

REGULAR COUNCIL MEETING A G E N D A

TOWN OF CHINCOTEAGUE

September 4, 2012 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Consider Adoption of the Minutes
 - Regular Council Meeting of August 6, 2012 (Page 2 of 33)
 - Council Joint Workshop with the Beach Access Committee of August 23, 2012 (Page 11 of 33)
 2. Public Hearing on Chapter 22, Article VI. Grass, Weeds and other Foreign Growth on Private Property (Page 20 of 33)
 3. Public Safety Committee Report of August 7, 2012 (Mayor Tarr) (Page 25 of 33)
 4. Budget & Personnel Committee Report of August 14, 2012 (Mayor Tarr) (Page 31 of 33)
The following Action was forwarded by the Committee to the Council and may require a motion:
 - Donation to the Eastern Shore Rural Health for the Dentistry Division
 5. Proclamation, "Proclaiming American Legion Day" September 16, 2012 (Page 33 of 33)
 6. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE August 6, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent:

John N. Jester, Jr., Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr asked for a moment of silence for Mr. Jay Lewis and family.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Ms. Debbie Ritter, Cherrix Lane, approached Council regarding the abuse of the Emergency Ambulance Service. She stated that within the last 6 months there have been numerous calls by a patient on Cherrix Lane. She advised that this patient walks to the ambulance and is transported then returns within a few hours by private ambulance. She feels that this takes an ambulance out of service for no less than 2 hours for someone who doesn't actually need an ambulance. She doesn't know how the ambulance service is being paid for the transports. Ms. Ritter also stated that people dig deep to pay the \$84 in December for the Ambulance Insurance. She feels there is something that could be done. She also asked if the Police Officers have sensitivity training.

Sgt. Fisher advised they do.

Ms. Ritter explained an incident about contacting the Police Department regarding someone that hit a utility pole and box. She advised of a remark made to her by an officer.

Sgt. Fisher suggested speaking with Chief Lewis about this incident.

Ms. Ritter advised she has tried and will speak with him again. She asked if they could resolve the ambulance issue.

Mayor Tarr stated there is a Safety Advisory Committee meeting next week and this matter will be on the agenda.

STAFF UPDATE

Planning Department

Town Planner Neville stated that his written update was included in the monthly agenda packet. He commented on the Safe Routes to the Schools meeting and added that a successful project kickoff meeting was held today. He also advised that there is a Beach Access Committee meeting later this month.

Councilman Howard stated that the Healthy Community walk was very interesting. He asked about the next step in this process.

Town Planner Neville advised that the consultant's job is to present a report to the community giving illustrations simulating how a community could change along with their recommendations.

Police Department

Sgt. Fisher advised Council that the monthly report has been included in the agenda packet. He reminded Council of the upcoming Annual Poker Run, September 8th.

Councilwoman Richardson asked about the street closure from Church Street to Mumford Street.

Vice Mayor Leonard stated that he has been receiving complaints about the mopeds and the rash of moped accidents lately. He mentioned helmets and asked if there was anything for public safety that the Town can do as far as the law goes.

Sgt. Fisher advised that mopeds or scooters have to be less than 50 CC's and can't go over 35 mph. He continued that the driver is required to have an I.D. and must be over 16 to drive them. However, helmets are not currently required.

Councilman Howard stated that he has seen many on Beebe Road some with children standing in front of the driver along with very small children sitting behind the driver. He expressed his concerns.

Sgt. Fisher advised there are no restrictions.

There was discussion regarding a helmet requirement.

Mayor Tarr interjected that this will also be an item for the Public Safety Committee meeting. He stated that there was opposition from the rental shops and others. He also added that most helmets do not meet the DOT requirements.

Discussion continued regarding the helmet and insurance issues.

Sgt. Fisher also added that they have to abide by all the road rules and are treated as a motorcycle or vehicle. He feels that the people renting scooters or mopeds aren't as experienced as they should be.

Public Works

Public Works Director Spurlock advised that the monthly report is included in the agenda packet. He also reported that this has been a very productive and busy summer for the Public Works Department. He stated that they are having serious issues with Southern Pine Bark Beetles behind the shop and on the new nature trail. He advised that the only way to contain the beetle is to remove the timber. He stated that according to the State Forestry Department they need to cut a 75 foot perimeter around the last affected tree. He has contacted Melville Lumber in Snow Hill, Maryland and they have agreed to do the removal. He reported that the cost impact would be offset by the timber itself. He added that the damage can be seen.

There was further discussion.

Vice Mayor Leonard asked if there were any plans to replant the area.

Public Works Director Spurlock advised they haven't made definite plans but will work with the Forestry Department.

General Government

Town Manager Ritter advised that the monthly report is included in the agenda packet. He stated that there was a tabletop exercise on July 17th for Emergency Management regarding the Space Tourism Action Response Plan. He also advised that the E.S. Broadband Authority meeting is scheduled for Wednesday at 2:00 p.m. and the local Broadband Committee will meet Thursday at 9:30 a.m.

Councilman Howard asked about water rent revenue.

Public Works Director Spurlock advised that the summer months haven't been billed as of yet.

There were comments regarding the revenue report.

There was a question about the lack of "No Littering" signs around town.

Public Works Director Spurlock stated that in his experience with signs, the more that are put up the less people look at them. He added that the Adopt the Road Program is the best program for eliminating the litter issues.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda. Unanimously approved.

- 1. Consider Adoption of the Minutes**
 - **Regular Council Meeting of July 2, 2012**
 - **Special Emergency Council Meeting of July 18, 2012**

Councilwoman Richardson motioned, seconded by Councilman Muth to approve the minutes as presented. Unanimously approved.

2. Accomack County Board of Supervisors Update

Supervisor Wanda Thornton also commented on the infestation of the Pine Bark Beetles in Pine Grove Campground. She feels it is devastating at how many trees they can destroy in a short time. She suggested looking at the entire Island to have all of the affected timber removed.

Councilman Howard commented.

Supervisor Thornton suggested working together to get rid of the infestation.

Public Works Director Spurlock explained the different beetles.

Supervisor Thornton reported on several recommendations to the Board of Supervisors. She stated there was a change to what was a policy of the Board's to represent everyone fairly and equally on all committees and boards. They asked to not appoint citizens to more than 1 policy making board and that members of the Wetlands Boards should not serve on the Planning Commission. They feel if the individual is not elected they should not serve more than 1 term, however, this was opposed. One of the members wanted to completely dissolve the Airport Commission. She stated that no board member should be on a council where they pay rent. She suggested having the Board establishing what the hanger rent would be. She stated that Mr. Mason gave an update on the 3rd quarter, FY 2012. The County is down 1.7% in major revenues. There are a lot of zoning issues regarding redevelopment and a sewage issue was raised. She advised that at the meeting, there were comments regarding pumping sewage to the mainland.

Supervisor Thornton also reported that they discussed bonuses without requiring an evaluation. She commented on the Wallops Research Park. She stated that the state is willing to give the County approximately \$4,000,000 and will lose it if they don't do something soon. She suggested someone attending the meeting August 15th in support. She stated that Congressman Rigell sponsored the bill to take the deed restrictions off. She added that they couldn't get Warner or Webb to sponsor the bill. She's hoping they will after the election.

They discussed the Wallops Research Park and moving forward.

Supervisor Thornton also stated that they are looking at reconfiguring the Research Park. She made further comments. She advised that she appointed Councilman Taylor to the Wetlands Board and they are looking into the legalities of allowing a Councilman on this Board. She added that he can't vote until they get the legal opinion back. She also commented on the Baylor-ground Survey meeting being put together by Lynwood Lewis on August 22.

Councilman Howard discussed the Airport Commission.

Councilman Taylor talked about property values and reassessments. He suggested that if the agricultural land was reassessed at the new rates everyone else's taxes would not have gone up.

There was further discussion.

Supervisor Thornton added that the Board can eliminate the taxes on tidal marshlands. She suggested putting up resistance.

Councilman Taylor doesn't like how they're changing the rules for each subdivision of farmland.

Supervisor Thornton suggested having Town Planner Neville research the proposed State Storm Water Ordinance. She feels the Town should write a letter and attend the upcoming meeting. She stated that the Island should be exempted because it is at sea level as there is no way that the Island can comply.

Mayor Tarr advised that Public Works Director Spurlock has been looking into this.

Supervisor Thornton stated that the people implementing this haven't considered a lot.

Mayor Tarr thanked Supervisor Thornton.

3. Ordinance Committee Report of July 12, 2012

- **Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property**
- **Chapter 10, Article II Dogs**

Councilman Howard stated that they reviewed a draft Grass, Weeds and Other Foreign Growth on Private Property Ordinance. He also stated they have to decide the height the grass has to be before it is required to be cut and violations. He added that this alternative will take care of the problems of developed occupied property. He explained the meaning of "undeveloped" property, mentioning the width or depth of 5 feet around the perimeter to be cut.

Town Attorney Poulson reviewed some basic typos. He also stated that they will continue to use the other definitions of the ordinance. He suggested inserting "any adjacent vacant developed property or occupied property, any street, roadway or easement when the height of such grass...". He feels that one of the problems through the years is basically property that is developed but unsure if the property is vacant and how long before it is considered vacant. At one point, a property may be considered vacant developed property or occupied property. He feels this would be hard to enforce. He tried to clarify the definitions. He stated that the penalty depends on the same operative facts. He added that it is a violation if it isn't cut, there doesn't have to be a notice.

Town Attorney Poulson also explained that vacant developed means that someone hasn't been on the property for 45 days and if they have been to the property within 45 days it's considered occupied property. He added that it gives the Zoning Administrator a thick standard. He stated that under vacant developed property, it applies when the growth exceeds 6 inches (or whatever Council wants it to be) and it has to be cut to 3 inches. He continued to explain that under occupied property, Council suggested that 6 inches and has to be cut to 3 inches. Undeveloped property is different. It has to be cut 5 feet from the boundary, roadway or right-of-way of

developed property and the height requirement has to be 10 inches. Town Attorney Poulson continued that it would not apply to the boundaries of two undeveloped properties. He added that the Town can give a notice to cut it or the Town will and they can bill for cutting the property. He stated that if they don't pay the bill within 15 days there will be a lien placed on the property. He asked Council if they want to apply it to the number of feet back for undeveloped property and height. He suggested that this is significant and should be a public hearing.

Councilman Howard feels the height limit of 6 inches may be disagreed upon at a public hearing.

Councilman Taylor asked if the State (VDOT) has anything cut down to 6 inches. He stated that the Town has to clean up around the Island before they mandate a height requirement.

Town Attorney Poulson stated that the reason for the change is because this is a vacation community and the Town wants the community to look nice and maintained.

Councilman Howard added that there is vacant developed property where people leave their property unattended.

There was discussion regarding the 45 days and policing this.

Councilman Howard commented on overgrowth in a neighborhood.

Building and Zoning Administrator Lewis explained that 6 inches is tough especially with a rainy week. He gave an example of a lot that the 1st half is maintained and the 2nd half is growth. He feels this should be addressed in the Ordinance also. He stated that there are many lots that half is occupied and half is wooded. He asked if it was the intent of Mayor and Council to make a resident clear the entire lot from a partially wooded or partially undeveloped lot.

Town Attorney Poulson feels that it is the intent to make the resident clear all growth from the entire developed property. He explained property in Wildcat regarding uncontrolled growth. He described the lots. He feels they may need to rework the language for that definition.

Mayor Tarr also understands Building and Zoning Administrator Lewis' opinion about a lot that is partially cleared with a dwelling and the back of the lot is in its natural wooded state.

Town Attorney Poulson is concerned in breaking up a lot and enforcing the ordinance on only a portion.

Councilman Howard mentioned a person having a parcel 1,000 feet deep and cleared 150 feet to build a house on and the rest of the parcel is of undeveloped state. He doesn't feel Council would want to get into that.

Mayor Tarr suggested that the first half would have to be cut to 6 inches and the back half a 5 feet strip adjacent to a developed property.

Town Attorney Poulson feels that this would be convoluted and difficult to enforce.

Councilman Howard expressed his concerns and feels a public hearing would be beneficial. Town Manager Ritter suggested considering bamboo and a definition of land in the natural state. He explained land on Piney Island. Town Attorney Poulson interjected that it is a platted subdivision.

Councilman Howard also explained overgrowth from an undeveloped property onto a developed property and feels it needs addressing.

Town Attorney Poulson asked how many deep lots there are on Chincoteague.

Councilman Howard stated that there aren't many undeveloped lots left but it is still an issue.

Town Attorney Poulson advised that it is not required to go to public hearing, however, suggested advertising to hear from people and work on the issues.

Councilman Taylor asked if the Town can just cut the property and charge for it without having violation charges, such as a misdemeanor and fine.

Town Attorney Poulson stated that a letter of violation requesting they cut the property would be issued. He added that if they don't cut it then the Town cuts it and bills for it, and if they don't pay the bill a lien is placed on the property. He suggested making the charge more each time the Town has to cut the property and if they continue to violate the ordinance they should be charged.

Councilman Howard stated that this is the maximum the judge will impose.

There were comments and questions.

Mayor Tarr stated that there was discussion about doing this on a complaint basis.

Town Attorney Poulson feels this shouldn't be on a complaint basis and if the Zoning Administrator sees it, he should act on it.

There was further discussion.

Public Works Director Spurlock stated that if this Ordinance is left at 6 inches they will need more manpower in the Public Works Department.

Councilman Howard also feels it's too strong.

Mayor Tarr suggested that the Building and Zoning Administrator should ride around taking pictures of the issues on the Island.

Councilman Howard motioned, seconded by Councilwoman Richardson to take Chapter 22, Article VI. Grass, Weeds and Other Foreign Growth on Private Property to a public hearing. Unanimously approved.

Town Attorney Poulson asked Building and Zoning Administrator Lewis to send him the pictures and potential problems.

Mayor Tarr asked to move on to Article II, Dogs.

Councilman Howard asked why this Ordinance is being changed.

Councilman Taylor explained that one of the Town's Officers had an issue with a dog that had to be shot and the owner got off on a technicality because of the way the ordinance was written.

Town Manager Ritter advised that the judge ruled that the owner didn't allow the dog to roam free. He stated that the key word was "owner".

Town Attorney Poulson referred to the memo included in the packet. He advised that he used the state statute and suggested using the definition of "owner" so it would be clear. He recommended: 1) change the definition of "Owner" to the following "*Owner*" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors and animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal. Use for State Law Reference §3.1-6500.

Sgt. Fisher advised that they didn't have an attorney on this incident giving their evidence and they didn't have any recourse because the state law didn't define the "owner" as this.

Town Attorney Poulson interjected that there was an owner of this dog. He stated that the owner of the dog could have explained that he was in Naples, FL and left the dog in someone else's care. He added that the person caring for the dog should have been charged. He feels this would be sufficient.

There was further discussion.

Supervisor Thornton explained her experience in the legal system due to a dog attack.

Town Attorney Poulson added that this section is pertaining to dogs running at large not vicious dogs.

Councilman Taylor motioned, seconded by Councilman Muth to approve Town Attorney Poulson's recommended changes to Article II Dogs: "Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors and animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal. Use for State Law Reference §3.1-6500. Unanimously approved.

4. Cemetery Committee Report of July 17, 2012

Councilwoman Richardson reported that Town Planner Neville has issued a letter to different organizations asking for their support and thanking for their past support.

Mayor Tarr feels the letter should state that staff is working on all cemeteries and a Maintenance Plan. He mentioned a working packet that shows all the cemeteries. He liked the document and feels it should be shown to the public. He suggested including information on the cemeteries on the website.

There was brief discussion about damage to the cemetery signs.

Councilwoman Richardson advised that someone suggested contacting the Sheriff’s Department to have some people brought to help clean the cemeteries. She advised of the next meeting in October.

Councilman Taylor stated that Mr. Chuck Ward mentioned having a trust for donations and being able to write it off as a charitable donation.

Mayor Tarr isn’t sure the Town can set up a trust, however, a group of individuals can.

Town Attorney Poulson advised that the Town cannot set up a trust.

Mayor Tarr suggested Mr. Ward setting up a nonprofit trust.

There was further discussion.

5. Mayor & Council Announcements or Comments

Town Attorney Poulson announced that Mr. Chuck Ward has been appointed to the BZA.

Adjourn

Councilwoman Richardson motioned, seconded by Councilman Howard to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE August 23, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING
JOINT WORKSHOP WITH
CHINCOTEAGUE TO ASSATEAGUE BEACH ACCESS COMMITTEE

Council Members Present:

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

Others in Attendance:

Supervisor Wanda Thornton
Mrs. Donna Mason
Mr. Ted Lewis
Mr. David Schulte
Ms. Denise Bowden

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.

Mayor Tarr introduced Mr. David Schulte as the Director of the Eastern Shore Tourism Commission.

Mr. Schulte gave a brief synopsis of his credentials.

Those in attendance introduced themselves to Mr. Schulte.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda. Unanimously approved.

1. Staff Update

Planning Department

Town Planner Neville advised that he included information in the packet pertaining to the meeting and agenda items. He stated that they have been tracking a timeline of events. He stated that it may seem that the Town isn't doing anything regarding Beach Access, however, there was a Congressional hearing back in January that resulted in a productive dialogue. He explained how Mr. McCauley was sent to speak this evening on behalf of the Regional FWS office.

Town Planner Neville stated that the Prime Hook National Refuge has just issued their new CCP and are dealing with a lot of the same issues. He feels that rather than getting involved with any

one detail at this meeting the Council and Committee need to look at the big picture and find out if the USFW is going to incorporate any of the community's comments into the draft CCP or not. Mrs. Mason advised that there was only one issue and that is offsite parking that they have addressed.

Town Planner Neville stated that Supervisor Thornton scheduled a meeting with the Army Corps of Engineers at the Refuge and minutes of the meeting are included in the packet.

Mayor Tarr added that they are sure they are on track and it's time they prove it with the updates.

There was discussion about the mosquito problem on Assateague.

2. Review of Discussion Items for Guest Speaker

- **Request for monthly meetings with USFWS during preparation of the Draft CCP/EIS**
- **Confirm that a draft Interagency Agreement between NPS and USFWS will be included for public review along with the draft CCP/EIS**
- **Confirm that a draft Pony Management Plan will be included for public review along with the draft CCP/EIS**
- **Confirm that a draft Economic Impact Analysis that compares alternatives with the baseline study will be included for public review along with the draft CCP/EIS**
- **Request more information about the proposed Refuge Acquisition boundaries or Land Protection Plan for CNWR Complex**
- **USFWS Newsletter to inform the public that their comments from last year are being considered**
- **Other thoughts or ideas**

Mayor Tarr gave a brief of the items to discuss with the Guest Speaker, Mr. Joe McCauley.

Town Manager Ritter advised that because the changes to the CCP are in draft form they will not issue a copy for review until December.

Mayor Tarr asked Ms. Denise Bowden, who is representing the Chincoteague Volunteer Fire Company about the agreement between the USFWS and the Fire Company.

There was discussion about the Pony Management Plan. The Fire Company has never signed the Plan. They also discussed encouraging the USFWS to publish the changes to the alternatives.

Mayor Tarr stated he would like to see the land acquisition plans. Discussion continued regarding the signed contract for the purchase of property for overflow parking. He also stated that the USFWS is not informing the public that they are addressing their concerns with the CCR.

Town Manager Ritter stated that the Town would like to have a copy of the written report to USFWS when Mr. Don Hultman was in town.

The Council and Committee discussed other issues such as mosquito control for the proposed northern parking area.

Ms. Bowden stated that the proposal to move the recreational beach to the north goes against everything they stand for by destroying habitat.

They also talked about the plans to move parking north and the conversation with Ms. Trish Kicklighter.

Town Planner Neville mentioned the memo included in the packet regarding strategies and long term solutions.

Mayor Tarr suggested moving on to item 4 prior to the guest speaker.

3. Discuss a Communications Strategy and Future Guest Speakers

Town Planner Neville stated that there is a new tab at the top of the Town's website to go directly to the Beach Access information. He is in the process of gathering information to attach to this page.

Mayor Tarr stated that this will show the activity and information for the public.

Town Planner Neville stated that inviting guest speakers from outside to explain the CCP would be an opportunity to get new information. He stated that regarding the Prime Hook issues there's a citizen group that is actively fighting for beach preservation also.

Town Manager Ritter suggested inviting Mr. Richard Collins to come before Council to give his opinions and input.

They discussed potential guest speakers.

Town Manager Ritter referred to the Action Plan Ideas and asked what they would like to work on first.

4. Guest Speaker

Mayor Tarr introduced Mr. Joe McCauley from the USFWS northeast regional office and the Town's contact regarding the CCP.

There were introductions of those in attendance.

Mr. McCauley thanked Council for inviting him. He stated that he was raised in Northern Virginia. He has been with the Fish & Wildlife Services for 29 years. He has worked at 6 refuges in Virginia and was the deputy manager with Back Bay. He has spent his entire career in the northeast region. He advised that he has travelled to many refuges. He feels that there is something different here between the Town of Chincoteague and the Refuge. He felt there was a positive relationship and we need each other. He hopes at the end of the planning process that they are actually at that point.

Mr. McCauley stated that his parents purchased a Chincoteague pony in 1939. He has an 8mm movie of the roundup from the late 30's.

Mr. McCauley advised that he was asked to join the planning team and wants to be available. He stated that one of the things coming up is the economic analysis. He stated that the economists that have been working on this are prepared to present their findings Thursday, September 13th.

Mayor Tarr stated that these meetings are the type of progress meetings requested and the Town wants the development of the CCP to get out to the public.

Mr. McCauley stated that they are looking for a December release of the draft CCP, advising that the comments were taken into consideration. He added that there are a lot of eyes that have to see this document internally to make sure they are following all the laws and regulations. He stated that he is happy to give updates and mentioned the latest newsletter he brought with him. He also advised that things change.

Town Manager Ritter advised that Supervisor Thornton stated she remembers in 1992 that part of each chapter of the plan went for Town review. He stated that the Town is looking for a pre-draft to keep the big issues from occurring at the end of the process.

Mr. McCauley stated that this isn't written in stone, it's a draft Plan and they feel they need to get the document assembled and formatted for review.

Town Planner Neville asked if the Town and County leaders could receive the document before it's released to the public so they are prepared when it is released. He suggested an early briefing and description of what's going to be in the Plan.

Mr. McCauley feels a briefing could be something that they could do.

There was discussion regarding the land acquisition, the grants and where the money is going.

Mr. McCauley stated that the USFW has no commitment to purchase the land, however, the land owner has agreed to a purchase option until May 2013. He stated that they can purchase it under the current Plan A, Status Quo. He stated that they will not purchase land until the CCP is complete. He also added that alternative B and C does not include the purchase of land. He stated that there are no plans for expansion of the Refuge.

Mr. McCauley stated that he is on a strategic growth team for the Refuge System. He advised that they are taking a different approach and open to new ideas. He advised that they are looking into very large areas of land and other types of wildlife.

Mr. McCauley stated that it isn't realistic to purchase this land. However, they want the public to know. He suggested that by working they will figure out how to preserve the area. He added that according to the Plan there will be no expansion at Chincoteague.

They mentioned conservation, the shuttle systems and impact it would have on Chincoteague.

Mr. McCauley responded that the Refuge Revenue Sharing is an issue they are hearing about. He stated that Congress has to date appropriated the funds and the payments are just being made this week. He advised that the reason they are doing more than before is because of the easements.

Discussion continued about beach parking along with talk about the purchase of Maddox Campground for use by the USFWS and not being blindsided again.

Mrs. Mason feels it's in direct opposition as to what the Fish & Wildlife Service stands for. She also mentioned the mosquito problem in the northern area.

Mayor Tarr stated that there are other issues that need to be looked into, for example, the beach experience and the economic impact for Accomack County and Chincoteague.

Councilman Jester also mentioned the mosquito issue.

Mr. McCauley advised that he toured the area and feels it's beautiful. He also added that it's shrinking and the last 2 parking lots are in the ocean. He appreciates the desire to keep the beach exactly where it is but, they are faced with a situation that they may not have a choice in the matter.

Councilman Jester suggested sand fences. He asked that they try something because doing nothing isn't working. He stated that they are doing something in other areas of the country.

Mr. McCauley stated that he is doing his homework and feels the Town deserves more than the "no it won't work" position. He stated that estimates have been requested from the Army Corps of Engineers for replenishment. He mentioned the protection of the Town and wanting to deal with this issue and advised it's a Mid-Atlantic issue.

Councilman Jester asked what is happening with the dynamic study. He stated that this has the greatest impact.

Mr. McCauley advised that he believes that the Mid-Atlantic will see some dramatic impact and other government entities need to be involved.

Mrs. Mason mentioned the impacts on the north beach and the need of the sand dunes to preserve the beach.

Supervisor Thornton stated that in her opinion if they had left the beaches as they were with the dunes they would still be intact. She also stated that she was never onboard with having a flat beach. She stated that little by little they kept taking the dunes down until it is what it is today. She feels that the refuge manager doesn't want to work at preservation.

Town Manager Ritter stated that in Louisiana they have done sand dune replenishment. He asked why this CCP can't have the same verbiage as that CCP.

Town Planner Neville also added that they have been reviewing other CCPs. He mentioned the Prime Hook's draft CCP. He feels the shore line stabilization deserves more consideration and partnering with other agencies to protect habitat and the shore line.

Mr. McCauley mentioned the wildlife objectives. He's trying to understand the purposes and circumstances surrounding it.

Ms. Bowden stated that the Fish & Wildlife has been saying that this is against their policy. However, when another wildlife refuge is doing it, it's not against their policy.

There was discussion about the interim Pony Management Plan.

Ms. Bowden advised that the Fire Company has not been actively involved in this Plan. She also advised that several people on the Pony Committee has never seen this document.

Vice Mayor Leonard advised that the ponies were around longer than the Wildlife Refuge and doesn't understand why they see the ponies as adversarial with the wildlife. He added that the wildlife has always been here and coexisted with the ponies. He asked why, with the staff they have, are they considered "bad".

Mrs. Mason added that they have all lived in harmony for a very long time.

Mayor Tarr stated that it goes back to the lack of trust.

Someone asked if it was typical to include the economic impact study.

Mr. McCauley advised that he has seen the economic analysis included.

Mayor Tarr asked if the economic analysis would be compared to each alternative.

Mr. McCauley responded that it would be included.

Mayor Tarr explained that the Park Service manages their beach completely different than the south beach is managed, which is why the Town is concerned about the Management Agreement. He stated that this is why it should be included in the CCP.

Mr. McCauley advised that the Fish & Wildlife and Park Service signed a MOU in 2012. He stated that this is what will show in the draft CCP. He added that life won't change the day the CCP is signed.

Ms. Bowden mentioned the current move to the north and added that money hasn't become available to move north as of yet. She asked what would happen if it doesn't come through.

Mr. McCauley responded that it will revert back to status quo.

Councilman Jester stated that when things changed the Park Service took a lesser role. He added that the Park Service has their hands tied. He stated that the Town only sees the regulatory side.

Mr. McCauley feels they should be attentive to the laws.

Councilman Jester advised that the FWS are being sued by people who don't live in the area.

Mayor Tarr stated that the Plan has to acknowledge what could happen at the beach. He stated that the beach recreation was completely left out of the Wildlife Refuge. He suggested that "swimming" should be part of the recreation and included in the CCP.

Councilman Jester added that the beach brings millions of visitors and feels it's a benefit to the Fish & Wildlife Service.

Councilman Howard feels that if the inlet is getting bigger and causing problems with the Curtis Merritt Harbor the Plan should highlight the importance of it. He added that if anything happens to the beach there won't be a Chincoteague. He stated that there needs to be protection for our Island and beach restoration is important. He also stated that there would be a lawsuit if the Fish & Wildlife sits back and does nothing about it.

Mr. McCauley stated that they want to work with the Town along with the state. He also added that protection of infrastructure is bigger than Chincoteague.

Councilman Jester suggested working with NOAA and the Army Corps of Engineers to see what can be done to mitigate the impact to the community.

Councilman Howard would rather have a narrow beach and Chincoteague than no beach and no Chincoteague.

Mr. McCauley doesn't quite understand the forces at work and understands their livelihood. He would like to get this done on a broader scale.

Councilman Taylor stated that it's not just about economic impact.

Mr. McCauley advised that if he understands it correctly Ms. Kicklighter advised that they would maintain the dunes on the northern beach.

Town Manager Ritter advised they were dredging on the north end.

Mr. Ted Lewis interjected that if the beach is moved north and they remove the dunes the same thing will happen in the new location.

Supervisor Thornton stated that there is no way visitors can park back in the woods. She feels parking should be closer to the beach. Although she understands what's being said and there are many unanswered questions. She added that if it isn't written the policies will change. She asked for insurance.

Vice Mayor Leonard discussed the piping plover. He stated that the piping plover like to nest on a flat beach, which is why the current beach is now flat. He asked what would happen when they're forced to move on to the north beach. He also asked if the dunes would then be flattened at the north beach. He asked how the CCP is going to encompass the areas of the beach that are closed for the piping plover. He expressed his concern that the management of the piping plover will affect everyone. He stated that we are being forced to do something that will adversely affect us.

Mr. McCauley stated that before there was such an impact on the beaches they survived and even with the predators they still had lots of habitats.

Councilman Jester interjected that the piping plover has 14 miles of beach and the visitor's have 1 mile of beach.

Ms. Bowden stated that over the years she's seen many changes on the beach. She added that as a taxpayer this is frustrating that the Federal Government is willing to spend millions of dollars to relocate but not willing to spend a little to replenish. She also added that one of the refuge managers advised that there is always going to be a beach there it's just a question of where to park. She understands that in 25 years there will be a beach somewhere. She trusts that USFWS is looking at Chincoteague's interest in the planning. She thanked Mr. McCauley.

Councilman Howard stated that a policy of "let nature take its course" may be devastating to our community.

There was a question as to why the Fish & Wildlife Service is still here after the repopulation of snow geese.

Mr. McCauley advised that over the years a refuge was created with a particular species in mind. He stated that the authority that created the refuge was the Migratory Bird Treaty Act. He advised that over time there are species that they have done well with. However, there has been a decline in other species. He has never seen a refuge eliminated if they've done a good job. He also added that before 1975 there was a process where refuges could be transferred back to agencies, but that does not happen any longer. He also stated that there are overlapping visions with the Park Service.

The location of the September 15th meeting has not been determined.

Mayor Tarr thanked Mr. McCauley. Copies of the newsletters were distributed.

Mayor and Council Comments

There were none.

Adjourn

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

Mayor

Town Manager



August 28, 2012

Chincoteague Beacon

Dear Mr. Sellard:

The Town of Chincoteague requests the following public notice be published in the Chincoteague Beacon on 8/30/12.

Thank you.

Public Notice

The Mayor and Town Council of the Town of Chincoteague will hold a public hearing on September 4th at 7:00 pm to hear public comment on the following matter:

Town Code – Chapter 22 Environment, Article VI
Grass, Weeds and Other Foreign Growth on Private
Property.

For additional information, and to review a copy of the draft documents, please contact Robert Ritter, Town Manager at 336-6519.

CHAPTER 22 ENVIRONMENT

ARTICLE VI. GRASS, WEEDS, AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY

SEC. 22-158 Definitions:

For purposes of this Article VI, the following words and terms shall have the meaning respectively ascribed to them by this section:

(A). Owner:

Any person or entity holding record title to any lot or parcel of land within the Town, including fiduciaries holding title to or having the legal care, custody, control, or management of any such lot or parcel.

(B). Grass, weeds, and other foreign growth:

Uncontrolled growth or vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery, flowers, vegetable gardens, or grasses or bushes classified as wetlands under any local, state, or federal law.

(C). Undeveloped property:

Any lot or parcel of land located within the Town that either (a) does not contain a structure or other improvements, or (b) is not served by the Town public water system, or (c) does not have an installed sewage disposal system approved by the Eastern Shore Health District.

(D). Vacant developed property:

Any lot or parcel of land located within the Town that either (a) contains a structure or other improvements, or (b) is served by the Town public water system, or (c) has an installed sewage disposal system approved by the Eastern Shore Health District, and on which lot or parcel no person or entity has either resided, conducted any business or other activity, or physically occupied such lot or parcel at any time within the 45 day period immediately preceding any Notice by the Zoning Administrator/Code Compliance Officer as provided for by SEC. 22-163 hereof.

(E). Occupied property:

Any lot or parcel of land located within the Town that either (a) contains a structure or other improvements, or (b) is served by the Town public water system, or (c) has an installed sewage disposal system approved by the Eastern Shore Health District, and on which lot or parcel any person or entity has resided, conducted any business or activity, or physically occupied such for any period within the 45 days immediately preceding any notice by the Zoning Administrator or Code Enforcement Officer pursuant to SEC. 22-163 hereof.

(F). Same set of operative facts:

Means the situation or facts existing either before or after an owner has been given a Notice to Cut by the Zoning Administrator/Code Compliance Officer. The “operative facts” shall change only after either the owner has cut such grass, weeds, or other foreign growth to compliance after such Notice, or the Town has so cut.

(G). Violation:

A violation occurs when any such owner fails to cut such grass, weeds, or other foreign growth from their lot or parcel so as to prevent it from attaining the applicable prohibited height. A

Notice to Cut by the Zoning Administrator/Code Compliance Officer shall not be required to constitute a violation by such owner.

SEC. 22-159 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY VACANT DEVELOPED PROPERTY Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any vacant developed property, as defined herein, located within the Town when the height of such grass, weeds, or other foreign growth exceeds six inches (6") to a height not to exceed three inches (3").

SEC. 22-160 DUTY OF OWNER TO CUT AND/OR MAINTAIN ANY OCCUPIED PROPERTY Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any occupied property, as defined herein, located within the Town when the height of such grass, weeds, or other foreign growth exceeds six inches (6") to a height not to exceed three inches (3").

SEC. 22-161 DUTY OF OWNER TO CUST AND/OR MAINTAIN ANY UNDEVELOPED PROPERTY Any owner, as herein defined, shall cut the grass, weeds, and other foreign growth on any undeveloped property for a width or depth of 5 feet from the boundary of any adjacent owner, or any street, roadway, or easement when the height of such grass, weeds, or other foreign growth exceeds ten inches (10") to a height not to exceed three inches (3").

SEC. 22-162 PENALTIES FOR VIOLATION(S) Any owner who violates any provision of this Article by not cutting the grass, weeds or other foreign growth on any lot or parcel as provided for herein shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first violation, or a violation arising from the same set of operative facts. The penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars (\$200.00). 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 operative facts result in civil penalties that exceed a total of Three Thousand Dollars (\$3,000.00) in a twelve (12) month period.

Violation of any provision of this Article shall be a Class 3 misdemeanor in the event three (3) civil penalties have been imposed on the same defendant for the same or similar violations, not arising from the same set of operative facts, within a twenty-four (24) month period. The punishment for a Class 3 Misdemeanor shall be a fine not to exceed Five Hundred Dollars (\$500.00). Classifying such subsequent violations as criminal offences shall preclude the imposition of civil penalties for the same violation.

SEC. 22-163 NOTICE TO CUT When there exists upon any vacant developed property, occupied property, or undeveloped property as defined herein within the Town grass, weeds, or other foreign growth, as prohibited herein, the Zoning Administrator/Code Compliance Officer shall immediately notify the owner of such lot or parcel to cut such grass, weeds, or other foreign growth to a height not to exceed three inches (3"). Such notification shall be by certified mail to the address of such owner as appearing on the real estate tax records of the Town of Chincoteague. Such owner shall cut such grass, weeds, or other foreign growth as required to a height not to exceed three inches (3") within ten (10) days of the posting of such Notice or the Town may take the action provided under Sec. 22 164.

SEC. 22-164 CUTTING BY THE TOWN If such grass, weeds, other foreign growth has not been cut as required under the provisions hereof within ten (10) days from the posting of such Notice to Cut by the Zoning Administrator/Code Compliance Officer, the Zoning Administrator/Code Compliance Officer shall cause such grass, weeds or other foreign growth to be cut to the required height by the employees or agents of the Town, or any contractor at the cost of such owner.

Where grass, weeds, or other foreign growth have not been cut by the owner within ten (10) days from the date of the Notice to Cut by the Zoning Administrator/Code Compliance Officer pursuant to the provisions of this section, and it is necessary for the Town to cut as provided herein, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid within fifteen (15) days, it shall be added to the Town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as real estate taxes.

The Town may waive such lien(s) in order to facilitate the sale of the property. Such lien(s) may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and/or who has no business association with the owner. All such lien(s) shall remain a personal obligation of the owner of the property at the time the liens were imposed even if waived.

SEC. 22-165 AUTHORITY This Article VI is adopted pursuant to the provisions of §15.2-901, §15.2-1102, and §15.2-1115 of the Code of Virginia of 1950 as amended.

SEC. 22-166 EFFECTIVE DATE The provisions hereof shall be effective upon adoption by the governing body of the Town of Chincoteague.

JON C. POULSON
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Accomac, Virginia 23301

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M E M O R A N D U M

TO: Robert Ritter, Town Manager, William Neville, Town Planner
Kenny Lewis, Zoning Administrator

FROM: Jon C. Poulson

DATE: August 8, 2012

SUBJECT: Revisions Weed Ordinance

Initially, relative to the Ordinance appearing in Monday's Agenda package, please be sure that the suggested changes were made to the definition (B) and §22-161.

I would suggest the following additional changes to address some of the issues that arose on Monday night:

Rewrite §22-158 (B) as follows:

Grass, weeds and other foreign growth:

Uncontrolled or unmanaged vegetation of every kind standing or growing on any lot or parcel other than trees, ornamental shrubbery or vegetation, flowers, vegetable gardens, or grasses or bushes classified as wetlands under any local, state, or federal law.

The purpose of this change is basically to permit what may be viewed as ornamental vegetation on a lot at Wildcat and the word "unmanaged" also helps this interpretation. Additionally, I would suggest the following sentence be added at the end of §22-159 and §22-160:

"Notwithstanding the preceding provisions, the part of any such property located ten feet, or more, rearward of any structure on said property and not actively used in conjunction with the structure(s) on said property shall be cut in accordance with the provisions of §22-161."

This should hopefully remedy at least one of the issues that arose on Monday night so as to keep people from having to in effect clear portions of large lots that are not actively used in conjunction with the structure(s) on the property.

At some point, insert these provisions on a draft and distribute it to council for their review, as well as to me.

Public Safety Meeting Minutes

August 7, 2012

Chairman Tarr called the meeting to order at 17:04

Present: Mayor Tarr, Chairman
Councilman Taylor
Councilwoman Richardson
Robert Ritter, Jr., Town Manger
Bryan Rush, EM Coordinator
Randy Mills, CPD Major

Public Participation

Mr. Raymond Rosenberger informed the committee that he is in support of some sort of regulation for scooters here on the island as they have become a real danger. People are riding side saddle and someone could get killed.

Agenda Adoption

A motion was made by Councilwoman Richardson to adopt the agenda and a second by Councilman Taylor. The motion was unanimously approved.

1. Monthly Emergency Management Report

Report given by Bryan Rush

PLANNING

FIREWORKS TRANSPORTATION

Transportation for the annual fireworks celebration went very well. The Chincoteague Fireworks Transportation Safety Plan is being reviewed for improvements. The most prevalent change will be the addition of ‘No Parking’ on Jester Street during the event.

WALLOPS FLIGHT FACILITY REGIONAL RESPONSE

The Chincoteague Annex of the STAR plan was tested at a table-top exercise on July 17th at the Chincoteague Community Center, beginning at 0830. The exercise was very well attended and vetted valuable information. The After Action Report will be compiled by the exercise committee. A corrective action matrix will then be formulated. These corrective actions will then be used to update the plan and its annexes.

EASTERN SHORE DISASTER PREPAREDNESS COALITION

The ESDPC had its quarterly meeting July 19, 2012. William Sammler from the National Weather Service in Wakefield gave a very informative briefing on hurricane statistics for the eastern shore, as well as some updated information on the SLOSH model (Storm surge prediction software).

ACCOMACK COUNTY EMERGENCY MANAGEMENT

The Accomack County Department of Public Safety has filled the position for the Deputy Coordinator of Emergency Management. Mr. Doug Jones, formerly with the Wicomico County, Md. Department of Emergency Management, began his position on July 1.

CONTINUITY OF OPERATIONS PLANNING

Staff is currently developing a Continuity of Operations Plan for disaster recovery. The plan will enable staff to maintain and/or recover services after a disaster. The initial draft time line has been pushed back to October 1, 2012, due to a lack of time within the EMS/EM Department.

HURRICANE SEASON

Hurricane Season began June 1. The tropical Atlantic is now becoming more conducive for development of tropical systems. The EM staff will continue to monitor any developments and forward daily briefings as necessary.

TRAINING

Currently there are no scheduled training opportunities for staff.

LOGISTICS

PONY PENNING

The Emergency Medical Services solicited extra staffing and transport ambulances from Lower Somerset County Ambulance Service, Oak Hall Rescue, and Northampton County Department of EMS. The Greenbackville Volunteer Fire Department lent Chincoteague Volunteer Fire Company ambulance 2-2 for the event. Town EMS employees staffed with the help of three Chincoteague Volunteer Fire Company Members, staffed 2-2, 3-1, and 3-2 during the event. Thank you letters have been sent to all those agencies.

PUBLIC INFORMATION

PREPARATION

Emergency Management was contacted by a local hotel. The hotel owner was inquiring about tornado safety with the recent out-brake of funnel clouds/tornados on the shore. EM Coordinator Rush is going to meet with the individual to provide a site survey; help them plan for all hazards; as well as provide information for business continuity of operations planning.

Councilwoman Richardson asked what the protocol is for using the siren for community warning. Mr. Rush advised that it would be confusing since individuals are used to hearing the siren for a fire. He advised that the public's best option is to purchase a NOAA weather radio.

Councilman Taylor held a discussion on a request from Mr. Rush during the orientation meeting with him and Mr. Ritter. The request was to get Chincoteague EMS licensed as a state non-transport EMS agency. Mr. Rush advised that it would give the Town additional grant opportunities as well as show ownership of the career EMS service. Councilman Taylor made a motion to get the license as long as the volunteer fire company is ok with the idea. The motion did not receive a second. Fire Chief Lappin stated that this is the first that he heard of this and would need to take it back to the volunteer fire company. Councilman Taylor told both Mr. Rush and Fire Chief Lappin that their service is exemplary. Councilman Taylor suggests bringing this back to the next committee meeting. Mayor Tarr advised Mr. Rush to talk with the grant people to insure that there would not be competition between the two agencies.

2. Chincoteague Volunteer Fire Company Report

Chief Lappin reported on fireworks and carnival detail. Chief Lappin stated that all events went well. Chief Lappin also stated that he did have an issue on communications that he would discuss during that agenda item.

3. Discussion on Motorized Scooter Safety Equipment

Mr. Rush advised this is an ongoing problem and that he is hearing more complaints from the public about there not being any required safety equipment. Mr. Rush stated that he had heard the General Assembly was to take up the idea on registering scooters as well as require safety equipment. He has not heard any more on this. Mr. Rush feels that there needs to be a requirement to wear a helmet as well as potentially limiting the age of riders as many small children are riding on the scooters and cannot protect themselves. Mr. Rush advised that in June there were 8 EMS responses to scooter accidents. In July, Mr. Rush reports 9 EMS responses to scooter accidents, and 3 so far in August. Mr. Rush stated that he thinks scooter rentals are vital to the economy here on Chincoteague and are also an excellent recreational opportunity to view the island, however, some safety guidelines are needed.

Councilman Taylor suggests having the scooters governed to no faster than 25 mph. This would be the least restrictive option to businesses. Councilman Taylor states that some of the 49cc scooters are actually bigger than that and will go much faster. Major Mills advised that if a scooter is going faster than 25 mph it can be cited for speeding. He also states that he has contacted Ocean City, MD Police Department about this issue and they are having the same problems. Major Mills stated that even at 25 mph someone could be seriously injured without a helmet. Mayor Tarr asked that if the department was checking the cc's of these scooters at the beginning of the season. Major Mills advised that they do check for seat height but not cc's as it is clearly stamped on the engine. Town Manager Ritter stated he does not believe the scooters need to be governed down as he was riding the other day and cars were passing him while he was travelling at 25 mph. Mr. Rush advised that certainly speed is an issue but even at 25 mph serious injury could occur. Mr. Rush states that this still does not answer the safety issue. Mr. Rush advised that we should not be having this conversation. People should want to protect themselves. Mr. Rush advised that we put our children in car seats while they are protected inside a car but we can put children on a scooter even without a helmet.

Mr. Ritter states that we don't like a lot of laws and suggests that an ordinance stating that anyone under 18 be required to wear a helmet. Major Mills states that his concern is how to enforce such an ordinance. Mayor Tarr states that the Town may not be able to over-ride the state code as far as governing to 25 mph, because the code states 49 cc. Also, if an ordinance is adopted it would be Town wide, not just for rental businesses. Mayor Tarr believes that the Town can require helmets. Mayor Tarr states that Ocean City just lost a couple of court cases trying to completely stop the scooter rentals. Mr. Rush again stated that he does not think stopping scooter rentals is the answer. Major Mills thinks a helmet idea is the right thing as well as possibly limiting the age for scooter riders. Mayor Tarr advised Major Mills to look at the legalities of what the Town can and cannot do as a starting point. He advised that there are opinion letters as well as numerous minutes that can show previous dialogue. Mayor Tarr asked Mr. Rush how many bicycle accidents there have been. Mr. Rush advised that he did not currently have that information, but there were not as many as scooter accidents and usually not as severe.

Mayor Tarr suggests that the police department bring all the scooter rental business owners in and get input on ways to promote a safer ride with participation by the EMS department and the volunteer fire company. A discussion then ensued on insurance issues.

4. Discussion on E911 Phone and Radio Communications Problems

Town Manager Ritter advised that the gentleman from Delmarva Two Way Radio was here. He then turned the discussion over to Major Mills. Major Mills started by addressing that there have not been any "dropped" calls. He advised of a recent incident of a call coming in and then getting a busy tone. The call immediately came in again and was answered by Accomack 911 center and our dispatcher then took the call. He states that Verizon thinks it may be a switching problem. Major Mills advised that the radio equipment may have a couple of problems; one being a microphone problem on both police and fire frequencies. He states that Delmarva Two Way is looking into the problem. They think that possibly another microphone may be needed. This problem seems to be getting progressively worse.

The next problem Major Mills states is the total loss of the transmission. The transmission does not go through the console. He states that he told Delmarva Two Way of this problem. Delmarva Two Way states that it may be the fire company repeater going bad. Major Mills stated that the repeater needs to be moved to a more climate controlled environment. Mr. Rush states that he does not believe that it is solely the repeater as his crews can talk mobile to mobile without difficulty and that communication is through the repeater. Mr. Rush thinks the common denominator is a problem in the "brains" of the system. Mayor Tarr asked as to why it is not a microphone problem? Major Mills stated that is because the dispatchers are also losing the audible transmission on their end.

Councilman Taylor asked if there was a portable radio available in the dispatch center for communications in an emergency. Major Mills advised that there was one for

police and Police Chief Lewis had asked the fire company for one to communicate with them and that they had not received it yet. Mayor Tarr advised that every time the dispatch center gets a radio, someone then comes from the fire company and takes it away. Mr. Rush advised that his main concern is two parts, public safety and the other responder safety. He reminded the committee of the recent attack on a neighboring fire engine which had five or six persons on board. Mr. Rush went on to state that his crew safety is of severe concern as they only respond with two people and they need to communicate in an emergency. Mr. Rush asked if it would be appropriate to get an independent review of the system. Major Mills stated that the Town currently has a maintenance agreement with Delmarva Two Way.

Major Mills stated that Mr. Warren for Delmarva Two Way will check on Thursday to see if any equipment was missed in the upgrading for the narrow-band mandate. He also stated again that the fire repeater needs to be climate controlled; however, moving it to the town office may cause problems because it will be farther away from the antenna. Mayor Tarr suggests moving the repeater into the cell tower building as it is already climate controlled.

Major Mills gave quotes for the fire/EMS frequency P-25 compatible repeater and equipment for replacement at \$17,344.00. The quote for the police frequency P-25 compatible repeater and equipment is approximately \$16,500.00. Major Mills states that there is a grant on the horizon to get a Verizon refresh on the 911 equipment. The Town has just renewed its last year on the maintenance with Verizon. They will no longer do maintenance without this refresh. Major Mills stated that talking with the Town Planner; the grant may go to \$150,000 at an 80/20 match. Major Mills is currently trying to get a quote from Verizon with difficulty. A refresh will be like getting a newer version of what is there. The quote may not be good until November and the grant is due by October 31, 2012. Currently, the estimate is for the refresh is \$80,000. Mayor Tarr asked if the new changes would be more than the \$80,000. Major Mills feels it will be more. Chief Lappin questioned if the center could talk to Accomack and stated that they needed to be able to. Mayor Tarr stated that there was no reason the equipment could not talk to Accomack. Mayor Tarr asked how important it was to keep the 911 center. Chief Lappin stated it was very important as the pagers won't pick up Accomack. Mr. Rush advised that he has had no trouble communicating with Accomack. Chief Lappin stated that it is a pager issue. Mr. Rush stated that communications are much better in Accomack today than our current system considering the economic situation. Major Mills stated that the Town receives \$40,000 for a 911 tax. Mayor Tarr asked what the true cost for running a full 911 system verses running just a police dispatch center. A discussion ensued on the adequate staffing of a 911 center. Mayor Tarr asked if emergency medical dispatch would make a difference. Mr. Rush answered absolutely. Mayor Tarr then questioned the Town's liability exposure not having emergency medical dispatch.

Mr. Rush wanted to clarify the communications problem solution. Major Mills stated that he will talk with Mr. Warren tomorrow and that Mr. Warren would run tests Thursday. Mayor Tarr asked how long the issue with the microphone. Mr. Rush stated that he noticed it when the narrow-band upgrade was done. Mr. Ritter stated that on each shift

change the dispatchers are resetting their microphones. Mr. Rush stated that he does not feel that it is a microphone problem. Mayor Tarr asked if Delmarva Two Way works with many 911 systems. Major Mills stated that they just installed Accomack Sherriff offices' system.

Mayor Tarr asked Chief Lappin again if he could supply a portable radio. Chief Lappin stated that he does not have an extra radio because he is waiting on a grant to replace radios.

Mr. Rush again stated that he wants to see these problems fixed as it is a safety issue. Mr. Ritter stated that in the meantime if the portable radio is used it will alleviate the problem. Mr. Rush stated that the dispatcher would first need to know there is a problem before they would use the portable radio.

Councilman Taylor asked if Accomack could come on line with our 911 to provide emergency medical dispatch. Mr. Rush advised that they do such as long as the call originates in Accomack and is transferred to Chincoteague. Councilman Taylor asked if training was the issue. Mr. Rush advised

Councilwoman Richardson questioned why a call would go to Accomack. Major Mills advised that your cell phone is like a little radio and it depends on what tower it connects to as to where the call is routed.

5. Committee Member Comments

Chief Lappin stated that the dispatch SOP manual has not been updated. He stated that approximately three years ago changes were asked for and forwarded to Police Chief Lewis. Major Mills stated that he would look into it.

Mayor Tarr stated that a policy needs to be looked into by the Town's EMS and the volunteer fire company in reference to responding to the mainland with both paid paramedics. Mayor Tarr does not feel that both paramedics should be responding to the mainland. A discussion ensued between the mayor and fire chief over Wallops Fire Department ambulance response.

Councilwoman Richardson questioned Mr. Rush as to the status of the automated tide gauge. Mr. Rush advised that he has not heard anything since being informed by the National Park Service that monies would be available from the Colorado region of their offices.

Adjournment

A motion to adjourn was made by Councilwoman Richardson and a second to the motion was given by Councilman Taylor. All were in favor of the motion.

Meeting adjourned at 18:38

**BUDGET AND PERSONNEL COMMITTEE MEETING
MINUTES OF AUGUST 14, 2012**

Members Present

Mayor John Tarr, Chairman
Gene Wayne Taylor, Councilman
Tripp Muth, Councilman

Staff

Robert Ritter, Town Manager
Karen Hipple, Finance Director

Call to Order

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

Agenda Adoption

Councilman Muth motioned, seconded by Councilman Taylor to adopt the agenda as presented. Unanimously approved.

Public Participation

There was no public participation.

1. Discuss the Long Term Savings LGIP

Mrs. Karen Hipple, Finance Director, discussed the LGIP Analysis for 2012.

2. Discuss the Balance Sheet

Mrs. Karen Hipple explained the accounts, their uses and the money that was in them.

3. Discuss the Evaluation Pay for Performance

Town Manager Ritter provided figures for the evaluation pay for performance raises as well as the Cost of Living Adjustments from the Budget Hearings last April. Mayor Tarr feels that the standards for merit increases have been lowered compared to last year. Mayor Tarr would like to know how our minimum and maximum wages compare to others.

Town Manager Ritter reviewed the organizational chart with the Committee.

4. Unexpected Expenses

Town Manager Ritter explained that Alcalde and Fay is budgeted up until the end of December and will need to be retained for an additional six months which was not budgeted. He also spoke of the Fire and EMS radio system that hasn't been working properly. We will probably need a new system in the near future.

5. United Way

Mayor Tarr stated he and Vice Mayor Leonard had met with Mr. Jeff Holland of the United Way and would like to extend the option of contributing to that organization to the Town Employees. Town Manager Ritter stated that he would have information concerning that in the next pay check.

6. Rural Health

Mayor Tarr asked the Committee if they would like to donate to the dental program that is currently being offered by Eastern Shore Rural Health Systems. Town Manager Ritter will check and see what money is available in the discretionary donation fund.

7. Committee Member Comments

Mayor Tarr would like a list of the Harbor Expenses for the past five years for the next meeting. He would also like to know what the remainder of the VDEM money can be spent on so that the account can be closed. Also, he recommended that the Housing Money fund be closed.

Adjournment

Councilman Muth motioned, seconded by Councilman Taylor to adjourn the meeting.



PROCLAMATION
“American Legion Day”

The Mayor of the Town of Chincoteague declares September 16, 2012 as
“American Legion Day.”

The American Legion remains today an active and vigorous advocate for service members, veterans and their families not only on Capitol Hill, but right here in Town of Chincoteague. Among its greatest legislative achievements was the enactment of the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel in Washington, DC. Many consider the GI Bill as one of the greatest pieces of legislation ever enacted.

With a current membership of 2.4-million wartime veterans, The American Legion was founded in 1919 on the four pillars of a strong national security, veteran’s affairs, Americanism, and youth programs. Legionnaires work for the betterment of their communities through more than 14,000 posts across the nation.

WHEREAS, the 93-year-old veteran’s service organization, the largest in the nation, is recognized for its continuing work to aid wounded warriors and military families, for Legionnaires’ legacy of community volunteerism and for the organization’s significant role in establishing important national legislation; and

WHEREAS, all citizens in the Town of Chincoteague wish to join in supporting this well-earned measure, demonstrating our mutual esteem and reverence for this outstanding organization; and

WHEREAS, Congress presented The American Legion its federal charter on September 16, 1919 and it is only fitting that we proclaim September 16, 2012 as ‘American Legion Day’

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim September 16th as American Legion Day within the Town of Chincoteague.

DATED this 4th, day of September, 2012

Mayor John H. Tarr
Town of Chincoteague, Inc.