

**MINUTES OF THE JANUARY 6, 2014**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

Tripp Muth, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Ms. Teresa Bulger stated that the residents on Filmore Street have formed somewhat of a garden club. She urged people to say “thank you” for those who go above and beyond their call of duty. She presented Public Works Director Spurlock with a trophy and thanked him for working with them and helping them. She advised that they would be doing this each year.

**STAFF UPDATE**

**Police Department**

Chief Lewis advised that the monthly report was included in the agenda packet.

Mayor Tarr thanked Chief Lewis for the yearly totals included in the report.

**Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He stated that they look forward to getting back to work on both of the Main Street projects.

Councilman Howard asked if the dead trees have been removed from the nature trail.

Public Works Director Spurlock advised they have removed a couple of them behind the shop but plans to remove more when the weather warms up.

Councilman Taylor also expressed his appreciation for all that the Public Works Employees do. He mentioned the work they did on the water line along the Causeway. He added that the Town is blessed to have them and all the staff.

Councilwoman Richardson added that the Public Works Employees missed the Christmas luncheon because of the work on the water line.

Councilman Howard feels Ms. Bulger put things into perspective.

### **General Government**

Town Manager Ritter reported that EMS responded to 50 calls in December 2013 which is 10 less than December 2012. He stated that there will be an ANTARES rocket launch January 8<sup>th</sup>. He also stated that work started on the Downtown Main Street Project December 9<sup>th</sup>. He added that the completion date is April 28<sup>th</sup>. He reported that staff has been working on taxes, employee bonuses and the newsletter.

### **Planning Department**

Town Manager Ritter reported that Town Planner Neville continues to work on the FEMA Flood Insurance Rates Maps. He stated that regarding the Virginia Storm Water Management Program a bill will be introduced to legislature this month.

Councilman Howard mentioned the source of revenues and mentioned that everything ended on the plus side. He feels that's commendable and is thankful.

Councilman Taylor asked if there was an update on the CCP.

Town Manager Ritter stated that after speaking with Mr. Joe McCauley, the CCP would be released possibly in March. He also stated that Mr. Joe McCauley will be acting manager for the CCP rollout.

There was further discussion.

## **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

### **1. Adoption of the Minutes**

Councilman Taylor motioned, seconded by Councilman Howard to adopt the minutes of the Regular Council Meeting of December 2, 2013. Motion carried.

Ayes: Leonard, Howard, Richardson, Jester, Taylor

Nays: None

Absent: Muth

### **2. County Update from Island Supervisor, the Honorable Wanda Thornton**

Supervisor Thornton reported on the Storm Water Management Bill. She advised that she requested this and mentioned the length of time it has taken. She added that it is a problem throughout the state not just the Eastern Shore. She feels it hasn't been well thought out. She stated that once legislature has reviewed the report she feels it will be delayed.

Supervisor Thornton brought a notice from the Maryland Coastal Bays. She explained that it's a Notice of Intent to Establish Total Maximum Daily Load of Nitrogen and Phosphorous. She stated that it includes the Chincoteague Bay. She is urging Council to comment. She advised that she will urge the County to comment as this should not be

implemented in Virginia. Supervisor Thornton would like to know what the Maryland Coastal Bays means by including the Chincoteague Bay in this notice. She reviewed the information regarding contamination in the report.

There was further discussion.

Supervisor Thornton also advised of a Conditional Use Permit to build 90 apartments at the Senior Citizens Complex adjacent to the Accomack Manor. She discussed the potential problems with the sewage facility and mass drainfields along with responsibility if this system fails. She is concerned with the approval for this mass drainfield system and not approving someone else's. She advised that she is not against this project, however, she feels everyone should be treated equal.

They discussed the unmanned aerial vehicle (UAV) contract with the Wallops Research Park.

Councilman Taylor thanked Supervisor Thornton and the County for pushing through the bill to exempt Chincoteague from stormwater regulation.

There was further discussion.

### **3. Approval of the bids on the Downtown Fishing Pier**

Town Manager Ritter advised that the Town appropriated \$232,111 for fiscal year 2014 budget, Main Street Fund for the Bridge Street Fishing Pier. He stated that the Town has obtained a grant from the Virginia Marine Resources Commission /Saltwater Recreational Fishing Development Fund in an amount of \$129,083.00 with a matching fund up to \$103,028. He stated that the expenses to date include engineering costs of \$18,967. He reported that they have advertised for bids in a general circulated newspaper, on Contract 01-PIER-13 project and on bid opening day the Town received three bids.

Town Manager Ritter advised that staff recommends award of the contract to Fisher Marine Construction, Inc. based on being the lowest price and qualified bidder. He added that they are hoping to award the bid so that it can be completed before Memorial Day.

There was discussion.

Councilman Howard motioned, seconded by Councilman Taylor to award the contract to the lowest responsive bid from Fisher Marine Construction, Inc. in the amount not to exceed \$112,000 for the Contract 01-PIER-13, Recreational Fishing Pier. Unanimously approved.

### **4. Public Safety Committee Report of December 10, 2013**

Mayor Tarr stated that the report was included in the Agenda Packet. He added that Mr. Bryan Rush has been awarded a grant to go to the Hurricane Center in Miami, Florida January 16<sup>th</sup> – 31<sup>st</sup>. He advised that it is a well-deserved grant that was approved through VDEM.

There was brief discussion.

## **5. Judging Results for Christmas Lights**

Mayor Tarr read the results:

### Judges Choice \*

#### *Residential*

Arlene & Dill Wilgus  
4169 Ridge Road

### Most Themed \*

#### *Residential*

Mr. & Mrs. Alfred Johnson  
3510 Ridge Road

### Judges Choice \*

#### *Commercial*

Quilts by the Sea  
Kathleen P. Woodhurst  
4264 Main Street

### Most Traditional \*

#### *Residential*

Susan Birch  
4051 Ridge Road

### Honorable Mention θ

#### *Residential*

Chuck & Tama Ward  
5375 Main Street

Mr. & Mrs. Richard Betts  
6317 Church St

Ms. Stephanie Bailey  
6126 Fir Landing Road

Andrea and Kevin Stanley  
5321 Meadow Drive

### Honorable Mention θ

#### *Commercial*

Wine, Cheese, & More  
Kathy Mikel  
4103 Main Street

Each category winner will receive a \$100 savings bond and a donated \$100 Gift Certificate to Bill's Seafood Restaurant. Each Honorable Mention will receive a donated \$50 Gift Certificate to Bill's Seafood Restaurant.

Mayor Tarr also added that there were new judges this year that enjoyed doing it. He also thanked Bill's Seafood Restaurant for their donations of gift certificates.

## **6. Trolley Operating Funds, Grant Application Resolution**

Town Manager Ritter explained that the resolution is presented to Council each year. He reported that the amount this year is \$80,150 with the town's match of \$24,250. He added that this is more of a housecleaning resolution that's done each year.

There was discussion.

Councilman Howard motioned, seconded by Councilman Taylor to approve the resolution dated January 6, 2014 for the fiscal year ending on June 30, 2015 (FY15) authorizing Robert G. Ritter to apply for a grant to the Virginia Department of Rail and Public Transportation for \$80,150.00 to defray operating cost for the "the Pony Express". The Town of Chincoteague will be responsible for matching funds of \$24,250.00.

Motion carried.

Ayes: Leonard, Howard, Richardson, Jester, Taylor

Nays: None  
Absent: Muth



**Resolution Authorizing the Application for  
State Aid to Public Transportation for  
Fiscal Year 2015 beginning 07/01/2014**

**BE IT RESOLVED** by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the of amount of \$80,150.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$24,250.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of The Town of Chincoteague Inc., on the 6<sup>th</sup> day of January, 2014.

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Robert G. Ritter, Jr., Town Manager  
Town of Chincoteague, Inc.

**7. Mayor & Council announcements of Comments**

Councilman Taylor expressed his appreciation for all that the Police Department does for the community including the many volunteer hours.

Councilman Jester stated that the Town has had another good tourism year. He stated that the Town gets free advertising through the Chamber and in travel magazines. He also added that the website: chincoteague.com has a camera on the dock that shows sunsets. He feels that the Town could give Teddy Daisey, the webmaster of the site, some recognition for giving free advertising for the pictures and videos.

Councilman Howard added that the people of Chincoteague respond to the visitors with sincerity and hospitality. He stated that it makes a positive impression. He feels it's important to keep the community healthy and to promote the economy.

### **Adjourn**

Councilman Taylor motioned, seconded by Vice Mayor Leonard to adjourn. Motion carried.

Ayes: Leonard, Howard, Richardson, Jester, Taylor

Nays: None

Absent: Muth

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John H. Tarr, Mayor

Robert G. Ritter, Jr., Town Manager

## **MINUTES OF THE JANUARY 16, 2014 CHINCOTEAGUE TOWN COUNCIL BUDGET WORKSHOP MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Gene W. Taylor, Councilman (absent until item #1)  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Howard offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Vice Mayor Leonard motioned, seconded by Councilman Howard to adopt the agenda as presented. Motion Carried.

Ayes: Leonard, Jester, Muth, Howard, Richardson

Nays: None

Absent: Taylor (Came late to meeting, absent for this portion only.)

### **1. Review of the Draft Fiscal Forecast of Budget Years 2015 – 2019**

Town Manager Ritter explained that the 5 year forecast is to give Council an understanding from the current budget to 5 years out.

Town Manager Ritter reviewed the expenditures giving specific changes. Discussing donations and plans for Capital Improvement Projects.

There were further questions, explanations and discussions regarding E911 revenue and expenditures along with grants and the matching funds. They also discussed possible upgrades to the water meter system and continued reviewing the funds.

There was discussion about proposed tax increases. Town Manager Ritter then explained the increase of expenses in the Sanitation Contract over the next 5 years.

Finance Director Hipple noted some corrections.

Councilman Jester asked about the remainder of the promised funds from FEMA. Finance Director Hipple reported that there has been contact and the rest of the money could be dispersed in 2014.

## **2. Review of Long Term Savings**

Town Manager reviewed the report for long term savings from FY09 up to the first 6 months of FY14.

Finance Director Hipple reported that the interest earned was more from Shore Bank in 44 days than the interest earned from LGIP for the entire year. She added that the LGIP accounts weren't closed when the funds were transferred to Shore Bank. She continued reviewing the reserves.

## **3. Review of a Possible Budget Amendment**

Town Manager explained the budget amendments. He advised that they were for Phase 2D of the Downtown Revitalization Project, another 6 months of the consulting firm and repairs along with the replacement of the pump for well #4. He advised that staff wanted to review the proposed amendment at this time to bring them to the February 3<sup>rd</sup>, 2014 Council meeting for adoption.

## **4. Committee Member Comments**

Vice Mayor Leonard suggested talking with the Harbormaster to have the Harbor policed and cleaned up.

Councilman Howard commended Town Manager Ritter and Finance Director Hipple for a good job on the presentation.

Town Manager Ritter asked Council if they wanted the new fishing pier to be a free fishing site. He added that now is the time to apply for the permit as they are applying for the Memorial Park pier.

Council agreed that it should be free.

Town Manager Ritter stated they were saving discussion of the CCP for the February Workshop. He reported that it won't be out at that time. He advised that he will be attending a conference the week of the February workshop and asked if Council wanted to postpone.

Council agreed.

Councilman Howard asked about the times for fishing on the new pier when it is in operation.

Mayor Tarr stated that they have not discussed the rules as of yet.

Town Manager Ritter suggested sending this to the Parks and Recreation Committee.

**5. Closed Meeting in Accordance with Section 2.2-3711(A)(7) of the Code of Virginia**

Councilman Taylor moved, seconded by Vice Mayor Leonard to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters.

Unanimously approved

Vice Mayor Leonard moved, seconded by Councilman Jester to adopt a resolution of certification of the closed meeting. Unanimously approved.

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

WHEREAS, Section 2.2-3711(A)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Leonard, Jester, Howard, Richardson, Muth, Taylor

Nays- None

Absent- None

**Adjourn**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn.

Unanimously approved.

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Mayor

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Town Manager

**Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced and welcomed the Boy Scouts who were in attendance because of a badge they're earning.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Alex Hubb addressed Council representing the Marsh Point Townhome Association. He advised that they are seeking help from the Town regarding a tree that was struck by lightning and has since died. He stated that they are concerned with the condition of the now leaning tree that it will fall damaging cars or a residence. He reported that a letter was sent from the Association to the property owner with no reply. He asked what their options are.

Town Manager Ritter advised that he would speak to Building and Zoning Administrator Lewis regarding this matter.

**STAFF UPDATE****Planning Department**

Town Planner Neville reported that the Planning Report was included in the packed. He added that the Planning Commission was off to a good start in January with a couple of meetings in an attempt to update the Comprehensive Plan. He added that there is one item to be reviewed under the Virginia Code regarding Coastal Resource Management. He advised of the agenda items to be reviewed at the next meeting.

Town Planner Neville also reported that the Planning Commission has reelected officers. He stated that according to Mr. Joe McCauley with the Fish & Wildlife Service the CCP is approximately 6 weeks out. He stated that the Safe Routes to School Project is still in the design stage. He also added that at the last Council meeting Supervisor Thornton raised an issue that the Worcester County, Maryland was talking about adopting a TDML standard for the Chincoteague Bay. He advised that after receiving information from the D.E.Q. he feels that we are ready to compose a letter.

Town Planner Neville also reported on the FEMA Floodplain Maps and compliance. He stated that the Town requested that the Town be exempt from the Virginia Storm Water Management Program. He added that Delegate Lewis submitted this change and it has been postponed until next year. He also stated that there were other legislative changes submitted asking the Governor to help in the case of another government shutdown and beach closures. He added that this didn't have enough strength to move forward and was tabled at the Committee level

Town Planner Neville stated that there will be a design workshop on March 6<sup>th</sup> at 5:00 p.m. for playground equipment and fundraising.

### **Police Department**

Chief Lewis advised that the monthly report was included in the agenda packet. He had nothing further.

### **Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He stated that January's activities were dominated by weather with snow removal.

Councilman Howard stated that he has received comments on how well the Public Works Department did with snow removal.

### **General Government**

Town Manager Ritter reported that the EMS responded to 73 calls in January 2014 which is 2 less than January 2013; ALS calls were 31; BLS were 25. He added that the Emergency Medical Staff continue to monitor the upcoming ANTARES launch which will be May 8<sup>th</sup>. He also added that EOC Coordinator Rush has recently returned from the FEMA Hurricane Center Conference.

Town Manager Ritter stated that staff has worked on mailing the 2<sup>nd</sup> notices for taxes and Business License Renewals. He reported that the vehicle decals have been ordered. He added that the application for the fishing license at the new pier downtown has been completed. He also added that the Veteran's Memorial Park fishing license has been renewed.

Town Manager Ritter advised that he is still working on the draft Event Calendar. He stated that the draft FY15 budget will be reviewed by the Budget and Personnel Committee. He also reminded Council that he will be going to the VLGMA Conference on February 19<sup>th</sup> through the 21<sup>st</sup>.

Councilman Howard asked Town Manager Ritter to review the revenues as the resources are up. He also asked about the Debt Setoff Program.

Town Manager Ritter explained that the Debt Setoff Program is handled by Finance Director Hipple.

Finance Director Hipple advised that the Debt Setoff Program is done through the Virginia Department of Taxation. She explained that it is a garnishment of the tax return

or lottery winnings through the state. She added that the Town has been participating in this program for the last ten years. She explained that each year the Town has to submit a list of names of those delinquent taxpayers and those that owe the Town anything.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of January 6, 2014**
- **Council Budget Workshop Meeting of January 16, 2014**

Councilman Muth advised that he was absent at the January 6, 2014 Regular Council Meeting.

Councilman Howard motioned, seconded by Councilman Jester to adopt the minutes as corrected. Unanimously approved.

#### **2. Introduction to Eastern Shore Tourism Director, Ms. Kerry Allison**

Town Manager Ritter introduced Ms. Kerry Allison who is the new Director of the Eastern Shore Tourism Commission. He also congratulated Mrs. Evelyn Shotwell who has accepted the position of Executive Director of the Chincoteague Chamber of Commerce.

Mayor Tarr welcomed Ms. Allison aboard and welcomed back Mrs. Shotwell.

Ms. Allison addressed Council. She advised that she started with the Eastern Shore Tourism Commission in October of 2013. She stated that she has been coming to the Shore for over 30 years visiting her family. She explained what the Eastern Shore Tourism Commission has done for the Shore. She stated that Tourism is a big business and highly competitive. She talked about the upcoming workshop. She also advised that they are working on the digital footprints of the Shore. Ms. Allison also stated that tourism drives tourism dollars and tax base. She stated that she is very excited and looking forward to working with Council.

#### **3. Financial Report Presentation by Robinson, Farmer, Cox Associates**

Mr. Aaron Hawkins gave the annual presentation of the Town's FY 2014 Financial Report. He thanked Town Manager Ritter, Finance Director Hipple and staff for doing a good job and preparing for the audit. He reviewed and explained the Audit Report giving a brief review.

Councilwoman Richardson thanked Mr. Hawkins and Finance Director Hipple.

#### **4. Public Hearing on a Possible Budget Amendment**

Mayor Tarr opened the public hearing.

Town Manager Ritter explained the amendments. He advised that Phase 2B of the Downtown Revitalization Project has been bid out for the consultant in the amount of \$79,800. He added that \$63,840 is from the grant. And the Town's portion is \$15,960, which will be taken from the General Fund Savings. He advised that there is also the

Recreation/Tourism expense of \$30,600 which will be taken out of the Recreation/Tourism Reserve for the consultant for another 6 months. He also advised that they will be transferring from the Water Reserve for the repairs to Well #4, which has been completed with a of cost \$40,939.

Mayor Tarr asked for public comment at this time. There was none, Mayor Tarr closed the public hearing. He asked for questions from Council. There was none.

Councilman Howard motioned, seconded by Vice Mayor Leonard to approve the budget amendments as presented. Unanimously approved.

## **5. Recreation and Community Enhancement Committee Report of January 14, 2014**

- **Repair or Removal of the Skate Park Fence**

Councilman Jester reported that the Committee discussed the question of what they can do to improve the playground. He announced a meeting scheduled for March 6<sup>th</sup> and suggested having parents involved. He mentioned the associated costs. He also advised that they discussed the fencing for the Skate Park. He stated that the fence has been damaged. He asked Council's opinion if they should replace, repair or remove the fence around the Skate Park.

Councilman Muth asked if this would be a liability issue if the fence is removed.

Councilman Jester stated that a child could be injured doing anything.

Town Attorney Poulson asked if they currently attempt to regulate entry.

Mayor Tarr advised that they do. He added that this is a two part question. He stated that safety along the road is one issue and another issue is do they still need to regulate or should they remove the fence and allow them to skate at their own risk.

Town Attorney Poulson feels they should keep the fence around the Skate Park and continue to regulate it.

Councilman Howard feels there is a liability issue and the fence does cut down on that liability. He added that children will be children and feels that it protects them and the Town. He doesn't feel that the Town can supervise and have enforcement if it is open.

Town Attorney Poulson added that there would be no supervision and enforcement if the fence is removed.

There was further discussion about liability.

Councilman Jester wanted to know who would open and close it if they keep the fence and gate. He wants to see that it is done right.  
There was discussion regarding signage.

Chief Lewis advised that there was a sign but it has been stolen.

Councilwoman Richardson feels that the fence should remain. She stated that it is a safety issue. She suggested that the fence by the volleyball court should be replaced also.

Discussion continued regarding use of the baseball field and the reasons for the Skate Park.

Town Attorney Poulson stated that if the Town is going to have the Skate Park they have to do it right. He recalled the debate about safety when the Skate Park was built.

Councilman Howard stated that it is important that the Town provide the necessary means for a safe Park.

Mayor Tarr added that the rules have been enforced and are posted. He stated that it has been operated the way it was supposed to be.

Councilman Muth motioned, seconded by Councilwoman Richardson to approve the repairs and or replacements as needed for the fence and signage to the Skate Park. Unanimously approved.

Councilman Jester also added that there has been discussion over time regarding the generous donation of the land by the Kingsbury, Savage and Toothill families for the Chincoteague Veteran's Memorial Park. He suggested a simple sign under the primary sign recognizing those families for the donation of the land to the Park.

Town Manager Ritter stated that the company that made the existing Park sign issued a quote for a 3' x 1' sign, which would cost \$375.

There was discussion about adding the signage.

Mayor Tarr directed Town Manager Ritter to obtain the information for the signage along with the cost to be presented at the next Council meeting.

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

Councilman Taylor thanked the Boy Scouts for attending. He stated that this age group gives him great hope. He asked Council to keep Mr. Wayne Tolbert in their thoughts and prayers. He stated that Mr. Tolbert does a lot for the Food Bank and the community. He added that it is great to have a Community that sticks together.

Councilman Howard added that both Mr. and Mrs. Tolbert have done a lot for the Community and they should be remembered in everyone's thoughts and prayers.

Councilman Muth commended Public Works Director Spurlock for the work he and his department has done with the snow removal.

Councilman Jester thanked Mr. David Johnson for all his emails regarding the events and things happening in the community.

Councilwoman Richardson also commended the Town employees for the good work they've done keeping the roads clear during the snow storm.

## **Adjourn**

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adjourn.  
Unanimously approved.

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John H. Tarr, Mayor

Robert G. Ritter, Jr., Town Manager

## **MINUTES OF THE MARCH 5, 2014 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Howard offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Ray Rosenberger thanked the Police Department for the Senior Luncheon. He complimented the Public Works Department for the great job they did with the snow removal. He also complimented the administrative staff. He reminded Council during their Budget and Personnel meetings that the best assets are their own personnel.

### **STAFF UPDATE**

#### **Police Department**

Officer Greenly advised that the Police Department had 64 calls for service which resulted in 6 investigations of criminal offenses. He reported that they included 2 aggravated assaults, 1 driving under the influence of alcohol, 1 drunk in public, 1 drug violation, 1 weapon law violation and 1 fraud. He added that there were 5 arrests. He stated that the Department issued 28 summonses for traffic offenses and issued 6 warning tickets. Officer Greenly also reported that the Police Department had their Annual Senior Luncheon. He stated that there were 92 people in attendance.

Mayor Tarr thanked Officer Greenly and asked that he pass the thank you on to Chief Lewis for all the did today at the Luncheon.

### **Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He updated Council on the North Main Street waterline replacement project advising that it is complete. However, they're waiting on samples from the Health Department to activate the main and connect the services. He stated that they have done some drainage work also and Branscome will be paving so they can wrap the project up.

Councilman Taylor feels they did a good job getting it done on time and having to work around all the traffic at the school.

Councilman Jester suggested crusher-run in town to fill or build up where the roadwork being done.

Public Works Director Spurlock stated that he discussed this with Branscome and will be done in the morning.

Vice Mayor Leonard asked if the corner of Main and Hallie Whealton Smith is going to be an access point or just a corner for parking along the edge of the grass in front of the annex at the school.

There was further discussion.

### **General Government**

Town Manager Ritter reported that the EMS responded to 59 calls in February 2014 which is 5 less than February 2013; there were 28 ALS calls; and 16 BLS. He stated that they also applied for a grant for the Fire Department to purchase a new ambulance and 2 new stretchers. They are planning for the ANTARES launch for May 8<sup>th</sup>. He reported that staff has worked on mailing Business License renewals and certified letters for delinquent real estate taxes. He also added that the Town decals are in and will go on sale March 14<sup>th</sup> at the fee of \$27.00. He also reported that the supplemental tax bills have been mailed. He advised that the Event Calendar is posted on the website. He advised that per Mr. McCauley, the CCP will not come out this month but, hoping it comes out next month.

There was discussion about the release of the CCP.

Town Manager Ritter advised that the Recreation and Community Enhancement Committee will have a playground workshop Thursday, March 6th at 5:00 p.m.

Councilman Jester asked about a boat at the Harbor.

Town Manager Ritter stated he will discuss this with Harbormaster Merritt tomorrow.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda with the exclusion of a closed meeting. Unanimously approved.

**1. Consider Adoption of the Minutes**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the minutes of February 3, 2014, as presented. Unanimously approved.

**2. Chincoteague Cultural Alliance Presentation and Grant Request**

Mr. John Beam gave an account of the events that the CCA has been doing, the upcoming events and new ideas. He asked Council on behalf of the CCA if they would agree to match the grant again this coming year. He stated that it is doubly important as they are in the process of purchasing the building they are currently in on Church Street. He added that the CCA appreciates everything the Town does for them.

There was discussion.

Councilman Taylor stated that the CCA is doing a great job and keeping art affordable or free which is important for the Community.

Mr. Beam added that this is because of the grant.

Councilman Jester asked about the relationship between CCA and CIAO. He feels it's important as the grant is for the arts and they would like to see it be utilized for both organizations.

They discussed the possibility and funding of a platform in the Robert N. Reed, Sr. Downtown Waterfront Park. They also mentioned Mother Earth Day.

Mayor Tarr asked Council's pleasure for the matching funds of the grant.

Council agreed to allow the CCA to apply for the grant and put the matching \$5,000 in the budget for the upcoming year.

Mr. Beam thanked Council for all they do.

**3. Sign Honoring Land Owners Who Donated Property to Veterans Memorial Park**

Councilman Jester explained that there was discussion regarding signage honoring the land donors for Veterans' Memorial Park. He read the proposed sign and feels this is a good recognition of the families. He requested that Council approve the sign.

There was brief discussion.

Councilwoman Richardson asked if the Committee thought about a kiosk at the Park showing the donors and history.

Councilman Jester feels this is a good idea also.

Councilman Howard motioned, seconded by Councilman Taylor to approve the sign as presented. Unanimously approved.

**4. New Fence for Curtis Merritt Harbor of Refuge**

Public Works Director Spurlock stated that they have obtained bids for the fencing along the west perimeter of the Curtis Merritt Harbor of Refuge. He recommended approving Hercules Fencing with the low bid of \$12,250.00.

There was brief discussion.

Councilman Howard motioned, seconded by Councilman Muth to approve a contract award to Hercules Fencing in the amount of \$12,250.00 at the west perimeter of the Curtis Merritt Harbor of Refuge. Unanimously approved.

Vice Mayor Leonard asked when they would start.

Public Works Director Spurlock advised within the next 2 weeks.

**5. Consulting Service for the Hallie Whealton Smith Drive Drainage Improvement**

Public Works Director Spurlock advised that Clark Nexsen gave a reasonable proposal of \$17,690 to provide the professional engineering consulting services to design drainage improvements on Hallie Whealton Smith Drive. He recommended that Council approve the proposal from Clark Nexsen. He added that they have done the survey for the Safe Routes to School and feels they are familiar with this project.

There was discussion as to the process and permits for the project along with the plans for a larger pipe and the permitting process.

Councilman Howard motioned, seconded by Vice Mayor Leonard to award Clark Nexsen the contract for consulting services for the Hallie Whealton Smith Drive drainage improvements in the amount of \$17,690.00. Unanimously approved.

**6. Budget and Personnel committee Report of February 11, 2014**

- **Revised Director of Transportation Job Description**

Mayor Tarr entertained questions or comments. He advised that they have started the FY15 Budget review. He stated that they have asked to include the job description change for the Trolley Manager.

Town Manager Ritter advised the changes are housekeeping changes. He added that the Budget and Personnel Committee recommends the changes.

Mayor Tarr suggested removing two (2) on the first line regarding routes. Council agreed.

Councilman Muth motioned, seconded by Councilwoman Richardson to approve the revisions to the job description of the Director of Transportation including the change to strike the word two (2) on the first line regarding routes. Unanimously approved.

**7. Ordinance Committee report of February 13, 2014**

Councilman Howard reported that they have completed the review of the Draft Flood Plain Ordinance. He advised that the issues or concerns have been reviewed and covered. He stated there was a lot of public participation. He added that Supervisor Thornton suggested that before they approve the Flood Plain Ordinance they should get everything in writing from FEMA.

Councilman Howard advised that FEMA will be meeting with staff March 12<sup>th</sup>. He added that the comments will be heard at the March 20<sup>th</sup> workshop and on the April 7<sup>th</sup> agenda.

There was discussion regarding a no cost permit for fill along with the Ordinance for strapping down fuel tanks and having a positive impact down the line.

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

Councilwoman Richardson thanked Council for their flowers and calls.

Councilman Jester referred to the power failure and asked that the Town send a letter to ANEC thanking their crew for going out in the snow to get the power back on.

Councilman Howard agreed that they are dedicated.

Councilman Muth stated that it is important to have people volunteer for the CCA.

Councilman Taylor expressed how blessed the Town is and should give thanks to all who help out the Town. He added that it takes all the departments and the volunteers to make it what it is. He mentioned the luncheon and how nice it is to feel appreciated.

Councilman Howard agreed with Council that this is a nice place to live. He stated that he has asked the people who buy places here what they like most about Chincoteague. He advised that their response is they like the sincerity of the people.

Public Works Director Spurlock advised that he received the scholarship for the conference of Design Built Institute for Water and Wastewater Projects.

#### **Adjourn**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE MARCH 20, 2014 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

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

John H. Tarr, Mayor  
Councilman  
J. Arthur Leonard, Vice Mayor

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

John N. Jester, Jr.,

Ellen W. Richardson, Councilwoman  
Tripp Muth, Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Taylor offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr asked if anyone had anything to bring before Council.

- Mr. David Johnson commented on Council's good work.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

#### **1. Review the Draft Flood Ordinance, Chapter 30**

Town Manager Ritter advised that changes have been made to the Draft Flood Ordinance since the last meeting in February and have been included in the packet.

Town Planner Neville reviewed and explained the changes.

Building and Zoning Administrator Lewis expressed his concern in Sec. 30-6 Penalty for Violations, regarding the Class 2 misdemeanor. He explained that a Class 2 misdemeanor is \$1,000 fine and up to 6 months in jail. He asked if the Town wants to arrest someone because of this. He recommended a Class 3 misdemeanor which is a fine of \$500.

There was lengthy discussion about the penalty.

Building and Zoning Administrator Lewis also explained that when the judge finds them in violation and guilty the fine is issued every day it is in violation.

Town Planner Neville continued with the review.

Councilman Howard asked Town Planner Neville to describe a couple of exemptions from the floodplain ordinance.

Town Planner Neville stated that a driveway or telephone pole along with a long list of others are not considered a land disturbance or as development. He continued with the

review. He mentioned the Coastal A Zone and that on the Chincoteague flood map it would only apply if building on a sandbar.

There was further discussion.

Building and Zoning Administrator Lewis advised of the date that the map was created. He added this was the date that everyone had the opportunity to participate in the Flood Plain Program. He suggested that the Town is being penalized because they didn't participate when the FEMA maps were published.

Discussion continued regarding the different dates listed in the draft ordinance, structures, reasons for different elevations and the definitions.

Town Planner Neville explained that the Flood Plain Zones are considered Zoning Districts but are overlaying the underlying zoning districts. He advised of a few wording changes. He also added that the Zoning Administrator is also the Flood Plain Ordinance Administrator. He advised that Town Attorney Poulson wanted everyone to know the appeal process was through the Board of Zoning Appeals.

The review of the draft ordinance continued at length with questions, comments and clarifications.

They discussed the dates for the public hearing and deadlines for FEMA.

Mayor Tarr stated if there are no major concerns they'd like to have this on the agenda for April 7<sup>th</sup>.

Council continued to review asking further questions expressing specific concerns.

Town Planner Neville stated that it's important for FEMA to have uniform ordinances so they stand up in court on the national scale.

Building and Zoning Administrator Lewis commented about consistency.

There were a few more brief comments.

Town Planner Neville continued with the review.

Building and Zoning Administrator Lewis also explained the building issues associated with the draft ordinance.

Mayor Tarr commended Staff for all the work they've put into the draft ordinance. He asked Council's pleasure of putting this matter on the April 7<sup>th</sup>, 2014 Council agenda.

Council agreed.

## **2. Committee Member Comments**

Councilman Taylor thanked Staff for addressing the citizens' and FEMA's concerns in the creation of the draft ordinance. He feels that they take their jobs seriously and go above and beyond their duties.

Mayor Tarr added that they discussed the rate increases at the meeting with FEMA representatives on March 12<sup>th</sup> and were given information about free training and programs along with helpful hints on extra points for the CRS program.

Vice Mayor Leonard agreed with Councilman Taylor on the great job staff has done. He also expressed his concerns regarding the bottlenecking on Hallie Whealton Smith Drive where the new sidewalk is. He advised that when cars are parked along the road there is only one lane to travel on and expressed that safety is an issue.

Town Manager Ritter advised that this will be discussed at the Public Safety Committee meeting.

Town Planner Neville advised that Ms. Karen Taylor at the last Safe Routes to Schools meeting has requested on behalf of the high school to have that area marked as a no parking zone.

Councilwoman Richardson also commented on the parking issues along the Hallie Whealton Smith Drive.

Councilman Muth commented on a completion date for the downtown sidewalk project.

Town Manager Ritter advised that because of the few bad days of weather they haven't been working. He added that they are supposed to be completed by May 7<sup>th</sup>. He also stated that as soon as the conduits are installed they will be putting the curbing and concrete base down. He hopes they have the base down by Easter.

There were further comments about the delay in the downtown project.

Councilman Howard asked about the discounts on the flood insurance because of this ordinance.

Mayor Tarr advised it is a 10% discount.

Building and Zoning Administrator Lewis explained how they have worked to get the discount to 10%.

Councilman Howard asked if this will help get it even lower.

Town Manager Ritter advised that FEMA has given the Town more tips to help get the discount at an even better rate.

Mayor Tarr mentioned the maps and advised that there will be more of an outreach to the citizens. He stated that this is an important change and will help. He also stated that the Town needs to educate the citizens so they can make their comments and appeals before it's too late.

Town Manager Ritter advised that there will be a Meals Tax Committee meeting Monday, March 24<sup>th</sup> at 7:00 p.m. He also announced a Cemetery Committee meeting on March 25<sup>th</sup>, at 6:00 p.m.

There was further discussion and comments regarding the downtown project.

**3. Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia.**

• **Real Property**

Councilman Howard moved, seconded by Councilman Muth to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss real property. Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

Councilman Howard moved, seconded by Vice Mayor Leonard to reconvene in regular session. Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

Councilman Muth moved, seconded by Vice Mayor Leonard to adopt a resolution of certification of the closed meeting. Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

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

WHEREAS, Section 2.2-3711(A)(3) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Leonard, Muth, Howard, Richardson, Taylor

Nays- None

Absent- Jester

**Adjourn**

Councilwoman Richardson made the motion, seconded by Vice Mayor Leonard to adjourn. Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

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Mayor

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Town Manager

**MINUTES OF THE APRIL 7, 2014**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor

J. Arthur Leonard, Vice Mayor

Ellen W. Richardson, Councilwoman

John N. Jester, Jr., Councilman

Tripp Muth, Councilman

Gene W. Taylor, Councilman

Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Alex Hubb came before Council regarding the 2014 Farmer's Market. He advised that the Farmer's Market has been relocated to the Chincoteague Cultural Alliance property located at 6309 Church Street. He advised that the opening day will be April 12<sup>th</sup> running through November 1<sup>st</sup>, from 8:00 a.m. to noon.
- Ms. Carla Leonard, also with the Farmer's Market, talked about the items they have. She added that the Farmer's Market brings people to explore and enjoy the Island.

**STAFF UPDATE**

**Planning Department**

Town Planner Neville expanded on the report already in the Council's packet. He advised that the Planning Commission is still reviewing the Comprehensive Plan at the 5 year mark. They have found a number of items that need to be updated. He also added that Town Manager Ritter suggested discussing this at one of the Council's Workshops. He stated that regarding the FEMA Draft Flood Insurance Rate Maps, Accomack County

and Northampton County will be advertised for the required 90 day appeal period over the next several months. He explained that FEMA made corrections to the maps and now it is the County's job to present this to the community. He added that FEMA will provide one open house for each county and Accomack County has chosen their open house to be Tuesday, May 13<sup>th</sup> from 5:00 p.m. to 8:00 p.m. at Metompkin Elementary School. He also stated that he would like Chincoteague to hold an open house after the County meeting.

Town Planner Neville advised that the 90 day period doesn't start until they advertise for 2 weeks in the newspaper, which hasn't been done yet. He also reported that they have been keeping an eye on the Storm Water Management Program. He advised that Accomack County is having a public hearing, Wednesday, April 16<sup>th</sup> at 7:30 p.m. to present the Draft Ordinance for the Storm Water Permitting Program. He urged the Town to show support in their effort.

### **Police Department**

Assistant Chief Mills advised that the monthly report was included in the agenda packet.

### **Public Works Department**

Public Works Director Spurlock reported that the monthly report was in the agenda packet. He updated Council that on North Main Street the drainage, sidewalk and water main replacement work is complete. He advised that paving is scheduled to begin tomorrow morning. He also reported that the design issues for the Downtown Streetscape Project have been resolved.

### **General Government**

Town Manager Ritter reported that EMS staff received an award of a grant request in the amount of \$108,000 for a new ambulance and 2 new stretcher lift systems. He added that this is a 50/50 matching grant that the Fire Department will be matching. He discussed the issue of the Downtown Streetscape Project which was resolved by eliminating the underground power line conduit. He stated they had to make an administrative decision since it was a \$78,000 change order request in order to continue the project underground. He explained that with the change order it would have required the Town go to VDOT, then back to Council adding another 4 weeks.

Town Manager Ritter stated that the decals have been received for all incorporated Towns. He added that the vehicle decals are on sale. He stated that they have reviewed and approved the Commission for the Arts Grant from the Cultural Alliance. He also advised that the quarterly newsletter will be published in April.

Councilman Taylor asked about the conduit to put the electric underground.

Town Manager Ritter explained the cost associated with this. He also advised that Mrs. Edwards' gave them other options to get rid of the overhanging power lines in the future.

There were further brief comments and questions.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

**1. Consider Adoption of the Minutes**

- **Regular Council Meeting of March 3, 2014**
- **Council Workshop Meeting of March 20, 2014**

Vice Mayor Leonard motioned, seconded by Councilman Muth to adopt the minutes of March 3, 2014 and March 20, 2014, as presented. Unanimously approved.

**8. Update from the Director of Chincoteague Chamber of Commerce**

Mrs. Evelyn Shotwell addressed Council giving an overview of the events for 2014. She advised that Chincoteague was chosen by the Coastal Living Magazine as one of the top10 happiest coastal towns in America. She thanked everyone for voting. She explained how this came about. She also reported that Trip Advisor has voted Chincoteague as the #2 Best Island in America, thanks to the wonderful businesses that do such a great job with customer service.

Mrs. Shotwell stated that the annual membership meeting was held March 15<sup>th</sup>. She mentioned the Wallops launches. She also advised of the Tourism Summit arranged by the Eastern Shore Tourism Commission scheduled tomorrow. She reminded Council of the Easter Decoy Show and the Seafood Festival on May 3<sup>rd</sup>. She stated that May 14<sup>th</sup> they will be honoring the Businessperson and Citizen of the Year at Don's Seafood Restaurant. She talked about having a town wide event to re-install the Misty hoof prints in front of the Island Theatre.

Mrs. Shotwell told Council of her ideas to have a Friday afternoon event on the porch at the Chamber building where they may have a carver, someone from NASA or possibly a storyteller. She gave Council a copy of the media package with some story ideas she is working on. She also added that they have created a page on the Chamber's website referring to the launches. She thanked Council for allowing her to come and offered the Chamber's assistance.

Mayor Tarr commended the Chamber for all their work with the Town and all the groups in the County.

Councilman Jester asked if they have talked with NASA about their mobile unit for the launches.

Mrs. Shotwell advised she will look into this.

Mayor Tarr stated that Mr. Nash has asked for a tourism impact study and the Chamber is currently gathering information. He offered the Town's staff to assist her with the information she needs for this study.

**2. Possible Adoption of the Revised Floodplain Ordinance, Chapter 30, Floods**

Town Manager Ritter stated that they have met twice with the Ordinance Committee. The Council met to review this item at the previous workshop. He stated that this is mostly a FEMA requirement for the National Flood Insurance Program. He advised that FEMA's last review directed Town staff that the definitions can't be changed. He also reported that they have made the requested changes from FEMA.

Town Planner Neville reviewed the changes to the Ordinance. He stated that they describe the flood hazard districts shown on the current draft Flood Insurance Rate Maps for Chincoteague Island including V, Coastal A, and AE zones, and limit the Floodplain Ordinance to administer only those districts. He advised that they needed to include the penalty for violations and added 25 new or revised standard definitions of terms. He stated that they defined the duties and responsibilities of the Floodplain Administrator including a section that allows discretion to exempt obviously insignificant activities from the permit requirement. He added that they also updated both general and specific building standards. He added that the proposed changes are no more restrictive than the exiting Floodplain Ordinance adopted on September 21, 2006.

Town Planner Neville stated that FEMA has verbally authorized an extension of the 6 month review deadline to April 7<sup>th</sup> or May 5<sup>th</sup> if necessary. He advised that once Council approves the changes, FEMA will review the approved Ordinance attaching a FEMA checklist and forwarding it to the Philadelphia office for a final approval. He added that after that the Town will receive feedback from FEMA if necessary.

Councilman Howard asked about the language in the section pertaining to the flood districts.

Town Planner Neville advised that FEMA reviewed this section carefully and had no problems with it.

Town Manager Ritter stated that when the new Flood Maps are adopted, approximately 1,000 homes will no longer be included within the floodplain district on Chincoteague Island.

Town Attorney Poulson advised that his comments were submitted in the memorandum provided at the previous Council workshop.

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the revised Floodplain Ordinance, Chapter 30, Floods. Unanimously approved.

## **FLOODS**

### **Article I. General Provisions**

Sec. 30-1. Purpose.

Sec. 30-2. Applicability.

Sec. 30-3. Compliance and liability.

Sec. 30-4. Abrogation and greater restrictions.

Sec. 30-5. Severability.

Sec. 30-6. Penalty for violations.

### **Article II. Floodplain Management**

Sec. 30-7. Definitions.

Sec. 30-8. Reserved.

### **Article III. Establishment of Zoning Districts**

Sec. 30-9. Description of districts.

Sec. 30-10. Official floodplain map.  
Sec. 30-11. District boundary changes.  
Sec. 30-12. Interpretation of district boundaries.  
Sec. 30-13. Reserved.

#### **Article IV. District Provisions**

Sec. 30-14. Permit and application requirements.  
Sec. 30-15. General standards.  
Sec. 30-16. Specific standards.  
Sec. 30-17. Standards for subdivision proposals.  
Sec. 30-18. Standards for the coastal 'A' zone.  
Sec. 30-19. Standards for the coastal high hazard district.  
Sec. 30-20. Anchoring fuel tanks.

#### **Article V. Existing Structures in Floodplain Areas**

Sec. 30-21. Existing Structures

#### **Article VI. Variances**

Sec. 30-22. Factors to be considered.

#### **Article VII. Enactment**

**\*Cross references**—Buildings and building regulations, ch. 14; environment, ch. 22; streets, sidewalks and other public places, ch. 50; utilities, ch. 62; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

### **ARTICLE I. GENERAL PROVISIONS**

#### **Sec. 30-1. Statutory Authority and Purpose.**

This ordinance is adopted pursuant to the authority granted to localities by the Flood Damage Reduction Act, Code of Virginia, § 10.1-600 et seq.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (a) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- (b) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- (c) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.
- (d) protecting individuals from buying land and structures which are unsuited for

intended purposes because of flood hazards.

The special flood hazard areas are generated for storm surges and coastal flood hazards, and then designated on the Flood Insurance Rate Maps (FIRMs) as Zones AE (base flood elevation data has been provided), Coastal A Zone (area subject to wave heights between 1.5 feet and 3 feet) and Zones VE (Coastal high hazard base flood elevation data has been provided). References to other special flood hazard areas have been omitted from this ordinance since they are not identified on the Town of Chincoteague (Accomack County) FIRMs. If other special flood hazard areas are added as revisions to the FIRMs, this ordinance will be revised to reflect the additional zones. Since the FIRMs are based on storm surges and coastal flood hazards, paragraph 60.3.(c)(10) of the CFR 44 (cumulative effects of proposed developments), which does not apply along lakes, bay shores, estuaries, and the ocean coast, has been omitted from this Ordinance as not being applicable.

#### **Sec. 30-2. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the Town of Chincoteague and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the Town of Chincoteague (Accomack County) by FEMA.

#### **Sec. 30-3. Compliance and liability.**

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

(b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land

uses permitted within such district, will be free from flooding or flood damages.

(c) Records of actions associated with administering this ordinance will be kept on file and maintained by the zoning administrator.

(d) This ordinance shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this ordinance and/or any administrative decision made in good faith thereunder.

#### **Sec. 30-4. Abrogation and greater restrictions.**

This Ordinance supersedes Chapter 30 **Floods** of the Code of the Town of Chincoteague previously in effect prior to the adoption of these provisions. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

#### **Sec. 30-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall

be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

#### **Sec. 30-6. Penalty for violations**

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Town Manager or any authorized employee of the Town of Chincoteague shall be guilty of a Class 3 misdemeanor and subject to the penalties therefore. In addition to the above criminal penalties, all other actions by the Town of Chincoteague for enforcement hereunder are hereby reserved, including but not limited to injunctive relief in the Circuit Court of Accomack County, Virginia. Violations and associated penalties of the Town of Chincoteague Zoning Ordinance are addressed in Appendix A of the Town Code, Article 10.

The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within such time as reasonably determined by the officer charged with the enforcement hereof, based on the nature and seriousness of the violation, and other material circumstance. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Chincoteague to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

### **ARTICLE II. FLOODPLAIN MANAGEMENT**

#### **Sec. 30-7. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base flood, means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation, means the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the administration of this ordinance.

Breakaway wall means a wall that is not part of the structural support of the building and

is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal A Zone, means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development, means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Existing construction, means structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Flood or flooding, means:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; or,
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

Flood Insurance Rate Map (FIRM), means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS), means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain – means any land area subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 30-10 of this ordinance.

Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Fuel oil tank means any container greater than 10 gallons used for storage of fuel oil.

Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) by an approved state program as determined by the Secretary of the Interior;
  - or,
  - (b) directly by the Secretary of the Interior in states without approved programs.

Letters of Map Change (LOMC), means an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

Lowest adjacent grade, means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor, means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after 3/1/1977, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the 2/2/1989 and includes any subsequent improvements to such structures.

Post-FIRM structures, means a structure for which construction or substantial improvement occurred after February 2, 1989.

Pre-FIRM structures, means a structure for which construction or substantial improvement occurred on or before February 2, 1989.

Primary frontal dune, means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Propane or liquefied petroleum gas tank means a container greater than 50 pounds used for the storage of propane.

Recreational vehicle means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light duty truck;
- and,
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss Structure, means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure, means a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Special flood hazard area means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 30-10 of this ordinance.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as

the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. ``Structure" for insurance coverage purposes, means

1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
2. A manufactured home, also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance coverage purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes

structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation, means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations, as applicable.

**Sec. 30-8. Reserved.**

**ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS**

**Sec. 30-9. Description of districts.**

(a) Basis of Districts - The various floodplain districts shall include special flood hazard areas subject to a one (1%) percent or greater chance of being flooded in any given year. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for the Town prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 16, 2009, and any subsequent revisions or amendments thereto.

(1) The Coastal Floodplain District shall be those areas identified as coastal AE Zones on the maps accompanying the Flood Insurance Study. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.

(2) The Coastal A District shall be those flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

(2) The Coastal High Hazard District shall be those areas identified as VE, or V Zones that have been delineated as subject to wave heights in excess of 3 feet or subject to high-velocity wave action or wave-induced erosion.

**(b) Overlay Concept**

(1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

**Sec. 30-10. Official floodplain map.**

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the town offices.

**Sec. 30-11. District boundary changes.**

The delineation of any of the Floodplain Districts may be revised by the town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

**Sec. 30-12. Interpretation of district boundaries.**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Submitting Technical Data

The Town of Chincoteague base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Town shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

**Sec. 30-13. Reserved.**

**ARTICLE IV. DISTRICT PROVISIONS**

**Sec. 30-14. Permit and application requirements.**

(a) Floodplain Administrator – The Zoning Administrator is designated to administer and implement the provisions of this ordinance. Any decision of the Zoning Administrator may be appealed to Board of Zoning Appeals pursuant to Virginia State Code Sec. 15.2-2311.

(b) Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).

(2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

(3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

(4) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required.

(5) Use discretion to exempt obviously insignificant activities from the permit requirement.

(c) Permit Requirement - All uses, activities, and development occurring within any floodplain district, shall be undertaken only upon the issuance of a floodplain zoning permit. Such use, activity, or development shall be undertaken only in compliance with the provisions of this Chapter 30, the Virginia Uniform Statewide Building code, and all other applicable codes and ordinances, including any subdivision regulations, if applicable.

Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites for the purpose of determining that they will be in compliance with the issued permit in his reasonable discretion, upon completion of such work.

(d) Site Plans and Permit Applications - All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(1) The elevation of the lowest floor (including basement).

(2) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed and the supporting engineering certificate.

(3) The elevation of the one (1) percent chance in 100 year flood.

(4) Topographic information showing existing and proposed ground elevations.

### **Sec. 30-15. General standards.**

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

(a) New construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(k) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained, if required, from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations).

The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### **Sec. 30-16. Specific standards.**

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

(a) Residential Construction - New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than base flood elevation.

(b) Non-Residential Construction - New construction or substantial improvement of any

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

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

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

(2) be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) in the Coastal High Hazard District, follow the standards for elevation outlined in Article IV, Section 30-18.

(4) in the Coastal A Zone, follow the standards outlined in Section 30-18(a).

(5) include in Zones AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

(a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

(b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

(c) If a building has more than one enclosed area, each area must have openings to allow flood waters to automatically enter and exit.

(d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

- (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of flood waters in both directions.
- (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) Standards for Manufactured Homes and Recreational Vehicles

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - (a) the lowest floor of the manufactured home is elevated no lower than base flood elevation; or,
  - (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade, only in parks and subdivisions with no record of flood damage;
  - (c) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
  - (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage,” any manufactured home placed or substantially improved must meet the standards of Article IV, Section 30-16(d)(2)(a), and (c) above.
- (3) All recreational vehicles placed on sites must either:
  - (a) be on the site for fewer than 180 consecutive days;
  - (b) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
  - (c) meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 30-16(d)(1) or (2)(a) and (c), above.

### **Sec. 30-17. Standards for subdivision proposals.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

### **Sec. 30-18. Standards for the coastal 'A' zone**

The Coastal A Zone shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and 3 feet, and identified on the FIRM by Limits of Moderate Wave Action (LiMWA). For these areas, the following provisions shall apply:

- (a) Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with all other applicable provisions of this ordinance.

### **Sec. 30-19. Standards for the coastal high hazard district.**

The VE or V Zones shall be those areas that are known as Coastal High Hazard areas, having been determined to be subject to wave heights in excess of 3 feet or subject to high-velocity wave action or wave-induced erosion. For these areas, the following provisions shall apply:

- (a) All new construction and substantial improvements in Zones VE and V to be elevated on pilings or columns so that:
  - 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
  - 2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article IV, Section 30-19(a).

(c) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

(f) The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(g) Prohibit the use of fill for structural support of buildings. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(h) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(i) All manufactured homes to be placed or substantially improved within Zones V, and VE on the town's Flood Insurance Rate Map on sites must meet the standards of Article IV, Section 30-19(a) through (h) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V, and VE on the Flood Insurance Rate Map meet the requirements of Article IV, Section 30-16(d)(1) and (2), if they are located:

- (1) outside of a manufactured home park or subdivision,
- (2) in a new manufactured home park or subdivision,
- (3) in an expansion to an existing manufactured home park or subdivision, or
- (4) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" due to flooding.

(j) Recreational vehicles placed on sites within Zones V, and VE on the community's Flood Insurance Rate Map must either:

- (1) be on the site for fewer than 180 consecutive days,
- (2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- (3) meet the requirements of Article IV, Section 30-14 and Article IV, Section 30-19(a) through (h).

### **Sec. 30-20. Anchoring fuel tanks.**

(a) All new, replaced, or existing oil, and propane tanks must be anchored against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.

(b) All new, replaced, or existing oil tanks shall have their vent pipe extended at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.

(c) All new, replaced, or existing oil tanks must all be fitted with a fill tube screw-on tight-fit cap with gasket.

(d) This section shall be effective November 4, 2010 for new, existing or replaced fuel tanks.

*(Amended 4/7/08)*

## **ARTICLE V. EXISTING STRUCTURES IN FLOODPLAIN AREAS**

### **Sec. 30-21. Existing Structures**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- B. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

## **ARTICLE VI. VARIANCES**

### **Sec. 30-22. Factors to be considered.**

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The showing of good and sufficient cause.
- (b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one (1) percent chance in 100 year flood elevation.
- (c) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (f) The importance of the services provided by the proposed facility to the community.

- (g) The requirements of the facility for a waterfront location.
- (h) The availability of alternative locations not subject to flooding for the proposed use.
- (i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (k) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (l) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (n) Such other factors which are relevant to the purposes of this ordinance.

All applicants must obtain documentation pertaining to the request for a variance from a Virginia certified engineer to evaluate the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters prior to referring such to the board of zoning appeals.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in

- (a) unacceptable or prohibited increases in flood heights,
- (b) additional threats to public safety,
- (c) extraordinary public expense; and will not
- (d) create nuisances,
- (e) cause fraud or victimization of the public, or
- (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## **ARTICLE VII. ENACTMENT**

This ordinance shall become effective upon passage on April 7, 2014.

### **3. Recreation and Community Enhancement Committee Report of March 11, 2014**

- **Approval of two Boy Scouts Projects**

Councilman Jester advised that the main focus in the meeting was the Memorial Park playground, a plan of action and obtaining community input prior to making decisions. He also advised that they discussed fundraising. He mentioned the party that Ms. Donna Leonard held at Steamers that raised \$5,000 in addition to a donation of \$3,000 from the Kiwanis. He added that they are researching equipment and costs.

Councilman Jester introduced Mr. Sam Stanfield and Mr. Parker Bott who are working toward becoming an Eagle Scout.

Mr. Stanfield explained that he is working on an Eagle Project. He explained that he plans to put wildfire fighting stations on the Island Nature Trail. He stated that this will help those non-firefighters on the scene so they can quickly put out a fire. He stated that they are inexpensive and he is able to build 4 at a cost of \$500. He advised that he will be doing the fundraising himself and the maintenance will be done by Troup 232. He requested permission to begin construction at the Island Nature Trail property. He showed Council a copy of the diagram.

Mr. Bott advised that his Eagle Project will be a sign at the Waterman's Memorial telling about the Memorial, Wallops Island and the surrounding geographical area.

There were a couple of questions and comments from Council.

Councilman Jester motioned, seconded by Councilman Taylor to approve the wildfire fighting stations on the Island Nature Trail and the sign at the Waterman's Memorial. Unanimously approved.

### **4. Meals Tax Committee Report of March 24, 2014**

Vice Mayor Leonard advised that the report is included in the agenda packet. He commended Mrs. Shotwell for providing information about Chamber of Commerce expenses which are funded by 5% of the Meals Tax. He advised that they discussed putting 5% toward helping the Memorial Park Fund one year and the Drainage Fund the next year. He stated that this change will have to go to the Ordinance Committee. He added that they continued to support giving 5% to the Chamber and 5% to the Center as

in the past. He added that the Center would like direction as to their activities of what the 5% is to be used for.

There was further discussion and clarification.

**5. Cemetery Committee Report of March 25, 2014**

Councilwoman Richardson advised that the minutes are included in the packet. She reported that the Cemetery Cleanup Week is scheduled for April 12<sup>th</sup> – 18<sup>th</sup> with the cleanup day for April 12<sup>th</sup> behind the Sanctified Church.

**6. Proclamation Designating April 12-18 as Cemetery Cleanup Week**

Councilman Taylor motioned, seconded by Vice Mayor Leonard to adopt the Proclamation designation April 12<sup>th</sup> – 18<sup>th</sup> as Cemetery Cleanup Week. Unanimously approved.



**PROCLAMATION**

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of April 12<sup>TH</sup> through 18<sup>TH</sup>, 2014, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 7<sup>th</sup> day of April, 2014.

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John H. Tarr, Mayor

**ATTEST:**

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Robert G. Ritter Jr., Town Manager

Mayor Tarr directed staff to publish a notification of the Cemetery Cleanup Week in the paper and online. He asked Mrs. Shotwell if the Chamber would put this out to the businesses by email.

**7. Public Safety Committee Report of April 1, 2014**

Town Manager Ritter advised of a correction in the report. He explained for the ANTARES launch it states that the launch could go out as far as March 10<sup>th</sup> and it should be May 10<sup>th</sup>.

Councilman Howard mentioned another correction regarding the Chincoteague United Methodist Church which should state Christ United Methodist Church.

There was discussion about AED training.

**8. Mayor & Council Announcements or Comments**

Vice Mayor Leonard commended the Town of Chincoteague. He stated that it is evident that Chincoteague is the most vibrant town on the Shore. He also added that a lot of the Shore businesses are now owned by non-locals, however, Chincoteague's businesses are still mostly locally owned.

Councilman Jester commended the Boy Scouts as they have produced a lot of Eagle Scouts.

Councilman Muth asked that they crank up the schedule to complete downtown area road improvements.

Councilman Taylor talked about the upcoming elections and stated that he will sorely miss Councilman Howard. He stated that Council seeks God's face to help run the Town.

Councilman Howard sincerely thanked Councilman Taylor for his kind words. He stated that it is an honor and privilege to serve the Town. He talked about being centered on scripture and the Lord's will along with the Church. He also commented on Chincoteague being in the running for one of the happiest towns in the country.

Mrs. Shotwell reminded him that Chincoteague is already in the top 10.

Councilman Howard also mentioned that during a time of economic turn-down the Town's revenue is all in the plus. He feels that being happy makes the difference.

Mayor Tarr thanked Councilman Howard for attending the American Legion's 81<sup>st</sup> birthday and dinner. He advised that on Tuesday he was able to welcome the National Commander.

Councilman Howard added that it was an honor.

Town Manager Ritter advised that the Recreation and Community Enhancement Committee meeting scheduled for Tuesday, April 8<sup>th</sup> has been cancelled.

Mayor Tarr announced the Planning Commission meeting is Tuesday April 8<sup>th</sup> at 7:00 p.m. He added that there will be a Council Workshop for the budget review at 9:00 a.m. Wednesday. He also added that on the 17<sup>th</sup> at 8:00 p.m. at the Community College the Governor will be coming to the Shore. It is the State of the Shore meeting.

### **Adjourn**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE APRIL 9, 2014 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

### **Council Members Present**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Terry Howard, Councilman  
John N. Jester, Councilman  
Eugene "Tripp" Muth, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

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

Mayor Tarr called the meeting to order at 9 a.m. for the purpose of reviewing the proposed FY'15 Budget.

#### **2. Invocation.**

Councilman Howard offered the Invocation.

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

Mayor Tarr led in the Pledge of Allegiance.

#### **4. Adoption of Agenda.**

Vice Mayor Leonard motioned, seconded by Councilman Muth to adopt the agenda. The motion was unanimously approved.

## **5. General Fund Expenditures**

Council reviewed the salary information and discussed at length cost of living adjustments, bonuses, pay for performance, merit increases etc.

Council also discussed health insurance and the amount that the Town's plan will increase, whether the Town will pick up the increase, or if changes in the plans were necessary to lower the cost.

Mayor Tarr asked for a breakdown of dispatcher's salaries before the next meeting.

Council discussed changing the Excess Tax – Meals ordinance so that Council could decide each year how the 5% that is currently reserved for drainage be divided or every other year also funding park improvements. The Ordinance Committee will address this and come back to Council with a recommendation.

Council discussed expenditures for general government, public works administration, mosquito control, facilities, roads, police department and dispatching.

Town Manager Ritter indicated that the Recreation-Tourism Expenditure 1% of transient occupancy tax did not include paying Alcida and Faye. Mayor Tarr asked that money for this expense be found within the budget and not from the Beach Reserve or by dropping a project to fund them.

## **6. Other Funds.**

Council discussed expenditures for Main Street, Harbor, Trolley and Water funds.

Mayor Tarr stated that if broadband was to be utilized on Chincoteague, a tower was needed at the north and south ends. He asked that staff obtain pricing for towers and this matter be a working project for the Town. He does not want Broadband to fail on Chincoteague.

The proposed budget calls for the Harbor and Water to reserve money for future projects.

## **7. Revenues.**

The proposed budget does not include increases in real estate tax, personal property tax, business license, building permits, excise taxes, or water rates. The proposed budget does include a \$0.50 increase in solid waste collection fee bringing the fee to \$2.00 per week. There is also a 3% increase in slip rentals at the Curtis Merritt Harbor of Refuge.

Councilman Muth motioned, seconded by Vice Mayor Leonard to increase the slip rental at the Curtis Merritt Harbor by 3%. The motion was unanimously approved.

## **8. Recess of Meeting.**

Vice Mayor Leonard motioned, seconded by Councilman Muth to recess the meeting until Wednesday, April 16, 2014 at 9 a.m. The motion was unanimously approved.

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Mayor

Town Manager

**MINUTES OF THE APRIL 16, 2014  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
John N. Jester, Councilman  
Terry Howard, Councilman  
Eugene "Tripp" Muth, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 9 a.m. for the purpose of reviewing the proposed FY'15 Budget.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Motion to Reconvene.**

Councilman Taylor motioned, seconded by Councilman Jester to reconvene the meeting from April 9, 2014. The motion was unanimously approved.

**5. Fund Expenditures from Recessed meeting.**

Town Manager stated that the Insurance for Health Care will not go up from the \$477 per month per employee from last year's budget. He reviewed the changes in the budget resulting in the savings with Health Care.

The major change was placing an additional \$30,600 in Attorney/ Legislative and Consultant line item. Also, placing the \$35,000 for the meals tax drainage money into a new line item called Parks and Recreation Reserve.

The discussion on dispatch salaries occurred with Mayor Tarr requesting staff to monitor the total hours used through out the year with the part time staff to see if there could be savings in the budget for next year.

The consensus of Council was to advertise the draft fiscal year 2015 budget as presented for a Public Hearing on Tuesday, June 3, 2014, at the regular Town Council meeting.

**8. Adjourn of Meeting.**

Vice Mayor Leonard motioned, seconded by Councilman Muth to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE MAY 5, 2014  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Ms. Nancy Lane, Mrs. Margaret Papadopoulos both with the CIAO and Mrs. Evelyn Shotwell the Director of the Chincoteague Chamber of Commerce, approached the Council. They invited Council to the Open House at the Island Theatre, Thursday May 8<sup>th</sup> at 6:00 p.m. They thanked Public Works Director Spurlock for the new brick walk in front of the theatre. They advised that they will be unveiling the Misty hoof prints at the Open House also. They added that it is a free event with a prize giveaway, music and the unveiling of the new stage. They advised of the upgrades made to the Island Theatre. They also added that there will be a showing of the music video "Happy" where some of the Town employees have made them very proud.

Mrs. Shotwell added that she feels it will be a special night for the Beebe Family with the unveiling of the Misty hoof prints and the Misty movie. She hopes that those who were in the movie will be in attendance as well to share their stories of Misty and the movie.

- Mr. Bruce Scott advised that the Eastern Shore of Virginia once again has a Civil Air Control Unit. He stated that they have a great cadet troop and would like to recruit more members.

Mayor Tarr asked Mr. Scott to give his information to Mr. Bryan Rush the Emergency Coordinator. He asked Town Manager Ritter to arrange a meeting with Mr. Scott and Mr. Rush.

- Mr. Bob Marz mentioned a problem with the drainage on Bunting Road. He advised that the water was pooling on a lot on the corner of Bunting Road and Hook Drive. He stated that because of a house that was built on that lot it is not draining properly on Bunting Road, Hook Drive that he maintains. He suggested a catch basin or help getting it to drain in Fowling Gut.

Mr. Marz also advised that he filled out the form to have the Police Department check his property during his vacation. He was informed by his neighbor of what a great job the police did with checking the property each evening during his absence. He expressed his appreciation.

Public Works Director Spurlock advised he is working on the drainage problem there to resolve the issue.

- Mr. Mike Meyers, of Salt Marsh Lane, discussed the potential problems the Island would see if there was a storm causing the beach to overwash over in July. He mentioned those visitors who would want their money back and leave. He asked if the Town had a “Plan B” and asked what it was.

Mayor Tarr advised that there isn’t an official plan but, there is an emergency plan. He stated they have contacted the Park Service and the motel owners. He agreed they need to develop an official plan.

Mr. Meyers wondered if the Refuge would allow buses to transport people and possibly use the service road.

Mayor Tarr stated that in 1997 there was a storm and this happened. He advised that they worked out a plan at that time for parking and beach access.

- Mrs. Shotwell thanked the Police Department, the Town of Chincoteague and Mr. Van Dame with the Trolley Service for all of their help to make the Seafood Festival a huge success.

Mayor Tarr thanked the Chamber for hosting this huge event that had a positive impact on the motels and local businesses.

Mrs. Shotwell advised that ticket sales were up from last year too. She again thanked all those involved.

**STAFF UPDATE**  
**Planning Department**

Town Planner Neville expanded on the report already in Council's packet. He advised that the Planning Commission is approximately halfway through with the 5 year update and review of the Comprehensive Plan. He stated that they are looking forward to the Council Workshop to discuss those items, some of which are included in the packet.

Town Planner Neville discussed the draft FEMA floodplain maps advising of the upcoming open house and stated the maps will be available for public viewing with FEMA representatives on May 13<sup>th</sup>.

Councilman Muth asked for an update on the CCP.

Town Planner Neville advised the Town Manager Ritter will include information on the CCP in his report adding that it is scheduled to come out this month.

### **Police Department**

Asst. Chief Mills advised that the monthly report was included in the agenda packet.

Councilman Howard stated that he was at the forum where an issue was raised on how the Police Department was enforcing laws. He stated that regarding a particular case that individual felt that the Police was over-doing it. He asked about the report and the number of calls, the type and number of tickets issued. He wanted to know if it was all public information.

Asst. Mills advised that if there is a criminal arrest, it is public information. He stated that as far as traffic incidents or stops and warnings they are not public knowledge. He asked if there was a specific incident that he could help him with.

Councilman Howard advised that the person he was talking with presented this to the candidates at the forum. He asked if the report was public information.

Mayor Tarr responded that the report is public information.

Asst. Chief Mills also advised that the names are not public information and were not included in the report.

Councilman Howard stated that the report is relative to the tickets that they actually wrote. He feels that if people actually knew this they would have a different perspective and know if the Police Department was going too far. He believes that the Police Department is considerate and added that 'discretion is the better part of valor'.

Asst. Chief Mills added that they try to be fair.

### **Public Works Department**

Public Works Director Spurlock reported that the monthly report was in the agenda packet. He updated Council regarding the fencing project at the Harbor. He stated they started today and should be done by the end of the week.

Councilman Howard asked about the sailboat that has sunk.

Town Manager Ritter advised that they are working hard to have this removed. He stated that letters have been sent and they have discussed this matter with the individual and at this time they are working on a plan so that they can raise it.

Councilman Jester asked if once it is raised, would it be leaving the marina.

Town Manager Ritter advised that it would be.

### **General Government**

Town Manager Ritter reported that in addition to the Emergency Medical Report there was CPR training of 17 citizens. He added the OEMS Hardware Fund Grant was awarded, where they purchased 3 electronic tablets to facilitate moving all patient care reports to digital format. He stated that the ANTARES rocket launch has been postponed and will be June 9<sup>th</sup>. He reported on the progress of the Downtown Revitalization.

Town Manager advised that the Business License renewals were due by April 30<sup>th</sup>. He stated that if anyone hasn't renewed their Business License they need to do so. He also stated that the vehicle decals were due on the vehicles by April 15<sup>th</sup> and enforcement is in effect. He added that they have finalized the draft FY15 Budget which will be published in the paper.

Town Manager reported that Mr. Joe McCauley plans to present the draft CCP for the Wildlife Refuge on the 15<sup>th</sup> or 16<sup>th</sup>. He reminded Council of Student Government Day on the 15<sup>th</sup>, which wouldn't be a good day to meet with Mr. McCauley. He stated that he spoke with Mr. McCauley and May 14<sup>th</sup> would be the best day at 5:00 p.m for a briefing.

Mayor Tarr advised that this is a meeting to roll out the CCP to the public officials countywide so they can set meetings and timelines.

Councilman Taylor added that a beach is supposed to be wide with dunes, fencing and dune grass and maintained.

There was brief discussion and comments regarding the current situation of the beach.

Mayor Tarr reminded Council that the meeting is May 14<sup>th</sup> at 5:00 p.m. at the Refuge.

Councilman Howard would like to inform the public of the Town's revenues as they are all on the plus side. He added that we are a blessed community. He announced that there is an Ordinance Committee meeting scheduled for May 8<sup>th</sup> at 9:00 a.m.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Mayor Tarr asked to add item 7a to the agenda for Poppy Day Proclamation.

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda adding item 7a Poppy Proclamation. Unanimously approved.

### **9. Consider Adoption of the Minutes**

- **Regular Council Meeting of April 7, 2014**
- **Budget Workshop Meeting of April 9 & 16, 2014**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the minutes of April 7, 2014 and April 9 & 16, 2014, as presented. Unanimously approved.

**10. County Update from Island Supervisor Honorable Wanda Thornton**

Supervisor Thornton reported about the bridge opening issues. She advised that she has contacted the U. S. Coast Guard. She stated that she will contact the gentleman from VDOT to change the schedule.

There was discussion about the inconvenience and Town Manager Ritter advised that he will send a letter from the Town.

Supervisor Thornton discussed the Draft FEMA Floodplain Maps. She advised that she spoke to some people who agree that those coming out of the floodplain shouldn't be required to have flood insurance. She stated that she supplied the Town with a list of the properties that were coming out of the flood plain.

Councilman Howard asked about not buying flood insurance for those homes coming out of the flood plain.

Supervisor Thornton added that she only heard this. She also reported that the household hazardous waste will be May 10<sup>th</sup>. She stated that they still have not adopted the Comprehensive Capital Improvement Plan for the County. She mentioned a couple of items on the agenda that have to be taken care of. She listed a few items. She added that there will be another meeting May 28<sup>th</sup> at 5:00 p.m.

Supervisor Thornton reported that a portion of the Atlantic Town Center was approved for the building of businesses there. She advised that the County decided to administer the Storm Water Ordinance instead of letting DEQ do it. She stated that they are shrinking the Enterprise Zone on the Shore. She added that the biggest issue is that in order to put an area into the Enterprise Zone, the entire parcel has to be included adding that it could become a serious limitation on how many areas may be included.

Mayor Tarr asked if it would have to include the already developed larger businesses.

Supervisor Thornton stated that if there is little or no potential of development they shouldn't include that property in the Enterprise Zone.

There was brief discussion and comments.

Supervisor Thornton also reported that that County is expected to receive the reimbursement for well over \$500,000 as a result of Hurricane Sandy. She noted that Perdue was refunded \$292,000 for personal property taxes by the County from 2010 – 2013 because of the change in classifications. She added that they were overcharged. Supervisor Thornton added that they are now accepting credit card payments at the landfill. She announced that the groundbreaking for the Research Park is June 9<sup>th</sup> at noon. She stated that they are working with Chesapeake Gas Company to possibly get

natural gas in Accomack County. She spoke with the Public Works Director regarding the Recycling and Convenience Center on the Island and was advised that they will begin the improvements next week. She reported on the EMS and Fire calls per district stating that Chincoteague is up there in both. She reviewed the report: EMS: Greenbackville 13, Chincoteague 56, Saxis 3, Bloxom 52, Parksley 78, Onancock 51, Melfa 54, Wachapreague 11, Exmore 5, Onley 38, Oak Hall 85 and Tangier 11.

Supervisor Thornton mentioned the County's budget and stated that the reassessment was an eye opener. She stated that Chincoteague's 2013 value was \$923,928,700. She added that when they adjusted Chincoteague the total real estate value was \$906,704,200 dropping only 1.9%. She also added that Captain's Cove dropped 14.5%, which was the most. She advised of the real estate tax rate which is \$0.58 per hundred for everyone except Chincoteague which is \$0.49. She discussed the teacher's salaries focusing on administration and the early retirement program. She also mentioned the pay retired school employees receive for substituting. She mentioned that this isn't accounted for in the budget and could be a liability for the County.

There was further discussion.

Mayor Tarr thanked Supervisor Thornton for attending.

#### **11. Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week**

Mayor Tarr explained the resolution.

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week. Unanimously approved.



#### **Resolution for Spring Clean up, Paint up, and Fix up Week**

**A RESOLUTION** of the Town of Chincoteague Island, Virginia, to acknowledge the importance of Earth Day and support the community-wide activities and events that remind us of our Island's connection to the rest of the planet.

**WHEREAS**, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for conserving our environment by keeping it clean, healthy, and beautiful; and

**WHEREAS**, the Town of Chincoteague Island and our citizens are committed, through the goals of the Comprehensive Plan, ordinances, policies and our actions, to the conservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

**WHEREAS**, Chincoteague's Mother Earth Day is Saturday, May 10, 2014; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

**WHEREAS**, during this celebration, we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, IN COUNCIL MET:**

1. That the week of May 10<sup>th</sup> – May 17<sup>th</sup>, 2014 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Mother Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 10 – May 17, 2013 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

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John H. Tarr, Mayor

Attest: \_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

**12. Resolution on the 2015 Virginia Department of Transportation Revenue Sharing Litter Grant Program**

Town Manager Ritter explained the Resolution stating that it's a housekeeping item that's done every year.

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the Resolution of the 2015 Virginia Department of Transportation Revenue Sharing Litter Grant Program. Unanimously approved.



## RESOLUTION

**WHEREAS**, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation, Fiscal Year 2015 Revenue Sharing Program; and, **WHEREAS**, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Town Cleanup Projects;

**NOW, THEREFORE**, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program.

**BE IT FURTHER RESOLVED** the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any such approved revenue sharing project.

**ADOPTED** by unanimous vote of the Town Council on May 5, 2014.

Attest:

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

### **13. Resolution on Designating Hurricane Awareness Week**

Mayor Tarr explained the Resolution.

Vice Mayor Leonard motioned, seconded by Councilman Jester to adopt the Resolution on Designating Hurricane Awareness Week. Unanimously approved.



## RESOLUTION Hurricane Preparedness Week 2014

**Whereas**, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 25-May 31, 2014 has been designated "Hurricane Preparedness Week"; and

**Whereas**, with the Town of Chincoteague being an Island, 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 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 25<sup>th</sup> – May 31<sup>st</sup>, 2012 as "Hurricane Preparedness Week: in the Town of Chincoteague.

Attest:

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

**14. Certificate of Recognition for National Public Works Week**

Public Works Director Spurlock read the Certificate of Recognition.

Mayor Tarr thanked Public Works Director Spurlock and the Public Works employees for all they do.

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the Certificate of Recognition for National Public Works Week. Unanimously approved.



**CERTIFICATE OF RECOGNITION**

**for**

**NATIONAL PUBLIC WORKS WEEK**

**WHEREAS**, the Town of Chincoteague's Public Works Department is responsible for all Town facilities, mosquito control, roads, and water supply, treatment and distribution

which are vital to the health, safety, and wellbeing of the people that reside on or visit Chincoteague Island; and

**WHEREAS**, such facilities and services could not be provided without the dedicated efforts of Chincoteague's public works professionals; and

**WHEREAS**, the Mayor and Town Council are grateful to all those who plan, design, build, operate and maintain the infrastructure which is essential to our people: and

**WHEREAS**, it is critical that the people of the Town of Chincoteague are educated about, and participate in, the shaping of public works programs in our community: and

**WHEREAS**, the year 2014 marks the 54<sup>th</sup> annual National Public Works Week sponsored by American Public Works Association;

**NOW, THEREFORE**, I, John H. Tarr, Mayor of the Town of Chincoteague, do hereby designate May 18 – 24, 2014, as **NATIONAL PUBLIC WORKS WEEK** in the Town of Chincoteague.

**ADOPTED** May 5, 2014.

Attest:

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

**15. Proclamation for Safe Boating Week**

Mayor Tarr explained the Proclamation.

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the Proclamation for Safe Boating Week. Unanimously approved.



**PROCLAMATION**

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities that grow each year. But with this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

**WHEREAS**, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat.

**WHEREAS**, responsible boaters will learn the local boating regulations, master the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters.

**WHEREAS**, U. S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

**WHEREAS**, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, “Life Jacket. WEAR IT! a habit we can live with!”

**NOW THEREFORE, BE IT RESOLVED** I, Mayor John H. Tarr, proclaim May 17 through 23, 2014 as National Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

**DATED** this 21<sup>st</sup> , day of April, 2014

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Mayor John H. Tarr  
Town of Chincoteague, Inc.

BMC. Hank Deatrich  
Officer in Charge  
U. S. Coast Guard  
Station Chincoteague

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Jane C. Peake  
Flotilla Commander 12-06  
U. S. Coast Guard Auxiliary

**7a. Proclamation for Poppy Day**

Town Manager Ritter advised that they received the request for a Proclamation from the American Legion Auxiliary. He then read the Proclamation.

Councilwoman Richardson asked where they could get a poppy.

Mayor Tarr advised that the American Legion will have them and distributing them, May 17<sup>th</sup> along with requesting donations to keep this day going.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to adopt the proclamation for Poppy Day. Unanimously approved.



### **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 H. Tarr, Mayor of the Town of Chincoteague, Virginia, do hereby proclaim, May 17, 2014 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 5<sup>th</sup> day of May, 2014.

\_\_\_\_\_,  
Mayor

Attest:

\_\_\_\_\_  
Town Manager

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

Councilwoman Richardson wished Mayor Tarr a "Happy Birthday".

The Town Council and meeting attendees all sang "Happy Birthday" to Mayor Tarr at the suggestion of Councilman Howard.

Vice Mayor Leonard wished the candidates well and encouraged citizens to vote. Councilman Jester thanked those who attend the Council meetings.

Councilman Muth encouraged everyone to vote at the elections tomorrow.

Councilman Taylor expressed that he was going to miss not voting for Councilman Howard. He stated that it is great after so many years to see the smile on his face. He mentioned how much it takes to come together to make the Town and special events a success. He added that he will miss Councilman Howard as it won't be the same without him. He advised that he hopes the one who fills the seat is deserving of it.

Councilman Howard stated that whenever he feels down wherever he goes that he hopes Councilman Taylor is there. He stated that Councilman Taylor makes him feel good. He stated that it's been a pleasure. He appreciates everything everyone does in the community. He also stated that he likes the expression "let's build bridges instead of walls". He added that it behooves us to listen and learn from the people. He concluded that if they do build walls instead of bridges the Island would suffer.

Vice Mayor Leonard announced that the Chincoteague Middle School both softball and baseball teams went undefeated this season. He added that this is a feat and wanted to inform the public.

Mayor Tarr reminded everyone to vote tomorrow. He asked about AED training. He directed Town Manager Ritter to ask Coordinator Rush form an AED class.

### **Adjourn**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn. Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE MAY 15, 2014 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

### **Council Members Absent:**

Tripp Muth, Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Howard offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS**

Mayor Tarr thanked Mr. Holland, Principal of Chincoteague High School for allowing the students to participate in this event each year. He introduced the Student Government Mayor, Ms. Jessica Stanfield who introduced the participating students and gave their positions:

Mayor, Jessica Stanfield

Town Manager, Stella Everett

Chief of Police, Ryan Capers

Public Works Director, Alex McJilton

Councilwoman, Maranda Jones

Councilman, Alex McGee

Councilman, Nich Scelsi

Councilwoman, Ashley Liddle

Councilwoman, Elissa Conner

Councilwoman, Melissa Derrickson

Student Government Mayor Stanfield advised that they went out into the community and visited businesses talking to people about their likes or suggested improvements for the Island. She explained that they would like to address the Noise Ordinance. She advised that they feel there's a lot of conflict about having two different time frames during the day that allow a certain decibel. She further explained that the conflict is with certain businesses, the public and the police. They would like to make everyone happy as the tourist would like to have a good time and the residents want peace. They suggested a resolution changing the decibel level or hours into the evening.

Mayor Tarr advised that Council will send this matter to the Ordinance Committee for review.

Student Government Mayor Stanfield stated that they would just like to see everyone satisfied. She stated that the next matter they wanted to bring up is regarding a wastewater treatment plant. They found out that a lot of the businesses are still tied into older septic systems and drainfields. She mentioned those businesses along Main Street and Maddox Boulevard whose systems are older and breaking down. She advised that those businesses must wait for those systems to fail before the Health Department will allow them to be replaced. She suggested looking into tying everyone together to protect the businesses.

Mayor Tarr stated that the Town has a Wastewater Committee who is looking at those commercial corridors.

Student Government Mayor Stanfield also mentioned the beach and preservation. She stated that a lot of the beach is wearing away. She advised that they are aware that some of the area is a habitat for the Piping Plovers. She stated that they are also worried about preservation from a financial standpoint and found out that things on the beach aren't as they should be. She stated that there should be dunes and grasses planted. She added that the Fish and Wildlife has pushed this aside because they want it to be prime real estate for the Piping Plovers.

Student Government Mayor Stanfield advised that last summer she was a NASA, Wallops intern at the Environmental Office. She stated that she spent all summer counting the Piping Plovers and learning more about the birds. She also stated that Assateague isn't the only habitat. She added that they are all over the shore including Wallops Island and doing well. She added that they need to work together because at the end of the day it isn't all about the wildlife. She stated it's about the economy and the beach being the focal point which is family oriented and they'd like to keep that.

Mayor Tarr stated that they would be seeing more about this in the newspaper.

Student Government Mayor Stanfield stated that the fourth and final matter they wanted to bring before Council is a suggestion from the business owners is to have free Wi-Fi broadcast along Main Street from Cleveland to Church Street. She expressed the importance to be able to use this along with advertising free Wi-Fi along that range. She feels that it would be a unique attraction to the downtown area.

Mayor Tarr advised that they have been working with the Broadband wireless provider and hopefully will be able to have this in the future.

Councilman Howard stated that they talked about central sewage treatment. He feels that the time for central sewage and the climate for considering it is better now. He added that the expense is not better now. He also feels that the public is more receptive now than in the past. He mentioned that it is encouraging to know that the young people are thinking ahead like this.

Mayor Tarr thanked Chincoteague High School Principal, Mr. Chris Holland as the high school has been represented well. He stated that this is a fine group of young adults that are going to be leaders in the community in the future.

Councilman Taylor asked if they would be attending the June 26<sup>th</sup> public hearing for the Refuge CCP. The students agreed that this is important and advised they would be in attendance.

Councilman Jester congratulated them. They thanked Mayor Tarr and Council.

Mayor Tarr invited the participants in the Student Government Day to take their respective seats for pictures.

Mayor Tarr then opened the floor for public participation.

- Councilwoman Richardson stated that she, along with that Mayor Tarr and Councilman Jester, serve on the Oyster Museum Board of Directors. She introduced the new Director Ms. Ennis Barbary. She asked if Ms. Barbary could address Council.

Ms. Barbary introduced herself. She advised she recently moved to the Island from College Park. She stated that she is from West Virginia. She announced that the museum has a volunteer program with 18 new volunteers. She mentioned working with the Library's Oral History Program. She stated that she would also love to collaborate with the schools more.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

#### **1. Discuss Possible Purchase of Playground Equipment and Funding**

Town Planner Neville reported that the Recreation and Community Enhancement Committee discussed focusing on the first step to replace the equipment that appeals to the younger children in the 2 to 5 age group. He stated they contacted different playground manufacturers, one of which already has equipment in the playground. He explained the 3 different options for the replacement for the youngest age playgroup. He reviewed the pictures, prices, installation, mulch and differences. He suggested utilizing the Public Works Department for the labor to save money.

Town Planner Neville asked if it would be better to order it and install it before summer. He further explained the items and quotes. He also mentioned the rocket ship for the younger play group. He added that this would go with the idea for the theme of the rocket. He stated that a \$15,000 - \$20,000 price range would get the job done. He added that the Committee encourages Council to make a decision to begin replacing the equipment.

Councilman Howard asked about the alternate amounts.

There was further discussion.

Councilman Jester stated that they need to begin the replacement as soon as possible because it will help raise funds to purchase more. He commended Ms. Leonard on a fantastic job raising money for the equipment. He reported that the fund has \$11,000.

Ms. Donna Leonard advised that they have \$2,000 from the Chamber of Commerce. Ms. Leonard stated that she has \$5,500.

Councilman Jester added that the Ruritans gave \$3,000 making it over \$20,000. He feels that if they want to concentrate first on the equipment for the younger children then he agrees with that. He recommended that Council move forward with this.

There was brief discussion.

Ms. Leonard advised that there hasn't been a Committee assigned for fundraising. She suggested a Park Enhancement Committee for Chincoteague Veterans Memorial Park.

She stated that she can forward a list of possible volunteer members. She made some suggestions for purchasing and painting the older equipment there.

Further comments were made.

Mayor Tarr requested that Town Manager Ritter bring a budget amendment to Council in June. He advised that he and Councilman Jester will work together to get the Committee set up from the Parks and Recreation Committee. He thanked Ms. Leonard for her hard work.

## **2. Discuss Possible Paving of the Island Nature Trail Paved Portion**

Town Manager Ritter advised that the Town has applied for a Recreational Trails Program Grant through the DCR. He stated that it would be awarded in the fall. He also stated that once they complete the environmental review of the trail for environmental compliance they will bid the project out in the spring. He advised of a quote from Branscome of \$58,725 for 2" of asphalt for the Island Nature Trail.

Town Manager Ritter explained that the grant is \$43,000 with a Town match of \$15,725 plus paying the ANPDC \$1,500 for Mrs. Edwards' services. He stated that if Council wants to expedite this there are other funding possibilities. He explained an option for funding. He recommended waiting until the spring to complete the repaving and repairing the uneven spots for the time being.

There was discussion about the Trail. Council agreed to make the Trail as safe as possible until they can get the grant funding in the spring.

Public Works Director suggested options to remove the asphalt altogether leaving it natural or putting down the rubberized playground surface type of material.

Discussion continued.

Councilman Howard expressed his concerns and feels that when they fix the Trail they should fix it in a more permanent way.

There was further discussion about funding along with the pier project.

Councilman Jester moved, seconded by Vice Mayor Leonard to repair and make the Island Nature Trail safe for now until they can receive the DCR Grant Program for next year. Unanimously approved.

## **3. Joint Meeting with the Planning Commission to Discuss Possible Changes in the 5 Year Comprehensive Plan Review.**

Planning Commission Chairman, Ray Rosenberger called the Planning Commission meeting to order. He explained that this meeting is to work with Council regarding updates and possible changes in the Comprehensive Plan.

Town Manager Ritter explained that the Planning Commission is conducting the 5 year review of the Comprehensive Plan. He stated that they are at the halfway mark and wanted to discuss the review at this point. He added that they will be coming back to

Council when they're at the 75% mark and again when they've completed the review. He turned the floor over to Town Planner Neville to review the changes to date.

Town Planner Neville advised that the Commission is midway in the process of making changes. He stated that they are going chapter by chapter updating and adding the new items. He mentioned that they reviewed and discussed private roads and maintenance along with land use, public sewer and water. He stated that they were looking into how the Town could grow making sure the community doesn't lose its character. He advised that some of the language and maps were outdated.

Chairman Rosenberger stated that this is only an edit and not a re-write.

Councilman Jester talked about the Census population data in those changes reminding them that the Town appealed the numbers and they were changed.

There was discussion regarding the number they used as the Town population.

Mayor Tarr explained that the Census numbers were wrong and the Justice Department approved the change so that the Town could remain in the same election district. He added that they didn't go through the appeal through the Census Bureau because they didn't need to with the approval of the Justice Department. He reported that the population is 3,667.

Town Manager Ritter advised that staff counted all registered voters adding the Chincoteague school age children coming up with 3,667.

Mr. Papadopoulos asked if there was documentation that this is a correct number from the Justice Department.

Town Manager Ritter advised that they accepted this and is the actual number the County accepted to use in their official Election Districts.

Mayor Tarr mentioned that Ms. Fox conducted this count and stopped at that number. He stated that during the 2010 Census count there were many people uncounted. He reminded everyone that at the last Census poll they went the other way counting a 3,500 population and went to 4,500 with 450 people in Inlet View Campground which is closed during the winter. He feels that the population over the last 20 years has been flat.

They discussed the change in population figures over the years.

Chairman Rosenberger asked if Council would agree to the population of over 3,600 people.

Council agreed. There were further comments.

Councilman Jester discussed Chincoteague not being included in the Chesapeake Bay watershed management area for State Code compliance issues.

Town Planner Neville stated that the State Code now requires all Comprehensive Plans to talk about living shorelines as being a preferred option, designed and permitted through VMRC. He mentioned being recognized as a developed community and that shorelines with bulkheads are part of the need that we have for a working waterfront. He added that there is another State program which encourages the condition that much of the Island has as a working waterfront.

Town Planner Neville also mentioned that the Commission discussed options for living shorelines and erosion control and possible project areas. He advised that along the Channel with fast moving water planted grasses are not the answer.

Council expressed their concerns about FEMA regulations.

There was lengthy discussion regarding the flood maps, erosion, bulkhead and the living shoreline. They also discussed the maintenance responsibility of the public and private roads and the County assessing the roads for taxes. A map was prepared illustrating the Town street network made up of 21 miles of public streets and 21 miles of private roads.

Mr. Papadopoulos asked what the responsibility is of the local government to provide safe access to residents. He asked where the line is drawn. He gave the scenario about emergency access to private roads.

Councilwoman Richardson stated that emergency vehicles would do their best to get to you, although possibly taking a little longer.

Chairman Rosenberger also stated that the Fire Department in the past has notified property owners advising them that there is no safe way to access the property. They have asked them to bring it up to the standard where they could safely get an emergency vehicle there.

Mr. Papadopoulos expressed concern that there are no minimum design or maintenance standards for private streets.

Councilman Jester stated that there are standards in the subdivision ordinance. He feels that they should have a policy that spells out the actions to bring a private road to the state specifications.

Councilman Howard added that the state can't spend public funds on private roads.

Councilman Taylor stated that two things have to come together. He stated that people who want the road upgraded must be willing to pay and the landowner must be willing to give it to them.

Councilman Jester stated that this should be spelled out clearly.

Mr. Papadopoulos asked why those who live on brown signed streets are discriminated against for road maintenance.

Mayor Tarr advised that it's because those roads are privately owned. He added that every road is different. He explained that Ocean Breeze has several different associations that were never set up. He added that this is a civil matter between the owner of the roads and the associations, if they would set them up. He also added that they won't set the associations up because they don't want to pay the money.

Mayor Tarr also advised that there are private roads that are individually owned along with private roads where the owner owns half the road. He stated that there are the private roads that are called ingress and egress to properties. He explained that there are a large variety of private roads that take a long process to get them up to the state standards to turn ownership over to the state of Virginia. He added that this is a civil suit between the property owners, not a municipality suit.

Town Planner Neville stated that the Comprehensive Plan is silent on this issue and to ignore 50% of the streets on the Island doesn't seem right. He asked if the public need has reached the point on certain roads that the Town would say that this is different than every other private street situation. He added that it could be a public safety need. He reminded Council that the Comprehensive Plan is a first step to create that distinction.

Mayor Tarr responded that this could be spelled out in the Comprehensive Plan. However, the Plan should be written in a way that it is the Town's responsibility to fix all the private streets.

Town Planner Neville agreed that what was written under Topic 2 is trying to address everything.

Mayor Tarr read from the proposed changes.

Councilman Howard suggested seeking professional to advise the Town on when action could or should be taken to improve private street property.

Councilman Jester agreed. Mayor Tarr stated that he would like Town Attorney Poulson to review this issue.

Town Manager Ritter advised that there is a provision that any town with a population less than 3,500 can tax that area with a special tax to pay for public improvements.

Councilwoman Richardson stated that this can't be done without the owners' permission. She stated that before Chincoteague annexed she applied to VDOT for a road in Misty Meadows. She advised that she had to have 2/3 of the property owner's signatures. She added that the road was estimated at \$106,000 and the property owners had to put up half of that cost. Councilwoman Richardson explained that she then went to the Board of Supervisors asking if they would tax every property owner along the road for 3 years which was given to VDOT for the road. She added that they over-estimated the costs and were actually given money back. She then explained the turn-over of the roads.

Mayor Tarr stated that those taxing powers were under the State Code.

Town Planner Neville presented Topic 4, Public Sewer and Water Utilities. He advised that they have been working on a list of all the reports and documents that may not be in the Comprehensive Plan but are still long-range planning documents. He suggested referencing them in the Plan. He stated that the Town has a Water Master Plan and wanted to find a way to get the relevant information in the Comprehensive Plan. He added that it's mostly because of the impact this would have on capital improvements.

Chairman Rosenberger added that once a capital improvement is in the Plan, this leaves the door open for future grant applications.

Mr. Papadopoulos feels the first step to encourage the extension of private wastewater treatment service along Main Street has been very successful.

Mayor Tarr commented on how interesting it was to have the students talk to the businesses and residents about the sewage treatment issue and bring it to Council.

Mr. Papadopoulos added that they are moving towards a better quality of life.

Town Planner Neville stated that the Wastewater Advisory Committee will be meeting later this month. He added that they didn't want to put the Committee recommendations in the plan without discussing this with Council. He feels incorporating this into the Comprehensive Plan is another way to get the information out with a public hearing in the Fall.

Discussion continued about maintaining the Island's character and quality of life.

Mayor Tarr asked if anything would be mentioned in the document about the new Wallops Research Park and the things that the Town considers assets that drive the Comprehensive Plan.

Discussion continued.

Town Planner Neville brought Council's attention to some text changes proposed in the document.

There was discussion about the local grocery store and the current impact it is having on the Island. They also discussed broadband and possibly expanding to accommodate the entire island.

Mayor Tarr suggested the Town looking into their budget to install another tower allowing broadband providers which could cover the entire island. He advised that they have changed the antennae on the water tower and it is transmitting much better.

Town Planner Neville advised that there are a few more items to be discussed over the next few months. He stated they will make another presentation to Council in October with a possible public hearing in November and adoption in January 2015.

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

Mayor Tarr encouraged Council to review the Plan and proposed changes. He asked Town Manager Ritter to give a copy along with the cover letter to the newly elected Councilmembers.

### **Adjourn**

Vice Mayor Leonard motioned, seconded by Councilman Jester to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JUNE 3, 2014 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Councilman  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

### **Council Members Absent:**

John N. Jester, Jr.,  
  
Tripp Muth, Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Howard thanked Mayor Tarr and previous Mayors and Councils that allowed prayer at the beginning of Council meetings.

Councilman Howard offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Ms. Donna Leonard advised that WCTG had a fundraiser at Steamers. She reported that during the fundraiser, Mr. 'Red' McDonald from Chincoteague Fisheries donated \$1,000 for the playground.

### **STAFF UPDATE**

#### **Planning Department**

Town Planner Neville expanded on the report already in the Council's packet. He thanked Council for reviewing the status of the Comprehensive Plan Update, advising that the Planning Commission will continue their work on it. He stated that they are busy

addressing the CCP, and a draft newsletter will be prepared to give a further update on this matter.

### **Police Department**

Chief Lewis advised that other than the monthly report included in the agenda packet he had nothing further.

### **Public Works Department**

Public Works Director Spurlock stated that other than his monthly report in the agenda packet he had one update. He reported that the sign recognizing the families which donated the land has been installed at the Chincoteague Veterans' Memorial Park.

Mayor Tarr asked about the bricks needed to finish the Main Street project.

Public Works Director Spurlock advised that the bricks came in and the final walk-thru for the Downtown Project is scheduled for June 13<sup>th</sup>. He also mentioned the fishing pier.

Councilman Howard commented on the paving downtown.

### **General Government**

Town Manager Ritter reported that the EMS responses for May were 86 which were 11 more than May of 2013. He stated that ALS responses were 46, BLS was 19 and other calls were 21. He added that at the last Council meeting there was a suggestion for AED training. He explained that AED training is included in CPR training and certification. He spoke with the YMCA advising that they are trained in CPR and the AED also.

Town Manager Ritter advised that they are working on a bid for pavers from the Fishing Pier handicap ramp and steps down to the boardwalk so that it will complete the entrance to the pier. He also reported that staff has worked on the graphs for the proposed budget along with the Health Insurance, Vision Insurance and Dental Insurance renewals. He advised that staff sat in on a software demo with Southern Software. He reminded Council of the swearing in ceremony for the new council members on June 25<sup>th</sup> at 5:00 p.m. Town Manager Ritter mentioned the quarterly newsletter. He added that the 2014 Event Calendar is current and online.

Councilman Howard mentioned the snapshot of revenues. He stated that the Island seems to be prospering.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Vice Mayor Leonard motioned, seconded by Councilman Taylor to adopt the agenda as presented. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of May 5, 2014**
- **Council Workshop Meeting of May 15, 2014**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the minutes of May 5, 2014 and May 15, 2014, as presented. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor  
Nays: None  
Absent: Jester, Muth

**2. Public Hearing for the Fiscal Year “2015” Budget, Consisting of:**

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Total Main Street Fund Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Water, & Gen Gov. Rate Sheets

Mayor Tarr opened the public hearing for Fiscal Year 2015 Budget. He asked staff to briefly review the main issues of the budget.

Finance Director Hipple reviewed the proposed FY 2015 Budget. She advised that the total budget amount is \$7,079,922 where the revenues equal the expenditures. She reported that the General Fund budget is \$4,946,573. She advised that there is no proposed tax increase. She stated that there was a reassessment in 2014, and by not changing the Real Estate Tax rate it caused a slight decrease in that revenue source.

Finance Director Hipple reported that the trash fee will increase by \$0.50. She mentioned the Safe Routes to Schools Grant. She stated that instead of the 5% of Meals Tax going into drainage it will go to playground equipment for this fiscal year. She added that the 5% will be reconsidered each year to fund one or the other. She reported that there is no General Fund Savings transfer included in the FY 2015 budget. She added that the General Fund will have to match the grants which go toward the Main Street Project for the DCR and TEA-21 Grant. She explained where the match funding will come from. She also added that the budget does not include a new police car.

Finance Director Hipple explained the Main Street Project and funding. She stated that the Harbor Fund will be putting away \$40,000 in their Long-Term Replacement Reserve. She stated that they've proposed electrical meter station upgrades at the Harbor. She reviewed the operations expenses. She continued to review the Trolley Fund and grants included along with Program Income and the Town's match. She continued on to the Water Fund which is \$1,079,446. She stated that most of their revenue is from Water Rent. She explained that the Water Department is proposing to purchase a mini excavator, new billing software and a transfer to Water Reserve.

- Mr. Spiro Papadopoulos asked about Main Street maintenance. He mentioned grants, however, feels they should set aside money for maintenance. He stated that the Harbor has funds set aside for maintenance. He asked that Council do the same for each fund.

Mayor Tarr advised that there aren't any plans for that this year. He added that they are hoping to complete a life-cycle cost analysis on all of the Town's buildings, parks and infrastructure. He agreed with Mr. Papadopoulos that they need to look at what could happen 10 years down the road.

Mayor Tarr closed the public hearing. He advised that there will be no action at this time and the vote will be at the next meeting, June 19<sup>th</sup>.

### **3. Public Hearing on FY “2014” Budget Amendment for Playground Equipment**

Mayor Tarr advised that this is a change to include a playground equipment expense in the current budget as discussed at the last Council meeting to be funded by Playground Equipment reserve fund. He then opened the public hearing.

Town Manager Ritter explained how they came up with the amount which totaled \$20,000 to purchase playground equipment. He stated that they would like to have the Recreation and Community Enhancement Committee’s recommendation as to what piece of equipment to purchase. He advised that they meet again next Tuesday and will return a recommendation at the next Council meeting on the 19<sup>th</sup>. Town Manager Ritter also advised that the Recreation and Community Enhancement meeting would be June 10<sup>th</sup> at 5:00 p.m.

Mayor Tarr asked if there were any comments or questions from the public regarding moving the funds for the purchase of the playground equipment.

There were no comments. Mayor Tarr closed the public hearing.

Councilman Howard motioned, seconded by Vice Mayor Leonard to approve the FY 2014 Budget Amendment for playground equipment. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

### **4. Resolution on Virginia Retirement System Contribution Rates**

Town Manager Ritter explained that this is a housekeeping matter from the Virginia Retirement Systems regarding the retirement rate changes. He added that they didn’t phase it in as it was added it in 2 years ago.

Councilwoman Richardson asked if this affected the employees.

Town Manager Ritter advised that this took place 2 years ago and does not affect the employees. He added that it is more for VRS records.

Councilman Howard motioned, seconded by Vice Mayor Leonard to readopt the Resolution on Virginia Retirement System Contribution Rates. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth



## **Resolution**

BE IT RESOLVED, that the Town of Chincoteague, 55341, does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Town of Chincoteague, 55341, does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

X The Certified Rate of 11.10%                      ☐ The Alternate Rate of \_\_\_\_%; and

BE IT ALSO RESOLVED, that the Town of Chincoteague, 55341, does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Town of Chincoteague, 55341, are hereby authorized and directed in the name of the Town of Chincoteague to carry out the provisions of this resolution, and said officers of the Town of Chincoteague are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Chincoteague for this purpose.

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John H. Tarr, Mayor

### **CERTIFICATE**

I, Robert G. Ritter, Jr., Clerk of the Town of Chincoteague, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Chincoteague Town Council held at Chincoteague, Virginia at 7 o'clock on June 3, 2014. Given under my hand and seal of the Town of Chincoteague this 3<sup>rd</sup> day of June, 2014.

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Clerk

**5. Ordinance Committee Report of May 8<sup>th</sup>, 2014**

- **Possible Changes to Chapter 54, Taxation, Article V Excise Tax (Meals), Sec. 54-306, Disposition of Revenue (a) & (b)**
- **Possible Changes to Chapter 22, Environment, Article VII Storm Water Management, Sec. 22-190, Town Subject to County Ordinance**

Councilman Howard stated that this matter came to the Ordinance Committee at the request of the Meals Tax Committee. He explained that 10% is earmarked for tourism. He stated that they agreed to take 5% to go toward drainage or park improvements. He read the changes.

Town Manager Ritter advised that usually the President of the Chamber of Commerce has been on the Meals Tax Committee. He added that normally a Committee member lives on the Island. He informed Council that the past and current President does not live on the Island. He doesn't feel it's an issue. He added that it could be any Chamber member as long as they live on the Island.

There was brief discussion

Town Manager Ritter reminded Mayor Tarr that the Committee requirements state that they have to be an Island resident. He asked if Council wanted to make the change.

Mayor Tarr asked if there were any special rules to change the tax.

Town Attorney Poulson stated that they aren't collecting or imposing the tax they are merely changing the disposition of the tax.

There was further discussion.

Town Manager further explained that in the 10% for tourism, 5% goes to the Chamber and 5% goes to the Center. He added that another 5% has been going to drainage. He concluded that they are proposing to change the other 5% from drainage only to go to drainage or parks and recreation.

Discussion continued to possibly do away with the earmark and vote each year what where it will go.

Finance Director Hipple interjected that years ago Council tried to have a Playground Reserve. She stated that the reserve is sitting there with no money because something else came up.

Council commented.

Councilman Howard motioned, seconded by Councilman Taylor to approve the changes as presented and recommended to Chapter 54, Taxation, Article V Excise Tax (Meals), Sec. 54-306, Disposition of Revenue (a) & (b). Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

Chapter 54  
**TAXATION\***  
**Article V. Excise Tax (Meals)**

Sec. 54-306. Disposition of revenue

(a) A minimum of ten percent of the tax levied under this article shall be used to promote tourism. ~~The first year's ten percent will be spent to repair the town dock and Veterans Memorial Park. In May of 1990,~~ The mayor will create a committee composed of island residents, one each from ~~the~~ a Restaurant Association, Chincoteague Chamber of Commerce and town council to recommend ~~disposition~~ expenditures to the town council of revenues collected ~~to the town council~~ after January 1, 1991.

(b) A minimum of 5 percent shall be used for drainage ~~or park and recreation~~-related projects, ~~determined by Council each year.~~  
(Code 1977, § 6-49; Ord. of 10-19-2000)

Councilman Howard stated that after discussion the Committee recommended allowing Accomack County to handle storm water management permits within the geographical boundaries of the Town.

Councilman Taylor stated that if the Town doesn't allow the County to do this then the D.E.Q. will.

There was brief discussion.

Town Manager Ritter advised that the state is mandating there will be storm water management controls for surface water runoff beginning July 1<sup>st</sup>. He stated that the Town can allow the County to do this or the Town could do this. He added that if this is done by the Town someone would have to be certified, devoting most of their time to conduct the inspections. He agreed with staff's recommendations to allow the County to handle this on the Town's behalf.

Brief discussion continued.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the newly created article Chapter 22, Environment, Article VII Storm Water Management, Sec. 22-190, Town Subject to County Ordinance, which allows the County to handle the Town's storm water management permits. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

Chapter 22  
**ENVIRONMENT\***  
**ARTICLE VII. STORM WATER MANAGEMENT\***

## **Sec. 22-190. Town subject to County ordinance.**

Pursuant to Code of Virginia, § 62.1-44.15:27, the town shall be subject to the storm water management ordinance of the county, as such ordinance may be in full force and effect from time to time. Such ordinance shall be enforced by the county within the geographical boundaries of the town.

(Effective date of July 1, 2014)

### **6. Consider a Virginia Tourism Corporation Donation for a Town Park (4 Love Chairs)**

Mayor Tarr welcomed Mrs. Shotwell, Director of the Chamber of Commerce.

Director Shotwell advised that the information is included in the packet. She explained that the state's slogan is "Virginia is for Lovers". She stated that there is a "Lovework" campaign where love artwork is created. She feels they can create their own Lovework with rockets, kayaks and ponies. She stated that the chairs have been offered to the Town from the Kiptopeke State Park. She advised of the 4 large chairs with letters on each spelling out the word LOVE. Director Shotwell stated that they are looking for a new home for the 4 chairs. She suggested putting them at the Robert N. Reed Downtown Waterfront Park, the Donald Leonard Park, Chincoteague Veteran's Memorial Park or the Chamber yard. She further explained the marketing advantages. She added that this could be a pin on the map along with additional exposure, advertising along with the press release. She continued to discuss the advantages.

Mayor Tarr added that they can be moved from park to park.

Discussion continued.

Councilman Howard motioned, seconded by Vice Mayor Leonard to approve the donation of the 4 LOVE chairs. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

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

Councilwoman Richardson stated that at the annual Chincoteague Police Bicycle Rodeo there was a little girl who couldn't ride her new bicycle. She advised that 2 of the Town's Police officers took the time to help the child ride the bicycle and before long that little girl was riding the bicycle with the officer running alongside of her. She commended Officers Mills and Greenley for going beyond their duties to help this child. She feels this should be covered in the paper. She advised that the Police Department gave away 5 bicycles that day. She added that they started the rodeo with the funds from the Safe Routes to Schools Program. She also added that this was to teach bicycle safety. Councilwoman Richardson wanted to add that it was a fun and rewarding day. She thanked the Police Department.

Councilman Taylor showed Council a picture of Councilman Howard painted by Mrs. Nancy West. He asked Council's approval, that the picture be framed and put on the wall in the Council Room. He expressed his love and respect for Councilman Howard and stated that he will miss him on Council.

Councilman Howard advised that he took a ride with Public Works Director Spurlock around the Island looking at the roads. He stated that Public Works Director Spurlock explained the roads and repairs. He suggested that Council consider purchasing a mini excavator needed to make the proper repairs to the roads.

Councilwoman Richardson thanked Public Works Director Spurlock for having the Public Works Department clean up the Island Nature Trail.

Mayor Tarr advised that Councilwoman Richardson, Town Manager Ritter and himself will meet with Mr. Bruce Matthews of Matthews Market regarding the grocery store tomorrow. He advised that there will be a grocery store here and opening soon.

Public Works Director Spurlock advised that he will be out of town the last week of June through first week of July.

Town Manager Ritter reminded Council of the special meeting with the Beach Access Committee on June 11<sup>th</sup> at 9:00 a.m.

Mayor Tarr stated that Mr. Joe McCauley has agreed to meet with the Beach Access Committee. He feels that full Council should be there to ask questions and get to know the plan a little better before the public hearing.

### **Adjourn**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adjourn. Motion carried.

Ayes: Leonard, Howard, Richardson, Taylor

Nays: None

Absent: Jester, Muth

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Mayor

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Town Manager

**MINUTES OF THE JUNE 11, 2014**  
***CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING***  
***WITH CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE***

**Council Members Present:**

John H. Tarr, Mayor  
Councilwoman  
J. Arthur Leonard, Vice Mayor  
John N. Jester, Jr., Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

**Council Members Absent:**

Ellen W. Richardson,  
Tripp Muth, Councilman

**Others Present:**

Ms. Denise Bowden, CVFC

Mrs. Evelyn Shotwell, Chincoteague Chamber of Commerce  
Mrs. Donna Mason, Waterside Motor Inn  
Supervisor Wanda Thornton  
Kerry Allison, ESVA Tourism

## **ADOPTION OF AGENDA**

Vice Mayor Leonard motioned, seconded by Councilman Jester to adopt the agenda.  
Motion Carried.

Ayes: Leonard, Taylor, Jester, Howard

Nays: None

Absent: Richardson, Muth

## **1. CALL TO ORDER**

Mayor Tarr called the meeting to order at 9:00 a.m. He recognized Mr. Joe McCauley with the USFWS, Congressman Rigell's Representative Deborah Christie and Mr. Ben Ellis who will be joining the Town Council July 1<sup>st</sup>.

## **2. Chincoteague NWR Draft Comprehensive Conservation Plan (CCP)**

### **• Discussion with Joe McCauley, USFWS**

Mr. Joe McCauley with the USFWS advised he will be available through the public hearing on June 26<sup>th</sup>. He advised that he is also serving as Acting Refuge Manager. He reviewed a PowerPoint presentation explaining the process that it is required based on a 1977 law passed that every Refuge has to have a Master Plan. He stated that the CCP directs how to manage the Refuge and achieve their wildlife reserve mission over a 15 to 20 year period. He explained that when they prepare the documents there is a status quo that takes "no action".

Mr. McCauley stated they are prepared to maintain the beach the best way possible. He added that they try to interpret laws where they have some flexibility that would provide a high level of visitor access. He stated that they have heard loud and clear that folks are not interested in the shuttle system. He explained the parking relocation where they looked for a one mile stretch that would work for everyone. He described the Alternative maps. He discussed the OSV zone and closures. He continued to discuss the Alternatives, parking as well as the environmental assessment.

There was discussion as to the process after they make a decision on the alternatives and having another public hearing before the final CCP is approved.

There was a question as to who makes the final decision of the Alternative Plans after the public input.

Mr. McCauley advised that after the public comments, they go through to categorize, review and analyze them. He added that they put out a final CCP adding that there will be another 30 day review period without the public comment. He added that ultimately the Director of the Northeast Region Wendi Weber would approve the final CCP.

Supervisor Thornton expressed some concerns that the amount of identified land for parking areas (8.5 acres) won't accommodate the 941 parking spaces that has been

promised along with other things mentioned in the document. She asked what happens if they adopt Alternative B and the land won't accommodate all of the plans for the land.

Mr. McCauley stated that this is a misunderstanding. He advised that the 8.5 acres is strictly to identify the parking. He added that this isn't where the Visitor's Center might be or the road leading there. He stated that they know that 961 is an important number and there are many things in the document that refers to the 961 parking spaces. He also stated that when they do an environmental analysis they measured 961 parking spaces which will fit into 8.5 acres of land. He also discussed the impact on wetlands and habitats with the 8.5 acres of 961 parking spaces.

Mr. McCauley explained the process of improving habitats for the Piping Plover. He continued by explaining how the Army Corps of Engineers would look at the mitigation required for the relocated parking area disturbance. He advised that the Corps looks at impacts to created wetland differently than natural wetland.

Supervisor Thornton asked if the selection of the northern site was done by all biologists.

Mr. McCauley asked if Town Planner Neville was part of that decision process.

Town Planner Neville advised that he sat in on the meeting with information to offer. He stated that he was under the impression that this was a very valid process to answer the question of what impacts this portion of the beach would have on the wildlife. He didn't believe this was the only decision making tool that would be used to come up with the Plan.

Mr. McCauley stated that it was important, even critical, to maintain a public beach. He stated that there was never any discussion to not have a public beach. He added that the decision was about visitor experience.

Mayor Tarr stated that they were asking if there were other decision making tools that helped make the decision to move north for a sustainable beach.

Mr. McCauley stated that he wasn't part of this decision. He stated that this is only a source of his information. He added that there were parameters and criteria that were discussed and moving the beach north was the top choice to meet all the factors. He reviewed the maps referring to the parking lot, horseback riding and OSV areas.

Mrs. Donna Mason requested that the 8.5 acres should be specified as land for parking.

Mr. McCauley stated he didn't feel that anyone would read the 8.5 acres as anything but parking. He stated that the draft is out and they're not going to do another draft. He again stated that the 8.5 acres is only for parking.

Mrs. Mason asked about the proposed closure of the current beach along with the impact a closure would have on Tom's Cove. She stated that initially she was in favor of moving the beach north until she went on the tour. She added that now she has grave concerns. She feels this should be addressed and made clear.

Ms. Denise Bowden mentioned the tour and putting the parking facilities on the D Dike.

Mr. McCauley showed a slide of the area they have proposed for parking under Alternative B.

Ms. Bowden stated that in that area there is a very narrow strip of beach. She added that when a high tide comes in they won't have much beach.

Mr. McCauley agreed. He stated that they understand there will be quite a bit of work needed. He advised that the Park Service expressed their confidence to create a wider beach. He added that they are relying on a specific design to play a big role as they're the ones who have been managing the beach all along.

Mrs. Mason asked if there are any plans for re-nourishment for that part of the beach.

Mr. McCauley replied that they have not discussed any beach re-nourishment.

Supervisor Thornton believes that they can't push the beach back keeping it wide enough and have the 8.5 acres for parking without having the same problem they currently have. She stated that a strong storm will wash over into the parking lot.

Mr. McCauley stated that there could be some wash-over. He stated that in a normal routine year, the Park Service spends a lot of money on their parking lot. He also stated that they give the Park Service nearly \$200,000 every year to do routine maintenance of scraping off sand that has blown over and putting clay down. Mr. McCauley added that what they have at Tom's Cove is a lot of land moving west. He stated that they aren't saying that they are putting parking there that will last 15 years because that would be unrealistic. He feels this provides a much wider area to maintain.

Supervisor Thornton asked if the Park Service could manage that one mile strip extending from the ocean to the bay.

Mr. McCauley stated that he wants to say yes, but, he advised that it isn't his decision.

Supervisor Thornton expressed her concerns that they will have the same problems as they do now with the parking lots. She wanted to know if he meant less water or more water with the management of the impoundment.

Mr. McCauley stated they have selected a much wider area which gives more room for moving. He understands that trust is in short supply but they can't predict everything. He feels that with what they've seen historically, they have maintained the level of service they have. He advised that the intent of the Alternative B area is to use the land base they have to meet the objectives of the Wildlife Service and the objectives they've heard from the community. He is unsure what the storms will do to the area but it is clear that they have the capacity to move the land base.

Supervisor Thornton stated that she trusts Mr. McCauley and believes he is an honorable man. She is concerned that when he is no longer there someone will interpret the document in another way.

Mrs. Mason expressed her concerns of going into the unknown.

Mr. McCauley advised that where the visitor center is now used to be ocean. He stated that the area at Tom's Cove is getting narrower. He added that the north beach area selected has less shrinkage.

Vice Mayor Leonard asked if it was moving slower because of the structure that is there.

Supervisor Thornton added that it is moving slower because of the sand dunes.

Vice Mayor Leonard added that one of the reasons there isn't progression there is because there's scrub behind the dunes.

There was discussion about Swan Cove and the sand filling it in naturally. They reviewed the maps.

Mr. McCauley explained that they are trying to maintain parking as close to the beach as possible that would be resilient and sustainable for the future.

They also discussed the breach of Swan Cove and the land building up since then.

Councilman Taylor mentioned Swan Cove and stated that there is a breach because the dunes are purposely cut down there.

Mr. McCauley stated that there is no dune all the way down to the hook.

Councilman Jester expressed the public's concerns and lack of trust. He mentioned the 1962 storm. He stated that the frustration is going from a 5 mile recreation area down to a 1 mile area. He also stated that they are closing down a section of the beach because of one nest while the greatest predator is flying overhead. He added that people aren't trusted to take care of nature. He would like information as to how many nests were actually destroyed by people as opposed to seagulls. He also added that this is why they're cautious.

Mrs. Mason gave a suggestion as to policing the nesting areas. She doesn't feel summer visitors are there to disturb the birds they're there to enjoy the beach.

Ms. Bowden stated that on the Refuge's side they are done with discussions and the decision is Alternative A, B or C. She stated that Mr. McCauley advised the final decision will come down to Ms. Wendi Weber, the Regional Director.

Mr. McCauley interjected that the final CCP could be a combination of the Alternatives or something new that has been brought to their attention during public comment. He stated that it is not restricted to everything that is in the draft document. He added that if there are other ideas they would like to hear them.

Ms. Bowden understands the process. She expressed her concerns that one person has the final say. She feels that there could be 100% of the people in support of Alternative

A and the government would still choose Alternative B. She asked if they have estimated the costs to create the changes.

Mr. McCauley advised they estimate the cost to be \$12-\$14 million.

Town Manager Ritter asked about putting in the pavement and complying with the Virginia Storm Water Management Act.

Mr. McCauley was unable to answer this.

Town Manager Ritter explained the pavement width along with advising that the new regulations from Virginia will require a Storm Water Reduction Plan for that runoff.

Mr. McCauley advised that they would have to comply with that adding this to the plan.

There was discussion with a statement being made that the Refuge has forgotten that the National Park Service and the beaches belong to the people of America. They were given to the people in 1954. There was a questionnaire and everyone agreed to pay more to visit if the Refuge would earmark those funds for parking.

Mr. McCauley believes that the Refuge is listening and is committed to maintaining an exceptional visitor experience. He stated that he has had a chance to enjoy it. He advised he has been a Refuge Manager for 20 years. He added that there are more and better visitor facilities outside and inside the assigned area here. He stated that the service and staff are exceptional. Mr. McCauley advised that he has been at other Refuges that haven't been taken care of like it is here. He mentioned a young school class that came over advising there is a pride of what they provide to the public. He feels they work better here than anywhere he's ever been by sharing equipment, resources and staff.

Mr. McCauley stated that the refuge has been here since 1943. He added that Congress made it clear that the Park Service is directed to provide beach recreation on the refuge to the extent that it is compatible with the mission of the Refuge. He feels that they have embraced the partnership and provide outstanding opportunities for the public. He wants the Town to be a part of the future, working together to continue to make it an exceptional visitor experience. He advised that they are committed to providing an exceptional wildlife viewing and beach experience into the future. He asked the leaders to come together with them for this purpose.

Mr. McCauley then addressed the Piping Plovers. He stated that they are a threatened species and require a lot of study. He also stated that they base their decisions on all they have seen and read to help conserve the species. He added that society has said that they care about the wildlife and no one wants the species to disappear from the earth. He understands that this causes problems and they are dealing with it in the most balanced way possible. He explained that he has witnessed in Hampton, Virginia boats pulled up near a nesting area. He advised that there was no respect for the nesting birds from those partying. He added that around the hook there are footprints on the other side of the ropes and signs. Mr. McCauley stated that they can't have people working and watching the area 24/7. He stated that they wish they had more staff but they have lost positions over the last few years. He added that the refuge field station is vacant at this time.

Mr. McCauley understands the fear of the unknown. He assured that they are trying to meet the criteria of maintaining stability for beach access and use. He stated that their funding sources to make repairs after storms have questioned why the parking areas repeatedly have to be rebuilt. He stated that they would like to manage this use in a more resilient area.

Councilman Taylor thanked Mr. McCauley for his honesty. He agrees that the northern property is sustainable. He also stated that the south end protects Chincoteague. He added that he wants the parking that is sustainable along with the maximum protection from Assateague. He urged them to elevate the south end to help protect Chincoteague Island. He stated that there are other plans to maintain the beach and he would like to see the happy medium. He understands they have to work together.

Mr. McCauley stated that this plan is intended to manage the Refuge over the next 15 years to meet the mission and rules. He also added that this Plan also plays a role in beach protection and the infrastructure behind it. He feels that this isn't an issue that can be tackled in this Plan. Mr. McCauley stated that storm damage won't be addressed one community at a time. He added that it affects the entire Eastern Shore. He added that it isn't an issue they are dealing with at this point but they want it all to be sustainable with all the agencies coming together to help figure it out.

Ms. Bowden stated that on several occasions at meetings with Ms. Kicklighter she was asked what the costs would be to repair the parking lot. She stated that they were advised it would cost approximately \$500,000. She feels that the figures listed in the Plans are very conservative. She asked if the funds have already been appropriated.

Mr. McCauley advised of the routine maintenance funds from FEMA. He advised of an estimate they received from a contracted engineering firm. He discussed the bids, funding and unspent funds. He feels that if they can get the design work done it would be easier to get construction funding.

Town Planner Neville discussed several paragraphs in the Plan that mention bringing in other beach agencies to assist in maintenance. He stated that in Chapter 2 it talks about endangered species and management actions anticipated in an appendix about wilderness designation and an appendix with a biological opinion. He advised that each of those states that the priority is to manage the wild beach plus the over washing of Tom's Cove plus the hook for the over wash habitat condition that's favorable to endangered species. He stated that this is a problem that all of Assateague Island Virginia would be managed for over wash. He also stated that the CCP describes the island as being more vulnerable in the location of Swan Cove.

Town Planner Neville stated that what they are looking at is a thousand page document where most of it says that USFWS want to manage for the most vulnerable condition. He added that this isn't reassuring, and when the Fish & Wildlife Service is at a table with other agencies the experience is that Fish & Wildlife gets to trump everyone else with endangered species. He stated that there is a whole lot else in that document.

Mr. McCauley stated that the emphasis in the Plan is how they are going to achieve their mission over the next 15 years. He stated that they can take some solid decisions from the process. He added that they start off with a recreation beach and parking to do it in a sustainable way to achieve in the wildlife mission. He hopes that any solution to resiliency would come out of this commitment. He feels that if it's left to the Army Corps of Engineers or any other agency it will be good for the infrastructure but not for the wildlife. He understands that they will give up some habitat, but have to see what is good for all.

Mr. McCauley stated that this plan isn't just about beach access and parking, it's about wildlife also. He also stated that public access to Tom's Cove is important which could include soft launches for kayaks along with crabbing. He stated that the Pony Management Agreement with the Fire Department is good. He also added that horseback riding will be allowed with the new regulations.

Vice Mayor Leonard asked about the new horseback riding regulations and how it will affect the Fire Company's roundup.

Mr. McCauley was unsure and stated that there is still a south viewing area. He stated that they are looking at creating a new viewing area along the beach.

Ms. Bowden wanted to know if a horse gets away during the roundup would they be able to go get it.

Mr. McCauley advised that they would be able to go get it. He added that they would rely on their partners in the Fire Department. He mentioned Alternative C which focuses more on wildlife and habitat and less on visitors and services. He added that there would be no OSV and no horseback riding access in Alternative C.

Supervisor Thornton asked if the US FWS was negotiating to buy the marshland that the Maddox's own.

Mr. McCauley advised that this was incorrect. He added that they are not in any negotiations for land acquisitions and that option expired long ago.

Mrs. Mason asked about a statement about the endangered Piping Plover and then corrected that they are threatened. She asked if they were endangered at one point and now threatened.

There was discussion and an explanation about endangered verses threatened and that the Plover was taken off the endangered species list.

Mrs. Mason stated that one reason why there is distrust happened a few years ago. She explained that there was an agreement with the US FWS to increase the entrance fee with the provision that the increase would be intended to put parking spaces back in the event of a storm. She stated that the money wasn't being used for this purpose; it was being used for everything else.

Mr. McCauley stated that the National Park Service received \$200,000 annually from gate receipts to operate the recreational beach areas.

Mrs. Mason stated that there was also an agreement with the townspeople to increase the fees for maintaining and repairing the parking areas.

Supervisor Thornton advised that this was correct.

Mayor Tarr stated that the \$200,000 is for maintenance and isn't just for parking areas. He advised that it's designated for all departments.

Mr. McCauley continued to review the map of Alternatives. He reviewed the open house schedule.

Councilman Howard stated that he is not assured regarding the beach replenishment. He stated that if the beach goes, Chincoteague goes. He understands it is a separate thing relative to the Comprehensive Plan. He asked how strongly the other agencies of the government feel about the safety of this community.

Mr. McCauley asked that everyone try to separate this issue from the CCP. He stated that this is one wildlife Refuge and is beyond the scope of the Plan. He added that the Plan is a blueprint as to how they are going to maintain the Refuge for the next 15 years. He understands that storm protection is what many communities are worried about up and down the Coast. He added that if this is going to be addressed it has to be done in a broad area with lots of people. He knows the Town will be at that table as they have so much at stake. He would like to agree to focus on this Plan to help the Town get what they want from the Refuge while they continue with their core mission.

Councilman Howard agrees that this issue should be kept separate.

Mr. McCauley advised that there are steps being taken to begin to work on this issue.

Vice Mayor Leonard asked about the proposed wilderness area. He stated that in a wilderness area they limit everything short of walking, kayaking and bird watching. He stated that this area shown on the map today is being used as a very valuable aquaculture area. He asked if any thought has been given to the livelihoods of the watermen that have been using this area not just for aquaculture but for crabbing, hunting in the winter and water fowling. He stated that if this access is limited it will affect the community.

Supervisor Thornton stated that when someone asked about the purchase of the Maddox's marshland, she thought that the US FWS would try to control of all of the Assateague Channel or would have the possibility of doing that. She wanted to know that in the wilderness area how far they would be extending that area. She stated that there is no way they could agree to this. She advised that it could be devastating.

Mayor Tarr stated that this is an area they have to comment on.

Supervisor Thornton stated that VMRC told her that there is no way, they will stop that.

Vice Mayor Leonard advised that the crosshatch has nothing to do with the proposal.

Supervisor Thornton stated that the whole CCP can be thrown out if they have to go along with that.

Mayor Tarr thanked Mr. McCauley.

Supervisor Thornton asked Mr. McCauley not to take the comments personal as they like him.

Vice Mayor Leonard offered to take Mr. McCauley by boat to the wilderness area.

Mayor Tarr added that they could show him the seafood business.

Mr. McCauley stated that with all the issues on the table, he doesn't feel this would be a big fight.

**3. ~~Strategy for Community Review and Comment~~**

- ~~Review Draft Beach Access Newsletter~~
- ~~Review Draft Questionnaire~~

**4. ~~Discussion and Comments~~**

**Adjourn**

Councilman Jester motioned, seconded by Councilman Taylor to adjourn. Motion carried.

Ayes: Leonard, Taylor, Jester, Howard

Nays: None

Absent: Richardson, Muth

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Mayor

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Town Manager

**MINUTES OF THE JUNE 19, 2014  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present:**

**Absent:**

John H. Tarr, Mayor  
Councilman

J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman  
John N. Jester, Jr., Councilman

**Council Members**

Tripp Muth,

**CALL TO ORDER**

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

### **INVOCATION**

Councilman Howard thanked Mayor Tarr and previous Mayors and Councils that allowed prayer at the beginning of Council meetings.

Councilman Howard offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

There was none.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. Motion carried.

Ayes: Leonard, Richardson, Taylor, Howard, Jester

Nays: None

Absent: Muth

#### **1. POSSIBLE Adoption of the Fiscal Year “2015” Budget, Consisting of:**

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Total Main Street Fund Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Water, & Gen Gov. Rate Sheets

Town Manager Ritter explained that there was a public hearing on June 3rd. He advised that the total budget is \$7,079,922. He advised that it has gone through the appropriate process for adoption. He stated that staff recommends that Council adopt the FY 2015 Budget as presented.

Vice Mayor Leonard motioned, seconded by Councilman Jester to adopt the Fiscal Year 2015 Budget as presented and advertised. Motion carried.

Ayes: Leonard, Richardson, Taylor, Howard, Jester

Nays: None

Absent: Muth

<b>REVENUES</b>		<b>EXPENDITURES</b>	
REAL ESTATE TAX	621,150.00	GENERAL GOVERNMENT	
TANGIBLE PROPERTY TAX	196,325.00	SALARIES & BENEFITS	719,277.00
DELINQUENT REAL & TANGIBLE TAXES	35,000.00	EMS SALARIES	266,590.00
PERSONAL PROPERTY TAX RELIEF	150,250.00	EXPENSES	948,067.00
MEALS TAX	688,418.00	CAPITAL IMPROVEMENTS	124,106.00

BANK FRANCHISE	42,300.00		
SALES TAX	143,500.00		
BUSINESS LICENSE	126,000.00		
MOTOR VEHICLE LICENSE	80,000.00	PUBLIC WORKS	
UTILITIES TAX	200,000.00	PUBLIC WORKS ADMIN.	
TRANSIENT OCCUPANCY TAX	848,643.00	SALARIES & BENEFITS	143,705.00
FINES	40,000.00	EXPENSES	473,282.00
INTEREST	10,000.00		
DECORATION DONATIONS	1,500.00	MOSQUITO CONTROL DIVISION	
CEMETERY CLEANUP DONATION	1,500.00	SALARIES & BENEFITS	39,785.00
USER FEES	25,000.00	EXPENSES	64,039.00
BUILDING PERMITS	53,622.00		
ZONING ADVERTISEMENTS	2,000.00	FACILITIES DIVISION	
GRANTS/LITTER	2,906.00	SALARIES & BENEFITS	241,130.00
SALE OF CAPITAL ASSETS	1,000.00	EXPENSES	96,010.00
HEALTH INSURANCE RETIREES	7,500.00	CAPITAL IMPROVEMENTS	7,180.00
FIRE PROGRAMS	11,910.00		
PAYMENT IN LIEU OF TAXES - USFWS	6,815.00	ROADS DIVISION	
HARBOR ADMINISTRATION	7,000.00	SALARIES & BENEFITS	159,961.00
RENTAL INCOME TROLLEY	12,000.00	EXPENSES	463,045.00
TOWER RENT	5,520.00		
COMMUNICATIONS TAX	209,000.00		
RECOVERED COST FROM WATER	83,174.00		
MISCELLANEOUS INCOME	26,000.00	POLICE DEPARTMENT	
SOLID WASTE COLLECTION FEE	386,667.00	SALARIES & BENEFITS	675,443.00
LAW ENFORCEMENT FUNDS	101,530.00	EXPENSES	101,740.00
DISPATCH REVENUE	29,000.00	CAPITAL IMPROVEMENTS	135,437.00
VDOT MAINTENANCE FUNDS	623,006.00		
ROAD PERMIT FEES	400.00	DISPATCH	
VA COMM. FOR THE ARTS GRANT	5,000.00	SALARIES & BENEFITS	267,926.00
POLICE COMMUNITY DONATIONS	20,000.00	EXPENSES	19,850.00
POLICE GRANTS	7,500.00		
SAFE ROUTES TO SCHOOLS GRANT	135,437.00		
TOTAL GENERAL FUND REVENUE	<b>4,946,573.00</b>	TOTAL GENERAL FUND EXPENSES	<b>4,946,573.00</b>
MAIN STREET PROJECT GRANTS	509,200.00	MAIN STREET	
TRANSFER FROM GENERAL FUND	188,800.00	EXPENSES	3,000.00
PROGRAM INCOME	3,000.00	CAPITAL IMPROVEMENTS	

			698,000.00
TOTAL MAIN STREET PROJECT	<b>701,000.00</b>	TOTAL MAIN STREET PROJECT	<b>701,000.00</b>
HARBOR RENT	64,753.00	HARBOR SALARIES & BENEFITS	34,542.00
SUBLEASES/LOADING DOCK/STORAGE	17,850.00	EXPENSES	173,211.00
HARBOR INTEREST	150.00	CAPITAL IMPROVEMENTS	65,000.00
FUEL REVENUE	190,000.00		
TOTAL HARBOR REVENUE	<b>272,753.00</b>	TOTAL HARBOR EXPENSES	<b>272,753.00</b>
		TROLLEY SALARIES & BENEFITS	39,400.00
TROLLEY GRANTS	48,900.00	EXPENSES	40,750.00
PROGRAM INCOME	7,000.00		
TRANSFER FROM GENERAL FUND	24,250.00		
TOTAL TROLLEY REVENUE	<b>80,150.00</b>	TOTAL TROLLEY EXPENSES	<b>80,150.00</b>
WATER RENT	1,033,086.00	WATER FUND	
WATERLINE EXTENSIONS	10,000.00	SALARIES & BENEFITS	329,238.00
SERVICE CONNECTIONS	10,500.00	EXPENSES	311,164.00
INTEREST ON WATER RESERVE	360.00	CAPITAL IMPROVEMENTS	439,044.00
MISCELLANEOUS INCOME	500.00		
AVAILABILITY FEES	25,000.00	TOTAL WATER FUND EXPENSES	<b>1,079,446.00</b>
TOTAL WATER FUND REVENUE	<b>1,079,446.00</b>		
TOTAL ALL REVENUES	<b>7,079,922.00</b>	TOTAL ALL EXPENDITURES	<b>7,079,922.00</b>

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

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

### **Building and Zoning Permit Fees**

<b>Category</b>	<b>CURRENT FY "14"</b>	<b>DRAFT FY "15"</b>
Res. New Construction: per sq ft	\$0.18	\$0.18
Res. New Const.: minimum fee	\$80.00	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13	\$0.13

Res. Remodeling & Alterations: minimum fee	\$60.00	\$60.00
Comm. New Construction: per sq ft	\$0.23	\$0.23
[plus \$5 per plumbing fixture (Chinco)]		
Comm. New Constr.: minimum fee	\$110.00	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00	\$90.00
Mobile Homes: per sq ft	\$0.18	\$0.18
Demolition of Structure: Residential	\$30.00	\$30.00
Demolition of Structure: Commercial	\$30.00	\$30.00
Removal/Installation fuel tanks:		
1000-3000 gallon capacity	\$115.00	\$115.00
Each additional 1000 gallon capacity	\$25.00	\$25.00
Installation of radio or communication tower:		
Up to 100 feet	\$115.00	\$115.00
Each additional 100 feet	\$45.00	\$45.00
Each Additional Attachment		
Piers or Bulkheads:		
Up to 300 linear feet	\$90.00	\$90.00
Each additional 100 linear feet	\$11.00	\$11.00
New Docks: per sq ft	\$0.18	\$0.18
Boat ramps & groins	\$115.00	\$115.00
Swimming Pools:		
Permanent Above-ground	\$60.00	\$60.00
In-ground	\$80.00	\$80.00
Commercial	\$80.00	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00	\$45.00
Installing New Sheathing-Residential while re-roofing		
Installing New Sheathing-Commercial while re-roofing		
Re-siding	\$45.00	\$45.00
Moved Buildings	\$80.00	\$80.00
For other work not listed:		
Residential	\$60.00	\$60.00
Commercial	\$90.00	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a	n/a
No inspection required	\$30.00	\$30.00
Inspection required:		
Per sq ft	\$0.13	\$0.13
Minimum fee	\$60.00	\$60.00
Appeals to the Board of Appeals	\$450.00	\$450.00
Administrative Fees:		
Lost permit (reissue)	\$30.00	\$30.00
Permit amendment (reissue)	\$30.00	\$30.00
Change of use	\$50.00	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00	\$30.00
For beginning constr. prior to obtaining BP:		
First offense	\$50.00	\$50.00
Second offense	\$200.00	\$200.00

Re-inspection fee	\$50.00	\$50.00
State Code Academy Surcharge	2.00%	2.00%
Refunds: (% of amount paid)		
Permit issued, no inspections	75%	75%
Foundation inspection completed	75%	75%
Framing & foundation inspection completed	25%	25%
Subdivision Review Fees (per each submitted plat):		
Up to 10 lots:		
Base fee	\$200.00	\$200.00
Each lot (in addition to base fee)	\$10.00	\$10.00
Over 10 lots or required new road construction:		
Base fee	\$500.00	\$500.00
Each lot (in addition to base fee)	\$20.00	\$20.00
Zoning Fees:		
Zoning inspections	\$0.00	\$0.00
Special use permit	\$450.00	\$450.00
Conditional use permit	\$1,500.00	\$1,500.00
Conditional use permit for Wind Mills	\$450.00	\$450.00
Variance application	\$450.00	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00	\$540.00
Appeal decision of Zoning Administrator	\$450.00	\$450.00
Proposed rezoning change	\$730.00	\$730.00
Amendment to the zoning ordinance	\$330.00	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00	\$30.00
Site evaluation (subdivision)	\$100.00	\$100.00
Travel Trailer Park Fees:		

**FISCAL YEAR 2014/15**  
**Rate Schedule**  
**Curtis Merritt Harbor**  
**(June 1, 2014 – May 31, 2015)**

25 ft Slip \$446.00    + \$13  
30 ft Slip \$503.00    + \$15  
40 ft Slip \$756.00    + \$22  
50 ft Slip \$1100.00   + \$32  
Slip at head of Collector Pier \$1210.00

Loading Dock fees are \$7.00 per day after 4 hours for commercial vessels and \$10.00 a day for recreational vessels with a \$25.00 minimum.

Sub-permit rate for Commercial Vessels: \$4.50 per day or any portion of a day.

Sub-permit rate for recreational vessels: \$15.00 per day or any portion of a Day with a \$ 30.00 minimum or \$55.00 a Week (7 days) or \$220.00 a Month (30 days) any size slip.

Nets or other items left on dockside for storage over 3 days will be charged a \$10.00 fee per day.

Boat repair area for with a Harbor permit is \$10.00 per day after 7 days per season haul out.

For Non Harbor resident there will be \$15.00 a day charge after the first 8 hours.

Fees or Penalties for leaving the work area not cleaned \$50.00 one time penalty per haul out. If payment is not received all Harbor and Town Property privileges will be prohibited.

Trailer parking with Harbormasters permission, short term (less than Two weeks) \$5.00 per day. Trailer must have a tag and a user fee sticker.

D.W.MERRITT HARBORMASTER

#### **WATER RATES, CHARGES AND BILLING FOR FY 15**

A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$29 residential	6,000	\$4.36
	\$47 commercial	6,000	\$5.16
1	\$115	15,000	\$5.16
1.5	\$228	30,000	\$5.16
2	\$365	48,000	\$5.16
3	\$727	96,000	\$5.16
4	\$1,135	150,000	\$5.16
6*	\$2,272	300,000	\$5.16
8	\$3,634	480,000	\$5.16

\*One meter currently in the system is to be charged \$6.52 per 1000 gallons over the allowed usage.

#### **Connection Fees**

New connections to the water system shall be charged at the rate below plus all additional related costs incurred by the town:

\$670 for a 5/8" or 3/4" Meter connecting pipe

\$1,176 for a 1" connecting pipe

\$1,570 for a 2" connecting pipe

#### **Availability Fee Schedule**

Meter Size (inches)	Availability Fee
---------------------	------------------

5/8 & 3/4	\$3,708
1	\$9,270
1.5	\$18,540
2	\$29,664
3	\$59,328
4	\$92,700
6	\$185,400
8	\$296,640

Condominiums are charged an availability fee of \$3,819 per living unit but supplied by a master meter with the minimum billing based on the size of the meter.

#### **Billing and other charges**

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town for purposes other than plumbing repairs, shall be charged a fee of \$75.00.
- A change of ownership fee of \$50.00.
- An administrative fee will be applied to all Water main extensions, by the Town for a maximum of \$200 or 25%.

#### **Water Bill Adjustments**

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

## **2. Wastewater Advisory Committee Update**

Mr. Spiro Papadopoulos advised that the Wastewater Advisory Committee completed the Wastewater Management Plan in June 2013. He also advised of the process and the work the Committee has put into the Plan. Mr. Papadopoulos stated that the community outreach was an additional effort for public input. He explained the support from the state and county. He stated that they have started preliminary discussions with a private utility company to see if that would be added as a recommendation to the Plan. He added that they were given some options and proper guidance for deliveries of such projects. He also stated that the idea is to pursue solicitations for proposals from private utility companies. He added that this is to facilitate design, build, with private financing and operations of the wastewater utility serving the business corridors from Maddox Boulevard to North Main Street. He added that the private utility company would like to form a Public Service Authority with the Town of Chincoteague as a partner.

Councilman Howard commended the Committee for being so considerate when writing the Plan.

There were brief comments from Council.

Councilwoman Richardson asked for clarification. She stated that the Sunset Bay Condominiums are using a private utility company. She asked if he was talking about everyone coming together and individuals having to hookup.

Mr. Papadopoulos advised this is not what they're talking about. He showed the area along Main Street on the map that they want to provide the utility. He further explained that this is the corridor with the motels, restaurants and shops. He stated that they want to expand on the Sunset Bay utility service area which offers service to customers on a voluntary basis.

Councilwoman Richardson asked where the system would be installed.

Mr. Papadopoulos explained that they suggest that the treatment plant be installed behind the Public Works building. He added that the outfall, after it is treated, would be piped to the mainland. He stated that this is the reason they wanted to include Accomack. He added that they are not going to use the waterways as it is not an option.

Councilman Howard stated that it's not a matter of when and where it is to be done it's a matter of having to do it. He added that by going along with the Committee's approach it would save everyone a lot of grief.

Mr. Papadopoulos stated that this is a proactive situation. He added that by doing it in this way they are mitigating any possible EPA regulations. He stated that they aren't talking about pumping sewage to the mainland, they're talking about treatment first. He advised that a bottle of water in San Diego is a bottle of recycled wastewater. He stated that they are in the process of discussions with a private company and they will continue to report to Council. He added that they want all the facts to report.

Councilman Taylor asked if NASA's facility was still under-utilized.

Mr. Papadopoulos advised that they are not. He stated that NASA and the Navy are utilizing that facility.

Mayor Tarr added that they couldn't handle Chincoteague's discharge.

There was discussion about piping the treated water across the causeway so there would be no effect on the seafood business.

Mr. Papadopoulos further explained the treatment plant size, placement and noise levels. He stated that they will continue to come to Council with reports and updates.

### **3. Consider Adoption of the State Motor Vehicle Code**

Mayor Tarr explained that the adoption of the State Motor Vehicle Code is a routine adoption that is done each year.

Town Manager Ritter advised that it is approved each year so that the changes from year to year are adopted as well. He stated that according to Town Attorney Poulson, there is a scoop provision allowing any automatic adoption of the amendments unless specifically rejected by the Town. He also stated that they contacted Town Attorney Poulson and he advised it should be readopted before July 1<sup>st</sup>. He added that everything is the same as last year except the date.

Councilman Howard motioned, seconded by Councilman Jester to adopt the State Motor Vehicle Code and changes taking affect July 1<sup>st</sup>, 2014. Motion carried.

Ayes: Leonard, Richardson, Taylor, Howard, Jester

Nays: None

Absent: Muth

**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, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, ~~2013~~ **2014**, except those provisions which are contained elsewhere in this chapter and 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 in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection 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 chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

Amendments to the above adopted and incorporated provisions of the laws of the Commonwealth of Virginia hereafter adopted by the Commonwealth of Virginia shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the Town.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2013~~ **2014**. 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 prior 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**)

**Sec. 58-3. Display of state license plate with current decal.**

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town,

**4. Mayor & Council Announcements or Comments**

Councilwoman Richardson thanked Council for Councilman Howard's reception. She commended staff for their hard work. She also added that the public was pleased and Councilman Howard was very deserving of it. She stated that it has been a pleasure serving with Councilman Howard.

Vice Mayor Leonard also stated that it has been a pleasure serving with Councilman Howard. He stated that 32 years is a long time to be serving the Town. He added that his father enjoyed serving with Councilman Howard and he has also.

Councilman Howard told of a time he remembered serving with Councilman Donald Leonard.

Councilman Jester thanked Councilman Howard for all his years of service. He stated that he appreciated Councilman Howard referencing the servicemen in his opening prayers.

Councilman Howard reminded Council that it was because they need to keep in focus.

Councilman Taylor stated that he enjoyed serving with Councilman Muth. He also stated that when speaking about someone it's easy to give accolades. He stated that Councilman Howard gives praise and honor to God and no one else. He also stated that it was Councilman Howard's honor to pray. He knows Councilman Howard will continue to pray for our Town.

Mayor Tarr advised that he sent out a list of the committee assignments. He requested to hear from Council regarding this. He welcomed the two new Councilmen, Mr. Frese and Mr. Ellis. He then thanked Councilman Howard and stated that it has been a pleasure to serve with him as a Councilman and as the Mayor. He thanked him for all he has done for the Community.

Councilman Howard stated that he has been thinking about the length of time he has been here. He stated that Mayor Tarr hasn't missed a session since being the Mayor. He stated that is dedication. He also stated that he has served with Councilman Elect Frese. He advised that he hasn't had the honor of serving with Councilman Elect Ellis. He urged them to be forthright and believe that this is a good community. He also advised that they do the best they can for their community, letting their conscience be their guide. He added that above all seek the Lord's will in every decision they make. He also added that the fear of the Lord is the beginning of wisdom. He thanked everyone including those he served with in the past.

Councilman Howard also stated that he can't think of a better place to live because it's the best. He added that he will continue to pray for the Council and staff of the Town and that the Lord will bless the community. He stated that the Lord has blessed him in a special way.

### **Adjourn**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn. Motion carried.

Ayes: Leonard, Richardson, Taylor, Howard, Jester

Nays: None

Absent: Muth

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Mayor

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Town Manager

## **MINUTES OF THE JULY 7, 2014 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor

J. Arthur Leonard, Vice Mayor

Ellen W. Richardson, Councilwoman

Gene W. Taylor, Councilman

Ben Ellis, Councilman

James T. Frese, Councilman

John N. Jester, Jr., Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Taylor offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Tom Bolean, of The Flying Fish on Main Street, expressed his concerns of children

hanging out in the Robert N. Reed, Sr. Downtown Waterfront Park at night. He stated that they are skateboarding and drinking. He advised that he has video of them drinking in the park. He stated that he contacted the Police Department 3 times. Mr. Bolean suggested more policing or driving by in the downtown area. He added that there shouldn't be 30 teenage people hanging out watching people trying to shop. He also

stated that they are there until after 2:00a.m. He asked that something be done to stop this. He added that they all have Virginia tags and Chincoteague Town decals on the vehicles.

Mayor Tarr directed Chief Lewis to look into this matter.

- Ms. Denise Bowden stated that in light of receiving the title “Happiest Seaside Town”

along with the other titles over the past few years, the first thing people see coming over the bridge is the Landmark Plaza. She expressed to Council how unsafe this property is. She suggested that the Town possibly send the owner a letter about the safety issues.

Mayor Tarr advised that Building and Zoning Administrator Lewis has inspected the property a few weeks ago and letters have been sent.

- Ms. Lisa King president of the Chincoteague Garden Club thanked Council for their

support over the last 2 years. She stated that although suffering through the Streetscape Project the Watson Park is completed. She stated that the Garden Club has open meetings monthly. She invited Council and thanked them for their support.

- Mrs. Margie Hiob of Ocean Breeze, thanked Council for finally taking care of Seaweed

Drive. She asked what changed to make this happen.

Mayor Tarr explained that the owner had it done.

Mrs. Hiob stated that they have been waiting for years to have this road paved. She also advised that she thanked Mr. Tull.

Councilwoman Richardson stated that she spoke with Mr. Tull and thanked him also.

There was discussion regarding the reasons there is no mail delivery in Ocean Breeze along with the possibility of readdressing the issue.

- Mr. Mike Meyers, of Shady Lane, approached Council again with lengthy discussion

regarding potential drainage problems and violations due to a neighbor’s concrete wall and fill. He requested Council investigate why staff was insistent in allowing Mr. Stamoulis to develop his flood plain property without a permit, violating a Town Ordinance. He demanded the wall be removed. He assured Council that he would do whatever it takes until Council takes corrective action.

Councilman Frese asked for a definition of developing. He feels that Mr. Stamoulis is replacing grass on top of it.

Mr. Meyers stated that development is defined by FEMA and is in the Town Code, Flood Ordinance for anything done in the flood plain. He stated that now there has to be a permit for 2 loads of sand in a yard.

Councilman Frese stated that he asked a specific question. He added that basically the neighbor is protecting his property from flooding. He stated that he can see no moral or legal objection to it. He stated that Mr. Meyers has been to every department possible and all have told him that everything is copasetic. He also stated that he has resentment with criticizing the Town employees who are very professional. He feels they've done a good job with the Island.

Mr. Meyers asked mentioned permits not issued and then asked if staff was doing a good job.

Councilman Frese, referring to the zoning change, stated that if staff says it's not required then that's good enough for him.

Mr. Meyers interjected that it is required by Federal law and is required by the Town's Flood Ordinance. He stated that they read the Flood Ordinance and it requires a Zoning Permit. He asked if it was alright for his neighbor to protect his property from flooding even though it increases the flood hazard of his own property.

Councilman Frese stated that he does not see any evidence where this has increased the flood hazard of Mr. Meyer's property.

Mr. Meyers advised that the Town Manager stated that the wall would protect his property against nor'easters. He stated that if flooding can't go onto his neighbor's property then it will run onto his own property.

Councilman Frese explained the winds and flooding.

Mr. Meyers interrupted Councilman Frese accusing him of finding all excuses and missing the point. He added that as a citizen of this Town he expects staff to abide by its own Ordinances. He described the materials and money spent on his neighbor's property to protect it from floods.

Mayor Tarr asked Town Manager Ritter to give the new Councilmembers all of the correspondence getting them up to speed on this matter.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville expanded on the report already in Council's packet. He stated that the Planning Commission will not meet in July and will be meeting again August 12<sup>th</sup>. He advised that they will further review the Comprehensive Plan. He also stated that they are working with the County on the Virginia Storm Water Management Program which started July 1<sup>st</sup>. He stated that they will be meeting later in the week with officials of the DEQ addressing why this statewide system doesn't fit well with our coastal areas.

Town Planner Neville thanked everyone for attending the Wildlife Refuge's CCP hearing. He feels it was well attended. He added that the comment period has been extended to August 15<sup>th</sup>.

### **Police Department**

Chief Lewis stated that the monthly report has been included in Council's packet.

### **Public Works Department**

Public Works Supervisor Fitchett also stated that he had nothing further than the monthly report that was included in Council's packet.

Councilman Jester asked if they were ready for Pony Penning.

Supervisor Fitchett advised they were ready.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He also reported that EMS responded to 86 calls in June, which is 13 more than June of 2013. He responded to Councilman Jester's question regarding training for the AED. He advised that they train on the AED as part of the CPR class. He also stated that the ANTARES launch is scheduled for the 11<sup>th</sup> at around 1:00 p.m. He added that the rescheduled date is the 17<sup>th</sup>.

Town Manager Ritter also reported that they will be finished with the final touches on the Downtown Project this week. He stated that the fishing pier has been completed and the pavers will be going in to connect the boardwalk to the handicap ramp. He advised that they would like to have a public opening with a ribbon cutting ceremony once the brick pavers are installed.

Councilman Jester asked about the power lines being put underground.

There was discussion about the completion date.

Mayor Tarr suggested postponing the completion of this until after the season as the downtown businesses have been through enough.

Councilman Jester asked for a recap of Pony Penning traffic wise and for the Shuttle.

Chief Lewis reported that they plan to do the same as they did last year.

Town Manager Ritter advised that Finance Director Hipple is here and manages it all. He stated that they have 22 buses going in 5 different routes.

Finance Director Hipple stated that 1 bus is handicapped from the high school only. She added that the other buses go to the different motels and campgrounds. She stated that the only road closure is East Side from Ridge Road to Sunnywood Drive immediately after the swim. She reported another road closure on Willow Street from Jester Street to Bunting Road. She added that this is for loading buses at the back of the Carnival Grounds.

Supervisor Fitchett added that the Public Works Department will deploy no parking signs along the bus routes so that the buses can easily pass through. He stated there is a crew at Memorial Park dealing with the crowds and then they move to the back of the Carnival Grounds to help load the buses. He added that this is a full day for the employees.

Chamber Director Shotwell stated that they issue the route maps and it is already posted on their website along with the Town's website.

Town Manager Ritter stated that they make and distribute many copies of the route maps.

Finance Director Hipple stated that they give copies to the Fire Company, the motels along with the Chamber of Commerce and campgrounds. She added that they flood the market. She reported a major change in plans last year when the thunderstorm came through. She added that everything went smoothly during the hazardous conditions. She stated that they can't do the Pony Swim Shuttle without the Police Department, the Public Works Department, the EMS personnel as well as the Town Office staff. She mentioned the many volunteers that go on the buses to help with the transportation. Finance Director Hipple stated that it is a pretty well-oiled machine.

Councilman Jester stated that they did a wonderful job last year.

Finance Director Hipple asked for volunteers.

Councilman Taylor stated that Pony Penning is absolutely an amazing event. He stated that it may be hours of crazy but it's amazing. He feels they are blessed to have an event like that. He understands the hard work that goes into it.

Finance Director Hipple added that it's controlled chaos.

Councilwoman Richardson asked Town Manager Ritter why the sidewalk is way out into Main Street at the corner of Church Street.

Councilman Taylor stated that the Town does a great job and he wanted to thank Town Manager Ritter.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Mayor Tarr stated that he would like to add item 9a. Consider Donation to North Accomack Little League for the girls' softball team that is going to the state tournament, to the agenda.

Vice Mayor Leonard motioned, seconded by Councilman Jester to adopt the agenda adding item 9a. Consider Donation to North Accomack Little League, Girls' Softball Team. Unanimously approved.

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of June 2, 2014**
- **Special Joint Council Meeting with Beach Access Committee of June 11, 2014**
- **Special Council Meeting of June 19, 2014**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to approve the minutes of the June 2, 2014, June 11, 2014 and June 19, 2014 Council meetings. Unanimously approved.

## **2. Selection of the Vice Mayor**

Mayor Tarr stated that with the new elections and this being the first meeting night, Vice Mayor Leonard has to release the reigns to a new member or he can stay if Council so desires. He entertained a motion.

Councilman Taylor nominated Councilwoman Richardson as the Vice Mayor. The nomination was seconded by Councilman Frese. Unanimously approved.

## **3. New Software**

Town Manager Ritter explained that Finance Director Hipple has issued a letter requesting to purchase new software. He stated that the Town currently has a program for taxes with Southern Software. He also added that the Police Department has been well pleased with Southern Software. He advised that the Town has been using Harris Solutions for the last 8 years who have not been doing updates or maintenance during this time. He advised that they have budgeted for this. He added that they are pleased with the capabilities and demonstration from Southern Software.

Finance Director Hipple also stated that Southern Software isn't only in the Town Office. She advised they are in the Police Department as well. She stated that they offer municipal software throughout towns. She added that they are expanding.

There was discussion regarding the yearly support, opting out of the contract, maintenance and upgrades.

Town Attorney Poulson also asked about sole source bidding.

Finance Director Hipple advised that this is a negotiation. She stated that the Town already has a contract with Southern Software and is now purchasing other components of their software.

Councilman Frese motioned, seconded by Vice Mayor Richardson to approve the purchase and implementation of other new software adding to the contract with Southern Software. Unanimously approved.

## **4. Committee Appointments and Assignments**

Mayor Tarr gave the Council's Committee appointments for the next 2 years.

### **Budget & Personnel Committee**

John Tarr- Chairman  
Gene Wayne Taylor  
Ben Ellis

### **Ordinance Committee**

Arthur Leonard – Chairman  
Gene Wayne Taylor  
Ellen Richardson

### **Meals Tax Committee**

Ellen Richardson

**Harbor Committee**

Arthur Leonard – Chair man

John Jester

**Recreation & Community Enhancement Committee**

John Jester – Chairman

Arthur Leonard

Gene Wayne Taylor

**Public Works Committee**

Ellen Richardson – Chairperson

John H. Tarr

Jim Frese

**Planning Commission**

Ben Ellis

**Cemetery Committee**

Ellen Richardson – Chairperson

Ben Ellis

**Public Safety – Police, EMS, EOC**

John Tarr- Chairman

John Jester

Jim Frese

**Liaison Committee**

John Tarr

Ellen Richardson

John Jester

**Chincoteague Recreation & Convention Center Authority**

Jim Frese

Councilman Ellis motioned, seconded by Councilman Leonard to approve the 2 year Committee appointments. Unanimously approved.

**5. Consider Appointment to the Recreation and Community Enhancement Committee**

Mayor Tarr explained that there is a vacancy for the Recreation and Community Enhancement Committee. He advised that are 3 people who have expressed their interest; David Landsberger, Linda Ryan and Donna Leonard.

Councilman Leonard advised that his sister, Donna Leonard, advised she wanted to withdraw her name from those interested in serving on the Committee.

Mayor Tarr opened the floor for nominations.

Councilman Taylor nominated Mr. David Landsberger.

Vice Mayor Richardson nominated Mrs. Linda Ryan.

Mayor Tarr closed the floor for nominations.

Mayor Tarr called for a vote. He asked who were in favor of Mr. Landsberger.

Ayes: Leonard and Taylor

Mayor Tarr asked who were in favor of Mrs. Ryan.

Ayes: Richardson, Frese, Ellis, Jester

Mayor Tarr announced that Mrs. Linda Ryan is the newest member on the Recreation and Community Enhancement Committee.

**6. Public Safety Committee Report of June 4, 2014**

Mayor Tarr stated that the report is in Council's packet.

Council mentioned the ANTARES launch date of July 11<sup>th</sup>.

Mayor Tarr asked if there would be a wrap-up meeting for the July 4<sup>th</sup> Fireworks Committee.

Town Manager Ritter advised there will be an After-Action Report.

Mayor Tarr requested a meeting also.

Councilman Jester expressed his concerns about the safety of the emergency responders during the fireworks.

**7. Harbor Committee Report of June 5, 2014**

Councilman Leonard reported that the dredge company is dredging for Wallops Island and should help with the fuel sales. He advised that the submerged sailboat has been removed. He also added that the new fence is now up.

**8. Recreation and Community Enhancement Committee Report of June 10, 2014**

Councilman Jester reported that the playground has been the big issue. He stated that the Elementary PTSA President along with a parent attended the meeting expressing their opinions and ideas. He mentioned the older kids hanging out in the ship. He stated that they recommend the ship be cleaned and power washed.

Town Manager Ritter advised that the Public Works staff power washed it removed the benches and made repairs.

Councilman Jester also mentioned the sign regarding profanity at the basketball courts.

Town Manager Ritter responded that the signs are now up also.

Councilman Jester stated that Town Planner Neville is pricing playground equipment.

Town Manager Ritter stated that Ms. Donna Leonard purchased the profanity signs with her own money received from the organized fundraisers. He added that the Public Works Maintenance Specialist Taylor put the signs up with a nice backing.

Councilman Jester commended Ms. Leonard for her support. He hopes they can make some decisions and discuss better utilization of the Park space. He also added that there are no bike racks.

They discussed the placement of the surveillance cameras and signage that states the Town is recording. They also suggested age limit signs for the equipment.

Councilman Ellis asked if there were cameras at the Robert N. Reed, Sr., Downtown Waterfront Park.

Town Manager Ritter advised that there are none. He stated that they have thought about putting WiFi at the Downtown Park and hooking up cameras there as well.

Vice Mayor Richardson feels that revisions should be made in the Bicycle Brochure. She asked if they could review this and update the brochure.

There was further discussion.

## **9. Advertisement Proposed by WCTG**

Mayor Tarr stated that WCTG gave a proposal to run an ad on the radio for July, August and September. He explained that the script would change during Pony Penning or other major events during the 3 months.

Councilman Jester feels this would benefit the Town and would be worth it.

Chamber Director Shotwell stated that they advertise on WCTG also. She added that they change their ad monthly based on the event coming up.

Councilman Leonard motioned, seconded by Councilman Jester to approve the proposal to advertise the Town of Chincoteague. Unanimously approved.

## **9a. Consider Donation to the North Accomack Little League Girls' Softball Team**

Town Manager Ritter advised that they noticed the Town hasn't made a donation to the North Accomack Little League last year. He stated that they donated \$250.00 along with the Police Department's donation from the Ride for kids in the amount of \$200.00. He also stated that the check in the amount of \$450.00 has been taken out of the FY2014 budget.

Mayor Tarr asked if the money they donated could be used for the girls' softball. He explained that North Accomack Little League Girls' Softball won the district tournament and collecting money for travel expenses to Charlottesville for the state tournament.

Town Manager Ritter advised that it was his understanding that the pot of money that the donation will go into would go toward their travel expenses.

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

Councilman Taylor stated that the girls' softball win was no small feat. He expressed how proud he is and that this is the first win from Chincoteague to go to the state level.

Councilman Ellis stated that he is happy to be serving on Council. He thanked staff, Council and the citizens for sharing information. He also thanked Town Manager Ritter for having a meeting with the newly elected officials.

Councilman Jester stated that he loves the new banners at the bridge.

Chamber Director Shotwell advised that they have the stickers in and shirts on the way, but is waiting on the banner.

Councilman Leonard welcomed Councilmen Frese and Ellis. He congratulated the coaches of the 11/12 softball team who is on their way to the state tournament. He explained that the teams from Norfolk and Virginia Beach have so many to draw from and competing with our small Little League. He suggested that the Town support them all they can and would like to softball team them to the next Council meeting to publically recognize them.

Vice Mayor Richardson welcomed Councilmen Frese and Ellis. She stated that she would like to ask Mr. Chris Isdell with VDOT if he will come discuss the flooding issue at the foot of the bridge.

Mayor Tarr stated that Public Works Director Spurlock has been working on this problem and had conversations with Mr. Isdell.

Town Manager Ritter stated that he spoke with Mr. Robert Cole from the Army Corps of Engineers and he will be coming to discuss this also.

**Adjourn**

Councilman Leonard motioned, seconded by Councilman Taylor to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE JULY 14, 2014  
JOINT MEETING OF THE CHINCOTEAGUE TOWN COUNCIL  
AND THE CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE**

**Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor

Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**Committee Members Present:**

**Absent:**

Wanda Thornton, Supervisor  
Motor Inn  
Evelyn Shotwell, Chamber Director  
Tourism  
Denise Bowden, CVFC

**Committee Members**

Donna Mason, Waterside  
  
Kelly Allison, ESVA

**CALL TO ORDER**

Mayor Tarr called the Chincoteague to Assateague Beach Access Committee along with the Town Council meeting to order at 9:00 a.m.

**INVOCATION**

Councilman Ellis offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**1. Call to Order**

Mayor Tarr called the joint meeting to order. He advised that Mr. Rob Catron has been working with Council and staff on the matter of the draft CCP. He recognized a representative from Congressman Rigell's office also in attendance. He advised that at this point there is approximately 30 days left to respond to the CCP and the preferred alternative. He stated that the reason they have been meeting with Mr. Catron is to develop a few key points to send to the Congressman and Senators. He would like to discuss the main issues and where it's headed. He would like Mr. Catron to review some of the process he may have to go through. He asked Town Planner Neville to bring everyone up to date.

Town Planner Neville stated that in the packet that he handed there are a couple of new things, what the strategy has been and the public comments. He stated that one of the main directions is that when everyone heard the initial presentation on the scoping phase, there was a concern about the existing beach and parking area future, that it was susceptible to storm damage. He added that maybe a safer location would be a good idea. He also stated that what went with that was if it got moved, it also would take the place for the threatened endangered species to take over.

Town Planner Neville reviewed concerns that there are a number of other changes that are proposed that will dramatically change both the visitor experience and the safety and security of Chincoteague. He asked how to limit the number of changes that are proposed in the document and get back to something closer to the current management. He also stated that if they sit down with Fish & Wildlife there are 14 points that need justification. He suggested alternative language. He advised that the Fish & Wildlife

sent the CCP to the state and the state has asked other agencies to review. He added that they have also sent it back to the Town as an interagency allowing the Town and the County to send comments. Town Manager Ritter also stated that the comments would then be incorporated in the letter from the Department of Environmental Quality that gets sent back to Fish & Wildlife. He advised they set the comments early to see if the state agencies would talk about the same issues that the Committee has. He asked Supervisor Thornton if she would like to address this.

Supervisor Thornton stated that Mr. Steve Minor and she started working together on some of this. She advised that Mr. Minor did the research and documentation about the Cooperative Agency. She stated that it seems like “we” (the Town, the State and the County) were left out from the very beginning and should have had representation on Plan to begin with. She advised that this has been the policy of all government agencies most especially Fish & Wildlife and the Department of Interior for a long time. She added that Mr. Minor was able to document it from the very beginning. She stated that we were shortchanged and didn’t know it was in the documents that we could be a Coop. Agency receiving input from the state. She feels this was a deliberate thing.

Supervisor Thornton stated that in the last Master Plan, everybody was involved, including the major environmental groups. She stated that when it hit the street there was no major controversy. She advised that the County is working on this and gives 100% of their support. She also stated that they have written a letter to DEQ and still are working on this.

Ms. Denise Bowden asked about the Plan affecting the other localities on the shore. She asked if the other localities would be willing to support us in this.

Supervisor Thornton hopes that they would. She advised she will cover this at the Supervisor’s meeting.

Ms. Bowden commented about Worchester County.

Supervisor Thornton stated she would work on that.

Town Planner Neville discussed the packet and stated that the Committee’s agenda is deciding what to do in the next 30 days. He mentioned the letter that was sent to the state regarding the big issues.

Supervisor Thornton asked if the Committee has thought about asking for more time. She advised that the County has considered an additional amount of time

Mr. Rob Catron advised that the process allows another 30 days, from 60 to 90 days. He stated that he can’t see how they would give more time.

Supervisor Thornton doesn’t feel stopping the process is the answer, but they haven’t allowed input.

There were a couple of brief comments.

Town Planner Neville stated that the purpose of today's meeting was to focus on the letter to the top politically supported issues that could be discussed with the congressmen and senators giving them time to work on and submit their letters of support.

## **2. Strategy for Community Review and Comment**

- **Support from Elected Officials (State and Federal)**
  - **Agreement on Key Issues (3 to 5 points)**
- **Draft Community Comment/Position**
  - **Public Hearing and Written Comments**
- **Contact State Agencies**

Mayor Tarr introduced Mr. Catron and advised that he has listened to the issues and met with staff deciding on the top 4 or 5 issues from some elected officials.

Mr. Catron stated that it would be very helpful for the Town to get the federal congressional delegation to weigh in on the Town's behalf. He stated that in order for them to do this, they would need something in the form of a letter along with information to back up that letter. He advised the Committee to adopt something that they can put into draft letters to consider. He stated that they would submit or lobby those letters to the delegation for them to submit on the Town's behalf during the comment period. He discussed a two-track plan that has been discussed. He discussed strategy. He advised that they shouldn't include several smaller topics but to keep with a few of the important topics to cover in the letter.

Mr. Catron commended Town Planner Neville and Town Manager Ritter on going through the document, distilling the big issues.

Town Manager Ritter mentioned the Prime Hook situation and the action they took. He feels that these are 2 issues that are a precedent for other communities and their CCP that we can get our Congressional folks on board with. He also discussed the 1965 Congressional Act that allows the National Seashore. He advised that it stated that it is all the way around Fisherman's Point and back down to Tom's Cove. He added that even in the MOA in 1990 it had the same footprint and now is down to 1 mile.

Councilman Jester also commented on the change in footprints from 5 miles. He suggested mentioning this in the letter. He agreed not to cloud them with too many issues as we may lose them.

There was brief discussion to make a point of the Congressional Act of 1965 and the changes from the original vision.

Mr. Catron stated that it seems that the Fish and Wildlife Service will never pick Alternatives A or C. He stated that they will end up with a version of Alternative B. He suggested making Alternative B look as much like Alternative A as possible. He made further suggestions.

Councilman Taylor commented on the possibility of the County giving 1% of Transient Occupancy Tax to help with beach restoration and maintenance.

Supervisor Thornton stated that she would fight for it. She made further comments and suggestions. She feels that the first thing on the list is still the most important, which is protecting Chincoteague. She added that the Inlet is over a mile wide now and if the Island doesn't get some protection, a storm could jeopardize the south end of the Island. She commented further.

Mayor Tarr stated that no one knows what will happen in 20 years with the sand. He also stated that this is why there's a Resiliency Plan and the Town should be on the team that's going to study the beach from Ocean City past Wallops Island. He explained that there is small team of federal agencies that are set up to do the study of the space port and all the sand they lost at the last storm. He feels they need to get on that team. He believes the number 1 issue for the Town is the Resiliency Plan.

There were further comments.

Mayor Tarr advised of a meeting with the Park Service regarding dunes and parking.

Ms. Bowden discussed the dunes.

Councilman Frese feels that Fish & Wildlife has violated the law and the comment period should be stopped until they comply. He also talked about a strategy point along with discussions with the Congressmen adding that the people support those that support the beach.

Mayor Tarr stated that a few of the things that Councilman Frese brought up are some of the things they've been thinking about and need to be spelled out in the Plan, with help from the Congressmen.

Councilman Taylor talked about the importance of maintaining Beach Road.

Mayor Tarr stated that they want to address all those points.

Mr. Catron discussed the no net loss policy of endangered or wildlife habitat. He discussed their selling point, which would be the ability to destroy the woods and build a parking lot by way of taking the current parking lot and return it to a natural habitat. He added that by doing this they get a credit for destroying the parking lot and turning it back into a nature area.

They discussed the maintenance of the parking lot and the Piping Plover.

Town Manager Ritter also mentioned the Resiliency Plan.

There was discussion and comments about the flat beach and other issues to be addressed.

Councilman Jester also commented on the safety of the Island.

Mr. Catron stated that the public safety aspect is the one hook that is in the Senators' offices. He added that Congressman Rigell's staff has been paying a lot of attention to

this over the past several years and he is fully aware of the situation. He also stated that the Senators' offices have a million communities to pay attention to. He advised that he's talked about Chincoteague and feels what the hook would be for them to be onboard. He also added that if we address that particular point along with protecting the investment that "Virginia's are made in Chincoteague Island and the people who live here" and that it will be the hook about the resiliency and protecting the Island.

Ms. Bowden referred to the 4 points also discussing the Inlet. She stated that anyone out there in a boat can see how the swells come in. She asked if the Army Corps of Engineers have any say over this.

Supervisor Thornton stated that they want to do something. She advised of a meeting with them and Mr. Lou Hinds. She also added that she spoke with the one in charge of the replenishment in Ocean City. She stated that he thought it was crazy that they were doing all that in Ocean City and we couldn't get anything done here.

Mayor Tarr stated that there is a team that's been put together, it's called **MACRI**. He also stated that he and Supervisor Thornton went to a planning meeting with the Navy and Ms. Wendy Webber from the Department of the Interior signed on to be a member to that Plan for beach resiliency along with Virginia's Governor, the Navy and NASA, learning more as it grows. He stated that NASA's infrastructure is on Wallops Island, but the study will go from Ocean City all the way down. He advised that the Town and the County is trying hard to get on that team.

Ms. Bowden stated asked about the Army Corps of Engineers input at this point as far as the public safety standpoint.

Town Planner Neville stated that this has all been worked out at the north end of Assateague in Maryland. He advised that the Army Corps, the Park Service, Fish & Wildlife and the Ocean City met because of a problem with the Inlet. He stated that they worked it out by adding 100' to the beach at the north end. He also stated that they built an emergency storm berm setting 8' elevations at the beach and 10' at the top of the berm creating some breaks. He added that this was so the over wash can happen accommodating the plover habitat. He also added that the document is only about 10 years old.

Mayor Tarr interjected that it took 2 years for them to work out the height of those 2 dune lines before they could go to construction and get the money.

Ms. Bowden stated that it has worked out, but they don't have to deal with Fish & Wildlife.

Town Planner Neville advised that the Fish & Wildlife got in the middle of it.

Councilman Jester stated that Mr. McCauley didn't know it was even mentioned when the legislation was first established. He added that the Corps was the first ones they should have been consulting with.

Mr. Catron suggested and discussed more information to be put in the letter.

Ms. Bowden stated that with the amount of money that this area puts into the economy it should be a big eye opener for them. She also commented again on the 4 points, she feels that there shouldn't be any discussions about the reduction of the 150 ponies, no matter when it is reevaluated.

Mayor Tarr advised that they have included that in the draft.

Ms. Bowden stated that she saw that, but was referring to what Mr. Catron was saying about public safety acreage. She doesn't want any pony talk.

Councilman Frese stated that in addition to Chincoteague they have to protect 2 federal installations there. He stated that there is the Wallops Flight Facility and the Launch Facility.

Mayor Tarr stated that this has to be in there because of the effect our beach has on theirs.

They further discussed the 5 points to prepare for the letters and the meeting. There were also comments regarding the cost of \$12 million to replenish the beach and that being very conservative. They talked about the Plan, beach parking and management.

Ms. Bowden expressed her concerns about the County support.

Chamber Director Shotwell advised that over the past 2-3 weeks the visitation in the Chamber office is up 30-46% for the same weeks as last year.

Councilman Taylor asked about partial conservation and wetlands loss.

They discussed the habitats, the amount of time to do the research along with the amount of time to get the funding. They also talked about the necessary permits from the Army Corps of Engineers to destroy property to build a parking lot. They asked about the EIS.

Mr. Catron stated that the Army Corps of Engineers want to take all actions possible to avoid impacting virgin woods, wetlands or whatever. He stated that they would have to do the EIS. He added that they only get a certain amount of money for projects and he is unsure where this project would fall. He feels it would take up to 10 years to get this funded.

Ms. Bowden asked for some kind of guarantee that the parking is going to remain and be maintained where it is.

They mentioned the wilderness issue. They also discussed the importance of fighting the marine sanctuary.

Councilman Jester feels that the key is the new Refuge Manager.

Councilman Taylor feels that they should nail the point of the certain footage of beach and berm.

### **3. Discussion and Comments**

Ms. Donna Leonard commented on the relocation of the parking along with the Fish and Wildlife protected stretch of beach. She stated that Chincoteague has never been in favor of a Plan that takes away the land that we've had for the past 50 years. She talked about looking at the manmade habitats as land base. She also feels that if the beach is moved north, there will be no more access to Swan's Cove. She discussed Swan's Cove, and feels it's evident that the massive acres of impoundment is not a benefit.

Supervisor Thornton stated that these points could have been brought out if we had been a cooperating agency.

They further discussed Swan Cove.

Mr. Ray Rosenberger felt they should have been sharing this information with all the visitors here. He asked the Committee not to lose sight of the fact of the judicial input because of their legal responsibility to us.

Ms. Bowden stated that she has been talking to the people at the Carnival.

Director Shotwell stated that they have been discussing this with their visitors also.

Mayor Tarr stated that once the comments have been set they will do an outreach. He also added that they will be sending the letters to congress soon.

There was another speaker that suggested they keep in mind how to keep the beach experience and move forward reacting to Alternative B and suggesting changes. She added that this will make change more powerful as change is very hard. She also feels that leaving the beach where it is would not be sustainable. She expressed her concerns that if the Town doesn't compromise there won't be a beach.

Another speaker wanted to know in the case that the parking lot was taken out because of a storm if the Town had an emergency plan to put it back.

Mayor Tarr advised they do referring to another point. He stated that the Town needs to prepare a post storm MOA and Agreement with all the agencies. He stated that some of this will be the permitting processes. He added that there should be a short-term plan to get through the rest of the season and there should be a long-term plan if there is no land base left.

There was further discussion regarding some exceptions to the rule in the short-term from the federal side along with input from the businesses, Town, County and State. There were also comments from residents with suggestions to send many letters.

Mr. Catron mentioned the letters that he will take to D.C. He stated that Congressman Rigell is very aware of this issue. He feels that if anyone has a comment they should send it directly to the Fish & Wildlife Service by August 15<sup>th</sup>. He added that they don't necessarily want letters going to Congressman Rigell or Senator Warner.

Ms. Bowden and Mr. Rosenberger suggested to "CC" them.

Supervisor Thornton stated that they need something that delegation will support. She doesn't believe they're going to see the individual letters. She also added that Congressman Rigell is very aware of this and it is very important that they get delegation to sign the letter.

Mr. Spyder Fleming commented and asked for comment sheets to hand out to the visitors during Pony Penning and tours.

Supervisor Thornton stated that it is important that the public comments on specifics. She also stated that they need a list of items to comment on.

Mayor Tarr added that provided the meeting goes well, there will be a list to distribute.

Councilman Frese stated that about 50-60 years ago Ocean City went through the same thing except they didn't have an alternative beach. He stated that they went to the Government and couldn't get permits. He also stated that they bought bulldozers and pushed sand up from the ocean to reclaim their beach.

Mayor Tarr asked Mr. Catron to review the 3-4 points.

Mr. Catron listed the main 8 points to include in the letter. He reviewed some of the minor points as well.

### **1. Recreational Beach Footprint**

Increase the assigned area for recreational beach use from 1 mile to the complete area established by Congress and formalized through agreements with the Commonwealth of Virginia and the National Park Service. The 2012 Memorandum of Agreement signed between National Park Service and the Fish and Wildlife Service was revised without the participation of the local community or the Commonwealth. Any consideration of dramatically reducing the length of the recreational beach managed by the NPS within the assigned area should have been conducted in the open with town, county and Commonwealth participation. Furthermore, the recreational beach has been 4 miles or longer for more than 50 years. The National Park Service should be given more control over creating, designing, building and managing the total assigned area for recreational beach use, and the 2012 MOA must be revised.

### **2. Public Safety**

For public safety - specifically for those living on, or having invested in, Chincoteague Island - the final CCP must include the statement that a plan will be adopted by the Fish and Wildlife Service to pro-actively protect Assateague Island's ability to serve as a barrier island to Chincoteague. Adopting a "let nature take its course" policy towards southern Assateague Island in Virginia is irresponsible and dangerous. First, nature is not taking its course now because of the introduction of jetties at the Ocean City inlet. These jetties changed the natural movement of sand up and down Assateague Island.

The Chincoteague inlet was once about a half mile wide. It is now about a mile wide and growing. The negative impact here is that larger waves are now able to roll into the Chincoteague Inlet and hit Chincoteague Island with dramatic negative impacts, including flooding. The FWS' adopted and proposed approach is irresponsible and potentially harmful to Chincoteague Island. Previous efforts taken by the Town of Chincoteague to encourage the US Army Corps of Engineers to study this problem and develop a solution were met with FWS heavy-handedness and the FWS told the Corps of Engineers to stay away. This is short-sighted and is not in the best interest of Chincoteague Island. The FWS course of action is contradicted by the plain reading of the Assateague National Seashore Act of 1965 which states "The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore..." Federal law must be followed and a storm damage protection plan must be developed and implemented.

### 3. **Resiliency Plan**

Continuing on the theme described above, shore protection and an island resiliency plan must take into account the role southern Assateague Island plays in protecting federal installations, specifically NASA Wallops and Navy Wallops. The shore protection plans for these islands must work together to protect Chincoteague and the federal facilities.

### 4. **8.5 Acre/1 mile Recreational Beach Restriction**

The draft CCP makes reference to setting aside 8.5 acres for a new 1 mile recreational beach parking and ancillary facilities. The truth is, no one is certain how many acres are required for the new recreational beach parking facility and associated facilities. So that planners are not arbitrarily constrained, the final CCP should not reference 8.5 acres or 1 mile recreational beach but rather whatever land is necessary to construct these facilities.

### 5. **Access to Toms Cove**

The current CCP allows for access to Toms Cove from the recreational beach parking facility. Many visitors, especially small children, enjoy being able to walk from the beach to Tom's Cove to play in calm water and to observe crabs and other species. While the draft CCP makes reference to a new crabbing pier in the Tom's Cove area, the current beach experience and a visitor's ability to easily visit Toms Cove is preferred and should be included in the final CCP.

### 6. **Chincoteague Ponies**

The draft CCP references future studies on the size of the Chincoteague pony herd and possible reductions based on a future Habitat Management Plan. There is no need for any such language in the final CCP. The ponies have been grazing on this site for hundreds of years and the population is actively managed by the Refuge in partnership with the Chincoteague Island Volunteer Fire Company. The ponies are inextricably linked to Assateague Island and the cultural attraction the ponies provide to the Refuge and the community is immeasurable. No reduction in herd size should be considered for the next 15 to 20 year planning period.

## **7. Wilderness/Sanctuary**

Existing management plans and actions by multiple agencies already successfully restrict public use of natural resources. It is not necessary to create a new marine sanctuary or achieve a higher wilderness status. The creation of such restrictions is unnecessary and will negatively impact public use of the National Seashore and the commercial and recreational fishing and aquaculture industries which have been operating in the surrounding waters for more than a century. Remove any reference to the creation of a permanent wilderness area or new marine research reserve from the final CCP.

## **8. Mosquito Control**

A provision to provide for mosquito control must be included in the final CCP. This is a dangerous public health and animal health issue. The recently published final CCP for Prime Hook National Wildlife Refuge in Delaware included provisions for mosquito control and similar permission for the use of adulticides should be allowed for CNWR. Any effort to move the current parking facility to an area bordered by woods and holding ponds must include effective mosquito/biting insect control to minimize the negative impacts of beach relocation on the visitor experience.

Supervisor Thornton feels that it covers the key points and a new Refuge Manager can mean a lot. She added that the County may take a slightly different approach but will have comments.

Mayor Tarr advised that Town Planner Neville has been working on the Town's response to the CCP.

Comments and discussion continued about getting neighboring communities onboard along with distributing the key points to the public. They also talked about the possibility of a public meeting to distribute the key points and contact information.

Mayor Tarr advised that staff, Mr. Catron and his staff will be diligently working on this. He stated that the main issue is; "are you happy with the direction this is taking?" He commented further.

Council all agreed they are in favor of a letter listing the key points discussed.

Town Manager Ritter asked if Council wanted Mayor Tarr and staff to talk to Mr. McCauley about flexibility in the Plan.

There were brief comments.

Mr. Catron advised of conversations with Mr. McCauley prior to the draft CCP. He feels that Mr. McCauley is the leader of this effort and that staff should sit down with him discussing some of the concerns. He reminded the Committee that this is a draft and the final effort to go through some of the points and issues.

**Adjourn**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE AUGUST 4, 2014**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mrs. Peggy Thomas addressed a letter she received about poles in the driveway at the garage on East Side Road. She explained that the letter states that FEMA requires the poles to be anchored. She asked if everyone was issued a letter.

Mayor Tarr advised that she was not the only one who received a letter. He advised that FEMA gave them a list of violations and this was one of them. He stated that the Town has to correct some of those violations to keep the flood insurance program rebates.

Mrs. Thomas stated that she is only trying to keep her parking lot decent. She explained what happened in the past without the poles.

Town Manager Ritter advised that quite a few letters have been sent. He explained that the poles need to be tied down or anchored.

Mrs. Thomas advised that her poles will be fixed.

Town Manager Ritter explained that FEMA is concerned that these flotation devices in a huge storm will be a battering ram on the adjacent properties. He added that FEMA regulates the program.

Mrs. Thomas feels it's not right and if she corrects hers then everyone else will correct theirs.

Vice Mayor Richardson advised that she spoke with a member of the Fire Company who was very upset about the letter also. She stated that the point was that someone should have talked with the Fire Company instead of a letter.

Mayor Tarr stated that something in writing has to be issued to prove to FEMA that they are attempting to correct the violation.

Vice Mayor Richardson added that a courtesy phone call that it was being sent as a formality could have helped.

Mayor Tarr stated that the floating poles were quite a problem at the last storm.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville expanded on the report already in Council's packet. He stated that August 14<sup>th</sup> is the end of the review period of the Field Study of the FEMA maps. He mentioned the appeal process. He also advised of the meeting earlier regarding the draft CCP. He stated that the land use study will be released this month.

There were a couple of questions and comments about the FEMA maps, where to view them and about the appeals.

### **Police Department**

Chief Lewis stated that he had nothing further than the monthly report that has been included in Council's packet.

Councilman Jester commended the Police for their traffic control during Pony Swim Day.

### **Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in Council's packet. He updated Council on the paving project.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that the EMS response for July is 105 which is 15 less than July of 2013 and the ALS response was 57 which is 2 more than July of 2013. He also pointed out that the EMS has compiled information for a grant for the Department of Fire Programs for \$10,000. He stated that the entrance to Post Office Street has been paved. He reported that the fishing pier is complete. He stated that there will be an official grand opening of the fishing pier on August 15<sup>th</sup> at 4:00 p.m. He stated that in July they initiated the contract to purchase computer software with Southern Software.

Town Manager Ritter also reported that on Pony Penning they parked more cars than they have in the last 4 or 5 years. He stated that cars were parked in the Donald Leonard Park, the high school parking lot, the softball field, the football field, around the baseball field and down Hallie Whealton Smith Drive past the nature trails. He added that in 2006-2007 they actually made it to the Elementary School parking lot.

There were comments and questions about the pier, the LOVE chairs and the next phase of the downtown project

Councilman Jester stated that there is a lot of cars downtown because of the way it looks. He added that Mr. Thornton has done a fantastic job.

Town Manager Ritter asked for comments or information to put in the upcoming newsletter. He stated that Public Works Director Spurlock is working on a gate valve the new bridge.

#### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Leonard motioned, seconded by Councilman Jester to adopt the agenda as presented. Unanimously approved.

##### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of June 2, 2014**
- **Special Joint Council Meeting with Beach Access Committee of June 11, 2014**
- **Special Council Meeting of June 19, 2014**

Councilman Leonard motioned, seconded by Councilman Jester to approve the minutes of the July 7, 2014 and the Special Joint Council Meeting with Beach Access Committee of July 16, 2014 Council meetings. Unanimously approved.

##### **2. Update on the VML Conference for New Councilmembers**

Councilman Ellis reported that he attended the VML Conference that Town Manager Ritter recommended. He thanked Town Manager Ritter for making the conference available and Finance Director Hipple for making the arrangements. He stated that the conference was from July 10<sup>th</sup> to July 12<sup>th</sup>. He reported that there were 91 newly elected officials in attendance. He stated that it consisted of 10 training workshops. He listed the different speakers. He felt the workshops were all relative to him with discussion and dialogue. He described the different sessions. He stated that it wasn't until he read the Employee Handbook and the Code book that he understood the complexity of the Town Manager's job. He expressed his gratitude and respect for Town Manager Ritter and the job he does.

Councilman Ellis continued to review the different sessions in regards to the budget, FOIA, the VML and its duties, conflict of interests, land use basics which included building and zoning. He stated that the final session addressed the role of local officials and economic development. He also talked about the guided tour of Richmond. He added that he made some excellent contacts with people and the conference was a learning experience. He stated that he wants to be as effective as he can and will put the time in doing his homework. He thanked the Town for providing him with the opportunity to attend the conference.

Mayor Tarr thanked Councilman Ellis.

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

Councilman Taylor concurred with Councilman Ellis that he appreciates his and everyone else's willingness to serve. He added that it's not easy to find people to serve. He also stated that he appreciates the Town Manager too and looks forward to the positive relationship.

Councilman Ellis stated that as a new resident and councilman he thanked the Police Department and Fire Department for a successful Pony Penning week. He added that he hasn't heard a single negative comment.

Councilman Jester reiterated Councilman Ellis' comments. He commended everyone for a great job.

Councilman Leonard stated that the events seem to run flawless and advised that Pony Swim Day was a beautiful day. He added that the auction went well and the people seemed to do well. He stated the Town employees did a good job behind the scenes.

Vice Mayor Richardson thanked the Public Works Department and the Police Department for their hard work as it was a long day. She added that it's a lot of hard work that goes into this. She also thanked the Town Manager and everyone including the State Troopers.

Councilman Leonard added that he noticed at the carnival this year, that there is no traffic crossing guard. He feels there should be a crossing guard for the safe crossing especially with the Trolley stop. He suggested adding it in the next year's Town budget.

Mayor Tarr thanked Finance Director Hipple for all the planning and details. He stated that she has done it for a long time.

Vice Mayor Richardson also stated that she appreciates Finance Director Hipple and the office staff.

Mayor Tarr reminded everyone of the joint Council and Beach Access Committee meeting on August 11<sup>th</sup> and also an Open House on the 11<sup>th</sup> from 8:00 a.m. – 5:00 p.m. He stated that this is to help with the comments on the CCP. He also added that the deadline is the 15<sup>th</sup>.

### **Adjourn**

Vice Mayor Richardson motioned seconded by Councilman Leonard to adjourn. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE AUGUST 11, 2014**  
***JOINT MEETING OF THE CHINCOTEAGUE TOWN COUNCIL***  
***AND THE CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE***

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Ben Ellis, Councilman  
Gene W. Taylor, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**Committee Members Present:**

Wanda Thornton, Supervisor  
Kelly Allison, ESVA Tourism  
Evelyn Shotwell, Chamber Director  
Donna Mason, Waterside Motor Inn  
Denise Bowden, CVFC

**1. Call to Order**

Mayor Tarr called the joint meeting to order at 9:00 a.m.

Councilman Ellis offered the invocation.

Mayor Tarr led in the Pledge of Allegiance.

**2. Community Review and Comment**

- **Review Draft of the Town Comment Letter and Attachments**
- **News Alert/Petition**

Mayor Tarr thanked everyone for attending. He stated that staff has been refining the changes and working on the chapters that haven't been addressed. He stated that Mr. Catron has made contact with both Senator's offices and expect them to write a letter in response. He asked Town Planner Neville to continue with the strategy.

Town Planner Neville referred to the packet. He stated that the letter has been revised by adding bullets about visitor experience and the public safety issue. He feels it's important to end on the right foot. He emphasized that there are some big issues that need to be worked on such as the vulnerability of Chincoteague and Assateague Islands as a result of their change in management plans. He added that they put in to say that their comments are provided in improving the CCP not to delay its adoption.

Town Planner Neville continued explaining the draft response. He discussed the format, the verbiage, intended message and the visitor study. He stated that they want to base the visitor experience on a study they plan to do 5 years from now. He doesn't feel this will work. He wants today's baseline to be used. He mentioned the format of the redline changes for the improvement of the CCP. He advised that he isn't confident they will use any or all of the redline changes but feels they should offer them. He stated that the big issue is the public safety resiliency. He continued discussing their Management Plan, the

Pony Plan, the Park Service Management Plan, the importance of Tom's Cove, the Emergency Plan, the Habitat and Wilderness issue and Mosquito Control. Town Planner Neville advised that the rest of the packet is the continued work of reading the document. He stated they need to take the rest of the information pulling it down and calling it the rationale explaining why it makes sense. He stated that the petition is included in the packet and has been moving throughout the Town. He feels that this is in support of the Town's standpoint. He added that if there is any input to make the response better to please let him know today.

They discussed including the picture and the rationale to be put with it. There were comments about the beach and the forest impact from the salt water.

Supervisor Thornton suggested looking into the historical value of the Coast Guard Station. She feels it should be on the national registry and would have to be protected. She advised that she contacted her friend in Washington, DC and he is working on it. She feels it is of great historical value. Supervisor Thornton feels they have to be forced to take action there. She stated that they will have to do something to protect it. She advised that Steve Minor is contacting Lynwood Lewis and Rob Bloxom for a meeting with the Secretary of Natural Resources in Virginia. She added that the responses were unacceptable.

Mayor Tarr stated that he hopes and is pretty sure that Senators Kane and Warner will tackle the same issues that they've outlined.

Supervisor Thornton added that this is something that will have to be pushed.

Mayor Tarr stated that they've seen some things in the CCP that needs to be changed and he mentioned the 1997 Wildlife Act. He stated that the people and the beaches aren't included and needs to be included. He stated that it was a general act that didn't take the beaches and people into consideration. He added that we have the only wildlife system that has a natural seashore destination. He stated that Congress will have to go back and review this issue to add an exception. Mayor Tarr stated that he met with Joe McCauley and addressed a few of the issues regarding the assigned area.

Ms. Bowden stated that our beach is in a unique situation being managed by two entities. She doesn't see how you can have a business with two managers wanting to do two different things.

There were further comments.

Supervisor Thornton doesn't feel we're honing in on this enough. She stated that any rational person would realize that 5 miles of beach was set aside for public and now has been whittled away to 1 mile of public beach. She feels that they need to respectfully stand their ground now. She stated that they would like to confiscate it all unless there is legislation creating this section as a National Seashore to be managed by the Park Service. She added that we're going to be in worse shape than we are now. She stated that the legislation that created the National Seashore designated the area. We're going to move out of that area into another without designation except an MOU.

Councilman Jester commented.

Mayor Tarr stated that Town Planner Neville has mentioned the National Seashore in several places in the response.

Supervisor Thornton stated that she thinks congressional people will understand that this is the designation and now it's been confiscated.

Councilman Jester feels that the language is important and to mention "preserving for future generation".

Mrs. Mason advised that in her letter she began with President Johnson's quote, "it was maintained primarily for the recreation of our people".

Supervisor Thornton feels that the entire quote he said should be included in the response.

There were further comments expressing their concerns about being left out of the Plan process and the uncertainty of what will happen in the future by moving the beach.

They discussed the amount of time it would take to incorporate the changes in the Plan.

Mayor Tarr explained that some of the agencies didn't have any comments. He stated that those who commented did the same thing as the writer of the CCP. He added that they didn't address economic value to the communities or loss of jobs. He stated that when review that they will realize it hasn't been done. He also added that they are also planning to send a letter to the state.

Supervisor Thornton stated that Mr. John Ameron has done a lot of research regarding the pony herd. She stated that they can't prove him wrong. She feels this should be part of the response. She added that Mr. Hinds wouldn't allow him on site.

Councilman Jester advised that Mr. Hinds told him that the reason they were fighting the herd size was because of the Department of Interior who was supporting the government. He added that this was because Mr. Ameron was testifying as an expert witness on wrecks.

Supervisor Thornton believes it would be extremely hard to disprove the documentation that Mr. Ameron has.

Mayor Tarr stated that they only addressed shipwrecks in general. He feels that they should address all natural and cultural things. He mentioned the graveyards and other things not spelled out in the CCP.

They discussed shipwrecks in the CCP and their disregard of the historical items and documentation.

### **3. Discussion and Comments**

Mayor Tarr asked for public comments.

Mr. Rosenberger asked about the position of the state of Virginia.

Supervisor Thornton advised that they have followed the same line as Fish & Wildlife.

Mayor Tarr stated that the different agencies responded from Virginia from their expertise. He added that the local officials Delegate Bloxom and Senator Lewis are going to respond in the Town's favor. He also stated that Congressman Rigel's office and two Senators from Virginia are going to address the issues that the Town has on the table

Someone commented on the overpopulation of mosquitos at the northern beach.

Mayor Tarr advised that this is one of the Town's 8 major points. He then mentioned a compatibility study of mosquito control another wildlife refuge conducted.

Supervisor Thornton asked if the maps have been shown regarding the change in the hook. She expressed the significance.

Town Planner Neville advised that they referred to the westward moving and narrowing of the beach as erosion. He stated that they lost 7 acres but gained 600 acres at the hook. He advised that the gain in acreage hasn't been included in the CCP. He stated that they haven't expressed the concern of the change in the widening of the inlet but will.

Supervisor Thornton commented on the widening of the inlet and because of the dredging along with the Fish & Wildlife letting everything go. She talked with the Army Corps of Engineers about a study. She fears that the south end of Chincoteague will go in a big storm. She plans to give the County a map with the sequence.

Someone asked how these things are going to be done when the deadline is the 15<sup>th</sup>.

Supervisor Thornton advised that the responses have to be in by the 15<sup>th</sup>. She added that once they start on EIS it will take 2-3 years to do this.

She then asked about the dunes as she hasn't seen any. She was advised that she would have to go north to see the dunes. She was also told that they (Fish & Wildlife) planned to level the dunes to give more beach.

Vice Mayor Richardson stated that this is why the Town needs the citizens to write and send letters telling them how you feel.

Another speaker advised there has been a study by the Army Corps of Engineers in Hampton. She stated that Senator Kane is working on a bill to address sea level rise to protect the military institute in Hampton Roads. She feels like the CCP is outdated that they are talking about sea level and our barrier island. She added that there hasn't been a study.

Mayor Tarr and Supervisor Thornton advised that this is what the Town is asking for.

Councilman Taylor stated that when they move the beach North the beach experience goes down the Transient Occupancy Taxes will decrease and the County will increase Property Taxes to make up the short fall. He feels the government is henpecking us. He stated that in 10-12 years the businesses will be ok, but years from now the businesses will suffer.

Someone asked where the rest of the Town people are. She feels they should be here.

Councilman Leonard and Supervisor Thornton advised that they are working but are writing letters.

There was discussion regarding the reasons the Town is supporting an enhancement of Alternative A.

Ms. Bowden stated that she feels that the very last thing written in the letter should be that the Town can't support anything but an enhanced Alternative A.

Mayor Tarr advised that that is what they have done.

There was further discussion about the enhancements to Alternative A. They talked about taking this further if necessary.

Mayor Tarr stated that the Town has asked to leave and maintain the beach where it is until everything has gone through.

Supervisor Thornton stated that a lot of the problems are in the body of the document that will have a very negative impact on Chincoteague. She commented on the proposed marine sanctuary and how devastating this would be to the seafood industry.

Mrs. Mason asked if there has been any information of the money generated from Tom's Cove.

Town Planner Neville advised that the information is lumped together.

Supervisor Thornton stated they could get it.

Mayor Tarr interjected that this needs to be done.

Councilman Taylor stated that Town Planner Neville has done a great job. He stated that Fish & Wildlife are calling the south end restricted. He added that the document states that the refuge will allow or make an artificial breach.

Mayor Tarr advised that this was discussed with Mr. McCauley also. He stated that there is no breach policy in this document. He added that Mr. McCauley stated that in the GMP it will address this and it won't be in the Town's favor.

Supervisor Thornton stated that the State has to step up to the plate for Chincoteague. She added that they have done this for Tangier.

Mayor Tarr stated that as they move forward, Town Planner Neville will finalize the Town's response. He stated that the Town will respond to the State Representatives this week. He added that the VMRC's response was not strong. He advised that there will also be an opinion from the States Commonwealth's Attorney.

There was further discussion of the documents sent to our state representatives.

Town Planner Neville doesn't believe that the Federal Government is exempt from the state's requirements. He advised that the letter will be finished Wednesday evening to give everyone a last look by Thursday so it can be emailed Thursday afternoon.

Mayor Tarr stated that after the 15<sup>th</sup>, it will take the Wildlife Refuge 2-3 months to review the comments. He stated that they will then marry it into one document. He advised that he asked that the Town and County be included in that process between now and the final document. He also added that the Town has requested to meet with Ms. Webber to discuss the document as she is the ultimate person to sign-off. He mentioned the new Refuge Manager coming on and hopes he will have a different view of things.

Vice Mayor Richardson advised that she will pick up the surveys Thursday.

### **Adjourn**

Vice Mayor Richardson motioned, seconded by Councilman Leonard to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE SEPTEMBER 2, 2014 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

### **CALL TO ORDER**

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

### **INVOCATION**

Councilman Ellis offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Charles “Chip” Lewis, a retired partially disabled veteran and also a commercial waterman, came before Council regarding a boat slip at the Curtis Merritt Harbor of Refuge. He stated that he tried to obtain a slip at the Harbor and was advised that because he didn’t live on Chincoteague he wouldn’t be able to move up on the priority list very fast based on the existing policy. He stated that he then spoke with the Town Manager. He was advised that there are working watermen on the list who live in the County that have been on it since 1987 and don’t have a slip. Mr. Lewis advised that the Town Manager offered a sub-lease slip at the rate of \$4.50 per day which is higher than if he were leasing the slip full time. He feels this is excessive.

Mr. Lewis informed Council that as of this morning there were 32 empty slips, 9 slips with boats that are out of state. He added that there is no way to know which slip is leased or sub-leased. He tried to obtain a list of slip holders at the Town Office and was informed that the Harbor Master has the list. He also stated that the Harbor was set up to be a Harbor of Refuge for commercial watermen. He stated that the Harbor consists more of recreational boats than commercial watermen. He explained that a person that has a 6-pack charter license is considered a commercial waterman. Mr. Lewis stated that he contacted VMRC who classifies working watermen as having a certified fishing license or a state card. He doesn’t understand the priority of the Town’s system.

Mr. Lewis reminded Council that he is a veteran and the Harbor was funded with Federal money. He added that there is no provision to give veterans or partially disabled veterans a priority. He mentioned the prayer earlier regarding veterans putting themselves in harm’s way, risking their lives. He stated that he has done it for 20 years and doesn’t feel he should be treated this way. He urged Council to change the rates for sub-leasing. He also added that there are deceased individuals on the waiting list for the Harbor.

Mayor Tarr advised that this matter would be sent to the Harbor Committee to review and the list will be update.

### **STAFF UPDATE**

#### **Planning Department**

Town Planner Neville expanded on the report already in Council’s packet. He added that several weeks ago he attended the Maryland Coastal Bays Policy Committee meeting. He stated that they were proud of the fact the EPA had approved the water quality standards for Maryland which includes parts of the Chincoteague Bay. He mentioned that in several weeks VIMS will be rolling out a computer model for estimating changes to water quality in Coastal Bays.

Town Planner Neville also reported that regarding the Safe Routes to Schools Trail Plan on Hallie Whealton Smith Drive, the comments from VDOT were minimal and they will be putting the 90% plan submittal in soon for approval.

#### **Police Department**

Major Mills stated that the monthly report has been included in Council's packet. He reported for August that there were 302 calls for service, 15 criminal investigations that resulted in 19 arrests and charges. He added that there were over 1,300 dispatching services for Fish & Wildlife Service for traffic stops. He reminded Council of the 10<sup>th</sup> Annual Poker Run, Ride for Charity and Block Party, Saturday, September 13<sup>th</sup>, 2014. He stated that they are raffling a motorcycle and advised there will be 2 bands playing during the festivities. He added that the auction should start around 3:00 p.m.

Councilman Taylor stated that they have a great Town and Police Department. He added that he feels safe and the Police Department keeps the threat down. He appreciates all the hard work.

Councilman Jester asked for an update regarding the merchant complaint in the downtown park.

Major Mills advised that they have stepped up the foot patrol in the downtown area and haven't had any more complaints.

Councilman Ellis advised that the merchant that complained is pleased and advised it has been taken care of.

### **Public Works Department**

Roads Supervisor Fitchett advised that the monthly report has been included in Council's packet.

Councilman Ellis asked about long term plans.

Roads Supervisor Fitchett stated that they try to plan the long term projects. He explained that the paving has to be done in the fall and winter because of heavy traffic. He stated that Public Works Director Spurlock and the Public Works Committee make those decisions also.

Councilman Jester mentioned a comment regarding the Downtown Park on Facebook. He commented on the trash overflow after a busy weekend and suggested an extra trash can in the pavilion. He doesn't feel the cans are big enough.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that EMS response for August was 122 which is 28 more than August of 2013, ALS response was 50, BLS 49 and all others were 23. He also reported that they had a routine VDOT audit for the grant reimbursement for Phase 2C of the Main Street project. He stated that there has been a drawdown from VMRC for the fishing pier. He reported that the Town had another excellent audit. Town Manager Ritter also stated that the quarterly newsletter will go out in September. He informed Council that he will be attending the ICMA conference September 13<sup>th</sup> – 18<sup>th</sup>. He added that the Army Corps of Engineers is dredging the Inlet and in front of the Coast Guard Base.

Councilman Leonard asked about the spoil site.

Town Manager Ritter advised that it is offshore from NASA Wallops Island. He added that to have it at Assateague beach the Fish & Wildlife stated they would need to complete a full blown EIS.

There was brief discussion regarding VDOT maintenance money.

#### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Jester motioned, seconded by Councilman Leonard to adopt the agenda as presented. Unanimously approved.

- 1. Consider Adoption of the Minutes**
  - **Regular Council Meeting of August 4, 2014**
  - **Special Joint Council Meeting with Beach Access Committee of August 4, 2014**
  - **Special Joint Council Meeting with Beach Access Committee of August 11, 2014**

Councilman Leonard motioned, seconded by Councilman Jester to approve the minutes of the August 4, 2014 Council meeting, August 4, 2014 and August 11, 2014 Special Joint Council meetings with Beach Access Committee. Unanimously approved.

- 2. Public Hearing, Ordinance to Vacate Subdivision of Lot Lines on Marsh Island**

Mayor Tarr declared the public hearing open and asked for public comment at this time.

Mr. Mike Hinman, attorney for Mr. Carlton Mason, stated that over the past couple of years there have been some issues which are now resolved because of the subdivision. He reviewed and explained the re-subdivision plat.

Councilman Jester asked about the waterline easement and the bulkhead. He wanted to know who would maintain the easement.

Mr. Hinman advised that the Town would maintain the easement.

Councilman Frese asked who maintained the easement prior to the agreement.

Mr. Hinman advised that Mr. Mason maintained it. He explained the waterline that was installed which failed caused the new line to be installed and the easement which is the cause for this lot line vacation and agreement. He stated that Mr. Mason would volunteer and make it a matter of record to maintain that property.

Mr. Bill Waterson of 6163 Marsh Island Drive advised Council that he is the President of the Homeowner's Association of Marsh Island. He stated that they have continuously maintained the area that is designated as the septic system. He stated that they would be happy to continue that maintenance.

Mayor Tarr closed the public hearing. He asked Town Manager Ritter if staff has reviewed this ordinance.

Town Manager Ritter advised they have.

Councilman Taylor motioned, seconded by Councilman Frese to approve the Ordinance to vacate subdivision lot lines on Marsh Island and that the Marsh Island Homeowners Association and Mr. Mason have agreed to continue with the maintenance of the easement of the 6" water main. Unanimously approved.

### **3. Public Hearing, Ordinance to Vacate Subdivision of Lot Lines on YMCA Properties**

Mayor Tarr opened the public hearing.

Mr. John Custis, attorney for the YMCA, explained that the YMCA purchased the old bank building and the surrounding properties a little over a year ago. He stated that the YMCA wanted a clean survey for future expansions to the building.

Town Manager Ritter advised that Council's drawing doesn't show an existing easement, however, it is included in the current drawings and was recorded.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to approve the Ordinance to vacate subdivision lot lines on YMCA properties. Unanimously approved.

### **4. County Update from Island Supervisor, the Honorable Wanda Thornton**

Supervisor Thornton complimented Town Planner Neville and Town Manager Ritter along with everyone else who worked on the response for the CCP. She stated that this was a great demonstration of the abilities of this town. She commented on the VIMS water quality model and urged Council to become familiar with it as it pertains to the Town. She provided information about the Accomack County Library referendum. She stated that the County didn't vote to fund the Library, which doesn't mean they won't help them. Supervisor Thornton advised of the need for space in the County Administrative offices. She discussed the Eastern Shore Rural Health request for a tax exemption status. She explained that the hospital would already be tax exempt. She discussed the school system's early retirement option and its impact to the County budget.

Supervisor Thornton mentioned the JLUS Plan. She stated that she met last week with the Policy Committee. She doesn't feel anything was accomplished. She stated that they discussed a Coastal Resiliency Plan that would involve all the surrounding federal agencies. She feels this should be high on the list of concerns as it will impact the Town. She advised that there will be a study committee. She has an issue with the ANPDC representing the County on this committee. She feels that there should be an elected official on the Committee. She stated that she asked for the MOU that created the Mid Atlantic Climate Resiliency Institute (MACRI).

Supervisor Thornton talked about the Storm Water Ordinance and having a plan for single family dwellings. She stated that the Planning Commission is asking the County to eliminate the Planned Unit Development (PUD) Ordinance they've worked on for years. She feels if they remove it putting it back would be a long process. She gave information about the financial status that the County has for the year. She advised that the Occupancy Tax increased 6.3%. She also discussed the County's salary increases.

She stated that there was a 2% COLA and they haven't had one in 3-4 years. She added they haven't been giving any raises due to the economy.

Supervisor Thornton distributed documents giving insight on the financial status of the County. She also stated that she is thankful for the Post who listed the salaries as it is very important to let the public know. She discussed the employee retirement percentage.

There was discussion about JLUS and the DOD documents. They also talked about the ANTARES launches, NASA's space programs and impacts.

Supervisor Thornton feels the Town should request a study on the impacts that dredging for the Wallops beach restoration and the Ocean City Inlet is having on the Chincoteague Inlet. She stated that Mr. Jim White gave a time lapse picture of the Inlet that shows the changes over time.

#### **5. Consider a Temporary Pump and Haul for Christ Sanctified Holy Church**

Mr. Daniel Collins, Christ Sanctified Holy Church Trustee, came to Council to request to build a pump and haul septic system so they can add a restroom to the building. He explained that this is a sufficient system to support such a low demand.

Councilman Taylor thanked Mr. Collins for their love of the church and taking such good care of it.

Town Manager Ritter advised that they looked into this matter and the Health Department requested a letter from the Town stating that Council approved the request. He suggested an Ordinance at some point that pertains to this.

Councilman Jester motioned, seconded by Councilman Leonard to approve the temporary pump and haul for Christ Sanctified Holy Church. Unanimously approved.

#### **6. Public Works Committee Report of August 5, 2014**

Vice Mayor Richardson advised that the minutes are in the packet. She explained that there are long-term projects, but reported on the shorter projects. She read some of the projects that the Committee is recommending to Council: paving on Main Street from Maple Street to Grace Street, waiting for the funds from the Safe Routes to Schools for Hallie Whealton Smith Drive paving, paving Main Street from Cropper Street to Bunting Road. She explained that the Committee chose the two Main Street projects of paving and sidewalk replacement.

Councilman Jester expressed the need for paving.

Mayor Tarr explained to Councilman Ellis that there is a 5 year budget and a proposed capital improvement plan and a 10 year plan. He stated that during the winter Council reviews the budget and the projected 5 year and 10 year plans.

Councilman Jester motioned, seconded by Councilman Leonard to approve the fall paving projects; sidewalk replacement on the east side and paving of Main Street from

Cropper Street to Bunting Road, paving/sidewalk replacement Main Street from Maple Street to Grace Street. Unanimously approved.

## **7. Recreation and Community Enhancement Committee Report of August 12, 2014**

Councilman Jester asked Council to review proposed changes to the master plan and the playground at Chincoteague Veterans Memorial Park. He reported that Town Manager Ritter, Town Planner Neville and himself met and came up with some ideas. He asked Council for their input. He explained some of the issues and corrections to be made and that have been made. He discussed fencing, bushes, foul language at the basketball courts, bases for the ball field, soccer goals, additional parking, dock lighting and potential kayak launches. He stated that the park is a great place that is heavily used. He added that Town Planner Neville is looking into a VML grant for the playground.

Councilman Frese feels there should be a request to extend the fishing pier and kayak launch. He suggested that parking would have to be increased also.

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

Councilman Leonard commented on the LOVE chairs. He feels this is a great attraction. He also advised of the condition of the Landmark Plaza property. He understands that the Town is working on it, but it is an eyesore.

Councilman Jester agrees that the LOVE chairs are popular. He commends the Chamber for all the media attention the Island has received. He feels it has contributed to the increase in business. He commented on how busy the downtown is.

Councilman Ellis agrees with Supervisor Thornton. He commended all the staff involved in the CCP response and supporting documentation and recommendations.

Councilman Taylor stated that the watermen are a small business. He would like to recommend to the Harbor Committee that the watermen that work weekly in Chincoteague waters should get the sublease at the regular full time rate.

Mayor Tarr stated that this would make a change in the policy which is why it has to be addressed at the Committee level first. He explained that it's more complicated with 4 lists.

Councilman Taylor feels the working watermen should be supported.

Councilman Frese agrees with everything said this evening.

Town Manager Ritter stated that Chamber Director Shotwell suggested having a public party or picnic in the Downtown Park.

Chamber Director Shotwell explained that they would like to have a picnic on the grass possibly September 21<sup>st</sup>. She added that they will check the dates. She also mentioned the LOVE chairs and the Happiest Seaside Town being the focus on the celebration. She reported that the visitation at the Chamber of Commerce office since the award has been consistently 30% higher, Pony Penning week they were 72% higher. She added that just this past week they were 96% above last year's visits for Labor Day.

**Adjourn**

Councilman Leonard motioned, seconded by Councilman Jester to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE OCTOBER 6, 2014  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**INTRODUCTION/PRESENTATION**

Mayor Tarr introduced the new Superintendent of Accomack County Schools, Dr. Kregg Cuellar. He also welcomed the Island's representative of the Accomack County School Board, Mr. Travis Thornton along with Supervisor Wanda Thornton.

Dr. Cuellar thanked Council for asking him to attend the meeting to introduce himself. He stated that he has been here for 3 months not only as the Schools' Administrator but as a citizen of Chincoteague. He advised of the community activities he has enjoyed along with the community activities the local athletic teams have been sponsoring.

Dr. Cuellar advised of his intention to work hard for the kids' education, safety and to see that their needs are met educationally. He stated that his plan is to listen and learn to ensure they are encouraging their kids to be the best. He asked if there were any questions.

Supervisor Thornton asked Dr. Cuellar to explain to the public about Title 1 and what it offers.

Dr. Cuellar advised that Title 1 means that your campus or school is an at risk school where there is more of a poverty clientele. He also stated that they measure the Title 1 status by the free and reduced lunch status. He added that Title 1 receives additional federal funding along with the state and local funding. He explained that if the Town doesn't reach the 40% free and reduced lunch rate they aren't classified Title 1 and are not eligible for Title 1 funding.

Supervisor Thornton feels that this is important because Chincoteague doesn't meet the criteria so they don't get the extra money.

Councilman Jester asked if there has been any contact with the NASA community for STEM education.

Dr. Cuellar stated that they are in contact and on October 20<sup>th</sup> those students involved in the STEM Program from Arcadia and Chincoteague will attend the evening launch at the NASA Visitor Center. He stated that they are very involved in getting the students connected with Wallops and the activities to move the Program forward. He added that they are busy doing a lot of the groundwork for student involvement.

Councilman Taylor thanked Dr. Cuellar and advised that if he needs anything to let the Town know because the kids are worth it.

Mayor Tarr also introduced Ms. Nancy Stern and Jeanette Edwards with the Eastern Shore Rural Health. He thanked them for all they've done for Chincoteague.

Ms. Stern advised of the 100,000 patients they see each year, 20,000 come out of Chincoteague. She stated that they have been here for 37-38 years now and mentioned the other Community Health Centers in the County along with their partnership with the Kiwanis of Chincoteague.

Ms. Edwards explained how she and Ms. Stern decided to join the United Way Campaign. She stated that out of the 36,000 patients that the Eastern Shore Rural Health serves each year the United Way has funded many of those people they see.

Ms. Stern stated that it's their 24<sup>th</sup> Campaign. She explained that the Food Bank, the Island Library and the Fire Department all benefit from the United Way. She stated that they are raising awareness to those organizations that could benefit from the United Way as it is a fundamental service to the Eastern Shore.

Ms. Edwards explained their 3 achievement goals; 1) to reduce the cost of the campaign. 2) to make people more aware and educate the community. 3) to raise over \$300,000. She stated that she asked what makes people want to give and heard that when the funds are given to agencies, they must be held accountable. She added that people do benefit.

Ms. Stern stated that their campaign is that there is no donation too small. She announced 2 events they are partnering with. She stated that one event is with the Chincoteague Museum for a Night at the Museum, October 15<sup>th</sup> from 6:00 p.m. – 8:00 p.m. She also announced that the Chincoteague High School Culinary Arts students will be catering this event. She added that the other event is with the Chincoteague Chamber

of Commerce at the Jack Spot on October 30<sup>th</sup>. She thanked Council for allowing them to talk about the United Way.

Mr. John Howard asked if they could earmark funds to an organization.

Ms. Edwards advised that they could and explained that they simply mark the box for that specific agency.

Mrs. Gail Heartley, the Manager of the Island Grocery Store, advised that they were honored to participate in a fundraiser for the Veteran's Memorial Park Playground Fund. She explained that they had a "Name this Pony" fundraiser. Mrs. Heartley reported that the employees had a lot of fun and were able to raise \$2,483.

Mayor Tarr thanked Mrs. Heartley and asked her to thank the employees.

### **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Supervisor Wanda Thornton advised Council of the growing concerns of the pine bark

beetle. She advised that this damage is increasing all over the Island. She stated that it affects everyone on the Island. She asked Council to take some steps to inform the public of what to look for when their trees are dying. She asked the Town if they could supply a place at the Harbor to burn the trees. She added that they can't be carried to the landfill and it will be a much greater issue if they aren't cut down and burned.

Mayor Tarr stated that they have an area, but it's also being used for a dredge spoil site.

Supervisor Thornton suggested developing public information for the paper and a flyer. She stated that she asked about the injection method but it is very time consuming and costly. She urged Council to act quickly as it is a very important issue.

- Mr. John Howard stated that a lot of people talked about the number of trees that came

down during Hurricane Sandy. He advised Council that they haven't seen anything yet with the pine bark beetle. He suggested that Council ride down Bunker Hill as there isn't a pine needle or pinecone there. He advised of 20 trees removed from Piney Island this last week. Mr. Howard expressed his concerns. He also stated that he can't take the affected tree to a dumping site because it will infect another tree. He added that he can't take it to the landfill because of the cost. He asked Council for help.

Mr. Howard also stated that there are approximate 1,000 trees in the Bunker Hill area. He originally counted 6 trees in Tom's Cove and it's now up to over 60. He added that anyone can identify them with the yellow spots and the white powdery substance toward the top. He offered his assistance and stated that the only way to get rid of them is to burn them.

Town Manager Ritter stated that the Coast Guard is dredging the basin within the next couple of months. He stated that when they're done we can see what room is left for burning.

Supervisor Thornton advised that she will contact the County tomorrow.

Mayor Tarr stated that they will need to discuss it because of the cost.

Supervisor Thornton feels that the Town and County working together would be best.

There was further discussion.

Public Works Director Spurlock stated that it is prohibited to transport infested timber across the state line.

Mayor Tarr stated that in talking to Mr. Lou Hines after Hurricane Sandy, they have an incinerator that can be brought in after an event to burn large trees at a very high rate.

- Dr. Jeff Newman, a Veterinarian with Caring Hands Animal Support and Education

(CHASE) came before council. He advised that they have been to the Island 3 times now. He stated that they will be doing surgery on the 10<sup>th</sup> and 11<sup>th</sup> with a goal of 200 cats spayed or neutered. He added that by the time they are done this time they will have done over 1,000 cats on Chincoteague. He reported that they will have put more than \$100,000 of resources here.

Dr. Newman also stated that rabies is a concern and he has been working with the Health Department. He advised that they will also have a rabies clinic at Dr. Hafez's clinic in Inlet View on Thursday from 4:00 p.m.–6:00 p.m. He further explained the process of the clinics.

Mayor Tarr thanked Dr. Newman for his service to Chincoteague.

- Mr. Charles "Chip" Lewis, an Accomack County working waterman, addressed Council

regarding the Curtis Merritt Harbor of Refuge. He advised that it was made apparent at the last Harbor Committee meeting that nothing was going to change for the rate of the county working watermen and subleasing slips. He asked Council to consider allowing the sublease to be at the same rate as the slip holders are paying as opposed to the current charge per day. He concluded that this is something he would like Council to consider.

Mayor Tarr asked Town Manager Ritter to take this matter to the Harbor Committee.

Town Manager Ritter advised that the Harbor Committee has addressed this matter and voted to leave the policy as it currently is.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville advised that they are coming up on the 5 year update hearing for the Comprehensive Plan. He reported that the Planning Commission will meet next

Tuesday to review the final draft. He stated that it will be in the Workshop packet for the 16<sup>th</sup>. He added that they would like to have the public hearing in December or January. Town Planner Neville mentioned the new Flood Maps, advising that FEMA is scheduled to send a final letter in November giving 90 days to approve the map and finalize the ordinance.

There were brief comments.

### **Police Department**

Chief Lewis stated that the monthly report has been included in Council's packet.

Councilman Jester asked how the Annual Poker Run went.

Chief Lewis advised that they had about 100 motorcycles less than the previous year. He added that everything went very well.

### **Public Works Department**

Public Works Director Spurlock stated that regarding the Hallie Whealton Smith Drive Drainage Project he has to get one more piece of information to VMRC to receive the permit to begin installation of the floodgates.

There was discussion regarding looking into the drainage along Fowling Gut.

Mayor Tarr thanked Public Works Director Spurlock for handling this matter with the Army Corps of Engineers.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that EMS response for September was 87 which is 1 less than September of 2013, ALS response was 43, BLS 28 and all others were 16. He also reported that EMS is planning for the upcoming ANTARES launch scheduled for October 20<sup>th</sup> at 9:29 p.m. He stated that the Chincoteague National Wildlife Refuge will close because of the size of the launch. He stated that NASA will set up the big screen TV at the Robert N. Reed, Sr. Downtown Waterfront Park as they have in the past. He also mentioned the other viewing sites of Mariner's Point and the Chincoteague Museum.

Town Manager Ritter also advised of the POD exercises, one scheduled for October 15<sup>th</sup> at 10:00 a.m. He explained that the first one is for medical dispensing for staff. He added that the second one is for the public medical dispensing which will be at the Robert N. Reed, Sr. Downtown Waterfront Park on October 16<sup>th</sup>. He also reported that the Downtown Rehabilitation Project Phase 2C is almost completed. He stated that there is a kickoff for Phase 2D with the VDOT project coordinator. He added that there is a schedule in the packet. He also stated that Southern Software will be installed after the tax season. He advised that the newsletter will go out October 9<sup>th</sup>.

Mayor Tarr directed Town Manager Ritter to contact VDOT regarding the July schedule of work for Phase 2D. He stated that there shouldn't be any work during July in the downtown area.

Councilman Jester mentioned the wires in Phase 2B.

Public Works Director Spurlock explained the work to be done and reasons for the delay.

Councilman Ellis asked about the DMV stops and if it would eventually be used on all delinquencies.

Town Manager Ritter advised that it would.

#### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of September 2, 2014**

Councilman Leonard motioned, seconded by Councilman Taylor to approve the minutes of the September 2, 2014 regular Council meeting. Unanimously approved.

#### **2. Public Hearing, Ordinance to Vacate Subdivision of Lot Lines on Pine Drive**

Mayor Tarr introduced Mr. Bob Turner, attorney for Mr. Stoney.

Mr. Turner advised that this is a straight forward application for Mr. & Mrs. Robert Stoney. He stated they acquired a parcel in 2 pieces and are asking that the lot lines be vacated so that the property will be slightly larger. He reviewed the plat. He explained that Mr. & Mrs. Stoney would like to build a house there.

Mayor Tarr opened the public hearing. There were no comments and Mayor Tarr closed the public hearing.

Vice Mayor Richardson asked Mr. Turner if there was an easement along this property that goes down toward the water.

Mr. Turner advised that there is no mention in the original plat. He added that he believes that Mr. Stoney has a right to go down to the ramp there. He feels there is plenty of room for anyone to access the water. He stated that they just want to use the small lot to meet their setback requirement.

Vice Mayor Richardson asked about the line down to the ramp.

Mr. Turner stated that it is further over, showed in the plat as an unimproved paved street well away from the 20' structure setback.

Town Attorney Poulson asked if it affected anyone.

Mr. Turner advised it does not.

There were brief comments.

Councilman Frese motioned, seconded by Councilman Leonard to approve the Ordinance to Vacate Subdivision of Lot Lines on Pine Drive at parcels 31-4-4B and 31A-4-16A for Mr. Robert J. Stoney. Unanimously approved.

Mr. Turner gave the Town a copy of the plat as it will be recorded.

**3. Consider approval of the Fall 2014 Paving contract 01-PAV-14**

Public Works Director Spurlock explained that this project will be funded from the Virginia Department of Transportation Urban Maintenance Program. He advised that the plan for sidewalks on Main Street from Maple to Grace Streets and the paving on Main Street from Cropper Street to Bunting Road.

Councilman Ellis asked if any other company put in a bid.

Public Works Director Spurlock advised that Branscome was the sole bidder and has done a wonderful job on the last contract.

There was further discussion regarding other paving companies, and the comparisons to the bids from last year.

Public Works Director Spurlock advised that they actually dropped slightly from last year. He commented further.

There were further questions and discussion regarding the drains during paving, the completion of the Main Street sidewalks and pricing of the gutters along the west side of main street.

Councilman Jester motioned, seconded by Councilman Ellis to approve the award of bid of the Fall 2014 Paving Contract 01-PAV-14 to Branscome Eastern Shore in the amount not to exceed \$445,604. Unanimously approved.

**4. Public Safety Committee Report of September 3, 2014**

Mayor Tarr asked for questions.

There was discussion and brief comments about the tide gage.

**5. Consider No Parking on One Side of the entire Length of Taylor Street**

Public Works Director Spurlock stated that Taylor Street is narrow. He added that the problem is when there is an event there is parking along both sides of Taylor Street which leaves little room for the vehicles to get through. He recommended that there should be no parking on the south side. He added that the water main is on the south side.

There were comments and suggestions.

Chief Lewis as a homeowner on Taylor Street advised that he has called the Police about the parking on both sides of the road not allowing vehicles to get through.

Vice Mayor Richardson agreed with Chief Lewis adding that it is hard to drive through in a school bus when there's another car coming or parked.

There was further discussion about the effect of the change and the possibly of no parking at all on Taylor Street.

Councilman Frese motioned, seconded by Councilman Ellis to approve no parking on the south side of the entire length of Taylor Street. Unanimously approved.

#### **6. Recreation & Community Enhancement Committee Report of September 9, 2014**

Councilman Jester reported that they met September 9<sup>th</sup> with the focus on the playground equipment. He stated that a representative from a playground company was in attendance. He also stated that Town Planner Neville came back with equipment ideas and pricing. He added that they are working on repairs to the equipment they have. He advised of a letter to Orbital Science about funding assistance for rocket themed equipment.

Councilman Jester expressed his appreciation to the Island Grocery Store for their fundraising efforts. He stated that they are making progress.

There was further discussion.

#### **7. Discuss the Gift of a Few Vehicles**

Mayor Tarr advised that the Town has been offered several vehicles to use during storm events, for EMS or police and to share with the Fire Department.

Chief Lewis explained that after Hurricane Sandy they attempted to get some Humvee vehicles to use during storms. He stated that the Department of Defense had 6 of them. He added that these 3 were the best with low mileage and in good shape. He stated that Loudoun County currently has them.

There was brief discussion and comments.

Councilman Taylor motioned, seconded by Councilman Frese to approve the receipt of the 3 vehicles being donated by the Department of Defense. Unanimously approved.

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

Councilman Frese stated he would like to see the Town consider doing something about the pine bark beetles and burning them at the spoil site.

Mayor Tarr advised that staff will bring back more information along with the pros and cons.

Council discussed this further.

Councilman Taylor thanked the veterans for their service. He asked Council to pray for them, especially those going through boot camp. He talked about the working watermen on the Island. He discussed the cost of subleasing for those Chincoteague working watermen just starting out. He suggested giving them the same lease rate while they're on the list and waiting.

Councilman Ellis asked about town decals on the low speed vehicles.

Mayor Tarr stated that they have been reviewing this for some time now.

Councilman Leonard reminded the public of Homecoming plans on the 17<sup>th</sup> at the high school. He also reported that the football team has been doing very well and asked for community support.

Public Works Director Spurlock advised that at the end of the week the routine mosquito spraying will stop for the season.

Councilman Jester stated that the Chincoteague Museum will have a WWII exhibit.

Councilman Taylor stated that he is sorry to see the letter from Town Attorney Poulson regarding his retirement. He also thanked him for all he has done for the town.

**9. Closed Meeting in Accordance with Session 2.2-3711(A)(1) of the Code of Virginia**

**• Legal Matters**

Councilman Leonard moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss legal and personnel matters. Unanimously approved.

Vice Mayor Richardson moved, seconded by Councilman Frese to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilman Taylor to adopt a resolution of certification of the closed meeting.

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

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Leonard, Ellis, Jester, Frese, Richardson, Taylor

Nays- None

Absent- None

**Adjourn**

Councilman Leonard motioned, seconded by Vice Mayor Richardson to adjourn.  
Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE OCTOBER 16, 2014  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

There was none.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Leonard motioned, seconded by Councilman Jester to adopt the agenda as presented. Unanimously approved.

**1. Presentation of NFWF Coastal Resilience Grant Project**

Mayor Tarr introduced Ms. Jill Bieri with the Nature Conservancy.

Ms. Bieri stated that she is the Director for the Virginia Coastal Reserve of the Nature Conservancy. She explained what the Virginia Coastal Reserve is and what they do. She then explained the Resiliency Grant Project. She stated that they look at education and outreach programs. She would like to get more people out so they could engage with the community. She explained all of the studies they would conduct and resources along with the opportunity for long-term studies of undeveloped barrier islands without human impact.

Ms. Bieri continued reviewing the slide show discussing NASA and the infrastructure on Wallops Island, the National Wildlife Refuge. She mentioned the Eastern Shore's aquaculture farms. She stated that they have formed a Climate Adaptation Working Group to prepare for the changes. She also discussed the Nature Conservancy's work in New England using nature based solutions for storm protection. She added that preparing for the storm surge is their priority. She reviewed their goals and a diagram that shows they want to help to add resources and green communities on the Eastern Shore. Ms. Bieri stated that the Climate Adaptation Working Group has been around since 2008, and the Coastal Resiliency Project on the Eastern Shore has been awarded on the Eastern Shore in the amount of \$1.76 million from round two Hurricane Sandy funds. She further explained that they have been awarded \$1.46 million and are raising \$300,000 locally for a 2 year project. She mentioned the partners in the project. She added that the National Park Service and the Army Corps of Engineers are not partners. She explained the project goals of the study to create a coastal resilience tool and recommended solutions.

Ms. Bieri advised of a workshop scheduled for November. She stated that there is a mapping tool online which shows the populated data for the Coastal Resilience Project and they are modifying it to suit the Eastern Shore. She also stated that they want to build oyster reefs and study how they will protect the shorelines. She added that they are still getting information from communities to see what their needs are.

There were questions and brief discussions.

Ms. Bieri invited the Town Council to her office headquarters in Brownsville. She stated that a lot of their properties have been closed to the public in the past. She also stated that they don't want to open the floodgates but they would like to increase access to the general public. She added that if they want to protect areas they need to have people using them and appreciating them.

There were further comments. They discussed details and the possibility of attendees to the upcoming workshop, as well as a possible field trip to Mariner's Point to view the Inlet.

## **2. Discuss FEMA Floodplain Management Program**

### **a) Status of Coastal flood Study/Flood Insurance Rate Maps**

### **b) Status of Community Assistance Visit**

### **c) Status of Community Rating System Re-Certification**

Town Planner Neville stated that they need to review the schedule for the next couple of months. He stated that the timing is good for considering coastal resiliency with the Nature Conservancy because of the upcoming adoption of the new FEMA flood maps. He advised of his recent required training as a Flood Plain Manager. He added that this will help in the discounted Flood Insurance Program. He reviewed changes in the community flood maps over the history of the flood insurance program. He explained that FEMA is hoping that increasing the regulations administer will continue to reduce risk and possible flood damage.

Town Planner Neville stated that over the summer FEMA has completed the draft flood maps. He also stated that he has contacted FEMA, no one has appealed the map and now

Council is obliged to hold a public hearing for adoption. He added that the Flood Plain Ordinance has to be readopted also. He feels that it is important that they have a work session to see whether or not they need to adopt any different standards. He feels that other communities are being encouraged to adopt freeboard standards which exceed the minimum required. He explained that most of the Island has been under the 7-8 feet base flood elevation and are now dropping to 3-4 feet. Town Planner Neville asked how the Town wants to manage the areas taken out of the flood plain. He stated that there will be 2 categories of building permits for the Building and Zoning Department to administer. He asked Council about having a workshop to review the Flood Ordinance so they can prepare to adopt the new Flood Plain Maps with the updated Flood Ordinance. He also explained the “V” zone and the increased building standards for that area.

There were further comments, questions and suggestions. Council agreed to discuss this further at a workshop.

Mayor Tarr advised of a grant called the Sandy Transportation Grant to study of the flooding of roads. He stated that they are developing a model based on what flooded before. He added that it’s mainly for VDOT to look at all the roads.

Town Planner Neville stated that for Chincoteague, the models have to start at the low water mark rather than starting at the worst case higher high tide mark. He advised that this is to see, over time as the tide comes in, what areas need to be protected or evacuated first, recognizing that each storm is different.

### **3. Review of Chincoteague Veterans Memorial Park Playground**

#### **a) Selection of Equipment (2 to 5 year age group)**

Town Manager Ritter advised that Chief Lewis donated \$15,000 from the Ride for Kids money for playground equipment. He also reported that the Committee for the playground equipment fund gave a \$15,000 match. He advised that the total cost for the project is just over \$20,000. He stated that Chief Lewis requested a plaque that recognizes the donation from the Chincoteague Police Department.

Town Planner Neville advised of the Playground Committee meeting with a representative from a playground equipment company. He explained the quote with the fall sale and matching grant from the supplier. He described the structures and the modifications to go along with the rocket theme.

Town Manager Ritter gave details of where it was to be placed and which piece of equipment it would be replacing.

Councilman Jester explained the plans to protect the equipment and fencing for the toddler area.

Town Planner Neville stated that with the approval and order they can deliver it within 2-3 weeks, helping the Public Works staff with the installation.

Councilman Jester suggested a sign reflecting the donations from all who gave for the purchase of the playground equipment.

Councilman Taylor motioned, seconded by Councilman Frese to approve the purchase of the proposed playground equipment from Play and Park Structures in the amount not to exceed \$25,000 for the Chincoteague Veterans Memorial Park Playground. Unanimously approved.

#### **4. Resolution(s) Regarding MAP-21 Transportation Alternatives Grant Application(s)**

Town Manager Ritter advised that they received a grant for the Safe Routes for Schools in the amount of \$205,840 and the engineering consultant used \$80,695 for design and construction documents. He advised that the engineers have come up with a new cost estimate of \$500,953.

Town Planner Neville clarified that this estimate is based on their 15% complete design plan and now they are about 90% complete. He added that the Town has the opportunity to find ways to reduce costs.

Town Manager Ritter stated that because November 1<sup>st</sup> is the deadline for requesting new MAP-21 funds they should discuss this. He stated that they are hoping for approval to complete the grant application for the additional construction funding needed and to endorse the 20% match.

Mayor Tarr asked about the increase in engineering costs and the reduction of the construction estimate.

Town Planner Neville explained the changes. He discussed the lighting requirements and suggestions in the reduction of the cost estimates.

There were brief comments.

Town Planner Neville stated that when VDOT gave the grant award they didn't award for the full connection from the high school to the elementary school. He added that they only gave enough money to build on the school property. He stated that this application is asking for the missing piece across Town property during the new grant cycle.

Suggestions and comments were made regarding in-kind services, lighting costs and contact with ANEC.

Town Manager Ritter stated that there won't be enough with the \$125,000 they will have left to construct the entire trail connection between the schools.

Mayor Tarr feels they should see the project through. He is not satisfied that it went up substantially in cost. He asked for Council's opinion if they want to apply for the grant.

Town Manager Ritter stated that they will need the resolution when the Town applies for the grant.

Councilman Taylor motioned, seconded by Councilman Leonard to adopt the Resolution regarding MAP-21 Transportation Alternatives Grant Application for the Safe Routes to School infrastructure. Unanimously approved.

Mayor Tarr asked if the Town has reviewed the drawings.

Town Planner Neville advised that they have. He explained the design and proposed changes.

Mayor Tarr stated that the asphalt path would be 8 to 10' wide by 3,000 feet.



**Resolution Authorizing the Application for  
MAP-21 / Transportation Alternatives Project  
FY 2016 Safe Routes to School Infrastructure**

**Whereas**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the Town of Chincoteague.

**Now**, Therefore, Be It Resolved, that the Town of Chincoteague, Inc., requests the Commonwealth Transportation Board to establish a project for the phased improvement of Chincoteague Safe Routes to School Trail.

**Be It Further Resolved**, that the Town of Chincoteague, Inc. hereby agrees to provide a minimum 20 percent matching contribution for this project phase.

**Be It Further Resolved**, that the Town of Chincoteague, Inc. hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

**Be It Further Resolved**, that the Town of Chincoteague, Inc. will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

**Be It Further Resolved**, that if the Town of Chincoteague, Inc. subsequently elects to cancel this project the Town of Chincoteague, Inc. hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Chincoteague, Inc. also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Town of Chincoteague, Virginia

By: \_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

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

Town Manager Ritter stated that Chief Lewis is requesting to apply for a grant from the USDA for 5 police vehicle cameras. He stated that the cost estimate would be just under \$40,000. He added that with grant approval the Town would purchase the equipment including installation and then request reimbursement from USDA Rural Development for up to \$25,000.

Town Planner Neville advised that there isn't a due date for the proposals. He stated that initially, a year ago, the Town would have qualified for 75% funding and now it's down to 55%. He added that this doesn't need to be decided this evening but would be getting in line for Council's budget discussions.

Council agrees that the cameras should be replaced and requested to put this matter on the agenda during the budget preparations.

Councilman Leonard reminded everyone of the Chincoteague High School Homecoming festivities tomorrow night.

**Adjourn**

Councilman Leonard motioned, seconded by Councilman Jester to adjourn.  
Unanimously approved.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

**MINUTES OF THE NOVEMBER 3, 2014  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Councilman  
Ellen W. Richardson, Vice Mayor  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**Council Members Absent:**

J. Arthur Leonard,

**CALL TO ORDER**

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

## **INVOCATION**

Councilman Ellis offered the invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

## **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mrs. Patsy Savage stated that she purchased a golf cart and was informed she needed a Town sticker and bought one. She then found out that others with golf carts didn't have to purchase a Town sticker. She feels that those who purchased a Town sticker for the golf carts should be refunded. She also asked if the Town had an Ordinance regarding the number of dogs a person can have at their home.

Town Manager Ritter advised that Town Attorney Poulson has been reviewing the golf cart and Town sticker matter and will report when he returns.

Chief Lewis stated that if the dog is loose call the Police Department they will take care of it.

Mrs. Savage advised that they are limited to 3 horses and feels that dogs should be limited too.

- Ms. Laurie Walton approached Council regarding the 5<sup>th</sup> annual Homes for the Holiday House Tours. She explained that the donations for the tours go to a local charity. She stated that the donations went to the Food Pantry, the Police Department, the Kiwanis Club and last year it went to the Timothy Hill house toward their wooden chimney project. Ms. Walton stated that this year they have the Swing Bridge Project. She explained the project of artwork of a compass in the bricks where someone would stand to see a sculpture of the swing bridge. She added that it would appear to be the bridge where it once was. Ms. Walton advised that they are also taking this to the Parks and Recreation Committee. She added that she doesn't expect it will be of any cost to the Town.

Mayor Tarr asked Ms. Walton to present the Committee with specific information, such as the size.

There were brief comments.

- Chamber Director Shotwell reminded Council of the upcoming Christmas parade on December 6<sup>th</sup>. She added that the theme is "A Happy Seaside Christmas".

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville advised that the Planning Commission will meet November 4<sup>th</sup> at 5:00 p.m. to review the final draft changes to the Comprehensive Plan. He stated that the

Coastal Resiliency Project Workshop is scheduled for next week. He added that they are coming up with some ideas to improve the usefulness of this project to the Town.

### **Police Department**

Chief Lewis stated that the monthly report has been included in Council's packet.

Mayor Tarr asked Chief Lewis what the Police Department is doing for the playground.

Chief Lewis reported that they donated \$15,000 to go toward new playground equipment. He also stated that they sponsored the free movie night for children 12 and under this past Saturday.

Mayor Tarr advised that the money the Police Department has donated isn't from their budget. He added that the donation is from their hard earned Ride for Kids and other fundraisers they do throughout the year. He thanked Chief Lewis and his officers for all they do by giving back to the community.

### **Public Works Department**

Public Works Director Spurlock stated that in the next week they will be putting up Christmas decorations.

There were comments.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that EMS response for October was 74 which were 5 more than October of 2013, ALS response was 35, BLS 26 and all others were 13. He also reported that Coordinator Rush has been monitoring the daily weather and other briefings. He stated that he, Mrs. Edwards and Public Works Director Spurlock went to Suffolk for an audit of Phase 2C of the Main Street Revitalization project. He added that they will be discussing Phase 2D as an agenda item. He also stated that staff has been working on the tax bills. He reported that they will be out by November 5<sup>th</sup> or 6<sup>th</sup> and will be due by December 5<sup>th</sup>.

Councilman Ellis asked if the increase in the revenue for Transient Occupancy and Meals Tax was normal for this time of year.

Town Manager Ritter advised that it is hard to determine if there were more visitors here when the motels and restaurants have increased their rates.

Councilman Jester stated that he has talked with the businesses and they feel that business was good this year.

Chamber Director Shotwell advised that the Chamber's visitors were consistently up by 40% over last year, Labor Day was up 90% and Pony Penning week was up 70%.

Vice Mayor Richardson stated that Coordinator Rush did a great job with the POD exercise. She feels the Town should give him a letter of commendation. She added that there were others who should be recognized.

Councilman Jester feels they should look into alternative communications rather than cell phones.

Councilman Ellis asked if the removal of trees from Memorial Park was a result of the pine bark beetles.

Public Works Director Spurlock advised it was not. He stated that Mr. Lewis with the Virginia Department of Forestry came and toured the Island. He added that the beetles are done for the season and have devastated the south end of the Island.

Councilman Jester asked for the paving schedule for South Main Street.

Public Works Director Spurlock stated he has been reviewing the schedule and feels it would be better to pave in the spring after the sidewalk work is done.

#### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Vice Mayor Richardson motioned, seconded by Councilman Jester to adopt the agenda adding "Personnel" to Item #8. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of October 6, 2014**
- **Council Workshop Meeting of October 16, 2014**

Vice Mayor Richardson motioned, seconded by Councilman Frese to approve the minutes of the October 6, 2014 regular Council meeting and October 16, 2014 Council workshop meeting with the change of Gail "Hart" to "Hartley". Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

#### **2. Discuss the Downtown Rehabilitation Project Phase 2D**

Mrs. Kat Edwards gave a recap of Phase 2D. She stated that they have been using VDOT funding to help accomplish the revitalization efforts in the downtown area. She stated that VDOT has been going through changes during this time. She explained that as they are moving and changing, a different set of folks are reviewing the plans. She stated that there are now more stopping points for approval. She stated that Phase 2D is to do work from Cleveland Street past the Firehouse and from Bridge Street to just past the American Legion. She advised that they are at the 90% stage with the drawings and the engineers have submitted a schedule to VDOT starting construction in the spring. She added that VDOT won't let this happen that fast. She also stated that the schedule of starting in June isn't feasible for the local downtown businesses.

Mrs. Edwards continued to review the schedule. She stated that the schedule has to be approved by Council before VDOT will even review it. She added that they won't review plans or do updates to the environmental review until the project is set up. She

stated that this schedule takes VDOT's time limits and will start in September on the southern end of the downtown having less impact.

There were comments.

Vice Mayor Richardson thanked Mrs. Edwards for all her hard work. She asked to see the drawings. She mentioned the lamp post in front of the Shore Stop.

Mrs. Edwards suggested inviting the engineer for a presentation.

Councilman Taylor asked if there would be a problem with the work in front of the firehouse.

Mrs. Edwards explained that they have discussed this project with the Fire Company and they will have further meetings with them prior to construction. She also suggested having them attend the preconstruction meeting to iron out the issues. She mentioned there being a short time that the front of the firehouse will not be accessible.

Councilman Jester feels that a safe access at the Community Health Center will be a construction scheduling problem also.

Mrs. Edwards added that this will be addressed at preconstruction also.

Council reviewed and agreed to the schedule.

### **3. Harbor Committee Report of October 2, 2014**

Councilman Jester stated that they have a request for reduced rates for the county working watermen. He stated that the Committee agreed that the rates have been working over the past several years and decided to leave the rates alone. He stated that the fuel pumps and computer are working fine. He also stated that he heard that the ice machine is coming out.

Town Manager Ritter advised that the ice machine is coming out. He stated that the owner is presently looking for someone to take it over or she will remove it within the month.

Councilman Jester also reported that the entrance to the Harbor has been maintained nicely by the crew boats from the dredging company. He added that they are gone now. He asked if the Town has heard anything further from the Army Corps of Engineers about the sand out front of the Harbor. He feels that this is a big issue with the wave action.

There was discussion regarding the report from the Army Corps of Engineers and the list they submitted of who was going to do what.

There was also lengthy discussion regarding sublease fees, the cost per day and Chincoteague working watermen that qualify for the priority list. There was also discussion regarding veterans' rates.

Mayor Tarr reminded Council that the rates are voted on every year during the budget.

Town Manager Ritter advised that they discussed this matter at the Harbor Committee meeting and it was decided to leave the sublease at \$4.50 per day. He suggested that they discuss this further with the Harbor Master who is in the process of breaking down the fees and the lists.

Councilman Taylor motioned, seconded by Councilman Frese to put this matter on the next Council meeting agenda. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

#### **4. Budget and Personnel Committee Report of October 14, 2014**

- **Draft Pony Express Updated Zero Tolerance Drug and Alcohol Testing Policy**

Town Manager Ritter stated that this is a new updated policy specific to the Pony Express as a Federal requirement. He added that it is more detailed.

Councilman Jester motioned, seconded by Councilman Taylor to adopt the Pony Express Updated Zero Tolerance Drug and Alcohol Testing Policy. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

Mayor Tarr also reported that they discussed a draft 5 year and 10 year projection. He stated that they have asked staff to review and update the information.

#### **5. Cemetery Committee Report of October 28, 2014**

- **Proclamation designating November 9<sup>th</sup>-15<sup>th</sup> as Cemetery Cleanup Week**

Vice Mayor Richardson reported that 28 of the U. S. Coast Guard men and women conducted cleaning work at the Mechanic's Cemetery on October 23<sup>rd</sup>. She stated that they want to be a part of the community. She added that they chose this cemetery because it has the most veterans buried there. She stated that they will return to complete the cleanup and repairs. She offered for Council to see the pictures she took of the cleanup.

Vice Mayor Richardson also advised of the Proclamation designating November 9<sup>th</sup> through the 15<sup>th</sup> as cemetery cleanup week.

Town Manager Ritter stated that they will be cleaning up the Jones Cemetery, November 15<sup>th</sup> at 9:00 a.m.

Mayor Tarr read the Proclamation.



## **PROCLAMATION**

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of November 9<sup>TH</sup> through 15<sup>TH</sup>, 2014, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 3<sup>rd</sup> day of November, 2014.

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John H. Tarr, Mayor

**ATTEST:**

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Robert G. Ritter Jr., Town Manager

### **6. USDA Community Facilities Grant for Police Car Camera System**

Chief Lewis stated that the Police Department would like to apply for the Facilities Grant to purchase cameras for the police cars. He added that the cameras are 10 years old and to replace them will cost \$40,000. He advised that the grant will give them \$25,000.

Town Manager Ritter stated that Council approval will allow the Police Department to apply for the grant. He added that they will put the funding in the next fiscal year budget. He also stated that they are seeking authorization to proceed with the grant application.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to approve the USDA Community Facilities Grant for the police car camera system. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

**7. Mayor & Council announcements or Comments**

Councilman Ellis stated that he has never seen a Police Department give as much back to the community as the Chincoteague Police Department. He commended their efforts.

**8. Closed Meeting in Accordance with Section 2.2-3711(A)(1 & 7) of the code of Virginia.**

- **Legal Matters**
- **Personnel Matters**

Councilman Frese moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(1 & 7) of the Code of Virginia to discuss legal and personnel matters. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

Councilman Taylor moved, seconded by Councilman Ellis to reconvene in regular session. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

Councilman Frese, seconded by Councilman Taylor to adopt a resolution of certification of the closed meeting. Motion carried

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

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

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Ellis, Jester, Frese, Richardson, Taylor

Nays- None  
Absent- Leonard

### **Adjourn**

Councilman Frese motioned, seconded by Councilman Jester to adjourn. Motion carried.

Ayes: Richardson, Jester, Frese, Ellis, Taylor

Nays: None

Absent: Leonard

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Mayor

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Town Manager

**MINUTES OF THE NOVEMBER 13, 2014  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP  
JOINT MEETING WITH THE PLANNING COMMISSION**

### **Council Members Present:**

John H. Tarr, Mayor  
Councilman  
Ellen W. Richardson, Vice Mayor  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

### **Council Members Absent:**

J. Arthur Leonard,

### **Planning Commission Members Present:**

#### **Absent:**

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chairperson  
Mr. Ben Ellis, Councilman

### **Commission Members**

Mr. Michael Dendler

Mr. Steve Katsetos  
Mr. Jeff Potts  
Mr. Spiro Papadopoulos

### **CALL TO ORDER**

Mayor Tarr called the Town Council joint meeting to order at 5:00 p.m.

Chairman Rosenberger called the Planning Commission joint meeting to order at 5:00 p.m.

### **INVOCATION**

Councilman Ellis offered the invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

## **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

## **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Frese motioned, seconded by Councilman Jester to adopt the agenda as presented. Motion carried.

Ayes: Frese, Jester, Richardson, Ellis

Nays: None

Absent: Leonard, Taylor

### **1. Joint Meeting with the Planning Commission to Discuss Possible Changes to the Comprehensive Plan (5 Year Update) and to Schedule a Public Hearing.**

Planning Commission Chairman Rosenberger on behalf of the Planning Commission sincerely thanked Town Planner Neville for his hard work. He stated that the Commission feels they have reached a point where the last years' worth of work has culminated in a document that Council will feel comfortable with.

Town Planner Neville identified a correction necessary in the Staff Report to reflect the agreed upon population estimate of approximately 3,600 for the Town, and then read the State Code requirement for the Planning Commission to review and update the Comprehensive Plan every 5 years. He identified minor corrections that have been proposed in each chapter and the opportunity to document significant projects and accomplishments since the Plan was adopted in 2010.

Six (6) subject matter topics reviewed by the Planning Commission were presented, and then staff recommended review of the proposed updates for each chapter to allow Town Council comment and finally to determine if the document is ready for a public hearing.

Mayor Tarr agreed that a joint public hearing would be appropriate because the Plan updates are not proposing a significant change of direction and the Council workshops have allowed participation in the process over the last year.

Town Planner Neville pointed out the addition of a List of Reports/Studies that is incorporated by reference into the Comprehensive Plan. Mayor Tarr requested that these documents should be made available to the public as either an appendix to the Plan, on the Town website, or as a copy for review at the Town Office.

Review of seven (7) chapters and three (3) appendices was completed with the following comments from the members present:

- Chapter One – Community Profile
  - Update includes 2010 Census data and new information about groundwater, floodplain, and tree cover.
    - Identify location of picture on page 19 or replace with view from Chincoteague
    - Expand on discussion of bark beetle damage in section on Tree Cover
    - Verify number of public water systems and correct for six municipal water systems with source of information from the A-NPDC Groundwater

Committee on page 18, or revise to say ‘several’ community water systems and just keep the percentage of use

- Combine industrial land use with commercial land use on top of page 24
- Add to Physiography on page 17 to include statement on protection of Chincoteague from storms by Assateague Island, and risk at south end of island due to increased width of the inlet. Add concern for critical infrastructure like south Main Street and need to harden the shoreline
- Map on Page 20 shows incorrect corporate boundary line, show complete boundary to Queen Sound, Assateague Island and the Maryland State Line. Also label as marshland to coordinate with text in chapter
- Remove existing land use map on page 25 as outdated and replaced by the adopted 2010 land use map
- Include a ‘future’ Flood Hazard Map representing the latest FEMA RiskMAP study and the draft Flood Insurance Rate Maps.

- Chapter Two – Goals and Objectives

Update includes an improved Primary Goal, a new Environmental Goal and Objective which reflects the unique perspective of the Town

- Correct for NASA/commercial launches
- Remove proposed transportation objective for a parking garage
- Add proposed transportation objective for enhanced public transportation options (trolley, taxi service)

- Chapter Three – Land Use Plan

Update includes state guidance on Coastal Resource Management with modifications for local working waterfronts, corrected reference to Old Town Commercial rather than Historic Downtown planning area, and a recommendation for public restrooms on the Maddox Boulevard corridor

- Add legend to map on page 46
- Discussion of Old Town versus Historic Downtown, correct page 31

- Chapter Four – Economic Development

Update includes expanded history on the relationship between the Town and the Wildlife Refuge which supports tourism, new statistics on sport-fishing, aquaculture and tourism, description of MACRI, CIAO, removal of the “Green Hotel” proposal, and new objectives regarding education partnerships.

- Consolidate reference to Eastern Shore Defense Alliance on page 57 with paragraph on page 60
- Update construction status of the Wallops Research Park on page 60
- Add reference to WFF as one of 6 sites for UAV research
- Confirm Virginia Space Flight Center is now MARS and correct several items on page 58 and 59
- Delete proposed section describing MACRI on page 60 and the glossary on page 6
- Correct statistics about the number of hotels, rental houses, etc. on page 54

- Chapter Five – Community Facilities

Update includes description of the Museum and Island Theatre renovations, incorporation of recommendations from the Wastewater Advisory Committee, new description of Broadband and Mariners Point

- Correct picture caption for 2 schools on page 72
  - Correct hospital construction date on page 82
  - Correct typo on page 76, library completion on page 74
  - Revise sections recommending public sewer service to include mandate for a public ‘referendum’, investigate whether a referendum is legally binding
  - Remove data regarding student population on page 72/73
  - Correct Fire & Emergency Services paragraph on page 76 to identify paid Town staff
  - Correct Harbor paragraph on page 81 to add goal of long term replacement fund
  - Add statement to Broadband to expand affordable service to every resident
  - Relocate or revise picture on page 83
  - Keep recommendation for community pool, move to page 87
- Chapter Six – Transportation  
Update includes significant changes over the last 5 years and new priorities for public transportation projects, new section regarding private roads which make up 50% of the transportation network on Chincoteague
  - Carefully consider cost implications of private road conversion to public street
  - Add strategy to review traffic congestion areas along Maddox Boulevard at Main Street and Deep Hole Road
  - Add strategy to update transportation plan map on page 94
- Chapter Seven – Housing/Neighborhoods  
Update chapter to present information in a positive manner and remove emphasis on redevelopment and high density housing, to highlight floodplain building standards, and to add a new section on Temporary Family Health Care Structures permitted by State Code
  - Refer to chapter as ‘Housing and Neighborhoods’
- Appendix A – Implementation Matrix  
Section was not amended to include new projects during this regular update process.
  - Remove objective numbering system that is out of sequence
- Appendix B – Questionnaire Comments  
No changes were proposed.
  - Remove this information since it is out of date and may no longer be relevant.
- Appendix C – Background Planning Process  
Update includes a description of the current 5 year process to review the Plan
  - No comments.

Mayor Tarr advised that the Comprehensive Plan changes will be reviewed by the Planning Commission in December and may be advertised for a joint public hearing at the January regular Council meeting. He also added that the public hearing on the new Flood Maps will be at the regular Council meeting in February in order to allow discussion of possible ordinance changes.

There was discussion and Council agreed to request an insurance company for FEMA attend the February meeting regarding flood insurance.

## **2. Mayor, Council & Commission Announcements or Comments**

Commissioner Papadopoulos raised the question about the Town's Capital Improvement Plan and whether the Planning Commission should provide advice to Town Council as permitted in State Code. Accomack County was discussed as an example of this process. Mayor Tarr and Town Manager Ritter referred to the Town's 5 year budget projection and the Council review process each year in January and February for more information.

### **Adjourn**

Councilman Frese motioned, seconded by Councilman Jester to adjourn. Motion carried.

Ayes: Frese, Jester, Richardson, Ellis, Taylor

Nays: None

Absent: Leonard

Commissioner Papadopoulos motioned, seconded by Commissioner Potts to adjourn the Planning Commission meeting. Motion carried

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Mayor

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Town Manager

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Planning Commission Chairman

## **MINUTES OF THE DECEMBER 1, 2014 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

J. Arthur Leonard, Councilman

Gene W. Taylor, Councilman

Ben Ellis, Councilman

James T. Frese, Councilman

John N. Jester, Jr., Councilman

## **CALL TO ORDER**

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

## **INVOCATION**

Councilman Taylor offered the invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

Chincoteague Chamber of Commerce Director Evelyn Shotwell gave a presentation reviewing what the Chamber has done and accomplished in 2014. She also stated that she will review their plans for the upcoming year. She mentioned the awards and titles along with the love chairs. She talked about the seafood events and festivals. She reminded Council of the Annual Christmas Parade this Saturday.

Director Shotwell also gave visitor statistics and mentioned the updated 2015 Visitor Guide. She advised that they also advertise in the Virginia Tourism Guide. She reported that they maintain 3 websites; Facebook, Pinterest and Twitter. Director Shotwell stated that they have hired a Marketing and Event Coordinator and added another member to the staff. She also stated that they speak to over 23,000 visitors each year. She advised of the 2015 campaign and upcoming events, conferences and ads. She spoke about Pony Penning and the dedication to that event.

Director Shotwell stated that they will be working with NASA and Orbital. She read the mission statement and feels they will get bigger and better. She concluded that they have submitted Chincoteague as the “Coolest Small Town” and the voting will commence soon.

## **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Hidal “Harry” Viadya, Roadway Inn, 6263 Maddox Blvd., came before Council

regarding a complaint with Steamer’s Restaurant. He advised that his customers have been complaining about the noise. He stated that they are writing negative reviews online. He read excerpts from the noise ordinance regarding the allowed decibels. He advised that the motel is 6 feet from Steamer’s property and the noise level is too high. He mentioned the parking issues and feels they are in violation. He stated that they have prepared a summons to take them to court. He felt that he should come to the Town Council before he does that. He asked Council to enforce the Town Code. He reported of an incident where an officer was called.

Chief Lewis stated that several summons have been issued.

Mr. Viadya stated that he has lost money because of the noise. He would like this resolved as it bothers him and his customers.

Councilman Taylor stated that Mr. Viadya is a very fine business owner and is welcoming to Island visitors. He stated that even though he isn't from the Island he is very involved in the community.

Mr. Viadya asked Council if they could help.

Mayor Tarr advised that he doesn't know of anything in particular that the Town can do. He stated that there is a Noise Ordinance.

Chief Lewis stated that there is a Nuisance Ordinance and suggested taking them to court.

Mr. Viadya thanked Council.

- Fire Chief Harry Thornton asked Council if they would work together with the Fire

Company to come up with an Ordinance regarding the number of false fire alarms on the Island. He stated they have contacted the State Fire Marshall's office. He feels they need to write an ordinance to fine for false alarms. He advised that if they go back to the State Fire Marshall's office it wouldn't be good for the Town or the motel owners. He explained that when an alarm goes off they're putting people at risk and alerting other stations.

Mayor Tarr stated that there are provisions in the State Code.

Fire Chief Thornton stated that he and Building & Zoning Administrator Lewis have been working closely with the State Fire Marshall.

Councilman Jester asked if it was fire system maintenance issues.

Fire Chief Thornton stated that he would rather not respond. He stated that they have tried to work with them. He suggested reviewing the Ordinances from other Counties to help solve the problem.

Mayor Tarr directed staff to review the State Code and refer this matter to the Ordinance Committee.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville advised that they appreciate the input that the Planning Commission and Council gave staff at the last workshop. He stated that the Planning Commission will meet next Tuesday to allow them to review the final revisions to the Comprehensive Plan.

### **Police Department**

Chief Lewis stated that the monthly report has been included in Council's packet. He reminded Council that the 9<sup>th</sup> Annual Toy Run is Saturday. He added that the Hum-Vee's will be delivered tomorrow.

### **Public Works Department**

Public Works Director Spurlock stated that they have confirmation from the Army Corps of Engineers that Hallie Whealton Smith Drive flood gate project will be covered under the permit. He also advised that the new playground equipment is being installed and will be completed by tomorrow afternoon.

Mayor Tarr requested that once it is completed he would like to see an article in the paper that mentions the donation from the Police Department's fund raising efforts.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that EMS response for November was 51 which were 5 less than November of 2013, ALS response was 28, BLS 16 and all others were 7. He also reported that they will be discussing the Downtown Rehabilitation Project with Bowman Consulting. He stated that 10,540 tax bills were mailed with over \$645,000 in real estate and \$212,000 in personal property tax. He added that they will begin working on the quarterly newsletter. Town Manager Ritter also added that the employee evaluations have been done.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of November 3, 2014**
- **Council Joint Workshop Meeting of November 13, 2014**

Councilman Taylor motioned, seconded by Councilman Leonard to approve the minutes of the November 3, 2014 regular Council meeting and November 13, 2014 Council joint workshop meeting. Unanimously approved.

#### **2. Public Hearing on the Possible Adoption of Quitclaim on Surplus Land**

Mayor Tarr opened the public hearing.

Town Manager Ritter explained that the Town municipal center includes a residual piece of property across Deep Hole Road. He stated that VDOT purchased the property for the bicycle lanes and sidewalks. He also stated that this is a strip that can't be built on and is 38' wide x 113' long. He added that it is next to the property that the Fire Company has purchased. He explained that Town Attorney Poulson has drawn up a quitclaim deed and it has been properly advertised.

Town Attorney Poulson advised that the proposed deed has all of the provisions that in the event that the Fire Company ceases to use the property for their improvements it will revert back to the Town. He added that the Town has the authority to do this. He stated that it is a remnant at the time when the Transportation Commissioner acquired the property that was left out. Town Attorney Poulson advised that in order to convey Town real estate it requires a 3/4 vote of all members of Council, which is 5 votes. He asked if

any Councilmember was a member of the Fire Company. They replied that they were not.

Mayor Tarr asked if there were any comments from the audience. He advised that Council has the letter from the Fire Company. There were no comments. Mayor Tarr closed the public hearing.

Councilman Taylor motioned, seconded by Councilman Leonard to quitclaim the deed on the surplus land, parcel #030A7A0000081E0 to the Fire Company with the stipulation that if the Fire Company does not improve on their lot, the quitclaim parcel reverts back to the Town and to give Mayor Tarr the authority to execute the deed. Unanimously approved.

Ayes: Taylor, Leonard, Richardson, Ellis, Frese and Taylor

Nays: None

Absent: None

### **3. Discuss Harbor Transient Fee for Chincoteague Working Watermen Per Day**

Harbormaster Merritt handed out copies of the slide program.

Town Manager Ritter stated that they are giving a status of the Harbor and Chincoteague working watermen transient fee for daily mooring.

Harbormaster Merritt advised that the total number permitted to sublease is 92. He further reported:

The total number of qualified working watermen with slip rent is 67.

The total number of recreational slip permits is 25.

He noted that they do have 6 slips that are used by the Town either for handicap, fuel and 2 large transient slips.

Harbormaster Merritt continued to review the slides:

From June 1<sup>st</sup>, 2014 to May 31<sup>st</sup>, 2015

	Annual Lease	Sublease Recreation Per Day	Sublease Working Watermen Per Day
25 ft. slip	\$ 446.00	\$15	\$4.50
30 ft. slip	\$ 503.00	\$15	\$4.50
40 ft. slip	\$ 756.00	\$15	\$4.50
50 ft. slip	\$1,100.00	\$15	\$4.50

The slip at the head of Collector Pier \$1,210 or \$4.5 per day.

Town Manager Ritter added that the \$15 per day for recreation has a minimum of 2 days costing \$30. He noted that the working watermen daily rate has increased 1 time in the past 10 years by \$1.00 and was recommended by the Harbor Committee and adopted by Council.

Harbormaster Merritt explained the benefits of using the Harbor:

Location (close proximity to the ocean inlet, which saves on fuel cost), 24 hours a day, 7 days per week fuel access, restrooms, parking lot, boat ramp, security (cameras, police patrol), potable water use (unlimited), fish cleaning table, space to work on vessel,

equipment or fishing gear, Harbor Master availability 24 hours a day, 7 days a week, and clean.

Town Manager Ritter advised:

Revenues for FY 2014 were \$174,711.

Revenues from annual mooring permits were \$54,604.

Revenues for subleasing or transient mooring permits were \$15,563.

Current long term savings balance is \$100,487.

FY 2015 budget expenses include \$40,000 to the long term savings.

The Harbor has approximately \$2.5 million in infrastructure (docks, bulkheads, piers, boat ramp, restrooms, office, shed, sewer and water).

There is \$200,000 in equipment value (electrical, fuel system and security cameras)

Road, parking pavement and stabilization is approximately \$15,000

Total Harbor assets equal \$2,715,000.

Town Manager Ritter also advised that with a \$2.5 million infrastructure there isn't much in the long term savings if anything major happens for repairs.

Harbormaster Merritt also advised:

Approximately 2,035 days transient boats have been moored in available slips.

Transient moored vessels that were recreational totaled 1,945 days (May – August).

Transient moored vessels that were Chincoteague working watermen totaled 90 days. All of these were charter boat captains who had a current slip permit and wanted an extra slip for business for a short time.

He noted: The Harbor had no transient slip mooring permits for Chincoteague working watermen that are on the waiting list for a yearly slip or permit.

Harbormaster Merritt gave a fee comparison:

Greenbackville - \$400 per year or \$25 per day with no reduction for working watermen.

Saxis - \$350 per year and no daily rates.

Crisfield - \$15 per foot x linear foot of vessel per year rate. No daily rates.

Virginia Beach – best rates found was \$300 - \$500 per month depends on the length of the boat or \$25 per foot per month. No daily rates.

Ocean City – has all private marinas with very expensive rates and no breaks for working watermen.

Cape Charles – 30 ft. vessel cost \$85 per month plus wharfage, which could be up to \$25 per day.

Harbormaster Merritt also listed the berth priority list:

Total number of people that are requesting a yearly mooring permit	235
--------------------------------------------------------------------	-----

Total number of Chincoteague working watermen	5
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Total number of Chincoteague residents	27
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Total number of Accomack County working watermen	25
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Total number of Accomack County residents	9
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Total number for all others	169
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He noted: Chincoteague working watermen have only been on the list for less than 6 months. These numbers are approximate and we are in the process of purging the list.

Harbormaster Merritt concluded:

1. On October 2, 2014 the Harbor Committee met with approximately 30 Chincoteague working watermen in attendance. A spokesperson for the working watermen stated all 30 Chincoteague working watermen agreed that the \$4.50 was fair. They wanted things to remain the way they are at the Harbor.
2. At the same Harbor Committee meeting the Committee unanimously voted to maintain the FY 2015 Harbor rate schedule including the working watermen rate at \$4.50. The Committee felt the rate schedule was fair for all.
3. The Harbormaster and the Town Manager concur with the Harbor Committee that the \$4.50 rate is a fair rate and would not like to see revenues decrease for the Harbor.

Councilman Taylor thanked Harbormaster Merritt for the presentation. He advised that he agrees that the 3 working watermen will not cause the rate to increase.

Harbormaster Merritt reminded Council of fairness and stated that a working waterman is a working waterman. He commented further.

Councilman Taylor feels that this won't adversely affect the amount. He stated that there are so few Chincoteague working watermen left.

Town Manager Ritter read from the Rate Schedule. He explained that it states that recreational vessels pay \$220 per month. He added that they don't have a per month fee for working watermen. He commented and made suggestions.

Councilman Ellis stated that there are 3 men who are on the working watermen's list.

Harbormaster Merritt stated that he has approximately 2 dozen working watermen subleasing slips from all over. He advised that those on the waiting list are strictly Chincoteague working watermen. He advised that he has never had a problem or complaint. He also added that as far as waiting for a slip, he hasn't had a problem.

Councilman Frese stated that the original conversation involved 2 things. He stated that one was a working waterman needing a temporary slip. He also stated that they requested that they should give a working waterman the same daily rate that any working waterman would get on a yearly lease. He finds that those who have the small slips pay about a \$1.25 per day. He stated that the veteran should be given the \$1.25 per day as opposed to the \$4.50 per day. He stated that this was the proposal that he and Councilman Taylor were discussing for the veteran.

Councilman Leonard asked Harbormaster Merritt how many requests he has had for a reduced rate.

Harbormaster Merritt responded 0.

Councilman Leonard then asked him how many Chincoteague working watermen have made this request.

Harbormaster Merritt responded 0.

Councilman Leonard stated that by his thinking Council is debating something that has had no interest. He feels that as far as “Chincoteague” goes this is a nonissue which is what the Harbor Committee has been faced with.

Councilman Taylor asked if those 30 working watermen that attended the meeting had slips.

Harbormaster Merritt responded that they all did.

Councilman Taylor stated that they all have the lower rate.

Town Manager Ritter asked, if he was a working waterman and kept his boat in the slip 6 months out of the year, why would they want to pay a yearly fee if you could get it for \$1.35 per day.

Councilman Taylor stated that it’s your choice that you’re on the list.

Mayor Tarr interjected that there would be no incentive to rent it full time if you’re going to get a reduced rate per day verses the yearly rate.

Councilman Taylor explained that if a slip comes up and they refuse the slip they are no longer on the list.

Councilman Frese asked if \$4.50 per day is a fair rate.

Councilman Leonard feels it’s a great rate.

Councilman Frese suggested making the rate \$4.50 per day and forget the lists.

Councilman Jester responded that it is \$4.50 per day for all working watermen.

Councilman Frese stated that slip holders are paying \$1.35 per day.

Mayor Tarr stated that slip holders are signing a contract that they are keeping the slip for a year. He stated that the Harbor was set up with 4 lists. He also stated that Chincoteague working watermen are 1<sup>st</sup> and the Chincoteague people are 2<sup>nd</sup>. He added that the reason it is listed this way is because it is being paid for by the Chincoteague taxpayers’ dollars. He feels it would be ridiculous to reduce the per day rate. He also stated that the gentleman that is being referred to isn’t a resident of Chincoteague.

Councilman Frese stated that they aren’t aiming it at him. He feels they should do something for all veterans.

There was further discussion regarding the taxes that go into the Harbor.

Councilman Ellis asked if there is any issue of discrimination to reduce the rate for a select group of people.

Town Attorney Poulson advised it shouldn't be considered discrimination. He stated that all the Harbors are for working watermen and local people.

Councilman Jester agrees with Councilman Leonard and doesn't feel this is an issue. He recommended that it stay the same.

Councilman Taylor motioned, seconded by Councilman Frese for Chincoteague working waterman and veterans, while on the waiting list, with a provision that if a slip opened and the individual on the list refused to take the slip be removed from the list, to pay a discounted per day rate (annual rate divided by 365) while he is in line to get a slip, on a temporary basis. The motion did not pass.

Ayes: Frese, Taylor, Ellis

Nays: Jester, Leonard, Richardson, Tarr

Councilman Taylor thanked Harbormaster Merritt.

There were further comments.

#### **4. Discuss/Update Downtown Rehabilitation Project Phase 2D with Bowman Consulting**

Mrs. Kat Edwards introduced Mr. Louis Large with Bowman Consulting.

Mr. Large advised they have been working on the plans for Phase 2D. He stated that Phases 2B and 2C have been completed and this is extending from Bridge Street past the Fire House. He reported that this is to replace the curb, guttering, pavers, handicap ramps, driveway entrances, Bridge Street parking lot and interfacing the Robert N. Reed Downtown Waterfront Park. He continued to explain this will resurface the existing street, pavement striping, crosswalks, street lighting foundations and related storm drainage.

Mr. Large reviewed the slides showing where the current phase ended and where the new phase starts and will end. He further explained in detail the scope of work in Phase 2D.

There were a few comments and questions regarding the curbing at Church Street and Main Street and the narrowness of the Cropper Street intersection.

Chief Thornton suggested that they make the Cropper Street corner wide so they can swing the large fire apparatus onto Main Street and back onto Cropper Street.

There was further discussion.

Mr. Large stated that he will discuss this with Public Works Director Spurlock.

Councilman Jester discussed the construction phasing and access to the Community Health Center. He also mentioned the Park and the plans for a memorial that will be put there in the future. He reviewed the plans for paving and asked about paving up to the pier on Bridge Street. He also asked that they include in the plans for future placement of the bridge artifacts. Councilman Jester feels that they don't need another pavilion.

Mrs. Edwards advised that the 2<sup>nd</sup> pavilion is small. She stated that they have to have 5 picnic tables. She explained that they had a group of civilians that came in and requested another picnic area.

They discussed the right-of-way for Mr. Vesely's property and the plans for this.

Mr. Large stated they will discuss the comments.

Mayor Tarr advised that the paving can't be included in the contract but will be in the project.

Discussion continued.

## **5. Possible Authorization for Requesting a Feasibility Study by the Army Corps of Engineers**

Town Planner Neville explained that on August 5<sup>th</sup> a Federal Register notice from the Army Corps of Engineers asked for proposals from nonfederal interests for feasibility studies related to the Water Resources Act. He stated that this is for authority to do dredging operations, the protection and restoration of environmental features and looking at engineering solutions to storm and erosion control. Town Planner Neville stated that they drafted a letter that meets the criteria for what they're looking for. He also stated that ideally, it would allow a project for Chincoteague and its surrounding area to be included on a list that would be presented to Congress for authorization to proceed to the next step. He stated that it gives the Corps permission to continue to work with the community to find the resources to fund the feasibility study.

Town Planner Neville stated that will be two tough questions. He asked why is it necessary for the Corps to accomplish a study when the Nature Conservancy was just funded to do a similar study. He stated that the Nature Conservancy won't submit the same set of solutions that the Corps would have. He advised that they have forwarded this to the Norfolk district for review. He added that the other question is the cost. Town Planner Neville stated that the authorization should not exceed a \$3M cost and not exceed a 3 year period to accomplish it. He believes the Corps is recommending that the Town keep it as wide a scope as possible mentioning the \$3M cap, giving as much flexibility as possible. He added that the problem is it's a 50/50 split with local funding. He asked if the County or the state would be willing to support a \$1.5M match. Town Planner Neville mentioned a Corps restoration project in Crisfield, Maryland which had a \$400,000 budget. He added that they are not asking for the funds at this time, but it will carry the financial obligation if they move forward. He stated that they still have the opportunity to work with the Hurricane Sandy funds through the Nature Conservancy project. He feels that this is an opportunity to get a dialog started to move forward with a serious engineering study. He also stated that they require a letter of support from the Town. He added that they have put it in resolution form and added that the submission date is Thursday.

Councilman Jester asked if FEMA was a source of grant money.

Mayor Tarr stated that it has to be nonfederal agency funding.

Town Planner Neville stated that FEMA wouldn't qualify as a match. He mentioned other grant funds that become available after a major storm event.

Discussion continued about including the state and county.

Mayor Tarr stated that if the Town gets listed and they can't come up with the money they aren't obligated.

Council commented and feels they should proceed along with asking the County to assist.

Councilman Ellis motioned, seconded by Councilman Frese to prepare and submit an application to the Army Corps of Engineers for a feasibility study proposal. Unanimously approved.



### **Resolution Authorizing the Request for a Feasibility Study Proposal to the U.S. Army Corps of Engineers**

**Whereas**, The Town of Chincoteague, Inc. and the U.S. Army Corps of Engineers have enjoyed a long and beneficial partnership in the care and management of the navigable waters surrounding Chincoteague Island, and

**Whereas**, recent changes to the Chincoteague Inlet have exposed the Town of Chincoteague to increased risk from tidal storm surge from the Atlantic Ocean, and

**Whereas**, the USFWS Chincoteague National Wildlife Refuge recently published a draft Comprehensive Conservation Plan which indicates the intent to change federal land management practices to encourage vulnerability rather than stability for the barrier island which protects the Town of Chincoteague, and

**Whereas**, the US Army Corps of Engineers announced in the Federal Register (FR Doc. 2014-18495) a request for feasibility study proposals from non-federal interests to be included in the 2015 USACE Annual Report to Congress, and

**Whereas**, it is necessary for a resolution of support to be received from the sponsoring local jurisdiction requesting the USACE to initiate a feasibility study in the Town of Chincoteague and its environs,

**Now, Therefore, Be It Resolved**, that the Town of Chincoteague, Inc., requests the U.S. Army Corps of Engineers to obtain authorization for a feasibility study to evaluate coastal risk and resiliency, to model potential management changes on Assateague Island, and to advise the Town of Chincoteague on sustainable, cost effective management options which would reduce flood risk and damage from coastal storms, maintain the navigable waterways surrounding Chincoteague Island, assure ocean inlet access for the USCG and our fishing fleet, and minimize shoreline erosion of protective marshes.

**Be It Further Resolved**, that the Town of Chincoteague, Inc. hereby understands and agrees to seek the necessary matching contribution requirements for an initial project phase within a mutually agreed upon scope of work.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

**6. Recreation and Community Enhancement committee Report of November 10, 2014**

Councilman Jester stated that the \$15,000 donation from the Police Department allowed the purchase of the small children's equipment. He stated it will be beautiful and safer. He added that they are also looking at equipment for larger children. He stated that shrubs have been planted and mentioned the new signage.

**7. Committee/Commission Appointments and Recommendations**

- **Building Code of Appeals**
- **Curtis Merritt Harbor Committee**
- **Chincoteague Recreation & Convention Center Authority**
- **Recreation & Community Enhancement Committee**

Mayor Tarr opened the floor for nominations for the Building Code of Appeals.

Councilman Taylor nominated Mr. S. G. Papadopoulos, PE.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr opened the floor for nominations for the Curtis Merritt Harbor Committee.

Councilman Frese nominated Mr. Ernest Bowden.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr opened the floor for nominations for 1 of the 2 vacancies on the Recreation and Community Enhancement Committee.

Councilman Jester nominated Mr. Jack VanDame.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr opened the floor for nominations for the 2nd vacancy on the Recreation and Community Enhancement Committee.

Councilman Leonard nominated Mr. Robert Conklin.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr opened the floor for nominations for 1 of the 2 vacancies on the Chincoteague Recreation and Convention Center Authority.

Councilman Frese nominated Mr. Steve Potts.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr opened the floor for nominations for the 2nd vacancy on the Chincoteague Recreation and Convention Center.

Councilman Ellis nominated Mrs. Lynne Ballerini.

There were no further nominations.

Mayor Tarr closed the nominations and asked for a vote. Unanimously approved

Mayor Tarr advised that the terms of 2 members on the Board of Zoning Appeals are expiring. He advised that Mr. Charles “Chuck” Ward and Mr. John “Jack” Gillis have both expressed their desire to serve for another period. He stated that Town Attorney Poulson has a letter that will be presented to the Honorable Revell Lewis, Judge regarding their reappointment.

#### **8. Discuss Retaining the Lobbyist for an Additional 6 Months**

Town Manager Ritter stated that Council voted to fund 6 months for Alcalde & Fay consultants. He recommended that Council approve the services of Alcalde & Fay for another 6 months. He added that there will be a budget workshop in January to review budget amendments.

Mayor Tarr referred to the report from Alcalde & Fay.

Councilman Frese motioned, seconded by Councilman Jester to retain the lobbyist for an additional 6 months. Unanimously approved.

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

Councilman Leonard wished everyone a Merry Christmas and Happy New Year.

Councilman Jester asked everyone to vote for Chincoteague as the “Coolest Town”

Councilman Ellis thanked Town Attorney Poulson for his 26 years of service to the Town. He wished him great happiness in his retirement.

Councilman Taylor thanked Town Attorney Poulson. He also commended Chief Lewis on the energy and professionalism he puts into his job. He stated that it is a reflection on his Department. He hopes he has trained his Department on everything he has done. He wished both of them a long and happy retirement. He then asked about slow moving vehicle decals.

Town Manger Ritter stated that Town Attorney Poulson researched this matter and sent an email. He advised that an automobile, electric vehicle is still an automobile. He explained that electric cars are not singled out as an exemption.

Councilman Taylor asked if the Town could exempt them.

Town Attorney Poulson advised that they can’t be exempt from taxes.

Councilman Taylor thanked him for getting back to them.

Mayor Tarr advised that the Budget and Personnel Committee will be reviewing what they want to do regarding the few who paid from last year.

Councilman Frese congratulated Town Attorney Poulson and Chief Lewis on their retirement. He also wished everyone a very Merry Christmas.

Mayor Tarr stated that Chief Lewis submitted his retirement letter to Council this evening. He also stated that his retirement will become effective March 31<sup>st</sup>, 2015. He wants to hold his comments until then. He appreciates his decision and giving the Town a lot of notice. He advised that he has been in the Police Department for 36 years.

Mayor Tarr also stated that they will have things to present to Town Attorney Poulson at the Committee dinner. He stated that the Town has had the best attorney for years and appreciates that he has kept the community interest at heart.

Town Attorney Poulson stated that he appreciates Council’s comments over the last 30 days. He stated that he has always said a thank you means a lot more than a check. He stated that it has been an eventful 26 years. He recalled the day when they had an office on the circle when Chief Thornton and Town Manager Baker asked him to be the Town Attorney. He stated that he agreed. He doesn’t know anyone who goes back as far as Mr. Terry Howard. He also recalled meeting upstairs in the Fire House. He remembered all of the debate of purchasing the American Original property. Town Attorney Poulson stated that they made the right decision. He has had the pleasure of working with many people on Chincoteague, Town Council and otherwise. He feels like he has great affinity and love and respect for Chincoteague people. He stated that they are a good breed,

entrepreneurial, loyal and dedicated. He stated that Accomack County should appreciate them.

Town Attorney Poulson stated that as the Commonwealth's Attorney he and Chief Lewis have worked many nights together on problems. He feels that he has many close relationships on Chincoteague and he values them. He thanked everyone.

Mayor Tarr stated that he remembers seeing Town Attorney Poulson during Election Day seeing who his bosses were going to be.

Town Attorney Poulson advised he was trained by Mr. Donald Leonard and Mr. Fred Tolbert. He thanked Council.

**10. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the code of Virginia**

- **Personnel Matters**

Councilman Leonard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Jester moved, seconded by Councilman Leonard to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilman Leonard to adopt a resolution of certification of the closed meeting.

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

**WHEREAS**, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Richardson, Jester, Frese, Ellis, Leonard, Taylor

Nays- None

Absent- None

**Adjourn**

Councilman Leonard motioned, seconded by Jester to adjourn. Unanimously approved.

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Mayor

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Town Manager

**MINUTES OF THE DECEMBER 4, 2014**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Ellis offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

**1. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

• **Personnel Matters (Interview)**

Councilman Ellis moved, seconded by Councilman Frese to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Frese moved, seconded by Councilman Leonard to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilman Leonard to adopt a resolution of certification of the closed meeting.

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

**WHEREAS**, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes- Richardson, Jester, Frese, Ellis, Leonard, Taylor

Nays- None

Absent- None

### **Adjourn**

Councilman Leonard motioned, seconded by Councilman Taylor to adjourn.

Unanimously approved.

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Mayor

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Town Manager