

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

December 6, 2010 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of November 1, 2010 (Page 2 of 55)
 - Recessed Meeting of November 4, 2010 (Page 20 of 55)
2. The Chincoteague Recreational & Civic Authority appointments (Page 23 of 55)
3. Beach Access Committee Report and Public Scoping Comments (Page 25 of 55)
4. Christmas Home Decoration Judging (Judges)
5. Public Safety Committee Report of November 2, 2010 (Mayor Tarr) (Page 50 of 55)
6. Ordinance Committee Report of November 10, 2010 (Councilman T. Howard) (Page 53 of 55)
The following action by the Committee occurred and will need to be acted upon:
 - Consider a new division to the Town Code Chapter 62, Division 5, Water Conservation, Section 120 – 123, and Move Current Division 5, to Division 6, Cross Control and Backflow Prevention (Page 54 of 55)
7. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
8. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
 - Personnel Matters

ADJOURN:

MINUTES OF THE NOVEMBER 1, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

PRESENTATIONS

Mayor Tarr presented a Resolution of Respect to the family of Mr. Donald J. Leonard.



**A RESOLUTION
OF THE
CHINCOTEAGUE TOWN COUNCIL**

WHEREAS, Donald J. Leonard served Chincoteague well for many years in many capacities; and

WHEREAS, he served faithfully as a member of Town Council from 1990 to 1994, and throughout his life played a vital role in the development of this community; and

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

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of Brother Donald J. Leonard, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed tremendous service to the people of the Town of Chincoteague by his work with the Council and this community; and

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

IN TESTIMONY WHEREOF, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 1st day of November 2010.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter, Jr., Town Manager

Mayor Tarr also gave a Resolution of Respect to the family of Mr. Harold Clark.



**A RESOLUTION
OF THE
CHINCOTEAGUE TOWN COUNCIL**

WHEREAS, our citizens have been shocked and grieved by the untimely death of William H. Clark, an honored and respected employee of the Town of Chincoteague; and

WHEREAS, Hal was a very capable, honest, energetic and trustworthy employee, loved by all, and faithful in the performance of his duties; and

WHEREAS, we mourn his loss and extend to his family our sincere sympathy in this hour of their bereavement;

NOW, THEREFORE BE IT RESOLVED, that by the sad and untimely death of William H. Clark, the Town of Chincoteague lost a valuable employee, whose tremendous service will be missed by his coworkers and all citizens.

DATED, this 1st day of November, 2010

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter, Jr., Town Manager

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation and input.

- Ms. Nancy Lane expressed her approval of the purchase of the downtown property. She feels this would benefit the Town for parking. She thanked Council for the nature trails. She welcomed Council to the new facility of the YMCA.

STAFF UPDATE

Planning Department

Town Planner Neville updated Council of the recent work of the Planning Commission. He stated that they are still reviewing and planning a work session regarding zoning. They have been collecting comments about beach access. He is currently receiving comments about the newsletter. He stated that the next step for the Wildlife Refuge CCP is the Economic Study. The Town has successfully submitted the Water Supply Plan to DEQ. He stated that directional signage was also discussed.

Police Department

Chief Lewis stated that VDOT has placed the proper speed limit signage on the new bridge. He issued a copy the Arrest Report for October. He also advised that on December 4th will be the annual toy run and food bank.

Public Works

Public Works Director Spurlock updated Council on the progress of the Ocean Boulevard Extension Project. He also explained where Clark-Nexsen is with the drainage study. He stated that the paving on Maddox and Main is tentative to begin next week. He reported that with routine operations the water main has been installed on Wagner Lane. Under Roads and Facilities, the tool shed has been finished and the sidewalks have also been completed on Cropper Street.

Public Works Director Spurlock reported that the work on the failing culverts on Eastside Road will begin tomorrow. He stated that the Margaret's Lane Project is scheduled to begin following the Eastside Project. They will be installing some open ditches along Wayne Road and additionally along Maddox Boulevard in the Town's right-of-way.

General Government

Town Manager Ritter reported that the speed limit signs were rectified along the new bridge. He stated that the website should be launched by the end of the month. He advised that they are finalizing information. He stated they are working on specs for the Harbor Fuel System bid along with the Personnel Handbook. Town Manager Ritter reported that staff is currently working with Southern Software for the tax billing conversion. He advised that staff is diligently working to get the program running. He reported that real and personal property taxes arrived in zip code order and the employees are putting them in alphabetical order for payment purposes, which is time consuming. He informed Council that the semi-annual cleaning is underway for the office complex. Town Manager Ritter reported the revenue for the month of October:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$379,937	\$304,441	(up)	\$ 75,516
Sales Tax	\$ 41,361	\$ 36,276	(up)	\$ 5,085
Transient Occupancy	\$466,977	\$436,881	(up)	\$ 28,000
Water Rent	\$476,601	\$363,711	(up)	\$ 17,800

Town Manager Ritter stated that because Christmas Day and New Year's Day are both on a Saturday, staff would like to observe the holiday on the Thursday and Friday before the holiday.

Councilman J. Howard requested that this be discussed at a later time.

Councilman Jester asked if the new website would be a registered domain.

Town Manager Ritter advised it would.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

- 1. Consider Adoption of the Minutes**
 - **Regular Council Meeting of October 4, 2010**
 - **Council Workshop Meeting of October 21, 2010**

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the minutes. Unanimously approved.

- 2. Accomack County Board of Supervisors Update**

Supervisor Thornton reported that she was aware of the problem with the tax bill order. She stated that she would like to have some workshops with the U. S. Fish and Wildlife about beach access. She also touched base on the theft of the laptop and advised that it is still under investigation. She added that the employee is no longer with the County. She also mentioned and explained the Storm Water Ordinance process and requirements. Supervisor Thornton mentioned the Chesapeake Bay runoff and redistricting issues.

Councilman J. Howard asked if the County donated to the Little League.

Supervisor Thornton advised they do not. She stated that they donated \$1,000 to help develop the Park but they are not on a donation schedule. She mentioned anchoring gas tanks and that the County has not adopted the ordinance. She reported that the County has agreed to do an overlay district of Wallops, which is to establish a transit corridor because of the size of the Mars project. She stated that the Meals Tax is on the referendum and will strictly go toward the public schools of approximately between \$500,000 and \$700,000. She feels this would keep property taxes down.

There was discussion about a NASA related company moving to Princess Anne. They feel economic development should be a priority.

There was also further discussion regarding the computer theft and investigation.

3. Public Hearing on a Lot Line Vacation for Mr. Carlton Leonard

Building and Zoning Administrator Lewis explained that the property is located on Leonard Lane. He stated that Mr. Carlton Leonard and Mrs. Charlene Leonard, approximately 5 years ago, split the lot and now wish to remove the lot lines. He stated that it has been properly advertised.

Mayor Tarr opened the Public Hearing at 7:55 p.m. There were no comments and Mayor Tarr closed the Public Hearing at 7:56 p.m.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to approve the Lot Line Vacation for Mr. Carlton Leonard. Unanimously approved.

4. Public Hearing of the Purchase of Real Property

Mayor Tarr explained that this is a parcel of property on the waterfront adjacent to the Robert N. Reed Downtown Waterfront Park.

Town Manager Ritter gave a PowerPoint presentation of the property location and ideas of the property after purchase. He advised that once Bridge Street is closed and used for parking this will enhance the Downtown Park and fishing pier.

Mayor Tarr opened the Public Hearing at 7:57 p.m.

- Mrs. Nancy Lane encourages the negotiations to purchase this property as it is an opportunity to enhance downtown area.
- Mrs. Linda Scholler stated that the Park is one of the best investments of the Town. She feels that this would add parking and space for downtown events and shopping.
- Mrs. Kat Edwards expressed her support for the purchase of the property. She feels this is a needed step to provide “open space”. She stated that it adds to the economic development of the area. She supports this as it was originally in the Master Plan. Mrs. Edwards stated that when the Grant Manager found out that the Town was preparing to purchase this parcel they were very excited.
- Mr. Ray Rosenberger agreed with the previous speakers and strongly recommends the purchase of the property as it is an investment for the future.
- Mr. Jonathan Richstein feels this parcel is needed for the Library along with parking.
- Mrs. Jenny Van Dame feels the Town should buy the property.
- Mrs. Sandy Venkman stated they have been coming to the Island for over 30 years and as a new resident feels that with all the advances the Town has made with the Park there has been a

center created to enrich not only for the community but for the tourist. She feels this would enrich the Town.

- Mr. Dean Orseno stated that as a member of the Main Street Merchants they feel the purchase would benefit the community as a whole as well as the Main Street Merchants.
- Mr. Fred Scholer asked what the down side would be.

Mayor Tarr stated that it would cost the tax payers money. He stated that it is developable land and the current owner could develop this property.

Mr. Scholer agrees and stated that there is a Greenworks Program which is a grant that would help in the purchase of this property.

Mayor Tarr closed the Public Hearing at 8:10 p.m. He asked Council's pleasure.

Councilwoman Conklin motioned, seconded by Councilman Muth to negotiate a price and return to Council for approval. Unanimously approved.

Town Attorney Poulson requested to review the contract and terms before they vote to purchase.

5. Possible Adoption of the Zoning Ordinance Changes to Home Occupations

Town Planner Neville explained that the statement of intent played a large part in the changes. He stated that the commercial uses were secondary uses. He highlighted the changes in the current Code and stated that the first 16 items are consistent with the current Ordinance. He also reviewed the staff report. He advised that there has been a Public Hearing and the comments have been taken into consideration. He suggested having Town Attorney Poulson review the changes.

Councilman T. Howard referred to uses of a residential neighborhood. He feels this is saying that there wouldn't be any more noise or congestion with the home occupation than there would be without. He feels that there is more of an impact on the area.

Councilman Jester stated that it isn't really changing. He added that the only change is the signage size. He stated that the new category is from the complaints from the home occupations which is the parking requirements.

Discussion continued about conducting business from the home or retail sales versus using the home address and no additional traffic and/or equipment. There was also discussion about changing the neighborhood.

Councilman J. Howard feels there's got to be a way someone can still do work on their own property.

Councilwoman Conklin stated that since Building and Zoning Administrator Lewis is being pointed out she would like to discuss it. She feels that his business isn't making any noise. She

feels they should live and let live a little. She mentioned Councilman T. Howard selling some things out of his yard and not hurting anything.

Councilman J. Howard stated that he doesn't like to see it in residential areas and have the same opportunity as a commercial business. He stated that he is running a business out of his house and parks his vehicles there. He asked where else he could park his business vehicles legally.

Mayor Tarr stated that Building and Zoning Administrator Lewis didn't create the problem. He advised that there were people that came before Council that wanted more signs and flags. He reminded Council that they voted for it and then decided it was too much and wanted to change it. He stated that they are now trying to decide where to allow a business. He reminded that Councilman J. Howard wants a welder in his neighborhood and was willing to put up with that noise.

Mayor Tarr stated that Home Occupation and Limited Occupation were in the existing Ordinance. He advised there were changes to the R1 and R2 regulations regarding Home Occupations. He also stated that there are small commercial businesses in a R3 area and is the only place a Home Occupation is allowed.

Councilman T. Howard asked about R3 Home Occupations.

Town Planner Neville advised that this is a proposed change to also have Limited Home Occupations in an R area. He stated that the Planning Commission discussed and felt that the idea of allowing both would create the diversity they were looking for.

Councilman T. Howard stated that Chincoteague is a hodge-podge of uses. He stated that there was no zoning years ago and Council has to decide if they want to keep the character of the residential neighborhood or allow it to stimulate the economic development.

Town Planner Neville stated that the concerns that were raised aren't far away from same issues resolved by the Planning Commission.

Councilman T. Howard asked a few questions about what is allowed in the districts.

Councilman Jester asked what the residents of the neighborhoods want Council to do. He added that there should be guidelines in place.

Councilman T. Howard agreed that this was a valid point. He stated that they voted to allow the flags and sandwich boards and then decided it wouldn't keep in the traditional character of the residential areas. He added that this is why they went back on it. He stated that a 16 square foot sign and 16 square footage of display on several houses in a neighborhood would be like having a 32 foot sign.

Councilman J. Howard stated he would admit he made a mistake when he voted for it. He also stated that with the flags, sandwich boards and merchandise in the windows there were a lot of calls. He added that if Building and Zoning Administrator Lewis didn't have all the signs, like a

put a sign on the Causeway, beside the Dollar Store, or a trailer with a sign or 2 big signs in windows at different locations and have all that stuff in the yard and call it a Home Occupation. He firmly stated that it's a full fledge business. He added that he has more benefits than a business does.

Town Planner Neville added that the proposed Ordinance addresses the signage issue in two spots. He explained the proposed changes. He is confident that there are enough limitations on this Ordinance.

Councilman T. Howard stated that he could live with the Ordinance without the 16 square foot sign.

Mayor Tarr suggested that they review the items and changes one at a time in a workshop. He stated that the whole purpose was to protect what happens in the residential areas. He also asked Town Attorney Poulson to review the draft ordinance.

Town Attorney Poulson stated that there aren't any banners or signage allowed in a R3. He also stated that the Ordinance pertaining to a R1 district is alright the way it is currently written.

Town Planner Neville added that the ordinance can be as restrictive as they feel is necessary.

Mayor Tarr asked if they could legally control vehicles with signs on them.

Town Attorney Poulson stated there is some control because of the zoning issue.

Councilman T. Howard asked if the vehicle was exempt because of the sign ordinance.

Building and Zoning Administrator Lewis stated that the Ordinances contradict each other.

Town Planner Neville thanked Council for their input and stated that the workshop will help in refining the Ordinance.

Councilman T. Howard thanked Town Planner Neville for his work.

Mayor Tarr stated they would set the date.

6. Resolution to Adopt Accomac Street into the VDOT System

Public Works Director Spurlock stated the proposed resolution is to have Accomac Street incorporated into the Roads Maintenance System.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the Resolution to Adopt Accomac Street into the VDOT System. Unanimously approved.



RESOLUTION

**TOWN COUNCIL
TOWN OF CHINCOTEAGUE, INC.**

ACCOMAC STREET

**EASTERN SHORE DISTRICT
VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, certain streets on the attached sketch entitled Accomac Street, located entirely within the corporate limits of Town of Chincoteague, and described on the attached Form U-1 (Rev. 1-1-07), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

WHEREAS, the street meets the requirements established by the Virginia Department of Transportation; and

WHEREAS Accomac Street was established prior to July 1, 1950 has at least 30' of R/W and at least 16' of hard surface; and

WHEREAS, the above streets serve a genuine public need; now, therefore, be it

RESOLVED, by the Chincoteague Town Council this 1st day of November 2010, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Urban System for maintenance, as provided in 33.1-41.1, Code of Virginia; and, be it

RESOLVED FURTHER, that this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (30) feet with necessary easements for cuts, fills and drainage; and, be it

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

Signed:

Attest:

Hon. John H. Tarr, Mayor

Robert G. Ritter, Town Manager

7. Discuss FEMA Reconstruction Grant for Mrs. Michelle Mardis Project

Building and Zoning Administrator Lewis stated that over a year now Mrs. Mardis has been asking for help to get her house raised above flood elevation. He advised she has proceeded with the process and the state has a program to assist her with grant money to rebuild her home. He stated that she could receive a grant between \$90,000 and \$150,000. He informed Council that the Town would have to front the money and be reimbursed with the grant funds.

Councilwoman Conklin asked how the Town knows that FEMA would repay the money.

Building and Zoning Administrator Lewis has talked with the Zoning Administrator in Northampton who has worked with this grant before and they received the money as long as all the documentation is completed and turned in for repayment.

Councilman J. Howard asked if this was in writing.

Building and Zoning Administrator Lewis explained that FEMA visited the site and understands that raising the house wouldn't work. They are trying to get \$150,000 to demolish and rebuild.

Councilman T. Howard asked why the Town would have to front the money if FEMA is going to pay it.

Building and Zoning Administrator Lewis stated that this is standard operations for this sort of grant.

Councilman T. Howard stated that the need is there or they wouldn't agree to the grant.

Building and Zoning Administrator Lewis stated they are making sure the Town does their part to make sure the minimum FEMA requirements are being met.

Mayor Tarr stated the difference is that this is an individual as opposed to a group.

Building and Zoning Administrator Lewis stated they are currently doing a cost analysis and the grant hasn't been written as of yet. He wanted Council's approval so they could begin to write the grant. He informed Council that it is a 90% grant to Mrs. Mardis and she would have to come up with the additional 10% and it would not fall on the Town.

Mayor Tarr stated that the Town has never done a FEMA grant. He advised that the ANPDC has done the FEMA grants and they have been notified about this one. He explained the fee percentages and feels it's questionable if the Town will receive all the fees back.

Council expressed their concerns of receiving the funds back.

Mayor Tarr asked if staff could research and return with more information before they commit.

Town Attorney Poulson asked what makes Mrs. Mardis' situation different from anyone else.

Building and Zoning Administrator Lewis stated that she is the only “severe repetitive loss” in the area. He stated that if the Town chooses not to put the money up then the process stops.

Councilwoman Conklin stated that the Town can’t get into the business of loaning money to repair homes. She asked if there was enough potential to build the house after all the engineering fees.

Discussion continued about the fees and who is responsible for paying them.

Building and Zoning Administrator Lewis stated that the ANPDC was involved for others and he doesn’t see why they can’t assist with this one.

Supervisor Thornton commented about the expenses for the Tangier Island FEMA Grant.

Town Attorney Poulson feels they should look at the plans before they financially commit.

Mayor Tarr directed staff to gather all the information possible to send to the ANPDC so they could possibly administer the grant.

8. Planning Commission Appointment

Mayor Tarr opened the floor for nominations.

Councilman Jester nominated Mr. Spyridon Papadopoulos.

Vice Mayor Richardson nominated Mrs. Helen Merritt.

Councilman Muth nominated Ms. Nancy Lane.

Mayor Tarr closed the floor for nominations. He asked for a vote from Council for Mr. Spyridon Papadopoulos.

For: Jester, T. Howard, J. Howard, Conklin.

Mayor Tarr announced that with a majority of Council vote of 4 members Mr. Papadopoulos is the newest member of the Planning Commission.

9. Public Works Committee Report of October 5, 2010

Mayor Tarr reviewed the report. There were no questions or comments.

10. Recreation and Community Enhancement Committee Report of October 12, 2010

Councilman Jester reported that the focus has been on the Parks. He advised they have been looking into the Skate Park half pipes. He stated that Public Works Director Spurlock has been in contact with the company for warranties and repairs. He also advised that Town Planner Neville gave the Committee information on sprucing up the Watson Park.

Councilman Jester asked the Cultural Alliance for a list of things they would like to see at the Robert N. Reed, Downtown Waterfront Park. He advised they have issued a large list. They are

also looking into a kayak launch at Memorial Park. He feels this would free up the Eastside Boat Ramp. He met with Mrs. Jane Wolffe and Ms. Donna Leonard who are working with a landscaper at the Donald J. Leonard Park. This is being paid for by donations and the plans should be completed and ready to begin by spring.

11. Budget and Personnel Committee Report of October 12, 2010

- **Consider Job Description for the Trolley Service**

Councilwoman Conklin stated they have been reviewing the job description for the Trolley Service and the draft for the Personnel Policy Handbook.

Mayor Tarr stated that at some point the draft Personnel Policy Handbook should be sent to Town Attorney Poulson for his review.

Councilwoman Conklin stated that they have received comments and suggestions from the department heads.

Mayor Tarr asked for input from the job description for the Trolley Service.

There was discussion about the physical examination that is required with the CDL license and the actual passenger license or permit.

Town Attorney Poulson asked if the CDL license should be a requirement before hiring.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the Trolley Service job descriptions. Unanimously approved.

Bus Operator Job Description Part-Time (\$10.00 - \$12.50)

GENERAL DEFINITION AND CONDITIONS OF WORK:

Under the guidance of the Transit Manager, the Bus Operator will operate a public transit vehicle in a safe and efficient manner. Bus Operators will operate a public transit vehicle over designated fixed routes or as otherwise directed. Bus operators pick up and drop off passengers at bus stops or hub locations in accordance to time schedules. Operators are responsible for the safety of passengers in compliance with applicable policies, rules and motor vehicle regulations. This position reports to the Director of Transportation.

This is heavy work requiring the exertion of Wheelchairs (electric, empty): up to 300 lbs., push pull, *Occasional*; Manual lifting of ramp: 50 lbs. Offeree required with two hands when lifting the ramp, waist to shoulder, *minimal*; Manual lowering of ramp: 50 lbs. Offeree required with two hands when lowering the ramp, 79" to waist, *minimal*; Manual operation of a wheel chair lift, *Minimal*; work requires climbing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to receive detailed information through oral communications; Ability to understand both written and oral instructions, and/or to

make fine distinctions in sound; visual acuity is required for use of measuring devices, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, and hazards

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Provide satisfactory service to passenger. Promote positive passenger relations to all passengers including those passengers requiring special needs.
- Ensure vehicle safety by thoroughly conducting pre-trip inspections for vehicle readiness.
- Operate a transit vehicle in a safe and efficient manner in compliance with all Federal, State and local rules and regulations
- Adhere to designated route(s) on designated schedule(s) according to operational requirements
- Safely pick-up and discharge passengers; collecting fares and accurately count passengers.
- Submit daily reports, and record and report mechanical problems.
- Politely answer passenger questions concerning schedules and routes.
- May be required to safely operate a wheelchair lift and passenger restraint devices for disabled passengers
- Required to complete pre-trip, post-accident and incident reporting forms
- Must maintain a clean vehicle and/or report unclean and/or unsafe vehicle related items
- knowledge test maintain a neat appearance, report to work in uniform with closed toe shoes
- Must have the ability to communicate through a two-way radio communication system.
- Ability to perform duties, also, as defined in the Trolley Dispatcher/ Scheduler Job Description.
- Bus drivers must be alert to prevent accidents. The person will be required to work independently and report any unusual route or service issues in a timely manner.

KNOWLEDGE, SKILLS AND ABILITIES:

Ability to obtain a CDL permit with a passenger endorsement. To qualify for a CDL, employees must pass a DMV on rules and regulations within 30 days of hire date and pass a DMV road test within probationary period in order to perform their essential job functions. Drivers must have strong customer service skills. All drivers must be able to read and speak and understand the English language.

EDUCATION AND EXPERIENCE:

A high school education is required as a minimum. Other combinations of experience and education that meet the minimum qualifications may be substituted. Must be able to obtain a Commercial Driver's License with a passenger endorsement and drive a Trolley Bus.

SPECIAL REQUIREMENTS:

Federal Motor Carrier Safety Regulations require drivers to be at least 21 years old and to pass a physical examination once every 2 years. Drivers may not use any controlled substances, unless prescribed and permitted to drive by a licensed physician. Persons with epilepsy or with diabetes controlled by insulin are not permitted to be bus drivers. Drivers will be tested for alcohol and drug use as a condition of employment and submit to

periodic random tests. Drivers must also pass a criminal background investigation as a condition of employment.

While performing the duties of the job, the employee is required to sit for extended periods of time. As a normal function of the job, the employees periodically kneel, push, grasp, pull, bend, walk for short distances, and climb entrance steps. The employee occasionally works in extreme outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals. The employee must occasionally lift and/or move up to 50 pounds. The noise level in the work environment is moderately loud when performing standard driving duties.

Bus Operators must present a positive image and appearance. Must communicate with passengers and co-workers in a pleasant courteous fashion at all times. Must enjoy working with the public. Drivers need an even temperament and emotional stability because driving in heavy, fast-moving, or stop-and-go traffic and dealing with passengers can be stressful.

Bus Operators must present a positive image and appearance. Must communicate with passengers and co-workers in a pleasant courteous fashion at all times. Must enjoy working with the public. Drivers need an even temperament and emotional stability because driving in heavy, fast-moving, or stop-and-go traffic and dealing with passengers can be stressful.

DIRECTOR OF PUBLIC TRANSPORTATION

Part Time Position

(Annual Salary \$9,000 - \$14,000)

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs complex professional and difficult administrative work overseeing the trolley system: does related work as required. Work is performed under general supervision. Supervision is exercised over all trolley personnel.

This is sedentary work requiring the exertion of up to 20 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires climbing, crouching, reaching, standing, walking, fingering, grasping, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts at or within arm's length, operation of machine, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surrounding and activities; the worker is subject to inside and outside environmental conditions, extreme cold, noise, hazards, and

atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Planning, organizing and directing the public transportation system, responsible making sure all maintenance and repair of trolley system records are kept up; keeping up with RTAP changes; coordinating work with other departments and Town Manager; maintaining records and files; preparing reports.

Plans, organizes, directs and coordinates the activities of all Public Transportation;
Plans, schedules and manages department's workload;
Ensures projects comply with town standards; ensures quality control of projects;
Designs projects; prepares bid specifications and bid package for support service contracts;
Ensures project comply with specifications;
Purchases materials and supplies for the department;
Prepares a variety of correspondence concerning department operations: enforcement of town policies, inter-agency communications, civic groups and other individuals or agencies;
Participates in the selection of private contractors for services;
Makes field inspections of public transportation projects to ascertain status; maintains quality control;
Establishes operating policies and procedures;
Monitor progress on public transportation projects and other capital improvements;
Provide technical and administrative support to committees;
Handles correspondence, prepares a wide variety of reports on department activities as requested;
Recommends operational changes to the Town Manager;
Evaluates employee performance; takes disciplinary action; hires employees for department, subject to Town Manager's approval; Direct Department during Town wide emergencies such as hurricane and floods;
Receives citizen inquiries or complaints and handles appropriately;
Prepares department budgets and monitor their expenditures;
Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Comprehensive knowledge of the practices of public transportation, comprehensive knowledge of municipal public transportation planning; ability to review and analyze public transportation: ability to formulate comprehensive operational policies and procedures: ability to prepare technical reports: ability to supervise the work of staff; ability to establish and maintain effective working relationships with Town officials, other public officials, associates, State and Federal agencies, and the general public; Skill in the operation of standard office and word processing equipment (Excel and Word).

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in accounting or related field and extensive experience in a responsible position in the supervision of people.

SPECIAL REQUIREMENTS:

Possession of a driver's license valid in the Commonwealth of Virginia.

**TROLLEY
DISPATCHER/SCHEDULER**

Part-time (\$9.00 - \$11.50)

GENERAL DEFINITION AND CONDITIONS OF WORK:

This is a full-time position that will ensure operational effectiveness of a transit system by coordinating the daily schedules involving bus operators to cover various bus shifts. Work includes operation of two-way radios, dispatching drivers and vehicles, answer telephone and process customer service and clerical skills. Dispatchers are responsible for relieving drivers for routine breaks. This position reports to the Director of Transportation.

This is heavy work requiring the exertion of Wheelchairs (electric, empty): up to 300 lbs., push pull, *Occasional*; Manual lifting of ramp: 50 lbs. Of force required with two hands when lifting the ramp, waist to shoulder, *minimal*; Manual lowering of ramp: 50 lbs. Of force required with two hands when lowering the ramp, 79" to waist, *minimal*; Manual operation of a wheel chair lift, *Minimal* ; work requires climbing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, and feeling; vocal communication is required for conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for use of measuring devices, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards, atmospheric conditions, and wearing a respirator.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Operates base radio and maintains radio contact with drivers or other fixed station units;
- Transmits messages and ensures accurate receipt and understanding;
- Receives telephone calls from the public and relays information to the appropriate persons.
- Receives radio calls from drivers, transmits messages via radio or telephone, to appropriate persons;
- Reports necessary information to the Transit Management concerning passenger or driver issues;
- Logs information relating to calls received over the telephone or transmitted by radio;
- Files data and performs other routine clerical tasks;
- Enters and updates information on a computer or log using standard office programs;
- Demonstrates continuous effort to improve operations, customer service and maintain schedules.

- Use remote phone and radio while dispatching to deliver brochures to various determined locations.
- Use telephone to call business and sell trolley tokens.

KNOWLEDGE, SKILLS AND ABILITIES:

Experience in the operation of two-way radios and/or telephone equipment, including some experience in general clerical work; must have computer experience, organizational skills, and the ability to multi-task while handling shifting priorities. Must be able to communicate and work effectively with coworkers, passengers, supervisors and all levels of the organization.

EDUCATION AND EXPERIENCE:

A high school education is required as a minimum. Other combinations of experience and education that meet the minimum qualifications may be substituted. Must be able to obtain a Commercial Driver's License with a passenger endorsement and drive a Trolley Bus as necessary to ensure all services are covered.

SPECIAL REQUIREMENTS:

Possession of a valid Virginia driver's license. Must be able to pass a required physical and be able to operate a handicap lift and secure a wheel chair in a confined space.

Mayor Tarr requested that Town Manager Ritter get the new jobs on the Classification Chart for approval.

12. Cemetery Committee Report of October 13, 2010

Vice Mayor Richardson reported that the Greenwood, Bunting, Daisey and Mechanics' cemeteries have been cleaned by various volunteers and donations. She advised that there is a grave lid that needs to be repaired. She stated that this week is Cemetery Cleanup Week from the 8th to the 13th. Vice Mayor Richardson stated that Joseph Kambarn has been helping clear the Taylor Cemetery for community service for his school. She commented that she would like to go back to Taylor Cemetery and clear it off a little more to make his job a little easier. She invited all those who want to volunteer to come out on Saturday.

13. Mayor and Council Announcements or Comments

Councilman T. Howard commented approach on the western side of the new bridge. He suggested contacting VDOT to have them take care of it. He also stated that when the spur opens it could create the potential for an accident. He requested that this be addressed also.

Councilwoman Conklin commented on how nice the Downtown Park looks along with everything in the Town.

Councilman Muth stated that regarding the Home Occupation discussion, he feels they have to address the changes that are coming.

Councilman Jester asked Public Works Director Spurlock about the original plaque for the bridge.

Mayor Tarr advised it was in the VDOT's Accomack office.

Councilman Jester complimented the clearing and cleaning that the Public Works Department has been doing.

Vice Mayor Richardson asked when the new spur would be opened and was advised that they are getting ready to pave it and shouldn't be long.

Town Manager Ritter stated that the Mr. Catron, consultant lobbyist with Alcalde & Fay will meet with Council Thursday at 5:00 p.m.

Mayor Tarr stated they can recess the meeting and reconvene Thursday at 5:00 p.m. He also asked if the land acquisition could be put on Thursday's agenda. He stated that staff is currently working on the capitol side of the draft 5 year budget. He stated that hopefully the Storm Water Management will have a 5 year plan also.

Councilman T. Howard wanted to thank those who participated in the Trick-or-Treat Street.

Recess

Councilman T. Howard motioned, seconded by Councilman J. Howard to recess the meeting until Thursday, November 4th, 2010 at 5:00 p.m. Unanimously approved.

MINUTES OF THE NOVEMBER 4, 2010
CHINCOTEAGUE RECESSED TOWN COUNCIL MEETING

Council Members Present:

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

RECONVENE

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to reconvene the meeting from Monday, November 1, 2010. Unanimously approved.

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.

1. Discussion with Alcalde & Fay

Mr. Rob Catron with Alcalde & Fay introduced his firm and thanked Council for their confidence. He advised that he has worked with County officials in the past and stated that they will be looking forward to being the Town's resource in Washington, D.C.

Town Manager Ritter has talked with the department heads to construct a wish list of projects for Alcalde & Fay. He stated that the big issue is beach access and replenishment along with pony herd management and access for over-the-sand vehicles. Storm water drainage is also another big issue, funding for the Master Plan and the GIS system.

Mayor Tarr asked Mr. Catron if there was any project too small on the Washington or Federal side to handle.

Mr. Catron stated that there are a couple ways that Local Governments get funding from Washington. He stated that one way is congressionally directed spending or grants either competitive or formula based. He explained the process and differences. He stated that for congressionally directed spending, he has never seen under \$100,000. He continued to explain the amounts of earmarks or grants. He briefly spoke about the beach access issue. He suggested getting Congress and the Governor involved or it isn't going to work. He added that they will help the Town as much as possible by raising the issue.

There was lengthy discussion about beach access, parking and the studies done. They also discussed the Fish and Wildlife Service's plans.

Mayor Tarr wanted to add a few things to the list. He stated that the Fire Company is looking into building a new firehouse in the future. He would like to look into a joint effort in finding the funds for this. He also mentioned sewage.

Mr. Catron stated that they will look into what's out there for grants.

There were further questions and suggestions. Mayor Tarr thanked Mr. Catron for attending.

2. Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia
• Discussion of Real Property

Councilman T. Howard moved, seconded by Councilwoman Conklin to convene a closed meeting under Section 2.2-3711(A)(3) of the Code of Virginia to discuss real property. Unanimously approved.

Councilman Jester moved, seconded by Councilman T. Howard to reconvene in regular session. Unanimously approved.

Councilwoman Conklin moved, seconded by Vice Mayor Richardson 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)(3) 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, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

3. Continue Discussion of Purchase of Real Property

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to go into a contract with the owners of the property adjacent to Bridge Street as long as the contract is acceptable with the Town Attorney and staff in the amount of \$325,000. Unanimously approved.

4. Mayor & Council Announcements of Comments

There was discussion about the Christmas Holiday(s) that the employees receive when the holiday falls on the weekend.

Town Manager Ritter explained the Personnel Policy regarding such holiday.

Discussion continued. Council agreed to comply with the Personnel Policy as it has been the practice in the past.

Councilman T. Howard stated that the sample ballots weren't put in the paper ahead of time. He suggested that Town Manager Ritter meet with the election officials to have sample ballots in the Beacon prior to elections.

Town Manager Ritter asked if Council wanted to have the recessed meeting on November 21, 2010.

Council agreed to dispense of the meeting.

Mayor Tarr announced the Beach Access Committee meeting on November 19th, 2010 at 9:00 a.m.

Adjourn

Councilman T. Howard motioned, seconded by Councilman J. Howard to adjourn the meeting. Unanimously approved.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council
From: Robert Ritter, Town Manager
Date: December 1, 2010
Subject: Chincoteague Recreation and Civic Center Authority Appointments

The term for the following members currently serving on the Chincoteague Recreation and Civic Center Authority will elapse on December 4, 2010:

1. **Steven Potts**
2. **Lynne Ballerini**

The new term shall be for a period of 4 years and shall expire on December 4, 2014.

Ms. Ballerini and Mr. Potts have voiced their desire to be re-appointed to the Authority. Council will need to take the necessary action to replace or fill the above applicants at your convenience.

Also, Mr. William Fallon a member of Chincoteague Recreation and Civic Center Authority has delivered a resignation letter to the Town. I suggest that we advertise the vacant Chincoteague Recreation and Civic Center Authority position this month and bring back a list of names to the next regular scheduled meeting in January.

See attached resignation letter

December 15, 2010

Dear Mayor Tam:

Please accept my resignation from the Christy Center Board of Directors.

Cordially,

Bill Fallon



STAFF REPORT

To: Mayor Tarr and Members of the Town Council

From: Bill Neville
Planning Director

Date: December 1, 2010

Subject: Beach Access Committee Report

The Chincoteague to Assateague Beach Access Committee has concluded the Questionnaire and recommends that the attached packet of information should be officially submitted as public comment from the Town of Chincoteague.

US Fish and Wildlife Service has advertised a comment period ending January 18, 2011 for public input on early scoping of issues to be considered during the Refuge planning process. The next opportunity to provide comment will be in July 2011 when preliminary alternatives for the Comprehensive Conservation Plan (CCP) are presented.

With Town Council approval, this packet will also provide information for elected representatives at the County, State and National levels. Issues have been highlighted that may require political support over the next year. Our new Town lobbyist can direct this effort for maximum benefit to the community.

Refuge planning staff has indicated that the NEPA Environmental Impact Statement process will be used to organize the preparation of the CCP. Since the first step requires identification of polarizing 'issues of concern', 'endangered resources' and 'consideration of alternatives', the comments provided by the Town may be viewed as negative or critical. This should not be misunderstood.

Support of the current Refuge management strategies will be continued throughout the planning process. These have led to making Chincoteague the #1 Beach Town in America, and the CNWR as one of the most visited 'flagship' refuges in the nation.

Recommended Action:

Approve the recommendation of the Beach Access Committee to send the attached packet (letter with attachments, summary of the Questionnaire, Public Comments) to the USFWS in conformance with Federal Register Notice dated September 17, 2010

DRAFT COPY

December 7, 2010

Louis Hinds, Refuge Manager
Chincoteague National Wildlife Refuge
P.O. Box 62
Chincoteague Island, Virginia 23336

Thomas Bonetti, Refuge Planner
U.S. Fish and Wildlife Service, Region 5
300 Westgate Center Drive
Hadley, MA 01035-9589

RE: Chincoteague National Wildlife Refuge
Comprehensive Conservation Plan
Public Scoping Comments

Dear Mr. Hinds and Mr. Bonetti:

On behalf of the Town of Chincoteague, I am submitting for the public record the following comments in conformance with the Federal Register notice dated September 17, 2010. The issues, concerns and ideas that are contained in this letter have been considered by the Town's appointed **Chincoteague to Assateague Beach Access Committee** and have been approved by the Town Council at its regular meeting on December 6, 2010.

In addition to this letter, a **Town of Chincoteague Questionnaire** has produced 1,281 comments in response to the refuge planning issues that you presented at several public meetings this year. These comments are attached as unfiltered data and will also be forwarded to you by email for consolidation into common issues. We hope you will recognize that each comment represents an average family/group size of 6 persons identified in a current year survey of over 13,000 visitors from across the country.

Our community of residents, business owners and seasonal visitors has expressed concern over potential changes to the Refuge CCP. At the same time, the Town Questionnaire has documented strong support for the Refuge and Seashore under current operational plans. We appreciate the opportunity to participate and provide meaningful input in this planning process.

Public Scoping Comments

1. Maintain and Restore the existing recreational beach access at Tom's Cove, with 961 automobile parking spaces, as a community resource that honors over 40 years of negotiated management decisions. The 'no-action' alternative should be considered as a

DRAFT COPY

viable and mandated option. Take immediate/short term actions to protect public investment at the beach (see issue paper #1).

2. Manage the recreational beach area as a significant cultural and economic resource that is closely connected to the Town's economy. Include techniques such as beach replenishment, construction and maintenance of dunes, and installation of snow fence to protect the beach and parking areas from storm damage. This alternative would propose to update and enhance the current management plan as the baseline with new projects and goals.
3. A 'shoreline management' alternative is requested to include a deliberate review of the coastal geomorphology of Assateague Island and the cumulative effects of beach nourishment plans to the north in Delaware and Maryland, and to the south at Wallops Island/NASA and Virginia Beach. The impact of a policy to allow barrier island migration should be compared to recreational beach nourishment by expansion of the Wallops Island project.
4. Include a viable option for long term reserve areas to relocate the recreational beach and direct access parking for 961 spaces to the north approximately 1 mile with access from the 'Wildlife Loop'. Any acceptable alternative to relocate the recreational beach use and private vehicle parking must include direct beach access for a minimum of 961 parking spaces.
5. Do not limit or reduce the grazing permit for up to 150 Chincoteague Ponies. Include public viewing as a priority along with other management considerations.
6. An Emergency Plan for the short term management of public beach access during a post-storm restoration period is necessary, including options for interim use of Refuge land areas for parking. Large remote parking areas within Town limits are not a reasonable or cost effective solution.
7. Use of transit (trolley/bus/shuttle systems) to access the beach is not a decision that supports the family values of, or meets the needs of, visitors to the Refuge. This does not seem to be a financially responsible option. The Alternative Transportation Study prepared by the Volpe Center has not been accepted or approved by the Town of Chincoteague and should not be used to guide the CCP process.
8. All alternatives must be evaluated for their socio-economic impact on the local economy, cultural heritage and regional tourism with recommendations to minimize or mitigate impacts to the human environment.
9. Continue the current OSV/ORV access to Tom's Cove Hook. Access has already been limited in the past from March 15th to September 1st which has had an economic impact to the Town. Further reduction is not necessary based on the success of this shared use plan.

DRAFT COPY

10. The Town of Chincoteague Questionnaire has provided useful information about visitors to the Refuge and the recreational beach area. The exceptional value placed on the current balance of wildlife/natural land management and recreational beach use is documented in the attached comments.

Each of these comments is described in more detail on the attached issue papers #1 through #10. Thank you for your consideration of these important issues for both the Town of Chincoteague and the Chincoteague National Wildlife Refuge.

Sincerely,

John H. Tarr
Mayor

cc. Chincoteague Beach Access Committee
Elected Representatives
National Park Service

Public Scoping Issue #1 'No-Action' Alternative

December 2010

Issue

- The Town of Chincoteague supports the continuation of existing management practices over significant changes that would limit the visitor experience or resident quality of life



Seasonal Shared Use of Beach

NEPA/EIS Review

- Process should not be biased against the extension of existing operational plans for another 15 year period
- CCP should include Joint Management Agreement with NPS for recreational beach area
- CCP should be built upon prior negotiated decisions



Legislative History/Highlights

- 1943 Chincoteague NWR
- 1956/62 Chincoteague Assateague Bridge and Beach Authority constructs public access
- 1965 Assateague Island National Seashore includes CNWR
- 1976/79 Memorandum of Understanding/Tom's Cove Hook Area
- 1982 ASIS General Management Plan
- 1992 CNWR EIS/Conservation Plan

1992 EIS Proposed Alternative/Public Use Management

- Selected criteria include: Beach recreation zone 5,500 foot long x 100 foot wide from parking lot 1 to parking lot 4. 961 parking spaces with maximum beach use capacity of 4,400 visitors at one time. Seasonal closure of Toms Cove Hook from March 15 through August 31 to avoid piping plover nesting activity. Wildlife oriented recreation north of current public use beach. Traffic management measures during high use summer season. Continue private vehicle beach access ... and allow NPS to maintain the existing number of parking spaces (961)...and plan for off-site parking with shuttle system.

Exceptional Visitor Experience/Resident Quality of Life

- The current location of the beach recreation zone is exceptional with water views in all directions. Access is direct, individualized and unique to this particular combination of Seashore

and Refuge. The balance of essential services with a priority on wildlife/environmental management is highly valued by visitors and residents alike.

- A Comprehensive Conservation Plan that works to maintain the best qualities and accomplishments of the last 60 years is needed.
- A balance or equilibrium has been achieved over the last planning period between the capacity of the Town infrastructure and Refuge resources to accommodate both visitor and resident needs. Why change?

Recommendations

- Take immediate/short term actions to protect the existing recreational beach area during the current winter season such as:
 - o NPS efforts to mound sand to protect parking areas from high tide overwash
 - o Placement of recycled Christmas trees on the beach to assist with sand retention
 - o Initiate a community project to place biodegradable sand bags as a protection measure
 - o Partner with NPS, NASA, Accomack County and the Town of Chincoteague to amend the Wallops Island EIS for the addition of a beach replenishment demonstration project along the recreational use area.
- Do not allow areas of common interest and responsibility between USFWS and NPS to 'fall between the cracks' of the two separate planning efforts. Include the Memorandum of Understanding in the planning documents or re-approve it concurrently.
- Policy driven changes must reflect the unique characteristics of this place (and legislative history) and not become a CCP 'rubber stamp'
- Proposed actions that have not been implemented such as removal of the former visitor center complex and implementation of a shuttle system should be deleted or modified for the next planning period.
- Complete economic impact study of baseline conditions.

Public Scoping Issue #2

Enhanced Baseline Alternative

December 2010

Issue

- More effective planning and community support will be accomplished by proposing alternatives based on incremental change to the current, successful conservation plan

NEPA/EIS Review

- Sea Level Rise discussion should move beyond alarmist 'education' to positive adaptation responses based on 15 year planning projections
- SLAMM analysis should be updated with new LiDAR elevation data for best available information
- USFWS abandonment of a 60 year investment and public trust to allow unmitigated natural forces to erode the beach is not acceptable
- Do not base mitigation or improved environmental management on a reduction of private vehicles or the addition of transit



Manage Natural Processes

- Refuge Manager Hinds has stated that 'sea level rise has framed our view of the CCP'
- Adopt management actions that work with natural processes to support program goals (such as the freshwater impoundments). Actions should protect the public investment in direct beach access/parking lots and recreational use rather than abandon it.
- Specific projects such as raising the parking area elevation, dune construction, sand fences, or other beach erosion controls should be added to the existing management plan as a way to mitigate the potential effects of sea level rise
- Recreational beach areas have been reduced by erosion with a loss of 56 acres (5,500lf x 150yds). Wildlife management areas have been increased by accretion with a gain of 600 acres (measurement from 2009 aerial photo)

Recommendations

- Net gain of over 500 acres of prime shorebird habitat should be offset with increased effort to maintain recreation beach use areas (see above).

- Separate new issues and long term trends (barrier island migration, sea level rise) from incremental management actions/programs that may reasonably continue for another human generation
- Do not limit site specific solutions based on broad policy issues
- Identify steps to protect and expand the shell fish industry in Toms Cove and waters surrounding the Refuge
- Limit impacts to the tourism based economy of the Town of Chincoteague (don't addle the goose's golden egg)
- Consider a modified approach to alternative transportation issues that maintains 961 parking spaces and proposes the incremental addition of shuttle, bicycle and electric vehicle options
- Do not limit options for public access, beach replenishment, recreation, OSV use or other active management tools if the required 'wildlife purposes' of the Refuge are adequately met on the other 14,000 acres of the Refuge, the other 120,000 acres of the Virginia Coast Reserve, or the significant areas recently mapped as blue/green infrastructure on the Eastern Shore mainland.

Public Scoping Issue #3

Shoreline Management Alternative

December 2010

Issue

- As described at public meetings, the federal agency policy to allow unconstrained barrier island migration landward conflicts with community goals to maintain a recreational beach area with direct parking, and creates long term concerns for the protection of Chincoteague Island from major storm damage and high tides.

NEPA/EIS Review

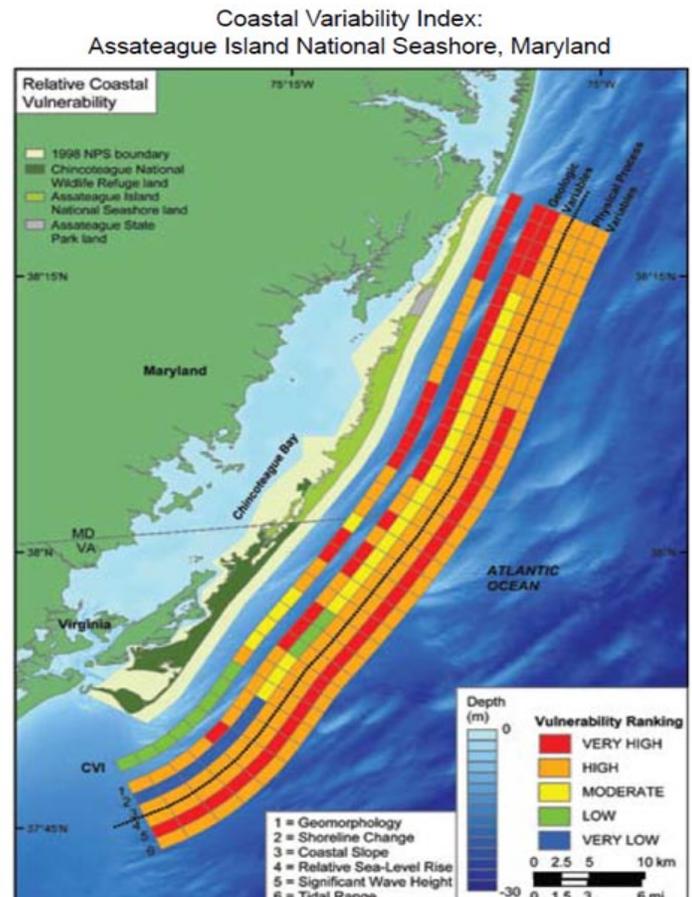
- Beach nourishment must be considered as an alternative so that the policy of island migration can be evaluated
- The EIS for Wallops Island/NASA should inform and provide opportunities for the consideration of beach replenishment and protective measures for areas of significant investment and value
- Chincoteague Island is at risk from the creation of new inlets, obstructed channel access, loss of tourism economy, and storm damage as the result of the island migration policy

Concerns

- The Sediment Management Plan prepared and funded for the Ocean City, MD Inlet has approved active shoreline management of the north end of Assateague Island
- The NASA/Wallops Island EIS has proposed active shoreline management that includes other portions of the Wildlife Refuge and will also impact the Chincoteague Channel access for the commercial fishing fleet.
- Other Mid Atlantic beach communities have active shoreline management programs in DE, MD, VA and NC.
- A decision to allow the specific small portion of Refuge shoreline that is currently providing public recreational beach access to erode while other areas are accreting and being replenished is an abandonment of the public trust.

Recommendations

- Prepare a 20 year shoreline change projection similar to the one completed in 1981, Atlas of Environmental Dynamics, Dolan/Hayden/Haywood, University of Virginia.



- Add Toms Cove recreational beach to the proposed NASA Wallops Island replenishment and shoreline stabilization project.
- SLAMM Analysis, or other sea level rise inundation model, should be updated with new LiDAR elevation data to provide best available information to the planning process. It is important to model the effect of protection measures even though current USFWS policies promote unmitigated island migration.
- Continue to allow public use/water access to 'Little Beach' and other shoreline perimeter areas of the Refuge. This is a community resource and has been included in the Virginia Seaside Water Trail system for kayak ecotourism.

Public Scoping Issue #4 Wildlife Loop Alternative

December 2010

Issue

- An alternate location to provide public recreational beach access should be reserved for future use in the event of significant storm damage to the existing beach area that cannot be repaired within a single year timeframe.

NEPA/EIS Review

- Preliminary ideas/alternatives for beach access (1-4) have been proposed by FWS staff. Elements such as elimination of 50% of the individual vehicle parking, development of a trolley/bus system, and reconstruction of parking areas that are remotely located from the beach have been identified as 'un-reasonable' by a current visitor use questionnaire and are not supported by the community.
- Ideas identified during the scoping process that are deemed un-reasonable may not be evaluated during the EIS process



Exhibit Illustrating Chincoteague to Assateague Beach Access Alternative

A

Site Selection Criteria

- Subject to additional analysis and review of studies, the shoreline to the north of Toms Cove beach may be identified as an area less subject to erosion, over wash, and associated with an existing ridge/dune that provides higher elevation for site infrastructure
- The existing 'wildlife loop' road provides access to this location, is currently used for public access, and would reduce peak summer vehicle traffic impacts to forest habitat
- Increased land area behind the inter tidal zone would allow for reconstruction of a dune system, direct access parking areas, and relocation of the NPS visitor center with essential services
- This location provides a significantly diminished visitor experience and would require sustained investment of physical site improvements and interpretive programming to offset the unique qualities of Toms Cove
- Based on a review of shoreline change projections, the north beach location should also be considered for potential beach replenishment, sand fill of areas between the Wildlife Loop and the beach to raise elevation, and protection measures for any public investment in recreational use facilities

Recommendations

- This alternative should be fully examined for implementation in response to a catastrophic weather event, and only if direct access parking for a minimum of 961 spaces is provided along with a shoreline/land management program that adds equivalent value to this site.
- Long term planning for a national quality recreational use area should employ creative design by a team that includes environmental planners and landscape architects who are trying to identify a balanced solution. Please do not allow your transportation engineering consultant to use Federal transit policy as a substitute for good environmental design.

Public Scoping Issue #5

Wild Pony Management

December 2010

Issue

- Chincoteague wild ponies and the cooperative management agreements between the Wildlife Refuge and the Chincoteague Volunteer Fire Department (CVFD) are highly valued by the community

NEPA/EIS Review

- Proposed reduction in the permitted 150 ponies in the Chincoteague herd would have a direct impact on the Refuge visitor experience
- There is a strong link between this wildlife population and the economic impact to the tourism economy/CVFD financial resources



Cultural/Economic Importance

- The tourism based economy of Chincoteague Island peaks during the summer months centered on Pony Penning Week. This event supports social, cultural and economic systems of the Town.
- Misty of Chincoteague has become an iconic symbol for families with children. Refuge actions that impact the wild pony population will be taken personally, for either good or bad, by generations of visitors and supporters of the Wildlife Refuge.
- The annual CVFD budget is supported in large part by the annual auction of wild ponies

Environmental Constraints

- The Refuge Conservation Plan has previously achieved goals for the support of multiple wildlife populations by keeping the Chincoteague herd fenced/penned versus the free range herd in Maryland.
- Refuge staff has indicated that high tides in the south meadow will require long term management changes in support of the existing Chincoteague herd.
- A continued effort to support the herd size at a maximum of 150 ponies through adaptive management strategies is consistent with other efforts for selective wildlife species management on the Refuge.

Recommendations

- Approve current year grazing permit with no reduction
- Prepare cooperative agreement and management plan with CVFD
- Incorporate by reference in the CCP
- Maintain current permitted size of herd to allow for genetic diversity, flexibility to accept ponies from the north herd

Public Scoping Issue #6

Post-Storm Beach Access

December 2010

Issue

- The CCP should include a cooperative agreement with the Town of Chincoteague to limits periods of beach closure due to storm events and to agree on a short term response plan.

NEPA/EIS Review

- Any proposals for transit use during peak periods should also be evaluated as the means to provide post-storm interim beach access
- Town Questionnaire comment responses listed a common concern regarding transit options that suggest only short term options would be viable



Short term response

- The community's willingness to coordinate short term, interim means of providing public beach access following a major storm event must not be considered acceptance of the current FWS proposals for elimination of individual vehicle parking in favor of transit use.

Recommendations

- Shared responsibility to provide interim solutions must also include options for use of Refuge land areas for temporary parking based on time of year and other compatible use issues.
- Existing parking lots near the Bateman Visitor Center, areas surrounding the Lighthouse, and parallel parking along the beach access road have been suggested for interim parking use while beach parking areas are restored.

Public Scoping Issue #7

Alternative Transportation

December 2010

Issue

- Volpe Center proposals for alternative transportation include large urban-scale solutions that would lead to economic ruin for the Refuge and the Community



NEPA/EIS Review

- Consultant preparing the EIS and CCP has a conflict of interest to promote the use of transit at the Refuge
- A policy driven mandate for transit should not be implemented if it does not have community support and is not financially sustainable



Alternative Transportation Plan

- The Alternative Transportation Plan prepared by the Volpe Center is not a completed document. Public comment following its release and the necessary selection of a preferred alternative with the Community has not informed a final revision to the study.
- Options for individual access to the Refuge and Seashore such as automobile, bicycle, boat or scooter/scooter coupe are supported by the Community
- Options for limited group access to the Refuge and Seashore such as a shuttle bus or tram are not supported by the Community
- The recommendations of the Alternative Transportation Plan should be tested against the proposed Economic Impact Model and options compared such as cost of transit versus cost to replenish beach and/or restore parking lots each year.

Paul S. Sarbanes Transit in Parks Program

Congestion in and around popular national parks, wildlife refuges, national forests, and other federal lands causes traffic delays and noise and air pollution that substantially detract from the visitor's experience and the protection of natural resources. Congress established the Paul S. Sarbanes Transit in the Parks Program, formerly Alternative Transportation in Parks and Public Lands (ATPPL) Program, to enhance the protection of national parks and federal lands and increase the enjoyment of those visiting them. Administered by the Federal Transit Administration in partnership with the Department of the Interior and the Forest Service, the program funds capital and planning expenses for alternative transportation systems such as shuttle buses and bicycle trails in national parks and public lands. The goals of the program are

to conserve natural, historical, and cultural resources; reduce congestion and pollution; improve visitor mobility and accessibility; enhance visitor experience; and ensure access to all, including persons with disabilities. In accordance with SAFETEA-LU, areas eligible for funding include any federally owned or managed park, refuge, or recreational area that is open to the general public, including: National Wildlife Refuge System units; Bureau of Land Management recreational areas; Bureau of Reclamation recreational areas; and National Forest System units

- A well considered application for program funding to extend and improve bicycle access from the Town of Chincoteague into the National Wildlife Refuge has carried with it an obligation to promote shuttle bus transit solutions that do not respect the unique characteristics of this place
- The consultant responsible for implementing 'Transit in Parks' is now in charge of the NEPA/EIS review and preparing the CCP for the Refuge
- The Alternative Transportation Plan has been used to limit the scope and number of options to be considered during the CCP process to only those that lead to reduction of direct beach access and implementation of transit solutions

Questionnaire Results

- The ideas and options presented by the Alternative Transportation Plan were tested by the Town of Chincoteague through a Questionnaire that was administered from July 4, 2010 to November 15, 2010.
- 2,854 questionnaires were returned, representing over 13,000 visitors to Chincoteague and the Refuge/Seashore. 91% believe that beach access from a bus or trolley does not make sense and that direct beach parking is important to their family vacation experience.

Recommendations

- Allow the CCP process to grow from the current operational plan and the unique characteristics of Refuge/Seashore/BeachTown, not a national policy driven transportation program that provides funding opportunities.
- Do not limit the current public recreational beach use (961 spaces with direct access) to only the baseline (no-action alternative) in order to exclude it from other preferred alternatives.

Public Scoping Issue #8

Economic Impact

December 2010

Issue

- The Town of Chincoteague, Accomack County and the Commonwealth of Virginia have a significant investment in the tourism based economy linked to public beach access and wildlife dependent recreation at the Chincoteague National Wildlife Refuge/ Assateague National Seashore at Toms Cove



NEPA/EIS Review

- CCP actions that change the current management plan will have a significant Economic Impact on the Human Environment
- CCP strategies for providing access and interpretation of Assateague Island Cultural History will have an impact on the Town Economy
- CCP recommendations for acquisition of property within the Town limits will have a significant impact on land ownership/tax base for the Town government



Town Economy

- Real Estate Tax Base of Chincoteague Island equals \$1 billion
- Local Tax income equals over 60% of the annual Town of Chincoteague budget, and provides a significant stability to the Accomack County annual budget.
- The tourism based economy of Chincoteague Island supports over 1500 small businesses, and provides the main source of employment for the Town's LMI population.

Economic Impact Model

- The preparation of an economic impact model as proposed by Refuge Staff is a good idea
- The model should be used to evaluate any proposed change in the current conservation plan management strategies and answer the question: at what cost?
- The consideration of alternatives must also address the current visitor fee structure, consistency of collection methods, and the need to create a year over year reserve fund for beach repairs as promised in several Refuge news releases.

Recommendations

- Raise gate/entrance fees if necessary to address cost considerations of beach and recreational facilities restoration.
- Include Year to year budget planning for beach access repairs
- Any analysis should recognize that the existing conservation management plan has provided both the Refuge and the Community with superior results
- Any analysis should recognize that this location is unique. The CCP should not be a rubber stamp of uniform policy for all Refuges in the Mid Atlantic Region.
- Allow participation by Town/County in preparation of the Economic Impact Study

Public Scoping Issue #9

ORV Access to Toms Cove Hook

December 2010

Issue

- Off Road Vehicle access to Toms Cove Hook is a valuable part of the local quality of life and the exceptional visitor experience that sustains the tourism based economy in the 'shoulder' seasons

NEPA/EIS Review

- Review of the baseline (no-action alternative) must recognize previous management actions that have already limited recreational opportunities in favor of wildlife management goals
- No further limitation of access is warranted due to successful seasonal 'shared use' of the beach areas at Toms Cove Hook



Concerns

- Toms Cove Hook is a unique location that should continue to be accessible for recreation
- Limitation or reduction of shared use in one location, such as Toms Cove Hook, should not be considered when other areas of the Refuge will meet wildlife management objectives.
- Fishing/Aquaculture at this location is a unique/high value resource that supports local industry
- Adaptive reuse of the Coast Guard Station should continue to be included in the CCP and GMP for the National Seashore with a plan for access and long term protection

Recommendations

- The current conservation plan that allows seasonal ORV access to Toms Cove Hook and the Coast Guard Station should be continued for the next planning period.

Public Scoping Issue #10

Beach Access Questionnaire

December 2010

Issue

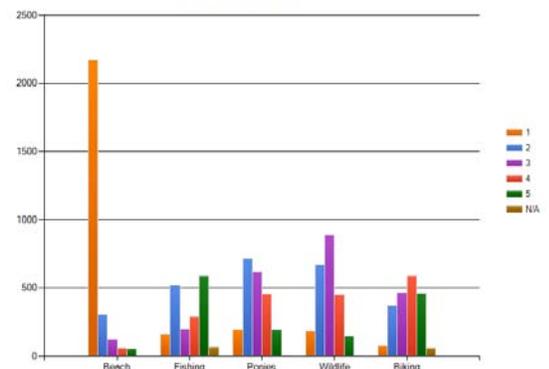
- The public, represented by the Town Questionnaire results, places a high value on current management actions and recreational opportunities and wishes to keep Assateague Island National Seashore 'AS IS'



NEPA/EIS Review

- USFWS administration of the NEPA process should not be biased against the baseline or no-action alternative that would continue the current, successful management actions
- Public recreational use opportunities should not be reduced in order for the Refuge Manager to meet expectations of improved metrics for all wildlife management objectives.

What activities are most important to you? (Number all reasons that apply in order of importance)

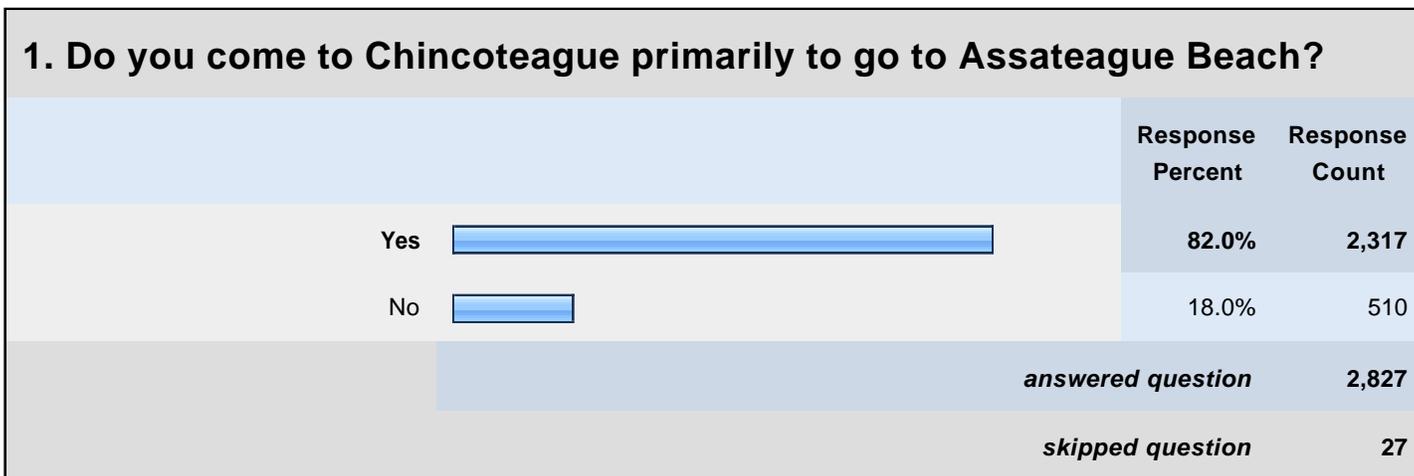


Summary of Visitor Questionnaires

- 80% of Chincoteague visitors make Assateague Beach their top destination
- Current Refuge management plans that restore direct beach access and automobile parking for 961 spaces after a storm is supported by 97%
- 91% believe that beach access from a bus or trolley does not make sense and that direct beach parking is important to their family vacation experience
- If transit from a remote parking lot to the beach was provided, 82% would not return for another visit.

Recommendations

- Accept over 1,200 comments received by the Town of Chincoteague as individual public scoping comments
- Consider options/alternatives for the CCP that continue the current conservation management practices and unique balance of wildlife dependent recreation, cooperative management of the National Seashore resource and interdependent community.
- Select a preferred alternative that supports the unique equilibrium that has been achieved with the Town of Chincoteague's cultural and economic resources
- Select a preferred alternative that supports multi-generational family values, freedom of personal vehicle use, and senior/handicap access to the seashore



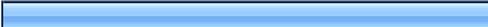
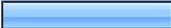
2. What activities are most important to you? (Number all reasons that apply in order of importance)

	1	2	3	4	5	N/A	Rating Average	Response Count
Beach	80.0% (2,171)	11.2% (304)	4.5% (123)	2.2% (60)	2.1% (56)	0.0% (0)	1.35	2,714
Fishing	8.9% (162)	28.4% (516)	10.9% (198)	15.9% (288)	32.4% (587)	3.5% (63)	3.36	1,814
Ponies	8.8% (193)	32.7% (715)	28.4% (622)	20.9% (456)	8.9% (194)	0.3% (7)	2.88	2,187
Wildlife	7.8% (182)	28.6% (668)	38.0% (887)	19.2% (448)	6.2% (145)	0.1% (2)	2.87	2,332
Biking	3.8% (76)	18.3% (370)	23.0% (465)	29.1% (588)	22.8% (460)	3.0% (61)	3.50	2,020
answered question								2,819
skipped question								35

3. Do you think that public beach access and automobile parking on Assateague Beach should be restored after major storm damage?

	Response Percent	Response Count
Yes 	96.9%	2,729
No 	3.1%	88
<i>answered question</i>		2,817
<i>skipped question</i>		37

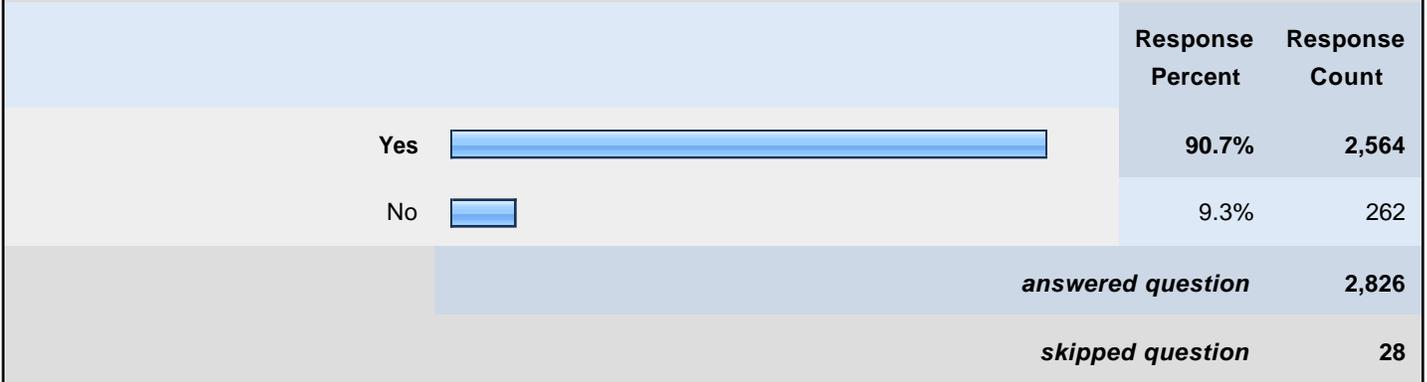
4. A more stable, natural beach with room for parking lies north of the current recreational beach. Would you support relocation of the recreational beach to this alternate site with additional parking?

	Response Percent	Response Count
Yes 	74.5%	1,993
No 	25.5%	683
<i>answered question</i>		2,676
<i>skipped question</i>		178

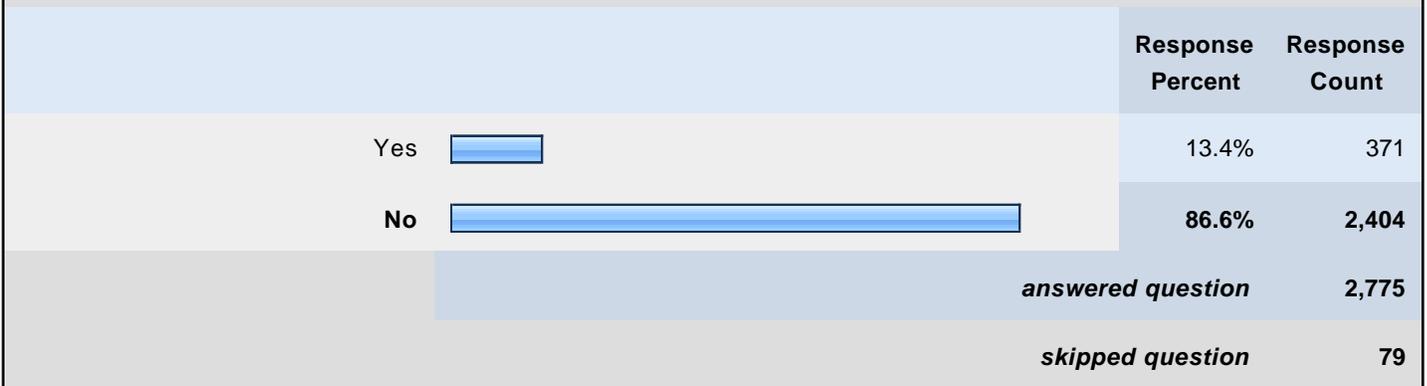
5. Would you return to visit Assateague Beach if direct beach parking was not available and a trolley/bus from a remote parking lot in Chincoteague was available instead?

	Response Percent	Response Count
Yes 	18.0%	501
No 	82.0%	2,289
<i>answered question</i>		2,790
<i>skipped question</i>		64

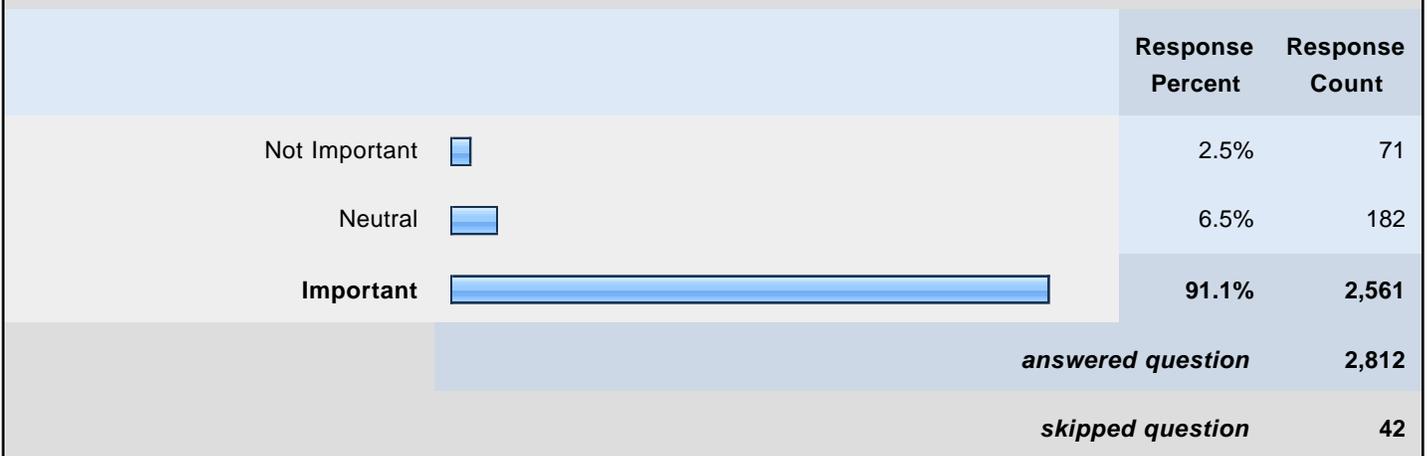
6. If Assateague Beach parking was replaced by a trolley/bus system, do you believe it would have a negative impact on local business or the length of your vacation in Chincoteague?



7. If a fast-moving thunderstorm hit the beach, would you feel safe in a temporary shelter while you wait for a trolley or bus?



8. How important is direct beach parking at Assateague Beach?



9. How many people are in your Group?

	Response Average	Response Total	Response Count
Adults	3.33	9,194	2,763
Children	2.75	4,412	1,607
<i>answered question</i>			2,766
<i>skipped question</i>			88

10. What is your home zip code?

	Response Count
	2,820
<i>answered question</i>	
2,820	
<i>skipped question</i>	
34	

11. Optional email address information may be provided for future participation and updates

	Response Count
	1,431
<i>answered question</i>	
1,431	
<i>skipped question</i>	
1,423	

12. Please provide any suggestions you have about improving Assateague Beach access and parking, or any other comments:

	Response Count
	1,289
<i>answered question</i>	1,289
<i>skipped question</i>	1,565

Public Safety Meeting Minutes

November 2, 2010

Chairman Tarr called the meeting to order at 17:10

Present: Mayor Tarr, Chairman
Councilman Jester
Vice Mayor Richardson
Robert Ritter, Jr., Town Manger
Bryan Rush, EM Coordinator
Randy Mills, Police Major

No Public Participation

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

1. Monthly Emergency Management Report

Report given by Bryan Rush

PLANNING

EMPLOYEE BADGE PROCESS

The badge maker has been ordered and received by the Chincoteague Vol. Fire Co. Currently the planning process includes identifying users, conducting training, and completing the badge making process for Town employees and Fire/EMS volunteers by March 1, 2011.

VDEM

The quarterly VDEM Coordinators Meeting with Eastern Shore localities took place on October 28, 2010. Future exercises, direction of VDEM planning, as well as round table discussions of needs for the shore were discussed.

TRAINING

NIMS 2010 REQUIREMENTS

The 2010 National Incident Management System requirements for 2010 have been passed down through the Department of Emergency Management. Along with previous year requirements, jurisdictions will also have to show for those specific employees the training in IS 701 Multi Agency Coordination; IS 702 Public Information Systems; IS 703 Resource Management; IS 704 Communication and Information. This information has been passed to all department heads with the updated time-line for completion and what employee it may affect.

ICS 400

The ICS 400 course offered in Accomack County has been rescheduled for January 2011.

LOGISTICS

NIMSCAST

Each year every locality must chart its NIMS compliance activities in the federal NIMSCAST program. The program does an intensive look into percentages of completion activities in numerous areas as well as chart compliance for potential federal grant money. The time-line for completing this years report is December 10, 2010.

PUBLIC INFORMATION

PREPARE FOR WINTER

As the holiday seasons approach, the last thought on most people's minds are to prepare for winter weather disasters. Last year's winter should remind everyone to be prepared. In order to heighten preparedness, winter weather PSA's will be placed on local radio stations, cable channel 9 and local newspapers in December

AMATUER RADIO OPERATIONS

Emergency Management Coordinator Bryan Rush introduced Mr. Wayne Kendall as a volunteer interested in assisting the Town with amateur radio operations. The Eastern Shore Amateur Radio Club is actively searching for additional operators to assist with longer duration events. Discussed ensued regarding a new AM station with capabilities of broadcasting to Island residents in the event of an emergency.

2. Discuss the Use of Trolleys in the EOP (Sec. 60, E1.b)

Emergency Management Coordinator Rush discussed the addition of the use of the Town's trolleys to the EOP for the purpose of aiding in the evacuations of citizens and visitors from the Island. The central pick-up point would be Chincoteague Elementary School. Trolley Director Jack Van Dame suggested adding language that would require "all applicable laws governing public transportation be followed." The revised section of the EOP will be distributed to all applicable parties.

3. Review Open Burning Ordinance Draft and Consider Sending to Ordinance Committee

Emergency Management Coordinator Rush discussed the County burning ordinance as it applies to Chincoteague Island and offered a draft ordinance for consideration by the Ordinance Committee for potential adoption by the Town Council. Councilman Jester inquired about the definition of "open burning" under the ordinance. Town Manger Robert Ritter stated that in a phone conversation with County Administrator Steve Miner, he was informed that the incorporated towns did not have to abide by the provisions of the County ordinance, despite wording to the contrary in the actual ordinance. Chairman Tarr asked if a Town ordinance would conflict with the County ordinance as we could not fall under two ordinances. It was felt that the State Code needed to be reviewed to see whether a Town ordinance would conflict with County and State codes.

4. Chincoteague Volunteer Fire Company Report

No Report

5. Discussion on Reimbursement Ordinance for DUI Expenses

Emergency Management Coordinator Rush inquired about the status of the program. Vice-Mayor Ellen Richardson reported that the matter had been tabled at the county level. Discussion ensued regarding how funds would be allocated. It was the consensus of the Committee to designate \$325 each to the Police Department, Volunteer Fire Department, and Town of Chincoteague (EMS staff). Chairman Tarr asked that the State Code be reviewed and the matter be further investigated and brought back for action at a later date.

6. Committee Member Comments

Vice-Mayor Richardson: None

Councilman Jester: Inquired about the status of the ID cards, E.M. Coordinator Rush gave an update on the project.

Chairman Tarr: None

Meeting adjourned at 1742

**ORDINANCE COMMITTEE
TOWN OF CHINCOTEAGUE
November 10, 2010**

Meeting Minutes

PRESENT

The Honorable Terry Howard, Chairman
The Honorable John Howard, Councilman

ABESENT

The Honorable Nancy Conklin

STAFF

Robert G. Ritter, Town Manager
Harvey Spurlock, Director of Public Works

CALL TO ORDER

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

OPEN FORUM/PUBLIC PARTICIPATION

Ray and Nancy Rosenberger stated that they were there to show support for the Ordinance Committee

AGENDA ADOPTION

A motion was made by John Howard, seconded by Terry Howard to adopt the agenda, Motion Carried

ITEM #1 ~ Consider a new division to the Town Code Chapter 62, Division 5, Water Conservation, Section 120-123, and Move Current Division 5, to Division 6, Cross Control and Backflow Prevention

Town Manager Ritter explained that the Department of Environmental Quality is presently reviewing the Town's Groundwater Withdraw Permit application and has recommended the addition of a section addressing Water Conservation in the Town Code. A motion was made by Councilman John Howard, seconded by Chairman Terry Howard to recommend the ordinance as presented for approval by the Town Council, Motion Carried

COMMITTEE MEMBER COMMENTS

Chairman Terry Howard – None
Councilman John Howard – None

Town Manager Ritter asked the Ordinance Committee if there were any future ordinances that they would like staff to work on. Discussion ensued regarding an ordinance dealing with the filling of lots and whether such an ordinance would conflict with ruling from the County Wetlands Board. Public Works Director Spurlock indicated that this may be addressed once with the implementation of the Storm water Management Plan. Presently, the only requirement is that an existing drain cannot be obstructed.

Town Manager Ritter discussed the Planning Commission's work on the Home Occupation Ordinance. A discussion ensued regarding the definition of a home occupation versus a home business.

A motion was made by Councilman John Howard, seconded by Chairman Terry Howard to adjourn the meeting, Motion Carried.

The meeting adjourned at 5:13 PM.

DIVISION 5. WATER CONSERVATION

Sec. 62-120. Definitions.

The following terms, when used in this section, shall have the meanings ascribed herein:

Impervious surface means any artificially created surface which cannot be penetrated by water or which causes water to run off the surface, including streets, driveways, sidewalks and rooftops.

Person means any individual, partnership, firm, corporation, limited liability company, or other legal entity in whose name water is provided and billed by the town.

Repeated or flagrant wasting of water means and includes those situations where persons who have received notice that they are wasting water continue to do so in the same manner. It does not mean those persons who waste water on solitary or isolated occasions.

Town water means all water that passes through the town's water distribution system. This term does not include town water that is sold by the town to other governmental entities.

Water waste means any of the following:

- (1) Using town water so that it falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches and other conveyances; or
- (2) Using town water to the extent that it is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances.
- (3) Knowingly allowing town water to escape through leaks, breaks, or malfunctions within the water user's plumbing or distribution system for any period of time beyond which such a leak or break should reasonably have been repaired or corrected.
- (4) Willfully or negligently wasting water in any other manner.

Sec. 62-121. Water waste prohibited.

- (a) The Public Works Director or designee shall identify persons who waste water.
- (b) Whenever the director finds that any person wastes water, the director shall give such person oral or written notice of that fact
- (c) Whenever the director finds that any person repeatedly or flagrantly wastes water, the director shall serve upon such person a written notice ("notice of water waste" or "notice"). Such notice shall identify the person and the location at which water is being wasted, shall identify the manner in which the water is being wasted, and shall specify a time within which the wasting of

water shall cease. The notice shall also warn that more severe measures (such as imposition of civil penalties or restriction or termination of water service) may be assessed or brought against the person unless the wasting of water ceases within the time provided. The time given to cease wasting water may range from a requirement for immediate compliance to 30 days, depending upon the facts and circumstances of each case.

(d) Any person who continues to waste water after the period of time specified in the notice for ceasing such activity shall be issued a citation and shall be subject to the civil penalty and enforcement procedures specified in section 62-122 below. The civil penalty shall be paid within 30 days of receipt of the citation.

Sec. 62-122. Penalties.

(a) *Civil penalties.* Violations of this section shall subject the offender to a civil penalty as set forth in the town budget fee schedule, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited. A violation shall be deemed continuing if the same wasting of water takes place on one or more days at the same location described in the notice and citation.

(b) *Other enforcement action.* Additionally, the director may restrict or terminate water service in accordance with law.

Sec. 62-123. Recycling.

(a) *Carwashes.* All new carwash installations shall be equipped with an approved water recycling system.

(b) *Continuous Flow Equipment.* All new construction, or repair/replacement, of continuous flow devices requiring a continuous water flow of five gallons per minute or more, not elsewhere covered by this section, shall be equipped with an approved water recycling system.