

MINUTES OF THE MAY 6, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

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

INVOCATION

Student Government Councilwoman Yasmine Johnson offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr introduced the Student Government Mayor, Mr. Cole Chesser who introduced the other students and positions:

Mayor, Cole Chesser
Town Manager, Sarah Cathey
Chief of Police, Derek Clark
Public Works Director, Nick Chesnoski
Councilman, Zach Allen
Councilman, Josh Cabbage
Councilwoman, Yasmine Johnson
Councilwoman, Taylor Moltedo
Vice Mayor, Rebekah Reed
Councilwoman, Amber Sipe

Student Government Mayor Chesser addressed Council regarding some of the issues that were discussed in their meeting earlier. He advised of the issues with the drainage at the foot of the new bridge. They discussed possible solutions, who they should contact and the costs associated. He stated that they also discussed the Sign Ordinance, which was the majority of their meeting's discussion. They suggested raising the amount of signs per business per property as opposed to a large sign or going by square footage.

Student Government Mayor Chesser also advised that they discussed the Camper's Ranch property. They suggested that the Town purchase this property for parking for the Seafood Festival, 4th of July or Pony Penning and for fundraising events. They would like to see more

community events and to pay for this with the fees for parking. He stated that there aren't enough lights at Memorial Park for fishing off the pier.

Mayor Tarr thanked the Student Government attendees.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mrs. Nancy Lane and Mr. David Landsberger addressed Council on behalf of the Chincoteague Island Arts Organization. They invited Council to attend an update with their Directors at the Island Theatre on June 7th at 7:00 p.m. This is regarding transforming the interior of the theater for multiple uses. They would like the community and Council to be involved. They will also show a free movie at 8:00p.m.

- Mr. Raymond Britton stated that he has been a marine contractor on Chincoteague for over 40 years. He advised that in the past month the Town's Building Official has started requiring building permits for storm damaged piers. He stated that he has never had to obtain a permit for a storm damaged pier or bulkhead in the past. He added that the County Zoning Official, David Fluhart wrote a letter advising that they do not require a permit for repairs due to storm damage. He also added that Mr. Hank Badger with the VMRC along with the Army Corps of Engineers issued letters advising that they do not require permits for storm damage repairs.

Mr. Britton stated that he has a copy of the requirements from the Building Official about obtaining a demolition permit. He also stated that he didn't need a demolition permit as they were demolished by the storm. He wanted to know why this just recently came about. Mr. Britton made further comments.

Mayor Tarr asked Building and Zoning Administrator Lewis how long the Town has been requiring a building permit for repairs to a pier from storm damage.

Building and Zoning Administrator Lewis advised that minor repairs don't require permits. He added that Mr. Britton and his grandson have been completely rebuilding the projects. He stated that he has pictures of the "repairs".

Mr. Britton stated that this wasn't true and explained the actual repairs that would and wouldn't require a permit from the Army Corps of Engineers.

Mayor Tarr advised that the Town would look into this further and speak with the Town Attorney along with contacting other localities to see how they are handling these types of permits.

- Mr. Luke Britton also addressed Council regarding obtaining building permits for repairs to storm damaged piers and bulkheads. He advised that he spoke with the Town Manager and Building and Zoning Administrator Lewis about this issue. He was advised that the main concern with the piers were safety and the requirement for a permit for "safety". He agrees that it isn't safe for children to be on a storm damaged pier. He needs immediate action as he has

clients that need repairs to their piers. He added that because of this process it could take months adding that renters will be coming into town with children on the piers and he needs the permits to rebuild the dock. He doesn't mind having to obtain the permit. However, he minds the length of time it takes to get one. He asked Council if it was fair or safe to take a month or longer to obtain the permit for a repair to 20% of a pier.

- Mr. Steve Potts on behalf of the Chincoteague Center came before Council in opposition to the possible change in the Transient Occupancy Tax and flat lining the funding to the Center. He advised that in the beginning they received 25% of the Occupancy Tax. It was reduced to 17% and now 14%. He feels that this is the premier venue attracting patrons to local businesses. He advised that last year the Center hosted 38 "free" events. He stated that the value to the community of the "free events" was over \$34,000. He added that flat lining the funding will not help reduce the costs or increase the free community events. He compared the costs of the Center to other eastern shore facilities. He mentioned the Blueberry Festival. He urged Council to reconsider the decision to reduce the funding to the Center. He thanked Council for listening.

Mayor Tarr stated that in the packet there was a list of free events and asked for a list of the paid events also.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the Planning Report in the packet summarizes the events that led up to the discussion about the Sign Ordinance revision on the agenda this evening. He highlighted the public hearing originally scheduled for this evening adding that it will not take place as it wasn't publicized properly. It is on the agenda for additional discussion. He mentioned the Safe Routes to School Program. There is a pre-scoping meeting with the engineer on Wednesday where they will present the plans for VDOTs approval.

Town Planner Neville stated that the Joint Land Use Committee kicked off last week. He stated that this should accomplish two things; the Wallops military base will plan for the activities they want to hold inside the gates and Accomack County will plan for land uses and needed infrastructure surrounding the facility. It's an opportunity for Accomack County while working on their Comprehensive Plan to accommodate the rocket launches and restricted airport zones. He advised that this is just getting it all on the same map.

Town Planner Neville stated that he met with FEMA about the new Flood Plain Maps. He stated that the Chesapeake Bay is getting hit a little harder and the Island seems to be a little less. He also reported that they are working on getting the fishing pier at Bridge Street started. VDOT is finishing the deed with conveyance to the Town on May 10th. The design will then go out for bid and the project to start hopefully this summer.

Councilman Howard asked why there has been such a delay on this project on Bridge Street.

Town Planner Neville advised that the process has been based on the bridge project coming to a close and the Commissioner of VDOT ruling on an abandoned ruling. He advised that Bridge

Street is serving several properties on either side. He stated they want to make this part of the park with the Town having access and maintaining it.

Police Department

Chief Lewis advised that the monthly report was included in the agenda. He will have a personnel matter to be discussed in executive session. He stated that on May 11th the Police Department will hold a fundraiser at the Chincoteague Inn to benefit the Waterman's Memorial. He also reported that on May 18th there will be a bicycle rodeo for young adults.

Public Works Department

Public Works Director Spurlock stated that there is a report in the agenda packet. He added that the base coat has been put on Willow Street. They will be back in a couple of weeks to install the surface coat and striping will follow. He added that the bike path on Beach Road (Maddox Blvd. ext) will be paved then also.

General Government

Town Manager Ritter reported that there were 60 EMS responses for the month of April which is down 7 from April 2012. He advised that the Downtown Revitalization Project is on schedule to be put out on bids the end of June to obtain approval from VDOT and start construction in September. He stated that the Trolley service was started up for the Seafood Festival this past Saturday and will be running through the summer. He advised that Town Decals are still on sale and there has been collection of past due taxes in the amount of over \$42,000 because of the decal sale. He reported that Finance Director Hipple attended a course regarding bankruptcies. He stated that there will be a public hearing, June 3rd for the budget.

Councilman Jester asked if the broadband contract has been awarded.

Town Manager Ritter advised the contract has been signed with Eastern Shore Communications. They will be advertising and putting up regular equipment.

Councilman Howard mentioned the revenue increase in the Tangible Tax.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda adding items #5b, Water Distribution Capital Improvement Plan Update and #9b Resolution on Revenue Sharing on Recycling Collection Fees and the Spring and Fall Cleanup Projects. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of April 1, 2013**
- **Budget Workshop Meeting of April 8 & 9, 2013**
- **Council Workshop Meeting of April 18, 2013**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the minutes as presented. Unanimously approved.

2. Public Hearing on the Request to Vacate a Subdivision Lot Line

Mayor Tarr asked Mr. David Landsberger to give a brief description of his plan to vacate a subdivided lot. He explained that by vacating the line and making it one lot the septic and building would be on one lot and the parking and restaurant would also be on one lot. As it stands they are nonconforming, however, grandfathered.

Mayor Tarr opened the public hearing. There were no comments. Mayor Tarr closed the public hearing.

Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the Vacation of a Subdivision Lot Lines in the name of Racing Moon, LLC, for Lot 1-X and Lot 2-X to show as Lot X. Unanimously approved.

AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT PURSUANT TO SECTION 15.2-2272.2

WHEREAS RACING MOON, LLC, a Maryland Limited Liability Company is the owner of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 1-X (Tax Map No. 031A00100X00000) and Lot 2-X (Tax Map No. 031A00100X00001), on a certain Plat of Survey entitled “Division of Land Into Lots X, Y, Z, For Wyle Maddox Piney Island, Chincoteague, Accomack Co., Va.”, dated 3/28/70, made by R. L. Beebe, C.E. and revised May 10, 1972 to show Lot “X” divided into 3 lots, said Plat of Survey being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Deed k 317 at Page 353; and,

WHEREAS Racing Moon, LLC, has requested that the line shown on said Plat as N 79 degrees 36’ 50” E, 151.70’, dividing Lot 1-X and Lot 2-X, being a part of “X” 1.046 Ac. be vacated so that the two lots become one lot to be used for the existing commercial building known as The Chincoteague Diner, 7085 Maddox Blvd., Chincoteague, Virginia; and,

WHEREAS, all notice requirements of Section 15.2-2204 have been complied with; and,

WHEREAS, the governing body affirmatively finds that no owner of any lot shown on the aforesaid plat, or any adjacent or abutting property will be irreparably damaged by the said vacation of said line.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

That the line N 79 degrees 36’ 50” E shown on the Plat entitled “Division of Land Into Lots X, Y, Z, For Wyle Maddox, Piney Island, Chincoteague , Accomack Co., VA.”, dated 3/28/70, made by R. L. Beebe, C.E. and revised May 10, 1972 to show Lot “X” divided into 3 lots, said Plat of Survey being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Deed Book 317 at page 353 be vacated.

As a result of the said vacation of said lot line as shown on the aforesaid Plat, Lot 1-X and 2-X shall become one lot having a length on the westerly side of said lot of 200 feet on Maddox Blvd. and shall be known as 7085 Maddox Blvd, Chincoteague, Virginia.

That the Town Manager, after the time for an appeal of the adoption of this Ordinance has expired, or if appealed, the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk’s Office for the Circuit Court of Accomack County, Virginia.

Ayes:

Vice Mayor J. Arthur Leonard
Councilman Terry Howard

Nays:

STATE OF VIRGINIA
COUNTY OF ACCOMACK

Councilwoman Ellen W. Richardson
Councilman Gene W. Taylor
Councilman John N. Jester, Jr.
Councilman Eugene Trip Muth

Sworn to and subscribed before me by
John H. Tarr this 6th day of May 2013.

Notary Public

Reg. #

Approved as of May 6, 2013

3. Public Hearing on the Request to Vacate a Subdivision Lot Line

Mayor Tarr asked Mr. A. J. Bowden to explain the vacation of a subdivision lot line.

Mr. Bowden stated that the lot between his property and lot #14 along with the lot #15 to be moved to the middle vacating both lines on either side. He also added that he would like to vacate the lot line between his property and his mother's property. He stated it has been surveyed and ready just awaiting approval.

Mayor Tarr asked if this conforms with the current Zoning.

Building and Zoning Administrator Lewis advised it changes the property from non-conforming to conforming.

Mayor Tarr opened the public hearing. There were no comments. Mayor Tarr closed the public hearing.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the vacation of 3 subdivision lot lines adding one in the names of A. J. Bowden, Mary Bowden and John H. Howard Lot #14A. Unanimously approved.

AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT PURSUANT TO SECTION 15.2-2272.2

WHEREAS, Alfred J. Bowden is the owner of certain parcels of real estate situated in the Town of Chincoteague, Accomack County, Virginia, identified as Tax Map No. 30A5-A-649A on a certain deed dated June 19, 1984 between Mary E. Bowden and Alfred J. Bowden which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 474 and Deed Book 343 at page 167 and Tax map No. 30A5-22-A1 on a certain deed dated June 19, 1984 between Mary E. Bowden and Alfred J. Bowden which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 474 and Deed Book 343 at page 167; and

WHEREAS, John H. Howard is the owner of a certain parcel of real estate situated in the Town of Chincoteague identified as lot 16, Tax Parcel Tax Map No. 30A5-22-16, which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 343 at page 167; and

WHEREAS Mary E. Bowden is the owner of certain parcels of real estate situated in the Town of Chincoteague identified as lot 649, Tax Map No. 30A5-A-649, which deed is recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia in Deed Book 222 at page 425 and Tax Map No. 30A5-22-A, which deed is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 477 at page 472; and

WHEREAS, the lots enumerated above are further shown on a Plat of Survey entitled "Boundary Line Adjustment Plat of Lot 15, Lot 16, Parcel "A" & Rodney Bowden parcel (Deed Book 343, Page 167) Tax Parcels #030A52200001500, #030A52200001600, #030A52200A00000, #030A52200A00001, #030A5A000064900 & #030A5A0000649A0 town of Chincoteague, Accomack County, Virginia for Alfred J. Bowden)" dated December 10, 2012 by Michael A. Starling, Land Surveyor, (the "Boundary Line Adjustment Plat") which Plat is attached hereto and made a part hereof; and

2. That as a result of the aforesaid vacation and relocation of the property line, Alfred J. Bowden and John H. Howard shall execute and record a deed of exchange conveying the necessary portions of each lot to each other so as to fully vest title to each party to their respective lot as contemplated hereby.

3. That the Ordinance shall have no legal affect until conveyance and recordation of said deed of exchange.

4. That the line at N 36°26' 49" E be vacated as shown on the Plat entitled

"Boundary Line Adjustment Plat of Lot 15, Lot 16, Parcel "A" & Rodney Bowden Parcel (Deed Book 343, Page 167) Tax Parcels #030A52200001500, #030A52200001600, #030A52200A00000, #030A52200A00001, #030A5A000064900 & #030A5A0000649A0 Town of Chincoteague, Accomack County, Virginia for Alfred J. Bowden)" dated December 10, 2012 by Michael A. Starling, Land Surveyor.

5. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office of Accomack County, Virginia.

Ayes:

Vice Mayor J. Arthur Leonard
Councilman Terry Howard
Councilwoman Ellen W. Richardson
Councilman Gene W. Taylor
Councilman John N. Jester, Jr.
Councilman Eugene Trip Muth

Nays:

STATE OF VIRGINIA
COUNTY OF ACCOMACK

Sworn to and subscribed before me by
John H. Tarr this 6th day of May 2013.

Notary Public

Reg. #

Approved as of May 6, 2013.

4. Discuss the Zoning, Sign Ordinance, Section 7.13 Commercial Districts

Town Planner Neville explained the Planning Commission's recommendation for more study regarding freestanding signs. He stated that Town Attorney Poulson recommended a few minor changes to consider. He reviewed the dates that this can be re-advertised for the public hearing. He discussed the public hearing and advertisement.

Town Planner Neville also advised about the BZA variance application regarding signage.

Mayor Tarr asked about the interpretation and enforcement.

Building and Zoning Administrator Lewis advised that they are assuming that there is a situation where there are 2 freestanding buildings that each would have the right to have a 64 square foot sign for each building. He also mentioned the Landmark Plaza that would be able to have 3 freestanding signs.

Councilman Howard expressed his concern that a shed will have a 911 number and allowed to have a large sign also.

Building and Zoning Administrator Lewis stated that if a shed has a phone installed, it can have a 911 number. He also feels that it's all in the way it is worded and there should be a limit on freestanding signs. He stressed that this depends on the classification. He understands the intent. He suggested excluding wayside stands and accessory structures from being eligible for a freestanding sign.

Town Attorney Poulson explained that he attempted to point out potential problems. He asked about a building with 4 businesses and how the signage would be allocated. He reviewed the proposed Ordinance again and is more confused. He feels they are trying to amend within the existing language. He stated that there is nothing in the Ordinance referring to "free standing" buildings. Town Attorney Poulson suggested dealing with one business on one lot, then in another section, one building one lot with multiple businesses, and one lot with more than one free standing buildings.

There was further discussion.

Town Planner Neville feels there should be some further changes before bringing it back to Council.

Town Attorney Poulson advised that he will review and forward his suggestions to Town Planner Neville.

They discussed scheduling the public hearing with advertisements on May 22nd and 29th. The joint public hearing could be scheduled for June 3rd, 2013 at the regular Town Council meeting.

Discussion continued. The Planning Commission was requested to review Attorney Poulson's suggestions and provide additional recommendation to Council on May 16th.

5. Bid Award for a 5 Year Sanitation Collection Contract

Public Works Director Spurlock advised that there were 2 bids for the 5 year continuation of the Sanitation Collection Contract. He also stated that by awarding Davis Disposal the contract this saves the Town approximately \$250,000 for the duration of the contract. He stated that Davis Disposal's bid was \$1,802,082 and Waste Management's bid was \$1,829,205.80. He recommended a contract renewal with Davis Disposal as they were the low bidder.

Vice Mayor Leonard motioned, seconded by Councilman Howard to award the contract for a 5 year Sanitation Contract to Davis Disposal in the amount of \$1,802,082.00. Unanimously approved.

5b. Water Distribution Capital Improvement Plan Update

Public Works Director Spurlock reported that he received the proposal earlier in the afternoon from Whitman Requardt. He advised that this report was done 10 years ago and advised the total cost of \$19,500 would be needed for an update.

Mayor Tarr stated that this is the proposal to update the Town's water supply distribution model in the Town's Capital Improvement Plan for the water system. He stated that it is 10 years old and a lot of the ideas in the plan have been completed or should be done as it will give the Water Department a plan for the direction the Town should be going.

Councilman Howard motioned, seconded by Councilman Muth to adopt the Water Distribution Capital Improvement Plan. Unanimously approved.

6. Public Safety Committee Report of April 2, 2013

Mayor Tarr advised there is a report in the packet and asked for questions. There were none.

7. Ordinance Committee Report of April 11, 2013

- **Possible Revision to Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec 18-96, Pony Penning Sales**
- **Possible Revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy), Sec 54-262, Allocation of Funds**

Councilman Howard advised that the minutes are included in the packet. He stated that there two items to discuss this evening. One matter is Pony Penning Sales, Chapter 18, Sec. 18-96. The other is regarding the Transient Occupancy Tax increase change from last year.

Councilman Howard read and explained the changes and recommendations to Council regarding the Pony Penning Sales Permit.

Mayor Tarr asked staff if the Town is requiring vendors to obtain a permit 8 days prior to the Saturday preceding Pony Penning.

Town Manager Ritter explained they are asking to replace that verbiage to give staff time to review and process the license application. He added that Building and Zoning Administrator Lewis has to review, conduct a site visit and approve the application before it is processed and monies are collected.

Building and Zoning Administrator Lewis added that this also keeps those vendors from coming into town the day before Pony Penning and cutting out those regular Chincoteague businesses. He added that they have to be prepared to participate.

Councilman Howard added that it gives staff more time to check what these vendors are planning to do.

There was brief discussion.

Vice Mayor Leonard asked how this affects those participating in the Blueberry Festival.

Town Manager Ritter stated that those participating couldn't just come into Town and purchase a Business License. They would obtain this Pony Penning Sales Permit which used to be \$350 because of those coming into town to compete with the full time businesses. He added that with the loophole they would bypass the Permit and buy a regular Business License at a lesser cost. He advised that the Ordinance Committee felt they are coming into town to take away the local business. They felt it necessary to make their fee a little higher than the regular businesses.

Vice Mayor Leonard added that they also know ahead of time their plans to come into town.

Town Manager Ritter advised that staff contacts the vendors on the Blueberry Festival list making sure they're going to buy the permit prior to the deadline. He added that staff is accommodating, however, feel that they need 8 days for review and processing.

Councilman Howard stated that staff is very accommodating and does everything possible to assist. He also asked about charging the difference of \$10 to those who have already bought the permit.

Town Manager Ritter stated that those who already have their permits will not be charged more. They will charge the new fee from this point forward.

Councilman Jester motioned, seconded by Councilman Muth to approve the revision to Chapter 18, Businesses, Article II, Licenses, Division 2, Specific Businesses and Occupations, Sec 18-96, Pony Penning Sales. Unanimously approved.

**Code
Chapter 18,
Businesses,
Article II, Licenses,
Division 2, Specific Businesses and Occupations**

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.
- (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~~**\$60.00.**
- (1) Anyone with a ~~valid~~ **an established** town business license is exempted from the permit fee, **but shall be required to obtain a permit. An established town business license shall mean a business that has a permanent location within the town limits and operates at a minimum of 90 days per year.**
- (2) Anyone selling prepared food as defined in the town's meals 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 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 the permittee upon computation of the actual tax due and payable as determined by such sales. Town established businesses that sell prepared food are exempt from the \$500.00 deposit as long as they currently report such activity on a monthly account.
- (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 a business and must comply with all applicable zoning and business licensing requirements.
- (e) **Yard sales are prohibited the Saturday preceding Pony Penning day, until the Saturday after the Pony Penning event.**

Councilman Howard explained the changes regarding the Transient Occupancy Tax change. He advised that when the idea of a civic center came about they visited other centers. He stated that they found one that was operating in the black. He understands that the majority of civic centers' don't make a lot of money and are supported by the communities.

Councilwoman Richardson asked Councilman Howard about the agreement establishing the percentage of Transient Occupancy Tax.

Town Manager Ritter advised that there was a set percentage. He stated that approximately 6 or 7 years ago Council went through the Ordinances and consolidated everything making it an amount set by Council each year. He added that in this case Council would be setting a rate each year. He explained the change in percentages over the past few years, which still allowed them to receive the same amount of money.

There was brief discussion.

Town Manager Ritter also explained that by setting a specific amount per month it helps out the Center, whereas during the winter months the Transient Occupancy revenue is substantially lower than in the summer months. He reminded Council that the Center also gets 5% of the Meals Tax revenue.

Discussion continued.

Mayor Tarr explained that part “a” is taking out a specific amount for an annual appropriation to the Center, which is approximately \$110,000 per year. He stated that every year Council expects the Center Authority to come and let them know if this amount is appropriate. He stated that the math has to be done on the old rate of what was actually collected.

Town Manager Ritter advised that there will be a clear amount in July when they report June’s gross receipts.

Mayor Tarr stated that the other change is the 25% to be allocated for Tourism and Recreation.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy) Sec 54-262, Allocation of Funds adding “(b) Beginning July 1, 2013, subject to annual appropriation, twenty-five (25) percent of the total amount collected shall be set aside for expenses and/or reserve for Recreation or Tourism purposes.” Unanimously approved.

There was further discussion and clarification of the second part of the vote.

Councilman Jester motioned, seconded by Councilman Muth to approve the revision to Chapter 54, Taxation, Article IV, Excise Tax (Transient Occupancy) Sec 54-262, Allocation of Funds adding the letter “(a)” and striking “at a rate”, establishing an amount set by Council each year. Unanimously approved.

CODE
CHAPTER 54
TAXATION
ARTICLE IV. EXCISE TAX (TRANSIENT OCCUPANCY)

Sec. 54-262. Allocation of funds.

(a) Beginning July 1, 2007, subject to annual appropriation, an amount ~~at a rate~~ established by council each year on all revenues collected by the Town in accordance with this article shall be distributed to the Chincoteague Recreation and Convention Center Authority for the operation and maintenance of a community center as long as it functions as such.
(Code 1977, § 6-29; Ord. of 10-19-2000) (*Amended 6-4-07*)

(b) Beginning July 1, 2013, subject to annual appropriation, twenty (25) percent of the total amount collected shall be set aside for expenses and/or reserve for Recreation or Tourism purposes.

8. Resolution on the Annual Spring Cleanup, Paint-up, Fix-up Week

Vice Mayor Leonard motioned, seconded by Councilman Howard to adopt the Resolution on the Annual Spring Cleanup, Paint-up, Fix-up Week for the week of May 11, 2013 through May 18, 2013. Unanimously approved.



RESOLUTION FOR SPRING CLEANUP, 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 11, 2013; 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, IN COUNCIL MET:

1. That the week of May 11th – May 18th, 2013 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 11 – May 18, 2013 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

9. Resolution on Designating Hurricane Awareness Week

Councilman Jester motioned, seconded by Councilman Howard to adopt the Resolution on Designating Hurricane Awareness Week from May 26, 2013 to June 1, 2013. Unanimously approved.



**RESOLUTION
Hurricane Preparedness Week 2013**

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 26-June 1, 2013 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 26 -June 1, 2013 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

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

9b. Resolution on Virginia Department of Transportation Revenue Sharing on Recycling Collection Fees, Spring and Fall Cleanup.

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adopt the Resolution on Revenue Sharing on Recycling Collection Fees, Spring and Fall Cleanup. Unanimously approved.



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2014, Revenue Sharing Program; and,

WHEREAS, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Cleanup Projects;

NOW, THEREFORE, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing project.

ADOPTED by unanimous vote of the Town Council on May 6, 2013.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

10. Proclamation for Safe Boating Week

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the Proclamation for Safe Boating Week from May 18, 2013 to May 24, 2013. 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 drowning 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, "Ready, Set, WEAR IT!"

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 18 through 24, 2013 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 6th day of May, 2013

Mayor John H. Tarr
Town of Chincoteague, Inc.

Lieutenant James Erickson
U. S. Coast Guard
SFO-ES

Warren C. Peake
Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

11. Mayor & Council Announcements or Comments

Councilwoman Richardson mentioned the demolition of the Bernstein house on Main Street. She suggested doing something about saving some of the historical homes on the Island.

Vice Mayor Leonard thanked the Town and the Chamber for the Annual Seafood Festival. He felt it was well attended.

Mayor Tarr also stated that the Chamber deserves a pat on the back for all the hard work they do for this event.

Councilman Jester added that the annual event brings a lot of revenue to the Town. He also mentioned the rocket launch and the attendance. He feels there should be more coordination with Chincoteague. He stated that the next launch is scheduled for August. He feels the Town should be more proactive with the website showing where to park and locations of viewing.

Councilman Taylor was impressed with the Student Government and their suggestions and concerns. He also suggested keeping them in everyone's thoughts and prayers.

Councilman Howard expressed his concerns regarding the Pine Bark Beetle. He asked if using the mulch from grinding the affected trees will endanger the healthy trees. He would like this

checked into. He stated that this is devastating all over the island and needs to be addressed before the island is treeless. He reminded everyone of the trees given away during the Mother Earth Day celebration that are indigenous to the island. He suggested doing whatever needs to be done to plant more trees on the island.

Town Manager Ritter reminded Council of the Public Safety meeting, Tuesday, May 7th at 5:00 p.m. They will be discussing the Emergency Operations Plan. He announced that the Public Works Committee meeting has been cancelled.

12. Closed Meeting in Accordance with Section 2.2-3711(A) (1 & 7) of the Code of Virginia

- **Legal Matters**
- **Personnel Matters**

Councilman Howard moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1 & 7) of the Code of Virginia to discuss legal and personnel matters. Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Leonard to reconvene in regular session. Unanimously approved.

Vice Mayor Leonard moved, seconded by Councilman Muth 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)(1 & 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- Leonard, Jester, Howard, Richardson, Muth, Taylor
Nays- None
Absent- None

13. Town Manager's Contract

Adjourn

Councilwoman Richardson motioned, seconded by Vice Mayor Leonard to adjourn.
Unanimously approved.

Mayor

Town Manager