

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

December 3, 2012 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN TAYLOR

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Consider Adoption of the Minutes
  - Regular Council Meeting of November 5, 2012 (Page 2 of 27)
2. Presentation by Eastern Shore Rural Health (Nancy Stern)
3. Authorize to use Byrd Brothers Inc. Emergency Services for Storm Debris Management (Page 16 of 27)
4. Mariners Point Boy Scout Service Project (Barry Abell)
5. Harbor Committee Report of November 8, 2012 (Vice Mayor Leonard) (Page 17 of 27)
6. Recreation & Community Enhancement Com Report, November 13, 2012(Councilman Jester) (Page 19 of 27)
7. Committee/Commission Appointments and Recommendations (Page 21 of 27)
  - Building Code of Appeals
  - Curtis Merritt Harbor Committee
  - Planning Commission
  - Recreation & Community Enhancement Committee
8. Discuss Retaining the Lobbyist for Additional 6 Months (Page 22 of 27)
9. Causeway Sign Request (Chief Lewis) (Page 25 of 27)
10. Mayor & Council Announcements or Comments  
(Note: Roberts Rules do not allow for discussion under comment period)
11. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
  - Personnel Matters (Police Chief and Town Manager Annual Evaluation)

ADJOURN:

**MINUTES OF THE NOVEMBER 5, 2012  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Council Members Absent:**

J. Arthur Leonard, Vice Mayor

**CALL TO ORDER**

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

**INVOCATION**

Councilman Howard offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Joe Justice approached Council about drainage. He stated that he has come before Council 6 times from October 2009 to October 2012 about drainage. He advised that he has met with Public Works Director Spurlock about the drainage issues on his property. He reported that he had 12" of water in his home, garage, workshop and motel rooms from the recent storm. Mr. Justice explained the work that has to be done because of the damages. He mentioned his financial status. He requested a flood gate on Bunting Road or Beebe Road.
- Mr. Spiro Papadopoulos addressed Council regarding repairs to his Verizon service. He complained that he was given a repair date 9 days after his call. He advised that his neighbors were experiencing the same problems. He stated that because his phone lines were down he and his neighbors were unable to receive the reverse 911 calls from the Town regarding the storm. He urged Council to contact Verizon about the timely repairs to their lines for safety purposes.
- Mr. Alex Hubb, Director of Transportation, came before Council with a letter thanking Councilman Gene Wayne Taylor. He read the letter. He stated that he and his Pony Express team members were very concerned for the trolleys during the recent storm. He advised that with all of the other personal things Mr. Taylor had to take care of he offered his mainland property as a refuge for the trolleys. Mr. Hubb stated that they decided to take the trolleys to Mr. Taylor's property on high ground in an open field until the storm passed. He stated that the members of the Pony Express sincerely thank Councilman Gene Wayne Taylor and wanted to publicly recognize him for his generosity.

## **STAFF UPDATE**

### Police Department

Chief Lewis advised that the Police Department's monthly report was included in the agenda packet. He also reminded Council that on December 1<sup>st</sup>, 2012 the Police Department will conduct their 8<sup>th</sup> Annual Toy and Food Drive. He stated that if anyone has toys or food to donate they can drop it off at the Police Station.

### Public Works

Public Works Director Spurlock advised that the Public Works monthly report was included in the agenda packet. He reported on debris removal. He stated that the Governor has requested a Proclamation of a Major Disaster in the State of Virginia and is pending the presidential signature. He advised that because of this, anything the Town does regarding debris removal on public property will be reimbursed by FEMA at a rate of 75% reimbursed by FEMA and 25% reimbursed by the state. He added that the numbers are not final and the Proclamation hasn't been signed as of yet. He explained the stipulation of public property. He also stated he has been in contact with a state contractor, Fox Brothers, for removal with an estimate for 20,000 cubic yards of debris for pickup, grinder, disposal of all the debris and project management fees at a cost of \$268,000. He advised that if the Public Works Department were to collect it would take a very long time.

Public Works Director Spurlock also advised that the Park Service is talking with Fox Brothers to do reduction. He stated they are able to be on Chincoteague mid to late next week. He added that this is done on a reimbursable basis, meaning the Town will have to pay for this up front. He stated that they will get a schedule of the collection and removal with one pass allowing ample time for debris to be put out.

Councilman Howard asked if all of the debris removal expense would be reimbursed.

Public Works Director Spurlock advised that once the Proclamation is signed it will be reimbursed.

Councilman Taylor asked if the saw mills would want these trees.

Public Works Director Spurlock responded that there are very few saw mills that would want yard trees because they're full of metal.

There was further discussion.

Councilman Howard asked about the bark beetle.

Public Works Director Spurlock referred this to Supervisor Thornton as she has been working with the State Forestry Department.

Councilman Howard also asked about "private assistance".

Public Works Director Spurlock reported that this is for damage to a personal home that is not covered by insurance. He stated that there were 2 FEMA teams on the island and they reported a little over \$2 million in damage to private property.

Mayor Tarr stated that the Governor can declare a county in the State of Emergency and that requires the damage to be at a certain dollar amount.

Public Works Director Spurlock advised he would keep Council posted.

### General Government

Town Manager Ritter advised that the monthly General Government report is in the agenda packet. He reported that the total EMS responses were 74 in October, which are 10 more than October 2011. He stated that under Emergency Management they are in the recovery phase. He added that daily reports, meetings with FEMA and the paperwork are ongoing. Town Manager Ritter also stated that they are in the process of writing many thank you letters to those who helped the Town through the EOC. He reported the damage assessment of \$1,801,895 for private property and \$117,000 for public property. He also reported on the Downtown Rehabilitation Phase 2B. He stated that they are in the process of obtaining engineering services. They are also working on obtaining easements along the east side of Main Street. He added that the finalized engineering drawings will be submitted to VDOT and then out for bid.

Town Manager Ritter also reported on the Pony Express 2012 season ridership of 14,542. The History Tour had 43 tours with a total of 993 riders. He also stated that the Audit Report has been finalized and distributed. The Town has received the tax information from the County and currently having this converted through Southern Software for billing. He stated that Council can decide to extend the due date of the tax bills. Town Manager Ritter stated that the quarterly newsletter will go out in December.

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

Mayor Tarr stated that they would like to add one agenda item 3a. Personnel Policy Changes to the Employee Handbook at the recommendation of Town Attorney Poulson.

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 3a. Personnel Policy Changes to the Employee Handbook. Unanimously approved.

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

- **Regular Council Meeting of October 1, 2012**

Councilman Howard motioned, seconded by Councilman Jester to adopt the minutes of the Regular Council meeting of October 1, 2012. Unanimously approved.

#### **2. Accomack County Board of Supervisors Update**

Supervisor Thornton stated what a fantastic job the Town's EOC did along with all the volunteers, Mayor and Town Council. She feels that the people don't realize how much time and effort that goes into this storm. She advised that she was in the office several times and stated that Ms. Kelly Fox was in the EOC every time she came in and answered the phone every time she called. She thanked Council and stated how fortunate we are to live on Chincoteague and

have a community like this where everyone pulls together. She stated that she was advised that there were approximately 500 trees down on the island. She feels that organizing a volunteer group to help the less fortunate and elderly was a good thing. She can't say enough of what a fine job our community did. She also feels the Town needs to be very aware of those surrounding areas that lost their livelihood.

Supervisor Thornton reported on the pine bark beetles. She stated that she spoke with Vice Mayor Leonard and they are infesting the northern end of the island also. She stated that Mr. Robby Lewis, with the state Forestry Department, is planning on coming to look at the problem areas and possibly coming up with some solutions. She stated that the infestation is very serious. She hopes that everyone will take an interest and examine the pine trees in their yards.

Supervisor Thornton stated that there is a group requesting to use the Wallops Research Park, which is to be used as a training facility for the Navy. She stated that there are a number of people that feel this isn't the right thing to do and have hired an attorney. She advised that the Navy doesn't have to ask for permission because it was a Navy base prior to this. She feels this isn't going to be devastating and the Board of Supervisors should stand up and do what is right for our military.

Councilman Howard asked why they were opposed.

Supervisor Thornton advised it's because of the potential noise. She stated that there will be a meeting Wednesday at 5:00 p.m. regarding the Wallops Research Park. She added that if they don't support the Wallops Research Park they will lose millions of dollars from the state to help build the runway. They have worked out the location and the site has to be approved. She spoke about the appraisal. She feels that if they don't do this then Pocomoke is interested and it could be devastating to the County.

Supervisor Thornton stated that they are also looking at redefining the Tourism Commission. She explained that they are looking at how people are appointed. She added that they are also looking at criteria for board members and not allowing so many people from one industry to serve on the same board. She stated that there are other structural things that could be changed. She also reported that Chincoteague gives over \$400,000 to the Tourism Commission from the occupancy tax a year.

Supervisor Thornton reported on the Atlantic Town Center. She is unsure if this project is going forward and feels it's unfortunate. She mentioned the Baylor Ground meeting and advised that she asked the County to appoint a committee to work with the VMRC. She appointed Mr. Ernie Bowden who has a very good understanding of the workings of the VMRC and is hopeful that this can be worked out. Her concern is for those who make their living working on the water. She also advised that the Airport Commission has been dissolved and has been made a County Department.

Supervisor Thornton feels they should thank Governor McDonnell and Congressman Rigell for dropping what they were doing and coming to the Island. She feels it was very enlightening when Congressman Rigell put Mr. Hinds, with U. S. Fish & Wildlife, on the spot regarding

beach parking. She stated that Mr. Hinds agreed that parking will be put back by spring. She also advised that she wasn't consulted when Mr. Chesser asked Mr. Miner to call a meeting with Mr. Hinds and the Board of Supervisors. She stated that no one advised her of this meeting with Mr. Hinds until the meeting had already been called. She feels that this was definitely disrespectful. She was to meet with an insurance adjuster and cancelled so she could attend. She would have liked to have told people so they could have been there as it was a public meeting. She did see that the Town Council was informed when she was.

Councilman Howard discussed the dissolving of the Airport Commission and creating a department. He asked if this gave the Board of Supervisors more authority.

Supervisor Thornton advised that Mr. Miner will monitor and supervise this department. She stated that there was some items presented that is not public information and that it was discussed in depth.

Councilman Jester asked if the Wednesday night meeting regarding the Wallops Research Park was at 5:00 p.m. in the County Administration building.

Supervisor Thornton advised it was and hopes that it goes well as the state gives millions of dollars for this purpose. She feels this is good for the County economy.

**3. Consider Changes in the Town Code Section 38-26, 38-27 and 42-29 (a)(10)**

Town Manager Ritter reported that Town Attorney Poulson issued a memo after receiving a memo from the Second Amendment Foundation. They advised him that the Town was in violation of State Code 15.2-915, referring to firearms and regulations and advised that the Town's Code 38-26, 38-27 and 42-29 (a)(10) should be repealed. He recommended that these three sections be repealed.

There was discussion regarding the authority of the Second Amendment Foundation who is not a public entity.

Councilman Howard feels that if they're in violation of the State Code it should be changed.

Town Manager Ritter added that failure to do so can make the Town susceptible to a law suit from the Second Amendment Foundation.

There was further discussion and clarification.

Town Attorney Poulson advised that two of these sections were not valid and this is to clean it up and recognize the State Code. He also stated that they want to change the Employee Handbook to be consistent with this change also.

There was further discussion and clarification of the change to the Town Code and the Employee Handbook.

Mayor Tarr asked if Council understood the change. He then asked if there were any questions to the changes to the Town Code section.

Councilman Howard stated that everything has been stricken and asked if this was correct.

Town Attorney Poulson advised it was correct to strike through the entire section.

Councilman Taylor motioned, seconded by Councilman Muth to adopt the changes as presented to the Town Code Section 38-26, 38-27 and 42-29 (a)(10). Unanimously approved.

~~**Town Code**  
**Chapter 38**  
**Offenses and Miscellaneous Provisions**  
**Article II**  
**Weapons**  
**Section 38-26**  
**Selling to or Purchase by Minors**~~

~~It shall be unlawful for any person to sell in the town any firearm, ammunition or switchblade knife to any person under the age of 16 years or for any person under the age of 16 years to purchase in the town any firearm, ammunition or switchblade knife. Any person violating this section shall, upon conviction, be fined not less than \$5.00 and not more than \$100.00 for each offense.  
(Code 1977, § 13-7)~~

~~**Town Code**  
**Chapter 38**  
**Offenses and Miscellaneous Provisions**  
**Article II**  
**Weapons**  
**Section 38-27**  
**Possession by Minors**~~

~~It shall be unlawful for any person under the age of 16 years, unless accompanied by some person over the age of 18 years, to have in his possession in the town any firearm, ammunition or switchblade knife at any place other than his usual place of residence. Any person violating this section shall, upon conviction, be fined not less than \$5.00 and not more than \$100.00 for each offense.  
(Code 1977, § 13-8)~~

~~**Town Code Chapter 42**  
**Parks and Recreation**  
**Article II**  
**Park Regulations**  
**Section 42-29**  
**Rules and Regulations**~~

~~(a) The following rules and regulations shall be applicable to the uses of all town-owned recreational facilities:~~

~~(10) No weapons or firearms of any kind are permitted.~~

### **3a. Personnel Policy Changes to the Employee Handbook**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the proposed changes to the Personnel Policy, Employee Handbook. Unanimously approved.

## **EMPLOYEE HANDBOOK**

### **9.5 Workplace Violence**

The Town of Chincoteague is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Town has adopted the following policy to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

Employees who violate this policy may be subject to disciplinary action, up to and including dismissal, arrest, and prosecution.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. ~~Firearms, weapons, and other~~ dangerous or hazardous devices or substances are prohibited on the Town premises without proper authorization.

### **9.6 Searches in the Workplace**

The goal of the Town is to ensure and maintain the safety and security of all employees at all times. The Town of Chincoteague wishes to maintain a work environment that is free of illegal drugs, alcohol, ~~firearms~~, explosives, or other improper materials. To this end, the Town of Chincoteague prohibits the possession, transfer, sale, or use of such materials on its premises. The Town of Chincoteague requires the cooperation of all employees in administering this policy.

### **13.4 Employee Conduct and Work Rules**

- Possession of dangerous or unauthorized materials, such as explosives ~~or firearms~~, in the work place;

New added bullet to 13.4

No employee shall possess on Town property during the hours of employment any weapon, firearm, or ammunition, except in a locked private motor vehicle owned and for used by such employee (except sworn Police personnel or as otherwise directed by the Town Manager).

### **4. Proclamation on the Declaration of Local Emergency**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the Proclamation of the Declaration of a Local Emergency. Unanimously approved.



**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 Sandy; 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 10:00 hours on October 27, 2012, 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: November 5, 2012

Town Council of the Town of Chincoteague

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

**5. Bids on the Demolition of the Campbell Structure on Eastside Road**

Town Manager Ritter advised that they received additional information earlier in the evening. He stated that this property has other heirs. He stated that until the Town can contact the County Assessor this item should be postponed. They will need to advertise with those listed in the will after notification is made to those individuals. He added that if they find out that these are the only two people listed in the will it will be brought back before Council at the next meeting.

**6. Proclamation Designating November 10-16 as Cemetery Cleanup Week**

Town Manager Ritter advised that Saturday, November 10<sup>th</sup>, 2012 from 9:00 a.m. to 12 noon, is the cleanup of the Aydolette Cemetery which is off of Conant Lane and Willow Street. He read the Proclamation.

Councilwoman Richardson motioned, seconded by Councilman Jester to adopt the Proclamation Designating November 10-16 as Cemetery Cleanup Week. Unanimously approved.



**PROCLAMATION**

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

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

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

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

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of November 10<sup>TH</sup> through 16<sup>TH</sup>, 2012, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer, organize and assist in the cleanup of our Island cemeteries.

DATED this 5<sup>th</sup> day of November, 2012.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

Councilwoman Richardson stated that Mr. Brett Schoeberl is the volunteer manager for assistance in storm cleanup. She advised that he was involved with the Navy reservist who went into the Greenwood Cemetery and cleared the tree that had fallen and made repairs. She stated that she was advised that the Navy would like to help the first weekend each month from March to November for cemetery cleanup. She also requested that the Town send a thank you letter to the Navy.

**7. Public Safety Committee Report of October 2, 2012**

Mayor Tarr advised that the report is included in the agenda packet. He added that under the COOP there is a draft plan that has been reviewed by department heads. He feels that with the recent storm and putting things into action should help in the plan.

Councilman Howard mentioned a pet shelter that will be a plus in a storm or emergency.

Mayor Tarr advised that a pet shelter has been worked out with the Accomack County School Board and the Town. He stated that the other big need is a shelter for those on oxygen or in need of medical assistance. They are currently working on making this type of shelter available.

Councilman Howard feels that by having these types of shelters will encourage the people to evacuate.

Councilman Jester stated that there has to be a plan to help with the continued operation if there is an emergency and the Town's facilities have been shut down.

Mayor Tarr asked Mr. Brett Schoeberl to give a report on the volunteers for storm cleanup. He advised that Mr. Schoeberl has volunteered to head-up the volunteers for cleanup and he is a certified CERT member for the Town.

Mr. Schoeberl reported that there were many seniors and disabled residents on the island that needed help with debris removal. He stated that they completed 18 properties. They had 6 volunteers from the high school, 9 people come (2 were from the island and 7 were visitors), 1 came from Charlotte, SC, 2 from Winchester, VA and 4 from Southern Maryland. They all contacted Mr. Schoeberl to come help. He advised that a command center was set up at the Christ United Methodist Church with donations of drinks and food. He stated that one of the places wasn't completed until Sunday, which was the Greenwood Cemetery and that's because the Navy couldn't get their crew together until then.

Mayor Tarr advised that the Noise Ordinance was addressed prior to this also.

Mr. Schoeberl also advised that Ace Hardware supplied bags of gloves and many people supplied rakes. He sent them out in little groups to areas that needed attention. He reported on the calls thanking them for a great job. He also stated that he has received a few more calls for assistance and will try to conduct another cleanup day. He mentioned the Navy's cemetery cleanup. He stated that the Navy came with a group of 17. He stated that this is the reservist group and they train from March to November. He stated that they are willing to help with cemetery cleanup the 1<sup>st</sup> weekend of the month during those months.

Mayor Tarr thanked Mr. Schoeberl and his volunteers for all their hard work.

#### **8. Consider Bowman Engineering Services for Phase 2B of the Main Street Project**

Town Manager Ritter advised that Bowman Engineering Services did the engineering services for the west side of Main Street and they are asking for an extension of their proposal for the east side of Main Street. He spoke with them and was given a cost of \$76,694. However, after negotiations were able to get it down to \$55,062.

Town Attorney Poulson asked what happens if at some point the Town decides to stop the project. He suggested an addendum that protects the Town.

Mayor Tarr advised that the fee will be paid through the grant which is \$545,000 and the engineering fees are approximately 10%.

Town Attorney Poulson suggested putting this in the contract also.

There was further discussion.

Town Attorney Poulson referred to the Terms and Conditions and he will review and make necessary changes including the term "not to exceed \$55,000".

Town Manager Ritter also added that it is set up the way VDOT wants it to be set up. He stated that Bowman Engineering Services included this in the entire master plan and separated each phase.

Council discussed Phase 2B and the area it included.

Town Attorney Poulson asked about the easements.

Town Manager Ritter advised they are in the process of obtaining the easements and there will be a meeting with the engineers Thursday.

Councilman Jester motioned, seconded by Councilwoman Richardson to approve signing the contract with Bowman Engineering Services for Phase 2B of the Main Street Project after the attorney makes the necessary changes. Unanimously approved.

## **9. Budget & Personnel Committee Report of October 9, 2012**

### **• Consider a New Public Works Position “Landscape Maintenance Specialist”**

Mayor Tarr explained that the Budget & Personnel Committee has recommended approval of a new position for the Public Works Department of Landscape Maintenance Specialist. He stated that this will fill the position of a Public Works employment vacancy.

Public Works Director Spurlock advised that this is a dedicated individual that does landscape maintenance. He felt that there was no one with landscape knowledge and this will remedy that situation.

Councilman Howard stated that according to the memo this is not an increase to the Public Works Department. He added that this is filling the position that was vacant because Mr. Randy Thornton, who was a heavy equipment operator, has left the Town. He stated that if this is approved who would take the place of the heavy equipment operator.

Public Works Director Spurlock advised that he has 7 or 8 laborer/heavy equipment operators. He stated that other than the Water Works Employees several of the other employees are heavy equipment operators.

Councilwoman Richardson stated that the Town Offices look much better since this particular employee has joined the staff.

Councilman Howard asked about the salary basis.

Public Works Director Spurlock advised that they begin with the experience factor when determining the pay.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the new position in Public Works “Landscape Maintenance Specialist”. Unanimously approved.

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

Councilman Howard mentioned the downtown area looking so nice and how bad the street is. He asked to upgrade the paving.

Public Works Director Spurlock advised that in Phase 2A the west side of the street was paved and with Phase 2B the east side of the street will be paved.

Councilman Taylor agreed with Mr. Justice about the overflow of Fowling Gut. He also agrees that there should be floodgates to control the flow.

There was lengthy discussion about installing floodgates.

Mayor Tarr advised that he asked the Corps to study Fowling Gut. He added that the Corps was willing to do the study but there is no funding to do the study. He suggested looking into the disaster funds.

Councilman Muth commented on the Damage Assessment Team with FEMA. He stated that the phone calls they received ahead of time helped them tremendously.

Councilman Jester commended, Mayor Tarr, Public Works Director Spurlock, Town Manager Ritter and all the staff, Mr. Bryan Rush and Ms. Kelly Fox for doing a fantastic job. He advised that he was in Nevada and every time he called in to check on things Ms. Fox answered his questions. He stated that he found that a Facebook page was set up and he was able to see what was going on. He recommends that the Town should have a continuing Facebook page. He believes this will help with the economy by giving the positive story. He stated that because some phone service was lost the reverse 911 system didn't work. He asked how to communicate with the elderly who do not have internet. He commended all those who worked during the storm.

Public Works Director Spurlock asked that Councilman Jester add Mrs. Louise Chesser to that list as she did the 7:00 p.m. – 7:00 a.m. shift.

Councilwoman Richardson also commended the Town employees along with Chief Lewis, Public Works Director Spurlock, Town Manager Ritter, Mayor Tarr and Mr. Bryan Rush who is a leader. She commended the Town Police and Public Works Employees who were out in the weather and it's wonderful to see people pull together to help each other. She thanked everyone.

Town Manager Ritter reminded Council of the Harbor Committee meeting, Thursday at 5:00 p.m. He also stated that the office is closed Monday the 12<sup>th</sup> in observance of Veterans Day.

Mayor Tarr stated that the state pre-deployed the National Guard to the Island for the storm. He also added that they pre-deployed 10 state troopers that worked in shifts with the Police Department. He also added that they were all a big help. He stated that the Governor came with his full Emergency Management Staff, Public Safety, FEMA and Corps of Engineers to tour Chincoteague, Sanford, Saxis and Assateague.

Mayor Tarr also stated that the following day Congressman Rigell was here and had a discussion with Mr. Hinds about restoring beach parking by next summer. He feels it was a very positive meeting and heading in the right direction. He advised that on Saturday they went to the beach with the Board of Supervisors, the Town Council, Delegate Lynwood Lewis and Senator Ralph Northam. They all asked questions about getting the beach back open and where they're headed. He thanked everyone and the Public Works Department for removing trees and working on drainage issues. He reminded everyone to vote tomorrow and to buy tickets to the Mayor's Ball for November 17, 2012.

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

- **Legal Matters (“Town-County Relations”)**

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

Unanimously approved.

Councilwoman Richardson moved, seconded by Councilman Howard to reconvene in regular session. Unanimously approved.

Councilwoman Richardson moved, seconded by Councilman Jester to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

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

**ADJOURN**

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

\_\_\_\_\_  
Mayor

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



# MEMORANDUM

THE TOWN OF CHINCOTEAGUE

TO: Town Council

FROM: Harvey Spurlock, Public Works Director

DATE: December 03, 2012

SUBJECT: Hurricane Sandy Debris Removal

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In accord with the details presented by Mr. Karl Dix, VP, Byrd Brothers Emergency Services, at the regular December Council Meeting held December 03, 2012, The Town Council will need to take action on Contracting Byrd Brothers for Emergency services for debris removal. I recommend the Town of Chincoteague engage Byrd Brothers Emergency Services to perform Hurricane Sandy debris removal management services. The work will be performed under the contract awarded by the Commonwealth of Virginia, Department of Emergency Management COV Emergency Services RFP No. 127-11-0001 Tuesday, February 15, 2011.

If you have any question before the meeting, please do not hesitate to call me at 990-3159

**MINUTES OF THE NOVEMBER 8, 2012  
HARBOR COMMITTEE**

**Members Present**

J. Arthur Leonard, Chairman  
John N. Jester, Councilman  
Wayne Merritt, Harbormaster  
Ernie Bowden

**Others Present**

Mike Handforth  
Robert Ritter, Town Manager

**Call to Order**

Chairman J. Arthur Leonard called the meeting to order at 5:00 p.m.

**Open Forum/Public Participation**

There was no public participation.

**Agenda Adoption**

Councilman John Jester motioned, seconded by Mr. Ernie Bowden to adopt the agenda.  
Unanimously approved.

**1.Harbormasters Update**

**A. Dredge Company & the entrance of the waterway**

Harbormaster Merritt advised the committee that the dredge company has left the harbor and repaired some minor damage they had caused. He also advised the depth in the entrance to the Harbor seemed to be okay since Hurricane Sandy.

**B. Installed Lighting**

Harbormaster Merritt stated that the Harbor was well lit now with the exception of the two finger piers. He suggested some solar lighting for that area.

**C. Fall Activities**

Mr. Merritt stated there will be a lot of organizations using the Harbor over the winter.

**D. Subbing of slips**

There wasn't much subleasing due to people wanting to sublease it for a long period of time. There are a lot of boats in there now from the bayside.

**E. Fuel System Update**

Mr. Merritt stated he sold a lot of diesel over the summer due mainly to the company that was dredging over at NASA. The fuel system is currently experiencing problems due to the phone line being damaged. He stated that Verizon was coming the next day to repair the line.

## **2. Discuss the possibility of placing a 24 hour ice vending machine at the Harbor**

Mr. Merritt stated he has had some difficulty in reaching the company due to wrong phone numbers he was provided. He stated he has heard some concerns from the public. One concern is the number of people using it and the campground being next door due to the 24 hour service. He has previously contacted a couple of companies about providing ice to the Harbor and both companies stated it wasn't worth their while. The pad next to the Harbor office was poured mainly for that purpose. He stated they were expensive.

Chairman Leonard said he thought it would get a lot of business and be a good asset to the Harbor.

## **3. Discuss the possibility of making changes to the Code Chapter 70, Water Access Facilities**

Town Manager Ritter read the proposed changes.

Councilman Jester requested the changes be taken to Town Attorney Poulson.

## **4. Committee member comments**

Mr. Ernie Bowden expressed his displeasure with the way the Harbor has been run in the past. He also stated the inconvenience that the fuel system has caused. He feels some of the expenses at the Harbor should be handled by the Town and not come out of the Harbor fund. It was discussed the port-a-potty's should be removed from the west side of the Harbor.

Councilman Jester asked for a break down of operating costs at the next meeting.

There was concern with the yellow sailboat that has been at the Harbor for many years. It broke loose during the storm and was a threat to other vessels in the Harbor.

Councilman Jester thought the matter should be brought to Town Attorney Poulson as far as proper wording to having it and others removed. Harbormaster Merritt stated there were other boats that have not left the Harbor in many years and they have not been maintained.

Mr. Ernie Bowden stated there were 4 foot seas in the Harbor during Hurricane Sandy. He and others retrieved the sailboat and kept it from damaging other boats.

Councilman Jester asked how often we purge the Harbor waiting list. Harbormaster Merritt stated he has never done that since he has been working for the Town. He believes it was done right before he was employed. Mr. Merritt gave an example of how the Town of Cape Charles handles this matter. He suggested that folks have to remit an application each year to show their interest but they would not lose their spot.

There was discussion on a new fence on the west side.

## **ADJOURN:**

Mr. Mike Handforth motioned, seconded by Mr. Ernie Bowden to adjourn the meeting.

**Recreation and Community Enhancement  
Committee Meeting Minutes  
November 13, 2012**

**Committee Members Present:**

John Jester, Chairman  
Terry Howard, Councilman  
Nancy Lane  
David Johnson  
Jack Van Dame

**Staff Present:**

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

**Committee Members Absent:**

Gene Wayne Taylor, Councilman  
Bob Conklin

**Call to Order**

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

**Agenda Adoption**

Ms. Nancy Lane motioned, seconded by Mr. David Johnson to adopt the agenda. Unanimously approved.

**1. Inventory of Outdoor Recreation Area and Facilities**

The Committee reviewed a list of recommendations provided by Mr. Conklin for the recreational facilities. The Committee added their recommendations as well.

***Donald Leonard Park***

It was recommended to make a kayak ramp at the facility. Councilman Jester stated he didn't see many kayakers using the facility. Ms. Nancy Lane stated she has used the facility herself and saw others doing the same. It was decided due to costs that they would leave the facility as is. Councilman Jester suggested a swing set.

***Island Activity Center***

The facility looks good. Councilman Jester suggested benches for the spectators.

***Veterans Memorial Park***

Town Planner Neville stated that Facilities Supervisor Jeff Fitchett had recently attended training classes necessary to inspect playground equipment. Mr. Jack Van Dame has also done an inspection and stated there is a need for some repairs.

Councilman Jester stated the park would be a good place for a kayak ramp. He also questioned the use of the ball field. He was advised of the school and little league use of the facility.

***Jessie Watson Memorial Park***

Councilman Jester stated the Garden Club will continue to plant and maintain flowers in the Park.

### ***Mariners Point***

Councilman Jester stated the Boy Scouts, along with Mr. Barry Abell and Mr. Chris Bott, would like to build some benches for the facility. There was discussion that the facility does not appear accessible. Councilman Jester stated a need for more stones. The lighting also was discussed.

### ***Island Nature Trail***

Mr. David Johnson spoke of the many trees that had fallen as well as the water still standing on the trail. Councilman Jester wished there was a way to control the phragmites in the pond.

### ***Robert Reed Downtown Park***

Councilman Jester would like to see some type of platform for performances. He would also like to see some benches along the boardwalk.

Ms. Nancy Lane would like some different planters in the downtown area.

A petition was presented by the Main Street Merchants to maintain the parking spaces beside the Robert Reed Park.

Councilman Jester would like to talk to the Kiwanis about using the parking lot at the medical center on the weekends and after hours.

## **2. Project Report Updates**

Town Planner Neville advised the committee that he was still working with the Chamber of Commerce on getting a poster sized visitor guide map.

Councilman Jester has spoken with Lou Hinds on the safety of the bike trail going to the beach.

Mr. David Johnson asked about the Ocean Boulevard trail extension. He was advised that it had been put on hold due to the storm. The Public Works Department will continue that project as soon as the storm clean-up is complete.

## **3. Committee Member Comments**

Mr. Jack Van Dame praised the Public Works Department for their maintenance at the parks. He stated there wasn't a better group of workers anywhere in the country.

Ms. Nancy Lane announced some activities that were happening on New Year's Eve at the Island Theatre. She also spoke of some activities on Christmas Eve.

## **ADJOURN:**

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



# MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council  
From: Robert Ritter, Town Manager  
Date: November 29, 2012  
Subject: Committee/Commission/Board Vacancy Appointments

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The term for the following member currently serving on the Building Code Board of Appeals will end on December 31, 2012:

1. **Michael Tolbert, P.E.**

Mr. Tolbert has voiced his desire to be reappointed to the Building Code Board of Appeals. The term if reappointed shall be for a period of 5 years and end on December 31, 2017.

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The terms of the following member currently serving on the Curtis Merritt Harbor Committee will end on December 31, 2012:

1. **Ernest Bowden**

Mr. Bowden has voiced his desire to be reappointed to the Curtis Merritt Harbor Committee. The term if reappointed shall be for a period of 2 years and end on December 31, 2014.

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The terms of the following members currently serving on the Planning Commission will end on December 31, 2012:

1. **Steve Katsetos**
2. **Michael Dendler**

Mr. Katsetos and Mr. Dendler have voiced their desire to be reappointed to the Planning Commission. The term if reappointed shall be for a period of 4 years and end on December 31, 2016.

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The terms of the following members currently serving on the Recreation and Community Enhancement Committee will end on December 31, 2012:

1. **Robert Conklin**
2. **Jack Van Dame**

Mr. Conklin and Mr. Van Dame have voiced their desire to be re-appointed to the Chincoteague Recreation & Convention Center Authority, which is a four year term and if reappointed their term will end December 4, 2015.

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The term of the following member currently serving on the Board of Zoning Appeals will end on December 31, 2012:

2. **Michael McGee**

Mr. McGee has voiced his desire to be re-appointed to this Board. The term shall be for a period of 5 years and shall expire on December 31, 2017. A letter will be sent to the Honorable Revell Lewis, Judge, regarding his re-appointment.

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Council will need to take the necessary action to replace or fill the above applicants at your convenience.



**MEMORANDUM**  
Town of Chincoteague Inc.

Date: November 29, 2012  
To: Mayor Tarr and Town Council Members  
From: Robert Ritter, Town Manager  
Subject: Retaining the Lobbyist for an Additional 6 Months

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The fiscal year 2013 budget that was approved in June only has six months of funding for the Town's Lobbyist Alcalde & Fay. Alcalde & Fay consultant Rob Catron will prepare a work plan for the rest of the fiscal year for the Council meeting. Council will need to decide whether to go forward and fund the remainder of the fiscal year. The funding can come out of the LGIP and January we will have a budget work shop to discuss the budget amendments.

MEMORANDUM

TO: Mayor of Chincoteague, the Chincoteague Town Council and Town Manager

FR: Rob Catron, Managing Partner, Alcalde & Fay - Virginia

DA: November 28, 2012

RE: Status Update

With the election behind us Congress is beginning to return to work on the people's business.

The so called "fiscal cliff" – the intersection of massive tax increases and large federal spending cuts all coming due at the end of the calendar year - is totally dominating the discussion.

How does this issue impact Chincoteague?

Well, all federal agencies that are funded with discretionary spending dollars, such as the National Park Service and the Fish and Wildlife Service, are facing 8.2% cuts to their budgets. So are transportation programs such as the Emergency Relief for Federally Owned Roads at the US Department of Transportation. The agencies have wide latitude on how to absorb these cuts, so impacts to Chincoteague NWR are not known at this time. Make no mistake though; cuts to federal spending – particularly for discretionary programs – are coming no matter what happens with the sequester and the resolution of the fiscal cliff. I recommend that the town take a close look at all federal spending it receives either directly from the federal government or that flows to it from the State and county government to understand its exposure to federal spending reductions.

Over the past several months, we have worked with Town staff on the following issues:

- Contacted the Governor's office on FEMA funding relative to Hurricane Sandy.
- Reviewed the Senate draft of the Water Resources Development Act for impacts on Chincoteague and the Eastern Shore; we need to determine whether Chincoteague has any specific requests for the legislation as this bill will likely be passed next year
- Discussed marine debris removal opportunities with the Virginia Coastal Zone Management Program; they are having a Summit on February 27 and 28 in Virginia Beach; the Town may wish to use this opportunity to secure funding for marine debris removal in the Chincoteague Channel
- Attended numerous meetings with congressional staff, FWS and Town officials related to the Chincoteague NWR CCP draft plans

- Successfully worked with Town officials to remove from Alternative B the FWS proposal to expand the Refuge boundary into the Town
- Attended the Refuge Tour with congressional staff, Council members, Town staff to visit the proposed site for the beach parking area; met with FWS staff after the Tour to discuss sensitive issues related to the CCP
- Notified Town staff of the change to the federal transportation law that States no longer have to fund their transportation enhancement grant programs; this is important to Chincoteague because this is the funding that was secured for Main Street streetscape improvements; future funding sources for these types of projects are now in doubt
- Sent the Town's responses to the FWS's congressional testimony to the House Natural Resources Committee and the Town's congressional delegation
- Reviewed a number of legislative proposal issues with the Town Manager

Going forward, we will continue to work with the Town Council and staff on issues related to the CCP. The next step of the CCP process – responding to the FWS's proposed Preferred Alternative - is critical. The negotiations that will take place over the next 6 months are vital to the Town's future. Working with our congressional delegation to keep them informed and to enlist their support for the Town's position will be our principle focus.

The 2013 Session of the Virginia General Assembly will also provide the Town with opportunities to seek legislation to benefit the Town and/or defeat legislation that is not in the Town's interests. We are in Richmond every day during the Legislative Session and will work on legislative initiatives for the Town at your direction. I recommend that we have a conference call sometime soon to discuss the Town's legislative agenda and initiatives.

Once again, thank you for the opportunity to work with you. It is an honor and a privilege to work on behalf of this wonderful community.

If you have questions or need further information about any issue, I can be reached by email at [catron@alcalde-fay.com](mailto:catron@alcalde-fay.com) or by phone at 703.841.0626.



# CHINCOTEAGUE POLICE DEPARTMENT



**Date:** 11/27/2012  
**To:** Mayor Tarr, Town Council, & Town Manager  
**From:** Chief E.W. Lewis  
**RE:** Causeway Sign

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The Chincoteague Police Department is requesting permission to erect an advertising sign on the Chincoteague Causeway, Route 175. The Department would like to advertise its non-profit/charitable events that we sponsor each year (Ride for the Kids, Christmas Toy Run, etc.). During the past several years, the Department had the use of a sign on Chincoteague Road, just west of Wattsville. This sign was on private property and privately owned. During the recent storm, Hurricane Sandy, the sign was destroyed.

The Chincoteague Police Department has raised approximately \$100,000.00 over the past several years. This money has helped many families of Chincoteague by purchasing food, medicine, heating fuel, children's toys for Christmas, and many other ways. I believe this sign will greatly assist the Department in raising money into the future.

The Department will ensure this sign complies with all laws and ordinances that are applicable. Thank you for your consideration.

**CAUSEWAY SIGN POLICY**  
ADOPTED MARCH 24, 1994  
AMENDED MAY 6, 1996

1. Sign permit must be in the name of the owner of the activity, business, or service, and must have a current Town of Chincoteague business license, excluding church, school or non-profit organization. Sign companies will be granted approval to act as agent to rent advertising businesses for signs they own in a blanket permit. All of the above businesses, and/or organizations must possess a valid Town of Chincoteague Business License in order to advertise on a causeway sign consistent with the policy. Any display of a causeway sign without first obtaining the required business license will result in the immediate removal and revocation of site authorization from outdoor advertising (Amended 5/6/96)
2. Owners of a particular activity, business, or service will be limited to one sign. Grandfather existing two (2) signs per business.
3. No signs shall be allowed to face east. Time frame for removal - one (1) year.
4. Any sign that advertises an activity, business, or service which has ceased operation or production shall be blanked out within 30 days.
5. Blank faced signs shall remain on structure no longer than 90 days. At which time, the sign and structure shall be removed, unless an extension is granted by the Town. A blank faced sign shall be defined as a sign with no message displayed on the billboard.
6. Lighting shall be installed so as to insure that intensive or excessive glare shall not be produced on the highway as approved by the Town.
7. Sign staging shall be erected in compliance with all applicable state laws. Sign staging shall be painted verdi green. Time frame to paint staging - three (3) years.
8. Maximum height shall be 15 feet. Height shall be measured from the ground to the highest point of the sign, excluding embellishments.
9. Signs shall not exceed 160 square feet.
10. Defaced signs shall be repaired or removed within 30 days.
11. Signs shall be inspected by the Town's Zoning Administrator once per year in regard to general maintenance.

12. Any existing signs that exceed the height and size limitations shall be grandfathered.
13. Failure to comply with these regulations shall result in the removal of such sign(s) at the sign owner's expense.
14. Sign companies will be allowed to maintain two (2) existing signs at all times for the purpose of displaying "sign for rent" in some fashion.