

MINUTES OF THE JANUARY 7, 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

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Joe Justice thanked Council for clearing the ditch behind his property. He also asked if there were plans for flood gates at the south end of the island.

Public Works Director Spurlock advised that there are no new developments at this time.

- Ms. Robin Rothschild thanked Council for allowing her at WCTG to serve the Island for the last 4 ½ years. She advised that it has been an experience. She stated that the station has been transferred to another company and wishes them the best. She added that she has loved serving and living in the community and hopes that she can put the Chincoteague name out to a larger audience as she is now working with the National Public Radio station. She again thanked Council.

Mayor Tarr thanked Ms. Rothschild for her committed service to the Town.

- Mr. Jim White asked Council about a study for the possibility of a traffic light at the Church Street, Chicken City Road and Ridge Road intersection.

Town Manager Ritter advised there has been no update as of yet. He stated that they were going to do another study after the intersection change.

Mr. White also asked about a “Golf Cart Ordinance”. He stated that Cape Charles allows the use of golf carts. He advised that he has researched different locality ordinances. He stated that

Virginia law doesn't allow the use of golf carts on public roads. However, it gives municipalities the authority to allow it. He stated that the most important use of the golf cart is safety. He gave Council a draft ordinance and registration along with a copy of the Virginia Code. He read an excerpt from the Code of Virginia that stated that a Town that has established its own Police Department may authorize the operation of golf carts within its boundaries. He feels that for environmental, traffic and safety reasons it is better for the community.

- Mr. David Landsberger, Chincoteague Island Arts Organization, gave an update to Council. He advised that they obtained their nonprofit status approximately a year ago. They have paid the down payment for the Island Roxy Theater. They have refurbished the front of the building and marquee. They have a grant for \$35,000 to install a new roof within the next several weeks. They are raising the money to put a new roof over the projection room also. They raised over \$30,000 to convert to digital projectors ordering a new projector. He stated that the money has been matched by the projection operator. This will give digital quality and surround sound. He stated that they had a movie after the Tree Lighting Ceremony and there have been 2 concerts that were a success.

Mr. Landsberger also stated that they plan to put in a new floor and seats in the spring. There have been major renovations and more on the way. He also added that the next step is to connect to the sewer. They will be opening up in the spring with the new digital system.

Councilman Howard stated they have done a lot of good work. He appreciated that they brought the theater back to its original name.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the monthly report is in the packet. He stated that there is a Planning Commission meeting tomorrow night and they want to continue a discussion about economic development. They will discuss whether the Town should be considered as a Virginia Main Street Community. They plan to start the process of reviewing ordinances for possible modification.

Town Planner Neville also advised that there is a Beach Access Committee meeting at the end of the month. He commented on the Prime Hook NWR CCP that is in the 30 day comment period in Delaware.

Police Department

Chief Lewis also advised that the monthly report has been included in the agenda packet. He had nothing further.

Public Works Department

Public Works Director Spurlock stated that his monthly report is also included in the agenda packet. He stated that they spent the majority of December cleaning up from Hurricane Sandy. He also stated that the debris collection is complete and they are at 80% complete with chipping. He discussed the reimbursement from FEMA.

Councilman Howard mentioned the chipping.

Councilman Taylor mentioned the flood gates.

Public Works Director Spurlock stated that it will take a great deal of money to continue with that study. He stated that when the tide gets high enough to cause damage to Fowling Gut it breaches the road as well. He stated that it will slow it down, but when the tide comes in it's all over the road and comes in on the south side of the island as well. He feels it would be a better investment to dredge Fowling Gut to store more water. He also suggested elevation surveys.

There was further discussion.

Mayor Tarr asked Public Works Director Spurlock over the next couple of months to look at Fowling Gut. He suggested looking into a flood gate figuring out the key components and costs associated with it.

Councilman Jester suggested looking into the drainage along Hallie Whealton Smith Drive.

Mayor Tarr discussed the reimbursement from FEMA. He asked if it were going back into the budget where the costs occurred.

Town Manager Ritter advised that there will be a budget amendment for review at the Workshop on January 17th, 2013.

General Government

Town Manager Ritter reported that in December the EMS responded to 60 emergency calls, 5 more than December of 2011. He stated that the EMS staff has received the final signature for the protocol for the medical hypothermia equipment on the ambulances.

Town Manager Ritter also stated that the Broadband Committee has received proposals from three wireless providers. They will review the proposals and conduct interviews negotiating the contract. He stated that after the negotiations the contract will be given to the Town's Attorney for his review. He also added that staff has been working on a 5-year budget.

Town Manager Ritter advised that at the next Council workshop they will discuss the budget revisions, go over grant tracking and review the LGIP. He stated that they will also discuss the car decals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

1. Consider Adoption of the Minutes

- **Regular Council Meeting of December 3, 2012.**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the minutes of the regular council meeting of December 3, 2012. Unanimously approved.

2. Public Hearing on the Request to Vacate a Lot Line in Oyster Bay II

Town Manager Ritter advised this is a lot line vacation and restructuring the lot with the common grounds in Oyster Bay II.

Mayor Tarr opened the Public Hearing.

Mr. Jeff Potts, Coldwell Banker and representing Mr. Phillip Ettinger, explained the reason for the lot line vacation, which is because of setbacks.

Mayor Tarr closed the Public Hearing.

Councilman Howard asked if it was an equal swap of properties.

Mr. Potts confirmed that it was an equal swap and explained the differences in the surveys from years ago to current. He added that the new surveys are done with a GPS which is more accurate.

Councilman Howard asked about the Oyster Bay Board agreement.

Mr. Potts stated that the Board consists of 9 members and they voted on December 6th, 2012. He advised that no one voted against it. He stated that Mr. Ettinger is on this Board and did not vote.

Councilman Howard asked if there was any irrevocable damage to adjoining property values there.

Mr. Potts advised there would be none.

Mayor Tarr asked if the Board has the power to dispose of property for the entire association.

Mr. Potts stated that the properties are governed by the Board of Directors and offered a copy of the community covenants.

Councilman Taylor asked about the setbacks for the sewage systems in the new survey.

Town Attorney Poulson sees no difficulty in this whatsoever.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the vacation of the lot line between parcels 031B1-12-230 and 031B1-12-231. Unanimously approved.

(See Town Council Agenda Packet for January 7, 2013 to review Ordinance Vacating a Part of a Subdivision Plat.)

3. Virginia Saltwater Recreational Fishing Development Fund Resolution

Town Manager Ritter advised that the discussed changes have been made. He stated that this also gives the Town Manager the authority to sign the contract for the grant.

There was brief discussion.

Town Attorney Poulson asked about “counsel” for legal counsel or “council” for Town Council.

Mrs. Kat Edwards, ANPDC, advised it means legal counsel.

Vice Mayor Leonard motioned, seconded by Councilman Taylor to approve the Virginia Saltwater Recreational Fishing Development Fund Authorizing Resolution. Unanimously approved.



**VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND
AUTHORIZING
RESOLUTION**

WHEREAS, under the provisions of the VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND, funding assistance is available to aid in financing the cost of development of saltwater fishing facilities; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to develop portions of the historic Chincoteague bridge structure as a recreational fishing pier;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town is committed to operate the facility for its intended purpose for 30 years;
2. The Town will be responsible for law enforcement and patrol of the facility;
3. The Town understands that it is responsible for maintenance and/or capital improvement of the facility and that a fee may be approved by the Recreational Fishing Advisory Board to offset the cost;
4. The Town understands that if a fee is to be charged, holders of Virginia Saltwater Recreational Fishing Licenses will receive a discount from facility fees;

5. The Town will abide by all construction, reporting, usage restrictions and maintenance requirements of the VMRC Facility Grant Provisions;

6. The Town Manager is authorized to sign the Virginia Saltwater Recreational Fishing Development Fund grant contract after counsel review.

This resolution was adopted by the Chincoteague Town Council during the meeting held January 8, 2013 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager

4. Update on the Schedule of the Downtown Project

Mrs. Kat Edwards reported that they did not make the same deadline as last year due to a series of events. She stated that VDOT advised the earliest to bid is February 17th and it requires advertising for 3 weeks. The bid opening would be the 2nd week in March and work would begin in mid-April, provided everything goes smoothly.

Mrs. Edwards stated that last year they had a contract schedule of 120 days. She explained that the other option is to bid it in early spring and start in early fall. The engineer feels that this would be a good strategy and if the contract schedule would be changed from 120 days to 150-180 days it could keep costs down. She asked Council for direction.

Councilman Jester asked the cause of the delay.

Mrs. Edwards stated that there were several things. However, they were not allowed to commit any funds until October 1st, 2012 and design changes were time consuming.

There were comments about how long it takes to be able to begin a project. There was also discussion about starting the project in the spring and it running through July which will cause an impact on the local businesses downtown.

Vice Mayor Leonard asked about doing part of the project before summer and finishing it in the fall.

Mrs. Edwards feels this could cause cost increases.

They discussed some specific changes and when to bid it out.

Mrs. Edwards suggested bidding this out later.

Councilman Howard feels that bidding it out later is the least disruptive.

Mrs. Edwards agreed.

Town Manager Ritter suggested bidding it out in August and start construction after the Poker Run.

Councilman Muth motioned, seconded by Councilman Howard to advertise the project for bid in August. Unanimously approved.

5. Possible Donation to the Following:

- **Eastern Shore Rural Health Dentistry Division**
- **The Chincoteague Elementary School Beta Club**

Mayor Tarr stated that both groups made a presentation at the last meeting.

Town Manager Ritter asked Finance Director Hipple to put a memo together informing Council of how much has been spent and what is left of donations. He advised that there is \$650.00 of uncommitted funds remaining in donations at this time. There was brief discussion.

Councilman Taylor motioned, seconded by Councilman Howard to give \$325.00 to each, the Eastern Shore Rural Health Dentistry Division and the Chincoteague Elementary School Beta Club. Unanimously approved.

Vice Mayor Leonard asked that Council consider giving more next year to the Eastern Shore Rural Health Dentistry Division.

Councilman Taylor agreed.

Councilman Howard feels that the community would benefit from the dental wing and the Town should donate. He also commended Finance Director Hipple for getting the information together to help Council make the appropriate decision.

6. Christmas Lights Judging Results

Town Manager Ritter advised of the winners of the 2012 Christmas decorated homes judging.

Judges Choice *

Mr. & Mrs. Billy W. Birch
7079 Bunting Road

Most Festive *

Mr. & Mrs. Ernest Dale Holston
7236 Olga Drive

Most Themed *

Mr. & Mrs. Alfred Johnson
3510 Ridge Road

Most Traditional *

Mr. & Mrs. Richard Betts
6317 Church Street

Honorable Mention

Mr. & Mrs. Homer Cherrix
6520 Church Street

Ms. Margaret Nichols
4471 Main Street

Mr. & Ms. Kenneth Barrett
6250 Circle Drive

Town Manager Ritter stated that each category winner (*) will receive a \$100 savings bond.

Mayor Tarr gave a special thank you to the judges.

7. Motion to Approve the Trolley Operating Funds, Grant Application Resolution

Town Manager Ritter explained the resolution and the obligation of the funds. He stated that this also gives the Town Manager the authority to apply for the grant to continue with the Trolley service.

There was discussion regarding the matching funds. He advised that approximately \$7,000 comes directly from the Town as the rest of the matching funds are rented space and services.

Vice Mayor Leonard motioned, seconded by Councilman Taylor to approve the resolution dated January 7, 2013 for the fiscal year ending on September 20, 2014 (FY14) authorizing Robert G. Ritter, Jr. to apply for a grant to the Virginia Department of Rail and Public Transportation for \$79,500 to defray operating cost for “the Pony Express”. The Town of Chincoteague will be responsible for matching funds of \$23,000. Unanimously approved.



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2014 beginning 10/1/2013**

BE IT RESOLVED by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$79,500.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of

\$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of The Town of Chincoteague Inc., on the 7th day of January, 2013.

Robert G. Ritter, Jr., Town Manager
The Town of Chincoteague, Inc.

8. Downtown Restroom Force Main Connection

Public Works Director Spurlock advised that there is a proposal from Bundick Well and Pump in the amount of \$15,900 to connect the downtown restrooms to the force main that Sunset Bay Utility installed. He advised that it is costing approximately \$5,000 for pump and haul. He stated that the payback would be 3-4 years. Public Works Director Spurlock also added that they are charging \$10,000 per EDU to connect into their system. He added that in addition there's a \$4,000 connection fee that reimburses them for the cost of installing the force main. He advised that they are charging the \$4,000 and waiving the \$10,000 for the Town and the Fire Company. He added that Bundick Well and Pump are the only EDU certified installers and the only bidder.

There was discussion as to the benefits.

Town Manager Ritter stated that this will be discussed as a budget revision in the January 17th meeting also.

Mayor Tarr asked where the funds would come from.

Town Manager Ritter advised that it will come from General Fund Savings.

Public Works Director Spurlock reminded Council that this will reduce the spending for pump and haul for the remainder of the fiscal year also.

Councilman Howard motioned, seconded by Councilwoman Richardson to award the contract to Bundick Well and Pump in the amount of \$15,900 for the connection of the Downtown Restrooms to the force main. Unanimously approved.

Council directed Town Manager Ritter to draft a letter of appreciation to Mr. Burbage for waiving the fees.

9. Mayor & Council Announcements or Comments

Councilwoman Richardson advised that the next meeting of the Cemetery Committee will be January 22nd at 6:00 p.m. This is to review the draft Cemetery Plan.

Councilman Howard stated that they met with Mr. Robby Lewis with the Forestry Service. He advised that he has brought up the idea of a possible tree planting program in the community. He reminded Council of the number of trees lost due to the storms and the pine bark beetles. He stated that Mr. Lewis will try to get some saplings. Councilman Howard added that Mr. Lewis will have a display at the Mother Earth Day Festival in the spring.

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

• Probable Litigation

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

Unanimously approved.

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

Councilman Howard 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)(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- Jester, Taylor, Howard, Muth, Richardson, Leonard
Nays- None
Absent- None

Adjourn

Councilman Taylor motioned, seconded by Vice Mayor Leonard to adjourn. Unanimously approved.

Mayor

Town Manager