

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

February 1, 2010 - 6:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of January 4, 2010 (Page 2 of 45)
 - Joint Council Staff Health Comm. Meeting of January 13, 2010 (Page 12 of 45)
 - Council Workshop Meeting of January 21, 2010 (Page 14 of 45)
2. VDOT Bridge Update (Thomas A. Rakowski) (Page 20 of 45)
3. Introduction to the Marine Science Consortium
4. Broad Band Grant Pre-contract Requirements (Page 22 of 45)
5. Accomack County Board of Supervisors Update (Honorable Wanda Thornton)
6. Update Report on the Rezoning Application to the Planning Commission (Page 30 of 45)
7. Public Works Committee Report of January 5, 2010 (Mayor Tarr) (Page 31 of 45)
8. Change in Ordinance Section 62-59 Water Bill Adjustments (Page 33 of 45)
9. Proposed revision to the Water Reconnection Fee Schedule (Page 34 of 45)
10. Consideration in Equipment Purchase (Page 35 of 45)
11. Consideration of Clark Nexsen Storm Water Proposal (Page xx of 45)
12. Harbor Committee Report of January 7, 2010 (Councilman T. Howard) (Page 36 of 45)
13. Budget and Personnel Committee Report of Jan 12, 2010 (Councilwoman Conklin) (Page 38 of 45)
14. Ordinance Committee Report of January 14, 2010 (Councilman J. Howard) (Page 40 of 45)
The following action by the Committee occurred and will need to be acted upon:
 - Possible Change in Chapter 22, Environment, Article III, Nuisances, Division 1. Generally, Sec. 22-62, Certain nuisances enumerated and Sec. 22-64 Penalty.
15. Committee/Commission Appointments and Recommendations (Page 45 of 45)
 - Building Code of Appeals & Planning Commission
16. Trash Cart Sale (Councilman J. Howard)
17. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
18. Closed Meeting in Accordance with Section 2.2-3711(A) (30) of the Code of Virginia.
 - Discussion of the Award of a Public Contract

ADJOURN:

MINUTES OF THE JANUARY 4, 2010
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor	John N. Jester, Vice-Mayor
James Frese, Councilman	Nancy B. Conklin, Councilwoman
Terry Howard, Councilman	John H. Howard, Councilman
Ellen W. Richardson, Councilwoman	

Call to Order

Mayor Tarr called the meeting to order at 6:00 p.m.

Invocation

Councilman T. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Open Forum / Public Participation

- Mrs. Karen Jarvis approached Council with pictures and a request regarding the flooding issues on and around her property on the southern corner of Ridge Road and Horseshoe Drive. She stated that the pictures are not from the Nor'easter but, from December 27, 2009. She advised that the rain water has flooded her neighborhood from July to date and has not receded. Mrs. Jarvis demanded that Council take care of this issue. She also added that this needs to be addressed and more guidelines made for future development.
- Mrs. Patsy Savage a resident of Horseshoe Drive also addressed Council regarding the flooding of Horseshoe Drive. Her main concern is that her water line is under stagnant water. She feels this could affect her drinking water. She also added that she has mildew issues and asked for something to be done.
- Mrs. Jodi Andreach, a resident of the northern corner of Ridge Road and Horseshoe Drive, also commented about the drainage issues on her property. Her concern is for safety and emergency access on Horseshoe Drive. She also asked Council to help with a resolution.

There was further discussion regarding the drainage issues there.

- Mr. Martin Riley of Horseshoe Drive also asked for drainage resolutions.

Public Works Director Spurlock agrees that this is an area that needs to be addressed. He advised that later in the meeting he is asking Council to approve the hiring of a firm to help with a Storm Water Comprehensive Plan. They will conduct a study and assist in plans to remedy the issue. He advised that there was 47" of rain water since July 1st. He stated that there is no storm water system designed to withstand that kind of rain. He also added that the Town is looking for a long-term solution to the problem.

Mrs. Jarvis asked if the public would be notified of the timeline and recommendations.

Public Works Director Spurlock stated that by the end of the month an engineer would be conducting an onsite interview of the property owners.

There was discussion regarding easements as this is private property. Mayor Tarr added that there is a Drainage Ordinance currently in place.

Councilman J. Howard stated that drainage hasn't been taken care of as it should have been. However, it takes a long time to get anything done if it's done correctly.

There was lengthy discussion regarding the responsibility of the property owners, the conduction of a drainage study and multiple drainage issues.

Staff Update

Town Manager Ritter introduced Mr. Bill Nevil as the Town's new Planner.

Mr. Nevil thanked Council and stated that he looks forward to working with them.

Police Department

Chief Lewis reported that the donations they have received helped approximately 6 families in the community during the holidays. They donated over \$12,000 for fuel, electricity, medical and other bills. He presented Council with a graph comparing crime arrests over the past 3 years.

Councilman T. Howard feels that the community should be aware of all that the Police Department does for the children and citizens. They've raised a lot of money and should be commended. He asked Chief Lewis how much they've received in donations this year.

Chief Lewis advised approximately \$30,000.

Councilman T. Howard asked for a round of applause for a job well done.

Public Works Department

Public Works Director Spurlock reported that staff has been working on the Paving Contract to include the Maddox Boulevard and Pension Street improvements. He advised that the waterlines and drainage for Pension Street will be done in-house. He also stated that they will utilize the engineers for other drainage issues.

Councilman J. Howard asked if the crushed blacktop could be used for private roads. He also asked how this could be controlled.

Public Works Director Spurlock advised he would look into this further. He stated that the Curtis Merritt Harbor video contractor should be back next week to finalize a schedule of installation. They've been working on routine Park maintenance along with bulk trash and storm debris cleanup. They've also been addressing and conducting drainage maintenance by jetting

and reconstructing drainage ditches. He advised that the County has finished clearing the ditch along Hallie Whealton Smith Drive along with other areas on the Island.

Public Works Director Spurlock stated that Maddox Boulevard is ready for the final pavement to take place in the spring. He stated that the Public Works Department has the materials for the Margaret's Lane drainage project to begin. He also added that there has been routine water operations and meter readings. He stated that the Virginia Department of Health has conducted a periodic inspection and the Pension Street project will begin next week.

Vice Mayor Jester asked if anyone has contacted VDOT about clearing debris from the Causeway.

Public Works Director Spurlock stated that VDOT sent a crew and they mowed over the debris. However, he'll contact them again to have it cleared.

Councilman T. Howard feels that having the professionals from the storm water management conduct a study is taking the right step.

General Government

Town Manager Ritter reported that the design revisions have been sent back to Massey Design Group. They will be completed and submitted to VDOT. He announced that the VEC service is ready to begin at the Town Office. He advised that there should be a meeting with community leaders so the Town can collect data for the service. He mentioned the grant for broadband leading into lengthy discussion as to the expenditures and responsibilities along with current work being conducted.

Town Manager Ritter also reported on the revenues:

	<u>Year-to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Real Estate Tax:	\$577,960	\$572,694	up \$ 5,266
Personal Property Tax:	\$148,944	\$159,016	down \$10,072
Meals Tax:	\$350,876	\$346,819	up \$ 4,057
Transient Occupancy Tax:	\$490,416	\$485,131	up \$ 5,285
Water Revenue:	\$503,830	\$463,840	up \$39,990

Town Manager Ritter also stated that he contacted Verizon regarding service to the Island. He was told that if there is a medical need or if there was complete outage repairs would be within 24 hours. However, if there is a status or other issue it could take up to 10 days. He advised that if there is a delay in repairs the State Corporate Commission should be contacted. He reported that the tax season is winding down and staff has completed between 300 and 400 abatements, which is very time consuming. He added that Charter Communications has set up a utility tax.

Councilman Frese stated that they declared bankruptcy and haven't been paying. He asked if the Town has collected any tax from them.

Town Manager Ritter advised that he will email this information at a later date.

Councilman J. Howard asked how long it has been since the Town received any money from Charter.

Town Manager Ritter stated that it has been less than a year, but will look into this further also. He continued to report that they are hoping to set up a Health Fair. He suggested contacting the healthcare providers to set up a tent at the Daffodil Festival in the spring. He stated that He and Public Works Director Spurlock attended a Partnering meeting with the other municipalities. This was to create a list of future goals and issues.

Councilman T. Howard commended Town Manager Ritter on a thorough report.

Agenda Additions / Deletions and Adoption

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

1. Consider Adoption of the Minutes:

- **Regular Council Meeting of December 7, 2009**
- **Joint Council Planning Commission Meeting of December 14, 2009**

There was discussion regarding the date change of the Recreation and Community Enhancement Committee meeting from the 8th to the 15th in the December 7, 2009 Council minutes.

Another requested change was that Vice Mayor Jester was absent for the December 14, 2009 Special Joint Council/Planning Commission meeting.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the minutes with the noted changes. Unanimously approved.

2. Possible Adoption of the New Final Draft of the Comprehensive Plan

Mr. Jared Anderson reported that minor errors were corrected. He reviewed the errors and corrections.

There was discussion about the changes.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to adopt the Comprehensive Plan with the noted corrections. Unanimously approved.

Councilman J. Howard stated that Mr. Anderson was an excellent Town employee and the citizens should thank him for the work he did for the Town.

3. Christmas Home Decoration Judging Results

Mayor Tarr read the list of the winners of the 2009 Annual Christmas Decorations:

Judges Choice:

Jack & June Moyer
6593 Church Street.

Most Festive:

Connie Bailer
6333 Church Street

Most Illuminated:

Dill Wilgus / Arlene Shreves
4169 Ridge Road

Most Traditional:
Ricky & Mandy Betts
6317 Church Street

Honorable Mention:
Barbara Kambarn, 4246 Ridge Road
Chester Williams, 6337 Anderton Ave.
Ray Rosenberger, 7297 Sunset Drive

Each category winner will receive a \$100 savings bond.

4. Request that the Town Agree to Act as Holder for an Open Space

Ms. Ruth Lane explained the reason for the request. She stated that she wants to place an easement to protect the woodland and maintain the existing structure of the land including an old pond. She referenced the information in the Council's packet. She stated that neighbors approve. She added that in order for this easement to be effective a governing body has to agree to act as the holder. She requested that the Town Council act as holder of the easement. She explained that the Holder is the enforcer to make sure there are no violations. Ms. Lane added that there would be no additional cost to the Town as the court would require the violators to pay court costs. She also added that there has to be someone to monitor the property throughout the year(s). She has asked the Eastern Shore Soil and Water Commission and they are willing to oversee this. They do this for other institutions on the Peninsula. She stated that they don't have the authority to fine them but they can report any violations.

Ms. Lane feels it adds to the flavor of the Town and would be a way to protect the natural authority of the area.

Town Attorney Poulson commented that Council has addressed this several times. He is under the impression that Council doesn't want to get involved in this type of situation. He feels this property will remain one lot. He assumes that the purpose is for the tax benefit. He stated that when the property is sold the neighbors may not feel the same. He mentioned the possibility of Council passing a Weed Ordinance. He's concerned that if the property remains vacant for some time, the Weed Ordinance would not be applied to this property. He also added that if a tree falls on this property, Council would be unable to do anything about it. Town Attorney Poulson is concerned with the enforcement of this agreement.

There was lengthy discussion, questions and responses regarding the criteria, enforcement and potential need for this. Council's expressed their opinions as far as the pros and cons of approving the Open Space Property Easement.

Ms. Lane's response was that it is necessary.

Councilman J. Howard asked if Council would be willing to temporarily approve this for a period of 5 years.

Councilman Frese motioned, seconded by Councilwoman Conklin for the Town to agree to act as Holder for an Open Space provided there is a change in the agreement regarding property maintenance. The motion was not approved.

Ayes: Frese, Conklin, T. Howard Nays: Richardson, Jester, J. Howard, Tarr.

5. Fiscal Year 2011 Trolley Application Resolution

Mr. Jack Van Dame explained the request to approve a resolution for the Operating Grant for the Trolley System. There was discussion regarding budgeted expenses.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the resolution for the 2011 Trolley Application. Unanimously approved.



**Resolution Authorizing the Application for
State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,400 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$20,000, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 5th day of January, 2009.

(Official Town Seal)

(Signature)

Robert G. Ritter, Jr.
Town Manager

(Date)

6. Professional Services for Storm Water Related Projects

Town Manager Ritter advised that he along with Public Works Director Spurlock and staff reviewed 6 proposals. There were interviews with 5 engineering firms and one was selected from the interviews. The recommendation is to go with Clark-Nexen for the next three years. This is based off of a rate schedule they included in their proposal.

There was discussion and questions regarding the contract and rate schedule.

Town Attorney Poulson reviewed the contract and recommended changes.

Public Works Director Spurlock presented the rate schedule. He stated that the prices are competitive with the other proposals.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to award the contract for Storm Water Management Services to Clark Nexen with the changes submitted by the Town Attorney. Unanimously approved.

7. Possible Forwarding of a Rezoning Application to the Planning Commission

This is a matter brought back to Council regarding the rezoning of Mr. Phillip Ettinger's property in Oyster Bay.

Mr. Jeff Potts advised Council that there are no other parcels on the Island over an acre.

There were questions from Council about the intended use of this property.

Town Attorney Poulson stated that if this parcel was part of the covenants and restrictions of the Oyster Bay Community then it is the owner's legal problem. He advised that this parcel is still part of the plat of the Oyster Bay Subdivision. He also stated that if Council changes the zoning it would not affect the Town. He added that if there are covenants and restrictions listed, changing the zoning will not help the property owner. He also added that rezoning has to be forwarded to the Planning Commission.

Councilman Frese motioned, seconded by Vice Mayor Jester to forward the rezoning application to the Planning Commission. Unanimously approved.

Town Manager Ritter explained the timeline for the review and decision.

8. Public Safety Committee Report of December 1, 2009

Mayor Tarr reviewed the report. There was a question about the ICS tests and timelines for the completion.

9. Recreation and Community Enhancement Committee Report of December 15, 2009

• Recommendation to hire Eastern Shore Surveyors

Councilman Frese reviewed the report, and stated that they discussed the tract of land parallel to Maddox Boulevard. He is requesting approval to have this parcel surveyed by Eastern Shore Surveyors in the amount of \$2,000.

Councilman Frese motioned, seconded by Councilwoman Richardson to hire Eastern Shore Surveyors in the amount of \$2,000 to survey the property parallel to Maddox Boulevard. Unanimously approved.

10. Committee / Commission Appointments and Recommendations

- Building Code of Appeals**
- BZA Recommendation**
- Planning Commission**

Town Manager Ritter reported that the term for the following member currently serving on the Building Code Board of Appeals elapsed on December 31, 2009:

1. Reginald Birch, Jr.

The term shall be for a period of 5 years and shall expire on December 31, 2014.

The terms of the following members currently serving on the Board of Zoning Appeals elapsed on December 31, 2009:

1. Arthur Leonard
2. John Gilliss

Town Manager Ritter advised that Mr. Leonard & Mr. Gilliss have voiced their desire to be re-appointed to this Board. The term shall be for a period of 5 years and shall expire on December 31, 2014. A letter will be sent to the Honorable Glenn Tyler, Judge, regarding their re-appointment.

The term for the following members currently serving on the Planning Commission elapsed on December 31, 2009:

1. Mollie Cherrix
2. Ray Rosenberger
3. Bob Behr

Town Manager Ritter advised that Mrs. Cherrix and Mr. Rosenberger have voiced their desire to be re-appointed to the Commission. Mr. Bob Behr has stated that he does not desire to be re-appointed.

The term shall be for a period of 4 years and shall expire on December 31, 2013.

Town Manager Ritter stated that Council will need to take the necessary action to replace or reappoint for the recent vacancies. He suggested that we advertise the Building Code Board of Appeals and the Planning Commission positions this month and bring back a list of names to the next regular scheduled meeting in February.

Councilman T. Howard suggested voting on reappointing those who are willing to be reappointed and advertise the vacancies.

Mayor Tarr opened the floor for nominations for Mrs. Mollie Cherrix's position on the Planning Commission.

Councilman T. Howard nominated Mrs. Cherrix to be reappointed on the Planning Commission. Unanimously approved.

Mayor Tarr opened the floor for nominations for Mr. Ray Rosenberger's position on the Planning Commission.

Councilman Frese nominated Mr. Ray Rosenberger to be reappointed on the Planning Commission. Unanimously approved.

Mayor Tarr asked Town Manager Ritter to advertise the vacancies on the Planning Commission and the Building Code Board of Appeals.

11. Discuss the Upcoming Course for Council and Planning Commission Members

Town Manager Ritter explained the notice from the ANPDC for Certified Planning Commissioner Training. He stated that the cost is \$450 per person, however this is a not a budgeted item. He also added that this is a 10 week course.

Mr. Ray Rosenberger, reappointed Chairman of the Planning Commission, advised that he attended this course. He feels that the course is a great opportunity not only for the Planning Commission but for the BZA also. He fully endorses it.

Town Manager Ritter stated that he will send a letter to all Planning Commission Members to see who is interested the class.

12. Mayor & Council Announcements or Comments

Councilman T. Howard asked if the Adopt A Road sign with graffiti across from the Dollar General be taken care of.

Councilwoman Conklin announced a meeting scheduled for January 26, 2010 from 5:30p.m. to 9:30p.m. at the Community College about County issues and planning.

Vice Mayor Jester congratulated Major Mills who recently completed the FBI National Academy. He feels this is a good mark for a small department. He also mentioned the Timothy Hill house on North Main Street. He stated that originally the house was on Deep Hole Road and someone is in the process of restoring the house. He also stated that he received his

reassessment in the mail and doesn't understand how an assessment in today's economy be the same. He suggested appealing the reassessments, reminding that there is only 30 days to appeal.

Mayor Tarr announced the Council Workshop on the 21st and asked Council to bring some ideas to discuss at that time. He added that the action list from prior workshops will be distributed.

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

• **Personnel Matters**

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

Councilman T. Howard moved, seconded by Councilman Frese to reconvene in regular session. Unanimously approved.

Councilman T. Howard moved, seconded by Councilman Frese 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- Jester, Conklin, Frese, T. Howard, Richardson, J. Howard
Nays- None
Absent- None

ADJOURNMENT:

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

Mayor

Attest: Town Manager

**MINUTES OF THE JANUARY 13, 2010
SPECIAL COUNCIL & STAFF WORKSHOP**

Council Members Present:

John H. Tarr, Mayor
James Frese, Councilman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor
Nancy B. Conklin, Councilwoman
John H. Howard, Councilman

Other Members Present

Robert Ritter, Jr. Town Manager
Bryan Rush
April Hooper
Karen Hipple

Bill McComb
Mollie Cherrix
Jeff Fitchett

Call to Order

Mayor Tarr called the meeting to order at 10:00 a.m.

Invocation

Councilman J. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilman T. Howard motioned seconded by Councilman Jester to adopt the agenda as presented. Unanimously approved.

1. Discussion on the Current Insurance Plan

Mr. Rush brought it to everyone's attention that our present health insurance carrier has sent out letters stating that our current benefit plan will no longer be available as of 07-01-2010. Plans and pricing need to be looked at within the next month or two so it can be included in the budget for next fiscal year.

Councilman Frese stated that we have never settled on an insurance agent and would like to bring in Ms. Lisa Buswell to give us pricing from different companies as well as Mr. McComb.

Councilwoman Conklin stated that by having a local agent you would have someone to talk with face to face if you had any questions about your policy.

Mayor Tarr asked Mr. McComb what the timeline was for pricing as of July 1. Mr. McComb stated that he could get a preliminary rate by March with a final rate by May. Mr. McComb also stated that insurance companies are kind of waiting to see about the new health insurance bill.

2. Discuss how the Proposed US Health Care Bill will apply

Mr. McComb also stated that insurance companies are kind of waiting to see about the new health insurance bill.

3. Committee Member Comments

It was suggested rather than the entire committee keep meeting, staff would solicit proposals and present to Council at the March Council Meeting. Questions that need to be addressed are present employees and retirees under age 65 and over age 65. Council would also have to decide whether or not to put money into a pool for the retirees which would have to be budgeted.

Staff will need to set specifications so that all agents are getting the same information for providing a quote.

Staff will meet on January 27, 2010 at 10:00.

Adjournment

Councilman Frese motioned, seconded by Councilwoman Conklin to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE JANUARY 21, 2009
CHINCOTEAGUE TOWN COUNCIL SPECIAL WORKSHOP

Council Members Present:

John H. Tarr, Mayor	John N. Jester, Vice-Mayor
James Frese, Councilman	Nancy B. Conklin, Councilwoman
Terry Howard, Councilman	John H. Howard, Councilman
Ellen W. Richardson, Councilwoman	

Call to Order

Mayor Tarr called the meeting to order at 5:05 p.m.

Invocation

Councilman J. Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led in the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Vice Mayor Jester motioned, seconded by Councilwoman Conklin to adopt the agenda. Unanimously approved.

1. Discuss Capital Projects for the Upcoming Draft Budget

Mayor Tarr introduced Item #1 and suggested that a review of the prior year budget for capital projects started the workshop discussion. Comments focused on the Council's goals and directions identified. Budget items for capital improvements would then be directed to Department Heads for cost estimates and returned by Town Manager Ritter with the overall budget for Council review. All ideas for additional revenue for the Town should be discussed as well.

Town Manager Ritter began a review of the current year capital improvement budget line items. He noted that items such as the Property Acquisition Reserve are traditionally included in the first draft of the budget and then adjusted or deferred as necessary prior to adoption. Current year evaluations for office equipment and software needs will be completed by staff.

Councilman T. Howard commented that the property acquisition reserve may be useful to meet future needs for additional dock space and to be used for matching grant funds.

Vice Mayor Jester and Councilman J. Howard began a discussion of multiple line items for 'Drainage' and whether they were overlapping funds that should be consolidated. It was suggested that the drainage reserve funds be used for the preparation of an engineering master plan for storm water management solutions. Drainage and water main projects for Pension Street and Anderton Street were discussed.

Town Manager Ritter stated that each year the Police Department's budget includes \$27,000 for a patrol vehicle to allow for the regular replacement of vehicles every 5 years and \$10,000 into a

reserve for the Dispatch system. Chief Lewis confirmed that most of the capital needs of the Police Department were being met through grant funding including new vests, portable radios and computers. There may be a requirement for matching funds to acquire the VCIM computers for several vehicles. Town Planner Neville will confirm the status and funding requirements of this grant application.

Town Manager Ritter discussed the VDOT grant for the Main Street Corridor Improvements Project. The amount necessary for the Town match may not be known until November 2010. Staff will try to confirm an estimate for the budget process.

Public Works Director Spurlock presented items that should be proposed for the Public Works capital improvements budget including:

- SCADA system to allow remote monitoring of the Town water system (\$53,000)
- Lift Pumps on Willow Street to be replaced (\$7,500 per pump x 3 pumps = \$22,500 to 30,000)
- Individual meter for Well #8 for DEQ permit conformance or provide SCADA
- 8" water main extension for loop along Hallie Whealton Smith Drive (\$30,000) to be completed using Town forces, plus potential need for water tank/booster pump for adequate pressure based on additional study by consultant Whitman Requart. (Mayor Tarr noted the need for the Town to obtain a copy of the Town water model from the consultant)
- Concrete floor for the abandoned well house (\$2,500)
- Replacement water meters (radio read) (4,000 meters x \$150 - 200 = \$600,000 - 800,000). Although other Towns are typically switching to this type of meter, it must be justified by labor savings, safety, accuracy, monthly billing, leak detection or other qualities. A phased program for replacement should be considered.
- Other equipment needs include a high volume air compressor and a pavement saw.

Public Works Director Spurlock continued to summarize capital needs for Streets to include:

- Acquisition/replacement of two (2) trucks that have been priced at approximately \$15,000 each for a F150.
- Equipment and attachments for the Skid Steer that is currently in the budget.
- Heavy duty chipper
- Eastside Drive Improvement to build up shoulders. It was discussed that this project should be identified as next in line for the VDOT maintenance program following completion of the Chicken City Road intersection realignment project. This may be an extended process since VDOT accepts only one project at a time and the money must accrue on an annual basis.
- Drainage structures at the south end of Fowling Gut to include 'event gates'. Noted that Tangier and Crisfield were installing similar improvements.
- Davis Street Improvements. A discussion regarding VDOT, Town and private street categories took place.

Public Works Director Spurlock addressed the proposed park improvement at the Curtis Merritt Harbor. He proposed the construction of an observation deck with connection to the existing boardwalk that would provide a secure public space to enjoy the views without allowing public access, the existing dredge spoil areas that are still in use. Removal of some material and construction of the deck was estimated at \$35,000.

Councilman T. Howard began by expressing his thoughts that the budget process is all about establishing priorities that make sense for the Town in the current economy. As an example he emphasized that addressing the drainage issues faced by residents should take higher priority than park improvements at the Curtis Merritt Harbor even though both have value. Drainage and Public Works improvements are the top two priorities.

An open discussion followed centering on the following capital improvements and Town priorities regarding Drainage:

- a. Drainage improvements to Fowling Gut and the Canal that include event gates.
- b. Review of all rules that permit fill and grading in order to adopt additional regulations restricting fill on one property that will not force water onto a neighbor's property.
- c. Prepare a master drainage plan for the Island with a mapped plan for drainage easements that everyone should tie into. This plan should try to restore the ridges and glades system where possible to prevent isolated basins. (Add to RFP for storm water consultant.)
- d. Research all subdivisions to confirm drainage easements, ownership of roads and responsibility for maintenance.
- e. Provide consistent expertise through consultant or Town staff regarding drainage issues/master plan so that solutions are found and implemented.
- f. Solve drainage problems along Horseshoe Drive, Wayne Road and Eastside Drive.
- g. Prepare survey of Fowling Gut to determine depth and capacity to restore original drainage patterns.

Mr. Frese confirmed that his #1 priority is Drainage by meeting the present needs of residents and to add sluice gates to the Town drainage system. The #2 priority should be the Eastside Road shoulder safety improvements. There needs to be design expertise in Town to assure that pipes and channels are sized adequately.

Mayor Tarr called for the Town to take control of storm water management through regulation, inspection and improvement projects. Research should be completed on existing subdivisions/plats to determine what plan for drainage and easements were improved. The Town should enforce the installation and maintenance of drainage ways.

Councilman J. Howard added that this is necessary to solve the problem of filling one lot and impacting your neighbor. Staff should coordinate efforts to research, regulate and enforce drainage solutions now while the need is great and the economy is slow.

Vice Mayor Jester raised the need to look at the legal issues of property rights and prepare the justification for additional drainage regulations based on public health, safety and welfare.

Councilwoman Conklin concurred that Drainage is #1 and Public Works improvements such as floodgates and Fowling Gut improvements as #2.

Vice Mayor Jester agreed with previous Council comments that Drainage was the #1 priority for both current and long term needs. Public Works improvements, such as the SCADA system was #2 because public water service is an important need for all Town residents. He stated that a continued effort to find grants in support of the historic Downtown should be one of the top

priorities to help businesses and the economy of the Town. FEMA grants that focus on ‘flood mitigation’ projects such as the event gates should be pursued. Mitigation projects should lessen the potential for damage during storm events, provide money to raise houses, and possibly provide additional pumps such as the one at the circle. Town Planner Neville is to confirm FEMA grant programs, and others, that are available.

Vice Mayor Jester and Councilman T. Howard called for more planning and pro-active support by Town Staff that looks at options to better the situation and provide long term benefit to residents. Capital Improvement projects should be prioritized and not just be reactive to problems. Councilman T. Howard recognized Public Works Director Spurlock’s efforts of forward thinking and a good example to follow.

Councilwoman Richardson agreed with all priorities so far. She would like to see SCADA, sluice gates, and clean out of Fowling Gut/ditches). She requested that the Town place a priority on private street maintenance, particularly the problems at Lekites Drive and Colona Street. The Town used to maintain some private streets, the millings from other projects should be used and the Town should provide some service because these residents pay taxes.

An open discussion identified the following challenges that needed to be solved:

- a. With 26 miles of streets in Town, how can one be improved and not all?
- b. Milled asphalt from the repaving of public streets should be made available for private street repair on a lottery basis
- c. Removal of bridge and road materials by American Bridge should be recycled on the Island if possible.
- d. Private street deeds need to be researched and an action plan for resolving owner disputes should be implemented
- e. A working map should be up on the wall that identifies subdivisions, easements, private street ownership and drainage patterns. This information should be added to the GIS system.

The general discussion returned to the importance of Land Acquisition Reserves and a Water System Reserve in the CIP to meet the need for special projects.

Councilman J. Howard summarized his comments and priorities as follows:

- Get projects completed
- Maintain and purchase needed equipment
- Do not propose new taxes
- Do not take on projects such as the relocation of the old bridge house at this time because of hidden costs
- Eliminate summer employees to control budget
- Confirm potential for increases in trash/waste management costs from the County
- Propose a hiring freeze
- Dig out Fowling Gut

Mayor Tarr began his comments with a request to establish budget priorities from clearly defined goals. With regard to the Private Roads priority, the goal should be to keep the roads private. It will be necessary to confirm who owns each section of road and confirm the Town’s ability to

tax the existing private road right of way. A budget line item should be prepared to consider the potential costs of an ongoing maintenance program. Public streets require shoulder maintenance to protect the pavement and to improve drainage conditions. Trash collection costs will be affected by Accomack County taking over the weigh station with loss of tipping fees to the Town. Water system computer model has been paid for by the Town. Request for staff to obtain a copy and make sure the Town can use the water model with or without the consultant. The next step in the Budget process requested staff provide a 5 year plan and a comparison to the last 5 years. Reserves or emergency fund should be based on past experience.

Mayor Tarr continued that new revenues need to be identified including recovery of full Transient Occupancy Tax, private road maintenance cost recovery, additional grant funds (Port Authority, TEA-21, etc.) The Budget must address the potential for reductions/savings/cost control. In particular the level of health insurance coverage will need to be reviewed again. Budget analysis /scenarios for each department should be prepared by staff for level funding, with a 10% decrease, and with full funding of everything you would like.

There was general agreement in the Priorities for consideration of Capital Projects for the upcoming Draft Budget process:

#1 – Drainage Improvements (including event gates and survey/improvements to Fowling Gut as the central drainage for the Town)

#2 – Public Works (including SCADA system and improvements to Eastside Road)

#3 – Downtown/Business (including Main Street improvements)

#4 – Private Roads (including maintenance that is paid for by the current road right of way owners, with ditch/pipe solutions that tie to master drainage plan)

Vice Mayor Jester was concerned about certain fixed budget increases that may require consideration of a tax increase in an area that is typically funded by the tourist business.

Councilwoman Conklin expressed her concern for business owner's ability to accommodate any tax increase.

Vice Mayor Jester also suggested that any proposed increase in tax or grant revenue should be tied to a designated program, not just the General Fund.

Councilman Frese expressed his concern for the areas of lost revenue to the Town such as the reduced fishing season due to VMRC limits.

Councilwoman Conklin stated that it may be necessary to review fee schedules and other shared expenses with property owners to make sure the Town is recovering costs for development.

Mayor Tarr instructed everyone, as the budget process moves forward, to think in terms of what can be accomplished this year versus sometime in the future or over a period of years. He feels that with the current financial challenges and limitations on new revenue, it may not be possible

to accomplish the entire capital project priorities discussed this evening. There was a general discussion regarding finding new revenue or finding savings in the budget so that some of the capital projects could be accomplished.

Councilman T. Howard motioned, seconded by Vice Mayor Jester to adjourn the meeting and go into closed session. Unanimously approved.

2. Mayor & Council Announcements or Comments

No comments were made

3. Closed Meeting in accordance with Section 2.2-3711(A)(1 & 5) of the Code of Virginia to discuss Personnel Matters-

- **Police Chief Lewis and Town Manager Ritter Goals and Objectives**
- **Prospective Business**

Councilman Frese moved, seconded by Councilman T. Howard to convene a closed meeting under Section 2.2-3711(A)(1 & 5) of the Code of Virginia to discuss personnel matters and prospective business. Unanimously approved.

Councilman T. Howard moved, seconded by Councilman Frese to reconvene in regular session. Unanimously approved.

Councilman T. Howard moved, seconded by Councilman Frese 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 & 5) 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- Jester, Conklin, Frese, T. Howard, Richardson, J. Howard
Nays- None
Absent- None

ADJOURNMENT:

Councilwoman T. Howard motioned, seconded by Vice Mayor Jester to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager



NEWS RELEASE

VirginiaDOT.org

HR 1001
Jan. 25, 2010

RELEASE: **IMMEDIATE**
CONTACT: Lauren Hansen (757) 925-1660
After-Hours Emergency Number (757) 925-2584
lauren.hansen@vdot.virginia.gov

NEW MAINLINE BRIDGE FOR THE CHINCOTEAGUE BRIDGE REPLACEMENT PROJECT SCHEDULED TO OPEN APRIL 2010

Project completion date set for Dec. 2010

ACCOMACK COUNTY - The Virginia Department of Transportation (VDOT) has announced that the new mainline Chincoteague Bridge scheduled for completion by the end of this month, has been delayed until Apr. 1, 2010. This delay is due to abnormally cold and wet weather in the area and the need to ensure the planned settlement of the supporting soil under the new roadway on the western approach has reached an acceptable level.

At the western approach to the bridge, the existing underlying soil conditions required VDOT contractors to add additional fill, also known as surcharge. This is called “controlled settlement.” The fill is used to compress the soil under the roadway to maximize the amount of settlement during the construction phase of a project. This is done to minimize long term maintenance costs associated with repaving in the future.

Surcharge is monitored for a minimum for 30-days and for a maximum of 75-days – each day the amount of settlement is recorded. The soil conditions in this area require surcharge monitoring for the full 75-days. When the roadway stops settling, paving can begin and the new bridge can be opened.

In addition to roadway settling, winter weather conditions, coupled with extended periods of rain and several severe storms, have continued to postpone paving operations. “Temperatures must remain above 50 degrees over a consistent period of time for quality asphalt placement,” says Bud Morgan, Area Construction Engineer, “or the pavement could fail causing additional expense and motorist delays.”

VDOT is committed to maintaining access to Marsh Island and the Town of Chincoteague providing one lane in each direction on the existing bridges until the new mainline bridge can be opened to traffic.

The new 3/4-mile (4,035-foot) bridge being built over Black Narrows and Lewis Creek Channel will provide motorists better access to the Town of Chincoteague, while a 729-foot connector bridge will link the new bridge to Marsh Island.

The original bridges replaced by this project were built in 1939 and 1940. While they remain safe, their age has led to deterioration and subsequently, costly repairs.

Currently, the project is within budget. The Marsh Island connector bridge is scheduled for completion by September 2010 due to additional time anticipated for the settlement of surcharge at the connector bridge location. The contractor's goal is to have the entire project, including demolition of the existing bridges, completed by December 2010.

For project updates, or for more detailed information about the project, visit <http://www.ChincoteagueBridge.org>

-END-

MEMORANDUM

TO: John H. Tarr
Chincoteague Town Council

FROM: Kat Edwards
Director of Housing Services
A-NPDC

SUBJECT: Upcoming Broadband Network and Grant Requirements

DATE: January 26, 2010

We are closer than we have ever been to having a high-speed fiber optic telecommunications network on Chincoteague. We are just a few steps away from securing \$540,990 in Virginia Community Development Block Grant funds. Perhaps it's a good time to review why this network is important to our community.

- ◆ **Promote Economic Development** - It has become a standard requirement for any medium to large business. It is critical for those associated with NASA and Wallops Island, the Virginia Space Port, Accomack County's proposed technology park, etc.
- ◆ **Better Education** – Our schools will have more capacity for less cost. It will enable classrooms to access to courses anywhere and allow real time interaction (Have you seen the Cisco commercial where the classroom has a “field trip” to China?)
- ◆ **Improve Government** – It will enable the Town to increase efficiency and cost effectiveness and provide faster, better quality service while reducing administrative costs
- ◆ **Increase Tourism** - Broadband connectivity is becoming a necessity to the hospitality industry. More than 40% of business travelers—80% of extended stay guests—want access to broadband and are willing to extend their stay if it is available. Internet access in coffee shops, hotels and public areas such as libraries is becoming an expected amenity.
- ◆ **Enhance Healthcare** - Broadband-enabled telemedicine is improving the quality of care and reducing cost, time and travel. Small health care clinics like ours can work with larger facilities to process test and lab results faster and treat patients with consultation from external specialists. Patients won't need to travel great distances to access to doctors, who can now make a diagnosis remotely
- ◆ **Equip First Responders** - Broadband is providing life-saving data and communication access to police and firefighters. Broadband-based voice and data communication improves response time, costs less and is more reliable.

Memo
January 26, 2010
Page 2

The Town has completed most of the requirements necessary prior to signing the agreement with the Department of Housing and Community Development. These requirements were explained in detail during the November 5th contract negotiation meeting which a number of you were able to attend.

At that meeting the State explained that in addition to providing the \$100,000 to be used as collateral for the ESVBA to borrow capital funds, the Town would be required to provide security that jobs would be tracked through the VEC. The reason for this requirement is that if there is no low-to-moderate income benefit, the whole project is ineligible. HUD would require that DHCD recoup the funds or pay them back themselves.

The additional amount proposed at contract negotiation was \$182,770 to be provided as a letter of credit, bond, escrow or some other means of security. DHCD has reduced that amount to \$100,000 (above the \$100,000 collateral to ESVBA). The security for this additional money will be released as soon as the construction of the network is complete and 20 jobs are documented.

We are working with the businesses right now to establish baseline employment numbers. Every job created above this amount will count as a job created. The most important part of the process is that the businesses list their businesses and jobs with the VEC. That is why the Town has agreed to provide staff time to assist businesses. We are holding a number of informational meetings with businesses this month regarding the process and the importance of following it.

I hope that this is helpful to the Council in understanding the requirements. I will be present at the meeting and would be more than happy to answer any questions Council members have prior to the meeting.

CONTRACT NEGOTIATION RECORD

Chincoteague Broadband Network Project

CDBG FY2009

LOCALITY: Town of Chincoteague

PROJECT TYPE: **COMMUNITY FACILITY**

LOCATION: The major commercial areas of the Town, as bounded on the west by Main Street, on the south by Bunting Road, on the east by Eastside Road and the entrance to the Wildlife Refuge, and on the north by Hallie Whealton Smith Road.

DATE OF CONTRACT NEGOTIATION: November 5, 2009

SCOPE/BENEFITS: Town will install an open access broadband network to support local communication needs and future broadband deployment. The project will include the installation of approximately 35,000 linear feet of 96 strand fiber optic cable, the installation of necessary electronics, and connection to the collocation center to access the broadband backbone. The project is expected to create at least 20 new jobs, of which at least half will be for low-to-moderate income persons, and improved access to healthcare.

PROJECT ACTIVITIES:

1. Construction of 35,000 L.F. of 96 strand fiber optic cable to be installed aerially whenever possible.
2. Installation of necessary electronics for the collocation center and the fiber network. Electronics to be installed in a secure building near the connection to ESVBA backbone. Building will be equipped with HVAC, backup generator power, and battery back-up.
3. Existing or new businesses will utilize the availability of broadband services for expansion which will result in 20 new jobs, at least 51% of which will be available to LMI persons.
4. Health care quality will increase for 2,177 LMI persons due to the use of telemedicine.

CONTRACT NEGOTIATION RECORD - ACTIVITIES

ALL ACTIVITIES MUST BE COMPLETED AS CONTRACTED. NO INCREASE IN PROJECT SCOPE IS ALLOWED. NO DECREASE IN LMI BENEFITS IS ALLOWED. NO FURTHER CDBG FUNDS ALLOWED FOR THESE ACTIVITIES.

CONDITIONS/REVISIONS/UNRESOLVED ISSUES PER DHCD REVIEW:

1. A Management Team which represents all stakeholders, including the Town Manager, Mayor and/or Town Council member, a representative from the Accomack-Northampton Planning District Commission, a representative from the Eastern Shore Broadband Authority, a representative from the VEC, a representative from at least one of the local health care providers, project engineer, project manager, financial manager, and others deemed appropriate shall oversee the design and management of the project through completion.
2. Status of jobs to be created? Have businesses provided commitments of their intent to hire new positions based on anticipated business growth from broadband availability?
3. Status of the agreement with the ESVBA and the rate structure?
4. Status of final route and pole attachment agreements for aerial installation?
5. Status of identifying potential service providers? Agreement with providers?
6. Status of user agreements with schools, clinics, etc.? Timeframe for completing?
7. **At least 20 new jobs must be created and at least 51% of all jobs must be LMI jobs.** These jobs must be made available to LMI persons through a third party (VEC) or held-by LMI persons. Which method will be used? What is the process for tracking jobs and LMI benefit?
8. CDBG funds were awarded on the basis of: *540,990 offering*
 - \$182,770 for the creation of 20 jobs, at least 51% of which must be LMI jobs. The amount of CDBG funding cannot exceed \$10,000 per job.
 - A Letter of Credit, Bond, escrow, or other method of security must be in place to secure the \$182,770 until the benefits have been achieved based upon \$10,000 per job.
 - \$358,220 for the provision of medical service to approximately 2,177 LMI persons.
9. Beneficiaries of telemedicine must be tracked and counted as unduplicated LMI persons.
10. Training component: Who will be trained? What type of training will be done? When will it take place?
11. Status of ESVBA line of credit or other means to cover operations cost?
12. ESVBA must either repay the Town's \$100,000 upon reaching solvency or require a consistent investment from all other localities.

CONTRACT NEGOTIATION RECORD - BUDGET			
CDBG REQUESTED:	CDBG OFFERED:	OTHER FUNDS:	TOTAL PROJECT COST:
\$ 540,990	\$ 540,990	\$ 125,000	\$ 665,990

CDBG CONTRACT NEGOTIATION - PUNCH LIST

Activities which MUST be completed prior To DHCD's Execution of a Grant Contract. Expenditures obligated prior to a Contract or DHCD's specific written authorization are NOT Grant Eligible. (Items to be submitted to DHCD are noted by an Asterisk (*))

COSTS FOR COMPLETION OF THE FOLLOWING PRE-CONTRACT ACTIVITIES MAY BE REIMBURSED WITH AN AUTHORIZATION FROM DHCD APPROVED PRIOR TO OBLIGATION OF FUNDS. HOWEVER, FAILURE TO COMPLETE PRE-CONTRACT ACTIVITIES WITHIN 90 DAYS WILL FORFEIT THE AMOUNT ALLOWED FOR THOSE ACTIVITIES FROM THE ADMINISTRATIVE BUDGET OF THE GRANT (Appendix #1).

	Date Approved by DHCD
1. *PROJECT MANAGEMENT PLAN (Appendix #3)	
2. *ENVIRONMENTAL REVIEW/REQUEST FOR RELEASE OF FUNDS (Appendix #2)	
3. *APPROVED PERFORMANCE-BASED PROJECT BUDGET (Appendix # 3)	
4. ADOPTED LOCAL BUSINESS & EMPLOYMENT PLAN (Appendix #4)	
5. ADVERTISEMENTS SOLICITING (1) MINORITY- AND FEMALE-OWNED BUSINESSES AND (2) LOCAL BUSINESSES AND EMPLOYEES (Appendices #4 and 5)	
6. ADOPTED NONDISCRIMINATION POLICY (Appendix #6)	
7. SECTION 504 SELF-EVALUATION, GRIEVANCE PROCEDURES AND 504 COORDINATOR DESIGNATION(Appendix #7)	
8. ADOPTED ANTI-DISPLACEMENT PLAN (Appendix #8)	
9. *CERTIFICATION OF YEARLY ACTION TO AFFIRMATIVELY FURTHER FAIR HOUSING (Appendix #9)	
10. DOCUMENTATION OF 2 PUBLIC HEARINGS Minutes and Sign-in Sheets	
11. PROCUREMENT OF GRANT ADMINISTRATOR AND/OR ENGINEER COMPLETE (Appendix #10)	
12. COMPLETION/APPROVAL OF COMMUNITY SERVICE FACILITY PRECONDITIONS:	

CDBG CONTRACT NEGOTIATION PUNCH LIST (continued)

<p>13. *APPROVAL OF CONTRACTS/AGREEMENTS: Project Administration Services Engineering / Design Services Agreement between Service Provider(s) & Town Agreement between ESVBA & Town Agreement between medical facilities & Town</p>							
<p>14. LOCAL GOVERNMENT ATTENDANCE AT ALL APPROPRIATE WORKSHOPS, INCLUDING CONSTRUCTION MANAGEMENT.</p>							
<p>15. CLEARANCE OF FINDINGS ON PREVIOUS CDBG PROJECTS</p>							
<p>16. DOCUMENTATION OF AVAILABILITY AND EXPENDITURE OF ALL FUNDS ACCEPTED AS LEVERAGE:</p> <table border="0" data-bbox="289 963 619 1074"> <thead> <tr> <th><u>Amount</u></th> <th><u>Source</u></th> </tr> </thead> <tbody> <tr> <td>\$ 100,000</td> <td>Town</td> </tr> <tr> <td>\$ 25,000</td> <td>USFWS</td> </tr> </tbody> </table> <p>TOTAL: \$ 125,000</p>	<u>Amount</u>	<u>Source</u>	\$ 100,000	Town	\$ 25,000	USFWS	
<u>Amount</u>	<u>Source</u>						
\$ 100,000	Town						
\$ 25,000	USFWS						

CONTRACT EXECUTION APPROVAL RECOMMENDED		
<hr/> Community Representative Date		
ACTIVITIES MUST BE COMPLETE AND THE LETTER OF CONDITIONS ISSUES RESOLVED BY FEBRUARY 5, 2010 TO ASSURE THE FUTURE AVAILABILITY OF CDBG FUNDS FOR THIS PROJECT.		
November 5, 2009 Chincoteague, Virginia	Denise Ambrose, Associate Director (804) 371-7061 email: Denise.Ambrose@dhcd.virginia.gov fax: (804) 371-7093 DHCD, Project Management Office 600 East Main Street, Suite 300 Richmond, Virginia 23219 Joanne Peerman, Program Manager Matt Fitzgerald, Community Representative	

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council
From: Ray Rosenberger, Chairman of the Planning Commission
Date: January 26, 2010
Subject: Report on Ettinger – Parcel ‘E’ rezoning request

On January 12, 2010, the Town of Chincoteague Planning Commission held a regularly scheduled meeting to consider the rezoning request of Phillip P. Ettinger. The application for rezoning of Parcel ‘E’ (approximately 4.5 acres) from the R-1 zoning district to the R-2 zoning district was presented in a preliminary staff report along with the request of the Town Attorney for additional information from the applicant.

On behalf of the property owner, Mr. Jeff Potts presented his request and answered several questions from Commission members regarding the relationship of the property to the Oyster Bay II subdivision, site access and surrounding properties. Mr. Potts stated that he had requested Mr. Howard Wessells, Esq. of Accomac to prepare a letter which confirmed whether Parcel ‘E’ was still subject to deed restrictions or covenants from the Oyster Bay II subdivision that would potentially limit the use of the property. This letter would not be available for several weeks.

The Planning Commission requests that the Town Council extend the 30 day referral period to allow for review of additional information from the applicant and to permit a public hearing at the regular February 9, 2010 meeting. A public hearing before the Planning Commission has been advertised in conformance with State Code Section 15.2-2204 so that persons affected may appear and present their views. Following this additional review, the Commission will prepare an update to this report and/or a recommendation for the Town Council meeting in March.

Public Works Committee Meeting

January 5, 2010

MINUTES

Chairman Tarr called the meeting to order at 5:00 pm.

Members Present:

Hon John Tarr, Chairman
Hon. Ellen Richardson
Hon. John Howard

Also Present:

Hon, James Frese
Hon, Nancy Conklin
Mr. Robert Ritter
Mr. Harvey Spurlock
Mr. and Ms. Ray Rosenberger
Mr. George Katsetos

Public Participation – none

Ms. Richardson motioned to adopt the agenda, which was seconded by Mr. Howard. The motion was approved unanimously.

1. November/December 2009 Report

Mr. Spurlock stated there were no updates to the report presented at the regular council meeting of January 4 however he would address any questions or provide additional details and/or clarification. There were none.

2. Water Usage Adjustment Request

Mr. George Katsetos, the owner of Maria's Restaurant, presented a request for a water bill adjustment. Mr. Katsetos explained the high usage experienced the previous billing cycle was due to a leaking toilet in the ladies restroom. Mr. Katsetos maintained the leak was of a nature that could not be readily detected. Mr. Spurlock provided details on the current water usage adjustment policy. Mr. Frese, speaking as a citizen, expressed an opinion that the intent of the adjustment policy was to provide relief for inordinate water consumption that could be directly attributed to an undetected leak. Mayor Tarr made a motion that the request be approved. The motion was seconded by Ms. Richardson.

3. Water service disconnect fee discussion

The committee discussed the Town's water service reconnect fee. The current fee of fifty (50) dollars is applicable to all reconnections to include those that occur due to plumbing repairs. The committee considered amending the policy to exclude this nature of reconnect. Mayor Tarr presented a letter written by a citizen expressing disagreement with the current practice. Mayor Tarr made the recommendation that staff review both the water usage adjustment and the reconnect fee policies for possible revision. Mr. Spurlock will draft potential modifications and present them to committee members prior to the next regular council meeting.

4. Seasonal water reconnect fee waiver request

Harvey Spurlock presented a written request for a reconnect fee waiver. The charge was placed on an account which had been deactivated at the written request of the property owner. The charge was applied although someone other than Town employees reactivated service. Consensus of the committee was to deny the request.

5. Traffic control during street flooding discussion

Mr. Spurlock explained the recurrent problem of individuals other than local residents driving through flooded streets causing waters to be pushed onto adjoining homes. The practice occurs despite attempts to close the affected streets to through traffic. Potential solutions offered included increased legal enforcement and public service announcements.

6. Committee member comments

There were no additional comments or questions.

Mr. Howard motioned to adjourn the meeting at 5:45 pm, which was seconded by Ms. Richardson and approved unanimously.

The next meeting is scheduled for Tuesday, March 2, 2010 at 5:00 pm.

Sec. 62-59. Water bill adjustments.

(a) *Adjustments to correct inaccurate readings.* Adjustments to water bills to correct inaccurate readings shall be made in accordance with the following:

(1) Adjustments to water bills may be applied by the town to correct inaccurate reading of meters or incorrect readings caused by faulty meters. During the reading cycle, the town will automatically check anomalous readings to ensure accuracy.

(2) If a property owner wishes to contest the accuracy of a meter reading and subsequent water bill, he may request that the meter be checked or tested to verify the accuracy of the reading or the meter. If, after checking or testing the meter, the reading is found to be correct, the account will be charged a fee as established by the town council. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

(Amended 4/19/07)

(b) *Adjustments for water leaks.* Adjustments for water leaks shall be made in accordance with the following:

(1) In some cases, adjustments to a water bill may be granted for leaks in a property owner's water lines. The following minimum requirements shall be met to qualify for consideration of adjustment:

- a. ~~Leaks must have occurred in the buried portion of the plumbing system, between the town's meter and the structure being served.~~ **Underground** pipe shall be buried a minimum of 18 inches in suitable material. Plastic pipe materials shall not be buried in shells, aggregate, or debris which may be abrasive to the pipe.
- b. Generally, adjustments shall be granted for all plumbing systems and material types. Leaks which occur in plastic threaded fittings or in insert-type fittings shall not qualify for adjustment.
- c. Water bills must be paid in full, prior to being considered for an adjustment.

(2) To qualify for adjustment, the property owner shall contact the town upon discovery of the leak and request an inspection of the leak and subsequent repair work by water department personnel. In lieu of such inspection, the property owner shall submit a repair bill from a qualified plumber with a notarized statement describing the repair.

(3) The property owner's request and supporting documentation shall be provided to the public works committee of the town councilor its designee for a decision.

(4) The property owner will be notified in writing of the committee's decision. If the committee decides to grant an adjustment, the owner will be given a refund or credit on the next bill. The committee's pending decision in no way relieves the owner of full payment of the current bill.

(5) Adjustments are made through the date that the repairs are made and inspected by the town to that of the corresponding quarter of the previous year.

(6) Once an adjustment has been made, no further adjustment shall be considered for the same system for a period of five years. A system is defined as one meter or account number.

(Code 1977, § 15-3; Ord. of 4-5-1999, § 15-3)

WATER RATES, CHARGES AND BILLING FOR FY 10

Under Billing and other charges

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town **for purposes other than plumbing repairs**, shall be charged a fee of \$50.00.
- A change of ownership fee of \$50.00
- A twenty-five percent administrative fee will be applied to all Water main extensions, by the Town

Water bill adjustments

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

MEMORANDUM

TO: Town Council

FROM: Harvey Spurlock, Public Works Director

DATE: February 1, 2010

SUBJECT: Equipment Purchase

I recommend council authorize purchase of a used AVS RC85 skid steer loader from Southeastern Equipment of Chesapeake, Virginia. Machine highlights include:

2005 model year;
1851 hours;
Includes both standard and 4 way buckets
2 week demo period, 4 week money back guarantee
New tracks with a standard 1 year/1500 hr warranty
Oil (engine lubricant and hydraulic) analysis
Enclosed cab with heat/AC
Machine appears to be in sound operating condition
Delivered purchase price is \$21,750.00
For reference purposes, I have priced comparable machines in the \$28,000.00 to \$32,000.00 range.

Machine Weight

Operating weight: 9,710 lb. / 4405 kg.
Shipping weight, w/out bucket: 8,800 lb.
Ground pressure: 3.3 psi / 22.7 kPa

Track Specifications

Track width: 18 in. / 457 mm
Track length, on ground: 72.5 in. / 1842 mm
Ground contact area: 2,610 in.² / 1.68 m²

Auxiliary Hydraulic Pump

Low flow, maximum: 20 gpm / 76 lpm
High flow, maximum: 38 gpm / 144 lpm

Pressure: 3,300 psi / 22 737 kPa

Operating Specifications

Tipping load: 6,800 lb. / 3085 kg
Operating capacity 50% tip load: 3,400 lb. /
Operating capacity 35% tip load: 2,380 lb. /
Travel speed, max.: 6 mph / 9.7 kmh

Engine

Type diesel, Perkins 1104C-44
Displacement: 268 in.³ / 4.4 L
Gross power @ 2300 rpm: 86 hp / 64 kW
Torque, peak: 222 ft-lb / 302 Nm

I further recommend council authorize the purchase of a used 9 ton capacity equipment trailer from Mr. Harold Clark for \$2500.00. For reference purposes, I have priced comparable trailers at \$3,500.00.

Total cost of \$24,250.00 will be allocated to a combination of accounts 10.6090.9109, PW –Vehicle, and 10.6190.9124, MC-Equipment. Combined balance of these two accounts is \$28,120.61. Remaining balance of \$3,870.61 may be used for attachment purchase (e.g. sickle bar mower or pavement planer).

Minutes of the January 7, 2010
CURTIS MERRITT HARBOR COMMITTEE

MEMBERS PRESENT

Terry Howard, Chairman
John Howard, Councilman
Ernie Bowden, Committee Member
Mike Handforth, Committee Member

STAFF PRESENT

Wayne Merritt, Harbormaster
Robert Ritter Town Manager

In Attendance:

James Frese, Councilman

CALL TO ORDER:

Chairman T. Howard called the meeting to order at 5:00 pm.

OPEN FORUM/PUBLIC PARTICIPATION:

There was none.

AGENDA ADOPTION:

Councilman J. Howard requested the addition of Inlet concerns.

Mr. Bowden reported he had information about abandoned vessels as well.

Councilman J. Howard made a motion, seconded by Mr. Handforth, to approve the agenda with the following additions: #4 Inlet Concerns, #5 Boat, #6 Committee Member Comments (moved from #4). The motion was unanimously approved.

1. HARBORMASTER UPDATE:

Harbormaster Merritt presented the following report:

- A. Subleasing – there is one commercial boat in the water due to bad weather and bad fishing.
- B. Dredging – 100% complete. The readout expected from the Corp. of Engineers has been delayed, but the pre-report showed everything was completed to the specifications of the contract. He has received concerns about low tides and explained that it gets to about 11 feet at the entrance. He further explained that it is maintained at the 11 feet depth through dredging as necessary.
- C. Grant for Fuel – Still in the process of applying for the grant and collect donations.
- D. Surveillance – 2 of the 4 cameras have been installed. Waiting for R & P Lucas to dig a bore under the boat ramp, run a line from the telephone toward the harbor entrance and run a cable to the building. The project is approximately 40% complete. Discussion continued about the placement of cameras, views, and ‘Security Camera’ signs.

2. DISCUSS POTENTIAL UPDATE TO HARBOR ORDINANCE:

Harbormaster Merritt reported that he spoke with the Harbormaster at Cape Charles. He advised that they sell permits instead of leasing. He stated that it would involve a lot of changes and recommended leasing under the current ordinances. Harbormaster Merritt also suggested that an ordinance be added to allow new or subleasing of a slip that has not been used in 2 years. There was discussion about the intended use of the Harbor, waiting list for slips and current leases and subleases.

3. DISCUSS ADMINISTRATIVE EXPENSES THAT ARE CHARGED TO THE HARBOR:

Councilman J. Howard stated that 2 or 3 windshields were broken this year because of grass cutting. He added that if the Town is going to cut grass, it should be done at 6am or other odd hours because of vehicles, or hire an outside contractor. Harbormaster Merritt added that during the summer, the time with least vehicles would be 3am to 6am. There was discussion about how the Harbor pays the General Fund for Public Works labor. Comments and questions were made about trash being dropped off at the Harbor. Harbormaster Merritt feels that the cameras will help with this problem in the future. Chairman T. Howard requested that Town Manager Ritter prepare a report by the next meeting about Harbor expenses making sure that the Harbor is paying its share.

Discussion also continued regarding an observation deck. The Recreation Committee has discussed the idea of an observation lookout deck.

Councilman Frese stated that he would ask the Recreation Committee for a joint meeting with the Harbor Committee to discuss this matter further.

4. INLET CONCERNS:

Mr. Bowden feels that the Inlet is in the best shape than it has ever been. Discussion continued about the loss of the Inlet size because of natural events.

Harbormaster Merritt explained that there is an annual meeting with Mr. Williams from the Army Corp of Engineers, who is in charge of all East Coast Projects. He advised that Mr. McDonald has contacted the Army Corp of Engineers about a meeting around January 18, 2010. He believes that possibly some information could be obtained at that time. Comments were made about the changing water ways all around the Island.

5. ABANDONED BOATS:

Mr. Bowden spoke to Mr. Bob Laffin, who is in charge of environmental part of Virginia Marine Resource Commission. They would be very happy if the Town wanted to remove abandoned boats. However, he cautioned about difficulties on proving ownership and permission.

Harbormaster Merritt advised that Vice Mayor Jester suggested an ordinance for the Town of Chincoteague to take over the removal of abandoned vessels. Comments and questions were made about possible ordinances and legal issues involved with removing abandoned boats.

Mr. Bowden emphasized that these boats are considered private property.

6. COMMITTEE MEMBER COMMENTS:

Chairman T. Howard stated that he suggested to Council to hire a part-time person, and advised it was not passed.

Councilman J. Howard suggested that the Police make more trips to assist the Harbormaster. Harbormaster Merritt also advised that the bulletin board has all his contact information. The next meeting will be on Thursday March 4, 2010 at 5:00 pm.

ADJOURNMENT:

Mr. Bowden motioned, seconded by Mr. Handforth, to adjourn the meeting. The motion was unanimously approved and the meeting adjourned at 6:15 pm.

MINUTES OF THE JANUARY 12, 2010
BUDGET AND PERSONNEL COMMITTEE MEETING

Members Present

Nancy B. Conklin, Chairperson
John N. Jester
James T. Frese

1. Call to Order.

Chairperson Conklin called the meeting to order at 5 p.m.

2. Agenda Adoption.

Vice Mayor Jester motioned, seconded by Councilman Frese to adopt the agenda as presented. The motion was unanimously approved.

3. Personnel Handbook Updates.

Town Manager Ritter explained that he has created an in-depth Table of Contents for the current handbook and merged the sections within a Chapter together. He feels that the VML guideline handbook needs to be merged with the Town's current handbook to bring our handbook up-to-date without losing current employee rights or inserting needed policies.

Vice Mayor Jester agreed but asked that some of the items which were approved by the committee for change or rewording be included, i.e. less job categories and extending the probationary period for a new hire from three months to one year. The new employee would receive benefits, but would remain in the probationary status to ensure the correct decision was made.

Councilman Frese asked what the problems are with the current handbook.

Town Manager Ritter stated that he sees no problems with the current handbook. The handbook has held up on many occasions in court. The Town Attorney reviews each change to ensure compliance with law.

Councilman Frese agreed that the formatting of the current handbook needs to be changed and that there are things within the VML guideline which can be incorporated into our handbook. "Don't fix it if it ain't broke".

Town Manager Ritter will reformat the current handbook, then merge the items previously approved by the committee into the current handbook and bring it back to the committee at the next meeting.

4. Annual Leave Accrual.

Town Manager Ritter asked for a change in the current employee policy to pay someone for their accrued annual leave over 240 hours at the end of the year should circumstances prevent the employee from taking the leave. Town Manager Ritter asked that the policy be changed from paying the employee to allowing the employee to carry the hours over to the next year.

The committee agreed with the change, but stated that should the employee not use all the annual leave over 240 hours by the end of the second year, the employee would lose the leave.

5. Retirement Benefits.

The committee discussed retirement benefits and health insurance benefits to retirees. Under the Virginia Retirement System, the employer pays each month a “premium” based on the salary of the employee. If the employee leaves the Town does not receive a refund, but the money is left in the system. Full retirement can be age 70 with 5 years of service, age 55 with 30 years of service, age 50 with 25 years service for LEOS employees. An employee can retire with less than any of these combinations, but a reduction is made for each year below the requirement. Health benefits are not offered to associate members of VRS such as the Town.

In surveying health benefits that are paid to retirees, VML would not survey all municipalities as requested. The Commonwealth of Virginia pays retirees health benefits depending on a single plan, dual plan, or family plan as they do with their current employees.

The Mayor has asked for a policy that would reduce health insurance benefits to retirees depending on their years of service to the Town, 1-4, 5-9, 10-14, 15 to 19 and 20 years or more.

6. Adjournment.

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

Ordinance Committee Meeting Minutes January 14, 2010

Present: Councilman John Howard, Chairman
Councilman Terry Howard
Councilwoman Nancy Conklin
Robert Ritter, Jr., Town Manger
Bill Nevell, Town Planner

Call to Order

Chairman J. Howard called the meeting to order at 17:00

Open Forum

Ms. Inge Veneziano approached the Committee with concerns about someone “clear-cutting” a lot next to hers lot on Cedar Drive. This is causing the natural landscape to change allowing her lot now to become flooded with water. Ms. Veneziano is aware that currently no ordinance is on the book; which prevents such activity, thereby, her request for the Committee to consider such ordinance(s) in future.

Town Planner Nevell advised the Committee that the nuisance ordinance in front of Committee tonight may help solve some of these issues.

Agenda Adoption

Councilman T. Howard made a motion, seconded by Councilwoman Conklin to adopt the agenda. Unanimously approved.

Ordinance Change Suggestion

Town Manager Ritter explained to the Committee that the memo regarding such change was recommended by the Town’s Attorney. The bold words are suggested to be added to the ordinance and the struck through material is to be deleted. The general ordinance in Chapter 22, Environment; Article III; Section 22-62; A2 is suggested to be amended with the changes.

Town Manager Ritter read the section which was highlighted for persons who own roads, structures, bridges, etc., and the maintenance thereof.

Councilman T. Howard questioned the word “annoying” in the document and how it would be interpreted in court.

Town Manager Ritter suggested striking the word “annoying”. The committee agreed. He then explained Section 22-62: B, which was added and the current B was moved to C. Section 22-64 bold lettering is added to the ordinance if approved.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to accept the changes. Unanimously approved.

Committee Member Comments

Town Manger Ritter asked if any members have ordinances that need reviewed in the next few months.

Councilman T. Howard stated that the Committee should work on the issues brought to the meeting tonight referring to land clearing.

Councilman J. Howard stated that the Committee should try and help the Planning Commission.

Town Manager Ritter suggested that Planner Nevell give an update to Council about land clearing at the next Council meeting. A discussion ensued as to the pros and cons of regulating the use of fill dirt on Island properties.

Councilman J. Howard advised the Committee that the Commonwealth of Virginia is currently working on such a policy for the entire state.

Adjournment

Councilwoman Conklin motioned; seconded by Councilman T. Howard to adjourn the meeting. Unanimously approved.

The meeting was adjourned at 17:37.

Chapter 22

ENVIRONMENT*

ARTICLE III. NUISANCES*

DIVISION 1. GENERALLY

Sec. 22-61. Prohibited generally.

It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statutes or common law of this state or as defined by this Code or other town ordinance at any place within the town.

(Code 1977, § 12-1)

Sec. 22-62. Certain nuisances enumerated.

(a) The following acts when committed or conditions when existing within the town are defined and declared to be nuisances:

- (1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintain, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.
- (2) All buildings, bridges, **streets or roadways**, or other structures of whatever character ~~kept owned~~ or maintained, or which are permitted by any person owning or **person** having control thereof to be kept **and** ~~or~~ maintained, in a condition unsafe, dangerous, unhealthy, injurious or annoying to the **occupants or users thereof, or the general** public.

***Cross reference**—Nuisance declared on Johnson grass, § 66-52.

State law reference—Abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

- (3) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.
- (4) All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, public place or lot to the injury or disturbance of the public.
- (5) All obstructions caused or permitted on any street or sidewalk to the danger or disturbance of the public and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or disturbance to the public.
- (6) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.
- (7) All stables, kennels, cattle yards, sheep or cow pens or yards or structures for poultry or other animals permitted by the owner thereof or the person responsible therefor to be a harboring or breeding place for rodents or which accumulate animal wastes or which are otherwise to be in

such a condition as to become offensive, disturbing or injurious to the public or to persons in the neighborhood thereof.

- (8) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
- (9) All septic tanks, privies, cesspools and privy vaults of a type prohibited by state law or by rules and regulations promulgated by authority of state law or which are maintained in any manner contrary to state law or rules and regulations promulgated by authority of state law or which otherwise constitute a menace to the health of or are offensive to persons in the neighborhood thereof.
- (10) a. The filling or placing, or permitting the filling or placing, or allowing to remain and/or the maintaining of, any material or substance, whether manmade or natural, in any creek, basin, canal, ditch, or any other drainage way, whether on public property or private property, which in any way impedes, obstructs, blocks, adversely alters, or otherwise detrimentally affects the volume or flow of water through such creek, basin, canal, ditch, or other drainage way.

As to any such creek, basin, canal, ditch, or other drainage way on private property, this provision shall only apply to those creeks, basins, canals, ditches, or other drainage ways which, when connected to other such creeks, basins, canals, ditches or other drainage ways constitute the system, or a part thereof, that drains public lands or improvements within the town, or otherwise assists in the removal of stagnant water from such private property whereon such creek, basin, canal, ditch, or other drainage way is situated. Prior to performing any work, such private owner shall seek a determination by the director of public works as to whether such creek, basin, canal, ditch, or other drainage way is subject to or exempt from this provision.

(Ord. of 5-6-2002)

- b. Notwithstanding the provisions hereinabove any private land owner, if otherwise in compliance with all other provisions of law, may place piping and suitable fill in any such canal, ditch, or other drainage way situated on such owner's private property, expressly provided such is installed in accordance with a plan approved by the town director of public works, which plan shall specify such pipe size and type, the fill material, and all other specifics required by the director of public works to ensure that the existing volume or flow of water is not adversely affected, or adversely affects the drainage of any adjacent properties. The director of public works shall issue a permit for the work and such work shall be completed in strict accordance therewith. Such work shall be inspected by the director of public works upon its completion. The fee for any such permit shall be as specified by the town council from time to time.

(Ord. of 5-6-2002)

- c. Whenever any such material or substances is caused to be deposited into any such creek, basin, canal, ditch, or other drainage way on private property by Acts of God, or other natural causes, such material or substance may be removed by the town at no cost to the landowner.

(Ord. of 5-6-2002)

- (b) **The provision of Section 15.2-900 of the Code of Virginia of 1950, as amended, including the definition of the term "nuisance" and the remedies provided therein are hereby adopted mutatis mutandis.**

(c) The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the town limits, is declared to constitute a nuisance.

(Code 1977, § 12-2)

Sec. 22-63. Responsibility of property owners, occupants and others.

Each owner, lessee, tenant, occupant or other person in charge of any real property within the town and each agent or representative of any such person is charged with responsibility for the maintenance and use of such real property in such manner that no use of or activity or condition upon or within such real property shall constitute a nuisance, and all such persons shall comply with all of the sections of this article, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the town.

(Code 1977, § 12-3)

Sec. 22-64. Penalty.

The failure of the person or entity to abate any such nuisance in accordance with section 22 – 94 shall constitute a violation and ~~Any violation of this article shall~~ be punishable by a fine of not to exceed **Five Hundred Dollars (\$500.00) or twelve (12) months in jail, either or both less than \$25.00 or more than \$250.00.** Each day in violation shall constitute a separate offense.

(Code 1977, § 12-2; Ord. of 10-19-2000)

Secs. 22-65—22-90. Reserved.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council
From: Robert Ritter, Town Manager
Date: January 26, 2010
Subject: Committee/Commission/Board Vacancy Appointments

The term for the following member currently serving on the Building Code Board of Appeals elapsed on December 31, 2009:

1. Reginald Birch, Jr.

Council will need to take the necessary action to replace the above member at your convenience. There have no current year applicants for this appointment.

The term for the following member currently serving on the Planning Commission elapsed on December 31, 2009:

1. Robert Behr

Ms. Cherrix and Mr. Rosenberger have been re-appointed to the Commission. For the remaining open position, the following applicants have shown an interest in serving on the Commission:

Current Year Applicant

- 1. Nancy Lane, 3890 Main Street**
- 2. Deborah A. Ullmann, 4374 Main Street**

Prior Year Applicants (contacted and still interested in appointment)

- 3. Jeff Potts , 7217 Oak Ridge Place**
- 4. S. G. Papadopoulos, 5534 Warren Street**
- 5. Lisa Traynor, 5277 Main Street**
- 6. Nicholas Greif, 7200 Pine Drive**
- 7. Barbara Luehning, 4508 Shelley Cove Lane**

Attached are optional questionnaires submitted by some applicants for your review.

The term shall be for a period of 4 years and shall expire on December 31, 2013.

Both positions have been advertised in the Chincoteague Beacon for two consecutive weeks prior to the February 1, 2010 Council meeting. Council will need to take the necessary action to replace the above member at your convenience.