

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

April 1, 2013 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN TAYLOR

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 March 4, 2013 (Page 2 of 61)
  - Workshop Council Meeting of March 21, 2013 (Page 29 of 61)
2. Information on NASA's Upcoming Launches (Mr. Bruce Underwood & Mr. Jeremy Eggers)
3. Discussion on the Sign Ordinance & Multiple Businesses (Mr. Neville & Chairman Rosenburger) (Page 37 of 61)
4. Proclamation Designating April 13 – 19 as cemetery Clean-up Week (Page 45 of 61)
5. Public Works Committee Report of March 5, 2013 (Councilwoman Richardson) (Page 46 of 61)  
*The following action by the Committee occurred and will need to be acted upon:*
  - Inundation Study Proposals from Clark Nexsen (Page 48 of 61)
6. Recreation & Community Enhancement Com. Report of March 12, 2013 (Councilman Jester) (Page 58 of 61)
7. Budget and Personnel Committee Report of March 14, 2013 (Mayor Tarr) (Page 60 of 61)
8. Mayor & Council Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*
9. Closed Meeting in Accordance with Section 2.2-3711(A) (7) of the Code of Virginia.
  - Legal Matters

ADJOURN:

**MINUTES OF THE March 4, 2013  
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  
Gene W. Taylor, Councilman  
Tripp Muth, Councilman

**Council Members Absent:**

Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr recognized the Junior Beta Club and invited them to come forward.

The Beta representative, Mrs. Michelle Merritt, thanked Council for their support over the years. She gave information about the Beta Club. She stated that because of the donations each child was able to attend the convention at no cost. She advised that the convention was the largest with 27 schools in attendance and over 1,500 attendees. Chincoteague took 30 students to the convention and came back with 10 ribbons. She added that every child that turned in a project or helped in some way upholding the standard that is set by the Beta Club and all are winners. She listed those who participated in the convention.

Mrs. Merritt listed those who brought back ribbons: 3<sup>rd</sup> place in quilting; Hope Abell, 3<sup>rd</sup> place in black and white photography; Lauren King, 2<sup>nd</sup> place recyclable art; Tyler Merritt, 2<sup>nd</sup> place woodworking; John Meckley, 2<sup>nd</sup> place watercolor; Cage Sheffield, 1<sup>st</sup> place pastel sketch; Collin Dendler, 1<sup>st</sup> place sculpture; Kaylee Thomas, 1<sup>st</sup> place banner; all the members of the Beta Club and 1<sup>st</sup> place in sweepstakes. She advised that sweepstakes was the most ribbons won in arts and crafts. Mrs. Merritt also stated they took 1<sup>st</sup> place in group talent; Logan Orlando, Alana Hall, Hope Abell, Stephanie Fosque, Delilah Florez, Kaylee Thomas, Sarah Winzel, Carrie Evans and Elise Bale. She again stated how proud they are of the students. She added that it was because of the Town's donation.

Mayor Tarr thanked the Beta Club for coming to Council and stated they have made the community proud.

## **OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation. There was none.

## **STAFF UPDATE**

### Planning Department

Town Planner Neville brought Council's attention to two items in the packet. He stated that the Planning Commission met last month to consider updates to the Zoning Ordinance. He also stated that they will consider wayside stands at the next meeting along with a round structured dwelling unit. He added that the Commission has followed up on a preliminary downtown parking study and expansion of the park. He advised of the recommendation from the Commission is that Council consider the parking use during their plans for the downtown project. Town Planner Neville also mentioned discussions with the engineer for the Safe Routes to Schools.

Councilman Jester asked if there were plans for a path from the School to the Center in the Safe Routes to Schools.

Town Planner Neville stated that it isn't on the top tier of things as there aren't enough funds.

Councilwoman Richardson asked if there was a time frame for completion.

Town Planner Neville advised that VDOT gave 3 years to use the grant. He stated that they should have the preliminary plans to VDOT for review by June and have the final bidding and plans over the summer. He added that they are a couple of months behind but should be okay.

### Police Department

Chief Lewis reported that the Police Department will hold their annual Senior Luncheon at Maria's Restaurant on Thursday at 11:00 a.m.

Councilman Taylor thanked Chief Lewis for doing this for the senior citizens as they are the backbone of the island.

### Public Works Department

Public Works Director Spurlock advised Council that the paving for Willow Street is scheduled for March 18<sup>th</sup>. He also stated that the new service connection to the Fairfield Motel was completed earlier today.

Mayor Tarr asked if the details have been worked out regarding the bike path.

Public Works Director Spurlock advised they will be meeting soon.

There was a brief discussion regarding the pumps on the traffic circle.

### General Government

Town Manager Ritter reported in addition to the monthly report that the EMS responded to 62 calls. This was 1 more call than February of 2012. He also added that the old Misty trolley was sold for \$35,000 on GovDeals. He reported that staff has prepared and mailed 2<sup>nd</sup> notices for taxes. He added that the Town decals are in and staff is also working on the quarterly newsletter. He also added that the event calendar was put out last month.

Town Manager Ritter updated Council regarding grants. He stated that the TEA-21 Grant, Trails Grant and Safe Routes to Schools Grant have been combined into the MAP-21 program. He explained the discussions about extending the downtown revitalization project. He stated they want to have the go ahead to apply for the grant.

There was discussion regarding Bridge Street and the downtown project.

Town Manager Ritter stated he would get more information together and discuss this further at the workshop.

Councilman Jester asked about the newsletter and including the beach and beach parking repairs. He feels it's very important to advertise that the beach is open and ready for business.

There was brief discussion.

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

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

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

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

##### **• Regular Council Meeting of February 4, 2013**

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adopt the minutes of February 4, 2013 regular Town Council meeting as presented. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

#### **2. Resolution of Respect**

Mayor Tarr read the Resolution of Respect for Past Mayor, Terrell E. Boothe who recently passed away.



**A RESOLUTION  
OF THE  
CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS**, Terrell E. Boothe served the Town of Chincoteague well for many years in many capacities; and

**WHEREAS**, he served faithfully as Mayor in 1967 and again from 1978 to 1980, and played a vital role in the development of this community; and

**WHEREAS**, his commendable conduct and sense of fairness furthered the cause of better understanding and was an influence for good in the growth and progress of our community;

**NOW, THEREFORE BE IT RESOLVED**, that by the sad and untimely death of Mayor Terrell E. Boothe, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed tremendous service to the people of the Town of Chincoteague by his work; and

**BE IT FURTHER RESOLVED**, that this Resolution be spread upon the minutes of this meeting and a copy published in the Chincoteague Beacon.

**IN TESTIMONY WHEREOF**, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 4<sup>th</sup> day of March 2013.

ATTEST:

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

**3. Chincoteague Cultural Alliance Presentation and Grant Request**

Ms. Jane Richstein approached Council regarding the Virginia Commission for the Arts Local Government Challenge Grant. She advised that the Town has applied for the funding over the past several years. She reviewed some of the programs the grant supports. She stated that the

grant is offered to Towns within the Commonwealth to help support arts in the communities. This is a grant up to \$5,000 to match the Town's \$5,000 commitment.

Ms. Richstein stated that with the creation of the Chincoteague Island Arts Organization there are two organizations that qualify for the grant. She explained the activities and supporting equipment purchased with the grant funds. She added that there are limited places for the CCA and working with CIAO they have more options including the theatre. She expressed the importance of Arts in the town and thanked Council for their continued support.

Mr. Seebolt, Chairman of CIAO, advised that they have been focused on renovating the theatre. He also added that they are going digital. He stated that they are looking forward to joining the CCA and asked that Council vote favorably on the grant.

Councilwoman Richardson motioned, seconded by Councilman Taylor to apply for the grant request. Motion Carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

#### **4. Resolution on the VDOT Capital Project Program**

Town Manager Ritter explained that this shows VDOT what the next capital improvement project will be. He informed Council that Maddox Boulevard from Deephole Road to the traffic circle is the next project.

Councilwoman Richardson stated that VDOT reviews this and then lets the Town know if they approve it.

Mayor Tarr explained that this is the urban money that's put in a fund for the next capital project on Chincoteague. He stated that the Town's outlay is 2% and the rest is funded through VDOT over a period of a few years.

Public Works Director Spurlock advised that this does include drainage and the traffic circle.

Mayor Tarr added that this includes bike lanes and sidewalks.

Councilman Jester motioned, seconded by Councilwoman Richardson to approve the Project Programming Resolution. Motion carried.

Ayes: Leonard, Jester, Muth, Richardson, Taylor

Nays: None

Absent: Howard



## PROJECT PROGRAMMING RESOLUTION

**WHEREAS**, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council Resolution be made in order that the Department program an urban highway project in the Town of Chincoteague; now

**THEREFORE BE IT RESOLVED**, that the Council of the Town of Chincoteague, Virginia, request the Virginia Department of Transportation to establish an urban system highway project for the improvement of Maddox boulevard from Deep Hole Road east to the Maddox Boulevard traffic circle, inclusive, a distance of approximately four thousand (4,000) feet. Improvements shall consist of the addition of sidewalks, bicycle paths and drainage improvements.

**BE IT FURTHER RESOLVED**, that the Council of the Town of Chincoteague hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the town of Chincoteague subsequently elects to cancel this project, the Town of Chincoteague hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the department through the date the Department is notified of such cancellation.

Adopted this 4<sup>th</sup> day of March, 2013.  
Town of Chincoteague, Virginia

ATTEST:

\_\_\_\_\_  
John H. Tarr, Mayor

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

### **5. Public Safety Committee Report of February 5, 2013**

Mayor Tarr advised there is a COOP plan that all departments have had the opportunity to review and add.

### **6. Harbor Committee Report of February 7, 2013**

- **Consider Changes to Ordinance, Chapter 70, Water Access Facilities for Adoption**

Vice Mayor Leonard stated that Harbormaster Merritt has compiled a list of things to be done. He advised that they are looking at putting a 24 hour ice vending machine there. He added that this is at no cost to the Town and the vendor is pursuing this further. He stated that some of the

fencing needs to be replaced. He also stated that the Harbor is getting more and more ocean swell causing the current to come in and deposit soil on the west side. They will need to dredge this. Vice Mayor Leonard also advised that they sent some changes to Chapter 70, which is included in the packet.

Town Manager Ritter advised that the Code with corrections were included in the packet. He reviewed the changes, deletions and corrections.

Town Attorney Poulson made some corrections. He stated that the significant change is that the Harbor Committee is changing to an Advisory Committee.

Councilman Jester motioned, seconded by Councilman Taylor to consider the changes as presented to Chapter 70, Water Access Facilities. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

## **Chapter 70**

### **WATER ACCESS FACILITIES\***

#### **Article I. In General**

Section. 70-1 - 70-25. Reserved.

#### **Article II. WATER ACCESS FACILITIES**

##### **Division 1. Curtis Merritt Harbor Of Refuge**

##### **Subdivision 1. GENERALLY**

Sec. 70-26. Definitions.

Sec. 70-27. Purpose and authority.

Sec. 70-28. Penalties.

Sec. 70-29. Damage to docks, wharves or launching ramps.

Sec. 70-30. Nondiscrimination.

Secs. 70-31—70-55. Reserved.

##### **Division 2. Committee**

Sec. 70-56. Established; general authority.

Sec. 70-57. Membership.

Sec. 70-58. Meetings.

Sec. 70-59. Quorum; majority rule.

Sec. 70-60. Vacancies.

- Sec. 70-61. Removal of members.
- ~~Sec. 70-62. Referrals for decision.~~
- Sec. 70-63. General authority.
- Secs. 70-64—70-90. Reserved.

Division 3. Use of Harbors, Wharves, Boat Slips, Land

- Sec. 70-91. ~~Leases, permits or licenses~~ **Mooring Permits** required for use or occupancy.
- Sec. 70-92. Permits required for erection of structures.
- Sec. 70-93. Damage to docks, wharves or launching ramps.
- Sec. 70-94. Dumping; disposal of wrecks.
- Sec. 70-95. Boat ramp and land area usage.
- Sec. 70-96. Designated loading and unloading areas.
- Sec. 70-97. Use of harbor for anchoring or mooring.
- Sec. 70-98. Speed limit.

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\***Charter reference**—Public wharves, harbors, etc., ch. 2, § 1(9).

**Cross references**—Buildings and building regulations, ch. 14; environment, ch. 22; floods, ch. 30; parks and recreation, ch. 42; vegetation, ch. 66; zoning, app. A; marina, commercial or club type, app. A, § 2.96; marina, private noncommercial, app. A, § 2.97.

**State law references**—Removal, repair, etc., of wharves, piers, etc., Code of Virginia, § 15.2-909; regulation of lakes, pools, etc., Code of Virginia, § 15.2-1110; local regulation of vessels, Code of Virginia, § 29.1-744 et seq.; port management, Code of Virginia, § 62.1-163.

- Sec. 70-99. Dock boxes.
- Sec. 70-100. Storage.
- Sec. 70-101. Fuel.
- Sec. 70-102. Oversized vessels.
- Sec. 70-103. Trespassing.
- Sec. 70-104. Prohibited conduct.
- Sec. 70-105. Other rules and regulations.
- Sec. 70-106. Abusive language.
- Secs. 70-107—70-109. Reserved.

**Article III. Use of Other Town Water Related Facilities**

Division 1. Generally

- Sec. 70-110. Definitions.
- Sec. 70-111. Purpose and authority.
- Sec. 70-112. Penalties.
- Sec. 70-113. Nondiscrimination.
- Sec. 70-114. Reserved.

Division 2. Provisions Regulating the Use of Such Other Facilities

- Sec. 70-115. General Authority.
- Sec. 70-116. General.
- Sec. 70-117. Required license.
- Sec. 70-118. Damage to docks, wharves or launching ramps.
- Sec. 70-119. Boat ramp and land area usage.
- Sec. 70-120. Dumping; disposal of wrecks.
- Sec. 70-121. Use of facility for anchoring or mooring.
- Sec. 70-122. Prohibited conduct.
- Sec. 70-123. Other rules and regulations.
- Sec. 70-124. Provisions regulating boat wakes in and adjacent to any such facility.
- Sec. 70-125. Abusive language.
- Sec. 70-126. Special provisions applicable to the town dock.

**ARTICLE I. IN GENERAL**

**Secs. 70-1—70-25. Reserved.**

**ARTICLE II. CURTIS MERRITT HARBOR OF REFUGE**

**DIVISION 1. GENERALLY**

**Sec. 70-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boat* means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

*Committee* means the Curtis Merritt Harbor of Refuge Committee.

*Federal project* means a project for improvement of the harbor and the modification of harbor lines by the Department of the Army and in proximity thereto.

*Harbor or Curtis Merritt Harbor* means the Curtis Merritt Harbor of Refuge.  
(Code 1977, §§ 9-2, 9-3)

***Working watermen* means anyone that earns fifty one percent (51%) of their gross annual income working on the water.**

**Cross reference**—Definitions generally, § 1-2.  
(Amended 08/07/06)

**Sec. 70-27. Purpose and authority.**

The purpose of this article is ~~to provide for the operation and maintenance of the Curtis Merritt Harbor of Refuge owned by the town, including certain charges for the use thereof. to establish an advisory Committee for the Curtis Merritt Harbor of Refuge and establish provisions for the operation and maintenance of the Harbor to the Town of Chincoteague, Town Council.~~

(Code 1977, § 9-1) (Amended 05/05/03, 08/07/06)

**Sec. 70-28. Penalties.**

Any person violating any of the sections of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.

(Code 1977, § 9-7)

(Amended 08/07/06)

**Sec. 70-29. Damage to docks, wharves or launching ramps.**

It shall be unlawful for anyone, intentionally or negligently, to damage the public docks, wharves or launching ramps owned by the town.

(Code 1977, § 9-4)  
(Amended 08/07/06)

**Sec. 70-30. Nondiscrimination.**

There shall be no discrimination in the use of ~~an~~ **or** access to the benefits of all the harbor regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.

(Code 1977, § 9-6)  
(Amended 08/07/06)

**Secs. 70-31—70-55. Reserved.**

DIVISION 2. COMMITTEE\*

**Sec. 70-56. Established; general authority.**

~~There is established for the purposes of the supervision, operation and maintenance of the Curtis Merritt Harbor of Refuge and Boat Ramp enforcement of this article a committee to be known as the Curtis Merritt Harbor of Refuge Water Access Facilities Committee, which shall be charged with diligently conducting and enforcing the provisions of this article and any recommending rules, regulations and future projects adopted by the committee and approved by to the town council, from time to time for the best interest of the federal project and the public, bother whether commercial and / or recreational.~~

**There is hereby established a committee to be known as the Curtis Merritt Harbor of Refuge Committee to act as an advisory committee to the Town Council as to the operation and maintenance of the Harbor and recommending rules, regulations, future projects, and other matters relative to the Harbor to the Town Council from time to time.**

(Code 1977, § 9-2(1)) Amended 05/05/03, 08/07/06)

**Sec. 70-57. Membership.**

(a) The committee shall consist of ~~five~~ **four** members, and all four members shall be residents of the town. with the option of the mayor and council to waive the residence requirements of the harbor master. The members shall be as follows:

- (1) Two shall be members of the town council.
- (2) One shall be a member of the working waterman's association.
- (3) One shall be a recreational fisherman.
- ~~(4) One shall be the harbor master.~~

(Amended 08/07/06)

(b) All members shall be appointed by the council, ~~except the harbor master. After the council has approved the first four members, those four will by a majority vote appoint the harbor master, upon the advice and consent of the town council.~~ All members shall be appointed

for a term of two years or until replaced by the town as herein provided. All members of the committee shall serve as such without compensation.

*(Amended 08/07/06)*

(c) The harbor master shall be a ~~nonvoting member~~ **secretary** of the committee. The ~~committee~~ **Council** shall elect a chairman **every other year following Council elections.** ~~and vice chairman and one of the town council members shall be the secretary/treasurer.~~

(Code 1977, § 9-2(2); Ord. of 10-21-1993) *(Amended 05/05/03, 08/07/06)*

**\*Cross reference**—Boards and commissions, § 2-106 et seq.

#### **Sec. 70-58. Meetings.**

The committee shall meet at least four times a year at a time and place of its choosing and shall maintain accurate records of the meeting's ~~proceedings and the financial resources of the harbor.~~

(Code 1977, § 9-2(3)) *(Amended 05/05/03, 08/07/06)*

#### **Sec. 70-59. Quorum; majority rule.**

Three voting members of the committee shall constitute a quorum for all meetings. All matters shall be decided by majority vote of those present and voting.

(Code 1977, § 9-2(4))

*(Amended 08/07/06)*

#### **Sec. 70-60. Vacancies.**

If a vacancy occurs in the term of any committee member, the town shall have the right to appoint a person to fill such vacancy, as described in this division, for the remainder of such unexpired term.

(Code 1977, § 9-2(5))

#### **Sec. 70-61. Removal of members.**

The town reserves the right to remove any committee member with or without cause.

(Code 1977, § 9-2(6))

*(Amended 08/07/06)*

#### **~~Sec. 70-62. Referrals for decision.~~**

~~—Matters which cannot be decided by the committee shall be referred to the town council for decision. Any such referral shall be in writing detailing the issues involved and why the committee is unable to make a determination.~~

~~(Code 1977, § 9-2(7)) (Amended 05/05/03, 08/07/06)~~

#### **Sec. 70-63. General authority.**

(a) The ~~committee's~~ **Harbor Master is the Town's** ~~duly~~ designated agent in the supervision of the harbor and the enforcement of this article ~~shall~~ **and** has the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the harbor facilities, including the parking area, ramp, dock, boat slips and water within the confines of the harbor. The ~~committee~~ **Harbor Master** shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The

failure of any person to reasonably submit to such direction and control shall constitute a violation hereof.

*(Amended 08/07/06)*

(b) Nothing contained in this section is intended to preclude the town police department or other police officers from enforcing federal, as applicable, state and local statutes, ordinances and regulations, including the provisions of this article within the harbor.

(Code 1977, § 9-5)

*(Amended 08/07/06)*

**Secs. 70-64—70-90. Reserved.**

### DIVISION 3. USE OF HARBORS, WHARVES, BOAT SLIPS, LAND

**Sec. 70-91. ~~Leases, permits or licenses~~ Mooring Permit required for use or occupancy.**

(a) It shall be unlawful for any person to use, occupy or moor a boat to any part of the Curtis Merritt Harbor of Refuge without first having obtained a ~~lease, permit, license,~~ **Mooring Permit** or the authority of the harbor master as provided in this article, for such use, occupation docking, or mooring.

*(Amended 08/07/06)*

(b) All ~~leases, permits or licenses~~ **Mooring Permits** for the use or occupancy of boat slips, wharfage or land within the harbor shall be in writing on forms authorized by the town council and submitted to and approved ~~and executed~~ by the ~~committee's~~ **Harbor Master or his** designated representative ~~and the lessee, permittee, or licensee and preserved in the office of the committee.~~

*(Amended 08/07/06)*

(c) All fees for ~~leases, permits or licenses~~ **Mooring Permit** shall become due and payable on each ~~July~~ **June 1<sup>st</sup>** at the town office. All fees are non-refundable, except as may be provided for in the ~~lease~~ **Mooring Permit** agreement.

*(Amended 08/07/06)*

(d) No ~~lessee~~ **Mooring Permit (Holder)** shall assign ~~the Mooring Permit or~~ **the Mooring Permit** ~~or sublease a boat slip~~ to another person and any such assignment ~~or sublease~~ shall immediately terminate said ~~lease~~ **Mooring Permit**, without refund of any portion of the ~~lease~~ **Mooring Permit** payment. **Fees for such mooring permits shall be established by the Town Council from time to time.** *(Amended 08/07/06)*

(e) No boat shall be moored in any slip for a period in excess of 24 hours by any ~~lessee~~ **Holder** except such boat that is listed on the ~~lease~~ **Holder** agreement when executed or subsequently added thereto. No more than one (1) boat shall be so listed at any given time. The presence of any unlisted boat in any such slip for a period of ten (10) days shall ~~cause a rebuttable presumption~~ **result in a determination** that such slip ~~lease~~ **Holder** has been assigned or a ~~sublease~~ **unauthorized assignment** exists and such ~~lease~~ **Mooring Permit Holder** shall

terminate immediately, absent proof to the reasonable satisfaction of the ~~committee~~ **Harbor Master** that such assignment or sublease has not occurred.  
(Amended 08/07/06)

(f) All fees charged for use and occupancy of boat slips, wharfage, and other uses of the harbor facilities shall be established by the town council from time to time and shall be posted in the office of the ~~harbor committee~~ **Harbor Master**, unless otherwise expressly provided for herein.  
(Code 1977, § 9-3(A)) (Amended 05/05/03, 08/07/06)

(g) All fees and charges collected by the town from the use of the harbor shall be segregated or earmarked from the general fund and used for improvements, repairs and upkeep of the harbor and its facilities, upon recommendations made **to the Council** by the committee. ~~The committee shall file annually with the town a report on the status of the harbor facility.~~  
(Amended 08/07/06)

(h) The following priorities shall control the ~~leasing~~ **Issuance of the Mooring Permit** of slips at the harbor:

- (1) Present **Mooring Permit** leaseholders that requested a smaller slip and ~~leased holds a~~ larger slip have the first opportunity to change to a smaller slip if available.
  - (2) Working watermen (100%) of the Islands District.
  - (3) Other boat owners of the Islands District.
  - (4) Working watermen (100%) of Accomack County.
  - (5) Accomack County residents.
  - (6) All others.
- (Amended 08/07/06)

**Sec. 70-92. Permits required for erection of structures.**

It shall be unlawful to erect any type of structure including mooring poles in the waters of the harbor or on the property within the harbor facility without first securing a permit from the ~~harbor committee~~ **Harbor Master**. All buildings, structures, docks, poles, walkways or projections in the harbor waters or facility, in conflict with and not conforming to specifications and requirements of the ~~harbor committee~~ **Harbor Master**, shall be removed at the ~~lessee's~~ **permit Holder's** expense. Any authorized structure or appurtenance shall be installed at the expense of the person causing the construction thereof. The structure or appurtenance shall, at the option of the ~~committee~~ **permit Holder's**, become the property of the town at the expiration of the ~~lessee's~~ **permit Holder's** lease ~~Mooring Permit~~, or the ~~committee~~ **Harbor Master** may require that any such structure be removed.  
(Code 1977, § 9-3(B)) (Amended 08/07/06)

**Sec. 70-93. Damage to docks, wharves or launching ramps.**

It shall be unlawful for anyone intentionally or negligently, to damage the public docks, wharves, bulkheads, or launching ramps owned by the town situated at the harbor.

*(Adopted 08/07/06)*

**Sec. 70-93. Dumping; disposal of wrecks.**

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of the harbor, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to the harbor, etc., any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the water in the harbor or that may diminish the depth thereof.

*(Amended 08/07/06)*

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of the harbor, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in the harbor. Whenever a boat is wrecked and/or sunk in any of the waters of the harbor, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the committee. The neglect or failure of the owner person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the ~~committee's~~ **Harbor Master's** designated removal period. Failure to do so shall constitute a violation hereof. Further, the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the ~~committee~~ **Harbor Master** shall constitute a material breach of any ~~lease~~ **Mooring Permit** with such person and authorize the ~~committee~~ **Harbor Master** to cancel such ~~lease~~ **Mooring Permit**. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the committee may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.

*(Code 1977, § 9-3(C)) (Amended 08/07/06)*

**Sec. 70-95. Boat ramp and land area usage.**

(a) The use of the boat ramps and adjacent parking areas of the harbor facility are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

*(Amended 08/07/06)*

(b) Overnight habitation of vessels, boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at the harbor facility, is prohibited except by special authority given by the harbor master for critical emergency situations.

(Code 1977, § 9-3(D)) (*Amended 05/05/03, 08/07/06*)

(c) Persons utilizing a boat ramp at the harbor shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of such ramp by other users.  
(*Adopted 08/07/06*)

**Sec. 70-96. Designated loading and unloading areas.**

(a) The ~~committee~~ **Harbor Master** shall designate a specified wharfage area for the loading and unloading of both commercial and pleasure boats which areas shall be designated and with appropriate signage.

(*Amended 08/07/06*)

(b) Except in an emergency, it shall be unlawful to use the loading and unloading wharfage area for the mooring of boats. In an emergency, the mooring shall be as approved by the ~~committee~~ **Harbor Master** or ~~its~~ **his** designated agent.

(*Amended 10/03/05, 08/07/06*)

(c) Wharfage for inbound or outbound cargo placed on the loading and unloading area shall be limited to 24 hours without charge. Wharfage for all boats shall be limited to eight hours without charge.

(*Amended 05/05/03, 10/03/05, 08/07/06*)

(d) Under no circumstances shall any cargo remain on the loading and unloading area in excess of the free time, except on the express authorization of the harbor committee or harbor master. The loading and unloading area or any other upland area of the harbor facility shall not be utilized for storage purposes. Cargo equipment of whatever kind placed thereon shall remain thereon at the risk of the consignee or owner and shall be removed within a reasonable length of time, which shall not exceed 24 hours except on the express authorization of the harbor committee or harbor master.

(Code 1977, § 9-3(E)) (*Amended 08/07/06*)

**Sec. 70-97. Use of harbor for anchoring or mooring.**

(a) No boat shall be moored or anchored inside the harbor without the permission of the ~~committee~~ or harbor master, at such points as shall be designated.

(*Amended 08/07/06*)

(b) No boat shall operate or be moored or anchored in such a manner as to obstruct the passage, approaches, berthing offloading, or loading, or use of the launching ramp by other boats at the harbor.

(*Amended 08/07/06*)

(c) No person operating any boat shall utilize in any way any bulkhead, dock or slip space within the harbor except that portion which is ~~leased~~ **permitted** by ~~such person from the committee, or otherwise with the expressed permission of the harbor master or the committee.~~

(*Amended 08/07/06*)

(d) — Fees as determined by the town may shall be charged for anchoring or mooring in the harbor by the committee when authorized by the harbor master.

(Code 1977, § 9-3(F)) (*Amended 08/07/06*)

**Sec. 70-98. Speed limit.**

All boats entering, leaving, or navigating in the harbor shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading or utilizing the boat ramps at the harbor.

(Code 1977, § 9-3(G)) (*Amended 08/07/06*)

**Sec. 70-99. Dock boxes.**

Dock boxes may be provided and utilized by each **Mooring Permit Holder** at the harbor, provided that the design, materials, colors, and location are approved in writing by the harbor master.

(Code 1977, § 9-3(H)) (*Amended 08/07/06*)

**Sec. 70-100. Storage.**

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except area that may be designated by the harbor committee master. Boats shall not be stored on the docks, adjacent waterways or upland areas of the harbor.

(Code 1977, § 9-3(I)) (*Amended 08/07/06*)

**Sec. 70-101. Fuel.**

No fuel, either diesel or gasoline, shall be stored on the docks or upland areas of the harbor. Fuels shall only be sold at the harbor by licensed fuel dealers. Transportation of fuels by a lessee **Mooring Permit Holder** is permitted, providing the containers are safe and properly secured on the lessee's **holder's** vehicle. All such containers and vehicles must be approved by the harbor committee or the harbor master.

(Code 1977, § 9-3(J)) (*Amended 08/07/06*)

**Sec. 70-102. Oversized vessels.**

Boats longer than 15 percent of the length of the harbor slip requested will not be permitted unless special permission is granted by the committee.

(Code 1977, § 9-3(K)) (*Amended 08/07/06*)

**Sec. 70-103. Trespassing.**

No person shall enter the harbor between the hours of 10:00 p.m. and 6:00 a.m., except for leaseholders **Mooring Permit Holders** and their guests and other duly authorized persons. Any such entry shall constitute a criminal trespass.

(Code 1977, § 9-3(L)) (*Amended 08/07/06*)

**Sec. 70-104. Prohibited conduct.**

Within the harbor, the upland area adjacent thereto, and the spoil site, the following conduct is expressly prohibited:

- (a) crabbing

- (b) swimming
  - (c) fishing
  - (d) camping
  - (e) bathing
  - ~~(f) picnicking~~
  - (g) overhaul or repair of boats
  - (h) discharge of firearms
  - (i) reserved
- (j) parking, except as expressly permitted by appropriate signage or the harbor master  
(Code 1977, § 9-3(M)) (*Amended 08/07/06*)

**Sec. 70-105. Other rules and regulations.**

In addition to all other rules or regulations pertaining to the use of the harbor, the following additional rules and regulations shall be in effect:

a. Overnight parking **is** prohibited without **a current** ramp user fee sticker **and then only if the vessel is under way.**

b. Two (2) hour parking if not under way on boat or vessel.  
(*Adopted 08/07/06*)

**Sec. 70-106. Abusive language.**

While utilizing the harbor, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

(*Adopted 08/07/06*)

**Sec. 70-107 to 109. Reserved.**

**ARTICLE III. USE OF OTHER TOWN WATER RELATED FACILITIES**

DIVISION 1. GENERALLY

**Sec. 70-110. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means any motor boat, vessel, watercraft, or personal watercraft of any kind, however propelled.

Person means any natural person, corporation, partnership, limited liability company, or other legal entity.

Town or Town Council means the governing body of the Town of Chincoteague.  
*(Adopted 08/07/06)*

**Sec. 70-111. Purpose and authority.**

The purpose of this article is to provide for the operation of all other water related facilities owned or controlled by the Town of Chincoteague, specifically including but not limited to the town dock (excluding any leased portion thereof), Chincoteague Veterans Memorial Park, eastside boating facility, Fir Landing, and Robert N. Reed, Sr. Downtown Waterfront Park.  
*(Adopted 08/07/06)*

**Sec. 70-112. Penalties.**

Any person violating any of the provisions of this article shall, upon conviction, be guilty of a Class 2 misdemeanor.  
*(Adopted 08/07/06)*

**Sec. 70-113. Nondiscrimination.**

There shall be no discrimination in the use of or access to the benefits of any such facility, regardless of race, age, creed, handicapping conditions, color, national origin, religion, sex, political affiliation or beliefs.  
*(Adopted 08/07/06)*

**Sec. 70-114. Reserved.**

DIVISION 2. PROVISIONS REGULATING THE USE OF SUCH OTHER FACILITIES

**Sec. 70-115 General authority.**

(a) The harbor master and his duly designated agents, in the supervision of the other town water related facilities and the enforcement of this article, shall have the authority to direct and control the movement and stoppage of all boats, vehicles and trailers using the other town water related facilities, including the parking area, ramp, dock, boat slips and waters within the confines of the other town water related facilities. The harbor master shall have the further authority to restrict or prohibit any activities within the facility that in any way adversely affect the intended uses of the facility. The failure of any person to reasonably submit to such directions and control shall constitute a violation hereof.  
*(Adopted 08/07/06)*

(b) Nothing contained in this section is intended to preclude the police department or other police officers from enforcing federal, state and local statutes, ordinances and regulations, including the provisions of this article within the other town water related facilities.  
*(Adopted 08/07/06)*

**Sec. 70-116. General.**

It shall be unlawful for any person to use, occupy, moor, load, offload, launch, or recover any boat except as permitted herein.

*(Adopted 08/07/06)*

**Sec. 70-117. Required license.**

No person shall use for the launching and/or recovery of any boat any ramp constituting a part of any such facility without having paid any required license fee as established by the town council from time to time.

*(Adopted 08/07/06)*

**Sec. 70-118. Damage to docks, wharves or launching ramps.**

It shall be unlawful for any person to intentionally or negligently damage any public dock, wharf, bulkhead, or launching ramp constituting a part of any such facility.

*(Adopted 08/07/06)*

**Sec. 70-119. Boat ramp and land area usage.**

(a) The use of the boat ramp and adjacent parking areas of any such facility, are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

*(Adopted 08/07/06)*

(b) Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility, is prohibited except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the town.

*(Adopted 08/07/06)*

(c) Persons utilizing a boat ramp at any such facility shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of any such ramp by other users.

*(Adopted 08/07/06)*

**Sec. 70-120. Dumping disposal of wrecks.**

(a) It shall be unlawful to deposit or cause or permit to be deposited, in any of the waters of any such facility, or along the shores thereof or in any of the streams or ditches emptying therein or on any of the land adjacent or contiguous to any such facility, any refuse, offal, waste matter or other substance or material, whether earth, oil, liquid, animal, fish or

vegetable matter, or other matter that may adversely affect the sanitary, clean and safe condition of the waters in any such facility or that may diminish the depth thereof.

*(Adopted 08/07/06)*

(b) It shall be unlawful to intentionally or negligently permit or cause to be sunk any boat in the waters of any such facility, or to intentionally or negligently permit or cause any loose timber or log to be set adrift in any such facility. Whenever a boat is wrecked and/or sunk in any of the waters of any such facility, accidentally or otherwise, it shall be the duty of the owner or person then in possession of such wrecked or sunken boat to immediately mark it with buoys and a lights at night and to maintain such warning devices until the wrecked or sunken boat is removed which shall be done within the time frame designated by the harbor master. The neglect or failure of the owner or person then in possession to so mark the wrecked or sunken boat shall constitute a violation hereof. It shall be the duty of the owner or person then in possession of such wrecked or sunken boat to commence the immediate removal of the boat and remove same within the harbor master's designated removal period. Failure to do so shall constitute a violation hereof. Further the failure of the owner or person then in possession to mark with required warning devices and/or remove such wrecked or sunken boat within the period prescribed by the harbor master shall constitute a material breach of any lease, with such person and authorize the harbor master to cancel such license. In the event any such owner or person in possession does not timely remove such wrecked or sunken boat, the harbor master may proceed to do so after five (5) days written notice to such owner or person in possession, and at the owner's and/or person in possession's cost.

*(Adopted 08/07/06)*

**Sec. 70-121. Use of facility for anchoring or mooring.**

(a) No boat shall be moored to or anchored inside any such facility without the permission of the harbor master and at such points as may be designated, or unless otherwise permitted.

*(Adopted 08/07/06)*

(b) No boat shall be operated or moored or anchored in such a manner as to obstruct the passage, approach, berthing, offloading, loading, launching or recovery of other boats at any such facility.

*(Adopted 08/07/06)*

(c) No person operating any boat shall utilize in any way any bulkhead, dock, or slip space within any such facility except that portion which is leased by such person from the town, where applicable, or without the express permission of the harbor master, or as otherwise permitted.

*(Adopted 08/07/06)*

**Sec. 70-122. Prohibited conduct.**

Within any such facility, and/or the upland area adjacent thereto, the following conduct is expressly prohibited:

- (a) swimming
- (b) camping
- (c) fireworks
- (d) overhaul of boats **except for the express written authority of the Harbor**

**Master**

- (e) discharge of firearms
- (f) parking, except as expressly permitted by appropriate signage.

In addition to any other rule or regulation pertaining to the use of the other town water related facilities, the following additional rules and regulations shall be in effect:

- (a) Overnight parking **is prohibited without a current ramp user fee sticker and then only if the vessel is under way.**
- (b) Two (2) hour parking if not under way on boat or vessel.

*(Adopted 08/07/06)*

**Sec. 70-123. Other rules and regulations.**

In addition to all other rules or regulations pertaining to the use of the other town water related facilities, excepting the town dock, the following additional rules and regulations shall be in effect:

- (a) The loading dock area may be used up to four (4) hours free of charge.
- (b) Beyond four (4) hours, boats may remain at the dock for reasons of mechanical failures, inclement weather or any other situation as deemed appropriate by the harbor master or his duly appointed agent.
- (c) The fee for said mooring shall be ~~seven (\$7) dollars per day~~ **set by Council each year.**

*(Adopted 08/07/06)*

**Sec. 70-124. Provisions regulating boat wakes in and adjacent to any such facility.**

All boats entering, leaving, or navigating in or within 100 feet of any such facility shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading, or utilizing the boat ramps at such facility.

*(Adopted 08/07/06)*

**Sec. 70-125. Abusive language.**

While utilizing any such facility, including while on any boat moored thereto or while in the act of mooring, embarking, disembarking, launching or recovering any boat any person shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said facility, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said facility.

*(Adopted 08/07/06)*

**Sec. 70-126. Special provisions applicable to the town dock.**

(a) No commercial boat shall offload any cargo except that a boat less than 24 feet in length may offload seafood products providing that said offloading does not exceed ½ hour daily.

*(Adopted 08/07/06)*

(b) A boat may moor at the town dock between the hours of 8:00 a.m. to 12:00 noon to take on fuel and secure stores for a period not to exceed 1 hour daily and provided that there are no more than two such boats so moored at a time.

*(Adopted 08/07/06)*

(c) In the case of an emergency the United States Coast Guard may moor a boat at the town dock during the course of said emergency after contacting and securing the approval of the harbor master.

*(Adopted 08/07/06)*

(d) The harbor master may permit a boat to moor for an appropriate period of time to correct any mechanical problems.

*(Adopted 08/07/06)*

(e) In the case of inclement weather, the harbor master may moor up to two boats at the town dock during the period of such weather conditions.

*(Adopted 08/07/06)*

(f) Under no circumstances shall the use of the boat ramp at the town dock be impeded.

*(Adopted 08/07/06)*

**7. Ordinance Committee Report of February 19, 2013**

- **Consider Changes to Ordinance Chapter 22, Environment, Article II, Noise, Section 22-35 & Section 22-36**

- **Consider Changes to Ordinance Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Section 18-95 & Section 18-96**

Town Manager Ritter stated that the Ordinance Committee met. There were a couple of people that spoke during the public participation. He advised that Mr. Porter spoke against working on Sunday for the Fairfield Inn. He also stated that Mr. Hubb reported on the golf carts. He added they reviewed the possible changes to Chapter 22 referring to the Noise Ordinance and also to Chapter 18, Businesses Licenses.

Town Manager Ritter stated that there were lengthy conversations about low speed vehicles. The Committee agreed not to override the state requirements. He then read the Ordinance, Chapter 22, Environment, Article II, Noise, Section 22-35 & Section 22-36. He explained the reason behind the changes stating that the allowance of the grass cutting and construction noise will be after church hours on Sunday. He also informed Council that the Noise Ordinance for grass cutting went to court approximately 20 years ago and was thrown out. He added that the

Committee asked to forward this to Council. He advised that Councilman Howard feels that there are people abiding by the ordinance and giving a waiver wouldn't be right.

Mayor Tarr explained the proposed changes allowing the grass cutting noise and allowing construction noise after noon on Sundays within the decibel specified.

Councilman Taylor advised that the Chairman of the Committee did not vote for this. He feels the exterior noises are the issue. He stated that interior construction noises aren't that bad. He feels the Town should look out for the visitors and the residents. He would agree to the change for interior construction only but not exterior noises.

There was further discussion.

Councilwoman Richardson asked why Council would want to change something that has worked for many years.

Councilman Jester asked if the Police stop the grass cutting on Sundays.

Chief Lewis advised there have been no complaints.

Councilman Jester then asked why have ordinances you're not going to enforce. He doesn't feel it's a major problem.

Councilman Muth stated that grass cutting is a short term noise. He is in favor of allowing grass cutting. He also stated that he is also in favor of the construction noise between 12 noon and 7 p.m. He explained that not everyone takes Sunday off. He added that they work with the weather and work with the day that they can take off. He isn't sure this would be stopped anyway. He feels it's more responsible to enforce it with the 89 decibels as opposed to looking the other way.

Councilman Muth also feels it protects the renters that have paid a lot of money to come on vacation. He sympathizes with the contractor because they have to work around weather. He feels this addresses the issue on both sides.

Councilman Jester motioned, seconded by Councilman Muth to change the Grass Cutting Ordinance allowing grass cutting on Sundays from 12 noon – 7:00 p.m. Motion died.

Ayes: Jester, Muth

Nays: Leonard, Taylor, Richardson

Absent: Howard

Vice Mayor Leonard asked if there was already something on the books that they can request a special permit in extreme circumstances.

Mayor Tarr advised that there is something on the books for this. He quoted: “except when a permit is accepted by the Town Manager in a bonafide emergency to life or property where public health and safety will not be impaired by such work”.

Councilman Taylor stated that he would vote for this if it was just for interior construction.

There was brief discussion with a suggestion to add “for interior work only” to the proposed ordinance change.

Councilman Muth feels it should just be allowed. He stated that from a business standpoint other businesses have the right to be in business on Sundays.

Councilman Muth motioned, seconded by Councilman Jester to approve the changes to the Construction Noise Ordinance. Motion died.

Ayes: Muth, Jester

Nays: Leonard, Richardson, Taylor

Absent: Howard

Town Manager Ritter explained that this essentially changes the ordinance pertaining to Pony Penning Sales. He advised that they are proposing a Special Event License of \$60.00. He read the changes and explained that this is to close the loophole of purchasing a Business License verses a Special Event License. He stated that this specifies an established business which would cause those not qualifying as an established business to purchase a Special Event License. He continued to read the changes.

Mayor Tarr stated that there was an issue with the restaurants under Special Events having to pay a deposit of \$500 for Meals Tax reporting. He explained that it was waived for established businesses.

Town Attorney Poulson reviewed the changes and asked questions.

There was lengthy discussion regarding the zoning and uses permitted by right.

Mayor Tarr stated that on Pony Penning Day there are several vendors that conduct business on residential properties for that day only. He then stated that a Special Event License is being issued to conduct a special business event on a residential property.

Discussion continued.

Town Attorney Poulson stated that he agreed with Councilman Jester’s suggestion to add “or as otherwise permitted in zoning”.

They discussed zoning inspections and parking requirements or the waiver of parking requirements.

Town Attorney Poulson asked if there is a “Special Event License” in the current ordinance.

Town Planner Neville advised there was.

Mayor Tarr feels this should be sent back to the Ordinance Committee for review.

They also talked about the definition and making a determination whether they're going to permit the activity along with the zoning issue.

Council agreed to send this back to the Ordinance Committee.

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

Councilman Taylor requested life rings at all the water facilities and expressed the importance.

Mayor Tarr directed staff to report back to Council with costs and further information.

Vice Mayor Leonard congratulated the North Accomack Little League for their annual dinner/auction. They raised \$12,000 for the youth of Chincoteague to have another year of baseball and softball. He also added that the Ladies Auxiliary did a fine job with the food.

Mayor Tarr added that this was a huge and successful event.

Public Works Director Spurlock reminded Council of the Public Works Committee meeting Tuesday at 5:00 p.m.

## **9. Closed Meeting in Accordance with Section 2.2-371(A)(7) of the code of Virginia**

- **Legal Matters**

Councilwoman Richardson moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss personnel matters. Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

Councilman Jester moved, seconded by Councilman Muth to reconvene in regular session.

Motion carried.

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

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

Ayes: Leonard, Taylor, Muth, Richardson, Jester

Nays: None

Absent: Howard

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, Richardson, Muth, Taylor  
Nays- None  
Absent- Howard

**Adjourn**

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adjourn. Motion carried.

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

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Mayor

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Town Manager

**MINUTES OF THE MARCH 21, 2013**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

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

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

**1. Presentation/discussion – Alcalde & Fay**

Mr. John Stirrup advised that the General Assembly will reconvene April 3<sup>rd</sup>.

Mr. Rob Catron reviewed a PowerPoint presentation for Council updating them on things going on in the General Assembly. He advised of Governor McDonnell's Transportation Plan. He explained a proposed slight tax increase and what it would do for the economy over all. He stated that there will be an end of the "Localities Aid to the Commonwealth". He also reported on the Medicaid Reform and Possible Expansion along with moving storm water control to the DEQ from the DCR.

Mr. Catron reviewed the requirements for the relevant new legislative mandates. He then explained the ongoing issues such as transportation spending on the Eastern Shore. He advised that there will be new revenue coming into the maintenance and construction funds. The Medicaid Expansion Reform which has enormous implications for citizens and government as Medicaid is the fastest growing cost driver in the state budget and health insurance becomes more expensive. The Federal Sequester will impact state revenue and in turn localities funding from the state. It will also impact every community in America especially those directly exposed to federal spending. The unfunded state mandates on localities and these mandates continue to be passed despite gubernatorial and legislative efforts to stop.

Mr. Catron asked if there were questions. There were none.

Mayor Tarr thanked Mr. Stirrup and Mr. Catron for their presentation.

**2. Discussion on Grants**

**A. Discuss Applying for the Transportation Alternative Grant, Due April 1<sup>st</sup>, for the Completion of the downtown Rehabilitation Project.**

**B. Discuss the DCR Grant and the Possibilities of Reallocating it Toward the Match of the Fishing Pier Grant.**

Mrs. Kat Edwards with the ANPDC reported that the next streetscape project at the Downtown Revitalization Project needs approval to apply for the Transportation Alternative Grant. She advised that for the current year only those having an existing project can apply. She stated that they want to see that the applications will either finish a project in total or finish a standalone phase. She stated that because this is a 2-year grant, next year will be new applications for new projects. She suggested that they call this the final phase. She feels this would stand a better chance to receive the funds.

Mrs. Edwards stated that next year when they apply for funding for the bridge artifacts it would be a brand new project. She stated that the engineer has given them a cost estimate of \$447,500. She reviewed the proposal and stated that in addition to the cost estimate she was given another cost estimate of \$71,700 because this hasn't been designed as of yet. She added that there is a 20% match and the application is due April 5<sup>th</sup>. She asked if Council wanted to move forward. There is no need for another public hearing on this portion.

Councilman Howard reiterated that this phase is going from Cropper Street to Bridge Street. He asked what happened to the revitalization of the east side of the street.

Mrs. Edwards advised they already have the money for that phase. She added that they are bidding it out and completion should be in the fall.

Discussion continued.

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to apply for the Transportation Alternative Grant. Unanimously approved.

Town Manager Ritter advised that on Wednesday, there is a meeting with the VMRC at the foot of the drawbridge. A conference call is also scheduled with the DCR after the VMRC meeting. He explained the match in funding along with the need to add dredging.

Mrs. Edwards stated that there are difficulties. She explained that both applications were competitive and funded by someone else because they met certain elements for certain criteria. Both agencies indicated that they would need to review a change the scope. VMRC would have to go back to their board to put their money into dredging and someone else's money into the pier. She added that because they didn't fund the dredging they'll have to take it back to the board. She also added that one of the board members are going to meet with the Town on Wednesday. She stated that the Town is considering a change to the scope of the DCR project that would take all the DCR money and use it in the dredging and fishing pier.

Town Manager Ritter stated that the dredging will take \$25,000 of the DCR Grant with the Town's \$25,000 match totaling \$50,000 with the \$75,000 grant from the DCR for dredging will help toward the match of the fishing pier.

Mrs. Edwards stated that with that kind of change in scope it wouldn't be a DCR decision it would have to be sent to the National Park Service. She stated that the DCR has stated they don't want to match the VMRC funding if the Town does not match anything.

Councilman Howard asked her feeling on taking from one grant to match another grant. He asked what the chances are for this to happen.

Mrs. Edwards advised they have used other agency's money to match. However, it was noted at the time in the application. She stated that when you compete against other localities they may not like this.

Councilman Muth asked if the dredging was in the scope.

Mrs. Edwards advised that the dredging was included in the scope.

There was discussion about the matching funds.

Town Manager Ritter explained that because of time restrictions they are trying to utilize the funding they currently have as opposed to applying for another grant that they don't have time to complete the paperwork for.

Mrs. Edwards advised they don't have the contract as of yet. She stated that the issue with the DCR is the documentation from VDOT that states they are titling the property to the Town on a specified date.

Town Manager Ritter reviewed the issues with the easements. VDOT is having a problem with just turning the Bridge Street property over to the Town without agreements in place.

Mayor Tarr stated that by doing this it could cost the Town from receiving grants throughout the years.

Town Manager Ritter added that if Council feels that if it will jeopardize any grants in the future they will have to come up with another way to match the funds.

Councilman Howard stated he agrees to move forward if they're upfront with the change in scope.

Mrs. Edwards advised they were upfront. However, they didn't know they were going to have the possibility of the pier grant with the dredging grant. She stated that this is a 75% -25% match grant and understands that the Town wants to move forward. She added that in terms of flip-flopping sources this isn't part of the original plan.

Councilman Howard wants this to be done in good faith and to be honest. He feels this would enhance the relationship with these people. He feels it won't hurt anything as long as they know what our intentions are without jeopardizing future grant funding.

Councilman Muth asked if the Town has looked at both scopes of work to make sure they don't conflict or contradict each other.

There was further discussion regarding the scope and match.

### **3. Discuss the Pros and Cons of Eliminating Decals in the Upcoming Year**

Finance Director Hipple explained to Council the pros and cons of eliminating the decals for the next fiscal year. She advised Council that they want to look at the best interest of the Town and the best interest of the citizens. She advised of the things that need to be done before the decals can be eliminated and the charge placed on the personal property tax bills. This is an Ordinance for a vehicle tax and would have to be changed or go to half year billing as the County does. She read the Ordinance that the decal is to be on all automobiles, trailers and semi-trailers. She explained what the charges are for trailers and semi-trailers.

Mayor Tarr asked if the County charges a boat ramp fee.

Finance Director Hipple advised they do not. She continued to add that the County prorates the decal fee by the quarter year. Staff proposes to change the decal due date to coincide with the tax due date. She explained the personal property tax collection issues with the current due dates. She added that if Council voted tonight to implement this it would be on the 2014 tax bill for the 2014 decal. She stated that the Town can't assess the decal fee for the future.

Councilman Howard asked if she meant that the Town would lose approximately a year of revenue.

Finance Director Hipple advised it would. She explained that the Town can't assume what vehicle someone is going to own next year. She stated that the due date for the County changed when they went to half year billing. They lost half a year of revenue. She mentioned the Personal Property Tax Relief. She stated that there are 0 amount tax bills. She added that if the decal is put on the tax bill those people will receive the tax bill along with the decal fee.

Finance Director Hipple stated that the police are unable to stop a vehicle because they haven't displayed the Town decal. She explained a DMV stop as a new way of collection of personal property tax bills. She stated that this is placing a hold on DMV records. The person with the stop will be unable to renew their tags or driver's license. However, each delinquent personal property tax account must be notified 30 days prior to a vehicle stop being placed on the DMV records. She stated that the questions are; when do the tags renew? She advised that we don't know. How is the stop put on the DMV system? She advised that no one knows and there are no classes. There are ways of collecting Personal Property taxes. She advised that one way is debt setoff. She explained that the Debt Setoff Program is done through the Commonwealth of Virginia each year. The Town can garnish any revenue that the Commonwealth is going to release to this person. However, every year this has to be physically typed in. She advised that

the decal is for the honest person. She stated that if Council wants this then staff will learn how to do a vehicle stop through the DMV. The Town will still require a User Fee for boat ramps and they will have to come in the office purchase one.

Councilman Howard stated that by having a decal gives the Town an avenue to collect taxes.

Finance Director Hipple advised that the Town can only collect the taxes on the vehicle they are purchasing a decal for. However, when someone walks in the office, staff reminds the customer that they owe and need to pay their delinquent tax. She stated that it gives the Town the opportunity to collect and in most cases do.

Town Manager Ritter advised that other towns implemented the decal fee on the tax bill doing away with the decal and changed it back because of collections.

Finance Director Hipple mentioned motor vehicle licenses and read from the Motor Vehicle State Code. She explained the issues with the software company determining which items to charge the decal fee. This was very in depth. She advised that the programmers have to write this part of the program for billing purposes. She then listed the exemptions such as the Fire Company and Rescue Squad, prisoners of war or disabled veterans. The tax bills would be printed and staff would have to pull all those out and mark off the decal fee for each. She feels that the decal revenue will increase.

Finance Director Hipple also advised that the County does not put a vehicle stop on if a decal fee is not paid. She stated that the City of Chesapeake charges an administrative fee for every time a DMV stop is taken off. She stated that there is a DMV fee to remove a stop. She stated that the software company requires 30 days from the time they receive the information from the county to convert it for the billing. Once the software company gets the information back to the Town, staff has to check addresses pulling the abatements and tax relief before mailing the bills.

Finance Director Hipple advised Council that if they want to do this then staff will do it. She wanted Council to know both sides. She gave a scenario of the issues that would arise with the decal fees on the tax bills.

Councilman Howard understands that it is more simplistic to leave it the way it is.

Councilman Muth stated this is approximately \$90,000 per year and because it is considered a tax it has to be collected as a tax. He asked if it was termed something other than a tax could it be collected differently. He asked if there was something else that a vehicle user fee could be attached to.

Finance Director Hipple advised that his is based on each vehicle that is registered and garaged on Chincoteague. She added that the only place to get this from is the personal property tax bills.

Town Manager Ritter stated that the simple way would be increase taxes and do away with the vehicle decal fee. However, if Town doesn't collect the fee the County will.

Finance Director Hipple stated that the County has already contacted the Town about this year's fee. She added that the tax file is 16,000 lines. She stated that in the County's records it indicates the districts that do and do not get the decal fee.

Councilman Howard stated that he asked if the County has ever gone into any incorporated town and collected the decal fee if they were not. He was advised that they have not.

Finance Director Hipple advised that because they have included the fee on the tax bill it has been made very easy for them to collect this from those towns that are not collecting decal fees. She suggested that the Town has the potential to collect more decal fees by charging on the tax bills.

Mayor Tarr asked if the revenue from decal is down since the County did away with them.

Finance Director Hipple advised that the decal sales are down.

Mayor Tarr stated that it would be up to the Police Department to set up road blocks to check for other things checking for the Town decals too. He stated that this is the only way to enforce it or no one has to buy a decal.

Councilman Muth asked if this goes into effect, would the Town be collecting more revenue.

Finance Director Hipple advised the Town would collect more decal revenue and less tax revenue, therefore, the Town would not be collecting more revenue. The delinquent tax amount would increase. She also understands the frustration with the Police Department knowing a vehicle with Delaware tags is sitting in a driveway on Chincoteague every night.

There was further discussion.

Vice Mayor Leonard asked where this started.

Finance Director Hipple advised it started when Accomack County did away with their decals. The County asked the incorporated towns to hold off while they converted to a new billing software system. Once this was in place they came back to the incorporated towns and asked if they wanted the County to add this to the tax bills but if they did all the incorporated towns would have to participate.

Councilman Howard asked if any other towns have done away with the decal fee.

Finance Director Hipple advised that Painter had done this.

Councilman Muth stated that it was to make it more convenient for individuals so they wouldn't have to come into the Town to buy a decal. He believes that somewhere along the line the Council agreed this would be true. He feels that now he's hearing that it would be too difficult for staff.

Finance Director Hipple stated that she didn't want to come into the meeting with staff's recommendations. She wanted to just show the pros and cons of the decal fee. She added that it is just not as simple as putting it on the tax bills and doing away with the decal itself.

Councilman Muth is concerned where it is coming from. He feels it's more of a service to the people who live here. He feels the public should be asked how to make up the loss.

Councilman Howard is concerned with the County's ability to come in and collect it.

Councilwoman Richardson stated that the reason it came up was because those who went to the County office to get a decal used to have to wait in a long line to get one and added that this is not the case here.

Town Manager Ritter advised that there isn't much of a wait as other staff will assist when necessary.

Finance Director Hipple stated that you would wait in the teller line longer at the bank than you would in our office for a decal.

Mayor Tarr stated that they were told it was a good thing and they weren't advised of all the things that had to take place to collect taxes. He stated that at the last budget year when this was discussed Council was told that 2 people already had DMV training and tokens and things were ready to go. He was under the impression this was going to be implemented last year.

Finance Director Hipple explained the DMV tokens and stated that there is absolutely no training to put stops on the DMV system. The tokens to do the DMV work are not the same as the tokens to put stops on DMV.

Mayor Tarr stated that Council was misinformed or misunderstood what was discussed at the last budget year's meeting regarding the DMV stops and tokens.

There was further discussion and scenarios.

Councilman Muth asked for input from the Police Department.

Assistant Chief Mills stated that if an expired sticker is on the vehicle it does give another reason to stop a vehicle. However, if they don't display a sticker they don't have enough reason to stop a vehicle. He added that with the new technology and the computers in the vehicles they can key a tag into the system and see where the vehicle is garaged and stop them for not having a sticker. He added that the sticker has to be properly displayed and personal knowledge can warrant a vehicle stop.

Discussion continued about vehicles being stopped.

Council thanked Finance Director Hipple for her input.

**Council Member Comments**

Councilman Howard expressed his appreciation regarding the discussion on the Noise Ordinance from the last meeting in his absence. He appreciated that everyone voted for what they felt was best.

Vice Mayor Leonard stated that he has had a couple of people mention the boat trailer sticker and user fee.

There was lengthy discussion regarding user fees.

Mayor Tarr reminded that the user fee is put in a separate fund for boat ramp improvements and maintenance.

Town Manager Ritter informed Council of the closing of the Senior Citizen Facility.

Vice Mayor Leonard explained how this happened. He advised that the YMCA is looking at purchasing the building and the Agency was informed that the rent would be increasing and pulled the plug.

There was further discussion.

**Adjourn.**

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

\_\_\_\_\_  
Mayor

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



## STAFF REPORT

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To: Mayor Tarr and Town Council  
Through: Robert Ritter, Town Manager  
From: William Neville, Director of Planning  
Date: March 28, 2013  
Subject: Sign Ordinance – Multiple Businesses

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At the end of the Town Council meeting on March 4<sup>th</sup>, Mayor Tarr asked the Planning Commission to review the attached memo from Zoning Administrator Kenny Lewis regarding a sign permit request, and to prepare a recommendation for the next Town Council meeting. Existing sign ordinance sections are included in the staff report for reference.

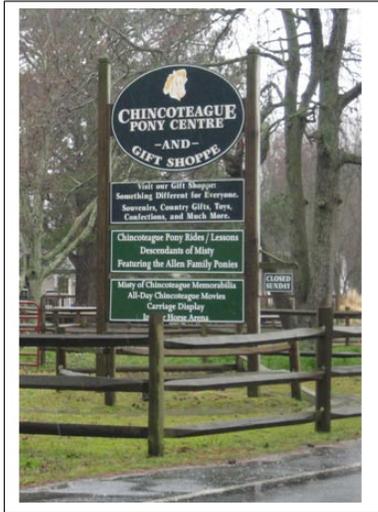
Mr. Lewis described two situations where the maximum signage per parcel has already been installed for one business, and now there is an additional business on the same parcel which requests signage. The relevant sections of the ordinance for Commercial Districts include:

- Existing non-conforming signs shall not be enlarged, or structurally altered except to bring them into conformance with the ordinance (Sec. 7.7)
- Freestanding signs are limited to one per lot, maximum area of 64 square feet/12 feet high (Sec. 7.13.1.7)
- The number of signs shall be limited to two (2) per business, total square footage shall not exceed 100 square feet (Sec. 7.13.1)
- Two additional signs shall be permitted, maximum of 25 square feet each if the building fronts upon more than one public right-of-way or waterfront (Sec. 7.13.1)

Photos of the two locations are included below.

## Example #1 - Florist

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## Example #2 - Hotel/Restaurant

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## Consideration of Alternatives

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On March 12<sup>th</sup>, the Planning Commission considered alternative solutions for the issue of multiple commercial buildings on a single parcel and established several findings or justifications:

- Consideration of these requests may be warranted to promote economic development and private investment by encouraging multiple businesses on the same property.

- An evaluation of zoning principles may provide a test of whether the requested signage would meet existing criteria in another similar situation (e.g. if the property was subdivided).
- Property owners have the responsibility to make business decisions in accordance with the zoning ordinance; however they may be restricted in their ability to modify existing signage to advertise a second business because of non-conforming status.
- A revision or interpretation of the sign ordinance to remedy a unique set of circumstances must be narrowly defined because it may have unintended consequences when applied broadly to other areas of Town.

**A) Alternative - Conformance with the existing Sign Ordinance**

The Planning Commission has identified this approach as the first priority for any applicant. The Sign Ordinance is recently adopted by the Town after years of public input, and it represents a balanced approach to permitting business signs without overwhelming the residential character of the community. For both examples (1 and 2) described in Mr. Lewis' memo there are actions that may be taken by the lot or business owner that would allow signage to conform to the ordinance:

1. Florist - The existing non-conforming yellow sign could be repainted to include information about a secondary business on the property. Another solution was proposed that may allow a freestanding sign for Best Blooms because it is located on a separate lot.
2. Hotel/Restaurant – A single freestanding sign may display information for more than one business as long as it does not exceed the total size allowed of 64 square feet.

**B) Alternative - Variance Application to the BZA**

The Board of Zoning Appeals may grant a variance to the zoning ordinance when:

*“... a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this ordinance.*

*No such variance shall be authorized by the board unless it finds:*

- (1) That the strict application of this ordinance would produce undue hardship.*
- (2) That the hardship is not shared generally by other properties in the same zoning district and the same vicinity.*

*(3) That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.” (Sec. 8.2.2)*

Approval of a variance, if the criteria above are met, has the advantage of being a unique solution that does not establish a precedent for other properties. The application fee is \$450 and the review and public hearing will take approximately 2 months for a decision. For examples 1 and 2, it appears that both situations may be self imposed hardships by the primary lot owner and may not be successful in receiving a variance.

### **C) Alternative - Revision to the Sign Ordinance**

Several possible revisions to the sign ordinance were discussed by the Commission in concept. These solutions were considered as a way to solve an immediate need for one business; however the long term consequences in other locations were identified as a major concern that required a more deliberate review.

The Planning Commission is currently working on an annual review of the Zoning Ordinance in order to prepare recommendations for possible changes that address problems documented by the Zoning Administrator over the last year since the new zoning districts were adopted. (A previous review of the sign ordinance (2011) identified minor changes that were adopted by the Town Council for building mounted sign height and banners.)

If a sign ordinance revision is supported by Town Council, a joint public hearing in May is recommended for an annual zoning ordinance update. Several possible sign ordinance revisions were presented by Staff to the Planning Commission for discussion only. They are included at the end of the staff report because they were not included in the Commission’s recommendations.

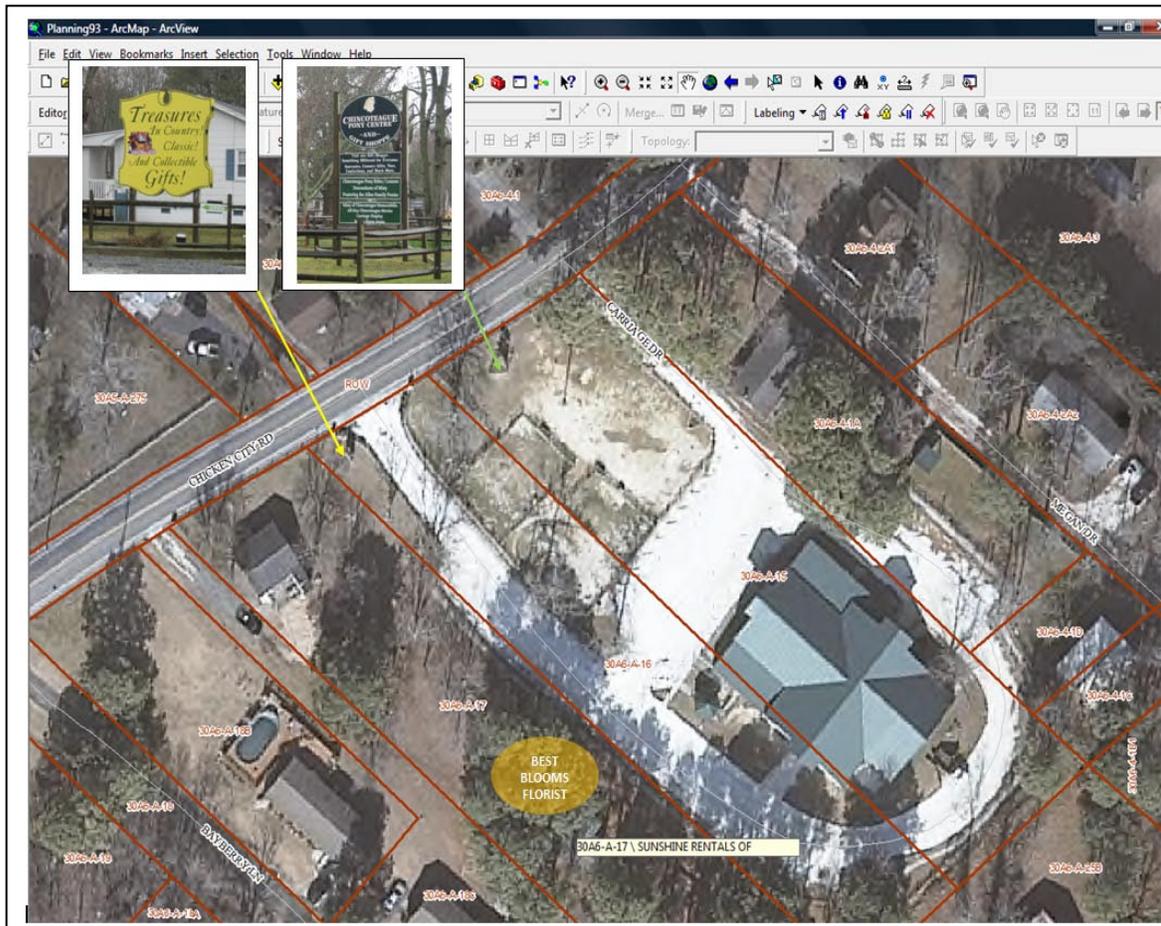
## Planning Commission Recommendations

### Example #1 – Best Blooms Florist/Treasures Gifts/Chincoteague Pony Center

The Commission considered several actions that could solve the problem other than changing the Sign Ordinance, such as repainting the non-conforming ‘yellow’ sign to include information about the florist shop without enlarging or structurally altering it in conformance with Sec. 7.7.1.

Commissioner Jeff Potts presented a tax parcel map at the meeting and suggested that perhaps the florist shop is located on a separate parcel or lot (30A6-A-17) from the Pony Center (lot #15) and the Treasures Gift Shop (lot #16), and that a separate freestanding sign may be permitted for lot #17. The color map exhibit below was provided to the Zoning Administrator for his review.

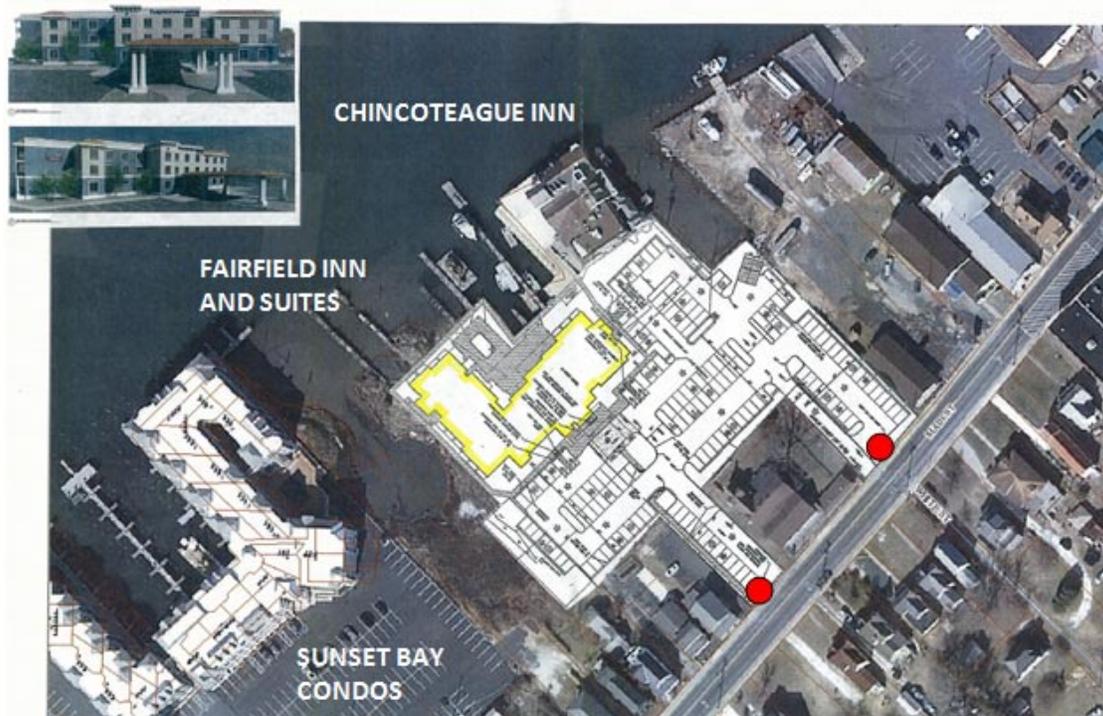
**The Planning Commission does not recommend any revision to the sign ordinance as long as other options are available.**



## Example #2 – Fairfield Inn & Suites/Chincoteague Inn

The Commission considered the same principles for the other example of the new Fairfield Inn and the existing Chincoteague Inn restaurant located on the same lot, with two separate entrances onto Main Street. The property owner has the ability to remove non conforming signs, and to construct a new sign which meets current sign ordinance criteria, provide signs for both businesses on the same lot.

In this case, the two entrances onto Main Street which are separated by other unrelated structures and signage do provide a unique situation. If the property could be subdivided to separate the hotel and restaurant uses, then two separate freestanding signs could be permitted by the sign ordinance. A unified site plan that allows for shared parking between the two uses has been approved that limits the option of re-subdivision.



The Planning Commission requested more information in order to make a recommendation for example 2, and requested that the owner/developer make a presentation at the next meeting with a specific proposal or application.

**The Planning Commission recommends that a second free-standing sign should not be approved that would exceed the area permitted by the sign ordinance, however, the door is still open for the Planning Commission to receive what it is they are planning to do and why it is needed, look at it, and give a response.** (moved by S.Papadopoulos, seconded by T.Muth, and passed 5:1:1 with J.Potts opposed)

## Planning Staff Options

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Certain sections of the Sign Ordinance could be revised to address the identified problem of existing non-conforming signs and multiple commercial buildings located on the same lot. The redline changes have been proposed by Staff for discussion purposes only, and would need to be advertised for a public hearing before being adopted.

7.7.1. A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance; however, it shall not be enlarged, or structurally altered in any way excluding general maintenance, except to conform to the requirements of this chapter. Up to 25 square feet of additional signage for a secondary business in a separate building on the same lot may be added to the face of an existing non-conforming sign.

7.13.1. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise. Two additional signs shall be permitted for the primary business and one secondary business located in a separate building, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront, or is served by a separate street entrance. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.

7.13.1.2. 1 Buildings-Parcels or lots occupied by more than one business in a separate building. The total combined area of all signs shall not exceed one square foot for each foot of building width facing such lot line street frontage, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted for each business in a multi-business building parcel or lot, there shall be permitted one additional wall, free standing sign, or projecting sign, not to exceed 20-64 square feet for business identification of all businesses on the lot located in separate buildings.

7.13.1.7. Freestanding signs. Shall be limited to one per lot, maximum area of 64 square feet in area and not exceeding 12 feet in height unless otherwise permitted in Sec. 7.13.1.2.1. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within the established sight distance triangle. The height of a freestanding sign shall be determined from existing grade of a radius not to exceed six feet out from the support system of the freestanding sign.

# MEMORANDUM

To: Robert Ritter, Town Manager  
From: Kenny L. Lewis, Zoning Administrator  
Date: February 5, 2013  
Subject: Best Blooms Signage Request

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You requested information regarding the allowable signage for the flower shop known as “Best Blooms” located at the Chincoteague Pony Center.

Currently we have two operations that are in the same situation regarding allowable signs.

First, Mr. Richard Conklin has several non-conforming signs on said property. The current zoning ordinance restricts free standing signs to one per parcel. Currently Mr. Conklin has two such signs. The current zoning restricts the total amount of signs on a parcel to two. Currently Mr. Conklin has three signs. Additionally, the current zoning allows a maximum of 100 square feet of signage per lot. Mr. Conklin exceeds such requirement.

The owner of Best Bloom is restricted on placement of signage due to the maximum permitted being exceeded.

This same issue is coming up with the new Fairfield Inn project. The Chincoteague Inn signage current exceeds the total amount permitted under zoning. If the Fairfield Inn wishes to install signs for the new motel, then the Chincoteague Inn signs must be reduced or removed.

Currently the zoning ordinance is not specific with multiple buildings on one parcel. It does address multiple businesses in one building.



## PROCLAMATION

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of April 13<sup>TH</sup> through 19<sup>TH</sup>, 2013, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 1<sup>st</sup> day of April, 2013.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

**Public Works Committee Meeting**  
March 5, 2013  
MINUTES

Members Present:

Hon. Ellen Richardson, Chairwoman  
Hon. John Tarr

Also Present:

Hon. John Jester  
Mr. Robert Ritter  
Mr. Harvey Spurlock  
Mr. and Mrs. Ray Rosenberger

Chairwoman Richardson called the meeting to order at 5:05 pm.

**Public Participation**

Mr. Rosenberger noted construction traffic using the entrance at the new Fairfield Inn site was putting a large amount of debris on Main St. He further noted it should not be the responsibility of the Town to clean the street. Mayor Tarr Stated the construction entrance should be upgraded to VDOT standards which would resolve the debris issue. Mr. Spurlock to follow up with the property owners.

**Agenda Adoption**

Mayor Tarr made a motion the agenda be approved. Chairwoman Richardson seconded the motion. The agenda was unanimously approved.

**1. Inundation Study Proposals from Clark Nexsen**

Mr. Spurlock presented two proposals from Clark Nexsen, the Town's storm water consultant, to conduct inundation studies for the Fowling Gut and Hallie Whealton Smith drainage areas. Mr. Spurlock explained the studies would map the effects of incrementally raising storm surge by one foot. Mr. Spurlock further explained the mapping would assume the placement of an event gate at the points the drainages intersect Main Street. Total proposed cost for the Fowling Gut study is \$14,835; the Hallie Whealton Smith study \$8,776. Mayor Tarr requested the Hallie Whealton Smith study be expanded to include analysis of the associated drainage structures. Mayor Tarr motioned both studies be forwarded to full Council for approval at April's regular Council meeting. Chairwoman Richardson seconded the motion which was unanimously approved.

**2. Questions/Comments**

Mayor Tarr inquired as to why the ditches on west end of Wayne Road. were holding storm water. Mr. Spurlock explained there is a knoll in the center of Wayne Rd. which traps some water in the west end of the ditches. Mr. Spurlock further explained additional storm water pushes the trapped water over the knoll providing effective drainage.

Chairwoman Richardson observed the pavement on the downtown section of Main Street is deteriorating. Mr., Spurlock explained that section of Main Street is scheduled for paving in conjunction with this fall's downtown streetscape project however he would pursue temporary repairs.

Chairwoman Richardson also requested a solution for the storm water that tends to accumulate at the intersection of Main Street and Hallie Whealton Smith Drive be pursued. Mr. Spurlock to investigate and report.

Mayor Tarr motioned to adjourn the meeting at 5:20 pm. The motion was seconded by Chairwoman Richardson and unanimously approved.

**TOWN OF CHINCOTEAGUE  
PROFESSIONAL ENGINEERING CONSULTING SERVICES  
FLOOD ELEVATION EVALUATION FOR FOWLING GUT**

**GENERAL DESCRIPTION**

Clark Nexsen will create flood inundation maps and a Summary Report of critical impacts associated with assumed flood elevations.

**COORDINATION**

Meet with Town to discuss the results. Internal meeting held to evaluate the progress of the work.

**FLOOD ELEVATION MAPPING**

Each map will display an impact boundary per one foot interval. The mapping will show the various island parcels, structures/buildings, roadways, drainage and other known critical infrastructure as available in GIS. The mapping will use the Town aerials and contours developed from LiDAR data for evaluating flood elevation impacts.

**SUMMARY REPORT**

A Summary Report will discuss the impacts for each flood elevation on critical infrastructure. Parcel, structure/building and roadway impacts will be identified and listed. Each flood elevation will be related to the effectiveness of a tide/flood gate at the mouth of Fowling Gut. The evaluation will generally discuss opportunities to increase the effectiveness of the floodgate. This could involve raising roadways, disconnecting drainage, other flood/tide gates or other measures to protect a watershed.

**QUALITY CONTROL**

Quality control and assurance will be provided for the assembled maps and summary report prior to delivery.

**DELIVERABLE**

Watershed maps showing the potential flood impacts for each flood elevation interval.

A summary report will discuss the number of impacted structures/buildings and affected parcels within the watershed and impacts to critical infrastructure, such as roadways.

A DVD of the maps will also be provided.

**TOWN OF CHINCOTEAGUE  
PROFESSIONAL ENGINEERING CONSULTING SERVICES  
FLOOD ELEVATION EVALUATION FOR FOWLING GUT**

**REIMBURSABLES**

Project reimbursables include travel and tolls. Labor travel time is included in the work-hour breakdown.

**FEE SUMMARY**

The ENGINEER will be paid **\$14,835.00**.

**SCHEDULE**

TASK	COMPLETION (CALENDAR DAYS)
NTP	February 2013
Flood Elevation Mapping	14
Summary Report	7
Deliverable	TBD

**OPTIONAL SERVICES**

1. Topographic Survey
2. Environmental Services (including Field Investigations, JPA, Agency Coordination)
3. Hydrologic and Hydraulic Analysis
4. Schematic Designs
5. Estimates of Probable Construction Cost
6. Citizen Information Meetings and Presentations

SUBMITTED:



David A. Bradshaw, PE  
Principal  
Clark Nexsen

DATE:

1/28/13

**TOWN OF CHINCOTEAGUE**  
**PROFESSIONAL ENGINEERING CONSULTANT SERVICES**  
 FLOOD ELEVATION EVALUATION FOR FOWLING GUT  
 SUMMARY

CN COMM: 3459.2  
 SUBMITTED DATE: 1/28/2013

TASK GROUP/BREAKDOWN	Principal hrs.	Project Manager hrs.	Civil Engineer hrs.	Civil Engineer Intern hrs.	GIS Specialist hrs.	Environmental Scientist hrs.	CADD Technician hrs.	Clerical hrs.	Total hrs.	Subtotal Cost \$	Sub Consultant \$	Sub Consultant Mark-up \$	Direct Costs \$	Total \$
A Coordination		9	9		1				19	\$2,849				\$2,849
B Flood Elevation Mapping		4	18		42				64	\$7,160				\$7,160
C Summary Report		7	18		4				29	\$4,051				\$4,051
D Quality Control		4							4	\$668				\$668
Reimbursables													\$107	\$107
<b>TOTAL WORK HOURS</b>		<b>24</b>	<b>45</b>		<b>47</b>				<b>116</b>	<b>\$14,728</b>			<b>\$107</b>	<b>\$14,835</b>
<b>HOURLY RATE</b>	<b>\$201</b>	<b>\$167</b>	<b>\$139</b>	<b>\$95</b>	<b>\$95</b>	<b>\$95</b>	<b>\$72</b>	<b>\$67</b>						

**TOWN OF CHINCOTEAGUE**  
**PROFESSIONAL ENGINEERING CONSULTANT SERVICES**  
 FLOOD ELEVATION EVALUATION FOR FOWLING GUT  
 WORK-HOUR BREAKDOWN

CN COMM: 3459.2  
 SUBMITTED DATE: 1/28/2013

TASK GROUP/BREAKDOWN		Principal	Project	Civil	Civil	GIS	Environmental	CADD	Clerical	Total	Total Cost
		hrs.	Manager	Engineer	Engineer	Specialist	Scientist	Technician	hrs.	hrs.	hrs.
A	Coordination										
	Meeting with Town		8	8						16	\$2,448
	Internal Meetings		1	1		1				3	\$401
	Subtotal		9	9		1				19	\$2,849
B	Flood Elevation Mapping										
	Create Map for Each Flood Elevation Impact		4	12		30				46	\$5,186
	Delineate Parcel Impacts			2		4				6	\$658
	Delineate Building/Structure Impacts			2		4				6	\$658
	Delineate Roadway Impacts			2		4				6	\$658
Subtotal		4	18		42				64	\$7,160	
C	Summary Report										
	Discussion on Impacts on Critical Infrastructure		4	8						12	\$1,780
	Listing of Impacted Parcels and Structures Per Flood Interval		1	4		4				9	\$1,103
	Discuss Options to Improve Level of Protection		2	6						8	\$1,168
Subtotal		7	18		4				29	\$4,051	
D	Quality Control										
	Interval Review of Deliverable		4							4	\$668
	Subtotal		4							4	\$668
<b>TOTAL WORK HOURS</b>			<b>24</b>	<b>45</b>		<b>47</b>				<b>116</b>	
<b>HOURLY RATE</b>		<b>\$201</b>	<b>\$167</b>	<b>\$139</b>	<b>\$95</b>	<b>\$95</b>	<b>\$95</b>	<b>\$72</b>	<b>\$67</b>		
<b>TOTAL FEE</b>			<b>\$4,008</b>	<b>\$6,255</b>		<b>\$4,465</b>					<b>\$14,728</b>

**TOWN OF CHINCOTEAGUE  
PROFESSIONAL ENGINEERING CONSULTING SERVICES  
FLOOD ELEVATION EVALUATION FOR  
HALLIE WHEALTON SMITH DRIVE**

**GENERAL DESCRIPTION**

Clark Nexsen will create flood inundation maps and a Summary Report of critical impacts associated with assumed flood elevations.

**COORDINATION**

Meet with Town to discuss the results. No additional compensation is included since this meeting will coincide with the discussion of Fowling Gut. Internal meeting held to evaluate the progress of the work.

**FLOOD ELEVATION MAPPING**

Each map will display an impact boundary per one foot interval. The mapping will show the various island parcels, structures/buildings, roadways, drainage and other known critical infrastructure as available in GIS. The mapping will use the Town aerials and contours developed from LiDAR data for evaluating flood elevation impacts.

**DRAINAGE EVALUATION**

Perform a field walk of the drainage systems along Hallie Whealton Smith Drive and Hibiscus Drive near Oyster Bay and west along Main Street. Review GIS and analyze drainage systems along Hallie Whealton Smith Road and proposed drainage improvements to improve runoff conveyance from the roadside ditching system. Review GIS and analyze drainage systems along Hibiscus Drive near Oyster Bay neighborhood and propose drainage improvements to reduce flooding and remove captured stormwater. Provide a concept sketch of proposed improvements.

**SUMMARY REPORT**

A Summary Report will discuss the impacts for each flood elevation on critical infrastructure. Parcel, structure/building and roadway impacts will be identified and listed. Each flood elevation will be related to the effectiveness of a tide/flood gate at the outfalls associated with Hallie Whealton Smith Drive drainage system. The evaluation will generally discuss opportunities to increase the effectiveness of the floodgate. This could involve raising roadways, disconnecting drainage, other flood/tide gates or other measures to protect a watershed.

**TOWN OF CHINCOTEAGUE  
PROFESSIONAL ENGINEERING CONSULTING SERVICES  
FLOOD ELEVATION EVALUATION FOR  
HALLIE WHEALTON SMITH DRIVE**

Utilizing GIS and field information, summarize drainage evaluation and improvements on Hallie Whealton Smith Drive and along Hibiscus Road.

**QUALITY CONTROL**

Quality control and assurance will be provided for the assembled maps and summary report prior to delivery.

**DELIVERABLE**

Watershed maps showing the potential flood impacts for each flood elevation interval.

A summary report will discuss the number of impacted structures/buildings and affected parcels within the watershed and impacts to critical infrastructure, such as roadways.

A DVD of the maps will also be provided.

**REIMBURSABLES**

Project reimbursables include travel and tolls. Labor travel time is included in the work-hour breakdown. No additional compensation is included since this meeting will coincide with the discussion of Fowling Gut.

**FEE SUMMARY**

The ENGINEER will be paid **\$21,050.00**.

**TOWN OF CHINCOTEAGUE  
 PROFESSIONAL ENGINEERING CONSULTING SERVICES  
 FLOOD ELEVATION EVALUATION FOR  
 HALLIE WHEALTON SMITH DRIVE**

**SCHEDULE**

TASK	COMPLETION (CALENDAR DAYS)
NTP	April 2013
Flood Elevation Mapping	7
Drainage Evaluation	14
Summary Report	7
Deliverable	TBD

**OPTIONAL SERVICES**

1. Topographic Survey
2. Environmental Services (including Field Investigations, JPA, Agency Coordination)
3. Estimates of Probable Construction Cost
4. Citizen Information Meetings and Presentations

SUBMITTED:



David A. Bradshaw, PE  
 Principal  
 Clark Nexsen

DATE:

3/26/13

**TOWN OF CHINCOTEAGUE**  
**PROFESSIONAL ENGINEERING CONSULTANT SERVICES**  
 FLOOD ELEVATION EVALUATION FOR HALLIE WHEALTON SMITH DRIVE  
 SUMMARY

CN COMM: 3459.2  
 SUBMITTED DATE: 3/26/2013

TASK GROUP/BREAKDOWN	Principal hrs.	Project Manager hrs.	Civil Engineer hrs.	Civil Engineer Intern hrs.	GIS Specialist hrs.	Environmental Scientist hrs.	CADD Technician hrs.	Clerical hrs.	Total hrs.	Subtotal Cost \$	Sub Consultant \$	Sub Consultant Mark-up \$	Direct Costs \$	Total \$
A Coordination		1	1		1				3	\$401				\$401
B Flood Elevation Mapping		2	14		32				48	\$5,320				\$5,320
C Drainage Evaluation		15	50		16				81	\$10,975				\$10,975
D Summary Report		6	17		2				25	\$3,555				\$3,555
E Quality Control		4							4	\$668				\$668
Reimbursables													\$131	\$131
<b>TOTAL WORK HOURS</b>		28	82		51				161	\$20,919			\$131	\$21,050
<b>HOURLY RATE</b>	\$201	\$167	\$139	\$95	\$95	\$95	\$72	\$67						

**TOWN OF CHINCOTEAGUE**  
**PROFESSIONAL ENGINEERING CONSULTANT SERVICES**  
**FLOOD ELEVATION EVALUATION FOR HALLIE WHEALTON SMITH DRIVE**  
 WORK-HOUR BREAKDOWN

CN COMM: 3459.2  
 SUBMITTED DATE: 3/26/2013

TASK GROUP/BREAKDOWN		Principal	Project	Civil	Civil	GIS	Environmental	CADD	Clerical	Total	Total Cost
		hrs.	hrs.	hrs.	Engineer Intern	Specialist	Scientist	Technician	hrs.	hrs.	hrs.
A	Coordination										
	Meeting with Town										
	Internal Meetings		1	1		1				3	\$401
	Subtotal		1	1		1				3	\$401
B	Flood Elevation Mapping										
	Create Map for Each Flood Elevation Impact		2	8		20				30	\$3,346
	Delineate Parcel Impacts			2		4				6	\$658
	Delineate Building/Structure Impacts			2		4				6	\$658
	Delineate Roadway Impacts			2		4				6	\$658
	Subtotal		2	14		32				48	\$5,320
C	Drainage Evaluation										
	Field Evaluation of Drainage		8	8		4				20	\$2,828
	Analyze Hallie Whealton Smith Drainage System		2	10						12	\$1,724
	Analyze Hibiscus Drive Drainage System		2	12						14	\$2,002
	Recommend Drainage Improvements to Alleviate Flooding		2	16						18	\$2,558
	Provide a GIS Schematic of Improvements		1	4		12				17	\$1,863
	Subtotal		15	50		16				81	\$10,975
D	Summary Report										
	Discussion on Impacts on Critical Infrastructure		2	4						6	\$890
	Listing of Impacted Parcels and Structures Per Flood Interval		1	4		2				7	\$913
	Discuss Options to Improve Level of Protection		1	3						4	\$584
	Summarize Drainage Evaluation and Improvements		2	6						8	\$1,168
	Subtotal		6	17		2				25	\$3,555
E	Quality Control										
	Interval Review of Deliverable		4							4	\$668
	Subtotal		4							4	\$668
<b>TOTAL WORK HOURS</b>			28	82		51				161	
<b>HOURLY RATE</b>		\$201	\$167	\$139	\$95	\$95	\$95	\$72	\$67		
<b>TOTAL FEE</b>			\$4,676	\$11,398		\$4,845					\$20,919

**TOWN OF CHINCOTEAGUE**  
**PROFESSIONAL ENGINEERING CONSULTANT SERVICES**  
 FLOOD ELEVATION EVALUATION FOR HALLIE WHEALTON SMITH DRIVE  
 REIMBURSABLES

CN COMM: 3459.2  
 SUBMITTED DATE: 3/26/2013

Reimbursables	Quantity	Unit Cost \$	Subtotal Cost \$
<b>Mileage</b>			
Field Investigation (1 trips @ 202 mi/trip)	202	\$0.565	\$114
Tolls	1	\$17.00	\$17
<b>Total</b>			<b>\$131</b>

Travel time between CN Office and Chincoteague is approximately 2 hours for a total distance of 202 miles round trip  
 CBBT Toll are \$12 One Way and \$5 Return Trip with Receipt for a total of \$17

**Recreation and Community Enhancement  
Committee Meeting Minutes  
March 12, 2013**

**Committee Members Present:**

John Jester, Chairman  
Terry Howard, Councilman  
Gene Wayne Taylor, Councilman  
Jack Van Dame  
Bob Conklin  
David Johnson  
Nancy Lane

**Staff Present:**

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

**Others Present:**

Ray Rosenberger  
Nancy Lane

**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.

**1. Bicycle Plan**

Chairman Jester would like to see a copy of the bicycle map sent to all the bicycle rental places. He would also like to have pavement markings on the bike paths to let people know that it is a bike lane and not a place to drive. Ms. Nancy Lane agreed with Chairman Jester about the markings on the pavement and would like to see Chicken City Road included as well.

Town Planner Neville stated one of the most important places that needed improvement is from Deep Hole Road east to the traffic circle.

Chairman Jester would like to see some bike racks at the local parks. Ms. Nancy Lane would like to see a bike rack at Watson Park.

Chairman Jester would also like a safety package which includes scooters sent to all the bike and scooter rental places.

Councilman Taylor stated the signs in Town about no bikes on the sidewalk needs to be updated. He also suggested the proper rules of the road concerning bikes be included on the map.

Chairman Jester asked Town Planner Neville about creating a map with the above mentioned concerns. He also asked if Public Works Director Spurlock could see about the signs in Town as well as the pavement markings on the bicycle paths.

Mr. Conklin would like to see no bike riding in Town from Church Street to Cropper Street. Ms. Lane believes this would discourage bicycle riding.

Councilman Taylor stated the most dangerous areas are Maddox and Main.

**2.Park Donation Policy**

Mr. Neville mentioned that in March of 2000 a policy was adopted to allow no donor recognition plaques be permitted in Chincoteague Veterans Memorial Park.

The committee discussed the location of new benches in the Downtown Park. They also talked about the type of benches and the maintenance of those benches.

### **3. Project Report Updates**

Mr. Neville expressed concerns with the new trail in front of the Chincoteague Museum and the possibility of limited vision to those leaving the museum. They discussed stop signs in the parking lot.

Chairman Jester updated the committee on the placing of the mast at Mariner's Point.

### **4. Committee Member Comments**

There were no comments.

### **Adjourn:**

Councilman Terry Howard motioned, seconded by Mr. Jack Van Dame to adjourn the meeting.

**Minutes of the March 14, 2013  
Budget and Personnel Committee Meeting**

**Committee Members Present**

John H. Tarr, Chairman  
Gene Wayne Taylor

**Committee Members Absent**

Eugene "Tripp" Muth

**1. Call to Order.**

Chairman Tarr called the meeting to order at 5 p.m.

**2. Agenda Adoption.**

Councilman Taylor motioned, seconded by Chairman Tarr to adopt the agenda as presented. The motion was unanimously approved.

**3. Draft FY'14 Budget.**

The Committee discussed proposed revenues and expressed concern that \$141,412 was coming from LGIP and that \$143,628 was coming from the Beach/Recreation/Tourism Reserve. Town Manager Ritter explained that the \$141,412 was for the Town's match to the east side of Main Street and \$103,028 of the Beach Reserve was for the fishing pier match.

There are no proposed increases in real estate, tangible property, meal, transient occupancy, or business license taxes. There is no proposed increase in the solid waste collection fee or water rates. There is a 3% proposed increase in rates at the Curtis Merritt Harbor.

The Committee discussed at length salary increases for employees. A proposed 2.5% Cost of Living Adjustment was included in the proposed budget as well as a 1% merit increase for exceeding expectations on annual evaluation. The Committee discussed bonuses for employees that exceeding expectation on annual evaluations of 1% of their salary.

The Committee discussed the Beach reserve line item be budgeted for the entire \$210,060 and reductions in the expense line items where this money would be used. Mayor Tarr reminded everyone that the use of this reserve money would have to be by vote of the Town Council. He stated he would not make any commitment for the use of this money.

The Committee discussed at length the 911 equipment replacement and the funding for the replacement. It is estimated to cost \$240,850 with \$25,000 for 911 equipment reserve, \$150,000 from a Vita Grant and \$25,000 from a USDA Grant, leaving a balance of \$40,850 for the Town to pay. This does not include the cost of upgrading the police/911 recorder. Police Chief Lewis also stated that the proposed budget does not include a new police car which is needed.

The Committee asked that the proposed budget be reworked for exclusion of withdrawals from reserves, bonuses rather than merit adjustments and clearer estimates for each line item.

**4. Adjournment.**

Chairman Tarr motioned, seconded by Councilman Taylor to adjourn the meeting at 7:30 p.m. The motion was unanimously approved.