

**MINUTES OF THE JANUARY 9, 2017  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**1. Call to Order**

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

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Participation**

Mayor Leonard opened the floor for public participation. There were none.

**5. Council Action List, Informational Items & Staff Update**

Mayor Leonard asked Council if they had any additions, deletions or corrections for the Action List. There were none.

**Staff Update:**

**Police Department:**

Chief Mills advised that the report is in the packet. He reported that they helped 49 children with toys and clothing. He also stated that they gave 125 turkeys to the Food Pantry. Chief Mills reviewed the speed statistics from the radar trailer that was placed on Main Street in the area of Peterson Street. He stated that the average speed was 29 miles per hour.

**Public Works Department:**

Public Works Director Spurlock stated that the report is in the packet. He mentioned the loan for the auto-read water meters. He added that Van Guard is the company that Suffolk is currently using to install their meters.

There was brief discussion.

**General Government:**

Administrative Assistant Lewis advised that the report is in the packet as well. She stated that the total EMS responses for December were 65, which was the busiest December of record. She

stated that there were 25 ALS, 24 BLS and 16 other calls. She also added that the total calls for 2016 were 1,003 and noted that it was the busiest year of record.

Administrative Assistant Lewis reported that the new informational television station is up and running. She added that it is now channel 190. She announced that Davis Disposal will not be collecting trash Monday or Tuesday. She added that they will begin collecting on Wednesday morning through Saturday doubling up on the routes to make sure everyone is accommodated. She asked that everyone have their trash receptacles at the curb by Wednesday morning and allow a few days for pick it up.

Administrative Assistant Lewis stated that she had an item to add to the Action List as well. She explained that the current utilization of the Facebook page was for emergency public service announcements. She stated that it would service the Town better to have 2 Facebook pages. She explained that one page could be for general information such as meetings, Code changes, mosquito control and such. She added that the other one could be for Emergency Operations which only puts out information such as road closures, water outages and storm information. She further explained that if the Town uses one page for all of the information then eventually those following will see a lot of activity and “unlike” or “unfollow” the Town causing the word not to get out. Administrative Assistant Lewis stated she spoke with Chief Mills and Dispatcher Benjy Holloway will be setting up the new Emergency Operations/Services page for specific PSA’s for weather, catastrophic and emergency events and notices.

Vice Mayor Bowden commented that Facebook is the way of the world.

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

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

## **7. Adoption of the Minutes**

- **Regular Council Meeting of December 5, 2016**

Mayor Leonard and Vice Mayor Bowden had 2 typographical corrections.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the minutes of November 7, 2016 as corrected. Unanimously approved.

## **8. Christmas Decorations Winners**

Mayor Leonard read the list of winners and congratulated them all on a beautiful presentation. He also thanked the judges; his wife Mary Esther Leonard and April Hooper.

### **Most Illuminated:**

1<sup>st</sup> place: Bill & Ginger Birch who will receive \$100.00.

2<sup>nd</sup> place: Jack & Sherry Tarr who will receive \$50.00.

### **Most Traditional:**

1<sup>st</sup> place: Bill & Maureen Derrickson who will receive \$100.

2<sup>nd</sup> place: Joe Burns who will receive \$50.00

### **Most Festive**

1<sup>st</sup> place: Dill Wilgus and Arlene who will receive \$100.

2<sup>nd</sup> place: Paul Bloxom who will receive \$50.

### **9. Alcalde & Fay Report**

- **Approval of payment for 6 months.**

Councilman Taylor motioned, seconded by Councilman Frese to approve the services of Alcalde and Fay for another 6 months. Unanimously approved.

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

Councilwoman Richardson thanked the Town, Public Works and the Police for everything they do and for the most recent storm. She stated that her power was out and she called around to see who had power. She advised that she then called Public Works Director Spurlock to see if the Town had power, which they did. She stated that within minutes the ANEC truck was there and restored power. She added that you don't get that service everywhere else, only on Chincoteague. She added blessed the Town is.

Vice Mayor Bowden also stated that the Town has a good group. She agreed with Councilwoman Richardson.

Councilman Ellis agreed with Councilwoman Richardson and Vice Mayor Bowden. He thanked the girls in the office for stepping up to the plate and taking on additional responsibilities. He stated that it doesn't go unnoticed and thanked them.

Councilman Lewis stated that everyone else has said it all.

Councilman Taylor expressed how blessed the Town is. He mentioned an episode that Councilman Ellis needed EMS during the holidays and they were there. He feels the Town is very blessed.

Councilman Frese supported everything that his colleagues stated and added that this is a great Town of citizen and employees.

Mayor Leonard mentioned the new television in the Council room for emergency events, PowerPoint, etc. He concluded by saying "Roll Tide".

### **11. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

- **Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson 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 motioned, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Frese motioned, seconded by Councilwoman Richardson 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- Bowden, Richardson, Frese, Taylor, Lewis, Ellis

**Adjourn**

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

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Mayor

**MINUTES OF THE JANUARY 19, 2017  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent**

Gene W. Taylor, Councilman

**Call to Order**

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

**Invocation**

Councilman Ellis offered the invocation.

**Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**Agenda Additions/Deletions and Adoption**

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

Councilman Ellis motioned, seconded by Councilman Taylor to reinstate the Wastewater Advisory Committee with the exception of Mr. Spiro Papadopoulos. All present were in favor and the motion was carried.

**Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia****Personnel Matters**

Councilman Frese moved, seconded by Councilwoman Richardson 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 Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilwoman Richardson 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- Bowden, Richardson, Frese, Ellis, Lewis

Nays- None

Absent- Taylor

**Recess Meeting**

Councilman Frese motioned, seconded by Councilwoman Richardson to recess the meeting. All present were in favor and the motion was carried..

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Mayor

**MINUTES OF THE FEBRUARY 2, 2017  
CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

Gene W. Taylor, Councilman

**1. Call to Order**

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

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

**• Personnel Matters**

Councilman Frese motioned, seconded by Vice Mayor Bowden to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Vice Mayor Bowden to reconvene in regular session. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Vice Mayor Bowden to adopt a resolution of certification of the closed meeting. All present were in favor and the motion was carried.

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- Bowden, Richardson, Frese, Lewis, Ellis  
Nays- None  
Absent- Taylor

**Adjourn**

Councilman Lewis motioned, seconded by Vice Mayor Bowden to recess. All present were in favor and the motion was carried.

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Mayor

**MINUTES OF THE FEBRUARY 6, 2017  
CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

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

**2. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

**• Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Ellis motioned, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson 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)(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- Bowden, Richardson, Frese, Lewis, Taylor, Ellis  
Nays- None  
Absent- None

**Adjourn**

Councilman Frese motioned, seconded by Councilwoman Richardson to recess. Unanimously approved.

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Mayor

**MINUTES OF THE FEBRUARY 6, 2017  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Reverend Eley with Union Baptist Church offered the invocation.

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

Mayor Leonard led in the Pledge of Allegiance

### **4. Presentation of FY '16 Audit Report from Robinson, Farmer, Cox and Associates**

Mr. Michael DelBiondo with Robinson, Farmer, Cox and Associates reviewed the FY 16' Audit Report. He stated that it is their responsibility to issue an opinion on the financial statements. He advised that their opinion was unmodified, which means it is clean. He thanked Finance Director Hipple and Accounting Specialist Hammonds who were instrumental in aiding them throughout and after the audit process. He commented that Council has a great staff in the Town.

He continued to review the balance sheets, statement of activities, fund balances, capital assets, sundry, revenue and expenses. He also commented on the notes to the financial statements, the schedules in the back of the audit, detailed reports and the report on internal controls. He explained that they didn't find any deficiencies on the internal audit. He asked if there were any questions.

Councilwoman Richardson and Vice Mayor Bowden thanked Mr. DelBiondo for the report.

Councilman Ellis reiterated that the accounting practices within the Town meet all standards.

Mr. DelBiondo responded that he was correct.

Councilman Ellis also reiterated that they found that the finances in the Town are stable.

Mr. DelBiondo again responded that he was correct. He added that they don't have any financial concern and the financial statements are stable.

Councilman Taylor thanked Mr. DelBiondo for bringing good news. He also thanked Finance Director Hipple and Accounting Specialist Hammonds for their assistance. He thanked all Department Heads.

Mr. DelBiondo stated that this year was a little more challenging than in the past because of the switch in accounting systems. He stated that they planned to conduct the audit a little earlier but because of the change in accounting systems they were postponed. He added that they did a great job.

Finance Director Hipple pointed out the percent of taxes collected. She stated that the Town of Chincoteague has a collection rate of 97.4% which says staff is doing a wonderful job. She also stated that the tables will give a clear picture as they are broken down.

Mayor Leonard thanked Finance Director Hipple and Accounting Specialist Hammonds because their accounting is what makes this report possible.

Councilman Frese commented that the front office staff certainly collects those taxes.

## **5. Presentation from Chincoteague Recreation & Convention Center Authority**

Miss Jessie West introduced herself. She advised that she grew up on Chincoteague, went to college and has been living in Philadelphia for the past 16 years. She stated that she is excited to be back and bringing what she learned in Philadelphia to help make the Center more successful. She stated that they've had some exciting things happen, for example hiring a part-time bookkeeper, Dawn Simpson. Miss West stated that they've been partnering with the YMCA Walking Program. She stated that they've recently held the wireless meeting. She announced that they are working on their strategic plan. She closed by stating that she looks forward to finding ways to be more efficient and planning for the future.

## **6. Presentation from Ms. Kerry Allison, Eastern Shore Tourism Commission**

Ms. Allison with the Eastern Shore Tourism Commission came before Council with a PowerPoint presentation. She reviewed statistics, strategies, marketing and vision. She stated that they are Virginia's 2<sup>nd</sup> growing tourism in the Commonwealth. She reported on visitors' spending and local numbers. She compared statistics from 2015. Ms. Allison stated they track visitors. She feels that their Facebook platform is their most important platform. She stated that they have approximately 22,000 likes. She added that they pilot and test because it's not a cut and dry science. She explained that they study on how people plan trips. She stated that people don't plan trips like they did 20-30 years ago. She stated that they are enticing the next generation to the Eastern Shore. She listed the top visited states and cities.

Ms. Allison explained a marketing plan with Facebook that brought more inquiries. She advised that in 2017 they are going to continue with their regional marketing. She stated that they want to get the media here. She also stated they want to create a new website.

Finance Director Hipple asked if there is still an ad at the Chesapeake Bay Bridge Tunnel.

Ms. Allison advised that they do.

Finance Director Hipple stated that the Town has a light box there and the contract runs out the end of June. She asked if the pictures need to be changed or updated.

Ms. Allison stated that she will check on the light box and will make sure it's ready to be renewed in June.

## **7. Public Participation**

Mayor Leonard recognized the Girl Scouts, Troop #1025 that were in attendance working on their Government Badges. He thanked them for attending.

- Mrs. Cindy Oehm, President of the Chincoteague Cultural Alliance mentioned the recent renovations of their building with the help of donations and volunteers from the community. She stated that they now have new septic tanks to the Town. She stated that the CCA does well over 100 programs per year. She also stated that many of the programs are offered for free to the community. She also stated that they offer free art classes for children along with movies in the Park and theatre in the Park. She also mentioned the Farmer's Market and the Artful Flea.

Mrs. Oehm explained that she is asking Council if they will participate in the Virginia Commission for the Arts Grant again this year. She stated that it is a partnership with the Town. She also stated that the funds go towards the movies and music in the Park. She brought a copy of the calendar of events to give an idea of all they do. She invited and encouraged everyone to look it up online. She stated that this is a group of gifted people that brings programs for the community.

Councilwoman Richardson stated that this is a \$5,000 grant with matching funds of \$5,000 from the Town.

Mrs. Oehm stated that when people come to the program it's for free because of this grant.

Councilwoman Richardson asked if this has to be applied for each year.

Mrs. Oehm responded that they do but have to have Council's approval for the match.

There was brief discussion.

Vice Mayor Bowden stated that she has participated in a couple of things with the CCA and feels it's another great asset to the community. She stated that they have done a fantastic job. She complimented how good the building looks.

Mayor Leonard thanked Mrs. Oehm and stated that they will put this matter on the agenda for the workshop meeting on the 16<sup>th</sup>.

- Dr. Glenn Wolffe approached Council regarding the Maddox Campground Water Park. He explained that he will be out of town for the Council meeting in March when they address this matter. He stated that he is for the Water Park. He also stated that whether he is for or against the Water Park is irrelevant. He fully supports the reasonable use of the land. He asked Council during their consideration of the conditional use deliberations that they try to minimize the visual impact of the Water Park on Maddox Boulevard. He stated that at some level it would be advantageous to Chincoteague and the community to soften the way it is viewed on Maddox Boulevard. Dr. Wolffe stated that it would be nice to ask the developer to put a natural barrier along the side of the Water Park to lessen the visual impact. He suggested a type of hedge row along with a nice sign.

Dr. Wolffe feels that the Water Park is designed in such a way that the back is being viewed from Maddox Boulevard. He asked Council to suggest that the developers move the taller structures further back from Maddox Boulevard. He asked Council if they could keep structures taller than 25' back from Maddox Boulevard. He explained that he is unable to make the public hearing and wanted to make his concerns and suggestions known. He also stated that they have to ask themselves how to make the Water Park move forward with the least impact.

## **8. Council Action List, Informational Items & Staff Update**

Mayor Leonard referred to the Action List. He asked to add "video" to the item regarding audio for the Council Chambers. He would like for people to view meetings on the web.

Councilman Ellis mentioned the Wage Study and asked if this would be discussed in the workshop.

Finance Director Hipple advised it would be discussed at the workshop.

#### **Police Department**

Chief Mills stated that the report is included in Council's packet. He added that the VoIP backup is now working. He advised that the accreditation cycle is ongoing but is on schedule. He added that they are setting up a dispatcher basic school at the Community Center. He also reported that with Finance Director Hipple's help they have applied for the USDA grant.

#### **Public Works Department**

Public Works Director Spurlock reported that they received notification from the U. S. Fish & Wildlife that the regional office has approved the Sarbain's Grant. He explained that the Sarbain's Grant is money left over from the U. S. Fish & Wildlife Service. He continued that the Town applied for the grant for Main Maddox Multi-Modle Transportation Project. He stated that this it to enhance the bicycle traffic linking the Downtown Historic area over to the Refuge. He also stated that it is \$4.5 million.

#### **General Government**

Finance Director Hipple stated that she had nothing further to add to the report that is included in the packet. She stated that staff has ordered auto decals. She informed Council that they order decals for all of the towns in Accomack County. She stated that they go on sale March 15<sup>th</sup> but due by Monday, April 17<sup>th</sup>.

Vice Mayor Bowden asked how much the newsletter costs the Town.

Finance Director Hipple advised that she would get back to her with the cost. There was a brief discussion about the wage study.

#### **9. Agenda Additions/Deletions and Adoption**

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

#### **10. Adoption of the Minutes of the January 9<sup>th</sup> and 19<sup>th</sup> Meetings**

Councilwoman Richardson asked for a couple of spelling corrections.

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the Minutes of the January 9<sup>th</sup> and 19<sup>th</sup> Council meeting as corrected. Unanimously approved.

#### **11. Adoption of Resolution for Bridge Street Acceptance by VDOT into the Urban System**

Public Works Director Spurlock explained that this puts Bridge Street into the Urban System to increase the maintenance funding.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the Resolution for Bridge Street Acceptance by VDOT into the Urban System. Unanimously approved.



**RESOLUTION  
TOWN COUNCIL, TOWN OF CHINCOTEAGUE  
STREET ACCEPTANCE  
BRIDGE STREET  
EASTERN SHORE DISTRICT**

**WHEREAS**, certain streets on the attached sketch titled Bridge Street, Chincoteague Island and described on the attached Form U-1 (Rev. 10-1-2014), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

**WHEREAS**, the street meets the requirements established by the Virginia Department of Transportation; and

**WHEREAS**, the above streets serve a genuine public need; now, therefore, be it

**RESOLVED**, by the Chincoteague Town Council this 6th day of February 2017, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Urban System for maintenance, as provided in 33.1-41.1, Code of Virginia,; and, be it

**RESOLVED FURTHER**, that this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (30) feet with necessary easements for cuts, fills and drainage; and, be it

**RESOLVED FINALLY**, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

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Hon. John A. Leonard, Mayor

Attest:

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Harvey Spurlock, PW Director

## **12. Appointment to Fill Vacancy on the Parks and Community Enhancement Committee**

Mayor Leonard explained that there is a vacancy on the Parks and Community Enhancement Committee. He stated that no one applied, however Mr. Bill Borges who was the interim Center Director has agreed to fill the vacancy.

Councilwoman Richardson motioned, seconded by Councilman Frese to appoint Mr. Bill Borges to the Parks and Community Enhancement Committee. Unanimously approved.

Vice Mayor Bowden stated that he is fantastic.

Mayor Leonard commented that he will bring a lot to the meetings.

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

Councilman Taylor stated that the Department Heads keep things right. He stated that 2017 will be tight and their expertise will be needed.

Finance Director Hipple mentioned the wage study and stated that it will be difficult to be able to see the community grow and improve with the same amount of money.

Vice Mayor Bowden stated that the Town has the best employees anyone could ask for. She stated that there's not a time she's walked in the door and hasn't received the answer to a question. She mentioned the audit and stated that she is learning. She stated that the auditor said the Town is healthy. She added that as Councilman Taylor and Finance Director Hipple stated they have a tough year coming up to pay for things. She commended Finance Director Hipple and the staff for the audit and hopes to tough it out.

Councilwoman Richardson stated that all of the employees of the Town are a team and work together. She stated that they're called out at midnight or when there's snow on the ground. She also stated that they are out working when temperatures are extremely hot. She commended the supervisors and workers. Councilwoman Richardson stated that there are a lot of people that come from out of town complimenting the Town staff. She also reminded everyone of the Public Works Meeting Tuesday evening at 5:00 p.m.

Mayor Leonard announced that the next regular Council meeting will be March 6<sup>th</sup>. He stated that they are anticipating a very large turnout. He stated that during public participation there will be a sign-up sheet and each speaker will have 3 minutes to be used by the person that signed up to speak. He stipulated that it cannot be used by anyone other than the person who signed up to speak. He thanked everyone for coming out.

## **14. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

- Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson 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 motioned, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Frese motioned, seconded by Councilwoman Richardson 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)(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- Bowden, Richardson, Frese, Lewis, Ellis, Taylor  
Nays- None  
Absent- None

**Adjourn**

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

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Mayor

**MINUTES OF THE FEBRUARY 9, 2017  
CHINCOTEAGUE TOWN COUNCIL RECESSED WORKSHOP MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman  
Edward W. Lewis, Jr., Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

Mayor Leonard called the meeting to order at 5:30 p.m.

**2. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

**• Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Councilwoman Richardson to reconvene in regular session. All present were in favor and the motion was carried.

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt a resolution of certification of the closed meeting. All present were in favor and the motion was carried.

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;

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VOTE: Ayes- Bowden, Richardson, Frese, Lewis, Taylor, Ellis

Nays- None

Absent- None

Councilman Frese motioned, seconded by Vice Mayor Bowden to hire Mr. James M. West as the Town Manager with a start date of March 6, 2017. Unanimously approved.

Vice Mayor Bowden motioned, seconded by Councilman Frese to send the COBRA letter with the last payment to Mr. Ritter. Unanimously approved.

**Adjourn**

Councilman Frese, seconded by Vice Mayor Bowden to recess. All present were in favor and the motion was carried.

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Mayor

**MINUTES OF THE FEBRUARY 16, 2017  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

He announced that the live audio/video feed is up and running.

**4. Agenda Additions/Deletions and Adoption**

Mayor Leonard asked to add item 8a for Mayor and Council Announcements and Comments to the agenda.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the agenda adding item 8a for Mayor and Council Announcements and Comments. Unanimously approved.

**5. Commission for the Arts Grant**

Finance Director Hipple advised that the Chincoteague Cultural Alliance has been applying for the Commission for the Arts Grant each year with the Town's blessing.

There were comments.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the Commission for the Arts Grant and Town's match. Unanimously approved.

**6. Trolley Grant**

Transportation Director Welsh addressed Council regarding the Trolley Grant. He explained that this is an operating assistance application for fiscal year 18. He further explained the increases

to salaries, education, training, fuel, lubricants and maintenance. He stated that the application will be reviewed in March, April and May by the DRPT. He also stated that it will be presented for final determination in June to move forward for approval in July. He added that the percentage will be determined at that time. He stated that the agreement will then be sent to grantees in September with the consent to submit withdrawals. Transportation Director Welsh also reviewed the performance chart.

There were brief questions and comments.

Transportation Director Welsh advised he would provide the previous budget with the expenditures and revenue figures.

#### **7. Light Box at Chesapeake Bay Bridge Tunnel**

Finance Director Hippel referred to the picture in the packet showing the current placement of the light box. She stated that for \$149 more a year Council can upgrade to a larger light box with a better location.

Council concurred and asked to see the picture for the light box before it's displayed.

#### **8. Wage Study Report from Springstead**

Mr. John Anzivino with Springstead, came before Council with the requested Wage and Study Report. His presentation was via PowerPoint. He explained the purposes for the study and why a study of classification and compensation is necessary. He reviewed the typical cycles for classification and compensation along with pay philosophy and study methodology. Mr. Anzivino reviewed their findings. He stated that the Town's salary levels are, for the most part, far lower than the average salary rates paid in comparable regional benchmark organizations. He recommended that the current pay plan be changed to an open range system. He reviewed the benchmark communities and municipalities.

Mr. Anzivino gave the salary survey results and pay scale comparisons with a proposed pay scale. He recommended a SAFE, Systematic Analysis and Factor Evaluation System for job evaluation factors. He reviewed the salary curve and options. He recommended Option 3, Years of Service Adjustment. He then reviewed the Town's fringe benefits recommending a change in annual leave for 1 to 4 years of service along with 20+ years of service. He stated that everything else was consistent except the deferred compensation.

Mr. Anzivino concluded that the adoption of the report's recommendations will result in fairer and more equitable compensation to employees in a competitive and changing labor market. He stated that improved opportunities to reduce turnover among current employees and to recruit quality replacements when needed. He also stated that compensation that addresses internal equity and external market competitiveness. He added that establishing a market position that is fiscally responsible with public records. He asked for questions.

There were comments.

Mr. Anzivino offered to return to Council to answer questions.

Council agreed that they need time to review and absorb the information presented. They thanked Mr. Anzivino for coming and presenting the report.

### **8a. Mayor and Council Announcements and Comments**

Councilwoman Richardson advised that the Cemetery Committee and Museum are partnering in the cleanup of the Christ Union Baptist Church Cemetery on Saturday, February 25<sup>th</sup>. She asked for volunteers.

Mayor Leonard announced that there will be a public hearing on the Conditional Use Permit for a Water Park, March 6<sup>th</sup> at 7:00 p.m. He listed the rules for public comment:

1. Each person wishing to speak must sign up **prior** to the beginning of the meeting.
2. Each person who signed up to speak will have 3 minutes to speak.
3. Each person who signed up to speak cannot give their 3 minutes to anyone else.

Mayor Leonard expressed his disappointment that the Navy Triton drone project will not be coming to Wallops. He advised that they are going to Florida.

Mayor Leonard also announced that Mr. James M. West has been hired as the new and returning Town Manager.

### **9. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia**

#### **• Personnel Matters**

Councilman Frese motioned, seconded by Councilwoman Richardson 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 motioned, seconded by Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

Councilman Frese motioned, seconded by Vice Mayor Bowden 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)(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- Bowden, Richardson, Frese, Lewis, Taylor, Ellis

Nays- None

Absent- None

**Adjourn**

Councilman Frese motioned, seconded by Vice Mayor Bowden to adjourn. Unanimously approved.

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Mayor

**MINUTES OF THE MARCH 6, 2017  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

J. Arthur Leonard, Mayor

Denise P. Bowden, Vice Mayor

Ellen W. Richardson, Councilwoman

Edward W. Lewis, Jr., Councilman

Gene W. Taylor, Councilman

Ben Ellis, Councilman

James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Supervisor Billy Joe Tarr offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

Mayor Leonard announced that due to the number of attendees the meeting will be moved across the street to the Chincoteague Center at 6155 Community Drive.

**4. Public Participation**

- Mrs. Lorna Gagneux of 6322 Cleveland Street thanked Council and the Planning Commission for looking into historic districting and designation. She mentioned that there are historic designations that are strictly honorary without restrictions. She explained that this is a promotional tool for tourism. She also stated that the next step is a 50/50 cost sharing program for area designations. She asked Council to consider this for this year's cycle ending March 31<sup>st</sup>.

- Mrs. Mary Chrisman of 4235 Main Street came before Council again regarding the

vacation of property line matter adjacent to her property. She advised she and her husband moved to Chincoteague in 1965. She stated that they purchased and operated the Lighthouse Inn for many years. She also stated that they built their home in 1985. She advised that in December 2015 she attended a Council meeting where Mr. Poulson put an application in to vacate a property line for his clients along a 10' road. She stated that this road was continually used since 1980 and it runs behind their home. Mrs. Chrisman advised that this was brought to Council in February 2016. She stated that this process was started and withdrawn. She asked how Mr. Poulson's client could receive a fence permit encompassing this road without a vacation of property line. She stated that the process was started and withdrawn. She asked if there are different criteria for different people. She asked how a fence permit could be issued to someone who does not legally own the road.

Mrs. Chrisman advised that their lawyer did an extensive search of land records and there is no evidence that this road was conveyed to Mr. Poulson's clients. She also added that they only have Mr. Poulson's claim that the road is a periphery road to a subdivision. She stated that they have the altered deed where he inserted a paragraph stating that the road is only for ingress and egress. She added that there is no legal evidence that this road belongs to Mr. Poulson's clients.

Mrs. Chrisman stated that Mr. Poulson advised the road is only for ingress and egress for his clients use. She further explained that parcel 2 is found on the northwest side of this particular 10' road. She stated that knowing this road is in dispute, they feel they have been denied due process. She doesn't understand how the permit could be issued to encompass the road beside it. She stated that Building and Zoning Administrator Lewis' response was that she would have to ask a higher authority. She asked how this happened and how were they left out of the process. She advised that a civil action suit has been filed in court. She also stated they don't have a court date as of yet. She wants Council to repeal the fence permit and insist that Mr. Poulson go forth with the vacation of property line. She added that they were shocked to find out this permit was issued. She thanked Council for allowing them to express themselves and their disappointment.

Mayor Leonard advised that Council will find some answers and get back to her.

## **5. Council Action List, Informational Items & Staff Update**

Council reviewed the Action List, there were no comments.

### Police Department

Chief Mills stated that the report is in the packet. He added that the Cub Scouts visited the station. He also stated that he was a guest reader at the Library for the Tales of Tots Program. He reminded everyone of the Senior Luncheon this Wednesday at 1:00 p.m. at Don's Seafood Restaurant.

### Planning Department

Town Planner Marney also advised that the report is included in the packet. He mentioned research for the Storm Water Ordinance and that the DEQ has to do multiple authorities. He also stated they are working with the central office in Richmond and will know more on March 8<sup>th</sup> during a teleconference. He reported that the Town is in good standings with FEMA. He also stated that the historic districting matter will be addressed at the next Council workshop.

### Public Works

Public Works Director Spurlock advised that other than the report, Fish and Wildlife requirements for federal assistance has been approved to build the multi model transportation project for \$1.5 million. He also announced that the Virginia Resource Administration has approved the loan request for the radio read meter system.

Councilman Ellis asked for an update of the reimbursement for the Main Street Project.

Public Works Director Spurlock stated that it is currently tied up with the higher ups of VDOT. He also stated that it is over the issue of "buy America". He added that there has been no reimbursement as of yet.

## **6. Committee Reports**

### Wastewater Advisory Committee

Public Works Director Spurlock additionally reported that he will be attending the meeting in Virginia Beach tomorrow morning regarding wastewater.

### Public Works Committee

Councilwoman Richardson reported that they had one water account appeal. She stated that they agreed to give the individual the opportunity to have a payment plan with specific criteria. She also stated they are looking at an ordinance with a time limit for the leak repairs regarding adjustments. She stated that Davis Disposal will be providing rolling carts for those who do not have them. She added that this is not the Town and Davis Disposal will decide who needs them and deliver them.

Councilwoman Richardson stated that they will be considering approval of the Spring Paving Contract later in the meeting. She listed the plans for the paving. She also advised that the preliminary report has been issued for the flooding issues at the Main Street and Maddox Boulevard intersection. She stated that the options are to increase use of flood gates or to raise the road elevation. She commented that raising the road will cause flooding to the adjoining properties. She added that this will have to be discussed and reviewed further.

### Harbor Committee

Mayor Leonard advised there were several basic maintenance items. He also reported on an emergency situation that they voted to repair immediately. He explained that part of the seawall was caving in at a certain point. He stated that the Committee authorized a new 24' sheet bulkhead. He added that Fisher Marine agreed to have this done within a week or two.

## **7. Agenda Additions/Deletions and Adoption**

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

## **8. Adoption of the Minutes of the February 2, 6 (2), 9, 16, 2017 Meetings**

Councilwoman Richardson advised there were a few minor changes that have been corrected.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the minutes of the February 2, 6 (2), 9 and 16, 2017 meetings as corrected. Unanimously approved.

**9. Banking Signature Authority**

Mayor Leonard explained that this is so that Town Manager West is authorized to sign checks.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve Banking Signature Authority for Town Manager West to sign Town checks. Unanimously approved.

**10. Street Name Request**

Mayor Leonard advised that Mr. David Landsberger has requested that his minor subdivision street near Mason Oil Company on Ridge Road be named “Racing Moon Landing”. He asked for the pleasure of Council.

Councilman Frese motioned, seconded by Vice Mayor Bowden to name the street of the minor subdivision “Racing Moon Landing”. Unanimously approved.

**11. Award of Paving Contract**

Public Works Director Spurlock advised there was one bid from Branscome Eastern Shore for \$390,267.51. He added that this will come from the Urban Maintenance Program.

Councilman Frese asked when this will start and when it will be completed.

Public Works Director Spurlock advised that target completion date is May 8<sup>th</sup> but the drop dead date is June 30<sup>th</sup>.

There were brief comments.

Councilwoman Richardson motioned, seconded by Councilman Frese to approve the Spring Paving Contract 01-PAV-17 with Branscome Eastern Shore in the amount of \$390,267.51. Unanimously approved.

**12. Public Hearing – Conditional Use Permit – Waterpark**

Mayor Leonard opened the public hearing at 7:39 p.m. He read the rules of the public hearing.

- Mrs. Claire Pacifico of 7222 Fiddler Bay Lane read a statement to Council. She advised she has been coming to Chincoteague for 35 years and camped at Maddox Campground. She stated that when she first purchased their home it was close to the campground and they felt like they were coming home. She mentioned the view of the lighthouse. She stated that when the campground was sold there were improvements made to enhance the experience. She was disappointed to find out that the owners had chosen this type of amusement for the campground. She does not want it to become mini Ocean City. She understands this is likely to be approved. She requested that Council fully endorses the recommendations made by the Planning Commission. She added that that they should build no higher than 36'. She suggested landscaping and buffering to mask the view of the water park along with a muted color scheme.

She also supports the decommissioning plan. She mentioned closed water parks in the Outer Banks and does not want that here. She also would like a guarantee of no development of the marshlands now or in the future.

- Mr. Paul Brzozowski, 5122 Main Street advised that they are the owners of the Capt. Timothy Hill House. He stated that he and his wife passionately oppose the water park. He felt that it would change the character of Chincoteague forever and will not fit in with the natural character and setting. He stated that if it is approved he suggested the Planning Commission's recommendations for height restrictions and color scheme. He read past statistics regarding injuries at amusement parks and water parks. He stated that the height barrier is crucial. He continued with information regarding the speed of a fall and the pounds of force. He expressed his concerns for safety.
- Mrs. Carol Smoots, 5148 Twilley Drive stated that she has been here for 20 years and coming here for 35 years. She stated that she is opposed to the water park. She stated that this could be long term and irrevocable damage. She mentioned the natural impact and the cost associated because of injuries along with emergency response. She also discussed the immediate impact is traffic with hundreds of additional cars on Maddox which is already crowded and congested. She feels this will create a large overflowing parking lot preventing people from visiting the beach. She also expressed her concerns of more road construction and who would pay. She doesn't want the excessive noise of 200 people screaming and laughing. She also addressed the cost associated with decommissioning. She urged Council to reject the project.
- Mrs. Karen Theisen, 3350 Main Street advised she and her husband has been here for 47 years. She stated she was a previous Trolley driver. She stated that she resigned about 5 years ago. She also stated that when they would try to get out at about 5:00 p.m. Maddox Boulevard was already jammed. She expressed her concern about the additional traffic. She mentioned reconstruction on Maddox Boulevard and additional traffic lights. She thanked Council and asked them to reconsider the project.
- Ms. Lisa Traynor, 5277 Main Street expressed her concerns regarding safety and the tremendous amounts of accidents and fatalities this could cause. She stated that she is opposed to this project and concerned about traffic keeping the EMS from getting there on time.
- Mr. Richard Hawthorne, 7182 Fiddler Bay Lane stated that he is concerned and urged Council to deny the Conditional Use Permit. He stated that it isn't keeping the character of the small town Chincoteague. He stated that visitors will see faded plastic slides and empty concrete swimming pools. He also mentioned the large amounts of highly chemically treated water that will damage the highly sensitive wetlands. He added that the landowner has the right to maximize the use on their site. He stated that it's the Town's role to make the decisions allowing development that will not harm the community. He recommended the Planning Commission's conditions and urged Council to add fast growing trees along Maddox Boulevard to partially screen the water slides. He also stated that this will not improve the beautiful community. He asked Council to keep it safe.
- Mr. Scott Norris, 6355 Pine Drive, stated that he is very opposed to the water park. He

mentioned the 2015 Comprehensive Plan which calls for business development that is consistent with the character of the Town with businesses opened year round rather than seasonal. He stated that Maddox Campground will have chemically treated water which could flow to the adjacent wetlands and cause damage. He stated that Pine Drive is on the northeast side of Maddox circle. He is concerned with increased traffic. He also stated that there are over 100 houses on that side of Maddox Boulevard. He added that this will increase employment, but jobs will be hard to fill. He also stated that the business owners are already having difficulty finding good help. He thanked Council and the Planning Commission for having to run through this process.

- Mr. Reid Thornton, 6195 Taylor Street thanked Council. He stated that he is a college student at Johnson and Whales in Providence, RI with a travel and tourism major. He stated that tourism provided him with a job. He stated that it has provided a lot of money for the Town. He stated that this will be built. He stated that this Conditional Use allows Town children somewhere to go. He again stated that it will be built. He stated that when you drive to Chincoteague you won't see the trees, you see chain hotels. He added that there will be no water that will be loss. He stated that this won't compete with Ocean City as it's economically and geographically impossible. He also stated that they can allow a business to come here and thrive to donate to our community. Mr. Thornton also stated that there are concerns about what it will look like. He again stated it's going to be built. He referred to a pdf in the Hotel & Leisure Advisor.
- Mr. Dean Orsino, 4211 Main Street stated that he has been a resident for 11 years and visiting for 27 years. He stated that he and his wife moved to start a business here. He stated that the Virginia Bureau of tourism recommends being a better host to visitors. He also stated that height restrictions can be heard on a case by case basis. He mentioned the \$200,000 decommissioning plan. He also stated that there are 2 to 3 deaths on the beach each year. He asked if we shouldn't go. He also stated that when it's your time it's your time because it's the good Lord's will. Mr. Orsino also stated that they won't get to build the park this year because of the delays. He stated that they need to come together and do what is best for the Town. He added that we are tourism and tourism is what keeps taxes down. He also stated that the YMCA wants a community pool and we finally have something that is a pool and they don't like it. He stated that they are going to get this. He added that this is for public access. He advised that if it's not approved he can rent a campground site and enter the park anyway. He concluded by stating that the public pools, hotel pools and water goes into the bay now by private use. He stated that this water will be trucked in and out.
- Mr. Bob Shendock, 6322 Cleveland Street, stated that this has been a long process and has been handled well by the Town. He stated that the problem is the vast majority is concerned with the visual impact with the height and color. He also stated that the Planning Commission's recommendations have brought the opposing sides together. He added that industries in Town have changed multiple times over the years. Mr. Shendock stated that in his life on the Island for 25 years it went from commercial fishing to sports fishing and tourism. He stated that there is a lot of hope and expectation that NASA will bring a lot of jobs. He feels that maintaining character is important. He added that he and his wife respect their properties and their properties respect the character of the Island. He recommended the Planning Commission's conditions.

- Ms. Susan Johnson, owner of a business at 4080 Main Street, read an article from Country Living which stated the reason Chincoteague Virginia is the #1 beach town. She mentioned the connection to Assateague. She wants Chincoteague to be a place to come for people who love nature. She mentioned that 2 Planning Commission members didn't want to see this because it is not in the tune of natural beauty. She feels this is very important to include the Planning Commission's recommendations and restrictions.

- Ms. Joyce Pettit, 6356 Jester Street wants to keep the Island's natural beauty and is opposed to this water park.

- Ms. Shelia Conner, 6258 Mumford Street, stated that she is in favor of the water park. She submitted to Council a petition of 80+ signatures of registered voting residents in favor of the water park.

There were no further comments.

Mayor Leonard closed the public hearing at 8:16 p.m.

Mr. John Custis, the attorney for Oceanside Resort, LLC, stated that he was present with his client and his team Mr. Todd Burbage, Mr. Chris McCabe of Coastal Compliant Solutions, Mr. Mike O'Neal with Waterpark Consulting and Mr. Bob Haymen of R. D. Haymen and Associates. He asked that all documents were submitted and should be made part of the official record. He stated that there have been public hearings and round-tables that have been conducted that have exemplified an extraordinary amount of time and energy that has been expended on this application. He explained that they started September 29, 2016 which was a joint meeting with the Planning Commission and this body. He stated that concerns and questions were addressed. He added that on October 26<sup>th</sup>, 2016 the application was formally submitted to the Town. Mr. Custis stated that some of those concerns were laid to rest. He stated that on November 8<sup>th</sup>, 2016 the application was initially reviewed by the Planning Commission. He informed that instead of holding a public hearing at that time the Planning Commission decided to hold a round-table workshop to discuss again and review the project on December 1, 2016. He advised there was a list of additional information and the applicant addressed the concerns. He also stated that there was a public hearing with the Planning Commission on January 10<sup>th</sup>, 2017. He also added that on January 17<sup>th</sup>, 2017 the Planning Commission voted to recommend approval of the application with conditions.

Mr. Custis advised that he won't go into every detail. He informed everyone that there are no secrets. He stated that the primary use of the property is a campground facility. He stated that the water park hours will be from 10:00 a.m. – 6:00 p.m. from Memorial Day to Labor Day which is less than 100 days a year. He stated that there will be 28 jobs or more. He added that Chincoteague is a tourist town. He also stated that the Comprehensive Plan and the C4 Zoning District encourages resort commercial uses and campgrounds. Mr. Custis stated that both indicate that tourism and resort uses play an important role by catering to the tourism population. He added that the Comprehensive Plan states that the Town should continue to create a vital and design of businesses to ensure the Town's economic prosperity for years to come. He stated that the primary purpose of the C4 District is to encourage the continuation of

campground facilities and commercial resort uses. He also stated that the Planning Commission as a body recommended approval which is a strong statement. He stated that this increases the tax base, it gives a place for non-profits to hold fundraisers and it's a great place to raise children.

Mr. Custis mentioned the marshes and advised that they will not build in the marshes. He stated that they only plan to build as plans show in the areas outside of the tidal wetlands. He added that state and federal requirements must be met and they are not building on the marsh. He also addressed the visual impact. He stated that they do not plan to clear cut the trees because they want to shield the slide from public view. He explained that the platform will be at 35' with shade and rails above the platform. He added that they aren't talking about Busch Gardens; they are talking about a few slides, a lazy river, adult and kiddie pools. He reminded everyone that the idea of a waterslide is not new to the area. He showed a picture of the waterslide on the north side of the traffic circle. He stated that there is precedence for the use in this area.

Mr. Custis stated that all applications have been submitted; site plan, landscape plan, building and drawings to Code, stormwater management plans that have been to the County for approval, wastewater treatment plans which has been submitted to the Virginia Department of Health for approval and additional information to help make this decision. He stated that the plans have been provided with various details. Mr. Custis feels the applicant has gone above and beyond to provide to the Town the information for this proposal. He stated that the applicant has been very compliant and continues to be throughout the project. He addressed stormwater management strategies. He advised that the stormwater management plan that was submitted will address the flooding at the traffic circle. He explained the plan which is state of the art having grass filter strips and rain rails to irrigate landscape reducing usage from the domestic water main. He added that the state of the art plan is not required but done to protect the environment. He stated that this will improve water quality 3 fold with highly specified plans. He continued to address traffic concerns. He reported that 70%-80% of the users will be from the campground not generating additional trips. He advised that they will install a separate turn lane with flaggers and signage when the park is full. He added that the Planning Commission requested spill-over parking. He also stated that EMS access has also been addressed.

Mr. Custis advised that the applicant wants these things and has worked hard to address all the concerns. He reminded everyone that after all of this, the public hearings and workshops the Planning Commission voted to approve on January 17<sup>th</sup>, 2017. He stated that the application was approved as being in compliance with the Zoning Ordinance and within the Comprehensive Plan. He then stated that there were several conditions placed by the Planning Commission. He read a quote that stated any condition placed on approval must have a nexus that is related to an actual impact or proposal and must be relative. He stated that in January the Planning Commission placed a list of conditions. He advised that the applicant didn't have a problem with several of them: 1) No building on the marsh. 2) Providing additional spill-over parking in the campground. 3) Building a park in compliance with the application and all of the materials submitted. 4) Permitting the fencing of 6' chain-link with green vinyl as opposed to 4'. He stated that the applicant has no problem with these conditions.

Mr. Custis stated that they would like the Town not impose these 3 conditions: He stated that aesthetic look and slides, specifically the height of the slides and the color. He stated that in

order to provide the most fun possible the slides were designed for the maximum amount of fun to be had. He also stated this is with the exception to the safety features of the railings and shade. He advised that the applicant will be screening for vegetation as well as leaving a good amount of the trees. He stated that the trees will not be clear cut. He also stated that they have submitted plans to the Council. He added that they are hopeful that the Town Council will deem it appropriate and assist in any mitigating any of the concerns. Mr. Custis stated that in respect to the height of the slides, the only reason they are higher is for safety features. He added that the height request is only for the reason of safety features. He explained that a decommissioning bond is typically done with a 3<sup>rd</sup> party development on the land owner's property. He gave an example and stated that this is not the case. He stated that the landowner is building and operating the business. He added that this is not a usual decommissioning situation as the developer would be left holding the bag. He asked that the decommissioning bond not be made a part of the stipulations. Mr. Custis advised that his clients are no strangers here. He stated that they want to increase the tax base not only for the campground but for visitors who come to the gift shops and restaurants. He also stated that C4 is a Resort Commercial District. He stated that it is their pleasure to request for Council to approve the application that was submitted. He thanked everyone for taking their time and added that it is a win-win for all.

Mayor Leonard asked for discussion from Council.

Councilman Frese stated there are 7 stipulations and he wanted to review each of them: "All structures associated with the development shall comply with 36' height limit as required in the Zoning Ordinance". He advised that he approved this stipulation. He feels they should comply with the height limit as contained in the Zoning Ordinance in force at the time of the original application. "All slides shall have a more neutral color scheme which is to be agreed upon between the applicant and the Mayor and Town Council." He added that this is outside the prerogative of the Planning Commission. He added that the surrounding trees well exceed the total height of the planned waterslide and it is out of the view or the traveling public. He further commented on the tree heights and added that they were taking down 12 trees but are planting more to block the view. He doesn't feel Council can enforce color. "An overflow parking area containing 50 spaces shall be provided on the property." He advised that this was agreed upon by the applicant.

Councilman Frese further read: "The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover." He stated that the applicant agreed to this as well. He continued, "The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame. The cost associated with the Decommissioning Plan shall be altered to \$70,000 for Phase I and \$250,000 for Phase II for a total cost for removal of \$320,000. Additionally a bond or letter of credit shall be provided for the amount stated. (a). Upon updating the Decommissioning Plan the language shall be updated to clearly identify the Plan's intent to cover ceasing of operations not recovery from storms or other natural disasters. Councilman Frese expressed his concerns that the Decommissioning Plan should be deleted in its entirety and it is inappropriate. He stated that it is unlawful in that Council, let alone the Planning Commission lacks the authority and reason. He added that it casts doubt on the integrity and honesty of the Applicant, who owns the land. He added that it betrays a strong anti-business attitude on the part of the Town.

Councilman Frese stated that it ignores the unnecessary cost and ongoing administration costs. He also stated that there has never been a Decommissioning Plan requirement on Chincoteague. He added that it denies our visitors and young folks a clean, honest and enjoyable activity. He also mentioned that Council allows the carnival for the Fire Company for kids until 11:00 p.m. He feels it's a better place to have another activity. He suggested eliminating the Decommissioning Plan. "No construction associated with the waterpark shall impact any wetlands on the property." He stated that since construction in the wetlands is governed and prohibited by Town, County, State and Federal laws, this requirement is totally inappropriate.

Councilman Frese continued, "Any deviation, alteration or expansion from the plan and associated documents as approved by Mayor and Council shall require that the applicant go through the Conditional Use Permit process." He stated that since the state of Virginia law is very explicit on this and the state law exceeds the Town Code. He also stated that he reviewed the records to see what the Burbages have done. He found out that the assessment on Maddox Campground is \$5,353,800. He asked if anyone believes that they are going to spoil their property with an assessment like this. He informed that they have a grand total of \$39,190,500 tax base that they pay taxes on. He agreed to item 1, 3 and 4 but feels Council should take the rest out.

Councilman Taylor asked Councilman Frese about the 36' height, if it included the railings and canopy.

Councilman Frese stated that the 36' rule applies to habitable structures. He feels anything over that such as safety railing and canopy aren't unreasonable.

Councilman Taylor stated that he is willing to approve the Conditional Use Application except for the 36'. He feels it should be a maximum total height of 36'. He made a suggestion and stated that the canopy isn't necessary. He thanked everyone for being civil. He doesn't feel he's messing up the park by requiring the 36' total maximum height.

Councilman Lewis also thanked everyone and stated that he asked opinions all over the Island. He stated that some are for it, some against it and some just don't care. He agreed with Councilman Frese. He agrees with the 36' platform height with additional 4' railing and canopy. He mentioned the color scheme. He suggested that everyone should look down Beach Road. He stated that there are clothes on a line and boats with polka dots. He feels that no one should tell the owner what color to have. He also feels there should be no Decommissioning Plan.

Councilman Ellis feels that the Burbage family and their team has been most cooperative and responsive. He focused his comments on the Comprehensive Plan. He advised that the Planning Commission voted 3 to 2 to recommend this be forwarded to Council. He read the introduction of the Comprehensive Plan. He stated that there has been speaker after speaker against the water park. He advised that people have sent many emails and the consensus is overwhelmingly opposed. He also stated that those who oppose the water park agreed to the water park with the stipulations. He believes that those who took the time to write letters truly don't want it. He read an excerpt from the Comprehensive Plan. He stated that 4 of the 7 conditions of the

Planning Commission's recommendations deal with hiding the park or taking it down if it fails. He advised that in the Comprehensive Plan, Chapter 4; Economic Development that deals with strategies to balance year-round economy for the Island. He stated that the water park isn't going to increase year-round economic activity and won't enhance the unique historic culture and character of the Town. He stated that another strategy is conserving unique values and provide protection from irreversible values. He added that another strategy is environmental, historic and scenic values of the Island.

Councilman Ellis reminded that they aren't talking about 1 water slide they're talking about 3 water slides. He doesn't feel they will enhance the beauty. He stated that Chincoteague is a natural resort with environmental quality and natural beauty. He also stated that the Island quality should be preserved for summer visitors, residents and this Town. He doesn't feel that the proposal is consistent with the Comprehensive Plan. He then quoted from Vice Mayor Bowden's Facebook post about her recent trip. He quoted that she was very anxious to get there because of the beauty, quality and peacefulness that the Island holds. He stated that he and his wife chose to retire here because of the qualities that Vice Mayor Bowden wrote about St. John's Island. He feels that if this is approved they are opening the door to other things in the future the Town doesn't want. He stated that if this is approved not by right they won't be able to disapprove the conditional use permits for other things that are not allowed by right. He added that they are opening the doors that cannot be shut.

Vice Mayor Bowden stated that she wrote of the tranquility, beauty and peacefulness of St. John. She stated that she finds those same qualities here. She advised that on November 1<sup>st</sup>, 2016 she started carrying a log book everywhere she goes. She asked people first if they were a resident of Chincoteague and then asked if they were for or against the water park. She reported that between November 1<sup>st</sup>, 2016 and February 16<sup>th</sup>, 2017 there were 583 for the park, 247 for no park and 117 that didn't care. She advised that when she ran for Council, if she wants this but the majority of the people didn't as a representative of the people she had to vote against it. She added that she is here to vote for the majority of the people. She feels there are valid concerns. She stated that she cannot go for a height higher than 36'. She advised that can't vote for a variance against the Code. She stated that she is not opposed to the Decommissioning Plan but does not agree with the bond. She stated that Council has to represent the people and the Town.

Vice Mayor Bowden stated that no one will please everyone 100% of the time. She added that they do their best to listen to all valid concerns. She also stated that it's time bring it to an end. She understands that it's against the law to build on wetlands but they still want to see that law. She believes that it can get hammered out but she will not budge on the 36' height limit. She advised that she drives the ambulance and has not been anywhere that she can't get into. She stated that she's been driving the ambulance for 20 years and does not see any issues with emergency vehicle access. She also stated that as a member of the Chincoteague Volunteer Fire Company for 25+ years do not see any issues with firetruck or ambulance access. She greatly appreciated everyone here. She also stated that she will go with the Decommissioning Plan without the bond because they have never required a bond from anyone else. She concluded that she will not approve beyond the 36' height limit.

Councilwoman Richardson stated that she has been sitting on Council for 16 years. She mentioned the 36' height restriction. She stated that she remembers discussion on the Planning Commission and understands the 36'. She understands adding railings for safety above that. She also doesn't feel Council should determine colors. She stated that she has a problem with the bond and the Plan is already there for Decommissioning. She also stated that Mr. Burbage has the right to build a water park. She added that we don't want our kids on the road to Ocean City. She concluded by stating that the Burbages have done very tasteful things.

Vice Mayor Bowden added that if this passes and conditions are set she guarantees that she will personally go by every day or every week to make sure the conditions are met.

Mayor Leonard advised that his family moved to Maddox Boulevard in 1973 at the Refuge Motel. He stated that when they moved, there were only 3 buildings on Maddox Boulevard. He advised the all of Piney Island was his playground which was undeveloped land with cows and horses. He stated that all of the other hotels were built where there were blackberry patches. He reminded of when McDonald's was built and the outcry against it. He reported that McDonald's is the #1 restaurant. He mentioned the go-cart track on Maddox Boulevard and the outcry then. He stated that it is a successful operating business. He added that it gives people something to do. He stated that he sees the same with the water park. He also reminded everyone of the large woman statue in a polka dot bikini next to another water slide years ago. He stated that this is not detraction. He also stated that it gives the kids something to do as it is another opportunity and its part of an attraction to many places. He sees it as an addition to the beautification.

Councilman Frese stated that the 36' height has to do with habitable structure. He mentioned absolute height and stated that steeples and tanks are above 36'. He believed that one of the hotels was approved to put a 6' façade to cover the air conditioning unit. He advised that he is proposing the 4' railing and canopy because it isn't a habitable structure. He added that the trees will shield it. He stated that if they want to make the 36' height restrictions for auxiliary structures then he isn't for it. He stated that they aren't building something to live in or occupy above 36'. He asked about Town's legal liability regarding safety railings in case of an injury.

Councilman Taylor asked Building and Zoning Administrator Lewis about the maximum height.

Building and Zoning Administrator Lewis advised that the upper most portion of that device cannot exceed 36'. He stated that this type of device does not follow that Code.

Councilman Lewis stated that this is a Maddox business section. He stated that the rest is peaceful. He doesn't feel it will be that much of a difference. He also stated that the other businesses should clean up their businesses.

Councilman Ellis asked if there would be fill where the park is being built.

Mr. Custis responded that there will be land grading, they will raise it 1-3 feet and the 36' will be at grade.

Building and Zoning Administrator Lewis interjected that it will be measured at the existing grade.

Mr. Custis also stated that they didn't need the Conditional Use Permit to build the water park. He explained that because they want to allow public use they are required to have the Conditional Use Permit.

Building and Zoning Administrator Lewis responded that this was incorrect. He advised that they would have to have the Conditional Use Permit for this use no matter what.

Mr. Custis objected and asked that his objection to Building and Zoning Administrator's response be put into record.

Councilman Ellis asked about the permits and approval from the Army Corps of Engineers.

Mr. Custis responded that they anticipate it soon.

Mayor Leonard asked for discussion or a motion.

Councilman Lewis motioned, seconded by Councilman Frese to approve the Conditional Use Permit with the 36' height plus the 4' railing above the 36'. The motion was not approved.

Discussion started as to what the motion was because there was confusion about the other conditions.

Building and Zoning Administrator Lewis then asked about the condition of the 6' chain-link fence with the green vinyl coating.

Mayor Leonard advised that it would be best to vote on the Planning Commission's recommendations individually. He read each condition.

1. All structures associated with the development shall comply with the 36' height limit as required in the Zoning Ordinance.

Councilman Taylor motioned, seconded by Vice Mayor Bowden not to exceed the 36' maximum total height. The motion was carried.

Ayes: Taylor, Bowden, Ellis, Leonard

Nays: Frese, Lewis, Richardson

2. All slides shall have a more neutral color scheme which is to be agreed upon between the applicant and the Mayor and Town Council.

Councilman Ellis motioned, seconded by Councilman Taylor to include the color scheme as one of the conditions. The motion was not approved.

Ayes: Ellis, Taylor

Nays: Bowden, Richardson, Lewis, Frese

3. An overflow parking area containing 50 spaces shall be provided on the property.

Mayor Leonard advised that this has already been included in the plans.

4. The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover.

Councilman Frese motioned, seconded by Councilman Taylor to approve the 6' chain-link fence with green vinyl cover. Unanimously approved.

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

Nays: None

5. The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame. The cost associated with the Decommissioning Plan shall be altered to \$70,000 for Phase I and \$250,000 for Phase II for a total cost for removal of \$320,000. Additionally, a bond or letter of credit shall be provided for the amount stated.
  - a. Upon updating the Decommissioning Plan the language shall be updated to clearly identify the plans intent to cover ceasing of operations not recovery from storms or other natural disasters.

Councilman Ellis stated that the Planning Commission was specific to put this in as a condition.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to require the Decommissioning Plan without the bond. The motion was carried.

Ayes: Bowden, Richardson, Lewis, Taylor, Frese

Nays: Ellis

6. No construction associated with the water park shall impact any wetlands on the property.

Mr. Custis requested to keep the verbiage as “tidal wetlands and marshlands”. He explained that the Stormwater Management Plan requires a drainage ditch. He stated that if it isn’t written this way it wouldn’t allow drainage.

Councilman Frese motioned, seconded by Vice Mayor Bowden that no construction shall impact tidal wetlands and marshlands. Unanimously approved.

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

Nays: None

7. Any deviation, alteration, or expansion from the plan and associated documents as approved by Mayor and Council shall require that the applicant go through the Conditional Use Permit process.

Councilman Ellis motioned, seconded by Vice Mayor Bowden that any deviation, alteration, or expansion from the plan and associated documents shall require that the applicant go through the Conditional Use Permit process. The motion was carried.

Ayes: Ellis, Bowden, Richardson, Taylor

Nays: Frese, Lewis

Town Attorney Fox asked for clarification that the verbiage on the condition for the Decommissioning Plan was to only eliminate the bond.

Councilman Frese motioned, seconded by Vice Mayor Bowden to approve the Conditional Use Permit for the water park with the conditions:

1. All structures associated with the development shall comply with the 36' height limit as required in the Zoning Ordinance.
2. The fence around the waterpark shall be permitted to be 6' chain-link fence with green vinyl cover.
3. The Decommissioning Plan provided by the applicant shall be altered from a three (3) year inactive time frame for initiation to a two (2) year time frame.
  - a. Upon updating the decommissioning plan the language shall be updated to clearly identify the plans intent to cover ceasing of operations not recovery from storms or other natural disasters.
4. No construction associated with the water park shall impact any tidal wetlands or marshlands on the property.
5. Any deviation, alteration, or expansion from the plan and associated documents shall require that the applicant go through the Conditional Use Permit process.

The motion was carried.

Ayes: Bowden, Frese, Richardson, Taylor, Lewis

Nays: Ellis

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

Vice Mayor Bowden stated that in reference to the Historic Districting she hopes to gain Council's support. She thanked everyone for coming out.

Councilman Ellis welcomed Town Manager West. He also stated that the decision to grant the Conditional Use Permit has been made and we have to live with it and move on.

Councilman Taylor thanked the Planning Commission and everyone for their input.

Mayor Leonard also welcomed Town Manager West. He stated that he hates hearing things on the street. He explained that Council is privy to information during closed sessions. He reminded Council that closed session is private and should be kept private. He thanked everyone for coming out and for their input.

### **14. Adjournment**

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

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John A. Leonard, Mayor

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James M. West, Town Manager

**MINUTES OF THE MARCH 16, 2017  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Vice Mayor  
Ellen W. Richardson, Councilwoman  
Edward W. Lewis, Jr., Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman

**Council Members Absent:**

**1. Call to Order**

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

**2. Invocation**

Councilman Ellis offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance

He asked for public comment. There was none.

**4. Agenda Additions/Deletions and Adoption**

Councilman Frese motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 10a. Consider Scheduling a Joint Public Hearing for a Change in the Zoning Ordinance. Unanimously approved.

**5. Response to Air Force – Tower Construction**

Mayor Leonard stated that it is included in the packet and it is a large structure for Wallops Island. He feels it's a vital piece of communication that the arms services need. He stated that there was discussion about interference.

There was discussion regarding potential interference with cellular service.

Town Manager West stated that he contacted NASA about the frequencies. He stated that he is unsure if this was part of the environmental assessment.

Comments continued.

Councilman Frese motioned, seconded by Vice Mayor Bowden to send a letter of support for the tower construction.

Councilwoman Richardson asked to add a comment about not interrupting cell phone service.

Councilman Frese agreed to amend the motion to include the concerns about interruption of cell phone service. Unanimously approved.

#### **6. Consider Storm Water Management Ordinance**

Councilwoman Richardson stated that this isn't about the Stormwater Management Ordinance. She stated that they were talking about the Drainage Ordinance as this is completely different. She asked how you're supposed to contain the water that is in your own yard. She would like to see a swale or ditch between two properties to help control the water from flooding a neighbor.

There were comments.

Councilman Ellis advised that the Planning Commission wasn't leaning in that direction. He explained that if they went with the Stormwater Management Ordinance they would fall under the opuses of various County and State agencies. He added that the County and State would be involved in the requirements and enforcement. He felt that this wasn't what the Town wants.

Councilwoman Richardson stated that they would like to add this to the Drainage Ordinance.

Mayor Leonard asked Planning Commission Chairman Rosenberger if they were working on this.

Chairman Rosenberger advised they were and the real issue is getting the right verbiage. He stated that it's one thing to write an ordinance and another to enforce it. He also stated they are trying to make it as simple as possible.

Mayor Leonard stated that it should go to the Planning Commission then to the Ordinance Committee and back to Council.

There was further discussion and no immediate action taken.

#### **7. Historic District Discussion**

Mayor Leonard stated that there has been a lot of research. He advised that they were informed that designation could be made with a lot of restriction. He is unsure of the cost.

Vice Mayor Bowden stated that the Town has the opportunity to apply for a cost sharing 50/50 grant from the Virginia Department of Historic Resources. She advised that the grant application must be submitted by April 1<sup>st</sup>. She stated that the proposed cost of the project is \$26,000 if everything is encompassed. She also stated that the properties Town Planner Marney identified were on Main Street from Margaret's Lane to Maddox Boulevard. She stated that it could be cut significantly. She advised they will make a decision on April 28<sup>th</sup>, the Locality Agreement would be May 26<sup>th</sup> and the proposals would be in June. She added that they wouldn't see anything until the end of the summer.

Councilman Ellis added that this would give them time to include it in the budget for next year.

Vice Mayor Bowden advised that the benefits are the draw for tourism. She explained further that when she goes to other cities she loves the architecture of the older buildings. She would like to see the Town jump on this especially since the properties won't have to fall under great restrictions. She advised that the cost per property is between \$80 and \$100. She stated that a few of the people would be willing to give the money for their home. She recommended approval of the application for the grant. She stated that if they don't see that it is feasible they can turn it down.

There were comments about public approval.

Mayor Leonard stated that this is only an honorary thing. He stated that if it's designated by Council then future Council can enact legislation that is restrictive. He also stated that there is a self-designated historic district. He asked if they have a placard.

Vice Mayor Bowden stated that she assumes that once it has been declared a historic structure they are provided with the paperwork. She also stated that once the home is designated, the homeowner can go all out having more restrictions. She gave an example. She added that they can take it as far as they want to take it.

Discussion continued regarding letters to property owners for voluntary approval.

Vice Mayor Bowden stated Town Planner Marney listed Main Street from Maddox Boulevard to Margaret's Lane. She stated that he also identified 33 significant properties on Church Street. She feels that if they didn't go all the way to Margaret's Lane they could add some of the properties on Church Street. She feels it's a start.

Councilwoman Richardson stated that Mr. Blake McDonald supplied the information she distributed to Council. She feels Council should be very careful with what they're doing. She feels they need time and shouldn't do this too quickly and the application doesn't have to be done this year. She stated that they have to know if they want teeth in this or not. She asked why one couldn't be left out of a district. She read the response, "a concept of a district precludes it's looking like a donut or slice of Swiss cheese. The boundaries of a district are drawn to include the highest concentration of resources that contribute to the significance of the district. There will often be properties within a district that do not contribute to it, for instance: a historic farm complex is likely to have modern structures that do not contribute to the significance of the complex. These properties are included within the district boundaries but are recorded as non-contributing but has the same effect as leaving them out."

Vice Mayor Bowden stated they aren't talking about creating a district, they're talking about individual places.

Councilwoman Richardson stated that they must have a district in order to get the money from DHR. She stated that they should contact Mr. McDonald.

Mayor Leonard stated there are varying degrees of historical designation and there can be honorary designations.

Councilwoman Richardson stated that Mrs. Nancy Payne didn't want her home demolished. She asked if Council wanted this so that anyone can do what they want with their house or Council could add regulations.

Mayor Leonard referred to Councilman Frese's point, and asked if the Town wanted to force someone to do something they don't want to do.

Councilwoman Richardson feels it's something they need to work on. She stated that there are stipulations on how to spend the 50/50 grant money. She added that its DHR, government money with strings attached. She stated that this application is put out every year. She advised that Mr. McDonald is very nice and gave her the information she handed out. She hasn't had a lot of time to go through all of the information. She also stated that with a Historical District there has to be a consultant.

Mayor Leonard asked if the consultant could be voluntary.

Councilwoman Richardson advised she didn't have all the answers and they need more time. She stated that she has a survey from DHR in 1999; Phase 2 Historic Archaeological Evaluation of the Chincoteague Bridge and Chincoteague Historic District. She asked if it was possible they could use this survey instead of having to hire a consultant.

Mayor Leonard stated that this is something they would have to talk out with the state. He feels the state would want up-to-date information.

Vice Mayor Bowden asked if Mrs. Gagneux was familiar with any of this.

Mrs. Gagneux advised that historic is just a word. She stated that any property owner can opt out. She added that there is no obligation. She also mentioned the categories, stating that with honorary, they can opt in or out. She feels there is a benefit. She mentioned that the Leonard home on Cleveland Street was the original home of the Director of the Assateague Lifesaving Station. She feels there is important historical information. She then stated that they can ask the homeowners if they want to opt in and then they can pay the \$80-\$100. She added that the consultant is part of the \$80-\$100 fee. Mrs. Gagneux stated that they can start small and build from there.

Councilwoman Richardson sated that if she were to purchase a historic home she could tear it down. She added that there wouldn't be anything anyone could do to preserve it. She asked if Council wants to casually do this or if they want to actually look at this and get it right.

Vice Mayor Bowden stated that she would never want to force a property owner to do this. She believes that if something can be designated as honorary historic their hands still aren't tied.

Councilman Taylor asked about Mrs. Payne's house.

Mayor Leonard stated that the owners who did the Hill House did a lot of paperwork to individually have it declared a historic home.

Councilman Frese asked if the Town had anything to do with this.

Mayor Leonard responded that the Town had nothing to do with it. He stated that they did this on their own.

Vice Mayor Bowden stated that a good example of this is there are property owners that have no clue that they fall into that category.

Councilwoman Richardson asked if they want to put it in place and keep control or not. She stated that the Bernstein house was a beautiful house and it was torn down. She reminded Council that the same thing can happen with other things where Council doesn't have a say. She asked if Council wanted to be able to allow this.

Vice Mayor Bowden doesn't want to be able to do that. She would prefer the honorary designation and giving the property owners the right to do what they want with their home. She feels it gives them incentive to take care of or restore their property.

Councilwoman Richardson stated that in Mrs. Payne's letter she expressed this concern. She stated that the Town decided they didn't want to put the restrictions on which is why they didn't do it.

Vice Mayor Bowden feels that honorary historic is cool because they don't have to put in the restrictions.

Councilwoman Richardson asked about the value if you can't control it. She stated that once you accept the grant and the district there has to be a review board. She feels they are flying through this and it should be considered carefully. She added that the Town will be out at least \$15,000.

Mayor Leonard feels they need to drop back and possibly get a sub-committee to study it further.

Councilwoman Richardson suggested contacting Mr. McDonald who is with the grant. She added that he would be glad to give more information.

Mayor Leonard is wondering why it's so different than what was explained at the Planning Commission meeting.

Vice Mayor Bowden asked for Chairman Rosenberger's take on that discussion.

Chairman Rosenberger stated that it was for the Town to pursue and they weren't obligated to make any restrictions. He added that this depends on the category they choose. He stated that the recommendation was to apply for the grant to establish what would be qualified under whatever level they choose. He also stated that it is not as restrictive as what is being implied.

Councilwoman Richardson advised that this came from Mr. McDonald, who we submit the application to. She feels Council should be very careful.

Councilman Taylor asked if he could individually have his house designated historic. He added that if Mrs. Payne has done this herself when she sells it and it has devalued the home it's her own fault.

Mayor Leonard asked if she could let that be known. He added that this should be in her sale of contract.

Vice Mayor Bowden stated that she will email Mr. McDonald to set up a conference call.

Mayor Leonard asked for volunteers for the sub-committee for further investigation.

Vice Mayor Bowden would like to speak with Mr. McDonald first.

Councilman Frese stated that there are different levels. He stated that if they know what the levels are they don't have to talk to anyone.

Mrs. Gagneux explained there are districts that are highly restrictive and there are honorary districts with no regulations. He added that they can opt out. She feels if they could designate the buildings downtown this would be very attractive for the visitors coming to our community.

Councilman Ellis added that there are tax benefits for this as well.

Mrs. Gagneux stated that if they want to opt up from honorary they can with their own money.

Councilman Frese advised that he is for allowing them to opt out but not if the Town is going to force people.

Public Works Director Spurlock asked if they had the sheet from the Virginia Department of Historic Resources. He stated that the sheets address most of Council's discussion.

Mayor Leonard advised they are going to table this matter. He doesn't believe they're going to meet the deadline for this year's grant.

Councilwoman Richardson stated that she isn't against it. She stated that when someone tears down a historic home it bothers her. She added that Council has no authority.

Councilman Taylor gave Vice Mayor Bowden some questions for Mr. McDonald. He doesn't understand coming to Council when they can do it individually. He also stated that he can include the historic designation in the settlement documents. He added that he isn't against it.

Councilwoman Richardson read the letter from Mrs. Payne to Council from 2015. She explained that Mrs. Payne expressed her desire along with the reason of tourism enhancement to formally declare the Historic Downtown District.

Councilman Frese stated that if the Town designates this, it puts a negative value on the house. He explained that it puts restrictions on the house whether the owner wants it or not. He further expressed his concern.

Vice Mayor Bowden advised that the home owner could take it that far.

Councilman Ellis stated that on the comparison chart there is only one category where the Town could post any restrictions.

Mayor Leonard stated that what Mrs. Payne wants is to be restrictive. He feels this is an individual thing. He isn't for this.

Vice Mayor Bowden agreed and feels it should be voluntarily.

Mayor Leonard stated that they aren't addressing what Mrs. Payne wants. He added that she wanted it on her house but this would affect a lot of other structures which is not the Town's right.

Vice Mayor Bowden feels it would give incentives. She stated that it's not a local tax it's a state and federal tax incentive.

Mayor Leonard added that they have lost a lot of historic structures in his life.

Vice Mayor Bowden commented about a building that was in business for over 100 years and burned down for a parking lot. She stated that it can happen, but believes it will give some incentive. She feels that if she were coming to Chincoteague to buy a house, if it had a historic house plaque on it she would be more inclined to want that property. She stated she would never want to impose restrictions on people.

Mayor Leonard stated that the Town already has a sign that states "Historic District". He asked that instead of going through DHR could they provide a template for someone who has a historic home to come to the Town for a plaque that they could voluntarily put on their home. He feels this could be something the Town could do without going through the state.

Councilwoman Richardson reminded Council that when they take state money they put restrictions on that money.

Councilman Frese feels this could be something to look into.

Mr. Bill Borges advised that if the Town does it then only the people in Town knows the district. He stated that when you have a formal district it is in the state and national publications.

Councilwoman Richardson likes the plaque suggestion. She suggested to do the research on your own home and put a plaque that states the history.

Councilman Ellis mentioned that in Winchester they had a designated Historic District with plaques.

Mayor Leonard feels it's a complicated issue that needs more information.

Councilwoman Richardson stated that she is not against it. She stated that her concern is how they would keep homes from being torn down.

## **8. Status of Meter Replacement Project**

Public Works Director Spurlock reported that in February 2016 the radio read meter technology was discussed at a workshop and April 2016 Council passed a Resolution to apply for the loan. He stated that they received notice approximately 2 weeks ago that the loan has been approved. He also stated that the closing is the end of May which will require another Resolution. He stated that they currently need a letter of commitment.

Councilman Frese asked if the loan also included installation.

Public Works Director Spurlock responded that it does.

Councilman Frese asked if they have made arrangements with someone to do this.

Public Works Director Spurlock advised that the City of Suffolk has done a similar project. He stated that a collaborative clause for procurement says "other localities within the state of Virginia". He stated that the company is Van Guard Utilities. He advised that he has talked with them and they are more than happy to give the Town the same price. He added that it gives the Town more clout than going out and doing it on our own. He stated that he received a very favorable price for installation. He added that this is a turnkey job.

Councilman Frese asked about the time frame.

Public Works Director Spurlock stated that it will take several months to bring their crew in and install meters. He added that it will be a minimal water outage to each home as they are taking one meter out and installing the new meter. He stated that with the Ocean Boulevard project there have been a couple of leaks. He added that it is amazing to see the information from that meter showing exactly when the leak started and stopped along with the gallons.

Councilman Frese asked about valve replacement if needed.

Public Works Director Spurlock responded that the Town would probably do that. He stated that they will be contracted to do just the meter replacement.

Councilman Ellis asked if the leak detection was detected by this system or did they get the information after the leak was detected.

Public Works Director Spurlock stated that it was after the fact. He explained that at this stage they would have to go with a handheld to get the individual meter data. He stated when

everything is installed they will know within minutes. He reminded Council of a year ago in February of the large amounts of leaks and water loss in the system.

Councilman Ellis motioned, seconded by Councilman Frese to send a letter of committal for the acceptance of the loan for the radio read meter replacement project. Unanimously approved.

**9. Charter Communications Franchise Renewal**

Town Manager West advised that there are more concerns with the Franchise Agreement. He would like to review this further and meet with the Charter representative to iron out the concerns.

Mayor Leonard asked if this could be done for the next Council meeting.

Town Manager West advised he would try.

**10a. Consider Scheduling a Joint Public Hearing for Changes to the Zoning Ordinance.**

Town Manager West stated that Town Planner Marney started to schedule a joint public hearing regarding a change to the Ordinance pertaining to Tattoo Parlors and Piercings. He stated that the change has been made to make it lawful. He also stated that he believes what the Planning Commission was asked to do is consider what changes should be made in Zoning. He added that it is before Council now with a proposal to provide it as a definition of the Zoning Ordinance not being specific as to what district they prefer.

Chairman Rosenberger stated that this is clarification in a definition and is not a zoning change of any kind. He stated that it establishes the fact that Council can make the decision as to what zone this would go into.

Town Manager West asked Council to consider the joint public hearing.

Chairman Rosenberger added that it fine tunes it so there is no ambiguity. He added that a joint public hearing makes it easier.

There were brief comments.

Councilman Frese motioned, seconded by Councilman Taylor to schedule a joint public hearing for changes to the Zoning Ordinance. Unanimously approved.

**10. Closed Meeting in Accordance with Section 2.2-311(A)(1) of the Code of Virginia Personnel Matters**

Councilman Frese moved, seconded by Councilwoman Richardson 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 Vice Mayor Bowden to reconvene in regular session. Unanimously approved.

Councilman Frese moved, seconded by Councilwoman Richardson 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-

Nays- None

Absent- None

Councilman Taylor motioned, seconded by Councilman Frese to approve the new title of Water Works System Specialist with the description and the salary of \$25.82 per hour. Unanimously approved.

**Adjournment**

Councilman Frese motioned, seconded by Vice Mayor Bowden to adjourn. Unanimously approved.

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J. Arthur Leonard, Mayor

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James M. West, Town Manager