

MINUTES OF THE APRIL 2, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:05 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Ms. Deborah Ullmann, Main Street, expressed her concerns regarding the Wastewater Committee going into closed session to discuss the Sunset Bay sewage system. She feels this was not legal. She also expressed her concerns about the expansion of the wastewater service area and that no one from the Health Department has attended the Wastewater Advisory Committee meetings.

- Ms. Laurie Walton also approached Council regarding the Mother Earth Day and Paint up Fix up and Cleanup week. She mentioned that the hazardous waste will not be there this year. She informed Council of the Eastern Shore Household Hazardous Waste Collection scheduled for Saturday, April 28, 2012 from 10:00 a.m. to 2:00 p.m. in Eastville, Virginia.

STAFF UPDATE

Police Department

Chief Lewis issued the Police Department's monthly report to Council.

Public Works Department

Public Works Director Spurlock issued the Public Works' monthly report to Council.

Planning Department

Town Planner Neville added the Planning Department's monthly report to Council

General Government

Town Manager Ritter gave the General Government monthly report to Council and added that the Town has hired Mr. Alex Hubb for the next Director of Public Transportation. Mr. Hubb was in the audience and stood for the introductions. Town Manager Ritter also stated that staff will be mailing the Town Survey in May. He added that the next quarterly news letter will go out in May and asked Council for input to be submitted as soon as possible.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the agenda. Unanimously approved.

1. Consider Adoption of the Minutes

- **Recessed Council Meeting of March 1, 2012**
- **Special Council Meeting of March 1, 2012**
- **Regular Council Meeting of March 5, 2012**
- **Council Workshop Meeting of March 15, 2012**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the minutes as presented. Unanimously approved.

2. Presentation on the Chincoteague Island Arts Organization, Plans for the Island Theater

Mr. David Landsberger reported to Council that the Chincoteague Island Arts Organization plans to purchase the Island Theater to use as a non-profit Community Center. He advised that they want to continue to use it as a movie theater, as well as for performances and other events. They plan to have live performances and community meetings along with movies and special events.

Mr. Landsberger also stated that each member contributed \$5,000 to go toward the down payment of the property. They have received their non-profit status. He also added that the deed is being signed by approximately 12 people. They are hoping to have an opening day of May 12th.

Mr. Landsberger explained the list of repairs and expenses. They asked for volunteers. He also stated that there are volunteer contractors to do the work also. He explained plans for the renovations and advised they will operate with volunteers. He advised there is an approximate \$200,000 mortgage on top of the down payment plus repairs. He thanked those who have helped and volunteered already.

Mr. Landsberger asked for help from the Town. He stated that the first live concert is scheduled for June 16th. He asked the Town to repair the sidewalk between the theater building and the public restrooms so that the water doesn't run inside the theatre.

Vice Mayor Richardson thanked them for what they are doing.

Councilman T. Howard asked about the name of the theatre. He would like to see the name stay as the Island Theater.

Mr. Landsberger advised that they agreed to name it Island Theater.

3. Discuss a Possible Motion on the Draft Zoning Ordinance

Town Planner Neville presented the completed official Zoning Map that is ready for approval. He stated they followed a thorough and complete process to prepare the zoning amendment with public input. He handed out a couple of minor changes of page numbers and typographical errors. He stated that he included a summary of the changes. He also referred to the Ordinance revisions.

Councilman T. Howard asked about the motion.

Councilman Jester thanked Town Planner Neville for his hard work.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the following Ordinance Amendment and Zoning Map with corrections as amended April 2, 2012 to Appendix A of the Town Code.

AN ORDINANCE FOR ADDITIONS TO AND AMENDMENT OF APPENDIX A (ZONING ORDINANCE), OF THE TOWN OF CHINCOTEAGUE CODE AND COMPREHENSIVE AMENDMENT OF THE TOWN ZONING MAP

WHEREAS, the Town of Chincoteague, Town Council has forwarded a comprehensive amendment of the Official Zoning Map and Zoning Districts, to the Planning commission to review and make recommendations to the town Council for changes that conform to recommended densities and policies of the Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010; and

WHEREAS, the Planning Commission has completed a thorough review which included the establishment of new zoning districts, and a comprehensive zoning map amendment; and

WHEREAS, The Planning Commission scheduled and conducted formal and duly advertised public hearings in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 5-1-1 (S. Papadopoulos absent, Chairman abstained) to forward a favorable recommendation to the Town Council to amend Appendix A of the Town Code (Zoning Ordinance) and the Official Town Zoning Map; and

WHEREAS this ordinance and zoning map amendment has been advertised for public hearing before the Town Council in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with the Code of Virginia, it is stated by the Town Council that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning practice in the Town of Chincoteague and that approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 2nd day of April, 2012, by the Town of Chincoteague Town Council, that Appendix A of the Town Code be amended to read as follows;

BE IT FURTHER RESOLVED this, the 2nd day of April, 2012 by the Town Council that the Town of Chincoteague official zoning map be amended to rezone all parcels as follows;

BE IT FURTHER RESOLVED, that the Town Manager be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

John H. Tarr, Mayor

This Ordinance is effective immediately.

Robert G. Ritter, Jr., Town Manager

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

Unanimously approved.

4. Cemetery Committee Report of February 28, 2012

- **Possible Motion on a Proclamation Designating April 9-14 as Cemetery Cleanup Week.**

Vice Mayor Richardson informed Council that the Cemetery Committee met February 28th. She stated that Town Planner Neville is creating a booklet of all the cemeteries on Chincoteague, the size and ownership. She stated that they discussed which cemeteries are in need of immediate care. She advised that the Cemetery Cleanup Week is scheduled for April 9-14, 2012. She stated that they need donations for maintenance.

There was discussion with Town Planner Neville regarding the Cemetery Map he is creating which includes acreage, location and ownership.

Vice Mayor Richardson mentioned ideas for raising funds for cemetery maintenance.

Councilman T. Howard stated that it is expensive to maintain the cemeteries but feels it needs to be done out of respect.



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of April 9TH through 14TH, 2012, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 2nd day of April 2012.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Proclamation designating April 9-14, 2012 as Cemetery Cleanup Week. Unanimously approved.

5. Harbor Committee Report of March 1, 2012

Councilman J. Howard reported that Wallops Island is getting 62 acres of new property created by a contractor as part of the shoreline restoration project. This is creating a lot of work at the Harbor. He advised there was a shoal blocking the Harbor and they have also opened this up for

boats. Extra lights have been installed for the camera system to improve safety and there are plans to install more.

6. Public Works Committee Report of March 6, 2012

• **Possible Motion on the Inclusion of the Storm Water Master Plan GIS Inventory**

Mayor Tarr reported that the Public Works Committee considered a modification to the service connection. They also looked at a proposal from Clark Nexsen regarding the GIS drainage system inventory.

Public Works Director Spurlock explained that they received a proposal from Clark Nexsen that was reviewed and approved by the Public Works Committee. He advised that the cost is \$18,772.

Mayor Tarr stated that the Public Works Committee recommended that this be approved.

Vice Mayor Richardson motioned, seconded by Councilman Jester to accept the agreement with Clark Nexsen to include the Storm Water Master Plan into the GIS Inventory. Unanimously approved.

7. Budget & Personnel Committee Report of March 13, 2012

Councilwoman Conklin advised that the recent meeting was conducted in closed session therefore has nothing to report.

8. Pavement Contract Approval for Main Street and the Town Dock & Boat Ramp Area

Public Works Director Spurlock explained that there was an amended paving contract. He stated that this is to modify the fall 2011 contract. This extends the pricing, period of performance and scope of work. He advised that the contract is being extended to include the streetscape project along Main Street from Maddox Boulevard to Bridge Street, which is limited to one travel lane and includes the Town Dock parking lot.

There was brief discussion about the grants for the Downtown Main Street Revitalization project.

Councilman T. Howard asked if the price included the driveway entrance into the Town Dock parking lot.

Public Works Director Spurlock advised that it does include the driveway. He also added that they contacted the American Legion to see if they wanted to have their parking area paved also and hasn't heard from them as of yet. He also stated that the funding is under the VDOT Urban Maintenance Funds.

Mayor Tarr also advised that East Side Road has been taken care of. He mentioned his concerns regarding the grant and the work that has already been done.

Councilman Jester motioned, seconded by Vice Mayor Richardson to approve the amended paving contract for Main Street from Maddox Boulevard to Bridge Street (one travel lane), the Town Dock parking lot. Unanimously approved.

9. Recreational Trails Program Authorizing Resolution for a Potential Grant

Town Manager Ritter informed Council of the Recreational Trails Program Grant. He stated that before them is a resolution to seek the grant to help pave the trails, specifically Ocean Boulevard Extension.

Public Works Director Spurlock also gave cost estimates of \$15,000.

Councilman J. Howard suggested looking into the possibility easement for an alternative bike path from Chicken City Road to the Traffic Circle on Maddox Boulevard.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the Resolution for the Recreational Trails Program for the purpose of a potential grant. Unanimously approved.



RECREATIONAL TRAILS PROGRAM AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the Recreational Trails Program, federal funding assistance is requested to aid in financing the cost of trail development; and

WHREAS, the Town of Chincoteague considers it in the best public interest to complete the trail construction project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Ocean Blvd. Extended trail within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;

5. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;

6. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;

7. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held April 2nd, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager

10. Recreation and Community Enhancement Committee Vacancy Appointment

Town Manager Ritter advised that there was only one person that expressed interest in filling Mrs. Cathy Plant's vacant seat on the Recreation and Community Enhancement Committee.

Mayor Tarr opened the floor for nominations.

Ms. Judy Tye also expressed her interest in filling the seat.

Councilman Jester nominated Mr. David Johnson to fill the vacant seat.

Mayor Tarr closed the floor for nominations and called for a vote. The vote was unanimous appointing Mr. Johnson to fulfill Mrs. Plant's vacancy on the Recreation and Community Enhancement Committee.

11. Mayor & Council Announcements or Comments

Town Manager Ritter advised Council of the upcoming Budget Workshop, Wednesday, April 4, 2012.

Mayor Tarr wished Vice Mayor Richardson a happy birthday.

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

- **Probable Litigation**

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss probable litigation. 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)(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.

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

13. Potential Action for Fire Suppression in the Town of Chincoteague

Vice Mayor Richardson motioned, seconded by Councilman T. Howard that the Town of Chincoteague enter into a certain proposed agreement dated April 2, 2012 with the Chincoteague Volunteer Fire Company, Inc., for the Company to provide fire protection and emergency service within the boundaries of the Town of Chincoteague with such agreement to be executed on behalf of the Mayor of the Town of Chincoteague, Inc.

Adjourn

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

Mayor

Town Manager