

MINUTES OF THE FEBRUARY 6, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

Nancy B. Conklin, Councilwoman

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.

PRESENTATION

Mr. Gary Dillon of the Department of Criminal Justice Services presented a formal plaque from the Virginia Law Enforcement Professional Standards Commission that read; "Certificate of Accreditation, This document certifies that the Town of Chincoteague Police Department came before the Virginia Law Enforcement Professional Standards Commission on January 12, 2012, and has met the requirements set forth by the said commission, and is, therefore, certified as an Accredited Agency for a period of four years "Initial Award"."

Mayor Tarr presented a plaque to Chief Edward Lewis which stated:

"Award of Special Recognition; Presented to the Chincoteague Police Department; On The Occasion of Receiving Law Enforcement Accreditation. The Chincoteague Police Department has demonstrated their Commitment and Professionalism in attaining this Distinguished Achievement. On Behalf of the Town Council and The Citizens Of Chincoteague, I Award This Special Recognition to the Police Officers and Staff for Continued Dedication to this Community. February 6, 2012"

Mayor Tarr also presented a letter of recognition to Chief Lewis for his effort in obtaining the accreditation and advised that this letter would go into his official personnel file.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Supervisor Wanda Thornton spoke on the County reassessment. She mentioned that the percentage of other parts of the County assessments would be going down more than the percentage of the Island. She stated that the taxes for everyone on the Island will be going up. She also stated that the County Board of Supervisors will be voting soon on the proposed fire tax from the Fire Commission by adding 3 cents per hundred to the Real Estate Tax and 5 cents to personal property tax.

- Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, read a letter on behalf of the CVFC:

January 30, 2012

Accomack County
Board of Supervisors
Laura Bell Gordy
Accomac, VA 23301

Dear Madam Chairwoman:

As we prepare to divulge the recent vote by the Accomack County Fire Commission to add a three (03) cent fire tax to Chincoteague and raise our personal property taxes by five (05) percent we thought it best to share with you some of the things this company has already done for our sister companies around the County: For starters we gave New Church two rescue trucks, Saxis, a fire truck and ambulance, to Atlantic, loaned one of our fire trucks and gave them a donation for working at our carnival. In the town of Bloxom, we started them off in the ambulance service business by giving them an ambulance. Parksley has been the biggest recipient of our generosity by having one of our fire trucks on loan for over a year and a half, two separate donations in 2011 totaling \$3,400.00 and for at least two years a \$15,000.00 donation for working the sticky apple & cotton candy stand at our carnival. We have never denied a request from a sister company of anything they have asked for.

We have been a contributor to the North Accomack Little League for over thirty years, sponsoring one of the teams and providing manpower to repair fields for play. We sponsor Accomack County Schools by sponsoring Chincoteague Elementary and High School Beta Clubs for their annual trip to Richmond. That is a donation of over \$3,600.00 each year. We sponsor the Chincoteague Youth Football Program that has the majority of its team being Accomack County residents' kids. Nothing the youth of the Island or County asks for is denied by our membership. We have a scholarship program that funds at least three graduates of Chincoteague High School each year for the first three years of their college. Each year at our annual auction we donate the cost of one of the colts to a charitable organization, i.e. The American Cancer Society, Hospice Care of the Eastern Shore, and Children's Hospital of the King's Daughters just to name a few. We are discussing at this time among the decision makers of the company to give back the \$20,000.00 we get from Accomack County and ask to give that money to Saxis to help with their shortfall.

In closing, we work hard for our money and because we are so blessed with support for our endeavors we are able to give something back. If we see we are going to come up short on a project, we roll up our sleeves and go work for it. With all this said, please understand that we are not in favor of taxing Chincoteague Island with a fire tax. We are still able to support our citizens without the burden of, yet, another tax. We ask you to vote NO to option 4, and not strap the citizens of Chincoteague with more financial responsibilities.

Respectfully,

The Officers and Members
Chincoteague Volunteer Fire Company

- Deborah Ullmann of North Main Street, stated that Mr. Spiro Papadopoulos has done a good job with the Wastewater Advisory Committee. She also stated several reasons why it would not be a good idea to hook up folks with possible failing system in the downtown commercial area with a local developer.

STAFF UPDATE

A Staff Report for January 2012 was presented to Council.

The Town Planner Neville presented Council with his report and asked if anyone had any questions. There were none.

Public Works Director Mr. Spurlock advised that the staff report was now being presented in a written format. He noted that most of the projects listed have been or was very near completion. The Public Works Department is gearing up for the summer season.

Mr. John Howard requested additional details on the Town's involvement in the VDOT, Church St. Realignment Project.

Public Works Director Spurlock provided the requested information.

Councilman T. Howard asked if there were plans to install a guardrail on Eastside Road near its intersection with Wayne Road.

Public Works Director Spurlock explained that the side had been evaluated by the guardrail company that had been working on the causeway. It was determined there was insufficient space to install a VDOT approved guardrail. VDOT's safety department has been contacted to determine if other options are available and/or required.

Town Manager Ritter advised that Emergency Medical Staff responded to 63 calls in the month of January, 14 more than January of 2011. Staff was been busy getting ready for the Trolley Audit required by DRPT. An auditor from Cherry, Bekaert & Holland, LLP, come today to audit the books for the Trolley funds. There were no findings. Town Manager Ritter advised that Transportation Manager Van Dame has done a great job.

Town Manager Ritter also reported that the Town recently received supplemental tax billing from the County and hope to mail them in a couple weeks. He reported on the ESVBA, Broadband update. He advised that the contractor has completed installation of the fiber on the Island except some terminal points. They still have to pull the fiber through the conduit for the Fish and Wildlife Service. He advised he will be going to the Virginia Local Government Managers Association (VLGMA) February 15, 16, & 17, 2012. The workshop for February has been canceled as there were no items for the agenda. The Town will work on the fiscal year 2013 budget to be handed out on or before April 1st. He also reported that staff has been working on the Business License renewals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

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

Nays- None
Absent- Conklin

1. Consider Adoption of the Minutes

- **Regular Council Meeting of January 3, 2012**
- **Council Workshop Meeting of January 19, 2012**
- **Council Special Budget Workshop of January 24, 2012**

Councilman T. Howard asked that the excerpt that Mr. Spiro Papadopoulos presented to council at the Regular meeting of January 3 be included in the final minutes.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes with the additional information to be included in the January 3, meeting minutes. Motion carried.

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

Nays-None

Absent- Conklin

2. Eastern Shore Virginia Broadband Authority Update

Mr. Nick Pascaretti gave Council an update on the Broadband project known as the Chincoteague Network Construction. He stated that 99% of the fiber has been placed. The remaining piece is to the Refuge. The contractor needs to bore from one side of the road to the other to reach the conduit that was placed by the Refuge and then the fiber can be installed. Fiber is being spliced now and that is approximately 90% complete. There are active customers on the network now being served by ESVBA and others. Fiber optic splicing work at the old jail is complete.

He reported that the ESVBA is serving Rural Health offices downtown and the ANEC substation. The schools are connected and the Town office has been installed and will be served by ESVBA. He added that ESVBA has received a request for information from a carrier regarding service to Associated Insurance on Maddox as well. They will also serve any customers who request their service. The ESVBA Internet product offering is for dedicated and symmetrical internet access. This service is comparable to Verizon's T1 service which typically costs approximately \$800 to \$1200 per month. However, the ESVBA service is not comparable to Verizon's DSL service, which is typically used by residential and small business customers.

3. Financial Report Presentation by Robinson, Farmer, Cox Associates

Mayor Tarr introduced Mr. Aaron Hawkins from Robinson, Farmer, Cox who presented an overview of the Town's Fiscal Year 2011 audit. Mr. Hawkins highlighted key areas in the audit and showed no discrepancies. The audit firm was grateful for the help from staff.

There were no questions from Council concerning the report.

Mayor Tarr thanked Mr. Hawkins.

4. Public Hearing on the Zoning Ordinance Amendment

Mayor Tarr opened the public hearing and requested a brief presentation by Staff.

Town Planner Neville reviewed the planning process that led up to the public hearing including the recommendations of the Planning Commission and a summary of the public comments received to

date. Comments received from the public prior to the hearing were provided to Council members in a handout. Additional public comments were given as follows:

- Bruce Hamilton, Unit #3 Fiddler Bay Townhomes, expressed concern over the proposed zoning of Salt Marsh to the C-4 Resort Commercial District.
- Peggy Thomas, Eastside Road, requested information to confirm that there would be no change to the C-1 Commercial and R-3 Residential zoning of her property.

Town Planner Neville stated that the zoning district boundaries would be the same and offered to meet her at the Town Office to answer any questions.

- Larry Whitlock, Owner of 'Island Village' subdivision on North Main Street, stated that his 17.5 acre property was 70% uplands. He asked if the Town Council would add a 'grandfather clause' to the zoning district regulations for existing subdivisions. He also requested that the proposed R-4 Resort Residential District would apply to his entire property including the existing lots that have frontage along Main Street (currently zoned R-2 Residential).
- Inga Veneziano, Piney Island resident, opposed the proposed C-4 Resort Commercial zoning of the marsh along both sides of Beach Road leading to the Refuge.
- Jim Rauth, Marsh Island resident and representative of Marsh Island property owners association, supports the proposed zoning change from C-1 Commercial to R-3 Mixed Use Residential. He requested that the Town Council consider changing the Public Piers and Boat Ramps use in the R-3 district from the permitted list to the special permit list. His concerns were for potential conflicts of parking, trailer storage and traffic conflicts on the new bridge spur if a commercial pier or marina was permitted without adequate review by the Town.
- Jane Turlington, Herbie's Lane resident, requested information regarding the proposed zoning of her property to make sure there was no change.

Town Planner Neville stated that the R-3 Mixed Use Residential zoning would be the same with a change to the district regulations making mobile homes and mobile home parks a special use approval rather than permitted by right.

Mayor Tarr asked if there were any other speakers wishing to be heard. There were none. The public hearing was closed, however the public record will be kept open as advertised for 25 days for the submission of additional written comments.

5. Public Hearing on the Possible Budget Amendment

Mayor Tarr opened the public hearing at 8:41 p.m.

There were no comments.

Mayor Tarr closed the public hearing at 8:42 p.m.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the budget amendment as presented. Motion Carried.

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

Nays - None

Absent – Conklin

BUDGET AMENDMENT FY'12

NAME	TYPE ACCT	ORIGINAL BUDGET	AMENDED BUDGET
<u>GENERAL FUND 10</u>			
TRANSFER FROM LGIP GENERAL FUND SAVINGS	REVENUE	14484	109670
SRTS GRANT	REVENUE	0	205840
ATTORNEY/LEG CONSULTANTS	EXPENSE	50600	81200
OLD ELEMENTARY SCHOOL GYM	EXPENSE	5000	33000
PARKS & RECREATION EXPENSE	EXPENSE	12375	36161
TRANSFER TO TROLLEY FUND	EXPENSE	23200	36000
SRTS PROGRAM PROJECTS	EXPENSE	0	205840
<u>MAIN STREET FUND 20</u>			
TEA-21 GRANT MAIN ST	REVENUE	197558	476558
MAIN STREET PROJECT	EXPENSE	231652	510652
<u>TROLLEY FUND 70</u>			
TROLLEY GRANTS	REVENUE	45200	352400
TRANSFER FROM GENERAL FUND	REVENUE	23200	36000
TROLLEY PURCHASE	EXPENSE	0	320000

6. Public Works Committee Report of January 4, 2012

Mayor Tarr presented Council with the Public Works Committee meeting report; at which time there were no comments.

7. Recreation & Community Enhancement Committee Report of January 10, 2012

Councilman Jester reviewed the work program of the Island Activity Center and discussed the draft rules and guidelines. He also reviewed the possibility of adding a member of the Garden Club to the Recreation & Community Enhancement Committee. He reported that there were two action items Council wanted to discuss, one being the Committee Appointments and the other being Rules and Guidelines of the Island Activity Center.

Councilman Jester motioned, seconded by Councilman Muth to add an additional member to the Recreation and Community Enhancement Committee. Motion Carried.

Ayes: Jester, Muth, T. Howard

Nays: J. Howard, Richardson

Absent: Conklin

Councilman T. Howard motioned, seconded by Councilman Jester to adopt two year term limits for the Recreation and Community Enhancement Committee. Motion Carried.

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

Nays: None

Absent: Conklin

Town Manager Ritter will review the two year terms with the Committee. This matter will be brought back to Council at the next regular meeting in March. The rules and guidelines were also discussed.

Vice Mayor Richardson requested something official allowing the Coast Guard to use the Island Activity Center three times per week in the mornings to show the Town's appreciation for the hard work that they put into helping renovate the Island Activity Center.

The rules and guidelines were discussed in great length with the major issue of whether to allow citizens to reserve to Island Activity Center for the purpose of running a business.

Town Manager Ritter advised that it would be a service to the Committee if self-defense was taught at the facility. He also mentioned that currently staff would like to keep the rules and guidelines fluent and should an issue arise that needs to be addressed changes can be made. This is currently the best way to run the facility, since we have never been in the business of having a gym.

Council agreed to allow staff to make the necessary changes, should an issue arise by calling them Rules and Guidelines.

8. Ordinance Committee Report of January 12, 2012

Councilman T. Howard gave Council a report of the recent Ordinance Committee meeting. He stated that the Committee reviewed the Town Charter and did not see anything that was significant to report back to Council. He advised that his original intent to review the Charter was to review what is declared a regular council meeting. He also stated that he does not feel that the Town should call two regular Council meetings per month unless the Ordinance is changed. He advised that the next Ordinance Committee meeting will be February 21, 2012, at 5:00 p.m.

9. Possible approval of a Bid on the Demolition of Unsafe Structures on a Property

Town Manager Ritter reported that on January 9, 2011 and January 16, 2011, staff advertised the notice for bids for the demolition of an unsafe structure belonging to James Berry on Mumford Street. He stated that on January 31, 2012, the Town received two.

The bids are as follows:

- | | | |
|----|---------------------------------|------------|
| 1. | Allen Clark Construction | \$3,995.00 |
| 2. | Adams General Contractors, Inc. | \$7,800.00 |

After reviewing the bids, staff made the recommendation to Council to accept the low bid of \$3,995.00 from Allen Clark Construction.

Councilman Muth motioned, seconded by Councilman Jester to approve the award to the lowest responsive bidder, Allen Clark Construction, for \$3,995.00 to complete the demolition of the dwelling and the garage of James Berry, located at 6306 Mumford Street. Motion carried.

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

Nays: None

Abstain: J. Howard

Absent Conklin

10. Mayor's Ball Donation

Mayor Tarr asked Vice Mayor Richardson to preside over the meeting so that he could excuse himself to make a donation to the Town from the Mayors Ball.

Mayor Tarr presented the Town with a donation in the amount of \$22,000 that was raised from the Mayor's Ball for the purpose of Beach Access and Replenishment. He requested that the money go into a fund for the Beach Access Committee to advise Council of the proper use of the funds.

11. Mayor & Council Announcements or Comments

There were no comments from Council

12. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the code of Virginia

- **Personnel Matters**

Councilman T. Howard moved, seconded by Councilman J. Howard to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Motion carried.

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

Nays- None

Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Jester to reconvene in regular session. Motion carried.

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

Nays- None

Absent- Conklin

Vice Mayor Richardson moved, seconded by Councilman Muth to adopt a resolution of certification of the closed meeting. Motion carried.

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

Nays- None

Absent- Conklin

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)(1) 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, Muth
Nays- None
Absent- Conklin

Adjourn

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adjourn. Motion carried.

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

Mayor

Town Manager