

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

Council Members Present:

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

Council Members Absent:

Tripp Muth, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

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

Mayor, Jessica Stanfield
Town Manager, Stella Everett
Chief of Police, Ryan Capers
Public Works Director, Alex McJilton
Councilwoman, Maranda Jones
Councilman, Alex McGee
Councilman, Nich Scelsi
Councilwoman, Ashley Liddle
Councilwoman, Elissa Conner
Councilwoman, Melissa Derrickson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Tarr then opened the floor for public participation.

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

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

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Discuss Possible Purchase of Playground Equipment and Funding

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

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

Councilman Howard asked about the alternate amounts.

There was further discussion.

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

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

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

There was brief discussion.

Ms. Leonard advised that there hasn't been a Committee assigned for fundraising. She suggested a Park Enhancement Committee for Chincoteague Veterans Memorial Park. She stated that she can forward a list of possible volunteer members. She made some suggestions for purchasing and painting the older equipment there.

Further comments were made.

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

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

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

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

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

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

Discussion continued.

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

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

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

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

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

Town Manager Ritter explained that the Planning Commission is conducting the 5 year review of the Comprehensive Plan. He stated that they are at the halfway mark and wanted to discuss the review at this point. He added that they will be coming back to Council when they're at the 75% mark and again when they've completed the review. He turned the floor over to Town Planner Neville to review the changes to date.

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

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

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

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

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

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

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

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

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

They discussed the change in population figures over the years.

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

Council agreed. There were further comments.

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

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

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

Council expressed their concerns about FEMA regulations.

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

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

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

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

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

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

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

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

Councilman Jester stated that this should be spelled out clearly.

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

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

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

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

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

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

Mayor Tarr read from the proposed changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion continued.

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

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

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

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

4. Mayor & Council Announcements or Comments

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

Adjourn

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

Mayor

Town Manager