

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

Council Members Present:

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

Council Members Absent:

John N. Jester, Jr., Councilman

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

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

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

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

1. Review the Draft Flood Ordinance, Chapter 30

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

Town Planner Neville reviewed and explained the changes.

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

There was lengthy discussion about the penalty.

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

Town Planner Neville continued with the review.

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

Town Planner Neville stated that a driveway or telephone pole along with a long list of others are not considered a land disturbance or as development. He continued with the review. He mentioned the Coastal A Zone and that on the Chincoteague flood map it would only apply if building on a sandbar.

There was further discussion.

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

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

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

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

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

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

Council continued to review asking further questions expressing specific concerns.

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

Building and Zoning Administrator Lewis commented about consistency.

There were a few more brief comments.

Town Planner Neville continued with the review.

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

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

Council agreed.

2. Committee Member Comments

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

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

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

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

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

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

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

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

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

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

Mayor Tarr advised it is a 10% discount.

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

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

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

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

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

There was further discussion and comments regarding the downtown project.

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

• Real Property

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

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

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

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

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

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

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

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

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this

certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

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

Nays- None

Absent- Jester

Adjourn

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

Motion carried.

Ayes: Leonard, Richardson, Howard, Muth, Taylor

Nays: None

Absent: Jester

Mayor

Town Manager