

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

September 7, 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 August 2, 2010 (Page 2 of 27)
 - Regular Council Meeting of August 19, 2010 (Page 8 of 27)
2. Presentation by Virginia DEQ on the Local Water Supply Plan (Ms. Tammy Stevenson) (Page 13 of 27)
3. Consider Appointment to the Planning Commission (Page 15 of 27)
4. Appointment to the USFWS Interdisciplinary Planning Team
5. Public Works Committee Report of August 3, 2010 (Mayor Tarr) (Page 16 of 27)
6. Harbor Committee Report of August 5, 2010 (Councilman J. Howard) (Page 18 of 27)
The following action by the Committee occurred and will need to be acted upon:
 - Consider Bidding out Grass Cutting Contract for the Harbor Facilities (Page 19 of 27)
7. Recreation and Community Enhancement Committee Report of August 10 (Councilman Jester) (Page 21 of 27)
8. Budget and Personnel Committee Report of August 10, 2010 (Councilwoman Conklin) (Page 23 of 27)
9. Ordinance Committee Report of August 12, 2010 (Councilman T. Howard) (Page 24 of 27)
The following action by the Committee occurred and will need to be acted upon:
 - Consider revision to Code Section 2.127/Pony Penning Sales (Page 27 of 27)
10. Closed Meeting in Accordance with Section 2.2-3711(A) (7) of the Code of Virginia.
 - Legal Representation on Tax Rebate
 - Legal Matters – Probable Litigation
11. Possible Motion to Rescind the Motion Relating to the Request for the Taxes and Fees adopted at the June 29, 2010 meeting

12. Mayor & Council Announcements or Comments

(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE AUGUST 2, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
John N. Jester, Jr., Councilman
John H. Howard, Councilman
Ellen W. Richardson, Vice Mayor

Terry Howard, Councilman

Absent:

Nancy B. Conklin, Councilwoman
Tripp Muth, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:04 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr presented Councilman Frese with a Certificate of Appreciation.



CERTIFICATE OF APPRECIATION

presented to

Honorable James T. Frese

Term: July 24, 2008 – June 30, 2010

Public service is one of nobility and dedication.
You have displayed these attributes

**in the highest tradition during your term as
Councilman of the Town of Chincoteague.**

On behalf of a grateful community, I,
along with the members of
the Chincoteague Town Council,
proudly present to you this recognition

of meritorious service.

August 2, 2010

John H. Tarr, Mayor

Councilman Frese thanked all members of Council and staff who worked very hard on his behalf.

OPEN FORUM/PUBLIC PARTICIPATION

Mr. Ken Webb commended the Town, specifically the Town employees on the Pony Penning Shuttle. He stated that they make a positive impression on the guests and visitors.

Mayor Tarr also thanked the volunteers for making it an easier job.

STAFF UPDATE

Planning Department

Town Planner Neville advised that he had an update on Central Utility Planning and the grant is moving forward. The Beach Access Committee has received over 1,000 survey responses and a full analysis will be given at the next Council meeting. He stated that they are receiving a lot of good suggestions. They are preparing a workshop for review of the Sign Ordinance. He advised that Mr. Fred Schmidt will be in Town regarding the Pony Pines Subdivision which is about to expire.

Police Department

Chief Lewis gave Council the July report. There were a couple of comments.

Public Works Department

Public Works Director Spurlock reported for the month of July:

The Water Department pumped, treated and distributed 29,449,000 gallons of water. He commended them for their hard work. They also replaced the lift pump and the pump for well 3B, which failed. They conducted routine fire hydrant maintenance and meter readings along with several service leak repairs.

The Public Works Department prepared for July 4th and Pony Penning along with routine road side trimming and pothole repairs. They assisted in ground maintenance at the Harbor.

Public Works Director Spurlock advised of the upcoming events which are the replacement of boards at the Town Dock and completing the Fall Paving Contract. They are also reviewing the Drainage Plan and planning drainage work. They're waiting for the easements and preparing to begin the Thornton Street drainage.

Councilman J. Howard asked when Wayne Road drainage would be taken care of.

Public Works Director Spurlock advised that this would be discussed at the next Public Works Committee meeting which will be Tuesday, August 3, 2010 at 5:00 p.m.

General Government

Town Manager Ritter reported that the Main Street Corridor Project is still in VDOT's hands. The Blueberry Festival took place causing an influx of activity in the office. Regarding the Southern Rivers Grant money, he advised that the Town has budgeted \$20,000 to look into the wastewater project with the possibility of transporting the wastewater to the mainland. He stated this is being put together by the ANDPC. He also reported that Pony Penning was very successful. Town Manager Ritter thanked all the volunteers and staff. He is also working on the Personnel Policy Handbook. He spoke with Mr. Preston Smith who is still working on the Boating Infrastructure Grant. He advised that there was a Broadband meeting. He reported on the revenues for July.

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Meals Tax	\$ 63,816.00	\$59,637.00	(up)	\$ 4,178.00
Sales Tax	\$ 5,785.00	\$ 5,296.00	(up)	\$ 500.00
Transient Occupancy	\$ 80,534.00	\$77,729.00	(up)	\$ 2,800.00
Solid Waste	\$ 15,766.00	\$15,910.00	(down)	\$ 143.00
Water Rent	\$108,174.00	\$85,743.00	(up)	\$ 22,000.00

Town Manager Ritter stated that the new website is still under construction. They are waiting for pictures. The updated code is on the current website.

- Mrs. Donna Mason of the Waterside Motel came before Council regarding the trash situation. She feels that the money saved from allowing the County to take over the Recycling Center is not worth the health and hazardous conditions. She asked Council to revoke the agreement with the County.

There were comments about the recent problems with the overflow of refuse at the compactor.

Vice Mayor Richardson stated that she went by there and advised that the recyclables could be put there, but the compactor was full. She also was told that they were scheduling another pickup. She handed out letters with instructions of how to get to 2 other facilities on the mainland. She stated that she contacted Public Works Director Spurlock and a truck was put there to take some of the trash. She added that there were some highly upset people who expressed it to the attendant. Vice Mayor Richardson stated that the Town should work with Accomack on finding a solution.

Mayor Tarr stated that he spoke with the Supervisor about this matter.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked to add "Road Right-of-Way" under Closed Session.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the agenda including the Road Right-of-Way for Closed Session. Unanimously approved.

1. Consider Adoption of the Minutes

Regular Council Meeting of July 13, 2010

Councilman T. Howard asked about the phone number listed in the minutes to be changed from 336-6150 to 336-6519.

Vice Mayor Richardson motioned, seconded by Councilman Jester to approve the minutes of the July 13, 2010 meeting with the stated correction. Unanimously approved.

2. Bridge Celebration Update

Mrs. Laureen Hansen, Public Affairs Manager with VDOT, spoke to Council about the plans for the Bridge Opening Celebration. She advised that they are unable to do such a large event with the current budget limitations. She presented an alternative to Council. They are proposing partnering with the Annual Chili Chowder Cook-off. They would like a formal ribbon cutting ceremony. She advised that the difference is that this is a ceremonial event without refreshments. She advised that the large event that Mr. Lowery was planning would take more time to pull off. Mrs. Hansen explained some preliminary plans. She also advised that Mr. Lowery intended to plan an event with sponsors to help with funding.

Councilman T. Howard asked about the medallions

They explained the intent and souvenirs which would be more suited for the Town's people.

Councilman Jester asked about the control-cab, a swing gate and arm that have been requested for about a year.

He was advised that they would have to put in a request for those items.

Councilman Jester also asked who the invitees would be from VDOT.

Mrs. Hansen advised it would be the Secretary, Governor, Senators, Delegates and so forth. She stated that they could do various types of invitations for the residents of the Island.

Mayor Tarr advised he would get her a list and support them in any way they can.

A member of the audience asked if this would take away from the Chili Chowder Cook-off event.

Mayor Tarr advised that this would only take a short amount of time. He feels this could enhance the event.

Mrs. Hansen stated that they would plan to make the ceremony before the event.

Councilman T. Howard asked about Mr. Lowery.

Mrs. Hansen advised he is no longer a contractor with VDOT because of the expense. She advised that their budget could pay for logistics only and not refreshments.

Councilman Jester asked if there could be a farewell picture on the old drawbridge.

Mrs. Hansen advised they would see what could be done and she would look into the safety factors.

Councilman Jester expressed his frustration with VDOT on the Opening Ceremony.

Mrs. Hansen stated she would try her best to make this in accordance with the Town's requests.

3. Closed Meeting in accordance with Section 2.2-3711 (A)(3&7) of the Code of Virginia.

- **Consideration of the Acquisition of Real Property**
- **Legal Representation on Tax Rebate**
- **Road Right-of-Way**

Closed Meeting in Accordance with Sec. 2.2-3711(A)(3 & 7) of the Code of Virginia to Go Into Closed Session for the Purpose of Consideration of the Acquisition of Real Property and Legal Representation on Tax Rebate.

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(3 & 7) of the Code of Virginia to discuss personnel matters.

Unanimously approved.

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

Councilman Jester 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 & 7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: Ayes:- Jester, T. Howard, J. Howard, Richardson,
Nays: None
Absent: Muth, Conklin

4. Possible Motion to Rescind the Motion Relating to the Request for the Taxes and Fees adopted at the June 29, 2010 meeting

Council did not make a decision and concurred to table the matter as further information was needed.

5. Mayor & Council Announcements or Comments

There were none.

Adjourn.

Councilman T. Howard motioned, seconded by Councilman Jester to adjourn the meeting at 9:05p.m. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE AUGUST 19, 2010
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

John H. Tarr, Mayor

Ellen W. Richardson, Vice Mayor

John H. Howard, Councilman

John N. Jester, Jr. Councilman

Nancy B. Conklin, Councilwoman

Tripp Muth, Councilman

Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OTHER

Assistant Chief Mills introduced a new officer to the Chincoteague Police Department, Ms. Jessica Thomas.

PUBLIC PARTICIPATION

Mayor Tarr asked for public input at this time.

- Mr. Steve Peccio with Assateague Explorers approached Council regarding the kayak and canoe launching issues. He stated that Ms. Mary Montessor, who is present, is the person to address this matter.

Councilman J. Howard asked where the office is located.

Mr. Peccio advised it is on Burton Avenue just off of Willow Street.

Ms. Montessor stated that Mr. Mark Coulbourne had concerns and requested clarifications. She addressed operating a business on any public property on the Island. She asked about vehicular advertising on public property. She mentioned the municipal parking law and asked for clarification of the actual Town Ordinance.

There was lengthy discussion regarding the intended use and actual use of the launches. They also discussed the Ordinances and complaints regarding the ramp use of the kayak business.

Councilman T. Howard suggested the owner of the business meet with the Town Manager and possibly the Public Works Director and iron out the indifferences to make it work for everyone.

Ms. Montessor suggested having a more kayak friendly launch with a sandy-bottom or soft place as the floating dock is useless.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda as presented. Unanimously approved.

1. Discuss Options for Directional Signage

Town Planner Neville discussed the signage.

Mayor Tarr feels there are two different topics: the directional signage at the foot of the new bridge and the directional signage in the downtown area.

Town Planner Neville explained the landscape area for the bridge directional sign. He also explained the different types of directional signs and costs.

Council discussed the current landscaping and maintenance.

Town Planner Neville stated that Public Works Director Spurlock has talked with VDOT regarding landscaping. VDOT advised that they would prefer not to send a crew to weed and take care of the landscaping. They would rather the Town take over the landscaping and maintenance thereof. Town Planner Neville feels it would be in the Town's best interest to maintain this area. He presented options for a welcome sign including a masonry planter bed at the base and a long term plan to construct a fancier more expensive sign. He stated that a 'middle-of-the-road' cost approach to make a welcome sign could be accomplished in the short term.

Discussion continued as Council gave their opinions and suggestions. Town Planner Neville was directed to contact VDOT about placement and regulations.

Discussion then continued regarding directional signage. Town Planner Neville stated that a previous plan was to hire a specific company to research and come up with a uniform wayfinding design for signage throughout the Town. He expressed his concerns about the expense. He also informed Council that the Planning Commission is reviewing the portion of the Code that addresses off premise signs and public signs. He stated that the Comprehensive Plan has a reference in helping to make the Island more user-friendly. He then continued to describe the different sign ideas.

Council discussed and recommended a pamphlet in the kiosk at the downtown park for directions and information. They also talked about the types of directional signage.

Town Planner Neville suggested that if the Town isn't allowing any additional off premise signage this would be a way to help the businesses. He also suggested reviewing the Sign Ordinance.

Mr. Jim Frese feels there are two aspects: 1) to know where an area is and 2) to find the business.

A suggestion from the audience was to charge for creating a single map showing all Town Businesses in the Business License fees. There could be a box for the additional cost to be added to the signage. They feel that the entire Island should be uniform.

Town Planner Neville stated that Building and Zoning Administrator Lewis should be included in the planning process for guideline purposes.

Council suggested contacting the Chamber for their input also. It was suggested that they should probably go with the generic signs.

Council expressed their concerns for each idea along with the confusion of the current sign ordinance and the many definitions.

2. Review Draft Home Occupational Ordinance

a. Signs

b. Parking

Town Planner Neville explained the items in the packet and that Council should review and make decisions regarding changes. He also explained the Planning Commission recommended changes to signage size.

Councilman Jester explained that this came about because of the complaints of the signs for home occupations along with parking requirements.

Town Planner Neville stated that the current parking requirement is 2 spaces. He added that this does not mean 2 additional parking spaces. Council agreed that the requirement should be revised

Building and Zoning Administrator Lewis explained the current parking requirements.

Discussion continued about the need for parking for certain home occupations, such as grass cutting businesses and direct sales on or off premise.

Building and Zoning Administrator Lewis suggested having a box on the business license application for limited home occupation.

Town Planner Neville addressed the Uses Permitted by Right and stated that the idea is to get to the basic category of uses. He also stated that there are industrial uses that are not appropriate in residential districts. He also stated that currently the home occupation signs of any type shall not exceed 4 square feet.

Councilman J. Howard commented about maximum sign size.

Councilman T. Howard mentioned sandwich boards and feels the square footage should be changed. He also asked about the limited home occupation sign requirement.

Discussion continued regarding signage for home occupations.

Building and Zoning Administrator Lewis believes there is a flaw in the wording of the ordinance. He stated that the ordinance states “each” business instead of each parcel causing several signs.

Mayor Tarr explained what was being proposed, which is size and sandwich board limitations.

Town Planner Neville stated that they are recommending that limited home occupations be permitted in the R1 and R2 districts and home occupations be permitted in the R3 districts.

Councilman T. Howard feels that when there is a change in the residential neighborhood and a commercial business is allowed it changes the neighborhood altogether. He feels they are getting farther away from the original intent of the home occupation.

Councilman J. Howard suggested only allowing one sign for a home occupation.

Councilman T. Howard concurs.

Mayor Tarr reviewed the proposed changes and asked for Council’s input regarding “Limited Home Occupation” signs. He advised that it currently reads 8 square feet in area and shall not be more than 1 per dwelling.

There was lengthy discussion. Council agreed that one sign and 4 square feet was sufficient for limited home occupations. Council agreed that one sign and 16 square feet was sufficient for regular home occupations.

Town Manager Ritter suggested letting the Planning Commission review the proposed changes and schedule a joint public hearing for October.

3. Mayor & Council Announcements or Comments

Councilman Jester asked Council to make the decisions necessary for signage so that at the next workshop they can discuss the winter schedule for Public Works.

4. Closed Meeting in Accordance with Section 2.2-3711(A)(3) of the Code of Virginia.

• Consideration of the Acquisition of Real Property.

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

Councilwoman Conklin moved, seconded by Vice Mayor Richardson to reconvene in regular session. Unanimously approved.

Councilman T. Howard 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

Adjourn

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

Mayor

Attest: Town Manager



STAFF REPORT

To: Robert Ritter, Town Manager

From: Harvey Spurlock, Director of Public Works
William Neville, Director of Planning

Date: August 27, 2010

Subject: Water Supply Plan

A presentation by Tammy Stephenson, Virginia DEQ, is scheduled for the September 7, 2010 Town Council meeting to explain the requirement for adoption of a Local Water Supply Plan for the Town of Chincoteague. The draft document requires a public hearing that may be scheduled in October and a completed plan must be submitted to DEQ by November 2, 2010.

Local and Regional Water Supply Planning Requirements

The Code of Virginia, as amended by Senate Bill 1221 in 2003 (Section 62.1-44.38:1) requires the development of a comprehensive statewide water supply planning process to (1) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth, (2) encourage, promote, and protect all other beneficial uses of the commonwealth's water resources, and (3) encourage, promote, and develop incentives for alternative water sources, including, but not limited to desalinization.

The new regulation affecting the development of water supply plans in the Commonwealth is the Local and Regional Water Supply Planning Regulation (9 VAC 25-780), which became effective on November 2, 2005. The regulation requires that all counties, cities, and towns in the Commonwealth of Virginia submit a local water supply plan or participate in a regional planning unit in the submittal of a regional water supply plan to the State Water Control Board.

The regulation details the information to be included in a region's/locality's water supply plan, including:

- * Existing Water Source Information,;
- * Existing Water Use Information;

- * Existing Resource Information;
- * Water Demand Management, or current conservation practices;
- * Drought Response and Contingency Plans;
- * Projected Water Demand Information;
- * Statement of Need based on the adequacy of existing water sources to meet current and projected water demand over the planning period (a minimum of 30 years to a maximum of 50 years).

The program was designed as a statewide partnership, localities having the lead role in identifying their future demands and the state providing technical support and oversight

Due dates for Water Supply Plans

The regulation establishes a schedule for submittal of the Local and Regional Water Supply Plans based on a locality's latest population figures from the most recent U.S. Census. Plans are due:

- **November 2010** for Local Governments with Populations Less Than or Equal To 15,000 preparing a local (individual) plan.
- **November 2011** for Regional Water Supply Plans – Local Governments electing to participate in a Regional (more than one locality) Water Supply Plan.

Town of Chincoteague Water Supply Plan Background

A complete draft of the Local Water Supply Plan was prepared for the Town by Mr. J. W. Jeffries based on the following documents:

- a) Town of Chincoteague Water Master Plan (2003, Whitman, Requardt & Associates)
- b) Town of Chincoteague Waterworks Operations & Maintenance Manual (2009)
- c) Application for Groundwater Withdrawal Permit (2000, Malcolm Pirnie Inc., and WRA)

In April 2010, a draft Accomack County Regional Water Supply Plan was prepared by Britt McMillan of Malcolm Pirnie for A-NPDC that is currently under review by the Groundwater Advisory Committee.

Virginia DEQ has completed a preliminary review of both documents and recommends several changes to align them with each other and with the State Regulation checklist. Town Staff is currently working with Ms. Stephenson to complete an updated draft of the Local Water Supply Plan that will be ready for Town Council review in September and public hearing in October.

Staff recommends this item to be scheduled for the next Public Works Committee or Council Workshop, and a public hearing for the Water Supply Plan to be tentatively scheduled for the October 4, 2010 Regular Council Meeting.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council
From: Robert Ritter, Town Manager
Date: August 30, 2010
Subject: Committee/Commission/Board Vacancy Appointments

Councilman Muth has been appointed as the Town Council representative on the Planning Commission, therefore, the remaining portion of his citizen position is currently vacant.

The following applicants have shown an interest in serving on the Commission:

Current Applicants

- 1. Michael J. Dendler, 6316 Cropper Street**
- 2. Helen Merritt, 6165 Maddox Boulevard**
- 3. Nancy Lane, 3890 Main Street**
- 4. S. G. Papadopoulos, 5534 Warren Street**
- 5. Andrew Jorgensen, 6422 Church Street**

Questionnaires submitted by applicants are included in the packet for your review.

The term shall expire on December 31, 2011.

The position has been advertised in the Chincoteague Beacon for two consecutive weeks with a deadline to apply of July 30, 2010. Town Council will need to take the necessary action to replace the above Planning Commission member.

Public Works Committee Meeting

August 3, 2010

MINUTES

Vice Mayor Richardson called the meeting to order at 5:00 pm.

Members Present:

Hon. Ellen Richardson
Hon. John Howard

Also Present:

Hon. John Jester
Mr. Robert Ritter
Mr. Harvey Spurlock

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

Public Participation

None

1. Street Light Addition Marsh Island

Mr. John Howard made a motion that the request for additional street lighting on Marsh Island be granted. The motion, seconded by Ms. Richardson, was unanimously approved.

2. Public Works Report

Mr. Spurlock stated there were no updates to the public works staff reports presented at the regular council meetings however he would be happy to entertain questions. Mr. Howard inquired as to a proposed schedule for drainage improvements on Wayne Rd. Mr. Spurlock explained this issue would be dealt with at length during discussion concerning the storm water master plan, Agenda Item 7. Further discussion was deferred.

3. Water Usage Adjustment Requests

Mr. Spurlock presented and briefly discussed four water usage adjustment requests indicating three of the four were compliant with the adjustment ordinance. The fourth may also qualify if additional documentation was provided by the requestor. Mr. Howard made a motion that three be granted. The fourth was also granted pending submittal/approval of the required documentation. The motion, seconded by Ms. Richardson was unanimously approved.

4. Drainage Master Plan

Mr. Spurlock presented a notional concept, prepared by Clark Nexsen, the Town's storm water management consultant, for a Chincoteague Island Storm Water Master Plan. Several features of the plan were highlighted to include the identification and prioritization of known flooding issues and the development of priorities to include a cost/benefit analysis. Mr. Spurlock explained this document was essential to determining which drainage projects the Town should undertake given limited resources. Mr. Spurlock also noted that the policy would be the cornerstone of the Town's storm water management policy/ordinances. Mr. John Jester commented the plan would greatly further the pursuit of grant funding. The estimated cost for Phase 1 is \$75,000. The committee

agreed to further pursue such a plan. Mr. Spurlock will schedule a council work session to investigate the feasibility of completing the study.

5. Road Lottery Discussion

Mr. Ritter explained staff is in the process of drafting guidelines for a private road lottery program. The ultimate goal of the program is to transfer ownership of private roads to the Town. Transfer would allow the expenditure of public funds to upgrade a privately held road to state standards thereby making the road eligible for inclusion in VDOT's Urban Maintenance Program. Mr. Ritter inquired if the committee members had ideas they felt were critical to include. Several topics were considered for inclusion to include:

- Minimum construction standards;
- A road tax district;
- Matching funds from road owners;
- Title searches/transfer of property.

Mr. Ritter will develop a draft policy document for consideration by the committee.

6. Committee Member Comments

None

Mr. Howard motioned to adjourn the meeting at 5:50 pm, which was seconded by Ms. Richardson and a unanimously approved.

The next meeting is scheduled for Tuesday, October 5, 2010 at 5:00 pm.

Minutes of the August 5, 2010
CURTIS MERRITT HARBOR COMMITTEE

MEMBERS PRESENT

John H. Howard, Chairman
Terry Howard, Committee Member
Ernie Bowden, Committee Member
Mike Handforth, Committee Member

STAFF PRESENT

Wayne Merritt, Harbormaster
Robert Ritter, Town Manager

In Attendance: Mr. Mike Myers

CALL TO ORDER:

Councilman Terry Howard called the meeting to order at 5:00 pm. Chairman J. Howard would be late.

OPEN FORUM/PUBLIC PARTICIPATION:

Mr. Mike Myers informed the committee that he is sub-leasing a slip at Curtis Merritt Harbor as he has not had the fortune of receiving a lease yet himself. He is concerned that no policy exists that requires forfeiture of a slip when it is not in use for a designated period of time. He feels without this policy it will be near impossible to lease a slip and that sub-lease fees are much greater than lease fees. Councilman T. Howard commented on the history of the current policies of the harbor. Mr. Myers then stated that the whole purpose of the harbor is to moor boats and not have vacant slips. People that do not use the slip are punishing him. Councilman T. Howard suggested he document his thoughts and forward them to Mr. Ritter to be included in the next committee meeting.

Some gentleman stated that individuals are abusing the handicap ramp and would like to have it looked into. He suggests having more persons patrolling the area. Harbor Master Merritt states he knows who the main individual is and he is following up on the complaint.

Mr. Robert Watson states he feels the East Side Boat Ramp should be properly marked for proper parking at the facility. Mr. Watson states there were seventeen vehicles with trailers without stickers during the pony swim. Mr. Watson has presented pictures to support his complaint. He further explained his rational with the use of his pictures. Mr. Watson states that a local kayak business is improperly using the ramp and causing severe congestion. Mr. Watson states the handicap ramp needs to be marked. He also states there are no bumpers in the ramp to protect the boats in the ramp. Mr. Watson also has furnished pictures of loose boards at Memorial Park. He also states the ladder at the East Side ramp is not useable.

AGENDA ADOPTION:

Mr. Bowden made a motion, seconded by Mr. Handforth to adopt the agenda as presented. The motion was unanimously approved.

1. HARBORMASTER UPDATE:

Harbormaster Merritt presented the following report:

- A. Subleasing – There was a slow start this year, due to the lack of slips to do so. The subleasing is 75% of last year. New leases and individuals buying new boats this year are listed as the cause.
- B. Security Cameras - The security cameras are installed and working. A few more cameras are needed to get a full 180 degree view of the harbor.

- C. Fish Cleaning - The fish cleaning table has been moved and no new complaints as of this date
- D. Speed Bumps - Speed bumps have been installed in the harbor area and have slowed traffic down.
- E. Dredging – The dredge project was on-going for twenty-two days and resulted in dredging of the Chincoteague Channel to an 11 foot MLW depth. The area looks better than it has in quite a few years. A hump was also removed on the side of the area known as the “Hommocks” (south of the harbor) to a depth of fourteen feet. The main inlet was also dredged to seventeen feet. A post dredging survey will be posted at the harbor.
- F. Grant for fuel – The Town is still waiting for one grant to go through and potentially the project could start this fall.
- G. Vessel Christopher – The boat continues to fill with water; it is however clean and no environmental hazard. The owners are in the process of trying to find away to get rid of the boat.
- H. Lease Information - The yearly slips are all paid except for two individuals. Chairman Howard asked; what is notification process? The harbor master stated that he makes two phone calls and then at thirty days a letter is sent to the lessee with fifteen days to pay or forfeiture of the lease. Six slips have been issued new leases; three to commercial waterman.

2. DISCUSS POTENTIAL CHANGE TO EAST SIDE BOAT RAMP:

Chairman J. Howard announced that Council has tried to work with the kayak businesses as well as the other captains; however, certain individuals are not following the rules. He began reading the rules to include the authority of the Harbormaster as written in the rules. Chairman J. Howard states that these individuals using the East Side ramp are not properly using the ramp. Mr. E. Bowden agrees with Councilman J. Howard. Mr. Bowden does state however, the Commonwealth is trying to cater to kayaks but this use is unacceptable. Chairman J. Howard does not see adding any new laws but to use what is already drafted to alleviate these problems. Harbormaster Merritt advised that when he sees kayaks lying around the ramp, he advises that he makes them move. Harbormaster Merritt suggests placing stripes in the parking lot to delineate parking, in order that he can better enforce impedance of the ramps. Mr. R. Rosenberger speaks from the crowd, advising committee that he has served on the A-NPDC came to the Town to set up kayak trails for the seaside. Chincoteague is currently identified as the northern end of the Virginia kayak trail. He advises the floating dock was installed to allow for launching kayaks to keep the ramp clear, however with design flaws due to spacing individuals are forced to the ramp. He further states that he does not feel more rules need to be imposed but to force the ones in existence. A new discussion developed concerning boat ramp stickers and parking extra vehicles with this business. Mr. R. Watson states that a sticker is needed to park and if there is no sticker present give them a ticket. Mr. R. Rosenberger disagreed. He states that you only need a sticker if you are launching a vessel. Harbormaster Merritt clarified that no decal was needed to park. Mr. Myers questioned that intention of the Leonard Park being the Town’s kayak launch area. Harbormaster Merritt advised that most people come to kayak to Assateague. Councilman J. Howard requests that Mr. Ritter review the rules with Attorney Poulson to determine appropriate course of action. Mr. E. Bowden states that this individual is clearly not following the rules. Councilman T. Howard asked how many businesses are using Town ramps. Harbormaster Merritt advised three. Chairman J. Howard asked why there were not problems with other ramps. Harbormaster Merritt advised that the other businesses using the other ramps comply when advised of a rule infraction thereby alleviating any problems. The gentleman using the East Side ramp just does not comply.

3. DISCUSS A POTENTIAL CONTRACT FOR GRASS CUTTING:

Chairman J. Howard stated that the Town can not get Public Works to cut the grass at that location as it is a separate facility. He feels that a contract should be procured for the grass cutting and weed control. Mr. E. Bowden states that he has never seen a budget as to what is taken in or spent. Harbormaster Merritt

advised that he could furnish him a copy every week. The main concern with grass cutting is potential broken windshields from flying debris. A motion was made by Councilman T. Howard and a second by Mr. E Bowden to accept bids for grass cutting at the harbor. The motion was unanimously approved.

4. COMMITTEE MEMBER COMMENTS:

Mr. E. Bowden states he has been receiving complaints about increase in leases not using Consumer Price Index to adjust the raises as in past years. He would like to see the Town Council to look into such process. The ordinance is very clear that the Harbor Committee makes decisions. Mr. E. Bowden does not like the fact that the committee has not been included. Council T. Howard agrees that the ordinances should be followed. Chairman Howard will send an email to the Town Manager to notify the committee of any harbor related business.

ADJOURNMENT:

Mr. Handforth made a motion, seconded by Mr. Bowden to adjourn. The motion was unanimously approved.

**MINUTES OF THE AUGUST 10, 2010
RECREATION & COMMUNITY
ENHANCEMENT COMMITTEE
MEETING**

MEMBERS PRESENT

John Jester, Chairman
Bob Conklin
Jack Van Dame
Cathy Plant
Gene Wayne Taylor

STAFF PRESENT

William Neville
Robert G. Ritter, Jr.

MEMBERS ABSENT

J. Howard, Councilman
Tripp Muth, Councilman

CALL TO ORDER:

Chairman Jester called the meeting to order at 5:00 pm.

AGENDA ADOPTION:

Chairman Jester wished to add an additional item, 1a, to the agenda pertaining to Committee Terms. Mr. Van Dame motioned, seconded by Mr. Conklin to adopt the agenda. Unanimously approved.

1. COMMITTEE MISSION STATEMENT (ESTABLISH PRIORITIES FOR THE NEXT TWO YEARS)

Chairman Jester asked each member to email him their ideas of what a mission statement should be and what the committee needs to prioritize for the next two years. He hopes to have them at the next meeting.

1a. COMMITTEE TERMS

Chairman Jester advised that the terms for the committee members would be in two year intervals but anyone desiring to remain on the committee would just state that they would like to remain on the committee.

2. COMMUNITY PARTNERS (NANCY LANE- GARDEN CLUB)

Chairman Jester asked the Garden Club to be here because they are a key part of the enhancement of the island. Hopefully they soon will begin work on the downtown project, putting more bricks down and street scaping. What other things could be done to enhance the downtown such as planting of flowers, etc. Perhaps getting more merchants involved.

3. DISCUSSION OF PROPOSED MEMORIAL PARK MASTER PLAN (REVIEW INVENTORY OF FACILITIES)

Mr. Neville stated that several months of consideration of the outcome of the volleyball court being placed at Memorial Park wasn't part of a plan of action and therefore maybe a master plan should be reviewed for all the Town's parks.

Mr. Neville feels this is something that can be done in-house and would be pleased to work with the committee and come up with something in draft form.

Chairman Jester asked if everyone could go down to the park before the next meeting and make a list of things they feel is needed to enhance or any issues they may see. They will look at them and see if they can fit into the budget and prioritize.

Mr. Van Dame feels we also need some preventative maintenance. He feels there needs to be inspections done and someone needs to sign off on them.

There was discussion of the gymnasium located on the old elementary school property. Could the town possibly acquire this property?

4. UPDATE ON CNWR BICYCLE TRAIL EXTENSION (DISCUSSION OF TOWN TRAIL TO EEL CREEK)

Mr. Ritter advised the committee where the extension was at this point. Currently they are in the environmental review process. They are trying to obtain ownership of the right of way. It was given to Accomack County through the Authority, but since annexation it appears it was given to Chincoteague although there is no formal documentation. It is a Town road in the state system that we maintain.

Mr. Taylor stated that it belongs to VDOT and that it is in writing. He can find the document. The next step is having the Corp of Engineers come and meet with the Public Works Director. Then start the permit process. Discussion continued on various other topics in reference to the trail.

5. COMMITTEE MEMBER COMMENTS:

Mr. Van Dame suggested developing minutes for these meetings as not to rehash and having a history of what's going on.

Chairman Jester responded to a visitors comment on the idea of the Town's half marathon. She stated we should consider something like that as a form of recreation for the island. Unfortunately, we would have to have sponsors, first aid etc.

Mrs. Plant had a concern about the mosquito truck spraying in the park when the people are there and the children are playing.

Discussion on dogs at the parks.

ADJOURNMENT:

Mr. Van Dame motioned, seconded by Mrs. Plant to adjourn the meeting. The motion was unanimously approved.

MINUTES OF THE AUGUST 10, 2010 BUDGET AND PERSONNEL COMMITTEE MEETING

Members Present:

Nancy B. Conklin, Chairwoman
John Nelson Jester

In Attendance:

Town Manager Robert Ritter

Call to Order.

Chairwoman Conklin called the meeting to order at 6 p.m.

Public Participation

No one was present for the public participation portion of the meeting.

Agenda Adoption

John Jester moved, seconded by Chair Nancy Conklin, to adopt the agenda as presented.
The vote was unanimous.

1. Committee Mission Statement

- Establish Priorities for next 2 years
 - John Jester said the Employee Personnel Policy must be completed by end of year 2010.

2. Review of a Draft of Personnel Policy Handbook

Town Manager Robert Ritter requested that members review the draft policy and compare to the current policy and let him know about suggestions. Mr. Ritter also explained that he cleaned up the current version by merging pages and clarifying the table of contents.

John Jester asked the difference between Part Time and Temporary employee classifications – Mr. Ritter explained that Temporary or Seasonal employees are Mosquito Control, while Part Time employees are the Emergency Dispatchers. He further explained that Part Time employees receive holiday pay if they work the day before and the day after a holiday. Part Time employees receive no other benefits. Chair Conklin asked about the Pay Scale included; Mr. Ritter explained that the scale included with the policy was from last year.

Chair Conklin asked when the retirement age would be addressed in regards to health insurance benefits. Mr. Ritter explained that there is a suggested version in the Draft Policy.

John Jester said that random drug testing should include all employees. Mr. Jester also said that there should be one Employee Personnel Manual for all departments.

Discussion continued about the Draft Policy.

The next meeting will be September 14, 2010 at 5pm in the Council Chambers.

Committee Member Comments – No Comments

Meeting adjourned at 6:23 p.m.

Ordinance Committee Meeting Minutes

August 12, 2010

Present: Councilman Terry Howard, Chairman
Councilman John Howard
Councilwoman Nancy Conklin
Robert Ritter, Jr., Town Manger

Call to Order

Chairman T. Howard called the meeting to order.

Open Forum

There were none.

Agenda Adoption

Councilwoman Conklin motioned, seconded by Chairman T. Howard to adopt the agenda as presented. Unanimously approved.

1. Consider Revision to Code Section 2.127 – Pony Penning Sales

Town Manager Ritter stated that they want to correct the deadline for submitting the application for Pony Penning Sales. He explained that currently it is “7 days” prior to Pony Penning Week which would fall on a Saturday. He stated that they want to change it to “8 days” so that it would fall on a Friday. He added that it doesn’t change anything because the offices are not open on Saturdays.

Councilwoman Conklin asked if there were any vendors that paid the \$300 Pony Penning Sales Permit fee.

Town Manager Ritter advised there were.

Councilwoman Conklin motioned, seconded by Chairman T. Howard to approve the recommendation and forward to Council to make the change in Code Section 2.127 – Pony Penning Sales from 7 days to 8 days to reflect the current operating hours of the office. Unanimously approved.

2. Establish Priorities and Work Plan for Committee

- **Fill and Drainage**
- **Weed Control**
- **Harbor Ordinance (Ramp Use & Abandoned Boats)**

Harbor Ordinance (Ramp Use)

Town Manager Ritter reminded that all Ordinances and the Charter should be reviewed for possible revisions. He suggested that if there are any questions or anything that needs to be addressed it should be brought to the Committee. He asked if there was anything that they would like to review and work on.

Chairman T. Howard mentioned the boat ramp issue regarding the kayaks. He stated that it is in the Ordinances and should be enforced.

There was discussion about kayaks and the ramp use and abuse by one of the companies at the East Side ramp.

Councilwoman Conklin asked about the abandoned boats at the Harbor.

Chairman T. Howard advised that there was one and it has been handled.

Discussion continued regarding the problems with the Ramp Ordinance and current issues at the ramps along with possible solutions.

Ms. Ruth Lane commented about the problems with the kayak and canoe launching from the floating dock.

Mr. Ray Rosenberger also commented and feels it's inconvenient and precludes its use. He asked if a floating kayak and canoe launching dock would be accessible and usable by the kayak business.

Town Manager Ritter added that according to the Ordinance, none of the business can be conducted at the ramp, they are only permitted to launch there. He mentioned the "Hold Harmless Agreement".

Chairman T. Howard stated that the Town is trying to avoid liability. He expressed his concerns. He feels that the Town's Attorney should review the Ordinance and the Agreement and make sure the Town is covered.

Town Manager Ritter stated that Town Attorney Poulson is at the Council meetings and would have the opportunity to review the documents at that time.

Weed Control

Councilwoman Conklin mentioned a few locations of overgrowth on properties.

Discussion continued regarding the throwing grass into the street causing the storm drains to clog.

Harbor Ordinance (Abandoned Boats)

Town Manager Ritter stated that Councilman Jester suggested an Ordinance that covers abandoned boats at the Harbor.

Chairman T. Howard feels that they need the advice of the Town's Attorney.

Discussion continued.

Town Manager Ritter stated that a member of Council requested a legal opinion regarding abandoned property and weed control authority.

Councilwoman Conklin advised that the Town did this before. She advised that in the past a letter was sent with a picture of the property asking the owner to take care of the matter. She stated that this was effective without another regulation.

Fill and Drainage

Town Manager Ritter also stated that they should review the Drainage Ordinance to avoid owners filling their property causing drainage issues on others. He suggested requiring a swale between properties.

Discussion ensued.

Town Manager Ritter asked Mr. Rosenberger to ask the Planning Commission if there was anything the Ordinance Committee needed to review and work on.

3. Committee Member Comments

There were none.

The next Ordinance Committee meeting is October 14th, 2010 at 5:00 p.m.

Ms. Lane made suggestions about alterations to the floating dock for kayak and canoe launching.

Adjourn

Councilwoman Conklin motioned, seconded by Chairman T. Howard to adjourn the meeting. Unanimously approved.

Sec. 2.127. Pony Penning sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the town, open to the public, for the purpose of disposing of any personal property.

Permit. A permit is required for conducting Pony Penning sales within the town and must be secured ~~seven~~ **eight** days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale.

Permit fee. The permit fee shall be \$300.00.

- (1) Anyone with a valid town business license is exempted from the permit fee.
- (2) Any person who produces documentary evidence to the reasonable satisfaction of the town manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.
- (3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales, and the remaining balance of the deposit, if any, shall be refunded to permittee at the end of such period upon computation of the actual tax due and payable as determined by such sales. Anyone conducting such food sales who has, for a period of three years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required is exempt from this deposit requirement.

Duration of sale; hours of operation; frequency. Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.

(Amended 6/19/08.)