

MINUTES OF THE MAY 16, 2013
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

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

Council Members Absent:

J. Arthur Leonard, Vice Mayor

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:08 p.m.

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PUBLIC PARTICIPATION

- Mr. Raymond Britton approached Council regarding a denied Building Permit for Mr. Reginald Stubbs and the builder, Mr. Luke Britton. He advised that Building and Zoning Administrator Lewis wouldn't put the reason it was denied in writing. However, he was given a copy of the Code. He explained that Mr. Luke Britton is licensed and is state certified. He also advised in a portion of the Code it stating that Mr. Stubbs can build and sell as many houses as he wants as Mr. Stubbs doesn't live in the houses. Mr. Britton explained the Code.

Building and Zoning Administrator Lewis interjected that he contacted the state about Mr. Stubbs' question. He was advised by the state that Mr. Stubbs was considered a "developer" and would be required to be licensed through the state and at that time gave Mr. Luke Britton the number. He stated that Mr. Luke Britton called back advising that he was told the same thing.

Mr. Raymond Britton stated that he called and spoke to someone in charge explaining the situation. He was advised that as long as the owner wasn't living in either of the residences being built he was not considered a developer.

Mr. Luke Britton also stated that the first time he called he spoke with the same woman that Building and Zoning Administrator Lewis spoke to getting the same answer. However, when he called back was told something different.

Mayor Tarr stated that this issue came up before and it has to do with sub-contracting. He suggested Town Manager Ritter, Building and Zoning Administrator Lewis and the contractor to call Richmond for a straight answer.

Building and Zoning Administrator Lewis listed several land owners that were required to obtain a state license as a developer. He stated that this is a State Board of Contractors issue.

Councilman Taylor stated that it is a 2-day class to be certified and he offered his assistance. He suggested Mr. Stubbs going through with it.

Mr. Britton asked for the State Code reflecting the requirement to be a certified developer.

There was discussion about the definition of a developer.

Town Manager Ritter scheduled a meeting to contact the State Board of Contractors regarding developers.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Richardson motioned, seconded by Councilman Jester to adopt the agenda adding item 2a. Causeway Signs. Unanimously approved.

1. Possible Sign Ordinance Revision

a. Discussion of BZA Action and Planning Commission Recommendations

b. Discuss a Possible Re-scheduled Joint Public Hearing

Town Planner Neville stated that the Planning Commission received and reviewed the information regarding signage. He also stated that Town Attorney Poulson gave his language with several choices for a possible change. He added that the current sign ordinance was dealing with larger properties having more than one business.

Building and Zoning Administrator Lewis stated that the BZA granted a variance to allow a 64 square feet sign that would be in compliance with current Zoning and the remainder of 100 square feet could be placed on the building.

There was brief discussion.

Chairman Rosenberger stated that there was confusion and explained the Planning Commission's dilemma. The Planning Commission was trying to look for some degree of fairness. He stated that there were many "what ifs". He also stated that with the BZA approval it eliminates the problem until the existing Chincoteague Inn restaurant comes down.

Building and Zoning Administrator Lewis informed Council that with the BZA approval the sign has to be 10 feet back which would put it in one of their required parking spaces. He added that to comply with Zoning creates a lot of variables. He stated that doing away with the foot-by-foot measurement of permitted signage does away with the confusion. He feels that keeping the total square footage limits is sufficient.

Mayor Tarr is concerned with someone putting a shed on a lot and claiming it to be a business. He added that this should be a bonafide, standalone business. He added that a storage building isn't a business.

Building and Zoning Administrator Lewis stated future sign permit applications can refer back to the intent.

There was further discussion.

Town Planner Neville stated that the Ordinance does address the single building with multiple businesses. He also stated that Town Attorney Poulson reorganized this but didn't change the way it's set up. He added that there is a maximum of 100 square feet to be divided between the tenants in the building. He explained to Council the proposed changes listed in yellow highlighting verses what is listed in green. He added that the foot for foot signage keeps it in proportion to the building. He explained that it also states that if there is a larger building with multiple tenants more signage is necessary.

Mayor Tarr stated that the best scenario would be under one big building and multiple businesses. He added that they can't put that scenario in the free standing.

Chairman Rosenberger stated that they can always go back to the "Special Use" permit.

Councilman Jester stated that Maddox Boulevard has the issues of multiple businesses on a property. He asked what was going to happen with these newer businesses.

Building and Zoning Administrator Lewis advised that their biggest problem is the 10 feet setback for the sign. He stated that it could be a problem if the neighbor wants to put a sign up on the same property line.

Town Planner Neville discussed free standing signs and the sign area.

They discussed the properties along Maddox Boulevard that have been sold or have the potential to be sold.

Councilman Taylor gave a suggestion with further discussion.

Mayor Tarr asked Council if they were okay with staff working on this further. He stated they could come up with visuals and let the Planning Commission look at this once more before bringing it back to Council.

There were some suggestions for further review.

2. Presentation/Discussion – FEMA Draft Preliminary Flood Insurance Rate Maps

Town Planner Neville advised that FEMA is working on a Coastal Flood Study based on analysis of recent storms. The draft will be unveiled in June and is a yearlong process for public comment. They then make changes based on the comments and the final flood maps will be put out. There is a 6 month review period and at that point it is up to the Town to update our maps. He included the maps from FEMA for review. He pointed out the purple lines which are cross-section lines for specific elevation data of sand dunes, vegetation, houses and sea walls that puts all the information into the computer model. He advised that the good news is that the flood mapping is potentially going to be less restrictive than the current maps are. He advised that the

entire island is shown within the 100 year floodplain today. The new maps are showing that some of the ridges didn't go under causing the new models to show certain areas that are not included in the floodplain.

Town Planner Neville explained the purple zone as an area out of the flood zone. He recommended there be no comments at this point. He pointed out the black line with triangles explaining the meaning of the limit of moderate wave action.

There was discussion regarding sand dunes.

Town Planner Neville advised that he included the image of what the flood elevation would look like and the high velocity zones. He stated that this confirms that all the models are where they tracked 20 different hurricanes with the wave and flooding patterns. He added that in this vicinity the base flood elevation has gone down.

Building and Zoning Administrator Lewis advised that for the Building Officials there are 2 books that indicate different wind zones. He foresees the next Building Code change from 125 mph to 90mph.

Discussion continued.

Town Planner Neville stated that in the two sets of maps, FEMA is using mean sea level and NOAA is using mean higher high water level. The difference between the two are approximately 2 ½ feet.

Mayor Tarr feels that with a change there should be consideration in changing the Building Code also.

2a. Discussion of Causeway Signs

Town Manager Ritter advised that Mr. Barry Abell requested to have a 2nd Causeway sign as a nonprofit. The sign is advertising the Watermans' Memorial. He explained that Mrs. Boothe allowed Mr. Abell to put a sign on her billboard sign but was unable to mention a raffle on it. He is requesting another sign and would like to mention the raffle for the Wartermans' Memorial fundraiser. He showed pictures of the proposed signage. He also added that the sign advertising the memorial raffle will be taken down in October.

Building and Zoning Administrator Lewis advised that the policy allows 1 Causeway sign per business. Mr. Abell is requesting an additional sign.

Town Manager Ritter advised that he is not conducting a business he is sponsoring the Watermans' Memorial.

Council discussed the cost of the memorial and all the work Mr. Abell has done in raising money for this.

Councilman Taylor motioned, seconded by Councilman Muth to allow Mr. Abell to put an additional sign on the Causeway advertising the Watermans' Memorial and both signs to be removed after the raffle in October 2013. Unanimously approved.

3. Council Member Comments

Councilman Jester suggested moving the workshop meetings to the 2nd week of the month to conduct the businesses during the first 2 weeks of the month.

Chairman Rosenberger thanked Council for reviewing and listening to the recommendations from the Planning Commission.

Building and Zoning Administrator Lewis advised, as a citizen, he does not like the traffic cones that were placed at the corner of Church Street and Ridge Road intersection. He feels it's a hazard.

There was discussion about the intersection.

Mayor Tarr stated that the intersection is much better than it was. He also mentioned concerns expressed of the business parking on Ocean Boulevard for the new business on the Main Street corner.

Building and Zoning Administrator Lewis advised that there will be no approval for a Business License until there is adequate onsite parking. He also answered questions about the handicap ramp width.

Mayor Tarr advised that they will finish paving Willow Street Monday or Tuesday of next week. He also advised of a conference call with Congressman Rigell regarding beach parking.

Town Manager Ritter advised that the CCR will be published in August.

Councilman Jester advised the Mr. Lou Hinds will be retiring August 30th.

Adjourn

Councilman Howard motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

Mayor

Town Manager