

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

August 1, 2011 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of July 11, 2011 (Page 2 of 30)
2. Presentation on Wallops Command and Data Acquisition Station NOAA (Mr Larry James)
3. Planning Commissions Recommendation on the Sign Ordinance Amendment (Mr. Neville)(Page 13 of 30)
4. Resolution on the Request for a Minimum Speed on the Causeway Study by VDOT (Page 21 of 30)
5. Ordinance Committee Report of July 14, 2011 (Councilman T. Howard) (Page 22 of 30)

The following action by the Committee occurred and will need to be acted upon:

 - to possibly send a letter to the Honorable Lynwood Lewis and the Honorable Ralph Northam to include the Town of Chincoteague in the State Code 15.2-901 number (3) to be a jurisdiction that will be allowed to enforce occupied properties to cut the grass, weeds and other foreign growth therein (Page 24 of 30)
6. Wastewater Advisory Committee Report of July 15 & 21, 2011 (Page 26 of 30)
7. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

MINUTES OF THE JULY 11, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
John H. Howard, Councilman
Nancy B. Conklin, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

None

For the Joint Public Hearing:

Planning Commission

Members Present:

Mr. Ray Rosenberger, Chairman
Mr. Tripp Muth, Councilman
Mrs. Mollie Cherrix, Vice Chairperson
Mr. Jeff Potts
Mr. Spiro Papadopoulos
Mr. Steve Katsetos

Members Absent:

Mr. Gene Taylor

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Mr. Fred Ficken advised Council that he received a call from Sharp Energy regarding the anchoring of fuel tanks. He asked Council if it was his responsibility because Sharp was advising him that it was. He also asked if this was something that the Town adopted from FEMA.

He was advised that the Town has adopted this and should be completed by November 2012.

Mayor Tarr advised that the Ordinance states the owner of the tank is responsible.

Mr. Ficken also asked about the taxes imposed on the electric bills. He gave the tax amount and percentage billed on the electric bills. He advised that the lower the billing the higher percentage in tax.

Mayor Tarr stated that they would look into this.

- Mr. John Smith of Hallwood approached Council regarding the Business License Ordinance. He stated that he is also concerned about the “No Trespassing” notice he received regarding Chincoteague. He requested under the Freedom of Information Act a copy of the list of the individuals given notice not to trespass on Chincoteague. He advised that he has been given a notice not to trespass from the Town. He requested the parameters and wants to know what constitutes the notice not to trespass.

- Mrs. Peggy Thomas asked Council which members were in favor of the proposed sewage disposal system in Atlantic.

Mayor Tarr advised that Council has not had the opportunity to discuss the plans for the system. He stated that they have been given the opportunity to set up a 5 or 6 member sewer advisory committee to review all the options.

Mrs. Thomas again asked which members of Council are for this. She advised that she has 3 daughters that live in that district and they can't afford this. She feels that it should be at the company own expense.

Councilman T. Howard stated that the reason there is any interest in this project is because of the possibility of central sewage on Chincoteague.

Mrs. Thomas asked if they know how many people on Chincoteague can't afford this. She advised that she is against this.

Mayor Tarr stated that Council has looked at Phase I, which is Maddox Boulevard and part of Main Street, mainly the commercial, C-1 district. He stated that the commercial businesses are having sewage problems. He also stated that they can't change the use without going through a full blown health permit. He added that they can't get sewage for a restaurant or office building.

Mrs. Thomas feels that everyone shouldn't have to suffer for their problems.

Councilman T. Howard advised that the Town has just completed a Feasibility Study. He stated that after that this company came in and talked about the possibility. He feels that this could be an option for the Town with the possibility of Phase I.

Mrs. Thomas stated that at Atlantic's last meeting the citizens were advised that they will be required to have their septic pumped every so often. She added that at that time they could find something wrong with it and condemn it.

Councilman Jester stated that the meeting held in Atlantic was a lot of bad-mouthing of Chincoteague. He stated that there wasn't a lot of information about the system. He added that false information was given at that time also.

Mrs. Thomas advised that at least 75% of the people here couldn't afford this.

Mayor Tarr stated that the Committee will research all the studies and possibilities and come up with options.

Councilman J. Howard asked if a letter could be sent to Mr. Ron Wolff asking him not to discuss Chincoteague without someone present to verify. He advised that this is the second time he has upset the citizens on the Island. He doesn't understand where Mr. Wolff gets his information.

Mayor Tarr advised that in northern Accomack County, Atlantic is considered a prime growth area. He stated that there is an opportunity for Orbital Science Corporation and this is one of the first things they are going to request; the location of the water and sewage.

STAFF UPDATE

Planning Department

Town Planner Neville reported on the public hearings regarding the Zoning Map changes and amendments. He stated that between the 2 public hearings there were 44 speakers and over 60 comments. He advised that there will be a work session tomorrow, July 12, 2011 at 5:00 p.m. to discuss the comments. He has tried to condense the comments creating 7 points. He reminded Council of the joint public hearing regarding height in Section 7 of the Sign Ordinance.

Town Planner Neville reported on the Town Beach Access Committee meeting. He attended a meeting at the Community Center about the forums to start in August for the alternatives that Refuge staff are considering. He also summarized the Committee's discussion on the Baseline Economic Impact Study. He would like to provide Council with additional information at the next workshop.

Town Planner Neville was invited to attend a Maryland Coastal Bays Foundation meeting. He stated that half of the meeting was dedicated to their concerns of the water quality of the Chincoteague Bay. They have an interest in finding ways to improve water quality. He also received a request from Transportation Supervisor Van Dame about the Trolley Transit System. The Virginia Department of Rail and Public Transportation identified a requirement that every public transit operator receiving state funding to prepare and adopt a Transit Development Plan. The state has hired a consultant to help with this. It has to be adopted by Council by December and updated yearly. The consultant will be here July 21st at 10:00 a.m. They have asked that the Town identify a handful of trolley riders for interviews and will complete a questionnaire while tourist season is at its peak.

Police Department

Chief Lewis gave Council a copy of the monthly report for June. He advised that the scheduled mock assessment, for the Police Department accreditation, has been postponed for September.

Public Works Department

Public Works Director Spurlock reported: Along with routine summer operations the new roof is completed on the old jail, the 2nd tennis court has been resurfaced at the Veteran's Memorial Park. They have been cleaning and doing fill work and reshaping at "Mariner's Point" which is the unofficial name of the observation area at the Curtis Merritt Harbor. They wanted to have it done for the launch. There was a lot of cleanup for the 4th of July holiday weekend. In the

Water Department they are in the process of converting from gas to liquid chlorine. Mr. Matt Butler passed his water test and is now a certified operator. The fall paving contract will tentatively consist of Anderton Avenue, some repairs on Eastside Road and Poplar Street.

Councilwoman Conklin commended the Public Works Department on a wonderful job at Mariner's Point.

There was discussion regarding Anderton Avenue.

Vice Mayor Richardson asked if there could be posted "no trucks" because of the narrow width along Anderton Avenue.

Public Works Director Spurlock advised he would look into this matter.

General Government

Town Manager Ritter reported: The June Trolley ridership was up 73%. In 2011 there were 2,290 riders versus 2010 there were 1,319. The July 4th shuttle busses managed to transport all the people before the heavy rains as the fireworks display was a little early. The total July 4th ridership was 720.

Town Manager Ritter also reported: The office staff is busy with Pony Penning Sales Permits which are due by Friday, July 15th. This includes the Blueberry Festival. On June 15th, the Commonwealth Transportation Board approved a grant for \$279,000 for the enhancement of downtown Main Street. Staff has been working on the fiscal year closeout and preparing for the audit on August 29th. They have been working on the Co-location Agreement with the Eastern Shore Broadband Authority. He stated that Town Attorney Poulson recommended breaking it down into two agreements, one for the wastewater treatment plant and one for the jail. He advised that construction will begin soon, possibly October or November. There will be a meeting this week. He stated that there is a copy of the letter in the packet to Mrs. Kat Edwards about the \$279,000 grant. There is also an activity update from Mr. Rob Catron.

Town Manager Ritter reported on the revenues for FY2011.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$ 630,222	\$ 617,562	(up)	\$ 12,660
Tangible Property Tax	\$ 182,760	\$ 174,219	(up)	\$ 8,541
Meals Tax	\$ 670,353	\$ 422,434	(up)	\$ 255,919 (with 1%)
Meals Tax	\$ 542,682	\$ 422,434	(up)	\$ 120,248 (without 1%)
Sales Tax	\$ 104,671	\$ 89,770	(up)	\$ 14,901
Transient Occupancy	\$ 733,132	\$ 524,514	(up)	\$ 208,619
Water Rent	\$1,021,235	\$ 890,594	(up)	\$ 130,641

Councilman T. Howard stated that all revenues are up and Town Manager Ritter was commended.

Councilwoman Conklin stated that employees are diligent in collecting taxes, which are at 98% as opposed to the County.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of June 6, 2011**
- **Regular Council Meeting of June 16, 2011**

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the minutes. Unanimously approved.

2. Joint Public Hearing on Sign Ordinance Amendment

Town Planner Neville explained the proposed changes. He explained how this matter came before the Commission. The proposed change is in Section 7.11 of the Zoning Ordinance. He explained the proposed criteria for the determination of wall sign height: The height of the wall sign may exceed 12' in height if (1.) The sign remains below the eaves of the roof. (2.) Does not exceed the permitted building height.

Councilman T. Howard asked if it has to remain completely below the eaves how it would exceed the building height.

Town Planner Neville stated that the wall sign could extend beyond the main roof line of a single story structure on a dormer or upper level structure and still be below the maximum height limit in the zoning district. He stated that the Planning Commission has considered the need for some flexibility while not wanting to change the characteristics of the Town. He advised that there was a concern that the BZA may not be the best organization to make that decision. He added that going to the BZA requires the owner to demonstrate a hardship.

Chairman Rosenberger also explained the pedestrian height of signs and view line.

Town Planner Neville continued to explain the reason for the changes. He stated that the sign should follow the architecture of the building and should be located above the entrance. There was also concern of the view with the entrance to Town on the new bridge.

Mayor Tarr opened the joint public hearing with the Planning Commission at 7:59pm for the change to the Sign Ordinance.

There were no public comments.

Mayor Tarr closed the joint public hearing at 8:00 p.m.

Chairman Rosenberger asked for the Commissions' pleasure as one member was absent.

Commissioner Cherrix motioned, seconded by Commissioner Papadopoulos to send the Sign Ordinance back to the next Planning Commission meeting. Motion carried.

Ayes: Cherrix, Papadopoulos, Potts

Nays: Muth, Katsetos

Mayor Tarr stated that if they discuss and make any changes at the next Planning Commission meeting another public hearing would be required.

Chairman Rosenberger advised that the only change would be to reduce the requirement.

Mayor Tarr stated that the Planning Commission has been working on this for 6 months.

Chairman Rosenberger stated that this was not originally sent to them by Council.

Councilwoman Conklin stated that she understands other signs in Town exceed the 12' limit and look good. She added that as long as it doesn't pass the roof line it should be allowed.

Councilman T. Howard asked Town Attorney Poulson if Council could vote on this.

Town Attorney Poulson advised that he believes that it doesn't matter what the Planning Commission decides to do that Council can still vote on it.

Councilman T. Howard asked the Planning Commission members what the reasoning was that they opposed this.

Commissioner Potts stated that he feels differently now than he did before.

Councilman T. Howard concurs with Councilwoman Conklin. He is concerned with those members of the Planning Commission who opposes this change.

Chairman Rosenberger stated that he did not vote. He explained the reason to vote for it, which is for economics. He stated the reason to oppose it, which is to keep the Town a different place than Ocean City.

Councilman T. Howard stated that with home occupations and the number of signs, it does not keep in the characteristics of the neighborhood.

Mayor Tarr advised that there is no increase in square footage in any district.

Discussion continued.

Town Planner Neville gave another option for the sign height to only apply in commercial districts.

Town Attorney Poulson suggested adding another section with specific instructions.

Councilman T. Howard stated that he cares about the character of the community. He keeps hearing that people don't want to see this area looking like Ocean City.

Councilwoman Conklin stated that they're not talking about home occupations; they're talking about signs in a commercial district.

Councilman T. Howard felt that they were talking about home occupations.

There was further discussion.

Mayor Tarr stated that Council has the decision if they want to vote on this now or wait until the Planning Commission reviews this. He advised that 3 years ago they addressed the height of signs. He reminded Council that for 30 years before that there was no sign height limits.

Councilman T. Howard expressed his concerns of the home occupations with this change.

Councilman Jester stated that if they added the verbiage "does not apply to home occupations" then it would resolve the issue.

Discussion continued.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to send the wall sign height changes back to the Planning Commission for further review at the August 2011 meeting. Unanimously approved.

3. Accomack County Board of Supervisors Update

Supervisor Thornton reported: She congratulated Councilman Jester on his appointment on the Wallops Space Flight Authority. She stated that Ms. Kathy Philips has continued to lead people to believe that the water quality in the Chincoteague Bay is poor. She advised that it is the Maryland end that is poor. Supervisor Thornton advised that she has reviewed the water quality reports and assured the residents that the water quality here is good. She advised that with the rolling tides and no poultry run-off that there is a good flushing system. She stated that shellfish sanitation continues to check the water quality. She stated that the results are online for review.

The US Department of Justice has approved the redistricting plan. She asked about the draft of the deed for the old elementary school. She will check into this as it was to be done as soon as possible with no strings attached. A notice was sent to Mr. Mason to cut a check for \$985 from the drainage fund for the year. There is a meeting scheduled Wednesday with the Army Corps of Engineers with the Town, County and VDOT about the issues of maintaining ditches. The County is preparing to hire a new Community Development Planner. The Board of Supervisors is planning to put the agenda in the paper. She has suggested streaming the County's Planning Commission meetings. The County still doesn't have a judge. The law changed this year that an alternate can be named for the Equalization Board.

There are issues about the Fire Companies in Accomack County. The Town and County supports the efforts of the Wallops Research Park. She was disappointed that the County cut the lobbyist. She has not been to any meetings regarding central sewerage and has only heard what went on in the meetings. She feels this was blown out of proportion.

Councilman J. Howard stated that the Federal money just isn't there for sewer grants.

Supervisor Thornton stated that the plans haven't made it to the Accomack Planning Commission and she asked where the money would come from.

There was further discussion.

4. Construction Update on the Alignment of Chicken City Road

Town Manager Ritter gave a presentation regarding the Chicken City Road Alignment Project. He advised that the VDOT representative in Suffolk was unable to make the meeting to give the presentation himself. He reported that the project will improve the Chicken City Road and Ridge Road intersection. He reviewed the slides through Power Point. He stated that the plans are close to completion and they are close to putting the project out for bid. He advised that the anticipated completion date is May 2012. He stated that they plan to close the intersection with detours.

Vice Mayor Richardson asked about the road closure and the school bus routes.

Town Manager Ritter stated he will look into that.

Mr. Fred Ficken asked if there would be any traffic control signs or signals at the intersection.

Town Manager Ritter stated that Church Street will be the throughway and Ridge and Chicken City Roads will have stop signs as they currently do. He added that after a year VDOT will conduct another traffic study to review the need for a traffic light.

5. Recreation and Community Enhancement Committee Report of June 14, 2011

Councilman Jester reviewed the minutes from the June meeting. He again thanked Mrs. Canon and Mrs. Jorgensen with their improvements to Watson Park. He also mentioned the preliminary naming of the overlook at the Curtis Merritt Harbor, which he calls "Mariner Point". He commended the Public Works Department for the cleanup there.

Councilman T. Howard commended the Committee for showing gratitude to all the people for donating land to make the Veterans Memorial Park possible.

6. Mayor & Council Announcements or Comments

Councilman J. Howard asked Town Manager Ritter to contact VDOT to put a "maintain speed limit" sign on the Causeway. He feels that mosquito control is a major issue and the Town needs to do a better job.

Councilman T. Howard discussed the mosquito control issues also. He doesn't feel the plane has the same effect as it used to. He stated that with one rain after another there will be one hatching after another. He asked Public Works Director Spurlock for information.

Public Works Director Spurlock advised that with the recent rain and high tides it has created more hatching. He stated that the last aerial spraying was effective and the mosquito count has

gone down. He advised that the plane only kills adult mosquitoes. He stated that the count earlier today was down.

Councilman T. Howard asked how the count is done. He asked if they count how many mosquitoes pitch on the individual taking the count.

Public Works Director Spurlock advised that was correct.

Councilman J. Howard understands that the faster the truck moves the more spray comes out. He stated that everyone feels that because they're moving fast they're not getting the sufficient spraying in their area.

Supervisor Thornton asked if the Town was larvaciding and where.

Public Works Director Spurlock advised they go anywhere they can get access.

Supervisor Thornton asked if they were using Dibrum in the plane.

Public Works Director Spurlock stated they were using Trumpet.

Supervisor Thornton asked if they banned Dibrum.

Public Works Director Spurlock advised they have.

Mayor Tarr stated that they quit using Dibrum approximately 10 years ago because of a complaint that it was killing more than mosquitoes. He believes that the Town has been using the same chemical for the past 5 or 6 years. He stated that the larvaciding should be done in the spring.

Supervisor Thornton agreed with Councilman J. Howard that the plane should fly any day during the week not just on the weekend.

Discussion continued.

Mayor Tarr announced that they are getting ready to advertise for a couple of mosquito sprayers.

Mr. Dean Orseno commended the sprayers for working diligently.

Councilwoman Conklin reminded the homeowners to walk around their property and look for standing water and overgrowth.

Vice Mayor Richardson stated that the grass needs cutting at the old elementary school gym. She asked if Smith Street extended was the responsibility of the Town because of large holes in the roadway.

Public Works Director Spurlock advised that it is a private road.

Councilman Jester feels that the Town should contact VDOT regarding the response time of 2 hours when there is a problem with the bridge.

Public Works Director Spurlock advised that electricians will be onsite during Pony Penning.

Mr. Jester also stated that he is the County representative for the Virginia Space Flight Authority. He feels this is a great for the economy. He stated they are concerned with the support on the Research Park.

Councilman T. Howard talked about the replenishment of the beach. He asked if Congressman Rigell discussed beach replenishment at his latest visit.

Supervisor Thornton stated that she and Mayor Tarr informed Congressman Rigell of this matter. She stated that it is going to be a long exhausting battle with the U. S. Fish and Wildlife. She advised that Congressman Rigell is working with those higher up in the U.S. Fish and Wildlife. She believes that everyone is waiting for them to come out with their alternative so that they can comment. She feels that the citizens should unite and speak with one voice selecting the alternative that would be best for the health, welfare and the economy of this community.

Councilman T. Howard stated that they are more concerned with the endangered wildlife than they are endangering our homes and life on the Island.

Discussion continued.

Councilman T. Howard concluded that if the beach goes the Island goes.

Councilman Jester stated he saw Mr. Rob Catron in action. He added that the Town is fortunate with hiring someone who knows what they're doing. He feels that the County made a grave error by discontinuing the lobbyist.

Mayor Tarr stated that there is a monthly report from Mr. Catron. He asked about the Verizon DSL line.

Councilman J. Howard advised that the equipment is in place and shouldn't be too much longer. He advised that he went through the State Corporate Commission and they contacted Verizon on his behalf. He was told it would be done the last quarter.

Mayor Tarr congratulated Public Works Director Spurlock for obtaining his Water Works License also.

Mayor Tarr asked Mr. Ficken to bring his electric bills to the Town Office staff.

Mr. Ficken also asked about the signs on the Causeway. He suggested signage stating "Marsh Island Only" because of all the vehicles turning on the spur to get to Chincoteague.

Mayor Tarr asked Town Attorney Poulson to address Mr. John Smith's Freedom of Information request of the "notice of not to proceed".

Councilman T. Howard announced that the Ordinance Committee will meet Thursday at 5:00 p.m. He advised that overgrowth on properties will be addressed.

Adjourn.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager



STAFF REPORT

To: Mayor Tarr and Town Council

Through: Robert G. Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: July 25, 2011

Subject: Sign Ordinance Amendment - Maximum height for building mounted 'wall signs'

- ❖ Planning Commission recommendation from July 12th work session to consider a proposed amendment to the Sign Ordinance that would permit wall signs to exceed the maximum 12 height limit under certain conditions
-

The Planning Commission has included a review of the Sign Ordinance (as adopted on 6/19/08 and 4/6/09) in its current Work Plan as a result of concerns expressed by business owners and residents. Following discussion at Planning Commission meetings over the last 6 months, a strategy for reviewing the Sign Ordinance was proposed.

Minor corrections to the Sign Ordinance may be necessary based on a review of violations and community requests from the last 3 years. A comprehensive review may create as many problems as it would solve, so it was determined to narrow the current review to only Banners, Flags and Pennants as requested by Town Council, and to consider a list of compliance issues provided by the Zoning Administrator.

Zoning Administrator Kenny Lewis was consulted about the code compliance issues that he has repeatedly encountered as well as several applications for wall signs that have been recently submitted to the Town for approval. His recommendations for Planning Commission review included the following issue:

- Increase the maximum allowable height of commercial wall signs from 12 feet, to a height not to exceed the primary structure, and mounted on the wall beneath the eaves of the roof. This would address an ongoing issue that is currently being decided by the BZA on a case by case basis.

Planning Commissioners reviewed this report at the March 8th and May 10th meeting and requested additional information for the next meeting. Commissioners have taken time to observe building mounted signs around Town and discussed the following ideas:

- application for variance to the BZA would provide a means to address individual situations
- definition of 'roofline'
- consideration of roof mounted signs to either eliminate that option or confirm whether it also meets a criteria of 'below the roofline'
- questions about mansard roof signs, hanging signs, awning signs, or other building mounted signs were raised to see if the height limits would also apply to them
- setting sign height based on a pedestrian scale rather than a vehicle scale of visibility
- standards that encourage moderation to keep the Town visitor friendly and not trend toward over commercialization
- new regulations that require first floor elevations above flood level, plus 8' ceiling height can cause a problem with the 12' height limit above surrounding grade
- zoning decision should be made based on the building architecture
- increased height in building mounted signs should be the exception applied specific building types such as 3 story hotels rather than allowed in all cases and on all buildings.
- the vista of buildings from the new bridge entry into Town is a particular concern since the image and character of Chincoteague is a public value
- the adoption of a specific height limit, whether 12 feet or any other, does not address the relationship between a building mounted sign and the unique architecture of the building
- flexibility should be provided for business owners to make good decisions regarding signage and its location

A joint public hearing was held on July 11, 2011 between the Town Council and the Planning Commission to consider the following amendment to the Sign Ordinance. There was no public comment. The Planning Commission did not forward the amendment for Council action at this time.

Commissioner Cherrix motioned, seconded by Commissioner Papadopoulos to send the Sign Ordinance back to the next Planning Commission meeting. Motion carried.

Ayes: Cherrix, Papadopoulos, Potts Nays: Muth, Katsetos, Absent: Taylor

Zoning Ordinance – Public Hearing Version

Article VII

Signs

SECTION B. STANDARDS AND CRITERIA

Sec. 7.11. Generally.

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section. Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague. All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. Determination of sign height generally. The height of a sign shall not exceed 12 feet in height. The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign ~~or, whichever is greater~~. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. Roof signs shall be excluded from Section 7.11.2.

7.11.2.1 Determination of sign height for wall signs. The height of a wall sign may exceed 12 feet in height if it remains completely below the eaves of the roof and does not exceed the building height.

7.11.~~34~~. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.~~43~~. Sign Illumination.

- (1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- (2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.
- (3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.
- (4) Illumination of a grandfathered off premise sign is prohibited.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

Planning Commission Recommendation

The Planning Commission met on June 12, 2011 and added the Sign Ordinance amendment to their work session agenda. Following a discussion of the proposed Sign Ordinance Amendment, Commissioner Papadopoulos made a motion to discontinue any further work on the wall sign height issue and not to alter the existing Sign Ordinance. The motion was seconded by Vice Chairperson Cherrix. Each member of the Planning Commission presented a point of view. The motion failed 2:3. (Ayes: Papadopoulos, Cherrix, Nays: Muth, Taylor, Potts, Absent: Katsetos).

An effort was made to find agreement and it was decided to add a provision regarding measurement of sign height from base flood elevation back in from an earlier 6.14.11 staff report. Other changes were made to make sure that the ability to increase wall sign height above 12 feet is proposed only in 'Commercial Districts', only on primary structures, and only if they are below the 'horizontal' eaves of the roof. The revised amendment (below) was contained in a motion by Commissioner Papadopoulos, seconded by Councilman Muth, recommending approval to the Town Council. The motion was unanimously approved (Ayes: Cherrix, Taylor, Muth, Papadopoulos, Potts, Nays: none, Absent: Katsetos)

Zoning Ordinance – PC Recommended Version

Article VII

Signs

SECTION B. STANDARDS AND CRITERIA

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7.11.1. Determination of sign area. In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. Determination of sign height generally. The height of a sign shall not exceed 12 feet in height. The height of all signs shall be the distance from the grade level where the sign is erected to the top of the sign ~~or, whichever is greater~~. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. Roof signs shall be excluded from Section 7.11.2.

7.11.2.1 Determination of sign height for wall signs. The height of a wall sign may exceed 12 feet in height, measured as the distance from the grade level where the sign is erected, or base flood elevation whichever is greater, to the top of the sign. In commercial districts only, wall signs for a primary structure may exceed 12 feet in height if they remain completely below the horizontal eaves of the roof and do not exceed the building height.

7.11.~~34~~. Installation of wall signs. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.~~43~~. Sign Illumination.

- (1) Externally lit signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- (2) External illumination for signs and outdoor advertising structures in which electrical wiring and connections are to be used shall require a permit and shall comply with the Virginia Uniform Statewide Building Code and approved by the building inspector.
- (3) The fixtures and source(s) of illumination used to illuminate signs shall not be directed toward nearby residential properties.
- (4) Illumination of a grandfathered off premise sign is prohibited.

7.11.5. Other uses. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

Staff Recommendation

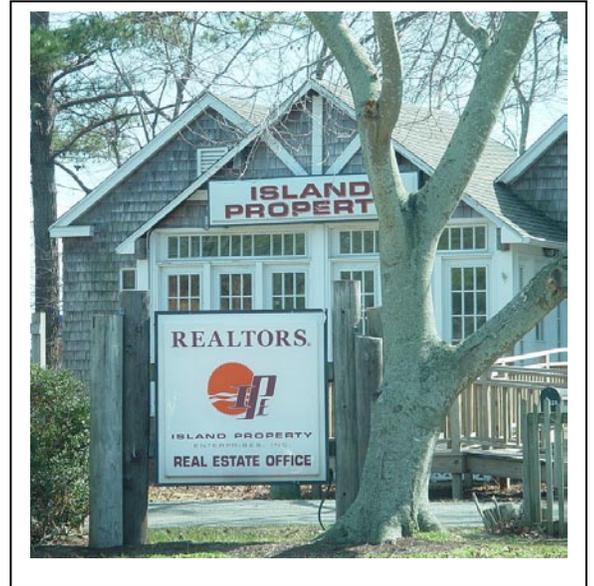
Planning Staff recommends approval of the Sign Ordinance Amendment subject to Town Council consideration of the following:

- Sufficient time and change of circumstances have occurred since the Sign Ordinance was last amended in 2008/09.
- The proposed amendment would apply to all existing sign permits or only to permits for new signs and repair/replacement.
- A definition of 'horizontal eaves' may be needed

Sample Motion

I move to approve the proposed amendment of Zoning Ordinance Article 7 –Signs as recommended by the Planning Commission on July 12, 2011

Example Building Mounted Signs







RESOLUTION

BY THE TOWN COUNCIL TOWN OF CHINCOTEAGUE, INC.

CHINCOTEAGUE CAUSEWAY MINIMUM SPEED

EASTERN SHORE DISTRICT
VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, motor vehicles traversing that portion of Virginia State Route 175 known as the Chincoteague Causeway at speeds much less than the posted maximum are considered a hazard; and

WHEREAS, the Town of Chincoteague agrees to procure, install and maintain the resultant signs utilizing Urban Maintenance funds; therefore, be it

NOW, THEREFORE, BE IT RESOLVED, by the Chincoteague Town Council this 1st day of August 2011, that the Virginia Department of Transportation be, and is hereby, requested to perform a traffic study to ascertain whether the posting and enforcement of minimum speeds on the Chincoteague Causeway is warranted and; be it

RESOLVED FINALLY, a certified copy of this resolution shall be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

Attest:

Hon. John H. Tarr, Mayor

Robert G. Ritter, Town Manager

**ORDINANCE COMMITTEE
TOWN OF CHINCOTEAGUE
July 14, 2011**

Meeting Minutes

PRESENT

Councilman Terry Howard, Chairman
Councilwoman Nancy Conklin

ABSENT

Councilman John Howard

STAFF

Robert G. Ritter, Jr., Town Manager

CALL TO ORDER

Chairman Terry Howard called the meeting to order at 5:00 PM

OPEN FORUM/PUBLIC PARTICIPATION

There was no public participation.

AGENDA ADOPTION

A motion was made by Councilwoman Conklin, seconded by Chairman Howard to adopt the agenda, Motion Carried.

1. Discuss the Possibility of a Grass and Weed Ordinance

Town Manager Ritter would like to have the Town added to the State Code section *15.2-901*, paragraph 3 as a Town permitted to enforce a grass or weed ordinance. He would like to send it to Senator Northam and Delegate Lewis to have it included in the legislature next spring. Once it is in the State Code we can create our own ordinance and have more flexibility for enforcement.

Mr. Howard expressed his concern as to how it would be enforced fairly. Mr. Ritter said that he would have Mr. Lewis put something together as to our rights.

Mr. Howard asked to check with Town Attorney Poulson as to the legalities of the wording of the ordinance.

Mrs. Conklin motioned, seconded by Mr. Howard to recommend to the Council sending a letter to Senator Northam and Delegate Lewis with a request that the Town be included in the State Code *15.2-901 paragraph 3* as a Town permitted to enforce a grass or weed ordinance on occupied properties. Motion carried.

COMMITTEE MEMBER COMMENTS

Mr. Howard had a concern that we are having two meetings a month and the Town Charter only calls for one regular Council meeting a month. He feels we need to have the Town's Attorney look at it and see if the Charter needs to be changed.

Mr. Ritter noted that Robert's Rules and FOIA only requires us to post the meetings within three days. Special meetings should not have more than one agenda item and recessed meetings should not have any new items only what did not get covered on last meeting. Workshop meetings should not have any actions or motions.

Mrs. Conklin said she had heard some complaints that people could not hear at the meetings and was there any way to turn up the microphones. Mr. Howard agreed.

A motion was made by Councilwoman Conklin, seconded by Chairman Howard to adjourn the meeting. Motion Carried.

July 19, 2011

Lynwood W. Lewis, Jr.
Delegate - 100th District
P O Box 760
Accomac, VA 23301-0760

Dear Delegate Lewis:

As you are well aware the Town of Chincoteague is a tourist destination with approximately sixty (60) percent seasonal residents. The Town has had a history of a few full time residents and seasonal residents who let their grass, weeds, or vines grow to an unmanaged or unsightly view.

The Chincoteague Town Council met on August 1, 2011, and voted unanimously to send a letter regarding yard maintenance on developed properties. The Virginia State Code 15.2-901 paragraph three (3) gives the Town the authority to establish an ordinance towards enforcing vacant developed and undeveloped properties to cut their grass, weeds and other foreign growth. The Town of Chincoteague would like to be added to the list of jurisdictions (i.e. County of James City, the Cities of Colonial Heights, Newport News, Williamsburg, and Winchester, and in a locality within Planning District 8) that are permitted in the State Code to enforce owners with occupied properties to cut their grass, weeds and other foreign growth therein.

Please let me know what we can do to expedite the process in which the Town of Chincoteague may be added to legislation. If you have any questions please give Robert Ritter a call at 757-336-6519.

Sincerely

John H. Tarr, Mayor

See Attached:
State Code 15.2-901

[prev](#) | [next](#)

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;
2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;
3. The owners of vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. In the County of James City, the Cities of Colonial Heights, Newport News, Williamsburg, and Winchester, and in a locality within Planning District 8, an ordinance adopted pursuant to this subdivision may also apply to owners of occupied property therein. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

**WASTEWATER ADVISORY COMMITTEE
TOWN OF CHINCOTEAGUE
July 15, 2011**

Meeting Minutes

PRESENT

Mr. Spiro Papadopoulos
Mr. Tommy Clark
Mr. Mike Tolbert
Mr. Scott Chesson
Mr. Kelly Conklin
Mayor John H. Tarr

STAFF PRESENT

Mr. Harvey Spurlock
Mr. Bill Neville
Town Manager Robert Ritter, Jr.

1. Review of Committee Structure

Mayor Tarr spoke about the unique opportunities the Town has with the Atlantic Group and their efforts to construct a wastewater treatment facility in which the Town could possibly benefit. He stated Council had given permission to set this committee up to go forward and look at all options that are out there and make a recommendation back to them on how to proceed and if the Town should proceed.

Mayor Tarr stated several businesses in the downtown area were having several septic issues and were having to be pumped out several times a week.

Mr. Conklin asked what the feelings of other businesses were on this issue. Mayor Tarr stated he believes they know there is a need, but they would want to know what it would cost. He also explained that there are people out there who would help the Town to try to obtain funding and some are on board already. There are low interest loans and grant money, although grant money is hard to obtain.

Several concerns other than cost and grants were package plants and deep well injection.

Mayor Tarr stated he had heard that the Federal Government had just passed a law saying there could be no sewer plants within 10,000 feet of an airfield. The site being proposed in Atlantic just misses this distance.

Mr. Papadopoulos stated we should step back and take a look at this a little different. He is just a resident and not a business owner. He thinks the Committee needs a series of balances to bring together on various issues. We need to familiarize ourselves with what has taken place in the past and our options. He feels tasks should be assigned to each Committee member.

Mayor Tarr has sent a letter to Supervisor Thornton regarding the County and their stand on the issue of wanting this facility here or not wanting it here. A decision needs to be made.

Mr. Conklin asked what the time frame was in getting the recommendation to Council. Mayor Tarr stated sooner rather than later depending on the option chosen.

Mr. Tolbert stated the time frame the Atlantic Town Center had for its system was approximately two years.

Town Manager Ritter asked as a committee if this was the most feasible route for the Town. He suggested the option of a Public Service Authority.

Mr. Clark stated Accomack County needs a treatment plant and they know they need one, yet when he was at a meeting in Atlantic there were three Accomack County supervisors there that were against the plant.

Mr. Tolbert thinks the Planning Commission needs to take a look at zoning before putting a sewer system in place.

Mr. Papadopoulos expressed the need for a mission statement for the committee. Mayor Tarr stated that he thought Mr. Neville was working on something.

2. Discussion of 1 Year Work Plan Priorities

Town Manager Ritter suggested to have a plan for the first year and revisit it every six months to a year and readjust as needed.

Mayor Tarr would like the Committee to take a look at all of the work that has been done so far. He also suggests a meeting with Chris Carbaugh of the Atlantic Group to discuss his proposal for the Town of Chincoteague.

3. Schedule Next Meeting

The next meeting was scheduled for July 21, 2011 at 9:00 a.m.

Mr. Chesson motioned, seconded by Mr. Conklin, to elect Mr. Papadopoulos as Chairman and Mr. Conklin motioned, seconded by Mr. Chesson, to elect Mr. Tolbert as Vice Chairman of the Committee. Both motions carried. Mayor Tarr will only be at the meeting in an advisory capacity.

- **Identify materials necessary for next meeting.**
 - Copies of Atlantic Town Center's revised cost estimate.
 - Copies of the Town and County comp plans.
 - David Rigby's presentation from 2006-2007.

A motion was made by Mr. Conklin, seconded by Mr. Tolbert to adjourn the meeting. Motion carried.

**WASTEWATER ADVISORY COMMITTEE
TOWN OF CHINCOTEAGUE
July 21, 2011**

Meeting Minutes

PRESENT

Mr. Spiro Papadopoulos, Chairman
Mr. Mike Tolbert, Vice Chairman
Mayor John H. Tarr
Mr. Kelly Conklin
Mr. Tommy Clark

STAFF PRESENT

Mr. Harvey Spurlock
Mr. Bill Neville
Town Manager Robert Ritter, Jr.

ABSENT

Mr. Scott Chesson

CALL TO ORDER

Chairman Papadopoulos called the meeting to order.

ROLL CALL

All Committee members present with the exception of Mr. Chesson.
Mr. Chris Carbaugh, Atlantic Town Center Development Corp. and the Atlantic Group
Mr. Mark Baumgartner, Attorney for Atlantic Town Center
Mr. Chris Derbyshire, George Miles and Buhr
Mr. Peter Bozick, engineer with George Miles and Buhr
Mr. Ryan Bergey, Atlantic Town Center Development Corp.
Mr. Jay Bergey, Atlantic Town Center Development Corp.
Mr. Ross Bergey, Atlantic Town Center Development Corp.
Mr. Rob Catron, Alcade & Fay

1. Presentation of the Atlantic Town Center Wastewater Treatment Plant

Mr. Carbaugh thanked everyone for the opportunity to come and speak with the Committee. He would like to give a summary of the facility as it is being planned and discuss the possibility of working together and maybe discuss funding opportunities and any other questions.

Mr. Bozick of George Miles and Buhr gave a presentation of the overview and details of the type of treatment plant they are designing. They are talking about a treatment process called a Membrane Bio Reactor with a groundwater recharge which puts the treated water back into the ground water. It is a clean water plan. There are currently five of these MBR processes in operation on the Delmarva Peninsula now. Three of those are putting treated water into the ground water.

The basic concept they are trying to apply here for the wastewater issues on the island, is to take the wastewater from the island, send it to the mainland, clean it up and put it back into the ground into a fresh water aqua berm to create enough of a recharge to keep levels high enough to prevent salt water intrusion to protect the water supply.

This ties into the report Clark Nexsen did for the Town and recommends this as a feasible and viable concept.

There was discussion of Rapid Infiltration Basins.

Mr. Clark asked about the backup withholding of this system. It is 14 days in a lined pond that is called operational storage. He noted the State will argue that there are potentially some periods throughout the year that are not desirable for this, but DEQ gave a minimum of two weeks.

The system is designed for 700,000 gallons per day but on a seasonal basis can accommodate upwards of 1.5 million gallons per day. Based on a study done by Clark Nexsen, there would be a 340,000 gallon per day flow for Chincoteague. Technically right now they have a permit for 100,000 per day. However, it is a work in progress and they are trying to be able to allow up to 340,000 gallons per day for Chincoteague.

The system is designed to be upgraded. They do not want to oversize the facility without the users because of cost. They are looking long term to try and keep the rates affordable.

All of the equipment is enclosed other than an emergency generator which will be on the exterior. Chairman Papadopoulos asked if the facility would be manned. Mr. Bozick stated that typically a facility like this would be manned eight hours per day five days per week, but someone would be coming in to check things seven days per week.

Chairman Papadopoulos was also concerned about the life cycle of the equipment. Mr. Bozick noted that the membranes have a 10 year life cycle and there is about a 20 year life cycle on all other equipment.

Other concerns were the Rapid Infiltration Basins. There will be no solids or storm water drainage, rain water only.

Chairman Papadopoulos asked about smells associated with the facility. He was told there would be some smell with the primary concern being the sludge drying beds. Bio solids are sent to a greenhouse structure.

Mr. Conklin asked how far this would be from the closest neighbor. That distance would be approximately 500 feet.

Chairman Papadopoulos stated that is important to have a system that is 100 percent technically correct. He said there have been several studies and several consultants involved, but who is ultimately responsible? Mr. Carbaugh stated that Atlantic Town Center would be ultimately responsible. Chairman Papadopoulos then asked how that responsibility was defined, is it bonded, is it guaranteed?

Mr. Carbaugh stated they all rely on their professionals and they work closely with DEQ. DEQ would not approve anything that was not safe, reliable or environmentally superior. He also stated that it will always be regulated to DEQ and SCC. There will always be people looking over this system.

Mr. Tolbert asked if the DEQ had any concerns about the pumps and piping coming from Chincoteague to the facility. Mr. Carbaugh stated that it is a 9-10 mile distance and is done quite frequently and poses no problems.

Chairman Papadopoulos asked what materials would be used to construct the force main. The usual materials are either ductal iron or high density PVC.

Mr. Carbaugh stated the DEQ has given approval for the preliminary design and found it to be acceptable. The DEQ will also hold a public meeting sometime in September to let the public know what they have reviewed and found in regards to the disposal.

Mr. Conklin asked a question about construction. Mr. Carbaugh said construction would be approximately one year. They are looking at treatment cost now and are open to working with authorities and municipalities to explore funding opportunities and come up with a comprehensive approach that works for everybody. They are currently working with real numbers so they may be able to give exact rates.

Atlantic Town Center Development Corporation is ready to go and if along the way someone says they want to develop infrastructure on Chincoteague Island they can. The Town as a municipality can design its own collection system and under state law create a wastewater authority that can simply do the collection system on Chincoteague and hand it off once it gets across on the force main. The Wastewater Authority can incorporate with the Atlantic Town Center, which wants to create a community development, where they can join together and share responsibility where Chincoteague takes care of their own collection system and the Atlantic Town Center Development Group controls the plant. There are any numbers of ways this can be done.

Mr. Clark asked if Atlantic Town Center wanted to be in charge of the facility or build it and move on. They stated they want to make sure it happens and that it operates properly and the rates are as best as they can. They have a personal interest in this working right and making it happen. They will proceed but are open to other things. If they have to give the plant to another entity they would give it consideration. They want to make sure it happens, that it is reliable and room for growth expansion with Atlantic Town Center. They are there to help the environment.

Mayor Tarr asked if there was a difference between an authority and a PSA. There are different types of authorities but you could call it whatever you like.

Chairman Papadopoulos thanked them for their presentation. The group will make sure the Committee gets copies of any information they need. He also asked Mr. Carbaugh what was the basis for this idea. Mr. Carbaugh stated infrastructure and growth. He saw an opportunity to help make that happen.

Town Manager Ritter asked about financing. Mr. Carbaugh stated that they could combine their efforts with the Town or other organizations. There are a lot of opportunities for funding. They are bringing together all of their resources to make this happen. The sooner they can get participation the sooner they can get funding going.

Mr. Carbaugh will be in a better position to give cost numbers in about 30 days.

2. Committee Member Comments

There were no comments.

No motions were made to adjourn.