

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

September 6, 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:

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1. Consider Adoption of the Minutes
  - Regular Council Meeting of August 1, 2011 (Page 2 of 29)
  - Council Workshop Meeting of August 18, 2011 (Page 9 of 29)
2. Planning Commission Recommendation on the Sign Ordinance Amendment (Mr. Neville)(Page 12 of 29)
3. National Park Service General Management Plan Newsletter # 2 Comments (Page 17 of 29)
4. Proclamation on the Declaration of a Local Emergency (Page 23 of 29)
5. Public Works Committee Report of August 2, 2011 (Mayor Tarr) (Page 24 of 29)
6. Harbor Committee Report of August 4, 2011 (Councilman J. Howard) (Page 26 of 29)
7. Recreation & Community Enhancement Com. Report of August 9, 2011(Councilman Jester)(Page 28 of 29)
8. Mayor & Council Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN:

**MINUTES OF THE AUGUST 1, 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

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

- Mr. Ray Rosenberger advised that he volunteered at the Chincoteague Volunteer Fireman's Carnival. He stated that people open up and share good and bad experiences. He stated that for the most part they love the Town and return. He added that the visitors advised that the restrooms in the downtown area were closed because of septic issues. Mr. Rosenberger suggested that they should have been ready for this particular week. He then mentioned the propane and gas tank anchoring requirements. He feels that some of the businesses that promised they would anchor the tanks are not following through.
  
- Mr. John Smith, of Hallwood, approached Council about a request from a previous meeting.

Town Manager Ritter advised that the Town has sent two letters about his request.

Town Attorney Poulson advised that he sent a letter about the FOIA request. He also drafted a letter that he should have in the very near future. He stated that about a year ago he addressed the same issue.

Town Attorney Poulson advised Mr. Smith that he would receive a letter within the next few days.

- Mrs. Jane Wolffe spoke about the proposed Sign Ordinance changes. She referred to the comments from the survey. She stated that the majority felt that there should be more restrictions. She asks Council to think about the identity of the Town. She feels that it's a good

time to think about the Island's commercial district as a whole. She suggested that Council table the matter and form a committee to review the proposed Ordinance changes.

- Mrs. Helen Merritt thanked and complimented all those involved in making this year's Pony Penning a huge success. She also asked where the Pony Penning flags were.

Public Works Director Spurlock stated that the Pony Penning flags were in bad shape and the Town was unable to replace them at this time.

There was discussion about the flags.

Mrs. Merritt also complimented the Cemetery Committee on a good job of maintaining the cemeteries.

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

Vice Mayor Richardson motioned, seconded by Councilman J. Howard 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**

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the minutes. Unanimously approved.

2. **Presentation on Wallops Command and Data Acquisition Station NOAA**

Mr. Larry James with NOAA introduced himself and his colleagues; Mr. Doug Crawford, Station Manager, Mrs. Lynda James, Construction Manager and Mr. George Mears, USACE Project Manager. He stated that they were there to inform Council of the upcoming upgrades to the Station.

Mr. Doug Crawford, Station Manager, briefed Council on the upcoming projects for the Station.

Mr. George Mears, USACE Project Manager, also briefed Council on the project milestones, start and completion dates.

Mrs. Lynda James, Construction Manager, described the project construction plans regarding the new ground antenna along with the proposed sites.

Mr. James stated that this will stimulate economic growth because of the construction. They will need personnel for systems installation and integration along with full time site personnel.

There was further plan review and discussion.

Mayor Tarr thanked them for bringing the Town good news about the Station upgrades.

**Planning Department**

Town Planner Neville reported that the Planning Commission held a workshop. He was primarily working on some items from the workshop including the adoption of the Zoning Map. He stated that they are hoping to adopt the Hazard Mitigation Plan and Economic Study this fall. He received a copy of the National Park Service Alternatives for their Master Plan

**Police Department**

Assistant Chief Mills gave Council a copy of the monthly report for July.

Councilman T. Howard asked if the report was available for the public.

Assistant Chief Mills advised that this is not normally available for the public.

Councilman Jester commented on the number of cellular calls.

There was further discussion.

Mayor Tarr commended Assistant Chief Mills and the Police Department for their efforts during Pony Penning.

**Public Works Department**

Public Works Director Spurlock reported in addition to the routine summer maintenance the Public Works Staff has been preparing for Pony Penning operations and cleanup. They have completed the drainage at the eastern end of Maddox Boulevard. They installed a net in the ceiling of the pavilion in the Robert N. Reed, Sr. Downtown Waterfront Park. They have done more maintenance at the Curtis Merritt Harbor and the area at the foot of the new bridge. He is in the final stage of preparing the bid package for the fall paving project. There will be sidewalk replacement on Anderton Avenue along with water service replacement. He advised there could be brief water outages during this time. They are planning to do rehab work to the downtown restrooms.

Councilman T. Howard commented on the availability of the downtown restrooms. He suggested that the Town do everything they can to prevent closures.

**General Government**

Town Manager Ritter reported that staff has been working on the August quarterly newsletter. He advised that staff was working on the Pony Penning Sales and Blueberry Festival Permits. Staff has also been working hard to prepare for and work the Pony Penning Shuttle. Town Manager Ritter formally thanked staff and all the volunteers for their hard work to make it a fantastic and successful year. He stated that broadband will be putting up the final fiber line this month. He advised that staff is preparing for the auditors at the end of the month. He reported on the ridership for the Trolley Service.

Town Manager Ritter reported on the revenues for FY2012.

	<u>Year to Date</u>	<u>Prior Year</u>	<u>Difference</u>
Meals Tax	\$ 56,735	\$ 64,640	(down)\$ 7,905

Transient Occupancy	\$ 75,931	\$ 80,535	(down)\$ 4,604
Water Rent	\$109,798	\$ 108,173	(up) \$ 1,625

Councilman J. Howard suggested sending a letter of thanks for all the volunteers for Pony Penning. He stated that there are so many hours of work that goes into this and without everyone this wouldn't happen.

Councilman T. Howard stated that Mr. Gene Wayne Taylor is very good at his job as the Traffic Control Officer.

Mayor Tarr stated that all the volunteers will receive a letter.

3. **Planning Commission's Recommendation on the Sign Ordinance Amendment**

Town Planner Neville explained the Sign Ordinance Amendment. He stated that he included a background report in the packet. He stated that in light of the comments and concerns Council made, the Planning Commission proposed a simple language change regarding maximum height restrictions. He also explained that another change regarding a possible increase in height would be limited to the Commercial District. He advised that the Commission also recommended that the flexibility to 12 feet was for primary structures. He added that another criteria is to remain below the eaves of the roof.

Mayor Tarr asked Council to review the pictures in the packet. He explained the changes. He stated that their intent is to not add anymore square footage.

Councilman T. Howard asked Town Planner Neville to reiterate why the issue as raised.

Town Planner Neville stated that the Town has received 4 or 5 specific requests from existing businesses in Town to install a wall sign that would exceed the existing height requirement. He advised that they were denied because the Sign Ordinance wouldn't permit it. He advised that Building and Zoning Administrator Lewis suggested they come to the Planning Commission to have them review that aspect of the Ordinance. He feels that this wasn't an effort to make the Town look like Ocean City. It was to make the new businesses look like Chincoteague today.

Councilwoman Conklin stated she would rather see a 12' wall mounted sign than a 12' free standing sign.

Town Attorney Poulson advised he reviewed the verbiage and explained the change in language.

Mayor Tarr asked Planning Commission Chairman Rosenberger for his comments.

Mr. Rosenberger also explained the changes and why. He mentioned the designs staying in accordance with the Chincoteague-style homes and businesses.

There was further discussion.

Town Planner Neville explained that they should keep the language as simple as possible so there isn't a question when it comes to enforcement.

Councilman Muth asked Town Attorney Poulson if the wording would give a current business owner the right to relocate their sign.

Councilman T. Howard feels they should be careful where they're headed. He advised that this type of change could turn people away.

Councilman Jester motioned, seconded by Councilman J. Howard to adopt the amendment to the Sign Ordinance,

*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. 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, as defined herein, in Commercial District C-1 and Commercial District C-2 may exceed 12 feet in height measured from grade level or base flood elevation, whichever is greater, provided such sign is affixed as hereinafter provided to the primary structure on such premises and remains below the eaves of the roof of such main structure. Any such sign shall comply with all applicable square footage and other requirements as are otherwise provided in Article VII.*

*7.11.3. 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.*

*7.11.4. Sign Illumination.*

Motion carried.

Ayes: Jester, J. Howard, Conklin, Muth

Nays: Richardson, T. Howard

**4. Resolution on the Request for a Minimum Speed on the Causeway Study by VDOT**

Public Works Director Spurlock advised that the resolution is the result of Councilman J. Howard's request of posting a minimum speed limit sign on the Causeway.

Discussion continued.

Public Works Director Spurlock advised that this is the process to have VDOT conduct a traffic study for the need of a minimum speed limit sign. He stated that Mr. Chris Isdell of VDOT stated that this will get the study done and if the study shows the need, they will post the minimum speed limit sign.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the Resolution on the Request for a Minimum speed on the Causeway Study by VDOT. Motion carried.

Ayes: J. Howard, Richardson, Muth, Jester, Conklin

Nays: T. Howard



**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 1<sup>st</sup> 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:

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Hon. John H. Tarr, Mayor

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Robert G. Ritter, Town Manager

**5. Ordinance Committee Report of July 14, 2011**

- **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 (3) to be a jurisdiction that will be allowed to enforce occupied properties to cut the grass, weeds and other foreign growth therein.**

Councilman T. Howard reported that the Committee discussed the State Code 15.2-901(3) regarding overgrowth of weeds, grass and vines. The Committee has recommended that the Town send a letter to ask that the Town of Chincoteague be included on the list of jurisdictions that will be allowed to enforce occupied properties to cut the grass, weeds and the other overgrowth from their properties. He advised that there are primary residences on the Island that have overgrowth that needs attention.

Town Attorney Poulson advised he has already sent the letter.

There was discussion about “occupied” properties and dwellings versus “unoccupied”.

Town Attorney Poulson advised that Delegate Lewis will be going to the General Assembly soon.

**6. Wastewater Advisory Committee Report of July 15<sup>th</sup> & 21<sup>st</sup>, 2011**

Town Manager Ritter reviewed the minutes and stated that this was an organizational meeting. He advised that Chairman Papadopoulos is out of the country for a couple of weeks and they will meet again when he returns.

**7. Mayor & Council Announcements or Comments**

Councilman Muth also commended everyone who worked on the Pony Shuttle.

Councilman Jester commended the Police, EMS, Fire and volunteers for all their hard work.

Vice Mayor Richardson asked about the Trolley’s History Tour picking up in the downtown area.

Transportation Director Van Dame explained that because of the demand and parking they decided to start the tour from the Town’s complex.

Vice Mayor Richardson stated that she thought it would be good for the businesses downtown to have the people wait there and visit the shops before going on the History Tour.

There was discussion.

Councilman Jester suggested that once Bridge Street is completely cleared and is converted to parking it would be worth looking into for the future.

Vice Mayor Richardson also mentioned the Pony Penning flags.

**Adjourn**

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

**MINUTES OF THE AUGUST 18, 2011**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

**Council Members Present:**

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

**CALL TO ORDER**

Mayor Tarr called the meeting to order.

**INVOCATION**

Councilman T. Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**AGENDA ADDITIONS/DELETIONS AND ADOPTION**

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

**1. Presentation-Riverside Memorial Hospital**

**a) Presentation by Joseph P Zager, Administrator**

Mr. Joseph P. Zager, administrator of Riverside Shore Memorial Hospital, gave a brief update of the progress of the new hospital. He advised Council that the Commissioner approved the permits so that the hospital could be relocated to Onley. However, she did not approve leaving the MRI scanner at the Nassawadox site. They are hoping to break ground within 9-24 months and within 36 months have the hospital ready for patients. He also added that several new doctors would be joining their staff.

Vice Mayor Richardson questioned if the doctors offices would remain in Nassawadox.

Mr. Zager advised they would.

Vice Mayor Richardson also asked about the cancer and radiation center.

Mr. Zagere stated that has not been decided as of yet.

Mr. Jack Van Dame asked about the hospital's discussions with Shore Transit and was informed that those discussions are ongoing and will continue after the hospital is built.

## **2. Hazard Mitigation Plan Update.**

Town Planner Neville advised that they would like to have the first complete draft of the Hazard Mitigation Plan Update by the end of the month which comes from the ANPDC. He stated that they are checking to see if the Town should adopt this separately as was done 5 years ago. He reviewed chapter 9 suggesting that Council review the table on page 15 along with page 17.

Town Manager Ritter asked Council if they had any questions or changes.

Discussion continued and Town Planner Neville stated that the deadline to apply for Hazard Mitigation Grant Program funds during the annual cycle to receive grant money is October 16<sup>th</sup>.

## **3. FWS Economic Impact Study**

### **a) Staff Review**

### **b) Strategy for Cooperation**

Town Planner Neville stated that the Beach Committee has been considering the alternatives in the Comprehensive Plans for the Refuge. Several comment letters have been sent to Council for endorsement. He advised that the Town's comments were incorporated in the summary of the FWS Newsletter sent in May. He stated that the draft Comprehensive Conservation Plan will have a point-by-point response to the comments provided by the Town and the Public. He also stated that at the first of the year Mr. Hines hired an Economist that works for the Fish and Wildlife Service in Arlington to complete an economic impact analysis.

Town Planner Neville discussed the draft economic impact report from Fish and Wildlife. He feels that the problem is that the report only looks at visitor spending from the Refuge and not the entire town or county economy. He stated that he has a meeting scheduled with Mr. Hines and the economist. He asked if anyone else wanted to participate to talk about the comments and flaws of the basic report.

Discussion continued.

Town Planner Neville advised that he would like to accomplish a couple of things at the meeting on Monday. He stated that one is asking how Mr. Hines was going to use the study. He feels that Mr. Hines will do the Economic Study for the 4 alternatives and decide if there is a high or low average of economic impact without specific figures. He described another Economic Study regarding the Kennedy Space Center. He also explained some of the census numbers that are available regarding job creation. Town Planner Neville has submitted a request for more information to the Virginia Employment Commission which should be ready by Monday.

Town Planner Neville also stated that he has contacted the gentleman who prepared the Wallops Island Economic Study. He stated that there is a certain percentage of economic benefit from Wallops that comes back to Chincoteague with the restaurants and motels. He doesn't want the Fish & Wildlife to say all the benefit comes from the Refuge. He would like them to merge their results with the Study from Wallops.

Town Planner Neville stated that there's a North Carolina Recreational Beach Use Study that evaluated the impact of the beach loss due to erosion.

Mayor Tarr stated that Mr. Hines did an interview with WCTG and is scheduled to be replayed on Saturday regarding the Refuge. He stated that Mr. Hines also talked about refuge job loss in one of his alternatives.

Town Planner Neville stated that when Mr. Hines completes his Economic Study tool, he'll use it his own way. USFWS has prepared a number of reports that calculate the economic benefit of everything to do with the Wildlife Refuge. He stated that one document goes back to 2000 and has a paragraph regarding the Chincoteague National Wildlife Refuge that describes adding a transit program by shuttling people back and forth to the beach. It was presented that the addition of transit would serve an additional 24,000 visitors and would add \$1.2 in visitor spending per year, creating 47 new jobs. Town Planner Neville feels that any potential impact to the Town's economy may not be recorded because Mr. Hines will be able to cover it up with new spending at the Refuge. He will ask for a copy of the IMPLAN model for the Town to use when it is completed.

There was discussion regarding the Demographic Analysis and the Environment Impact Statement.

Town Planner Neville stated that the requested job information from the Virginia Employment Commission has to remain confidential as it will have specific information regarding businesses.

Mayor Tarr reminded Council of the meeting at the Community Center on Monday at 5:00 p.m. which is the Presentation of the Alternative Plans by FWS. He stated that Council needs to make comments on the alternatives. He advised that in the alternative plans there are not many details. He asked Town Manager Ritter to ask WCTG for a copy of the interview with Mr. Hinds for Council.

#### **4. Council Member Comments**

Vice Mayor Richardson mentioned tree branches leaning over a resident's home. She asked if Building and Zoning Administrator Lewis could send a letter to the property owner. She stated she took pictures and the branch is very high. She asked Town Planner Neville if he would discuss this matter with Building and Zoning Administrator Lewis.

Mayor Tarr feels this isn't a public safety issue but is a private property issue.

There was further discussion about the replenishment of Wallops Beach and the alternatives in the Fish and Wildlife's Plan.

Mayor Tarr suggested talking with Mr. Rob Catron.

#### **Adjourn.**

Vice Mayor Richardson motioned, seconded by Councilman Jester to adjourn. Unanimously approved.



## STAFF REPORT

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To: Mayor Tarr and Town Council

From: Bill Neville, Director of Planning

Date: September 6, 2011

Subject: Sign Ordinance Revision - Banners, Flags and Pennants

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- ❖ **The Planning Commission voted to forward to the Town Council the attached Sign Ordinance Amendment for Banners, Flags and Pennants with a recommendation for approval. Staff recommends that Town Council schedule a public hearing following review of the proposed amendment.**
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The Planning Commission has included a review of the Sign Ordinance (as amended 6/19/08 and 4/6/09) in its current Work Plan as a result of concerns expressed by business owners and residents, and in response to a request from Town Council. Following discussions at the November, January and February Planning Commission meetings, 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.*

Commissioners voted on a motion that banner signs (or any temporary signs) not be permitted in residential areas for home occupation uses. It was generally agreed that small permanent signs meet the intent of home occupations, while banners, flags, etc. change the residential character of an area. The motion passed by a majority vote with

two opposed. Clarification was provided that Pony Penning signage, and other flags or decorations that do not promote home occupation business use would not be restricted by this change

Commissioners have agreed by consensus that the Ordinance should be revised as follows:

- the maximum size permitted for banners would be increased from 30 square feet to 32 square feet.
- the time limit/permit fee for banner use would be amended to allow a single permit for the extended tourist season of 16 weeks or May 15<sup>th</sup> to September 15<sup>th</sup>.
- the type of material used for banners would be revised in section 7.2.5. to include vinyl and other similar materials.
- pennants would be restricted in residential areas, and there would be no change for commercial areas
- the number of banners permitted for commercial uses should be tied to the number of businesses or the linear feet of road frontage.

A public hearing was held on April 12, 2011 to consider public comment. Minutes from the meeting are included below:

*Public Hearing – Sign Ordinance revisions for Flags, Banners and Pennants*

*Chairman Rosenberger requested if anyone in the audience would like to speak about the public hearing item. No public comment was received.*

*Town Planner Neville summarized the staff report and the proposed revisions to the Sign Ordinance for Flags, Banners and Pennants for the benefit of anyone listening to the online broadcast of the meeting. Mr. Neville confirmed that required public notice of the meeting was published in the local newspaper.*

*Chairman Rosenberger asked if the Commission would prefer to table this item until the next regular meeting in order to allow the two members absent to participate in final discussion and voting. Vice Chairperson Cherrix moved to table the item until the next meeting, seconded by Commissioner Papadopoulos. The motion passed (For – 5, Against – 0, Absent – 2)*

At the request of Town Council, Chairman Rosenberger placed this item on the Commission Agenda for August 9, 2011. The recommended maximum size of a permitted Home Occupation sign was discussed. Vice Chairperson Cherrix moved to approve the Sign Ordinance amendment with a Home Occupation sign at 4 square feet maximum in size, seconded by Councilman Muth. The motion failed. A second motion was made by Commissioner Taylor for a maximum Home Occupation sign at 16 square feet. The motion failed for lack of a second. A final motion was made by Commissioner Taylor for a maximum Home Occupation sign at 12 square feet, seconded by Commissioner Potts. The Sign Ordinance amendment passed 3:2 with a recommendation for approval. (For: Taylor, Katsetos, Potts, Against: Cherrix, Muth, Abstain: Rosenberger, Absent: Papadopoulos)

# Zoning Ordinance

## Article VII

### Signs

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#### Sec. 7.2 Definitions

7.2.5. *Banner.* A sign that is mounted on or attached to ~~a~~ any non-rigid surface such as cloth, fabric, paper, vinyl or similar material.

7.2.53. *Temporary sign.* ~~Temporary signs shall be permitted~~ A sign for the purpose of advertising ~~any event held by any nonprofit or charitable organization during a limited period of time.~~ See Section 7.4 for permitted signs.

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7.3.6.1 Limited home occupation signs. Such sign shall not exceed four (4) square feet in area and shall only identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

7.3.6.2 Home occupation signs. Such sign shall not exceed ~~four square feet a total of~~ twelve (12) square feet in area and shall ~~contain only the name of the business only~~ identify business information and/or the business owner. There shall not be more than one sign permitted per dwelling. The sign shall be non-illuminated.

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#### Sec. 7.4 Temporary Signs

7.4.1. Permitted by right. The following temporary signs shall be permitted as a matter of right and no sign permit is required, subject to the conditions specified, and the other provisions of Article VII, as applicable. Use of banners, flags and pennants for the purpose of advertising home occupation business is prohibited in residential zoning districts.

7.4.4 Banners. On-premises banners shall not be more than ~~30~~ 32 square feet in area. Total banners shall not exceed one per residence and one per business, or one per building lot for each 100 linear feet of public road frontage. Such placement shall not exceed 4 times per calendar year not to exceed 4 consecutive weeks for each placement. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with Article VII of the ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

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## Sample Banners



## Sample Flags



# Sample Pennants



# DRAFT COPY – Version 1

September 7, 2011

Patricia Kicklighter, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Assateague Island National Seashore  
General Management Plan Alternative Concepts

Dear Ms. Kicklighter:

On behalf of the Town of Chincoteague and the Chincoteague to Assateague Beach Access Advisory Committee, I am presenting several compliments and comments regarding the General Management Plan (GMP) Alternative Concepts for the Assateague Island National Seashore that are included in your Summer 2011 Newsletter #2.

Clearly there has been a lot of work that has gone on behind the scenes since your last communication with the public (Newsletter #1 in November 2009) and there is a limited window of time for community participation. As the gateway community to the southern end of the Assateague Island National Seashore, one of our greatest concerns is the NPS interagency agreement with USFWS that provides for traditional recreational opportunities and high density visitor use in the Virginia sub zone. Thank you for your continued support on our behalf, and consideration of the following:

## 1. Recreational Use Areas

- a. Support for the use of ‘management zones’ to identify different areas of Assateague Island so that all of the purposes of the National Seashore can be met in different areas.
- b. Request that the significant investment in recreational facilities and infrastructure should be listed as a fundamental resource on page 4.
- c. Request that recreation and stewardship should be listed first under interpretive themes on page 5 to reflect the traditions of the NPS
- d. Support for policies that defend the visitor areas in both Maryland and Virginia.  
*“Artificial dune fortification, habitat manipulations, and possible beach nourishment would be used to protect the developed visitor areas from the effects of natural coastal processes and climate change/sea level rise...storm overwash and breaches in the developed visitor areas would be repaired, while natural evolution of the island’s backcountry areas would continue without interference...”*

This makes sense to protect and actively manage important public use areas and allow natural processes to take their course in other management zones. It should apply to Virginia and should be incorporated into a new interagency agreement.

# DRAFT COPY – Version 1

## 2. Public Safety and Beach Management

- a. Support for NPS to expand its existing partnership with the U.S. Army Corps of Engineers related to erosion control. This implements the direction provided by Congress in the 1965 Seashore Act, Section 8, which created the Assateague Island National Seashore and requires the Secretary of the Interior to cooperate with the Secretary of the Army in the study and formulation of plans for beach erosion control and hurricane protection of the seashore.
- b. Request that the NPS initiate a study with USACE of the Tom's Cove shoreline to determine the best means (including beach nourishment and/or 'land base replenishment') to continue recreational beach use, and protection of the public health and safety for residents of Chincoteague Island from the potential effects of natural hazards that are currently provided by the existing management of Assateague Island.
- c. Support for USACE to study dredging or other improvements to maintain tidal flow to the north end of Chincoteague Bay as an active management solution to the reported decline in water quality of the central bay area.

## 3. Shellfish Leases

- a. Support for Natural Resource Management policy that allows for continued commercial fishing and leasing of submerged lands within the seashore boundary for commercial aquaculture.
- b. Oppose Natural Resource Management policy that limits or bans commercial fishing and aquaculture within the seashore boundary. Without the managed use of our natural resources by private industry, the NPS would be responsible for dealing a critical blow to a vital portion of the local economy and a traditional lifestyle of the native population.
- c. Request that any communication between NPS and VMRC regarding shellfish leases and commercial fishing to be shared with the Town of Chincoteague.

## 4. Watch Houses

- a. Support for taking no action related to privately owned structures associated with submerged land leases in Chincoteague Bay within the seashore boundary
- b. Oppose NPS regulations for wastewater treatment and disposal and/or removal of private structures.

## 5. ORV/OSV

- a. Oppose the policy that would permanently close areas to OSV use if coastal storms or other natural processes create breaches/inlets that cut off access to portions of the beach. If NPS continues to administer OSV permits for the FWS along Toms Cove in Virginia, this policy would permanently remove access to the Hook as soon as the 'let nature take its course' management approach is effective in breaking through the existing parking areas whether the barrier island heals itself or not.
- b. Support for a policy that recognizes the potential for natural forces to temporarily close OSV access until such time as the beach is naturally restored or restored through active management. Support an OSV policy that would replace area lost to OSV use by opening other portions of the island to over sand vehicles.

# DRAFT COPY – Version 1

- c. Request NPS support of OSV access to the Coast Guard Station during summer months for programmed activities.
- d. Request NPS support for OSV secondary or emergency access to the Wildlife Loop or Beach Road if the Virginia recreational beach area is relocated to the north by FWS.

## 6. Infrastructure

- a. Request that the significant investment in recreational facilities and infrastructure should be listed as a fundamental resource on page 4.
- b. Oppose any option that abandons the public trust and allows existing visitor use facilities and infrastructure, specifically bridge access from the mainland to Assateague Island, to be subjected to natural coastal processes without maintenance, repair or replacement.
- c. Oppose the current direction of seashore management that favors the use of alternative transportation systems and treats the idea as a Fundamental Value.
- d. Support for continued bridge access at both the north and south end of Assateague Island for both public access and emergency services.
- e. Request for active use of Coast Guard Station

## 7. Marine Research Reserve

- a. Oppose the concept of a Marine Research Reserve until more information is provided. Specifically, will the intended use for research and environmental education restrict public or commercial use of the Chincoteague Bay?

## 8. Options

- a. Support for the current adaptive management plan that has been successful for the last 20 years.
- b. Support for the new management zone concept and the strong emphasis on traditional beach recreation.
- c. Oppose the NPS abandoning its responsibility to provide public access and recreation at the National Seashore in favor of passive management of natural coastal processes and promoting exclusive environmental research uses.

Thank you for the opportunity to provide comments at this point in the planning process. Our concerns and support are based on review of the Newsletter #2 which only provides general information to make a well informed decision about the alternatives in a short period of time. The Town of Chincoteague will continue to rely on NPS staff to support public recreational beach use, OSV use and shoreline management in Virginia through the interagency agreement with the FWS.

Sincerely,

John H. Tarr  
Mayor

cc. Lou Hinds, CNWR  
Elected Representatives

# DRAFT COPY – Version 2

September 7, 2011

Patricia Kicklighter, Superintendent  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, MD 21811

RE: Assateague Island National Seashore  
General Management Plan Alternative Concepts

Dear Ms. Kicklighter:

On behalf of the Town of Chincoteague and the Chincoteague to Assateague Beach Access Advisory Committee, I am presenting a brief list of comments and concerns regarding the General Management Plan (GMP) Alternative Concepts for the Assateague Island National Seashore that are included in your Summer 2011 Newsletter #2.

After waiting for almost 2 years, we learned about new ideas and new policies for the first time in your open house presentation and have only been provided a limited window of time for community participation. The alternatives planning process is frustrating because there are very good ideas mixed with very bad ideas from our perspective as the gateway community for the southern end of Assateague Island. The following list is provided to clearly identify those elements of the draft GMP that we hope the NPS will work on in more detail with the Town of Chincoteague representatives.

## Oppose

- A. Oppose the current direction of seashore management that favors the use of alternative transportation systems and treats the idea as a Fundamental Value.
- B. Oppose the concept of a Marine Research Reserve until more information is provided. Specifically, the intended use for research and environmental education that would restrict public or commercial use of the Chincoteague Bay.
- C. Oppose NPS regulations for 'watch houses' that remove State authority over wastewater treatment and disposal and/or require removal of private structures that serve as a traditional cultural resource.
- D. Oppose Natural Resource Management policies that limit or ban commercial fishing and aquaculture within the seashore boundary. Without the managed use of our natural resources by private industry, the NPS would be responsible for dealing a critical blow to a vital portion of the local economy and a traditional lifestyle of the native population.
- E. Oppose the policy that would permanently close areas to OSV use if coastal storms or other natural processes create breaches/inlets that cut off access to portions of the beach. If NPS continues to administer OSV permits for the FWS along Toms Cove in Virginia, this policy would permanently remove public access to the Hook ...forever...as soon as the 'let nature take

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its course' management approach is effective in breaking through the existing parking areas whether the barrier island heals itself or not.

- F. Oppose any options that abandon the public trust and allow existing visitor use facilities and infrastructure, specifically bridge access from the mainland to Assateague Island, to be subjected to natural coastal processes without maintenance, repair or replacement.
- G. Oppose the NPS abandoning its responsibility to provide public access and recreation at the National Seashore in favor of passive management of natural coastal processes and promoting exclusive environmental research uses.

## Support

- A. Support for the current adaptive management plan that has been successful for the last 20 years.
- B. Support for the use of 'management zones' to identify different areas of Assateague Island so that all of the purposes of the National Seashore can be met in different areas.
- C. Support for the new management zone concept and the strong emphasis on traditional beach recreation.
- D. Support for policies that defend the visitor areas in both Maryland and Virginia.
  - a. *“Artificial dune fortification, habitat manipulations, and possible beach nourishment would be used to protect the developed visitor areas from the effects of natural coastal processes and climate change/sea level rise...storm overwash and breaches in the developed visitor areas would be repaired, while natural evolution of the island’s backcountry areas would continue without interference...”*

This makes sense to protect and actively manage important public use areas and allow natural processes to take their course in other management zones. It should apply to Virginia and should be incorporated into a new interagency agreement.

- E. Support for NPS to expand its existing partnership with the U.S. Army Corps of Engineers related to erosion control. This implements the direction provided by Congress in the 1965 Seashore Act, Section 8, which created the Assateague Island National Seashore and requires the Secretary of the Interior to cooperate with the Secretary of the Army in the study and formulation of plans for beach erosion control and hurricane protection of the seashore.
- F. Support for USACE to study dredging or other improvements to maintain tidal flow to the north end of Chincoteague Bay as an active management solution to the reported decline in water quality of the central bay area.
- G. Support for Natural Resource Management policy that allows for continued commercial fishing and leasing of submerged lands within the seashore boundary for commercial aquaculture.
- H. Support for taking no action related to privately owned structures associated with submerged land leases in Chincoteague Bay within the seashore boundary
- I. Support for a policy that recognizes the potential for natural forces to temporarily close OSV access until such time as the beach is naturally restored or restored through active management.
- J. Support an OSV policy that would replace area lost to OSV use by opening other portions of the island to over sand vehicles.
- K. Support for continued bridge access at both the north and south end of Assateague Island for both public access and emergency services.

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## Request

- A. Request that the NPS initiate a study with USACE of the Tom's Cove shoreline to determine the best means (including beach nourishment and/or 'land base replenishment') to continue recreational beach use, and protection of the public health and safety for residents of Chincoteague Island from the potential effects of natural hazards that are currently provided by the existing management of Assateague Island.
- B. Request that the significant investment in recreational facilities and infrastructure should be listed as a fundamental resource on page 4.
- C. Request that recreation and stewardship should be listed first under interpretive themes on page 5 to reflect the traditions of the NPS
- D. Request that any communication between NPS and VMRC regarding shellfish leases and commercial fishing to be shared with the Town of Chincoteague.
- E. Request a plan for active use of the historic Coast Guard Station.
- F. Request NPS support of OSV access to the Coast Guard Station during summer months for programmed activities.
- G. Request NPS support for OSV secondary or emergency access to the Wildlife Loop or Beach Road if the Virginia recreational beach area is relocated to the north by FWS.
- H. Request preparation of a socio-economic impact study that evaluates each alternative (revised or new policies and programs) with its effect on the Town of Chincoteague as a gateway community.

Thank you for the opportunity to provide comments at this point in the planning process. Our concerns and support are based on review of the Newsletter #2 which only provides general information to make a well informed decision about the alternatives in a short period of time. The Town of Chincoteague will continue to rely on NPS staff to support public recreational beach use, OSV use and shoreline management in Virginia through the interagency agreement with the FWS.

Sincerely,

John H. Tarr  
Mayor

cc. Lou Hinds, CNWR  
Elected Representatives



**PROCLAMATION**

**DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Town Council of the Town of Chincoteague does hereby find that:

1. Due to the heavy rain, high winds and storm surge flooding the Town of Chincoteague is facing from Hurricane Irene; and
2. A condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that at 11:00 hours on August 26, 2011, an emergency now exists throughout said Town of Chincoteague; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the Town of Chincoteague shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

Dated: September 6, 2011

Town Council of the Town of Chincoteague

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Attest: \_\_\_\_\_  
Clerk  
Town of Chincoteague

**Public Works Committee Meeting**

August 02, 2011

**MINUTES**

**Members Present:**

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

**Also Present:**

Ms. Ruth Lane  
Mr. Robert Ritter  
Mr. and Mrs. Ray Rosenberger  
Mr. Harvey Spurlock

Chairman Tarr called the meeting to order at 5:10 pm.

Mr. Howard made a motion to approve the agenda. The motion was seconded by Ms. Richardson and unanimously approved.

**Public Participation**

None

**1. Storm Water Master Plan Phase II**

Mr. Spurlock presented a general outline of the Town's proposed Storm Water Master Plan (SWMP); Phase 1 of which is complete. A fee proposal for Phase II of the plan, developed by Clark Nexsen, the Town's storm water consultant, was also presented. Mr. Spurlock explained that the FY 12 budget included \$87,135 for general drainage improvements and \$50,000 for road specific drainage work. Mr. Spurlock requested the committee's guidance regarding the initiation of Phase II work.

A discussion of the various elements of Phase II ensued. It was ultimately decided corrective action for Maddox Blvd. traffic circle drainage and the development of a drainage/fill ordinance were the highest priorities however additional information concerning cost/deliverables was required prior to proceeding. Mr. Spurlock will acquire the requested information to include a break out of traffic circle design scope/cost and additional information on the development of a drainage ordinance. The committee also requested the list of drainage priorities developed during Phase I of the SWMP.

**2. Decorative Banners**

Mr. Spurlock presented information on decorative banners as requested at the August 1<sup>st</sup>, 2011 regular council meeting. The committee reviewed the information. Mr. Tarr requested a design/cost proposal be presented at the September regular council meeting.

**3. Questions/Comments**

Ms. Richardson inquired as to the status of the easements required to install sidewalks at the northwest quadrant of the intersection of Main St. and Maddox Blvd. Mr. Ritter stated one of the required easements has been finalized and the Town is working with the remaining property owners to obtain the remainder.

Mr. Howard motioned to adjourn the meeting at 5:50 pm. The motion was seconded by Mrs. Richardson and unanimously approved.

The next meeting is scheduled for Tuesday, October 4th, 2011 at 5:00 pm.

MINUTES OF THE AUGUST 4, 2011  
HARBOR COMMITTEE

Members Present

John Henry Howard, Chairman  
Terry Howard  
Ernie Bowden  
Wayne Merritt, Harbor Master

Others Present

William Seaman  
Robert Ritter, Town Manager  
John N. Jester, Councilman

Call to Order

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

Open Forum/Public Participation

Mr. William Seaman inquired about the additional cameras that were to be installed at the Harbor.

Town Manager Ritter explained that there were 2 additional cameras installed. However, he reminded Mr. Seaman that if a visitor was to do something at the Harbor there would be no way to identify him or her. There was additional discussion about various types of cameras and the accuracy.

Councilman Jester added that more lighting was needed in order to deter the vandalism.

Chairman Howard asked Town Manager Ritter to look into the matter of more lighting. He also asked about having the Police walk the area when patrolling the area. He asked Town Manager Ritter to inquire about a sign at the entrance to the Harbor that specifies the hours.

Agenda Adoption

Councilman Howard motioned, seconded by Mr. Bowden, to adopt the agenda. The motion was unanimously approved.

1. Harbor Master Update (Wayne Merritt).

Harbor Master Merritt reported that the Harbor subleases have been down due to the number of slips that are available for subleasing. He stated that the fuel system is up and running with few problems after staff learned the system and added that the fuel sales are good.

There was discussion concerning how to use the system with credit cards.

2. Discuss the Berm around the Spoil Site (Mariners Point)

Councilman Jester discussed on behalf of the Recreation Committee the idea of having a place for people to view the ocean from the Harbor. The Committee would like to beautify the site and make it accessible to everyone to watch the ocean, boats and the future rocket launches. He stated that Mr. Barry Abell was fixing a boat to be raffled off with the proceeds going to a memorial for Mariners.

Councilman T. Howard was concerned about where the Town would burn brush.

Councilman Jester stated that Public Works Director Spurlock advised he had a place to burn brush. There was concern with parking for the leaseholders regarding the addition of the new lookout area.

Town Manager Ritter, Chairman Howard and Harbormaster Merritt will meet at the Harbor to look at the parking issues, security plan and the lighting.

3. Lease agreement language for next year.

Harbormaster Merritt discussed the possibility of changing the language of the lease agreement for next year to make it necessary to subleased unoccupied slips. The Town would like to make it mandatory that if a leaseholder isn't using their slip the Town will sublease. Also, if the leaseholder wants to use it once there is a sublease, they will be required to give the Town 24 hours notice and their slip would be available to them.

Councilman T. Howard disagrees with taking away the rights of the slip holder if they are paying their yearly rent.

Chairman T. Howard asked Town Manager Ritter and Harbormaster Merritt to discuss the matter and get back to the Committee.

4. Committee member comments

Mr. Bowden had concern about the fuel dock. He stated that when it is busy it's taking up 1/3 of the loading dock. He has experienced problems on several occasions when trying to unload his boat.

Harbormaster Merritt will place more signs facing the water to try and deter folks from taking up the loading dock area.

5. Adjournment.

The meeting was adjourned.

**Recreation and Community Enhancement  
Committee Meeting Minutes  
August 9, 2011**

**Committee Members Present:**

John Jester, Chairman  
Tripp Muth, Councilman  
Bob Conklin  
Cathy Plant  
Gene W. Taylor, Planning Commissioner

**Committee Members Not Present:**

John H. Howard, Councilman

**Others Present:**

William Neville, Planning Director

**Call to Order**

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

**Agenda Adoption**

Councilman Muth motioned, seconded by Mr. Bob Conklin to approve the agenda.  
Unanimously approved.

**1. Mariner's Point**

Chairman Jester suggested naming the overlook area Mariner's Point. The final name has to be approved by Council.

Chairman Jester advised he had spoken to the Harbor Committee and they had questions concerning the parking especially during the rocket launches.

He spoke to Barry Abell concerning the Boy Scouts keeping the area clean and possibly building some benches.

**2. Chincoteague Gymnasium**

There were questions about the deed for the property. Town Planner Neville stated he had talked with Town Manager Ritter and the deed was at Town Attorney Poulson's office.

Chairman Jester showed pictures of the inside of the gym and its poor condition. A company has been contacted to re-install the insulation. He stated that he would like to see some community involvement to fix up the gym. The Cultural Alliance has expressed their willingness to help and asked about using the facility as well. There was discussion about the cost to fix up the facility with regards to thermostats, insulation, and the septic system.

There was a motion made by Councilman Jester and seconded to have the facility fixed up prior to January 2012.

Mrs. Cathy Plant asked who was going to manage the facility. Chairman Jester stated it would be scheduled through staff at the Town office.

Councilman Muth asked about the naming of the gym. Several names were suggested but the decision was made to wait on the naming until a later date.

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

There has been some progress made in the Ocean Boulevard Extended project with the help of Mr. Robert Cole from the Army Corps of Engineers. The Town is also hoping to get some help with the mitigation costs.

The bike trail extension to the refuge is almost complete.

The projects at the Donald Leonard Park and the Watson Park are completed. There is a possibility in the spring of a phase two. Mr. Conklin commented on how nice the parks look.

The new bridge landscaping project is looking good and the Public Works Department has done a good job maintaining the area. There was discussion of the placement of the directional signs to the Downtown Area and the possibility of another type of sign.

Public Works Director Spurlock has been looking at some new banners for the light poles.

Concerning the Downtown Park there was discussion of a stage with some lighting for the events that take place. Chairman Jester would like to see the kiosk more up to date including a map of the Island.

Gene Wayne Taylor expressed his concern with the bicycles on the sidewalk in the Downtown area as well as on Maddox Boulevard. He was concerned for the safety of pedestrians and bicyclist in those locations. He suggested signs being installed on both sides of the post and a fine of twenty-five dollars for those who ride on the sidewalks in the restricted areas.

Chairman Jester was concerned with the scooters on the Island and the recent accidents.

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

There were no comments from the Committee Members.

### **Adjourn**

Mr. Conklin moved, seconded by Mrs. Plant to adjourn the meeting. Unanimously approved.

The meeting was adjourned