

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

April 4, 2011 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

PRESENTATION

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of March 7, 2011 (Page 3 of 31)
 - Council Workshop Meeting of March 17, 2011 (Page 10 of 31)
2. Request for Proposal on Professional Auditing Services (Page 17 of 31)
3. Accomack County Board of Supervisors Update (Honorable Wanda Thornton)
4. Resolution of Support for the New Hospital Location in Accomack Co. (Page 18 of 31)
5. Public Safety Committee Report of March 1, 2011 (Mayor Tarr) (Page 19 of 31)
6. Harbor Committee Report of March 3, 2011 (Councilman J. Howard) (Page 22 of 31)
7. Cemetery Committee Report of March 3, 2011 (Vice Mayor Richardson) (Page 25 of 31)
The following action by the Committee occurred and will need to be acted upon:
 - Proclamation for Cemetery clean up week (Page 27 of 31)
8. Ordinance Committee Report of March 10, 2011 (Councilman T. Howard) (Page 28 of 31)
The following action by the Committee occurred and will need to be acted upon:
 - Possible Change in Chapter 30, Floods, Article IV, District Provisions, Sec 30-19 Anchoring fuel tanks, Paragraph (e) Violations. Consider revision to identify who will be responsible for a violation and the impact of a \$250 'per day' fine for violations (Page 28 of 31)
9. Discussion on Breaks for Public Works Staff (Councilman J. Howard)
10. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
11. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
 - Personnel Matters
12. Town Manager's Contract Extension

ADJOURN:



CERTIFICATE OF RECOGNITION

presented to

MR. CHESTER JACKSON

- WHEREAS,*** *Mr. Chester Jackson has rendered his service throughout this community and deserves special recognition; and*
- WHEREAS,*** *Mr. Jackson has given of his time and talents as an auctioneer to many organizations within this community; and*
- WHEREAS,*** *his dedication and zeal in helping organizations in this community raise money for the betterment of all has earned him the respect and affection of the citizens of Chincoteague Island;*
- NOW, THEREFORE,*** *on behalf of the Town Council of the Town of Chincoteague and all our citizens and organizations, I am pleased to tender this Certificate of Recognition to Mr. Chester Jackson, with our sincere thanks for his dedicated service to the welfare of Chincoteague Island.*

DATED *this 4th day of April, 2011.*

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

MINUTES OF THE MARCH 7, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

Mayor Tarr introduced Miss Jessica Fernandez, with the Chincoteague High School Hi-Y.

Miss Fernandez stated that she is the president of the Hi-Y at the High School. She advised that they have been a community service group for the last 4 years and have helped with the cemetery cleanup and at the carnival. They will be attending the MGA this year, which is the model general assembly. They have written 2 bills; 1 bill is to prohibit smoking while driving and the other bill is for those women deciding to get an abortion be required to take a class to know fully the decision they're getting ready to make.

Miss Fernandez advised that the cost to attend the MGA is \$350 per student. Therefore, several students are unable to attend. They currently have 11 students going and would like to request a donation to assist in the expenses. She stated that they do community service activities throughout the year. She stated that they would help with the Chincoteague Volunteer Fireman's Carnival and they are willing to set up any other community service.

Mayor Tarr asked when the MGA is and the deadline for money.

Miss Fernandez stated the dates are April 14th, 15th, and 16th.

Mayor Tarr advised that he would put this matter on the agenda for the workshop meeting on the 17th and would let her know what they decide.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Mr. Ben Ellis and his wife Dawn advised they are new residents on the Island. He stated they came from Montgomery County, Maryland. He stated that Montgomery is the County with the most rules and regulations. He wanted Council to know, they are very impressed with the local government here. They are also impressed with the maintenance of the Island. Mr. Ellis also stated they are proud to be citizens of this community and complimented the Town and staff and appreciate all that they do.

STAFF UPDATE

Police Department

Chief Lewis stated he included a copy of the monthly report in the agenda. He advised that he has 2 personnel matters for executive session.

Planning Department

Town Planner Neville thanked Council for hearing the Planning Commission’s changes to the zoning map at the last workshop. He stated that they will consider the input from the workshop at the next Planning Commission meeting. He will be finalizing a Broadband Marketing Plan. They recently received the update for the GIS mapping system. He and Public Works Director Spurlock are reviewing the draft Storm Water Drainage Plan.

Public Works

Town Manager Ritter reported for the Public Works Department. The paving for Maddox and Main intersection and Maddox Boulevard to Deep Hole Road intersection along with Cropper Street will begin March 14th. Notices have been issued to all residents and businesses regarding paving. The SCADA project has been pushed back to May 14th. They received the draft Storm Water Master Plan, which will be reviewed at the workshop. There has been new siding and roofing at pump house #4. The new half pipe should be here tomorrow for the Skate Park.

General Government

Town Manager Ritter reported that the quarterly newsletter went out about a week ago. The next newsletter should go out the end of May. Town Manager Ritter will be on the air at WCTG 96.5 on Friday, April 1st at 3:00 p.m. to review the agenda and Town Government events. They are working on the Census and preparing to send out a mass-mailing with a postcard to be filled out and returned to the Town. The collections have increased with the Business License along with Vehicle and Boat decals. They are still working on the easements for the sidewalk on the east side of Main Street, north of the new bridge. They would like to have the work completed before June. Clark/Nexsen will be at the next workshop to go over the Storm Water Report. Regarding the Downtown Revitalization Project, they’re still working on the easements to move forward. Town Manager Ritter reported the revenues for the month of February:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$601,974	\$594,777	(up)	\$ 7,197
Tangible Property Tax	\$163,415	\$155,354	(up)	\$ 8,061
Meals Tax	\$477,211	\$376,358	(up)	\$ 100,853
Sales Tax	\$76,279	\$66,480	(up)	\$ 9,799
Transient Occupancy	\$545,206	\$508,260	(up)	\$ 36,946
Water Rent	\$717,724	\$627,094	(up)	\$ 90,630

Town Manager Ritter announced a couple of the upcoming committee meetings.

Councilman J. Howard had questions about paving and moving utility lines.

Councilman T. Howard commented on the increases in revenues, which speaks highly for the economy in our community.

There was discussion as to setting deadlines for the easements so that the sidewalk project north of the new bridge wouldn't be delayed any further.

Mayor Tarr asked for a meeting to discuss the Downtown Revitalization plans.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the agenda as presented. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of February 7, 2011**
- **Council Workshop Meeting of February 17, 2011**

Councilwoman Conklin advised she was not at the February 7, 2011 meeting and the minutes should reflect the correction.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes of the February 7 and 17, 2011 meetings with the requested change. Unanimously approved.

2. Public Hearing on the Vacation of a Lot Line Request for Mr. Ted Daisey

Mr. Ted Daisey stated that his request is to vacate a lot line on Bertie Street, so he can build a single family home.

Mayor Tarr opened the public hearing at 7:30 p.m.

There were no comments from the public.

Mayor Tarr read the Ordinance Vacating a Property Line of a Subdivision Plat Pursuant to Section 15.2-2272.2

Mayor Tarr closed the public hearing at 7:31 p.m.

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt an ordinance vacating a lot line between lots #030A201A0003500 and #030A201A0003600 on Bertie Street. Unanimously approved.

3. Chincoteague Cultural Alliance Presentation and Grant Request

Mr. Bob Behr with the Chincoteague Cultural Alliance read a thank you letter he wrote to the Editor in December. He then gave his annual presentation, thanking Council for their continued support. He requested that the Town apply for the Virginia Commission for the Arts Local Government Grant. Mr. Behr advised that they have 32 events planned and stressed the

importance of the grant. He also asked for support of the matching funds in the amount of \$5,000 from the Town for the Grant totaling \$10,000.

Mr. Behr presented Council with a slide show of the past events.

Councilman T. Howard thanked Mr. Behr for the efforts of the Cultural Alliance as he has enjoyed a few of the events. He mentioned Mother Earth Day with the hazardous waste collection and feels that this is a wonderful idea.

Mayor Tarr asked what the deadline was for submission of the grant.

Mr. Behr advised that the deadline is April 1st, 2011 at 5:00 p.m. He offered his assistance.

Councilman J. Howard stated that when Town Manager Ritter goes on the radio he should also promote the schools and events like these.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to apply for the \$5,000 grant and Town's match of \$5,000 totaling \$10,000. Unanimously approved.

4. Wounded Warrior Walking Tour Presentation

Town Manager Ritter advised that Mr. Patrick Black couldn't attend this evening. He explained the walking tour, which is to begin at the Chincoteague Chamber of Commerce will be going over to Assateague.

Chief Lewis stated that this is a walk or run through the trails on Assateague on June 18th, 2011. He added that they have permission to park in the Church of God parking lot.

Mayor Tarr asked if the Police would be working with them regarding traffic control.

Chief Lewis advised they would.

5. Recreational and Community Enhancement Committee Report of February 8, 2011

- **Donald Leonard Park Landscape Plan and Water Line Extension**

Councilman Jester stated that they spoke with Mrs. Jane Wolffe who submitted a landscape plan for the Donald Leonard Park. They feel it will enhance the park. He stated that the BETA club at the High School planted 575 daffodils. They requested that the Town supply water access. Public Works Director Spurlock advised the Committee that water access wasn't a problem. They also would like to put in a driveway apron. The Committee feels this would be beneficial to the Town.

Councilman Jester also stated that the Committee has received a request from Mrs. Donna Mason to rename the Veterans' Memorial Park to the Lee Savage Veterans' Memorial Park. He advised that following the meeting, Town Manager Ritter advised that there were 3 families that donated land or transferred the land for \$1. He feels that all the people who donated land there should be honored. He suggested putting some history boards there in their honor.

Councilman Jester stated that they also discussed the possibilities of kayak launches. He also informed Council that there are volunteers to help with the gardening of the Watson Park.

Council discussed the request from Mrs. Wolffe for water at the Donald Leonard Park.

Councilman T. Howard feels this is a practical matter and there should be a faucet at both ends of the Park.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to approve the bore and installation of water service to the Donald Leonard Park and support the landscaping plan presented by Mrs. Wolffe on behalf of the Leonard Family. Unanimously approved.

6. Policy on ADA Handicap Wheel Chair Ramps

Building and Zoning Administrator Lewis advised that typically, last year there were 3 applications for residential ADA handicap ramps. He advised that the ramps were built because of the need and when the need no longer exists the ramps are to be removed. He advised that they will need a permit because state Building Code requires inspections.

Mayor Tarr asked if it was ADA compliant for wheelchair access.

Building and Zoning Administrator Lewis explained that whenever a ramp changes direction, they are required to have a 60' turn.

Vice Mayor Richardson suggested refunding those residential applicants.

Councilman J. Howard stated he doesn't want to go back and refund everything. He suggested paying it himself.

Town Attorney Poulson stated that Council has been there before and he suggested not going there again.

They further discussed refunding.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson that residential ADA ramps charges be \$0, and commercial ADA ramps charge be \$80.00 and approve the ADA Handicap Ramp Policy. Unanimously approved.

Town of Chincoteague, Inc.
ADA Handicap Ramp Policy
Effective Date March 7, 2011

PURPOSE

It is the purpose of this policy to establish internal guidelines for new residential construction to install ADA handicap ramps. The policy will facilitate working with the Town residents who will build an ADA handicap ramp.

REQUIREMENT

All new residential construction to install an ADA handicap ramp shall be required to have a permit issued by the Town of Chincoteague. This will be required to enforce the state building code on all handicap ramps and to have a representative of the Town to inspect such construction of said handicap ramp as required by the building code.

FEE REQUIREMENT

All new residential construction to install an ADA handicap ramp shall not be charged a fee for the new residential construction permit issued by the Town of Chincoteague.

NOTE

For the purpose of this policy any entrance landing/platform greater than 5' x 5' shall be considered a deck and shall be required to pay the fee for new residential construction.

Building and Zoning Administrator Lewis advised that the current state Building Code states that a shed 150 square feet or less does not require a building permit they only require a zoning permit. However, the new Building Code changed it from 150 square feet to 200 square feet. He advised that currently for the shed permits less than 150 square feet the zoning fee is \$47.40 and fees for sheds over 150 square feet are \$80. He stated that with the proposed change the sheds less than 200 square feet would be \$47.50.

There was further discussion about the change and reroof permits and fees.

Councilman Muth motioned, seconded by Councilman Jester to approve the shed square footage change from the state Building Code from 150 square feet at no charge to 200 square feet at no charge. Unanimously approved.

7. Curtis Merritt Harbor Fuel System, Contract #1-CMH-10 Bids

Town Manager Ritter advised that the Curtis Merritt Harbor budget for the fiscal year 2011 is \$179,850 to install a fuel system. The funding sources will consist of Virginia Port Authority grant in the amount of \$106,029, Boating Infrastructure Grant in the amount of \$46,977 and the remaining \$26,844 from the Harbor Long-Term Replacement Funds. The advertisement for bid was published in the Eastern Shore News from February 2-12, 2011. There was a pre-bid meeting, February 15th and the Town received bids February 25th. There was 1 bid for the Harbor Fuel System from Oil Equipment Sales and Services Co., Inc. from Chesapeake, VA. They completed the work for the Cape Charles Fuel System. The bid was \$178,568.

Town Manager Ritter advised that the bid came in just under the budgeted amount.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to award the Curtis Merritt Harbor Fuel System, Contract #1-CMH-10 bid to Oil Equipment Sales and Services Co., Inc., in the amount of \$178,568. Unanimously approved.

8. Mayor & Council Announcements or Comments

Councilman J. Howard advised he spoke with staff and it didn't work out about the breaks in Public Works. He doesn't like to see the equipment with the waste of fuel and time for the employees to come back to the shop for their break. He asked Council to discuss this at the next meeting.

Mayor Tarr directed Town Manager Ritter to put this matter on the agenda for April.

Councilman J. Howard also mentioned the Main and Maddox intersection. He stated that the Town should be looking into the possibility of acquisition of some of that land there to make the intersection better.

Councilman Jester stated he would like Council to send a letter commending the EMS both paid and volunteer for their service. He stated that they put a lot of time in answering calls and helping our small community. He wants to say thank you for all they do.

9. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia
• Personnel Matters

Vice Mayor Richardson moved, seconded by Councilman Muth to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

Councilman Muth moved, seconded by Vice Mayor Richardson 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) 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, Muth, T. Howard, J. Howard, Richardson, Conklin
Nays- None
Absent- None

Adjourn.

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

MINUTES OF THE MARCH 17, 2011
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

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

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the agenda adding a closed session for the purpose of discussing acquisition of property. Unanimously approved.

1. Introduction – Virginia Tourism Corporation/Tourism Specialist Lynne Lochen

Mayor Tarr invited Donna Bozza, Director of Eastern Shore of Virginia Tourism Commission to address the Council and make an introduction. Ms. Bozza began by providing a brief report on the successful ESVA Welcome Center near the Bay Bridge/Tunnel that has seen 160,000 visitors since its opening and over 11,000 since the beginning of the year. Chincoteague businesses and the Chamber have a presence at the Center and in the Visitor Travel Guide. A new website is available at www.esvatourism.org with links to area businesses available for free. Media tours are a regular part of the work of the Tourism Commission, and this year Chincoteague and the Eastern Shore will be highlighted in Washingtonian and Coastal Living magazines. Steve Potts handed out brochures and a video.

Ms. Bozza informed the Town Council about budget concerns for this year and stated that the proposed Transient Occupancy Tax in Accomack County will provide approximately \$30,000 needed to operate the Visitor Center. She asked if the Town of Chincoteague would consider writing a letter of support to Accomack County for the allocation of TOT funds toward the Virginia Tourism Corporation. Additional funds are needed to support an ongoing marketing budget. Cape Charles and Onancock currently contribute to ESVTC in addition to County budget allocations and Chincoteague was requested to consider it as well.

Lynne Lochen, Tourism Development Specialist with Virginia Tourism Corporation, was introduced as the newest partner in an overall effort to market the Eastern Shore of Virginia. Her experience over 30 years has included the Norfolk Convention & Visitors Bureau, Orange County, and Portsmouth Destination Marketing Organization. The tourism specialist position was recently created by Governor McDonnell to enhance economic development and job creation through tourism in 4 geographic areas of Virginia. Tourism in Virginia is a \$17 billion dollar industry. The Governor is particularly interested in 'space tourism' on the Eastern Shore.

Ms. Lochen described her approach to marketing a region without boundaries as the best way to attract tourists. Her role will be to help with expert advice and direction primarily through the ESVTC. She hoped that this outreach by the Governor would be matched by support at the local level for tourism efforts and asked if there were any questions.

Councilman J. Howard commented that during the annexation between Accomack County and the Town of Chincoteague, it was agreed that 2% transient occupancy tax would be collected for the County. He asked how much was received by the Tourism Commission. Ms. Bozza responded by saying that the monies go to the Accomack County general fund and they currently receive \$64,000. Approximately \$110,000 is received from Northampton County because there it is a dedicated fund for tourism. Councilman Jester noted that Accomack County receives around \$400,000 from the Town's occupancy tax collections.

Steve Potts added that a significant effort has been necessary in recent years just to maintain level funding for the Tourism Commission. He reported that Virginia's Governor is promoting tourism with an advertising campaign in surrounding States that will reach over 15 million people. Mr. Potts commented that the transition in Chincoteague's economy over the years from farming to chicken houses to seafood to tourism has increased the need to work together for marketing and promotion. Financial support for the Tourism Commission was requested from the Town of Chincoteague. Councilman J. Howard stated his disappointment in Accomack County for not providing adequate tourism funding from the money collected in Chincoteague.

Ms. Lochen added that Tourism funding, and the Welcome Center in particular, may be considered for cuts in the current budget process. This should be considered an important investment in the hard work of marketing and sales that brings tourism dollars to the local economy. Mr. T. Howard noted that it pays to advertise.

2. Presentation – Sanitary Sewer System/Preliminary Engineering Report

Public Works Director Harvey Spurlock introduced Dave Parker and Scott Turner of Clark/Nexsen Architecture & Engineering to present the Preliminary Engineering Report (PER) for a Phase 1 Sanitary Sewer System to serve Chincoteague Island. The study was prepared with assistance from a Virginia Department of Housing and Community Development 'Southern Rivers' Grant, which also included a separate sewer feasibility review of the Northern Accomack County seaside watershed.

Mr. Parker reviewed a brief history of previous studies for a central sewer system in 1977, 1988, and 2007. The current report is the result of a grant administered through the A-NPDC to take a regional look at providing sewer service, and to consider the opportunity presented by the proposed Atlantic Town Center development to build a treatment facility that may eventually

serve existing communities and the Wallops Research Park. The main purpose of this effort was to compile previous work and some new ideas in a PER format that is required by USDA Rural Development in order to apply for grants or low interest loans. The engineering report is one piece of an application package that will also require an additional environmental report and economic analysis. Mr. Parker summarized the sections of the report, noting that:

- Previous studies are included in the back of the notebook
- Planning area included the entire island
- Surrounding environmental resources will be an important consideration
- Growth projections and development potential of about 13% over the next 20 years was taken from the Town Water Supply Plan
- Existing limited treatment facilities are privately owned
- Need for the project is supported by current use of aging septic systems, high water tables, need for septic tank pump and haul for non-functioning systems, concern for protection of VDH Shellfish Zones surrounding Island
- Previous studies have reviewed options for wastewater treatment on the Island and on the Mainland
- This report proposes a collection system and pump station on Chincoteague with a force main to the Mainland for advanced treatment and recharge of the groundwater source.
- This option has environmental benefits, however the main reason to consider wastewater treatment on the Mainland is a specific opportunity to accomplish a partnership and regional solution.

Mr. Parker continued with a presentation of the proposed Phase 1 service area outlined in red on aerial view maps. The initial public sewer service area would include properties fronting along Main Street from the High School to just south of the Coast Guard station, and along Maddox Boulevard from the new Route 175 Bridge to McDonalds. The idea would be to first encourage connection of commercial and institutional properties including restaurants, hotels, businesses, and other large quantity water customers that would be necessary to operate the system. Other areas of Town would be connected in later phases. He noted that State approval of a public centralized sewer system would ultimately require that individual treatment plants be removed to reduce discharges in the Bay.

The collection system will consist of a small diameter force main, 2" to 4" pvc pipe, and each house or business would have a small individual pump to connect. The sewer lines would go to a central collection point and large central pump station that would send the flow to the Mainland within a larger force main to be installed along the Causeway. The location of the central pump station has not been selected, however, for the purpose of this study it was shown on a vacant parcel near Smith Street and School Street.

Councilman J. Howard asked whether it would be difficult to obtain permits for directional boring under the Chincoteague Channel and attaching the force main under the bridges along the Causeway. He also pointed out that a connection from South Main Street across the Bay to Wright's Seafood would be the most direct route. Mr. Parker responded that the alignment proposed along the Causeway would be the most feasible and would allow for construction in segments. Councilman T. Howard confirmed that the directional bore would generally run parallel to the existing water line.

Mr. Parker answered several questions about the small grinder pump wells that would be located on every property served by public sewer. He stated that the large pump station would be sized for expansion to ultimately serve the entire island. Councilman T. Howard asked about the proposed alignment of the force main through the sensitive environmental areas on either side of Route 175 and whether there was the potential for additional shellfish area condemnation by the Virginia Department of Health. Mr. Parker stated that the impact of the pipeline construction would not create a problem and once the pipe is buried there should not be an impact. Mayor Tarr added that the 16" waterline bore was able to avoid Marsh Island and other environmental impacts.

Preliminary cost estimates contained in the report were summarized by Mr. Parker for a total of almost \$25 million. Mr. Parker stated that the size and design of the project will likely be modified based on the amount of grant or loan funding that is available. At this time, a high percentage of grant funding would be necessary to make the project feasible because the estimated costs could not be supported by the customer base available. The purpose of this report is to assist the analysis that USDA performs in order to determine the need for grant monies.

Mayor Tarr commented that the preliminary cost estimate was based on the use of ductile iron pipe which is not a durable material in this location. There may be a cost savings by using HTP pipe instead. He also suggested that trenching in the shoulder of Route 175 would be better than saw-cutting the pavement as proposed in the report. Mr. Parker noted that the study was prepared to cover some 'worst case' situations from a cost estimating standpoint.

Councilman J. Howard asked about the distance directly across to Wright's Seafood from the Town Dock and the potential to bore under the marsh. It was agreed that it may be possible.

Councilman Jester supported the plan to serve the needs of hotels and restaurants. He was concerned about the statement in the report that current wastewater treatment methods may cause a potential pollution issue for shellfish beds and fishing. It was noted that the narrow band of condemnation areas surrounding the Island has been a matter of standard cautionary practice by the State for decades. A simple comment about potential impacts could have a devastating effect on marketing the Chincoteague seafood industry. Routine water quality testing by VDH confirms that there is not a problem. He requested that Mr. Parker be careful about what he states in this report. Mayor Tarr agreed that the benefit of excellent water quality surrounding Chincoteague does alleviate the need to solve septic system problems or provide for public sewer service.

Mr. Parker concluded with a review of 'where do we go from here?' Application to USDA for grant funding would generally be the next step along with additional work to prepare an environmental report and economic analysis. Another important step will be to make presentations to the public and gain necessary support for the project. An advisory committee may be a good way to keep momentum in the process. Coordination with Accomack County and the private developer of Atlantic Town Center is recommended.

Councilman J. Howard asked if this project was a 'Cadillac' plan and whether now was a good time to ask for help to finance it with grants. He noted that "we've got a type of person we are

trying to save here – just like the piping plover – we are trying to save the Chincoteaguer”. He agrees with the project and wants the Chincoteaguer to stay...”you know I don’t want to disturb his nest a whole lot” stated Mr. Howard. The only way the Town will be able to consider this project is with a whole lot of help.

Mr. Parker stated that there is federal money available along with a lot of competition. “It needs to happen sometime, so get in line” was his advice. The Town may want to get the ball rolling and see what happens.

Councilman T. Howard commented that the Town is already in the position of wishing we had gotten the ball rolling. After reviewing the figures, very few people on a limited income will be able to survive if they are required to pay for the full cost of the project. Councilwoman Conklin agreed, however, the costs will always go up so the Town should at least try to make this work. Councilman T. Howard stated that while we are trying, the Council should be cognizant that people are already struggling with the situation as it is, and to make that part of the focus.

An in depth funding search would include sources other than just USDA such as DEQ or STAG funding. Mayor Tarr asked if the USDA funding would be all grants. Mr. Parker responded that it would likely include a combination of grants and low interest loans. He is familiar with larger amounts of grant funding available for ‘special situations’ and Chincoteague should qualify based on unique conditions of the island community. Preliminary design may proceed when other funding is available.

Councilman T. Howard returned to the discussion of Councilman Jester’s concern and asked how the Town would be able to convince the funding agencies that this is a project worthy of consideration. Particularly if the potential threat of pollution to the sensitive environment is not presented. This cannot be overlooked just because the Atlantic Ocean flushes twice a day and provides clean water. It was agreed the message should focus on action required to prevent any potential impact to water quality surrounding Chincoteague.

Councilman J. Howard reminded the Council that Chincoteague has some of the cleanest water in Virginia and suggested that State Officials should not keep requiring improvements unless they are willing to help pay for it. He agreed with Councilman Jester that wording in this report should not “rock the boat when there are no waves”.

Councilman Jester continued to clarify his request for accurate reporting of water quality so that the shellfish industry is not affected by poorly phrased information in the engineering report. He repeated his support for providing centralized sewer service in the high demand commercial areas where it is needed for restaurants, hotels and recreational uses. Mayor Tarr added that the cost for individual septic systems for a commercial use can cost \$40,000 to \$50,000 for each installation, and many buildings can only be leased to t-shirt shops because the Health Department will not approve a change of use without a new sewer permit.

Councilman T. Howard recognized the existing costs of pump and haul is a burden today, but the long term health impacts to residents is a concern as well that should be used to support the project. Mr. Parker suggested that the wastewater needs of rural and coastal communities are a

problem that is familiar to State agencies, so the case can be made for approval of a grant application without describing a potential crisis situation.

Discussion returned to the individual elements of the proposed sewer with questions about the location and ownership of grinder pumps, power supply, effect of groundwater elevation, potential flood protection, and individual versus shared ownership.

Mr. Jim Frese provided public comment from the audience to ask about the existing package treatment plants currently located along Main Street that have excess capacity today. This excess capacity could be purchased by the Town and used to solve current problems with structures on Main Street in the short term. The proposed study would describe a longer term scenario. Use of the systems in place today to their full extent would give the Town “more bang for the buck”. If the individual pumps are installed in residential areas, it should be done as a part of the tax system for services to average the cost over all residents.

Mr. Papadopoulos asked about the expected lifespan of the proposed individual pumps. He commented on the limited yards available for placement of the pumps in some areas of the Town. Mr. Parker responded that the pumps would need to be replaced every 10 years on average.

Public Works Director Spurlock concluded the presentation by offering that full copies of the report were available for viewing in the Town Office. Mayor Tarr stated that even though the numbers are shocking, and sewer is a four-letter word, the Town should move forward with this idea. The Mayor will work on a plan to move forward and will present it to Council in the next few weeks.

3. Action Items from previous Council Meeting – Possible support for Hi-Y Expenses

Mayor Tarr reviewed the request from Chincoteague High School students for financial support. Past support has paid for 1 to 3 students at \$350.00 each to attend the Model General Assembly field trip. Councilman T. Howard moved to fund three students at \$350.00 each, seconded by Vice Mayor Richardson. The motion passed unanimously.

4. Closed Meeting in Accordance with Sec. 2.2-3711(A)(1) of the Code of Virginia for the Discussion of Personnel Matters

Councilman T. Howard moved, seconded by Vice Mayor Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman J. Howard moved, seconded by Councilman Jester to reconvene in regular session. Unanimously approved.

Councilman J. Howard moved, seconded by Councilman Jester 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) 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- Richardson, Jester, Muth, J. Howard, Conklin

Nays- T. Howard (other items were discussed such as acquisition of property that were not named prior to the start of the closed session)

Absent- None

Adjourn

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

TO: Mayor Tarr and Town Council
THRU: Robert G. Ritter, Jr., Town Manager
FROM: Karen B. Hipple
SUBJECT: Auditing Services

The Town's Auditing Services Contract expired with the completion of the FY' 10 audit. A Request for Proposals for Auditing Services for Fiscal Years 2011, 2012, 2013, 2014, 2015 was advertised in the Eastern Shore News on March 16, 2011. Proposals were due on March 23, 2011 with only one proposal received.

Robinson, Farmer, Cox Associates

	<u>Town Audit</u>	<u>Authority Audit</u>
Fiscal Year 2011	\$22,000	\$2,775
Fiscal Year 2012	\$22,500	\$2,825
Fiscal Year 2013	\$23,000	\$2,875
Fiscal Year 2014	\$23,500	\$2,925
Fiscal Year 2015	\$24,000	\$2,975

Single Audit \$2,250 additional

With the new 2010 Census Population, the Town of Chincoteague is no longer required to report to the Virginia Auditor of Public Accounts beginning with Fiscal Year 2011. The annual audit prices reflect this change.

It is recommended that Council consider awarding the auditing services contract for Fiscal Years 2011, 2012, 2013, 2014, and 2015 to Robinson, Farmer, Cox Associates for the amounts shown for each year.



RESOLUTION
To support an Accomack County location for
RIVERSIDE SHORE MEMORIAL HOSPITAL

WHEREAS, Riverside Shore Memorial Hospital has applied for a Certificate of Public Need to relocate and replace its existing facilities in Accomack County; and

WHEREAS, The proposed location would be at least 18 miles closer to the Town of Chincoteague making inpatient care more accessible to the Eastern Shore's largest community; and

WHEREAS, The Town of Chincoteague has a continuing need for health care services for our resident and summer visitor populations;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague hereby supports the proposed location of Riverside Shore Memorial Hospital in Accomack County.

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague agrees with the stated goal of a physician recruiting effort for the Eastern Shore and the provision of expanded local outpatient services.

ADOPTED on this 4th Day of April, 2011.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Town of Chincoteague on April 4, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

Public Safety Meeting Minutes

March 1, 2011

Chairman Tarr called the meeting to order at 17:07

Present: Mayor Tarr, Chairman
Vice Mayor Ellen Richardson
Councilman John Jester
Robert Ritter, Jr., Town Manger
Bryan Rush, EM Coordinator

No Public Participation

A motion was made by Vice Mayor Richardson to adopt the agenda and a second by Councilman Jester. The motion was unanimously approved.

1. Monthly Emergency Management Report

Report given by Bryan Rush

PLANNING

ANNUAL FIREWORKS PLANNING

Staff is in the planning process of organizing and executing the annual bussing of visitors to and from the carnival during the July 4th fireworks celebration.

COMMUNICATIONS

Mr. Wayne Tindle has volunteered to be the designated amateur radio operator in the EOC during events. Mr. Tindle is a member of the Eastern Shore Amateur Radio Club and is very enthusiastic to help. Mr. Tindle has already completed some testing of the radio in conjunction with the quarterly tests at all the local shelters.

EMPLOYEE BADGING

The badging process is on-going and meeting time-line constraints.

TRAINING

NIMS

ICS 400 training will be held at the Parksley Volunteer Fire Department on March 16, 22, and 24. Contact Bryan Rush for sign-up information. Also, all applicable employees are being encouraged to complete the IS 701, 702, 703, and 704 online training.

VEMA SYMPOSIUM

The Annual VEMA Symposium will be held March 30 – April 1 at the Short Pump Hilton in Richmond. Sign-up should be completed by March 4.

EXERCISES

The Shore will not have any state sponsored exercises in 2011. The concentration for Region 5 will be on training of emergency managers and staffers. On-going week academies will be held throughout the Commonwealth.

LOGISTICS

HEALTH DEPARTMENT

The health department is currently developing a plan to enter into a MOU with businesses and localities in order to develop points of dispensing should there be a biological attack. Businesses and localities will be able to receive medications for their employees and their families in order to keep operations on-going and limiting those employees out of work time.

The committee agreed to move forward in participation with the Health Department.

2. Helicopter Landing Pad

Mr. Ritter advised that this topic was discussed in the managers meeting and further guidance is needed from the committee as what the committee wants to see. Councilman Jester advised to put your self in the pilot's seat and what he and his family would want on a dark and stormy night. Mr. Rush advised that the emergency workers would try to land a helicopter near the emergency scene in a place that was as safe as possible, but committing to one site would not be advisable. Councilman Jester advised to list locations from around the island in which to use. Also, continue to look for an area that a concrete pad and lights could be installed. Councilman Jester also suggests to ask the flight services what they would want us to have if we constructed a pad.

3. Carnival Ground Crossing Guard

Mr. Ritter advised that this issue was brought up by Mr. Van Dame at the monthly managers meeting. Mr. Van Dame has an end of year meeting with all the trolley drivers and each year the main concern has been the crossing area at the carnival ground drop off point. The drivers say that children are programmed to go in front of a bus from there school bus experiences. This action endangers the children when exiting the trolley because cars can pass a trolley once it stops. Mr. Van Dame requests a crossing guard at the location. Mr. Ritter asked for the inclusion of money in the budget to fund such a position. Mayor Tarr advised to use current staffing and to meet with Fire Chief Lappin to request some volunteer guards as well. Vice Mayor Richardson questioned if fire or police would have more authority than a regular member. Mr. Ritter advised that Mr. Spurlock does have an extra crosswalk sign that he could place at that location. Mayor Tarr advised to speak with the police chief and fire chief to work out the guard situation.

Committee Member Comments

Mr. Rush advised the Mayor that his prior request of looking into a secondary EOC site at the Marine Science Consortium had been done. Mr. Rush advised that he had contacted Refuge Manager Hinds and a meeting would be held with the Consortium Manger Ms. Amber Parker in the near future.

Councilman Jester asked if the “email blast” has been looked into. Mr. Ritter advised that it has and staff is now looking at how to notify people to sign up. Mr. Jester feels this will be a great service to those people who don’t live here but have property here. Mr. Rush advised that a current issue is the server being able to send so many emails at one time. Mayor Tarr advised to check with the current information technologies company if their servers can handle such activity. Councilman Jester wants to have information by the next meeting.

Mayor Tarr advised Mr. Rush to make sure to advise Fire Chief Lappin about the public safety meetings.

Adjournment

Vice Mayor Richardson made a motion to adjourn, which was second by Councilman Jester. The motion was unanimously approved.

Meeting adjourned at 17:40.

Minutes of the March 3, 2011
CURTIS MERRITT HARBOR COMMITTEE

MEMBERS PRESENT

John H. Howard, Chairman
Terry Howard, Committee Member
Ernie Bowden, Committee Member
Mike Handforth, Committee Member

STAFF PRESENT

Wayne Merritt, Harbormaster
Robert Ritter, Town Manager

CALL TO ORDER:

Councilman J. Howard called the meeting to order at 17:00 hours.

OPEN FORUM/PUBLIC PARTICIPATION:

No public participation.

AGENDA ADOPTION:

Mr. T. Howard made a motion, seconded by Mr. Bowden to adopt the agenda as presented. The motion was unanimously approved.

1. HARBORMASTER UPDATE:

Harbormaster Merritt presented the following report:

- A. Subleasing – The subleasing is very slow, there is limited use as there is no recreational fishing occurring.
- B. Grant for fuel – The Town has sent out bids and the bid will go before Council on March 7th and hopefully it will be awarded. The 2011 Budget for such equipment was set at \$179,850.00. The monies would come from the following: Virginia Port Authority - \$106,029.00; Boat Infrastructure Grant - \$46,977.00; Harbor Long Term Replacement Fund - \$26,844.00. The RFP was placed in the Eastern Shore News on February 2, 2011. A pre-bid conference was held on February 15, 2011 at the Town office. Bids were received February 25, 2011. The following bid was opened from All Equipment Sales and Service Co. of Chesapeake, VA. The bid was \$178,568.00 which came in under budget. If approved, the system will be functional before Memorial Day. A question was asked from those in attendance if non-ethanol would be available. Chairman Howard said they would try to make it available. Harbormaster Merritt states it will be a 10,000 gallon tank. Mr. T Howard wants to know why only one bid came in during these tough economic times. Harbormaster Merritt states it was a small job. Mr. T. Howard also wants to know if the ethanol was hurting the engines of the public that was present; a lengthy discussion in engine repair and operation ensued.
- C. The vessel “Christopher” has been removed from the harbor and will be burned at a later date.

2. DISCUSS FIVE YEAR CAPITAL PLAN FOR THE HARBOR

Harbormaster Merritt would like to see the following if monies can be appropriated:

- Replace all the electrical boxes and the panels
- Pave the Northeast corner and place a fence for storage
- Another shed to store oil booms and spill clean-up material
- Purchase of a dewatering pump in case of a sinking boat as Coast Guard will not come and pump out anymore
- Replace the fence on the Northwest side by Mr. Tull’s property.

- Pave Southwest side to handle charter boat parking
- Replace fence on side where the little trees are planted
- Build a permanent bathroom on West corner
- Place more lighting in the harbor area
- Add two floating docks on the sea wall
- Upgrade the security system
- Make a picnic area near the office

The priority would be parking and the shed. Mr. Bowden does not think that it is fair for the commercial fisherman to pay for parking. Chairman Howard asked Mr. Ritter if we were getting a good security system. Mr. Ritter states that more lighting is needed. Also, two more cameras would be needed in the new fuel system area. Chairman Howard wants to know what the normal amount that the harbor spends per year. Harbormaster Merritt stated that money is taken from the slip rentals and subleasing; then put into a long term replacement account to operate. Chairman Howard asked if anyone had anything to add. A member of the public said that cameras at the fueling system are needed. Also, that the system in place should be able to identify individuals as was stated in the contract of the system. Councilman T. Howard does not believe enough money was spent on the system.

3. DISCUSS ADVERTISING OF AQUACULTURE AND THE ROBERT REED PARK TRANSIENT BOAT SLIPS

Mr. Ritter would like to know what type of advertising should be done for aquaculture. In an unrelated but similar item there is approximately \$3000.00 for advertising of the transient boat slips from the Boating Infrastructure Grant. Mr. Bowden wants to know why the Harbor Committee is discussing aquaculture. Chairman Howard stated that the Council wants to promote aquaculture more. Mr. Ritter states this committee is best equipped to discuss this idea. Mr. T. Howard states it needs to be supported for the future. Mr. Bowden states he would not know where to tell the Council to advertise. Mr. Bowden does however state that the Marine Product Board does utilize license fees to advertise seafood products from Virginia at seafood shows. Chairman Howard wants to help any local people; who want to get involved in aquaculture. Mr. Bowden states a display at Robert Reed Park as advertising. Chairman Howard asked if the new museum would represent aquaculture. Mr. Ritter said it would along with other historical information. Mr. Bowden states that advertisements to raise awareness at different kiosk locations would be a good idea. Harbormaster Merritt asked those present where they would look to find a marina if they were planning a sailing trip. He states that he found a site at marina.com. This company helps to put the information in GPS units. Mr. Ritter told those present to see him or the harbormaster with ideas to advertise the transient slips.

4. DISCUSS BERM AROUND SPOIL SITE

Chairman Howard would like to see if something could be done to keep the area looking nice as well as be able to get equipment around it to keep the grass cut. He would like the Public Works department to do this in the spring, as well as plant some trees. A member of the public suggested putting sod there. Another suggested some sort of ivy be put there. Mr. Rosenberger suggested looking to the Master Gardeners of the Eastern Shore to get ideas of native vegetation to help the area. Chairman Howard states that the area will be used as an observation area in the future. Councilman T. Howard gave a horticulture lesson on native plants and grasses that may be used. Mr. Bowden states that the slip holders should not fund it. Mr. Ritter said that the money would come from the general fund. A member of the public said not to forget parking. Mr. Ritter stated that it would cost \$70,000 to pave around the boardwalk from the fish cleaning station to the electric boxes. Mr. Ritter also stated that there was approximately \$70,000 in the budget for day to day operations. Mr. Bowden does not think any money should be used to pave. It should be saved, in order that it is available in the future. Chairman Howard asked how much is in the long term fund now. Mr. Ritter replied approximately \$106,000.00.

Councilman Howard advised to get prices on paving the space between the road and berm; and the storage area requested by Harbormaster Merritt. Chairman Howard asked if the committee was ok to proceed, Mr. Bowden disagreed and does not want the money to come from the long term fund. Councilman T. Howard advised that the Harbor was set up to be self sufficient and not a burden to the taxpayer and agrees with Mr. Bowden, not to use long term funds to pave. Mr. Bowden feels the Council of the Town should fund the project. Chairman Howard advised the Town Manager to go ahead and get prices. Councilman T. Howard wants an item of discussion be forwarded to the Council to help find money to make projects at the harbor occur.

4. COMMITTEE MEMBER COMMENTS:

Mr. Handforth states that if there is a rate increase for slips this year, can it originally come through the committee for approval. Mr. Bowden states that it should come through. Mr. Ritter suggested past practice was to use the CPI to increase rates. Councilman T. Howard thinks the parking issue needs to go to Council and make them aware of the issue. Chairman Howard wants the Town Manager to advertise grass cutting at the harbor. He also wants an attorney to draft a policy to make people give up a slip if they are not using it. Harbormaster Merritt explained how Cape Charles Harbor does business. He also explained how his list is populated and slips filled. Chairman Howard asked how many slips don't have boats. Harbormaster Merritt advised just a few, with some lengthy discussion.

ADJOURNMENT:

Councilman T. Howard made a motion to adjourn; Mr. Bowden placed a second on the motion. The motion was unanimously approved. The meeting adjourned at 18:30 hours.

Cemetery Committee Meeting Minutes

March 3, 2011

Present: Councilwoman Ellen Richardson, Chairwoman
Councilman Terry Howard

Gary Turnquist
Robert Ritter, Town Manager

Chairwoman Richardson called the meeting to order at 6:00 pm.

Open Forum

No public participation.

Agenda Adoption

Discussion of Cemetery Spring Clean-Up

Chairwoman Richardson asked about scheduling the cemetery clean-up in March or April; Gary Turnquist said that they normally try to complete the Spring Clean-up of the cemeteries before the ticks and mosquitoes come out. Councilman Terry Howard said that Reed's cemetery on Deep Hole Road could use cleanup again. April 9, 2011 will begin the cemetery cleanup with April 16, 2011 as the rain date for Reed's cemetery.

APRIL 9 TO 15, 2011 WILL BE CEMETERY CLEAN UP WEEK

Mr. Turnquist stated that all cemeteries needed some TLC, but no immediate needs other than a lid at Red Mens cemetery that needs repair. He suggested repairing the crack versus replacing the lid.

Chairwoman Richardson would like to see a Sign at Ridge cemetery with Doug Marshall's name on it as 'maintaining it' because he cuts the grass; and Ben & Dawn Ellis have been helping as well. Town Manager Ritter suggested contacting Ollie Reed for pricing.

Cemetery Maintenance Funding & Fund Raising

Chairwoman Richardson reports that the cemetery fund is in pretty good shape and that it is not necessary to do a fund raiser at this time. She noted that donations are always accepted.

Town Manager Robert Ritter asked the committee if they would like to have the cemetery grass cutting put out for bid with the harbor bid. He said that it probably should be advertised under procurement policies. Discussion continued about that fact that in the past the committee could not get anyone to cut the grass. Consensus of the Committee was to obtain bids for Bunting, Greenwood, Mechanics & Daisey cemeteries.

Cemetery Authority

Chairwoman Richardson reported that she had a discussion with planner Bill Neville regarding a possible 'Cemetery Authority' that was requested by a citizen to oversee funding. Gary Turnquist said he had also spoken with the citizen and that some of the ideas had to do with 'tax deductible contributions'.

Mr. Turnquist said that the committee needs to consider what will happen in the future with the Cemetery Committee, which currently consists of 3 members that have been on the committee for 10 years. Robert Ritter said that the cemetery fund could possibly be set up as a 'Trust Fund'.

Discussion continued about donations, amounts, and the purpose of such an authority and other trustees to include in the future such as pastors and church members. Councilman Terry Howard asked Town Manager Ritter to ask Jon Poulson about a 'Cemetery Authority'.

Mr. Turnquist commented that it would be a shame for all the hard work to begin and end with the current 3 members. He would like to see the committee continue into the future.

Committee Member Comments

No Comments.

Adjournment

Gary Turnquist motioned, seconded by Councilman T. Howard to adjourn the meeting. Unanimously approved.

The meeting was adjourned at 7:05pm.



PROCLAMATION

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of April 9TH through 15TH, 2011, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 4th day of April, 2011.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

**ORDINANCE COMMITTEE
TOWN OF CHINCOTEAGUE
March 10, 2011**

Meeting Minutes

PRESENT

Councilman Terry Howard, Chairman
Councilwoman Nancy Conklin

ABSENT

Councilman John Howard

STAFF

Robert G. Ritter, Jr., Town Manager

CALL TO ORDER

Chairman Terry Howard called the meeting to order at 5:00 PM

OPEN FORUM/PUBLIC PARTICIPATION

Ray and Nancy Rosenberger stated that they were there to show support for the Ordinance Committee

AGENDA ADOPTION

A motion was made by Councilwoman Conklin, seconded by Chairman Howard to adopt the agenda, Motion Carried.

1. **Possible Change in the Town Code, Chapter 30, Floods, Article IV, District Provisions, Sec 30-19 Anchoring fuel tanks, Paragraph (e) Violations. Consider revision to identify who will be responsible for a violation and the impact of a \$250 ‘per day’ fine for violations**

Background information was provided by Chairman Howard regarding a request to re-consider the violation provision of this Code section. He stated that the ordinance is clear, however, the question is who will be responsible for completing the work and/or the fine.

Mayor Tarr commented on the fuel tank issue requesting consideration of allowing a tank to be refilled in the winter even if there is a violation for not anchoring the tank. Mr. Howard thanked the council members for their input and requested a report from Staff on the following proposed revisions.

Sec. 30-19. Anchoring fuel tanks.

(a) **The owner of any** ~~All~~ new, replaced, or existing oil, and propane tanks must ~~be anchored~~ **fuel tanks** against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.

(b) All new, replaced, or existing oil tanks shall have their vent pipe extended at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.

(c) All new, replaced, or existing oil tanks must all be fitted with a fill tube screw-on tight-fit cap with gasket.

(d) The installation requirements for strapping and anchoring fuel tanks shall follow FEMA recommended guidelines.

(e) If ownership of fuel tank is unknown, the property owner shall be responsible.

(f) This section shall be effective November 5, 2012 for existing or replaced fuel tanks. (Amended 4/7/08)

*(g) Any ~~person~~ **property owner or Company** violating the provision of this section shall, upon conviction, be guilty of a class 4 misdemeanor and be punished by a fine of not more than two hundred and fifty dollars (\$250.00). ~~Each day in violation shall constitute a separate offense.~~
(Adopted 11/5/07)*

Mr. Ritter restated the question of enforcement and what will happen when the new deadline of November 5, 2012 for anchoring tanks is reached. The Town's code enforcement officer has also requested direction about whether the property owner, the fuel company that owns the tank and/or the fuel company that is requested to fill the tank will be responsible for meeting the code requirements for anchoring. A proposed revision to the Ordinance was presented for consideration.

Revisions to Section 30-19 paragraphs (a) and (e) are intended to make it clear that the owner of the tank will be responsible, and if the ownership is uncertain, the property owner will be responsible. Paragraph (g) was revised to eliminate the daily fine in the last sentence.

Chairman Howard confirmed the effective date of this change and asked about previous Council concerns regarding the hardship of a \$250 fine and misdemeanor offense for an older resident. It was agreed that the amount of the fine should be left up to a judge based on the circumstances and the Ordinance should stop at 'class 4 misdemeanor'. Councilwoman Conklin commented that the purpose of the Ordinance is to get the work done.

Several possible situations were discussed when the ownership of the fuel tank is in question. It was clear that this issue should be decided before the November 5, 2012 deadline. Councilwoman Conklin stated that if the fuel company claims not to own the tank, then the property owner is free to purchase fuel from any source. She suggested getting something in writing from the Fuel Companies about their intent to install the required anchors before the deadline.

Chairman Howard commented that working with this Ordinance has been a learning experience. Many residents, along with most of the fuel and propane tank suppliers have worked hard to accomplish the required anchoring. The last revision to the deadline has allowed additional time to complete this extensive task. He asked if members of the public wished to address the Committee.

Spiro Papadopoulos commended the Town for taking a proactive position toward this important public safety issue. He compared this effort to the example of earthquakes in California where individual property owners are responsible for meeting new requirements to 'harden' their structures against damage. He also referred to the example of lead water pipe replacement for public safety where the cost is then included in the price of service – this would apply to the propane companies that clearly own the tanks and provide service.

After review of the proposed Ordinance changes, Mr. Papadopoulos asked if paragraph (e) should state that the property owner ‘may’ be responsible in order to allow for extenuating circumstances.

Jack Van Dame spoke in support of the Ordinance and the changes as proper safeguards for public safety.

Chairman Howard asked for a motion to recommend the proposed changes to Town Council for approval. Councilwoman Conklin suggested that the new paragraph (e) does clearly state that the property owner shall be responsible in the case of unknown ownership. The remaining 18 months until the deadline will allow property owners to contact their fuel supplier and say “if you are not going to anchor it, then I am assuming it is my tank and I will take care of it”. There will be plenty of time to do it without waiting until the last minute.

Chairman Howard moved to recommend that the proposed changes to Section 30-19 of the Floodplain Ordinance regarding anchoring of fuel tanks to be recommended to Town Council, seconded by Councilwoman Conklin. The motion passed.

**2. Possible Changes in the Town Code, Chapter 30, Floods.
Review of recommended changes (in blue-line) from Charley Banks, Floodplain Program Engineer, VA Department of Conservation & Recreation.**

Public comment was received from Vice Mayor Ellen Richardson regarding Item #2 on the agenda requesting that no action should be taken until after a presentation from FEMA is heard on March 23rd that may provide more information. Mayor Jack Tarr also supported the request that action should be postponed for Item #2.

Mr. Ritter informed the Committee that any action on the changes recommended by Mr. Banks of Virginia DCR would need to be completed by the August Council meeting in order to satisfy the annual FEMA recertification program deadline of October 1st each year. These comments have been provided as an information item and the Town may wish to discuss and research certain portions of the recommended changes.

Chairman Howard described the community assistance review received from Mr. Charley Banks, a floodplain program engineer, including his recommendations and comments that the Town of Chincoteague is doing a very good job of floodplain management, especially considering the terrain of the island. He advises that FEMA is currently reviewing floodplain ordinances with greater scrutiny and certain changes may improve the Town’s Ordinance as highlighted.

A meeting with FEMA officials is scheduled for March 23rd in Accomac that will provide additional information regarding these issues. Chairman Howard indicated that the Committee will not take action as recommended by the Mayor and Vice Mayor this evening.

Mr. Ritter identified several of the proposed Flood Ordinance revisions that the Town may wish to consider before adopting.

- Flood Insurance in section 30-5 should not be connected to a Town enforced penalty section in the last sentence.
- The definition for ‘Primary frontal dune’ on page 11 of the staff report may not apply to Chincoteague and needs to be researched.

- The definition for ‘Shallow flooding area’ on page 11 of the staff report refers to base floods from one to three feet...above what elevation? Can the Town define it to be 6 inches to 3 feet?
- The definition of ‘Structure’ is not clear about gas or liquid storage tanks in the first and last paragraphs on page 12 of the staff report.
- The revision on page 14 of the staff report establishes a requirement to submit expensive technical or scientific data with any increase or decrease in physical changes that affect flooding conditions. There needs to be a threshold of impact established and who will be required to prepare a flood impact study.
- The revision shown to Section 30-14 may place additional liability on the Town’s zoning officer by requiring assurance of safety from flooding.
- Several revisions seem to apply in other areas of Virginia where uplands are located outside of the floodplain. The revision for ‘riverine areas’ proposed in Section 30-15 on page 15 of the staff report may not apply.
- The proposed revision on page 16 of the staff report addresses flood proofing for commercial structures. The section ends with a question for the Town to complete.
- The last revision listed on page 21 of the staff report needs to be reviewed with the Town Building Code Official to confirm the current practice and building code standards enforced.

Chairman Howard suggested that Staff contact Mr. Banks with the questions above and also identified portions of the proposed revisions that will require additional information including:

- Section 30-5 “In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article.”

Mayor Tarr asked why Mr. Banks has proposed revisions to the Town Flood Ordinance, and which FEMA regulation had changed in order to make these new requirements. Councilwoman Conklin added a concern about the primary frontal dune requirement when Chincoteague doesn’t have any. Chairman Howard thanked everyone for their comments.

COMMITTEE MEMBER COMMENTS

Chairman Terry Howard – The next meeting of the Ordinance Committee will be held on May 12, 2011 at 5pm.

Councilwoman Nancy Conklin– None

A motion was made by Councilwoman Conklin, seconded by Chairman Terry Howard to adjourn the meeting, Motion Carried.

The meeting adjourned at 5:13 PM.