

**MINUTES OF THE SEPTEMBER 2, 2014**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Ellen W. Richardson, Vice Mayor  
J. Arthur Leonard, Councilman  
Gene W. Taylor, Councilman  
Ben Ellis, Councilman  
James T. Frese, Councilman  
John N. Jester, Jr., Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Ellis offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Charles “Chip” Lewis, a retired partially disabled veteran and also a commercial waterman, came before Council regarding a boat slip at the Curtis Merritt Harbor of Refuge. He stated that he tried to obtain a slip at the Harbor and was advised that because he didn’t live on Chincoteague he wouldn’t be able to move up on the priority list very fast based on the existing policy. He stated that he then spoke with the Town Manager. He was advised that there are working watermen on the list who live in the County that have been on it since 1987 and don’t have a slip. Mr. Lewis advised that the Town Manager offered a sub-lease slip at the rate of \$4.50 per day which is higher than if he were leasing the slip full time. He feels this is excessive.

Mr. Lewis informed Council that as of this morning there were 32 empty slips, 9 slips with boats that are out of state. He added that there is no way to know which slip is leased or sub-leased. He tried to obtain a list of slip holders at the Town Office and was informed that the Harbor Master has the list. He also stated that the Harbor was set up to be a Harbor of Refuge for commercial watermen. He stated that the Harbor consists more of recreational boats than commercial watermen. He explained that a person that has a 6-pack charter license is considered a commercial waterman. Mr. Lewis stated that he contacted VMRC who classifies working watermen as having a certified fishing license or a state card. He doesn’t understand the priority of the Town’s system.

Mr. Lewis reminded Council that he is a veteran and the Harbor was funded with Federal money. He added that there is no provision to give veterans or partially disabled veterans a priority. He

mentioned the prayer earlier regarding veterans putting themselves in harm's way, risking their lives. He stated that he has done it for 20 years and doesn't feel he should be treated this way. He urged Council to change the rates for sub-leasing. He also added that there are deceased individuals on the waiting list for the Harbor.

Mayor Tarr advised that this matter would be sent to the Harbor Committee to review and the list will be update.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville expanded on the report already in Council's packet. He added that several weeks ago he attended the Maryland Coastal Bays Policy Committee meeting. He stated that they were proud of the fact the EPA had approved the water quality standards for Maryland which includes parts of the Chincoteague Bay. He mentioned that in several weeks VIMS will be rolling out a computer model for estimating changes to water quality in Coastal Bays.

Town Planner Neville also reported that regarding the Safe Routes to Schools Trail Plan on Hallie Whealton Smith Drive, the comments from VDOT were minimal and they will be putting the 90% plan submittal in soon for approval.

### **Police Department**

Major Mills stated that the monthly report has been included in Council's packet. He reported for August that there were 302 calls for service, 15 criminal investigations that resulted in 19 arrests and charges. He added that there were over 1,300 dispatching services for Fish & Wildlife Service for traffic stops. He reminded Council of the 10<sup>th</sup> Annual Poker Run, Ride for Charity and Block Party, Saturday, September 13<sup>th</sup>, 2014. He stated that they are raffling a motorcycle and advised there will be 2 bands playing during the festivities. He added that the auction should start around 3:00 p.m.

Councilman Taylor stated that they have a great Town and Police Department. He added that he feels safe and the Police Department keeps the threat down. He appreciates all the hard work.

Councilman Jester asked for an update regarding the merchant complaint in the downtown park.

Major Mills advised that they have stepped up the foot patrol in the downtown area and haven't had any more complaints.

Councilman Ellis advised that the merchant that complained is pleased and advised it has been taken care of.

### **Public Works Department**

Roads Supervisor Fitchett advised that the monthly report has been included in Council's packet.

Councilman Ellis asked about long term plans.

Roads Supervisor Fitchett stated that they try to plan the long term projects. He explained that the paving has to be done in the fall and winter because of heavy traffic. He stated that Public Works Director Spurlock and the Public Works Committee make those decisions also.

Councilman Jester mentioned a comment regarding the Downtown Park on Facebook. He commented on the trash overflow after a busy weekend and suggested an extra trash can in the pavilion. He doesn't feel the cans are big enough.

### **General Government**

Town Manager Ritter reported that the monthly report is included in the packet. He stated that EMS response for August was 122 which is 28 more than August of 2013, ALS response was 50, BLS 49 and all others were 23. He also reported that they had a routine VDOT audit for the grant reimbursement for Phase 2C of the Main Street project. He stated that there has been a drawdown from VMRC for the fishing pier. He reported that the Town had another excellent audit. Town Manager Ritter also stated that the quarterly newsletter will go out in September. He informed Council that he will be attending the ICMA conference September 13<sup>th</sup> – 18<sup>th</sup>. He added that the Army Corps of Engineers is dredging the Inlet and in front of the Coast Guard Base.

Councilman Leonard asked about the spoil site.

Town Manager Ritter advised that it is offshore from NASA Wallops Island. He added that to have it at Assateague beach the Fish & Wildlife stated they would need to complete a full blown EIS.

There was brief discussion regarding VDOT maintenance money.

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

Councilman Jester motioned, seconded by Councilman Leonard to adopt the agenda as presented. Unanimously approved.

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

- **Regular Council Meeting of August 4, 2014**
- **Special Joint Council Meeting with Beach Access Committee of August 4, 2014**
- **Special Joint Council Meeting with Beach Access Committee of August 11, 2014**

Councilman Leonard motioned, seconded by Councilman Jester to approve the minutes of the August 4, 2014 Council meeting, August 4, 2014 and August 11, 2014 Special Joint Council meetings with Beach Access Committee. Unanimously approved.

#### **2. Public Hearing, Ordinance to Vacate Subdivision of Lot Lines on Marsh Island**

Mayor Tarr declared the public hearing open and asked for public comment at this time.

Mr. Mike Hinman, attorney for Mr. Carlton Mason, stated that over the past couple of years there have been some issues which are now resolved because of the subdivision. He reviewed and explained the re-subdivision plat.

Councilman Jester asked about the waterline easement and the bulkhead. He wanted to know who would maintain the easement.

Mr. Hinman advised that the Town would maintain the easement.

Councilman Frese asked who maintained the easement prior to the agreement.

Mr. Hinman advised that Mr. Mason maintained it. He explained the waterline that was installed which failed caused the new line to be installed and the easement which is the cause for this lot line vacation and agreement. He stated that Mr. Mason would volunteer and make it a matter of record to maintain that property.

Mr. Bill Waterson of 6163 Marsh Island Drive advised Council that he is the President of the Homeowner's Association of Marsh Island. He stated that they have continuously maintained the area that is designated as the septic system. He stated that they would be happy to continue that maintenance.

Mayor Tarr closed the public hearing. He asked Town Manager Ritter if staff has reviewed this ordinance.

Town Manager Ritter advised they have.

Councilman Taylor motioned, seconded by Councilman Frese to approve the Ordinance to vacate subdivision lot lines on Marsh Island and that the Marsh Island Homeowners Association and Mr. Mason have agreed to continue with the maintenance of the easement of the 6" water main. Unanimously approved.

### **3. Public Hearing, Ordinance to Vacate Subdivision of Lot Lines on YMCA Properties**

Mayor Tarr opened the public hearing.

Mr. John Custis, attorney for the YMCA, explained that the YMCA purchased the old bank building and the surrounding properties a little over a year ago. He stated that the YMCA wanted a clean survey for future expansions to the building.

Town Manager Ritter advised that Council's drawing doesn't show an existing easement, however, it is included in the current drawings and was recorded.

Councilman Taylor motioned, seconded by Vice Mayor Richardson to approve the Ordinance to vacate subdivision lot lines on YMCA properties. Unanimously approved.

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

Supervisor Thornton complimented Town Planner Neville and Town Manager Ritter along with everyone else who worked on the response for the CCP. She stated that this was a great demonstration of the abilities of this town. She commented on the VIMS water quality model and urged Council to become familiar with it as it pertains to the Town. She provided information about the Accomack County Library referendum. She stated that the County didn't

vote to fund the Library, which doesn't mean they won't help them. Supervisor Thornton advised of the need for space in the County Administrative offices. She discussed the Eastern Shore Rural Health request for a tax exemption status. She explained that the hospital would already be tax exempt. She discussed the school system's early retirement option and its impact to the County budget.

Supervisor Thornton mentioned the JLUS Plan. She stated that she met last week with the Policy Committee. She doesn't feel anything was accomplished. She stated that they discussed a Coastal Resiliency Plan that would involve all the surrounding federal agencies. She feels this should be high on the list of concerns as it will impact the Town. She advised that there will be a study committee. She has an issue with the ANPDC representing the County on this committee. She feels that there should be an elected official on the Committee. She stated that she asked for the MOU that created the Mid Atlantic Climate Resiliency Institute (MACRI).

Supervisor Thornton talked about the Storm Water Ordinance and having a plan for single family dwellings. She stated that the Planning Commission is asking the County to eliminate the Planned Unit Development (PUD) Ordinance they've worked on for years. She feels if they remove it putting it back would be a long process. She gave information about the financial status that the County has for the year. She advised that the Occupancy Tax increased 6.3%. She also discussed the County's salary increases. She stated that there was a 2% COLA and they haven't had one in 3-4 years. She added they haven't been giving any raises due to the economy.

Supervisor Thornton distributed documents giving insight on the financial status of the County. She also stated that she is thankful for the Post who listed the salaries as it is very important to let the public know. She discussed the employee retirement percentage.

There was discussion about JLUS and the DOD documents. They also talked about the ANTARES launches, NASA's space programs and impacts.

Supervisor Thornton feels the Town should request a study on the impacts that dredging for the Wallops beach restoration and the Ocean City Inlet is having on the Chincoteague Inlet. She stated that Mr. Jim White gave a time lapse picture of the Inlet that shows the changes over time.

##### **5. Consider a Temporary Pump and Haul for Christ Sanctified Holy Church**

Mr. Daniel Collins, Christ Sanctified Holy Church Trustee, came to Council to request to build a pump and haul septic system so they can add a restroom to the building. He explained that this is a sufficient system to support such a low demand.

Councilman Taylor thanked Mr. Collins for their love of the church and taking such good care of it.

Town Manager Ritter advised that they looked into this matter and the Health Department requested a letter from the Town stating that Council approved the request. He suggested an Ordinance at some point that pertains to this.

Councilman Jester motioned, seconded by Councilman Leonard to approve the temporary pump and haul for Christ Sanctified Holy Church. Unanimously approved.

#### **6. Public Works Committee Report of August 5, 2014**

Vice Mayor Richardson advised that the minutes are in the packet. She explained that there are long-term projects, but reported on the shorter projects. She read some of the projects that the Committee is recommending to Council: paving on Main Street from Maple Street to Grace Street, waiting for the funds from the Safe Routes to Schools for Hallie Whealton Smith Drive paving, paving Main Street from Cropper Street to Bunting Road. She explained that the Committee chose the two Main Street projects of paving and sidewalk replacement.

Councilman Jester expressed the need for paving.

Mayor Tarr explained to Councilman Ellis that there is a 5 year budget and a proposed capital improvement plan and a 10 year plan. He stated that during the winter Council reviews the budget and the projected 5 year and 10 year plans.

Councilman Jester motioned, seconded by Councilman Leonard to approve the fall paving projects; sidewalk replacement on the east side and paving of Main Street from Cropper Street to Bunting Road, paving/sidewalk replacement Main Street from Maple Street to Grace Street. Unanimously approved.

#### **7. Recreation and Community Enhancement Committee Report of August 12, 2014**

Councilman Jester asked Council to review proposed changes to the master plan and the playground at Chincoteague Veterans Memorial Park. He reported that Town Manager Ritter, Town Planner Neville and himself met and came up with some ideas. He asked Council for their input. He explained some of the issues and corrections to be made and that have been made. He discussed fencing, bushes, foul language at the basketball courts, bases for the ball field, soccer goals, additional parking, dock lighting and potential kayak launches. He stated that the park is a great place that is heavily used. He added that Town Planner Neville is looking into a VML grant for the playground.

Councilman Frese feels there should be a request to extend the fishing pier and kayak launch. He suggested that parking would have to be increased also.

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

Councilman Leonard commented on the LOVE chairs. He feels this is a great attraction. He also advised of the condition of the Landmark Plaza property. He understands that the Town is working on it, but it is an eyesore.

Councilman Jester agrees that the LOVE chairs are popular. He commends the Chamber for all the media attention the Island has received. He feels it has contributed to the increase in business. He commented on how busy the downtown is.

Councilman Ellis agrees with Supervisor Thornton. He commended all the staff involved in the CCP response and supporting documentation and recommendations.

Councilman Taylor stated that the watermen are a small business. He would like to recommend to the Harbor Committee that the watermen that work weekly in Chincoteague waters should get the sublease at the regular full time rate.

Mayor Tarr stated that this would make a change in the policy which is why it has to be addressed at the Committee level first. He explained that it's more complicated with 4 lists.

Councilman Taylor feels the working watermen should be supported.

Councilman Frese agrees with everything said this evening.

Town Manager Ritter stated that Chamber Director Shotwell suggested having a public party or picnic in the Downtown Park.

Chamber Director Shotwell explained that they would like to have a picnic on the grass possibly September 21<sup>st</sup>. She added that they will check the dates. She also mentioned the LOVE chairs and the Happiest Seaside Town being the focus on the celebration. She reported that the visitation at the Chamber of Commerce office since the award has been consistently 30% higher, Pony Penning week they were 72% higher. She added that just this past week they were 96% above last year's visits for Labor Day.

**Adjourn**

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

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Mayor

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Town Manager