

MINUTES OF THE MAY 7, 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
Terry Howard, Councilman

Council Members Absent:

Tripp Muth, 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

PRESENTATION

Public Works Director Spurlock introduced Mr. Mark Norris with the Virginia Rural Water Association. He advised that the Town has gone from one licensed Waterworks Operator to three.

Mr. Norris explained that the Virginia Rural Water Association is a state association and represents approximately 26,000 water systems. He stated that this allows them to go onsite and offer assistance with items such as tank maintenance and locating lines. He continued to explain that if there is a major event like a storm they're there to help get the water system back up and running. He stated that the reason he is before Council is to present an award to A. J. Bowden who was secretly nominated by Public Works Director Spurlock. They evaluated all the nominees and because Mr. Bowden wasn't able to make the state meeting they decided to come to him. Mr. Norris added that they select an individual that sets the example and code of ethics. He stated that this is an honor to be selected as top Water Works Operator.

Mr. Norris then presented an award for Top Water Works Operator of the Year to Mr. A. J. Bowden. He advised that this will be reported in the quarterly magazine also. There was applause from the audience

Mr. Bowden thanked Public Works Director Spurlock for nominated him and he also thanked the Town. He added that he has two employees that are good workers and have recently been certified. He stated they do a good job and it is a pleasure to have them.

Mr. Norris added that there is a 60-70% failure rate on this test and this was an accomplishment for the Town's waterworks technicians to obtain the license.

Mayor Tarr congratulated Mr. Bowden and thanked him for his many years of service and hard work for the Town.

Councilman T. Howard stated that Mr. Bowden is a deacon at his church and he never fails to ask the Lord to bless the leaders of our state and town. He stated he is impressed and appreciates everything Mr. Bowden does.

Mayor Tarr advised he has another award this evening for Mr. Greg Merritt. He asked Mr. Drew Merritt to assist. He thanked Mr. Merritt on behalf of the Town of Chincoteague and presented him with an award for dedicated service.



TOWN OF CHINCOTEAGUE
Certificate of Recognition
presented to
Mr. Greg Merritt
for dedicated service to
the Town of Chincoteague and
the Eastern Shore of Virginia on the occasion
of his retirement from the Eastern Shore News.
Dated this 7th day of May 2012
John H. Tarr, Mayor

There was applause from the audience.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr introduced Student Government Mayor Timisa Johnson asking her to introduce the Student Government participants.

Student Government Mayor Johnson introduced the participants in the Student Government Day:
Town Manager – Jeffrey Beebe
Chief of Police – Courtney Rhoades
Director of Public Works – Drew Merritt
Town Council Members – Taylor Bailey, Warren Fosque, Raesha Savage, Annie Taylor, Rachel Orlando and Connor Derrickson.

Student Government Mayor Johnson advised they went to different businesses asking what they would like to see change within the Town. They discussed the different ideas to make Chincoteague a better place. She advised that they talked about Maddox Campground and the beach situation.

Student Government Public Works Director Merritt suggested having more youth activities and suggested utilizing the Island Activity Center. He also added that the Island is a “bit boring” in the off-season.

Student Government Councilwoman Taylor talked about the south side of the parking lot at the Chincoteague Veteran’s Memorial Park. She advised that it gets flooded and ducks are all in that area. She feels it needs addressing as it’s a hazard.

Mayor Tarr thanked the students for participating and the school for allowing the classes to continue to do the Student Government Day. He asked Council to vacate their seats for pictures of the Student Government Participants.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Ms. Lexi Hubb advised Council that about a year ago a theatre company was formed called the Chincoteague Island Theater Company. She advised that the Chincoteague Cultural Alliance was approached with an idea to utilize the Theater. She gave background of her qualifications in theater. She stated that the Cultural Alliance agreed to sponsor the endeavor. She also advised that the 3rd Thursdays Theater Series will begin May 13th through October being held by Sundial Books. She then explained of the background of some of the members.

Mrs. Hubb expressed her excitement of the purchase of the Island Theater and hopes to utilize the stage with live performances. She requested that if anyone is asked or approached about the Island Theater to please advise of the newly formed Theater Company. She stated that Chincoteague not only has a theater as a space but as an art form. She also advised they are working on advertisement.

- Mrs. Ginny Van Dame commented on the recent election and stated that the Seafood Festival was a wonderful event.

- Ms. Laurie Walton, Main Street Merchants, stated that at their last meeting, they discussed signage at the foot of the bridge. She advised they presented their ideas to Town Manager Ritter which is on the agenda later in the meeting.

- Mr. J. W. Jeffries commented on Mr. A. J. Bowden’s award. He expressed how proud he is of Mr. Bowden for his dedicated service to the Town.

- Mrs. Helen Merritt thanked Council for recognizing Mr. Greg Merritt on his retirement. She added that she is proud of him also.

Mayor Tarr again thanked Mr. A. J. Bowden for all his hard work.

STAFF UPDATE

Police Department

Major Mills issued the Police Department's monthly report to Council and asked if there were any questions. There were none.

Public Works Department

Public Works Director Spurlock issued the Public Works' monthly report. He also stated that Mr. Chris Quillen has successfully obtained his Waterworks License.

Councilman Jester asked for an update on the Church Street, Chicken City Road and Ridge Road intersection.

Public Works Director Spurlock reported that the intersection was closed in all 4 directions approximately 9:00 a.m. today until the project is complete in approximately 3 weeks.

There were a few questions regarding the closure. Public Works Director Spurlock also added that all the utility work is complete and they are working on the road.

Councilman J. Howard commented.

General Government

Town Manager Ritter gave the General Government monthly report to Council. He reported that they received word that the Town has been selected for round 2 consideration of the Transportation Enhancement Grant for the east side of the downtown revitalization project for next year. He also stated that the current project is expected to be completed by Memorial Day. He added that at the very least, the concrete sub-base will be completed. He advised that the paving of the downtown area will be sometime after Memorial Day.

Town Manager Ritter stated that staff is still working on the Line of Duty Act and a resolution will be discussed at the next council meeting. He stated that there is open enrollment for employees' health benefits coming up in June with no premium increase. He added that they are finalizing the survey and asked for input from Council. He concluded that the Town Newsletter will be distributed in the Beacon in a couple of weeks.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

• Recessed Council Meeting of April 2, 2012

Councilman T. Howard asked for a few corrections in the minutes of the April 2, 2012 meeting. He clarified that on page 3, the current name of the theater was the "Roxy" and he was saying to change the name back to the "Island Theater". He also stated that on page 8, on the resolution, #3 to remove the word "it" after hereby.

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

2. Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week of May 12th through May 18th to coincide with the Mother Earth Day celebration. Unanimously approved.

Councilman J. Howard asked if in the coming years the Town could coordinate the clean-up, paint-up, fix-up week with the tire disposal of the County which was last week.

Town Manager Ritter advised that they changed it to coincide with the Mother Earth Day weekend.

Councilman T. Howard feels that all three events should be coordinated.

Town Manager Ritter also added that on May 17th, there will be a 2nd bulk trash collection and reminded anyone who has bulk trash to contact Mrs. Fox at the Town Office to be placed on the schedule.



Resolution for Spring Clean up, Paint up, and Fix up Week

A RESOLUTION of the Town of Chincoteague Island, Virginia, to acknowledge the importance of Earth Day and support the community-wide activities and events that remind us of our Island's connection to the rest of the planet.

WHEREAS, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for conserving our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Town of Chincoteague Island and our citizens are committed, through the goals of the Comprehensive Plan, ordinances, policies and our actions, to the conservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 12, 2012; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

WHEREAS, during this celebration, we have the opportunity to demonstrate to ourselves, our

neighbors, and our visitors, our commitment to a clean and beautiful town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, INC:

1. That the week of May 12th – May 18th, 2012 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 14 –May 18, 2012 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

John H. Tarr, Mayor

Attest: _____
Robert G. Ritter, Jr., Town Manager

3. Resolution on Designating Hurricane Awareness Week

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the Resolution on Designating Hurricane Awareness Week for May 27th through June 2nd. Unanimously approved.



**RESOLUTION
Hurricane Preparedness Week 2012**

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 27-June 2, 2012 has been designated "Hurricane Preparedness Week"; and

Whereas, with the Town of Chincoteague being an Island, is vulnerable to the devastating effects a hurricane or tropical storm can cause. With the average land elevation of 3.5 feet above mean high tide could face loss of life and property if such a disaster occurs; and

Whereas, both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices. Such preventative action could save lives; and

Whereas, the Town of Chincoteague Emergency Management, the National Weather Service, and the Commonwealth of Virginia strongly suggest that all residents and visitors to the Town of Chincoteague be aware of the high winds, flooding and severe weather that may occur in conjunction with a tropical storm or hurricane.

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 27-June 2, 2012 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

Attest: _____
Robert G. Ritter, Jr., Town Manager

4. Proclamation for Safe Boating Week

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the Proclamation for Safe Boating Week of May 19th through May 25th. Unanimously approved.



PROCLAMATION

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. But with this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat.

WHEREAS, responsible boaters will learn the local boating regulations, master the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters.

WHEREAS, U. S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

WHEREAS, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, “Life Jackets. They Float. You Don’t.”

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 19 through 25, 2012 as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 7th day of May, 2012

Mayor John H. Tarr
Town of Chincoteague, Inc.

Sr. Chief Petty Officer A. Mark Kannan
U. S. Coast Guard
Station Chincoteague

Janie Conquest
Vice Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

5. Phase 1 if the Six year Plan for Public Transportation

Town Planner Neville advised that in December 2011 Council adopted the Final Report for a Town of Chincoteague Transit Development Plan which included several recommended alternatives. The trolley brochure for 2012 included the changes suggested by the report and required by Virginia DRPT. He stated that they decided to expand some of the service hours or days. He also stated that the suggestion is to increase the season by adding another Saturday in October, which gives an additional 5 days.

Town Planner Neville also stated that there was an adjustment proposed for the “Red Route”. He stated based on ridership there wasn’t a strong need to create that loop in the system. They decided to go as far as the turn-around on Ridge Road before Ocean Breeze. He also reported that there is a provision for a Non-Discrimination Policy to be able to go off the route for people with disabilities.

Town Planner Neville advised that the Star Transit Blue-Line service to Chincoteague is scheduled to start this month. He stated that they're going to see how many people sign up to be able to implement this.

6. Public Hearing on the Zoning Ordinance, Section 2.127 Pony Penning Sales

Mayor Tarr asked Town Manager Ritter if this was properly advertised.

Town Manager Ritter advised it has been properly advertised and sent to the appropriate committees.

Mayor Tarr opened the public hearing at 8:48 p.m. There were no comments. Mayor Tarr closed the public hearing at 8:49 p.m.

Town Attorney Poulson reiterated that the fee is now \$50 instead of \$300 and anyone can get a permit.

Town Planner Neville stated that the choice was to get a \$50 Business License or a \$300 Pony Penning Permit, so everyone was purchasing a Business License.

There was discussion.

Town Planner Neville also advised that there was an exemption in the meals tax portion of the Ordinance regarding Pony Penning Sales. He explained that the exemption states that if they have food sales for 3 years they are exempt from paying a deposit in the amount of \$500. They decided to eliminate this and give the deadline of 30 days to report meals tax or the deposit is then forfeited to the Town.

There was discussion.

Town Planner Neville advised that this is changing the Zoning Ordinance through the public hearing process and placement in the Town Code. He asked if Council wanted to move forward and this would be a two part action. He added that the new application for the permit would also be revised to list the new standards and eliminate the exemption.

Mayor Tarr advised that there are two actions that need to be taken. One is to change Zoning Ordinance Section 2.127 and the second is to adopt the changes to Town Code Section 18-96 Pony Penning Sales.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the recommendation from the Ordinance Committee in Section 2.127, Pony Penning Sales. 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 that are open to the public during the period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately

~~following Pony Penning. for the purpose of disposing of any personal property. A permit is required for conducting Pony Penning sales within the Town in accordance with Chapter 18 of the Code.~~

~~Permit. A permit is required for conducting Pony Penning sales within the town and must be secured seven 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.)~~

Councilman J. Howard motioned, seconded by Councilman T. Howard to adopt the changes as recommended by the Ordinance Committee to Section 18-96 Pony Penning Sales. Unanimously approved.

Sec. 18-96 Pony Penning Sales

(a) *Generally.* *Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that are open to the

public ~~during the event.~~—~~for the purpose of disposing of any personal property.~~

(b) *Permit.* A permit is required for conducting Pony Penning sales within the town and must be secured 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. Yard sales are prohibited during the event.

(c) *Permit fee.* The permit fee shall be \$50.00.

(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 sales 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. Report of actual sales must be submitted ~~by August 20th~~ **within 30 days from the end of the event.** Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to permittee 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 (3) years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required, is exempt from this deposit requirement.~~

(d) *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 05/07/12)

7. Resolution to Request Transfer of Bridge Street Right of Way

Town Manager Ritter advised that this is requested from VDOT for Bridge Street along with the Marsh Island area where the old bridge tenders house is to transfer ownership of this property to the Town.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the resolution for the Department of Transportation to transfer certain real property to the Town of Chincoteague, Inc. Unanimously approved.



**RESOLUTION PETITIONING THE COMMONWEALTH OF VIRGINIA
TRANSPORTATION BOARD TO TRANSFER CERTAIN REAL PROPERTY TO THE
TOWN OF CHINCOTEAGUE**

WHEREAS, the Commonwealth of Virginia rerouted that portion of State Route 175 know as Bridge St. on Chincoteague Island as the result of the Chincoteague Island Bridge Project also known as VDOT Project Number 1896 Contract ID Number 0175-001-V12, C502,B606;

WHEREAS, all aspects of the construction of the Project are complete and title to the real property encompassed by Bridge Street remains vested in the Commonwealth; and

WHEREAS, the Town maintains the Property and believes it would be in the Town's best interest for title to the Property within Bridge Street be transferred to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF
CHINCOTEAGUE ISLAND, VIRGINIA;**

1. That the Town of Chincoteague hereby petitions the Commonwealth of Virginia, Transportation Board, pursuant to Code Section 33.1-149 of the Code of Virginia, as amended , to transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Project as shown on Exhibit A -1, A-2, & A-3, attached hereto and made a part hereof, which constitutes a section of public road, to the Town of Chincoteague, and to take such other action as necessary to complete the conveyance of title to the Town of Chincoteague, and upon transfer, such section of road shall cease being a part of the State Highway System.

2. That the Town Manager, or his authorized designee , is hereby authorized to execute any and all documents on behalf of the Town to complete the conveyance of title to the Property,

containing such terms and conditions deemed necessary and sufficient by the Town Manger and in a form deemed satisfactory by the Town Attorney.

Adopted by the Town Council of the Town of Chincoteague Island, Virginia, this 7th day of May, 2012.

Robert G. Ritter, Town Manager

8. Public Safety Committee Report of April 2, 2012

Mayor Tarr advised that the report is included in the agenda and asked if there were any questions. There were none.

9. Recreation and Community Enhancement Report of April 10, 2012

- **Directional Sign at the Bottom of the Welcome Sign Entering the Island**
- **Name the Overlook at the Curtis Merritt Harbor, Mariner's Point and Have a Sign Put up as Soon as Possible**

Councilman Jester reported that Mrs. Nancy Lane from the Garden Club and Mr. David Johnson were appointed to the Committee. He advised that one of the issues was the directional signage to be placed at the bottom of the welcome sign at the foot of the bridge. He stated that the other issue is naming the overlook at the Curtis Merritt Harbor "Mariner's Point".

Town Planner Neville informed Council that the Downtown Merchants Association appreciates the current sign. However, would like to have a directional sign at the bottom that is visible when people arrive on the Island. He explained some options and advised that the Downtown Merchants Association suggested an alternative. He stated that staff would like to get some feedback from Council.

There was further discussion. They decided that the front side should be directional to the historic downtown and the back side of the sign should be directional to the Robert Reed Waterfront Park.

Councilman Jester also explained that they discussed naming the overlook at the Curtis Merritt Harbor "Mariner's Point". He advised that with the work done there they feel it should be formally named and a small sign placed on the existing fence.

Councilman Jester motioned, seconded by Councilwoman Conklin to name the overlook at the Curtis Merritt Harbor "Mariner's Point". Unanimously approved.

10. Ordinance Committee Report of April 12, 2012

- **Water Utility Service Connection and Extensions Code Amendment**
- **Pony Penning Sales Permit Ordinance, Chapter 19 Code Amendment**

Councilman T. Howard reported that Public Works Director Spurlock gave the Committee information on Service Connection components and extensions. He stated that currently all

water mains have to be 6” and the change would give him the discretion to install the size main that would be sufficient. He also mentioned another change referring to easements.

Public Works Director Spurlock also explained that the first proposed change is more of a housekeeping issue using an easement regarding the property that doesn't front a water main. The other is a constructive change to the water main size.

Town Manager Ritter explained the corrections.

Town Attorney Poulson stated that paragraph B only applies to an easement prior to November 7, 1991. He feels there is a problem. He stated that there are two kinds of easements; ingress and egress, which is strictly for this and a right-of-way is for all reasonable, necessary and incidental uses that would go with a residence. He also added that this is for utility type purposes. He further explained easements.

There were questions from Town Attorney Poulson regarding the new easements created after 1991.

They discussed potential scenarios. There was lengthy discussion and Council decided to ask Town Attorney Poulson to review the ordinance further.

Sec. 62-87. Service connection requirements.

(a) Each parcel requiring a service connection to the water system shall be adjacent to a water main. Where properties are not adjacent to a water main, the following shall apply:

(1) The water system (nearest main) shall be extended at the expense of the property owner and in accordance with the requirements of section 62-88.

~~(2) A parcel may be served from a meter and connection located on the property of others, provided that the parcel owner has a recorded perpetual easement granted by the other property owner which provides for the installation and maintenance of the water meter and service line between the town's water main and the parcel to be served. The minimum width of such easement shall be five feet. The use of easements as described in this subsection shall not apply to any legal division of property occurring after November 7, 1991.~~

~~(3)~~ (32) A parcel may be served from a connection, meter and service line located in an ~~existing older easement and/or right-of-way, provided the use of such is not~~ specifically described. The minimum width of such easement shall be five feet. The town will interpret such easements and rights-of-way- to allow for total usage, which would include the right to install and maintain water utilities. Such easements and rights-of-way as described in this subsection must be adjacent to a water main and be contiguous to the involved parcel. The term "older" as used in this section, shall refer to property or divisions of property legally recorded prior to ~~December 6, 1974~~ November 7, 1991.

(b) The use of nonspecific older easements and rights-of-way and perpetual easements shall only be permitted when there is no other practicable avenue available to provide water to the requiring parcel.

Sec. 62-88. Water main extensions.

(a) The owner and/or developer of a parcel requiring a water main extension by virtue of the requirements of subsection 62-87(a) shall request such extension from the town in writing. With the written request, the owner and/or developer shall also submit recorded drawings, plats or surveys depicting the parcel to be served by the requested extension. Such drawings shall include the delineation of the utility easements to be used by the town for the placement and maintenance of the requested water main. Delineated easements on recorded drawings shall include the finished grade elevation of the easement area. In the absence of utility easements being included in recorded drawings, easements and certification of elevation may be conveyed through separate perpetual deed of easement or agreement to the town. Utility easements shall be a minimum of ten feet in width. Pavement for roadways shall not be installed over utility easements.

(b) Upon review of the request and within 30 days of the request, the town shall design and size the appropriate extension to the water system and calculate the cost of installation of the extension. Costs shall include an administrative fee percentage, set by the town council. The requester will be notified of the cost of the installation and allowed 30 calendar days to initiate the installation by paying the provided cost. If payment is not made within the allotted time, the requester shall submit subsequent requests as necessary to allow the town to calculate the new cost. The town shall have the right to recover costs incurred from repeated design and calculation in subsequent cost calculations.

(Amended 4/19/07)

(c) Once payment for an extension is made, the town shall schedule and implement the work within 60 calendar days.

(d) Water main extensions shall be designed and sized on a case-by-case basis, ~~but in no case will pipe with inside diameter sizes of less than six inches be used for mains~~, nor will required fire hydrants be deleted from a potential extension.

(e) Property owners assume all responsibility for delineation of property to be served by water mains and the delineation of utility easements to be used for the installation of water mains. All property markers relevant to water main installation shall be in place in the field and located prior to the town's installation work.

(f) All obstructions to the path of the water main and service connections shall be cleared by the property owner prior to installation work.

(Code 1977, § 15-4-3; Ord. of 4-5-1999, § 15-4-3)

11. Mayor & Council Announcements or Comments

Councilman T. Howard discussed the road conditions in certain areas. Referring to road work and repairs, he asked if there is some kind of equipment to fix the road back so that it doesn't become an insult to an almost perfect road.

Councilman T. Howard suggested allowing him to ride with Public Works Director Spurlock to show him some areas in need of repair.

Councilwoman Conklin commended Mayor Tarr and his wife Sherry as leaders of the Annual Seafood Festival for the Chamber as it was a wonderful affair. She also advised that the Cinco de Mayo celebration for the museum was a wonderful occasion.

Councilman Jester stated that it was good to have such events on the Island. He also stated that someone suggested that next year's museum celebration should be "Chinco de Mayo".

Councilman J. Howard stated that he would like to see the Town attempt to adopt some of the roads in Ocean Breeze. He would like to talk to Mr. Tull about this. He asked Town Manager Ritter to look into this further. He also commented that he doesn't want all the men at once digging in a hole for fear something would happen to them all.

Town Manager Ritter wished Mayor Tarr a happy birthday. He also congratulated Councilman Jester and Mayor Tarr on winning the election.

Mayor Tarr reminded Council to sign up for the annual Chamber meeting scheduled for Wednesday at Don's Seafood.

Adjourn.

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

Mayor

Town Manager