistant Police Chief Lewis to introduce the newest Police Officer.

Assistant Chief Lewis introduced Pfc. Dwight Barnes.

Council congratulated Officer Barnes.

5. Agenda Adoption

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

6. Public Hearing – Property Line Vacation

Building and Zoning Administrator Lewis explained that originally Mr. Conklin created a subdivision with 10 townhouse units. He has chosen not to build any more units. He added that even though Mr. Conklin doesn't want to build any more units the small parcels are still there. He wants to vacate the lot lines making it 1 parcel which would help in taxes as well. He added that there is no zoning violation by doing this.

Mayor Leonard opened the public hearing. No one signed up to speak and Mayor Leonard closed the public hearing.

Councilman Reed motioned, seconded by Councilwoman Bowden to approve the property line vacation of Richard T. Conklin, Sr. and Carolyn R. Conklin as requested. Unanimously approved.

**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: _____

7. Consider Approval of FY 2020 Proposed Budget

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve the FY 2020 Budget. Unanimously approved.

**Town of Chincoteague
FY'20 Budget Revenues**

Revenue Name	Number	Budgeted	
Fund 10 - General Government			
Real Estate Tax Levy	4001-0100	\$	630,000
Tangible Property Tax Levy	4001-0125	\$	195,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$	15,000
Meals Tax	4001-0500	\$	1,000,000
Bank Franchise Tax	4001-0600	\$	72,000
Sales Tax	4010-0100	\$	145,000
Business License	4010-0200	\$	128,000
Motor Vehicle License	4010-0300	\$	73,000
Utilities Tax	4010-0500	\$	224,000
Transient Occupancy Tax	4010-0600	\$	1,210,000
Fines	4015-0100	\$	50,000
Interest on Savings	4020-0100	\$	35,000
Cemetery Cleanup Donations	4041-0150	\$	200
Robert Reed Park Donations	4041-0180	\$	2,000
User Fees - Boat Ramps	4041-0200	\$	24,000
User Fees - Dog Park	4041-0300	\$	4,000
Building Permits	4041-0500	\$	46,000
Zoning Advertisements	4041-0600	\$	750
Sale of Capital Assets	4049-0100	\$	20,000
Health Insurance-Retirees Spouse	4051-0200	\$	13,000

VA Fire Programs	4051-0300	\$	10,000
Payment in lieu of Taxes - USFWS	4061-0100	\$	8,400
Rental Income - Trolley	4061-0106	\$	15,000
Tower Rent	4061.0107	\$	5,520
Communications Tax	4071-0100	\$	107,000
Personal Property Relief Act	4071-0200	\$	129,246
Mobile Home Sales Tax	4071-0300	\$	12,000
Car Rental Distribution Tax	4071-0400	\$	6,000
Recovered Cost from Water	4101-0200	\$	100,000
Public Works Miscellaneous	4201-0100	\$	3,000
Miscellaneous Income	4303-0100	\$	10,000
Solid Waste Collection Fee	4303-0400	\$	384,176
Law Enforcement Funds	4401-0100	\$	112,000
Police Miscellaneous	4401-0125	\$	3,000
Police Donations	4401-0150	\$	30,000
Police Grants	4401-0160	\$	7,200
USFWS - Sarbanes Grant	4401-0201	\$	450,000
VDOT Maintenance Funds	4501-0100	\$	697,315
Road Permit Fees	4501-0101	\$	200
VA Commission for the Arts - Grant	4545-0140	\$	4,500
VDEM Grant	4545-0145	\$	7,500
VA Port Authority Grant	4601-0300	\$	99,000
Transfer from Ramp Repair Fund	4701-0400	\$	33,000
Transfer from Gen. Fund Savings	4701-1000	\$	35,000
Transfer from Mosquito Ctrl Savings	4701-1100	\$	18,000
Total Fund 10		\$	6,174,007

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	400
Harbor Rent	4031-1000	\$	108,545
Subleases	4031-1002	\$	52,000
Dry/Winter Storage	4031-1003	\$	1,000
Fuel Revenue	4031-1058	\$	376,290
Harbor Miscellaneous	4031-1060	\$	1,000
Total Fund 30		\$	539,235
Fund 70 - Trolley			
Trolley Grants	4501-0100	\$	62,883
Program Income	4501-0110	\$	1,500
RTAP Reimbursements	4501-0200	\$	-
Transfer from General Fund	4501-8900	\$	25,685
Total Fund 70		\$	90,068
Fund 80 - Water			
Water Rent	4101-0100	\$	1,020,000
Waterline Extensions	4131-0100	\$	5,000
Service Connections	4131-0200	\$	6,111
Interest on Water Savings	4131-0300	\$	8,000
Miscellaneous	4131-0400	\$	6,000
Availability Fees	4131-0500	\$	45,000
Transfer from Water Reserve	4701-0100	\$	380,000
Total Fund 80		\$	1,470,111
TOTAL ALL FUNDS		\$	8,273,421

Town of Chincoteague

FY'20 Expenditures

<u>Expenditure Name</u>	<u>Number</u>	<u>Budgeted</u>
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FUND 10 - General Fund

Fund 10 - General Fund/Department 50 - General Government

Salaries

Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	434,154
Overtime	5010-1003	\$	2,700
	<i>Subtotal</i>	\$	464,694

Benefits

Social Security	5010-2001	\$	33,419
Hospitalization	5010-2101	\$	52,718
Retirement	5010-2201	\$	38,671
Life Insurance	5010-2202	\$	2,957
Unemployment - All Employees	5020-2103	\$	4,000
	<i>Subtotal</i>	\$	131,765

Expenses

Bank Charges	5030-3100	\$	8,000
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	15,300
Planning Commission	5030-3103	\$	100
Board of Zoning Appeals	5030-3104	\$	50
Building Permit Surcharge	5030-3105	\$	1,000
Board of Building Code Appeal	5030-3106	\$	50
Insurance	5030-3401	\$	133,000
Auditing	5030-3501	\$	30,000
Donations	5030-3601	\$	14,350

Civic Center (TOTAX)	5030-3701	\$	110,000
Meals Tax Tourism - 10%	5030-3705	\$	100,000
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	12,500
Office Equipment/Software Maintenance	5030-4402	\$	46,000
Postage	5030-4403	\$	12,500
Tax Conversion	5030-4404	\$	4,500
Gasoline	5030-4701	\$	1,000
Vehicle Maintenance	5030-4702	\$	500
Travel & Training	5030-4801	\$	2,500
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	1,000
Town Manager's Expense	5030-4903	\$	500
Attorney/Legal Consultants	5030-5101	\$	50,000
Drug/Alcohol Testing	5030-5201	\$	2,000
Christmas Dinner	5030-5501	\$	2,500
Dues	5030-6101	\$	1,000
Advertising & Website	5030-7101	\$	16,000
Building Maintenance	5030-7301	\$	15,000
Electricity	5030-7401	\$	12,000
Heating Oil	5030-7402	\$	5,800
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	7,000
Deer De-Pop Program	5030-7703	\$	300
Telephone Bills	5030-8202	\$	28,000
Health Insurance - Retirees	5030-8401	\$	39,300
Insurance-Retiree, Spouses & Others	5030-8402	\$	13,500

Retiree Prescription Assistance	5030-8404	\$	4,100
Miscellaneous	5030-8501	\$	3,000
911 Addressing	5030-8505	\$	500
Cemetery Cleanup	5030-8600	\$	200
Va Commission for the Arts	5030-8700	\$	9,000
Transfer to Trolley Fund	5030-8900	\$	25,685
	<i>Subtotal</i>	\$	743,135

Capital Improvements

Property Acquisition Reserve	5090-9704	\$	50,000
Office Equipment	5090-9709	\$	5,000
Council Room Equipment/Furniture		\$	10,000
	<i>Subtotal</i>	\$	65,000

Subtotal Fund 10 Dept 50 **\$ 1,404,594**

Fund 10 - General Fund/Department 51 - Emergency Management Services

Salaries

Emergency Medical Staff	5110-1002	\$	582,659
Overtime	5110-1003	\$	82,839
	<i>Subtotal</i>	\$	665,498

Benefits

Social Security	5110-2001	\$	50,910
Hospitalization	5110-2101	\$	73,332
Retirement	5110-2201	\$	41,789
Life Insurance	5110-2202	\$	3,163
	<i>Subtotal</i>	\$	169,194

Expenses

Emergency Med. Clothing	5130-3107	\$	4,000
EMS Cell Allowance	5130-3108	\$	2,500
Fire Department Donation	5130-3602	\$	21,000
Office Supplies/Publications	5130-4401	\$	200
Office Equip/Software Maint	5130-4402	\$	1,500
Travel & Training	5130-4801	\$	1,500
Dues	5130-6101	\$	500
VA Fire Programs/CVFC	5130-7601	\$	10,000
EOC Operations/Training	5130-7602	\$	5,000
Miscellaneous	5130-8501	\$	250
VOLSAP for Vol. Firefighters	5130-8912	\$	5,000
	<i>Subtotal</i>	\$	51,450

Capital Improvements

Training Equipment	5190-9150	\$	4,500
	<i>Subtotal</i>	\$	4,500

Subtotal Fund 10 Dept 51 **\$ 890,642**

Fund 10 - General Fund/Department - Public Works

Salaries

Salaries	6010-1001	\$	298,186
Overtime	6010-1003	\$	4,800
	<i>Subtotal</i>	\$	302,986

Benefits

Social Security	6010-2001	\$	23,217
Hospitalization	6010-2101	\$	56,575

Retirement	6010-2201	\$	17,875
Life Insurance	6010-2202	\$	1,946
	<i>Subtotal</i>	\$	99,613

Expenses

Seasonal Deco & Banners	6030-4100	\$	5,000
Office Supplies & Equipment	6030-4401	\$	300
Street Maintenance	6030-4501	\$	2,000
Street Signs / 911	6030-4502	\$	147
Street Lights	6030-4503	\$	26,500
Gasoline/Diesel	6030-4701	\$	22,700
Oil/Grease	6030-4703	\$	1,500
Tools Shop	6030-4704	\$	1,750
Travel/Training	6030-4801	\$	500
Clothing / Uniforms	6030-5202	\$	5,500
Building Maintenance	6030-7301	\$	1,000
Equipment Repairs	6030-7302	\$	18,000
Safety	6030-7303	\$	400
Vehicle PMs	6030-7304	\$	200
Tires	6030-7305	\$	2,000
Garage Supplies	6030-7306	\$	3,000
Vehicle Repairs	6030-7307	\$	7,000
Electricity	6030-7401	\$	10,500
LP Gas	6030-7402	\$	2,200
Tipping Fees	6030-7501	\$	250
Sanitation Contract	6030-7502	\$	402,198
Miscellaneous	6030-8501	\$	2,000
Robert Reed Park Donations	6030-8510	\$	1,800

Parks & Rec Expense	6030-8590	\$	35,000
Vandalism Repairs	6030-8600	\$	500
Boat Ramp Expense	6030-8700	\$	12,000
	<i>Subtotal</i>	\$	563,945

Capital Improvements

Vehicle/Equipment	6090-9101	\$	30,000
Memorial Park Pier & Ramp Repair	6090-9104	\$	50,000
DJ Amrien Center Ext Repairs	6090-9105	\$	15,000
R Reed Landscaping & Furniture	6090-9107	\$	10,000
Sidewalk Repairs - Municipal Center	6090-9108	\$	11,000
Floating Dock - R Reed Park	6090-9110	\$	132,000
Rehab East Side Boat Ramp	6090-9120	\$	25,000
Bridge Tender House Restoration	6090-9300	\$	265
Ped Trail - Sarbanes	6090-9301	\$	409,000
Park Kiosks and Info Boards	6090-9310	\$	2,000
Dog Park	6090-9475	\$	15,000
Smith Stt Park Project	6090-9500	\$	67,000
Pave Municipal Ctr/Comm Ctr Parking	6090-9600	\$	42,000
	<i>Subtotal</i>	\$	808,265

Subtotal Fund 10 Dept 60 **\$ 1,774,809**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	37,379
Overtime	6110-1003	\$	350
	<i>Subtotal</i>	\$	37,729

Benefits

Social Security	6110-2001	\$	2,886
	<i>Subtotal</i>	\$	2,886

Expenses

Insurance	6130-3401	\$	6,500
Office Supplies	6130-4401	\$	30
Gasoline	6130-4701	\$	5,600
Tools & Small Equipment	6130-4704	\$	375
Chemicals	6130-4705	\$	50,000
Contract Spraying	6130-4706	\$	24,000
Travel/Training/Conference	6130-4801	\$	100
Sundry	6130-6101	\$	100
Equipment Repairs/Maintenance	6130-7302	\$	100
Vehicle Maintenance	6130-7304	\$	1,500
	<i>Subtotal</i>	\$	88,305

Capital Improvements

Equipment/Vehicles	6190-9124	\$	25,000
	<i>Subtotal</i>	\$	25,000

Subtotal Fund 10 Dept 61 **\$ 153,920**

Fund 10 - General Fund/Department 65 - Public Works Roads

Salaries

Salaries	6510-1001	\$	118,245
Overtime	6510-1003	\$	2,500
	<i>Subtotal</i>	\$	120,745

Benefits

Social Security	6510-2001	\$	9,237
Hospitalization	6510-2101	\$	20,088
Retirement	6510-2201	\$	3,803
VSRS/Life Insurance	6510-2202	\$	803
	<i>Subtotal</i>	\$	33,931

Expenses

Snow Removal	6530-4102	\$	33,000
Pavement Maintenance	6530-4150	\$	303,000
Sidewalks	6530-4201	\$	55,000
Traffic Control Operations	6530-4202	\$	2,200
Roadside Services	6530-4250	\$	3,439
Drainage Maintenance	6530-6250	\$	20,000
Traffic Control Devices	6530-7202	\$	12,000
Electricity	6530-7450	\$	66,000
Engineering	6530-8600	\$	8,000
Vehicles/Equipment	6530-9855	\$	40,000
	<i>Subtotal</i>	\$	542,639

Subtotal Fund 10 Dept 65 **\$ 697,315**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	596,156
Overtime	7010-1003	\$	9,800
	<i>Subtotal</i>	\$	605,956

Benefits

Social Security	7010-2001	\$	46,356
Hospitalization	7010-2101	\$	73,332
Retirement	7010-2201	\$	45,900
Life Insurance	7010-2202	\$	3,474
	Subtotal	\$	169,062

Expenses

Gasoline	7030-4701	\$	16,000
Travel/Training	7030-4801	\$	7,500
Uniform Allowance (Officers)	7030-5201	\$	6,600
Uniforms - Town	7030-5202	\$	2,400
Office Supplies/Equipment Maintenance	7030-7300	\$	5,000
Equipment Repairs & Supplies	7030-7302	\$	6,800
Vehicle Maintenance	7030-7304	\$	8,500
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	8,900
Bicycle Patrol	7030-7904	\$	1,000
Community/Youth Programs	7030-7905	\$	30,000
Grant Funded Expenditures	7030-7906	\$	6,000
Ammunition	7030-7907	\$	1,500
Cell Phone Allowance	7030-8203	\$	3,300
Police Accreditation	7030-8301	\$	1,900
Sundry	7030-8501	\$	1,500
	Subtotal	\$	111,900

Capital Improvements

Patrol Vehicle	7090-9650	\$	44,000
Kevlar Vests	7090-9660	\$	2,500

Radio Repeater	7090-6565	\$	13,600
Fingerprint Scanner	7090-9695	\$	5,500
Computers/Software	7090-9696	\$	4,000
Magestrate Comm	7090-9750	\$	6,500
Software Maintenance - cameras	7090-9760	\$	8,290
Cellbright Cell Phone Tool	7090-9762	\$	20,000
	<i>Subtotal</i>	\$	104,390

Subtotal Fund 10 Dept 70 \$ **991,308**

*Fund 10 - General Fund/Department 75 -
Dispatch*

Salaries

Salaries	7510-1001	\$	180,938
Overtime	7510-1003	\$	2,700
	<i>Subtotal</i>	\$	183,638

Benefits

Social Security	7510-2001	\$	14,048
Hospitalization	7510-2101	\$	32,592
Retirement	7510-2201	\$	12,449
Life Insurance	7510-2202	\$	942
	<i>Subtotal</i>	\$	60,031

Expenses

Travel/Training	7530-4801	\$	800
Uniform Allowance - Dispatchers	7530-5201	\$	1,500
Uniforms (Town for Dispatchers)	7530-5202	\$	800
Office Supplies/Equipment Maintenance	7530-7300	\$	14,500

Sundry	7530-8501	\$	150
	<i>Subtotal</i>	\$	17,750

Subtotal Fund 10 Dept 75		\$	261,419
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Total Fund 10	\$	6,174,007
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Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$	45,284
	<i>Subtotal</i>	\$	45,284

Benefits

Social Security	8010-2001	\$	3,464
Hospitalization	8010-2101	\$	7,333
Retirement	8010-2201	\$	4,076
Life Insurance	8010-2202	\$	308
	<i>Subtotal</i>	\$	15,181

Expenses

Operation/Maintenance/Etc.	8030-7300	\$	30,000
Fuel Purchase	8030-7315	\$	330,000
Sundry	8030-8501	\$	300
	<i>Subtotal</i>	\$	360,300

Capital Improvements

Long Term Replacement Reserve	8090-9124	\$	58,000
Infrastructure Repairs/Upgrades	8090-9200	\$	35,470
New Fuel System	8090-9130	\$	25,000

Subtotal \$ 118,470

Total Fund 30 \$ **539,235**

Fund 70 - Trolley

Salaries

Salaries 3010-0100 \$ 44,442

Subtotal \$ 44,442

Benefits

Social Security 3010-2001 \$ 3,400

Subtotal \$ 3,400

Expenses

Insurance & Bonding 3030-3401 \$ 3,310

Communication Service 3030-4400 \$ 1,225

Printing & Reproduction 3030-4401 \$ 2,716

Advertising & Promotion 3030-4402 \$ 1,175

Education & Training 3030-4403 \$ 1,000

Cleaning Supplies 3030-4404 \$ 100

Supplies, Materials & Uniforms 3030-4406 \$ 500

Memberships and Dues 3030-4407 \$ 250

Travel & Meals 3030-4408 \$ 1,000

Fuel and Lubricants 3030-4701 \$ 7,000

Tires & Tubes 3030-4702 \$ 600

Parts 3030-4704 \$ 750

Drug Testing 3030-5201 \$ 1,100

Equipment Repairs/Maintenance 3030-7302 \$ 6,500

Rent 3030-8505 \$ 15,000

Subtotal \$ 42,226

Total Fund 70 \$ **90,068**

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	261,887
Overtime	6210-1003	\$	5,000
Pump Duty	6210-1004	\$	19,000
	<i>Subtotal</i>	\$	285,887

Benefits

Social Security	6210-2001	\$	21,870
Hospitalization	6210-2101	\$	36,259
Retirement	6210-2201	\$	18,624
Life Insurance	6210-2202	\$	1,784
	<i>Subtotal</i>	\$	78,537

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$	1,200
Postage	6230-4403	\$	5,000
Gasoline & Diesel	6230-4701	\$	5,000
Tools	6230-4704	\$	2,000
Chemicals	6230-4705	\$	12,000
Travel & Training	6230-4801	\$	1,400
Uniforms	6230-5202	\$	1,300
Dues/Licenses	6230-6101	\$	2,200
Building Maintenance/Rehab	6230-7301	\$	2,500
Safety	6230-7303	\$	50

Vehicle Maintenance	6230-7304	\$	1,500
Raw Water Purchase (NASA)	6230-7400	\$	-
Electricity	6230-7401	\$	32,000
LP Gas	6230-7402	\$	100
Distribution & Repairs	6230-8101	\$	45,000
Supply Repairs	6230-8103	\$	7,000
Cell Phone Allowance	6230-8202	\$	900
Miss Utility	6230-8204	\$	800
Sundry	6230-8501	\$	500
Reimbursement to Fund 10	6230-8601	\$	100,000
Regulation Compliance	6230-8750	\$	6,000
State Groundwater Permits	6230-8770	\$	10,000
	<i>Subtotal</i>	\$	236,450

Capital Improvements

Water Main Extensions	6290-9101	\$	5,000
Metered Distribution	6290-9207	\$	10,000
Water Bonds	6290-9506	\$	169,829
Interest on Water Bond	6290-9507	\$	11,772
AMI Bond	6290-9508	\$	84,858
AMI Bond Interest	6290-9509	\$	18,170
Waterline Line Replacement	6290-9600	\$	27,000
High Rise Tank Paint	6290-9701	\$	450,000
Vehicle	6290-9850	\$	34,608
Desalination Feasibility Study	6290-9851	\$	40,000
Equipment	6290-9855	\$	15,000
Software, Computers	6290-9856	\$	3,000
	<i>Subtotal</i>	\$	869,237

Councilman Reed referring to the lot in Sunnywood, commenting about over-filling.

They discussed the elevation and permit.

Councilman Taylor commented on the conflicting ordinance.

Building and Zoning Administrator Lewis feels they should address it on a complaint basis advising he would then go out to determine if the complaint is valid.

Councilman Taylor stated that when you have a pyramid built up on the property you can't prevent your water from running off on anyone else. He feels in a normal fill job, it can be prevented. However, on a high fill job there's no correction.

Building and Zoning Administrator Lewis stated that no matter where you slope it, the water will run off on someone.

There were further comments.

Planning Commission Chairman Rosenberger advised you would hope that people would come to some agreement when challenged and act accordingly.

Mayor Leonard feels it wouldn't have helped the situation on north Main Street.

Councilwoman Richardson referred to the property on the corner of Ridge Road and Sunset Drive where the neighbor filled in the swale. She read in the Code: "any existing swale or ditch cannot be filled in".

Building and Zoning Administrator Lewis interjected that they made him put the swale back.

She mentioned another incident on Taylor Street.

Building and Zoning Administrator Lewis advised there is a Town and FEMA ordinance that states you can't put anything in a ditch. He stated that each time someone comes they should present pictures, so he can let them know they can't fill in.

Vice Mayor Ellis mentioned a section that states the certification requirement from a professional engineer architect. He asked who would pay for this.

Building and Zoning Administrator Lewis feels it should be at the expense of the person who is filling. He doesn't feel that the Town should be paying for engineers. He advised that on a lot that is filled in 10,000 square feet, the Department of Soil and Sediment Control will have to look at it and approve it. However, if it's a commercial project they will have more things to do such as retention ponds, drainage, etc. Residential, less than 10,000 square feet will require a silk fence.

Councilwoman Bowden, referring to Planning Commission Chairman Rosenberger's statement about that the State Code, feels it would be a good thing to have it in the Town's Ordinance.

Planning Commission Chairman Rosenberger feels that it gives them the right direction.

Vice Mayor Ellis stated that regarding the north Main Street property where the back was filled in, he feels they were never going to resolve it between themselves. He also stated that it puts the Town in the middle of a civil matter.

Councilman Taylor commented about requiring an engineer's certification.

Building and Zoning Administrator Lewis advised that FEMA requires a Zoning Permit on any new project. He added that there is no fee for this permit.

There was discussion regarding a property at the end of north Main Street with a neighbor who fought the fill.

Councilman Reed stated that unless there were pictures proving they didn't have problems before and they have problems after the fill you can't do anything about it. He advised he is fine with the ordinance the way it is written.

Vice Mayor Ellis asked about the enforcement mechanism.

Building and Zoning Administrator Lewis stated that the court would ask what qualifications he has to make that determination. He could get the Department of Soil and Sediment Control to make the determination and they would have to go to court. He doesn't believe it will hold up in court.

Vice Mayor Ellis feels the intent is good but doesn't like the wording.

Councilman Reed motioned, seconded by Councilman Taylor to approve the Filling Ordinance as presented. The motion was carried.

Ayes: Reed, Taylor, Ellis, Bowden and Lewis

Nays: Richardson

Absent: None

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)

9. Proposal to Modify Chapter 30, Floods, Sec. 30-16

Councilman Taylor stated that standard building is not a problem. He also stated that when you build a house 12 blocks high it doesn't run off.

Councilwoman Richardson interjected that it does.

Councilman Reed advised that you have to fill inside the foundation, but you don't have to fill outside the foundation. He added that when you build a house, you determine the height of the foundation. It doesn't have anything to do with dirt.

They discussed the flood vents.

Building and Zoning Administrator Lewis stated that the typical home isn't required to put fill in unless there is an alternative purpose.

Councilman Taylor gave some examples. He stated that if they go to the base elevation on the slab only they would have to go up about 6" which will change the looks of the Town.

Councilman Reed referred to the Library and feels they make out fine where they are. His complaint is that they are approving an ordinance to not flood out their neighbors.

Councilman Taylor commented further.

Councilman Reed asked Building and Zoning Administrator Lewis if garages and sheds have to be above flood elevations unless they're built out of material. Explaining that if you have a garage with a foundation it can be below the flood elevation just like it always was.

Building and Zoning Administrator Lewis responded that a garage or shed that is over 600 square feet has to be at flood elevation, with no exceptions. A garage or shed or anything less than 600 square feet; you can make it out of preservative treated wood with flood vents and anchor it.

Councilman Reed continued that if you have a garage that has a concrete block foundation, as long as the wood part of the walls is out of the flood plane you're fine. He mentioned the commercial building at the turn circle. He reminded Council that when they put in fill, it flooded the other side.

Building and Zoning Administrator Lewis referred to the circle and stated that he has been there through hard rains as well. He advised that all of the rain water goes to the retention pond in the back. He added that the slope gets water on it but the parking lot funnels to the retention pond.

Councilman Reed feels they are contradicting themselves. They don't want anyone to fill in and flood the neighbor, but on another note, they have to use fill in order to be in compliance with FEMA.

Mayor Leonard stated that it's not when you do fill, which is required, that you put in a swale.

Councilman Reed interjected that you're allowed to build 5' off the property line. He added that you will have to back pack the dirt, you have to taper it enough to hold the back pressure of the land.

There was discussion about how much fill.

Councilman Reed advised that before any of this came up, he spoke with Building and Zoning Administrator Lewis. He again mentioned the garage across the street and it would have been \$1,000 more in flood insurance if his building was lower.

Councilman Taylor stated that they would hope that people would build as high as they can and get the cheap rates. The problem with the Town's Ordinance is that they are requiring them to. He commented further.

Councilwoman Richardson reminded Council of an email from Mrs. Kristin Owen with the DCR who would not recommend getting rid of the freeboard because being on the coast the Town's flood risk is also impacted by sea level rise and substances which aren't factored into the floodplain maps. Having that extra elevation is really a long-term protection for the structure but it also allows for a reduced flood insurance rate as well as contributes to the Town's CRS claims

which provides additional discounts to flood insurance policies. Depending on how the ordinances are written, they may have some options available without getting rid of the freeboard.

Councilman Taylor stated that his concern is that he wants to recommend it but doesn't want to make it mandatory.

There were comments about historical flooding.

Vice Mayor Ellis asked if each property has a floodplain rating.

Building and Zoning Administrator Lewis responded that there is a floodplain map that identifies the different flood zones on the Island. Some are out of the flood zones and some are in. There are 3' – 6' base flood elevations. Everything used to be 8' base flood elevation except in the downtown that was 7'. He added that there were 9' and 10' base flood elevation requirements.

Vice Mayor Ellis asked if the flood insurance discount depended on the lower scores.

Building and Zoning Administrator Lewis stated that the higher you are above flood elevation the more discounts you're going to get. He gave his home as an example. His house was built at an 8' 6" base flood elevation, then his property was dropped to a 4' zone and ground level is at 4'. He added that his flood insurance is cheap.

Councilman Reed asked if they should table this and wait on FEMA.

Mayor Leonard advised it is not FEMA it's the state and Mrs. Owen did not recommend allowing building below base flood elevations. He feels it makes sense for everyone on the Island.

Councilman Reed added that this change is non-residential.

Building and Zoning Administrator Lewis reported that according to the current score, the Town isn't where they thought they were.

Town Manager West advised that he distributed the sheet. He stated that he called to see what the current score is, and he was advised that it is 1,089. He also stated that it doesn't add up because where they have a freeboard in the code they were supposed to get 200 points. Theoretically, they'll go back to a 9' base flood elevation and everyone's flood insurance goes to 5% discount instead of 10%. He advised that he asked if they were taking 200 points away that the Town never received.

Councilman Taylor asked for clarification.

Town Manager West reiterated that they are at 1,089 and they were supposed to get 200 points for each foot of freeboard. He is unsure why they didn't get that because by the map, they shouldn't have been an 8. The Town was actually a 9 years ago.

Councilman Taylor stated that it wasn't because of the ordinance. He explained in 2014, before this was enacted, they were at an 8'.

Town Manager West advised he asked for advice and there are risks and he is unsure what they are until he can do more research.

Vice Mayor Ellis commented about the score.

Councilman Taylor again stated that he doesn't want it to be up to Council to make them do it. He added that if they do it on their own, it goes back to be a civil suit. He asked how the garage across the street would be a good neighbor if he is filling his lot, when the Town made him do it.

Councilwoman Richardson stated there are all those people who have already done this.

Councilman Taylor stated that when you have a lot of land there is no problem. He added that the problem is when you don't have a lot of land. He commented further.

Councilwoman Richardson stated that it is a precaution. She added that you're not making them do it if they want to build.

Councilman Taylor stated that it is a requirement. He gave another example.

Councilman Reed stated that if he was going to build a garage business with heavy vehicles, he would have to put a slab he would have to build up the property. He would like to know more about the rating before moving forward.

Councilman Taylor stated the question; is the Town going to require this or allow it to be up to the owner.

Councilman Reed stated that it comes down to paying more flood insurance and he doesn't want to pay more flood insurance.

Building and Zoning Administrator Lewis interjected that the numbers aren't correct. They're doing research to see where the Town actually is.

Vice Mayor Ellis asked if this were approved and a property owner built it without the 2' freeboard would the insurance increase only impact that individual.

Mayor Leonard advised it would impact the entire Island.

Building and Zoning Administrator Lewis added that the rating numbers would adjust. The Town was an 8 before and is listed as an 8 now. He knows the numbers aren't correct. He stated that if the numbers aren't correct and they vote to change it, then he is required to send the new ordinance to FEMA. They will back the 200 points off of the Town, even though they didn't get the credit. He added that they have to be careful. He also stated that at this time they should be

receiving 200 points of credit because they approved the 2' of freeboard. Somewhere something was lost. He asked Council if they are willing to gamble with this.

Councilman Taylor asked if they would agree to table the matter to see if this ordinance will change the rating from an 8 to a 9.

Building and Zoning Administrator Lewis stated that until they know the real numbers, and he is confident they are not, they have to see where they actually stand before adjusting anything.

Councilman Reed motioned, seconded by Councilwoman Richardson to table this matter. Unanimously approved.

10. Mayor & Council Announcements or Comments

Councilman Reed stated that he has been thinking about the Chief of Police position and using the Police Chief Association. He would like to hear everyone's opinion on whether they should do this inhouse or allow the Association to continue.

There were comments.

Vice Mayor Ellis stated that they've had a couple of discussions with the Chief Mills. There were a couple of issues and concerns within the department. He stated that they decided as a Council that they wouldn't automatically promote from within. They made the decision to advertise which brought 55 applicants, 29 from Virginia. They have the ability to have a council of experts in the field who truly evaluate these candidates to identify who they feel is best based on the professional resume. They also do background checks and check references. He feels they would be foolish not to take advantage of this. Council have advised the Association to include the 3 local applicants as well. He feels that the advice and expertise they will receive is more important than the expense. Vice Mayor Ellis also stated that they are going to be interviewing the 3 locals anyway and he they need the expertise. He believes if they choose to do it themselves, they are opening up to a great deal of criticism from a wide variety of people. It is important to follow the process and see where it leads.

Councilwoman Bowden asked how long it would take the Association to make their recommendations.

Town Manager West advised that he signed an agreement of 45 - 60 days.

Councilwoman Bowden asked if this would be by the middle of July before they would interview.

Councilman Reed added that after that is when Council will do their part with interviews and selection.

Councilwoman Bowden asked when they would name the new Police Chief and their start date.

Mayor Leonard believes the end of July. He added that part of the process is getting an interim Chief to come in and conduct a review.

Councilman Reed asked if the Town would be separately paying the interim Chief.

Town Manager West advised they would.

Mayor Leonard stated that this person would be doing the Chief job. He added that paying him would be less than paying a Chief. The Association has recommended someone for the interim position.

Councilwoman Bowden asked when the Town's new Chief of Police would start.

Town Manager West believes the end of July.

Vice Mayor Ellis stated that the interim Chief has expertise and would be able to share his views on the issues within the Police Department. He feels they should talk about concerns with the candidates they would be interviewing.

Council asked about the interim Chief.

Town Manager West stated that he is retired as a Police Chief of Smithfield and also served as Sheriff of Isle of White County before retiring.

Councilman Reed doesn't have a problem with this process. He stated that Council has the final say. Council is paying someone to conduct background checks and an interim Chief. Originally, they were only going to let them conduct background checks for those in-state also to include the 3 local candidates. He commented about the politics of this matter being addressed on social media.

Vice Mayor Ellis added that this isn't about politics.

Mayor Leonard commented.

Councilwoman Bowden stated that she doesn't have an issue with it. However, she feels like it is a festering thing. She understands that they need to cover all angles.

Councilman Reed wants to make sure it's done right.

Councilwoman Bowden stated that she wouldn't feel this way if Chief Mills' retirement was December 31st with the winter. However, getting ready to go into the busy season it's nerve racking. She advised she has full confidence in the officers. She doesn't want to go into the busy season without the decision settled. She asked that they get something done by the middle of July. She agrees with the interim Chief evaluating the Police Department.

Councilman Reed asked if Town Manager West could post on the website that there is a process for the selection of Police Chief. He is tired of people coming to him with their recommendation.

Councilwoman Bowden stated that anyone who has asked about it is advised of the process.

Councilwoman Richardson stated that people are glad there is a process.

Vice Mayor Ellis stated that law enforcement is different than working at a school or running a hotel. They can now make an intelligent decision based on the professional recommendations.

Councilwoman Bowden stated that she agreed with Vice Mayor Ellis about the interim Chief.

Councilman Taylor understands about getting bombarded, but feels they have great people and should promote from within.

Councilwoman Bowden referred back to the flooding and a property on the corner of Ridge Road and Wayne Road.

Councilwoman Richardson stated that he needs a gutter or ditch but doesn't want it.

There was discussion about putting a pipe in the ditch and acquiring a Land Use Permit.

11. Adjournment

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

John H. Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 3, 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. Certificate of Recognition – Mr. Roy Jones

Mayor Leonard read a Certificate of Recognition in honor of Mr. Roy Jones' 100th birthday.



CERTIFICATE OF RECOGNITION

awarded to

Mr. LeRoy Andrews Jones

WHEREAS, Mr. LeRoy Andrews Jones is being honored by relatives and friends on the occasion of his rewarding 100 years of life; and

WHEREAS, Mr. Jones was born on June 6, 1919 on Chincoteague, and moved to the Assateague Village at age 1, and

WHEREAS, Mr. Jones moved back to Chincoteague at age 11 and has remained a productive member of this community; and

WHEREAS, Mr. Jones is a faithful member of Union Baptist Church; and

WHEREAS, throughout his life, he has demonstrated in countless ways his dedication to the welfare of others and has earned the respect and affection of people from all walks of life and all ages;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, and on behalf of the Chincoteague Town Council and all our citizens, I do hereby deem it an honor and pleasure to extend this tribute to Mr. LeRoy Andrews Jones in celebration of his long and productive life and wish him many more happy years in the future.

DATED this 3rd day of June 2019.

Mayor John A. Leonard

5. Public Comments

Mayor Leonard read the rules for public comment. He opened the floor for public comments.

- Ms. Maria Paccioretti, 5215 Pine Tree Way, advised she is speaking on behalf of Oyster Bay II Community. She expressed their concerns of a delinquent property on the corner of Pine Tree Way and Green Glade Court. She passed out pictures of the property explaining that it continues to deteriorate. She has owned property in Oyster Bay since the early 1980s. She stated that the whole time she has been here fulltime she has never seen anyone in the Pine Tree Way house. The house is approximately 50 years old and continues to deteriorate and the grass is now chest high. There are vermin on the property and going in and out of the house. There are several dead trees and branches often fall across the roadway during storms. The owners are several years behind in the Association dues and she has been told they are behind in taxes both in the County and Town. She stated that the other properties in Oyster Bay II are well

maintained and this property is not only an eyesore bringing down property values but presents a safety issue to children and pets in the area. She thanked Council for their consideration. She also thanked Council for the Dog Park. She added that several of her friends and neighbors support her comments.

Mayor Leonard stated that there has been a letter mailed about the grass which will be cut.

- Ms. Jackie Nuzzo, 5277 Pine Tree Way, advised she is across from the house on Pine Tree Way. She stated that she has a health issue receiving 3 allergy shots every Monday morning. She stated that when the wind is blowing, and the grass hasn't been cut, she has a hard time breathing. She reported that a few years ago the owner's son came on a Sunday to cut the grass. She advised it was so thick it threw grass over into her driveway covering her car and the road. She has breathing problems and can't take it.

- Mrs. Margaret Nichols, 5374 Hibiscus Drive, advised she is building a new house and she represents the Board of Realtors. She stated that the poor condition of the property on Pine Tree Way is making the adjacent properties non-sellable. The owner hasn't responded to any of the correspondence the Oyster Bay II HOA has sent. She feels it's affecting everyone's property values. She warned the Town that when they go to mow the property there are trees and limbs down and there are raccoons living in the house. She is unaware of the Condemnation Code. She feels the house is getting ready to fall down.

- Mr. Garry Pinkston, 6264 Mumford Street, saluted Councilman Lewis and the veterans present. He thanked Town Manager West for coming back to the Town as the Town Manager. He thanked Councilwoman Bowden and the Firemen for allowing him to be able work at the carnival. He talked about his duck rescue mission. He stated that he loves the veterans and he blessed everyone.

- Mrs. Cheryl Taylor, 4682 Main Street, advised her neighbor was biking with a helmet. She hit the new curb on East Street and Main Street and broke her hip. She wanted to make sure the Town was aware there is a problem with that curb. She also advised there is a lot of trash on the bike path at Ocean Boulevard Ext.

Councilwoman Richardson asked if her neighbor was traveling on the roadway or sidewalk.

Mrs. Taylor responded she was traveling on the roadway.

6. Agenda Adoption

Vice Mayor Ellis suggested moving item #15 Council Announcements & Comments to #12, before the closed session.

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda as changed. Unanimously approved.

7. Staff Updates

Mayor Leonard introduced the interim Police Chief, Mr. Mark Marshall who has stepped in for the retired Chief, Mr. Randy Mills. He advised he served with distinction in Smithfield and Ilse of Wight. He now resides in Cape Charles. He feels Mr. Marshall will do a fine job.

Mr. Marshall advised he is in the office 3 days a week. He can be reached by email or phone. Town Manager West advised that Public Works Director Spurlock has scheduled a Wastewater Advisory Committee meeting for June 18th at 2:00 p.m.

There were no other reports.

8. Committee Reports

Ordinance Committee:

Councilman Reed reported that they met May 9th where Councilman Taylor proposed removing the 2' freeboard from commercial structures and pole sheds. They discussed this and other options.

Councilman Taylor commented that they can't risk losing points with the FEMA rating system. He suggested going to the community rating meetings.

Budget and Personnel:

Vice Mayor Ellis reported that they met on May 14th. They learned that Anthem had rescinded the increase in health insurance premiums for Town employees. The decrease would amount to a savings of \$40,000 in the FY 2020 budget. He also advised that the Transient Occupancy Tax increase has not been approved by Council. He stated that Council approved considering the increase at a later date. Town Manager West gave the Committee a revised estimate of the income that would be derived by an increase of 1%. The Committee is considering an additional scholarship to a second Chincoteague High School graduate each year. Vice Mayor Ellis added if each of these three things came to Council before the approval of the FY 2020 budget they would have been required to conduct another public hearing. However, by waiting it will be addressed later in the year with a budget amendment.

Vice Mayor Ellis stated that in the employee compensation plan some of the pay levels are not consistent with the job description. The Committee has asked Town Manager West to review all job descriptions to ensure consistency.

Mayor Leonard stated that the Town has to step up. He stated that all of the other organizations are giving 5 or 6 scholarships and the Town is only giving one. He announced that Miss Samantha Nicholson was the recipient of the Justin P. Stone Memorial Scholarship. She will be attending UVA in the engineering program in the fall.

Councilwoman Richardson commented that there were 6 bicycles given away at the Police Bicycle Rodeo, in lieu of the Police report which stated 4 were given away.

9. Consider Adoption of the Minutes of the May 2, 2019, May 6, 2019 and May 16, 2019 Council Meetings

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the May 2, 2019, May 6, 2019 and May 16, 2019 Council meetings as presented. Unanimously approved.

10. Joint Public Hearing – Change in Zoning

Mayor Leonard opened the joint public hearing. He stated that everyone who signed up for public participation has already spoken. He asked for any further public comments, there were none and he closed the public hearing.

Planning Commission Chairman Rosenberger opened the Planning Commission’s public hearing. There being no comments, he closed the Planning Commission’s public hearing. He entertained a motion from the Planning Commission members.

Mr. Shendock motioned, seconded by Mr. Britton to recommend the approved changes to Sec. 7.4 and 7.4.4, Temporary Signs as presented. Unanimously approved.

Planning Commission Chairman Rosenberger advised that the Planning Commission has discussed and agreed on the changes to the Temporary Sign Ordinance. They recommend approving the ordinance as presented.

Vice Mayor Ellis stated that the Planning Commission’s recommendation makes a lot of sense. He also stated that they felt that large banners shouldn’t be placed on porches in residential areas which was why they reached this recommendation.

Vice Mayor Ellis motioned, seconded by Councilman Lewis to adopt the proposed zoning change to Sec. 7.4 and 7.4.4, Temporary Signs as presented by the Planning Commission as written. Unanimously approved.

Sec. 7.4. Temporary Signs.

7.4.1. Permitted by right. The following temporary signs shall be permitted as a matter of right and no sign permit is required **except as noted**, subject to the conditions specified, and the other provisions of Article VII, as applicable. Use of banners, flags and pennants for the purpose of advertising home occupation business is prohibited in residential zoning districts.

(Amended 11/7/11)

7.4.4. Banners. On premises banners shall not be more than 32 square feet in area. No more than one banner per business or one per commercial building lot for each 100 linear feet, or less, of public road frontage shall be permitted, provided however for each additional 100 feet of public road frontage after the

first 100 feet, an additional banner shall be permitted. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required. **Banners advertising and/or displaying Vacation Rentals, Real Estate & For Sale are prohibited.**

(Amended 11/7/11, 06/06/16)

11. Vehicle and Traffic Code

Mayor Leonard explained that this is readopted each year.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the Traffic and Vehicle Code. Unanimously approved.

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of

Virginia of 1950, as amended, in effect on July 1, 2019, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19)

(b)The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2019. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19)

12. Mayor & Council Announcements or Comments

Councilman Taylor discussed the accumulation of trash on the Ocean Boulevard bike trail. He feels that there should be more receptacles and maybe lighting. He thanked the Police Department for all they have done. He thanked newly retired Chief Randy Mills for his many years of service. He also thanked Mr. Marshall for filling in as the interim Chief.

Vice Mayor Ellis stated that he looks forward to working with and learning from Mr. Marshall.

Councilwoman Bowden commented on the trash in the water along the Ocean Boulevard bike trail as well. She asked if staff would clean this. She advised of a house on south Main Street that the Town has had a few issues with. She asked Town Manager West if Town staff could cut that yard as well. She asked about illegal fireworks.

Asst. Chief Lewis advised when they hear it or get a report on it they attempt to find out the location.

Councilwoman Bowden also welcomed Mr. Marshall and thanked him for helping out. She added that since Council met they have lost a very important member of this community, Ms. Maureen Beebe. She stated that between her family and Marguerite Henry, she doesn't know where Chincoteague would be. She added that she will be greatly missed. She asked that everyone keep her family in their thoughts and what she meant to the Island.

Councilwoman Richardson welcomed Mr. Marshall as well.

Mayor Leonard warned everyone about the seasonal increase in traffic, pedestrians and bicycles and asked everyone to be patient.

Councilwoman Richardson reminded everyone of the Public Works Committee meeting the following night at 5:00 p.m.

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

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with § 2.2-3712 (A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

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

Councilman Reed 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.

Ayes: Bowden, Ellis, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

15. Adjournment

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 20, 2019
CHINCOTEAGUE TOWN SPECIAL COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Ben Ellis, Vice Mayor
Denise P. Bowden, Councilwoman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

Edward W. Lewis, Councilman

1. Call to Order

Mayor Leonard called the meeting to order at 1:00 p.m.

2. Invocation

Vice Mayor Ellis offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Closed Session

Councilwoman Richardson motioned, seconded by Councilman Reed to convene a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to conduct interviews with candidates for the open Chief of Police position.

5. Certification

Vice Mayor Ellis motioned, seconded by Councilwoman Richardson to return to the regular meeting. Unanimously approved. Mayor Leonard asked for a show of hands to certify the closed meeting was conducted in accordance with §2.2-3712 (D) of the Code of Virginia. All present certified with a show of hands.

6. Adjournment

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved. The meeting was adjourned at 4:30 p.m.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE JUNE 20, 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 5:00 p.m.

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comments

Mayor Leonard opened the floor for public comments.

- Mrs. Faye Wilson, 7266 Olga Drive, came before Council about the fill on the Sharpley property which is adjacent to her property. She advised that it is causing a river in her back yard. She asked if Mr. Sharpley or the Town was responsible to put a drain in.

Mayor Leonard advised that the Planning Commission is currently working on this issue. He stated that he didn't have an answer at this time. He sympathized with her and added that until the Planning Commission gets further down the road on this he is unable to answer.

Mrs. Wilson also asked about cutting the weeds out of the ditch.

Council advised that the ditch belongs to the Town and Town Manager West was directed to take care of this matter.

Councilman Reed stated that he would mention this to Mr. Sharpley as well.

- Mr. Bill Melvin, 7308 East Side Road, came before Council expressing his discord of being relocated into another boat slip at the Harbor.

There was further discussion and Mayor Leonard stated that they can hear this at the next Harbor Committee meeting.

5. Agenda Adoption

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

6. Joint Public Hearing – Change in Zoning – Wayside Vendors

Mayor Leonard opened the public hearing.

Planning Commission Chairman Rosenberger opened the Planning Commission joint public hearing.

Mayor Leonard asked for comments.

- Mr. Daryl Chrisman, owner of Hercules Dog Cart and Poseidon's Pantry at 6219 Maddox Blvd. stated that a year ago this month he stood before Council about his purchase of a dog cart and was told that there is a 4-space parking requirement. This is what started the process. He advised that what came out of the year long process is #4 of the proposed ordinances. "Each wayside vendor shall have a minimum of 4 parking spaces". Push carts are exempt from this requirement if such complies with §18.94 Peddlers of the Town. However, looking at the Peddler's Code under section b, there is time limit and location of sales. It states that he doesn't need 4 parking spaces as long as he moves his cart every 15 minutes. He advised that a hotdog cart can't operate that way. He stated that he has propane, water and a cooler and takes 20 minutes for the water to heat up. He asked Council if they would strike the part which says, if such complies with §18.94. He added that a push cart doesn't need the parking. He has talked with a lot of people and it doesn't make any sense to have 4 parking spaces or to move every 15 minutes. He hopes Council sees his point of view.

Mayor Leonard closed the public participation.

Planning Commission Chairman Rosenberger asked that Council consider the Planning Commission's recommendation and pass the proposed ordinance as amended.

Mayor Leonard thanked the Planning Commission for their hard work.

Councilwoman Bowden advised she has been reading through this and sympathizes with Mr. Chrisman. She doesn't feel that 15 minutes is a lot. Other than that, she doesn't have a problem with the rest of the ordinance. She would like to consider this.

Councilman Lewis asked if a push cart is going to be out on the street or private property.

Mr. Chrisman responded that it isn't feasible to put on the street.

Councilman Taylor agreed that 15 minutes isn't long enough. He doesn't feel its business friendly.

Councilwoman Richardson stated that they're exempting him from the 4 parking spaces but limiting him to 15 minutes in one spot.

Councilman Reed doesn't feel this would be enforced.

Mayor Leonard stated that #4 should be changed to "Each Wayside vendor shall provide a minimum of 4 parking spaces (see parking requirements in Sec. 6.6 Parking). Push carts are exempt from this requirement."

Councilwoman Bowden asked that if they go this route would they have to hold another public hearing to change the 15-minute rule.

Councilman Reed stated that they should have an Ordinance Committee meeting to change the Peddler's Code.

Councilwoman Bowden suggested approving the changes and go back to the Ordinance Committee to change the Peddler's Code to remove the 15 minutes.

Councilman Reed motioned, seconded by Councilwoman Bowden to approve the changes in Zoning – Appendix A – Article II, as presented, and have the Ordinance Committee review the proposed change to the Peddler's Code. Unanimously approved.

Change in Zoning- Appendix A – Article II, Joint Public Hearing

Delete all of existing Section 2.179, Wayside stand/market, roadside stand, and replace with:

Section 2.179, Wayside Vendors

Mobile food units: Cargo type trailers that are fully self-contained "kitchens on wheels" and are pulled to various locations.

Pushcarts: Devices that are designed to be pushed or pulled to various locations. Examples of such devices are those for hot dog sales, snow ball sales and similar type sales devices.

Vending trucks/vans: Enclosed commercial trucks or vans used to sell commercial items.

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

Add the following requirements to Sections 4.1.11, 4.4.29, 4.7.12, and 4.10.1 (Commercial Districts)

- (1) No signs, or any similar attachment to the units are permitted unless imprinted on the unit (permanent decals or painted art work). One flag is permitted provided it shall not be larger than 15 sq ft.

Only one 32 square foot freestanding sign is permitted on a parcel. If multiple vendors are on a parcel, then the 32-square foot of signage must be shared.

- (2) The minimum usable land for one wayside vendor shall be 5,000 square feet in area. Additional wayside vendors on the same parcel are required to have an additional 3,000 square feet of usable land for each unit. Special Events are exempt from this requirement. For the purpose of this section a "Special Event" shall be defined as any event where a large number of the public are brought together to watch or participate. A Special Event is conducted for a limited number of days not exceeding 14 days.
- (3) Wayside vendor units shall be placed a minimum of 35' from the front property line. Such units shall be placed 15' from the side lot lines and 5' from the rear lot line.
- (4) Each Wayside vendor shall provide a minimum of 4 parking spaces (see parking requirements in Sec. 6.6 Parking). Push carts are exempt from this requirement if such complies with Section 18-94, Peddlers, of the Chincoteague Code.
- (5) If accessory structures are requested, no such accessory structure shall be closer than 3' from the unit.
- (6) The above regulations shall apply to all Wayside Vendors whether the unit is licensed through DMV or not.

7. Mayor & Council Announcements or Comments

Councilwoman Bowden commented to Mrs. Wilson who came before Council with the issue of drainage from a neighbor's fill. She stated that it can't be fixed right away. She understands that it lets her down. She advised that it has been brought up with Planning and Zoning. She stated that government moves like a mud turtle and it's frustrating.

Mrs. Wilson stated that she was advised that the Town wouldn't do anything about it and it was Accomack County's problem. They have never been notified and nothing has been done.

Councilwoman Bowden stated that between Council and the Planning Commission they are working on it. She added that it is frustrating when the people come to Council and they can't do something right away.

Vice Mayor Ellis stated that one of the things that has come up in the Planning Commission is that it is also covered by state law. The state law would have to be amended in order for the Town to do anything about it.

Mrs. Wilson stated that her husband went over to the contractor who was filling the property and was advised they would fix it. However, nothing has been done.

8. 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 personnel matters. All present were in favor and the motion was carried.

Ayes: Bowden, Ellis, Reed, Richardson, Taylor

Nays: None

Absent: Lewis

9. 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. All present were in favor and the motion was carried.

Ayes: Bowden, Ellis, Reed, Richardson, Taylor

Nays: None

Absent: Lewis

Councilwoman Bowden motioned, seconded by Councilman Reed to hire Mr. Robby Fisher as the Chief of Police. The motion was carried.

Ayes: Bowden, Reed, Richardson

Nays: Ellis

Abstain: Taylor

Absent: Lewis

10. Adjournment

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

Ayes: Bowden, Ellis, Reed, Richardson, Taylor

Nays: None

Absent: Lewis

J. Arthur Leonard, Mayor

James M. West, Town Manager