

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

February 3, 2014 - 7:00 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:

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1. Consider Adoption of the Minutes
  - Regular Council Meeting of January 6, 2014 (Page 2 of 16)
  - Council Budget Workshop of January 16, 2014 (Page 8 of 16)
2. Introduction to Eastern Shore Tourisms New Hired Director Ms. Kerry Allison
3. Financial Report Presentation by Robinson, Farmer, Cox Associates (by Aaron Hawkins) (Page 11 of 16)
4. Public Hearing on a Possible Budget Amendment (Page 12 of 16)
5. Rec and Community Enhancement Committee Report of January 14, 2014 (Councilman Jester) (Page 13 of 16)  
*The following action by the Committee occurred and will need to be acted upon:*
  - Repair or Removal of the Skate Park Fence (Page 15 of 16)
6. Mayor & Council Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN:

**MINUTES OF THE JANUARY 6, 2014**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Ms. Teresa Bulger stated that the residents on Filmore Street have formed somewhat of a garden club. She urged people to say “thank you” for those who go above and beyond their call of duty. She presented Public Works Director Spurlock with a trophy and thanked him for working with them and helping them. She advised that they would be doing this each year.

**STAFF UPDATE**

**Police Department**

Chief Lewis advised that the monthly report was included in the agenda packet.

Mayor Tarr thanked Chief Lewis for the yearly totals included in the report.

**Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He stated that they look forward to getting back to work on both of the Main Street projects.

Councilman Howard asked if the dead trees have been removed from the nature trail.

Public Works Director Spurlock advised they have removed a couple of them behind the shop but plans to remove more when the weather warms up.

Councilman Taylor also expressed his appreciation for all that the Public Works Employees do. He mentioned the work they did on the water line along the Causeway. He added that the Town is blessed to have them and all the staff.

Councilwoman Richardson added that the Public Works Employees missed the Christmas luncheon because of the work on the water line.

Councilman Howard feels Ms. Bulger put things into perspective.

### **General Government**

Town Manager Ritter reported that EMS responded to 50 calls in December 2013 which is 10 less than December 2012. He stated that there will be an ANTARES rocket launch January 8<sup>th</sup>. He also stated that work started on the Downtown Main Street Project December 9<sup>th</sup>. He added that the completion date is April 28<sup>th</sup>. He reported that staff has been working on taxes, employee bonuses and the newsletter.

### **Planning Department**

Town Manager Ritter reported that Town Planner Neville continues to work on the FEMA Flood Insurance Rates Maps. He stated that regarding the Virginia Storm Water Management Program a bill will be introduced to legislature this month.

Councilman Howard mentioned the source of revenues and mentioned that everything ended on the plus side. He feels that's commendable and is thankful.

Councilman Taylor asked if there was an update on the CCP.

Town Manager Ritter stated that after speaking with Mr. Joe McCauley, the CCP would be released possibly in March. He also stated that Mr. Joe McCauley will be acting manager for the CCP rollout.

There was further discussion.

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

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

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

- **Regular Council Meeting of December 2, 2013**

Councilman Taylor motioned, seconded by Councilman Howard to adopt the minutes of the Regular Council Meeting of December 2, 2013. Unanimously approved.

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

Supervisor Thornton reported on the Storm Water Management Bill. She advised that she requested this and mentioned the length of time it has taken. She added that it is a problem throughout the state not just the Eastern Shore. She feels it hasn't been well thought out. She stated that once legislature has reviewed the report she feels it will be delayed.

Supervisor Thornton brought a notice from the Maryland Coastal Bays. She explained that it's a Notice of Intent to Establish Total Maximum Daily Load of Nitrogen and Phosphorous. She stated that it includes the Chincoteague Bay. She is urging Council to comment. She advised that she will urge the County to comment as this should not be implemented in Virginia. Supervisor Thornton would like to know what the Maryland Coastal Bays means by including the Chincoteague Bay in this notice. She reviewed the information regarding contamination in the report.

There was further discussion.

Supervisor Thornton also advised of a Conditional Use Permit to build 90 apartments at the Senior Citizens Complex adjacent to the Accomack Manor. She discussed the potential problems with the sewage facility and mass drainfields along with responsibility if this system fails. She is concerned with the approval for this mass drainfield system and not approving someone else's. She advised that she is not against this project, however, she feels everyone should be treated equal.

They discussed the unmanned aerial vehicle (UAV) contract with the Wallops Research Park.

Councilman Taylor thanked Supervisor Thornton and the County for pushing through the bill to exempt Chincoteague from stormwater regulation.

There was further discussion.

### **3. Approval of the bids on the Downtown Fishing Pier**

Town Manager Ritter advised that the Town appropriated \$232,111 for fiscal year 2014 budget, Main Street Fund for the Bridge Street Fishing Pier. He stated that the Town has obtained a grant from the Virginia Marine Resources Commission /Saltwater Recreational Fishing Development Fund in an amount of \$129,083.00 with a matching fund up to \$103,028. He stated that the expenses to date include engineering costs of \$18,967. He reported that they have advertised for bids in a general circulated newspaper, on Contract 01-PIER-13 project and on bid opening day the Town received three bids.

Town Manager Ritter advised that staff recommends award of the contract to Fisher Marine Construction, Inc. based on being the lowest price and qualified bidder. He added that they are hoping to award the bid so that it can be completed before Memorial Day.

There was discussion.

Councilman Howard motioned, seconded by Councilman Taylor to award the contract to the lowest responsive bid from Fisher Marine Construction, Inc. in the amount not to exceed \$112,000 for the Contract 01-PIER-13, Recreational Fishing Pier. Unanimously approved.

**4. Public Safety Committee Report of December 10, 2013**

Mayor Tarr stated that the report was included in the Agenda Packet. He added that Mr. Bryan Rush has been awarded a grant to go to the Hurricane Center in Miami, Florida January 16<sup>th</sup> – 31<sup>st</sup>. He advised that it is a well-deserved grant that was approved through VDEM.

There was brief discussion.

**5. Judging Results for Christmas Lights**

Mayor Tarr read the results:

Judges Choice \*

*Residential*

Arlene & Dill Wilgus  
4169 Ridge Road

Most Themed \*

*Residential*

Mr. & Mrs. Alfred Johnson  
3510 Ridge Road

Judges Choice \*

*Commercial*

Quilts by the Sea  
Kathleen P. Woodhurst  
4264 Main Street

Most Traditional \*

*Residential*

Susan Birch  
4051 Ridge Road

Honorable Mention θ

*Residential*

Chuck & Tama Ward  
5375 Main Street

Mr. & Mrs. Richard Betts  
6317 Church St

Ms. Stephanie Bailey  
6126 Fir Landing Road

Andrea and Kevin Stanley  
5321 Meadow Drive

Honorable Mention θ

*Commercial*

Wine, Cheese, & More  
Kathy Mikel  
4103 Main Street

Each category winner will receive a \$100 savings bond and a donated \$100 Gift Certificate to Bill’s Seafood Restaurant. Each Honorable Mention will receive a donated \$50 Gift Certificate to Bill’s Seafood Restaurant.

Mayor Tarr also added that there were new judges this year that enjoyed doing it. He also thanked Bill’s Seafood Restaurant for their donations of gift certificates.

**6. Motion to Approve the Trolley Operating Funds, Grant Application Resolution**

Town Manager Ritter explained that the resolution is presented to Council each year. He reported that the amount this year is \$80,150 with the town’s match of \$24,250. He added that this is more of a housecleaning resolution that’s done each year.

There was discussion.

Councilman Howard motioned, seconded by Councilman Taylor to approve the resolution dated January 6, 2014 for the fiscal year ending on June 30, 2015 (FY15) authorizing Robert G. Ritter to apply for a grant to the Virginia Department of Rail and Public Transportation for \$80,150.00 to defray operating cost for the “the Pony Express”. The Town of Chincoteague will be responsible for matching funds of \$24,250.00. Unanimously approved.



**Resolution Authorizing the Application for  
State Aid to Public Transportation for  
Fiscal Year 2015 beginning 07/01/2014**

**BE IT RESOLVED** by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., 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 of amount of \$80,150.00 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 The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. 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 \$24,250.00, 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 Town Manager of the **PUBLIC BODY** certifies 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 Inc., on the 6<sup>th</sup> day of January, 2014.

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Robert G. Ritter, Jr., Town Manager  
Town of Chincoteague, Inc.

**7. Mayor & Council announcements of Comments**

Councilman Taylor expressed his appreciation for all that the Police Department does for the community including the many volunteer hours.

Councilman Jester stated that the Town has had another good tourism year. He stated that the Town gets free advertising through the Chamber and in travel magazines. He also added that the website: chincoteague.com has a camera on the dock that shows sunsets. He feels that the Town could give Teddy Daisey, the webmaster of the site, some recognition for giving free advertising for the pictures and videos.

Councilman Howard added that the people of Chincoteague respond to the visitors with sincerity and hospitality. He stated that it makes a positive impression. He feels it's important to keep the community healthy and to promote the economy.

**Adjourn**

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

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John H. Tarr, Mayor

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Robert G. Ritter, Jr., Town Manager

**MINUTES OF THE JANUARY 16, 2014**  
**CHINCOTEAGUE TOWN COUNCIL BUDGET WORKSHOP MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Gene W. Taylor, Councilman (absent until item #1)  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

Ayes: Leonard, Jester, Muth, Howard, Richardson

Nays: None

Absent: Taylor (Came late to meeting, absent for this portion only.)

**1. Review of the Draft Fiscal Forecast of Budget Years 2015 – 2019**

Town Manager Ritter explained that the 5 year forecast is to give Council an understanding from the current budget to 5 years out.

Town Manager Ritter reviewed the expenditures giving specific changes. Discussing donations and plans for Capital Improvement Projects.

There were further questions, explanations and discussions regarding E911 revenue and expenditures along with grants and the matching funds. They also discussed possible upgrades to the water meter system and continued reviewing the funds.

There was discussion about proposed tax increases. Town Manager Ritter then explained the increase of expenses in the Sanitation Contract over the next 5 years.

Finance Director Hipple noted some corrections.

Councilman Jester asked about the remainder of the promised funds from FEMA.

Finance Director Hipple reported that there has been contact and the rest of the money could be dispersed in 2014.

## **2. Review of Long Term Savings**

Town Manager reviewed the report for long term savings from FY09 up to the first 6 months of FY14.

Finance Director Hipple reported that the interest earned was more from Shore Bank in 44 days than the interest earned from LGIP for the entire year. She added that the LGIP accounts weren't closed when the funds were transferred to Shore Bank. She continued reviewing the reserves.

## **3. Review of a Possible Budget Amendment**

Town Manager explained the budget amendments. He advised that they were for Phase 2D of the Downtown Revitalization Project, another 6 months of the consulting firm and repairs along with the replacement of the pump for well #4. He advised that staff wanted to review the proposed amendment at this time to bring them to the February 3<sup>rd</sup>, 2014 Council meeting for adoption.

## **4. Committee Member Comments**

Vice Mayor Leonard suggested talking with the Harbormaster to have the Harbor policed and cleaned up.

Councilman Howard commended Town Manager Ritter and Finance Director Hipple for a good job on the presentation.

Town Manager Ritter asked Council if they wanted the new fishing pier to be a free fishing site. He added that now is the time to apply for the permit as they are applying for the Memorial Park pier.

Council agreed that it should be free.

Town Manager Ritter stated they were saving discussion of the CCP for the February Workshop. He reported that it won't be out at that time. He advised that he will be attending a conference the week of the February workshop and asked if Council wanted to postpone.

Council agreed.

Councilman Howard asked about the times for fishing on the new pier when it is in operation.

Mayor Tarr stated that they have not discussed the rules as of yet.

Town Manager Ritter suggested sending this to the Parks and Recreation Committee.

## **5. Closed Meeting in Accordance with Section 2.2-3711(A)(7) of the Code of Virginia**

- **Legal Matters**

Councilman Taylor moved, seconded by Vice Mayor Leonard to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters. Unanimously approved

Vice Mayor Leonard moved, seconded by Councilman Jester 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)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Leonard, Jester, Howard, Richardson, Muth, Taylor  
Nays- None  
Absent- None

**Adjourn**

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager



MEMORANDUM  
Town of Chincoteague Inc.

Date: January 30, 2014  
To: Mayor Tarr and Town Council Members  
From: Robert Ritter, Town Manager  
Subject: Financial Report

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Mr. Aaron Hawkins from Robinson, Farmer, Cox Associates will be at the Council meeting on Monday, February 3, 2014. He will be going over the Town of Chincoteague's financial report year ended June 30, 2013. If you get a chance please review the Town of Chincoteague's financial report year ended June 30, 2013. If you have any questions on the financial report that was distributed out about two months ago, now is the time to ask your questions.

Note: You may want to bring your copy of the financial report to the meeting, so you can follow along with Mr. Hawkins.

TOWN OF CHINCOTEAGUE, INC					
FY'14 BUDGET AMENDMENT					
PUBLIC HEARING					
FEBRUARY 3, 2014, 7 P.M.					
6150 COMMUNITY DRIVE					
CHINCOTEAGUE ISLAND, VA 23336					
<b>BUDGET AMENDMENT FY'14</b>					
<b>NAME</b>	<b>TYPE ACCT</b>	<b>ORIGINAL BUDGET</b>	<b>AMENDED BUDGET</b>	<b>DIFFERENCE</b>	
<b><u>GENERAL FUND 10</u></b>					
TRANSFER FROM GENERAL FUND SAVINGS	REVENUE	\$141,412	\$157,372	\$15,960	104701.1000
TRANSFER TO MAIN STREET FUND 20	EXPENSE	\$141,412	\$157,372	-\$15,960	105030.8800
TRANSFER TO RECREATION/TOURISM RESERVE	EXPENSE	\$66,432	\$35,832	-\$30,600	105030.8913
RECREATION/TOURISM EXPENSE	EXPENSE	\$143,628	\$174,228	\$30,600	105030.8914
<b><u>MAIN STREET FUND 20</u></b>					
TRANSFER FROM GENERAL FUND	REVENUE	\$244,440	\$260,400	\$15,960	204501.8900
TEA-21 GRANT MAIN STREET	REVENUE	\$565,000	\$628,840	\$63,840	202090.9714
				\$79,800	
MAIN STREET 2D CLEVELAND TO FIREHOUSE TO BRID	EXPENSE	\$0	\$79,800	-\$79,800	202090.9711
<b><u>WATER FUND 80</u></b>					
TRANSFER TO WATER RESERVE	EXPENSE	\$50,121	\$9,182	-\$40,939	806230.8900
WELL #4	EXPENSE	\$0	\$40,939	\$40,939	806290.9300

**Recreation and Community Enhancement  
Committee Meeting Minutes  
January 14, 2014**

**Committee Members Present:**

John Jester, Chairman  
Terry Howard, Councilman  
Bob Conklin  
David Johnson

**Staff Present:**

Robert G. Ritter, Town Manager  
William Neville, Town Planner

**Call to Order**

Chairman Jester called the meeting to order at 5:00 PM

**Agenda Adoption**

Councilman Terry Howard motioned, seconded by Mr. David Johnson to adopt the agenda. Unanimously approved.

**Public Participation**

Mr. Ray Rosenberger presented a request from the Eastern Shore Resource Conservation & Development concerning Earth Day. Last year we received rain barrel kits from them and tree saplings from the State Forester. Mr. Rosenberger explained the way the rain barrels work and their uses. Mr. Rosenberger also spoke about a grant that was available to the local schools to develop a working garden. One grant is for a plant garden the other is for a vegetable garden. He was advised to check with the school board first as all projects must go through them. Chairman Jester also asked about the Boy Scouts planting some of the saplings on the Hallie Whealton Smith Drive Nature Trail as part of one of their merit badges.

**1. Chincoteague Veterans Memorial Park**

**A. Review proposed strategy for Playground Master Plan and Fundraising**

Chairman Jester spoke about the clean up that had taken place in the park concerning the trees. Town Planner Neville described a possible fundraising event for new park equipment. He spoke to Karen Muth who is the PTA president this year at the elementary school, and she offered to place information in the PTA newsletter to help with the Playground project.

There was a recommendation from Public Works staff of which pieces of play equipment should be replaced first. Chairman Jester mentioned the organizations that had already given donations for the playground equipment. Chairman Jester would like something advertised in the Beacon concerning the playground project.

**B. Schedule Playground Workshop in February**

A Playground Improvement Project workshop will be held on March 6<sup>th</sup> at 5:00.

## **2. Chincoteague Veterans Memorial Park**

### **Consider removal or repair of Skate Park fence**

The Committee was asked for direction on whether to repair or remove the damaged fence around the Skate Park. It was suggested to remove the gate and possibly leave a portion of the fence next to the parking lot driveway. Councilman Howard spoke against the removal of the fence due to the safety matters involved. The committee discussed the pros and cons of the removal and repair of the fence. Chairman Jester suggested this matter be brought to Council.

## **3. Project Report Updates**

Town Planner Neville stated the Ocean Boulevard Trail Bridge has been finished. Chairman Jester suggested the bike map be updated to include the trail and also possibly have a bike trail going down Ocean Boulevard when that road gets repaved. They also discussed the easement from Billy Reed on Coach's Lane. It was suggested to see if Steve Katsetos would allow the trail to go through his property.

The guide wires at Mariner's Point supporting the ship's mast are a concern especially at night. It was suggested that they be painted possibly orange or a fence placed around the wires.

Chairman Jester asked about a performance stage platform at Robert Reed Park. He said he spoke to Public Works Director Spurlock concerning this matter. He also requested that Staff move forward with a sign at Memorial Park acknowledging the people who donated the land for the park.

## **4. Committee Member Comments**

Mr. David Johnson asked about the progress of the Safe Routes to School project. He was advised there were still some things that needed to be worked out.

Town Planner Neville let the Committee know that a contract had been signed with Fisher Marine Construction to build the Downtown Fishing Pier.

### **Adjourn:**

Councilman Howard motioned, seconded by Mr. David Johnson to adjourn the meeting.



## STAFF REPORT

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To: Mayor and Town Council

Through: Robert G. Ritter, Town Manager

From: William Neville, Planning Director

Date: February 3, 2014

Subject: Chincoteague Veterans Memorial Park  
Skate Park Fence

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❖ Consider possible removal or repair of Skate Park fence

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Recent damage to the fence surrounding the existing skate park needs to be repaired or replaced.

Public Works Director Spurlock requested direction from the Recreation and Community Enhancement Committee as to whether it would be better to remove all (or a portion of) the fence to provide open access with advisory signs.

An open access strategy would minimize replacement costs, supervision and enforcement recognizing that the closed gate does not deter someone from jumping the fence to use the facilities.

Safety concerns remain to provide a separation between skate park users and parking lot traffic, as well as ballfield users and skate park equipment.

A gated perimeter fence system allows the Town to secure the facility when flood conditions exist, when the park is closed at night, and may provide an added measure of liability protection in the event that someone is injured using the equipment when the skate park is closed.

The Committee discussed the options for repairing the fence, removing the gate, removing all of the fence except the portion along the driveway curb, and removing the fence entirely.



Committee members initially considered the complete removal of the fence to allow open access and then the possibility of leaving the fence along the parking lot driveway for safety reasons. Several committee members stated that they preferred to repair the complete fence and continue the ability to close the facility to public access at night or during flooding events.

Chairman Jester recommended that this item should be presented to the Town Council for additional consideration.