

**MINUTES OF THE JANUARY 3, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the December 6 and December 7, 2004 Council Meetings.**

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

**5. Council Information Items.**

- Councilman Mason asked what the status was on the Enterprise Zone matter. Mayor Tarr responded that negotiations were in progress.
- Councilman Howard asked if Boggs Water & Sewage had returned to complete the work on the Maddox Boulevard pumping station. Acting Town Manager Jeffries responded that the ground had not dried up enough to complete the project. Councilman Howard also asked about the status of the No-Wake Zones. Acting Town Manager Jeffries responded that he was awaiting literature from Mr. Allen Marshall of the Virginia Marine Resources Commission. He added that Mr. Marshall thought that it would be possible to establish the zones.
- Vice Mayor Conklin asked when the scheduled bridge openings would begin again. Acting Town Manager Jeffries informed Council that the bridge would be closed to boat traffic until Thursday, January 6<sup>th</sup> due to motor problems. He added that he had not heard when the scheduled openings would begin again.
- Councilman Wolffe asked who could be called to find out when the scheduled openings would begin. Acting Town Manager Jeffries stated that he would call the Coast Guard.

- Councilman Mason asked if the training session on Flood Plain Programs had been scheduled. Acting Town Manager Jeffries replied that Zoning Administrator Lewis had contacted the Virginia Department of Conservation & Recreation for possible dates and times but had not yet received a reply.

## **6. Committee Reports.**

- **Public Works Committee-** Councilman Mason stated that the Committee met on December 14<sup>th</sup> and discussed the bids for aggregate and concrete work. He stated that there was also discussion regarding the Town maintaining the part of Memorial Park Drive that adjoined Ridge Road. Councilman Mason reported that other items discussed included granting permission for Mr. Mike Murphy to use the parking spaces to the rear of the Blue Crab Gallery on Mumford Street for a large dumpster for 10 business days, the “Geotechnical Investigations” for the 16” water pipeline replacement project, and the water rates and fees study.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee did not meet in December, but the next meeting would be on January 12<sup>th</sup> at 7:30 pm.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that Chief Lewis attended the meeting and reported on an Animal Control Officer. She stated that due to the cost of the position, the Committee decided to leave the responsibility with the Sheriff’s Department. Vice Mayor Conklin stated that there was also discussion regarding a seasonal skate park attendant, the A-NPDC’s fee for the cost of the upcoming workshop, and two unbudgeted items-the aquifer test for Well 8 and the water rate study.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin reported on the heating/air conditioning problem at the Center, the hiring of Michael Stevens as the maintenance technician and the Sha-Na-Na Rocking Christmas event.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee did not meet in December, but the next meeting would be on January 12<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on December 22<sup>nd</sup> and discussed two ‘event’ participant business license proposals prepared by Town Attorney Poulson. He announced that the next meeting would be on January 19<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard stated that the Committee did not meet in December, but the next meeting would be on January 25<sup>th</sup> at 6:00 pm. He reported that Karen and Eddie Quillen and Ann Whealton helped the Committee clean up the Aydolette/Booth Cemetery off of Willow Street.

## **7. Public Hearing: Property Line Vacation, Sally Burton Black, Lots 16, 17 & B, Burton Avenue.**

Mayor Tarr opened the public hearing.

Mr. Mark Coulbourne spoke on behalf of his mother, Sally Burton Black. He stated that she wished to make three small lots into two larger lots.

Councilman Mason asked what the square footage of the two new lots would be. Mr. Coulbourne referred him to the included drawing.

Vice Mayor Conklin asked if the area was zoned R-2 or R-3 and asked if the required square footage for the area was met. Mayor Tarr stated that the original lots were nonconforming lots, so the two new lots would not be required to meet the square footage.

Councilman Ross asked if the driveway was officially designated as such, or if it was part of his mother's property. Councilman Wolfe suggested that an easement for the 18' of Mrs. Black's property be designated as a driveway in order to reach the proposed back lot and garage.

Mayor Tarr closed the public hearing.

Councilman Wolfe motioned, seconded by Councilman Howard to approve the ordinance for the property line vacation of Lots 16, 17 & B, Burton Avenue as follows. Unanimously approved.

**ORDINANCE**

THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE:

1. That pursuant to the application of Sally Burton Edwards Black, owner of Lots 16 and 17 and Lot B on Burton Avenue, Chincoteague, Virginia, the boundary line between Lot 16 and Lot 17 and the boundary line which separates Lot B from Lots 16 and 17 be and they hereby are vacated.
2. That two new lots or parcels of land be created out of the original three lots as shown on the drawing submitted with the boundary line vacation request.
3. That a certified copy of this Ordinance be recorded in the Clerk's Office of Accomack County, Virginia.
4. That the effective date of this Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

\_\_\_\_\_  
3 JANUARY 2005  
Date

\_\_\_\_\_  
John H. Tarr, Mayor

Tax Map #s    030-A5-25-00-B000-00  
                  030A5-18-00-00016-00

## **8. Public Hearing: Amendment to Article VI, Section B.6.5.2 of the Zoning Ordinance.**

Mayor Tarr opened the public hearing.

He read the proposed change to Zoning Ordinance Section 6.5.2, 1<sup>st</sup> paragraph as follows:

**Each mobile home, travel trailer and/or camper shall be set back ten feet from the front, rear and side lot lines.**

**Additions to mobile homes, travel trailers and campers shall not exceed the square footage of the original mobile home, travel trailer or camper unit. The term “original mobile home, travel trailer or camper unit” shall not include pull outs, bumpers or hitches.**

**Any addition to a travel trailer or camper shall not extend more than three feet above the roof line of the travel trailer or camper unit.**

**No accessory structure shall be within five feet of a property line.**

After receiving no public comment, Mayor Tarr closed the public hearing.

Councilmen Howard and Wolffe agreed that the words ‘original’ and ‘mobile home’ should be included in paragraph three as follows: ‘...above the *original* roof line of the *mobile home*, travel trailer or camper unit’. Councilwoman Richardson stated that the third paragraph was only referring to travel trailers and campers, and not mobile homes because the three-foot roof line regulation for mobile homes was not enough of a pitch.

Councilman Howard stated that the suggested change to include ‘mobile homes’ in paragraph three would be more restrictive than what was advertised. Councilman Wolffe suggested approving the proposed amendment to the zoning section as advertised. He also suggested having the Planning Commission discuss the matter regarding roof line regulations for mobile homes in the third paragraph of the section and report back to Council with a recommendation.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to approve the amendment to Section 6.5.2 of the Town’s Zoning Ordinance as stated above. Unanimously approved.

## **9. Public Participation.**

- Mr. Tom Derrickson stated that he was a candidate for the vacant Planning Commission seat. He stated that he favored balanced, controlled growth for the town.
- Mr. C. Ray Daisey stated that he was also a candidate for the vacant Planning Commission seat. He stated that he wanted to serve the Island that he loved with an open mind and that he was willing to build a consensus.
- Mr. Peter Dougherty spoke about uncontrolled new development.

- Mrs. Dorothy Dutky asked what power Council had regarding new development. She mentioned the issue of having enough water to accommodate all of the new development.
- Mrs. Jane Wolffe asked if the Zoning Ordinance was on the Town's website. Mayor Tarr stated that it was.
- Mayor Tarr announced the public visioning workshop for January 27<sup>th</sup> at 7:00 pm at the Chincoteague Center.

## **10. *Appointments to the Planning Commission.***

Mayor Tarr opened the floor for nominations for the full-term seat vacated by Councilman Ross.

Councilman Mason nominated Mrs. Elizabeth Hunt.  
 Vice Mayor Conklin nominated Mr. Tom Derrickson.  
 Councilman Ross nominated Mr. C. Ray Daisey.  
 Councilman Wolffe nominated Mrs. Anita Speidel.  
 Councilman Howard nominated Mr. James Frese.

Mayor Tarr closed the nominations for Councilman Ross's vacant seat.

In favor of Mrs. Elizabeth Hunt were Councilmen Mason and Wolffe. Mrs. Hunt did not receive a majority vote.

In favor of Mr. Tom Derrickson were Vice Mayor Conklin and Councilman Wolffe. Mr. Derrickson did not receive a majority vote.

In favor of Mr. C. Ray Daisey were all members of Council. Mr. C. Ray Daisey was appointed to the Planning Commission for a four-year term.

Mayor Tarr opened the floor for nominations for the expired full-term seat of Mrs. Jane Wolffe.

Councilman Wolffe stated that he would abstain from the nominations and voting.

Councilman Ross nominated Mrs. Jane Wolffe.

Councilman Howard questioned the legality of having a husband and wife serving on the Council and the Planning Commission at the same time. He stated that the public was voicing opinions regarding the legality of such. Town Attorney Poulson stated that he would review the matter and report to Council at the January 20<sup>th</sup> recessed meeting.

Vice Mayor Conklin motioned, seconded by Councilman Howard, to table the vote regarding this seat on the Planning Commission until the January 20<sup>th</sup> meeting.

Ayes – Conklin, Howard, Mason, Richardson

Nays – Ross

Abstain – Wolffe

The motion carried.

Mayor Tarr also mentioned that Mr. Arthur Leonard and Mr. Rob Tye's terms on the Board of Zoning Appeals have expired. Town Attorney Poulson stated that Zoning Administrator Lewis should notify him of the two vacancies and also notify him of citizens interested in serving on the Board, including those wishing to be reappointed. Town Attorney Poulson stated that he would then send a letter to Judge Tyler with the list of names.

Mayor Tarr stated that Mr. Ernest Bowden's term on the Curtis Merritt Harbor Committee has expired and that Mr. Reginald Birch, Jr.'s term on the Board of Code Appeals has also expired.

It was the consensus of Council to make the public aware of the vacancies by placing an ad in the paper requesting that anyone interested in serving on these boards or committees contact the Acting Town Manager by 5:00 pm on January 21st.

### ***11. Execution of Downtown Mooring Contract.***

Mayor Tarr stated that only one bid was received for the Downtown Mooring Contract from Mr. Wesley McDonald of Chincoteague Fisheries, Inc., the current lease-holder of the mooring space. Town Attorney Poulson reviewed and revised the original lease agreement for Council's execution.

Councilman Wolffe motioned, seconded by Councilman Mason, to execute the lease agreement with Chincoteague Fisheries, Inc. in the amount of \$15,012.00 for the downtown mooring space. Unanimously approved.

### ***12. Budget for Public Visioning Workshop.***

Mayor Tarr stated that he spoke with Mr. Jim McGowan of the Accomack-Northampton Planning District Commission (A-NPDC) about the cost of the workshop. He stated that Mr. McGowan admitted that the Town was a paying member of the Commission, but that the A-NPDC staff needed to be compensated for the workshops since they were done at night. Mayor Tarr stated that Mr. McGowan had spoken to the Director about implementing a policy that allowed each paying member/locality a certain number of hours per year free of charge. Mr. McGowan stated that the Commission would split the cost with the Town for the workshop until the policy was instated. Vice Mayor Conklin expressed her concern about the Commission charging paying members such a large amount of money for the workshops.

It was the consensus of Council to offer one-half of the budgeted amount, or \$845.28, to the A-NPDC for the workshop. Mayor Tarr asked Acting Town Manager Jeffries to schedule the meeting at the Center for January 27<sup>th</sup> and asked him to advertise the workshop two times in the Beacon.

### ***13. Award of Aggregate Contract.***

Acting Town Manager Jeffries stated that three bids were received for the aggregate contract, two with the required 5% bid bond. He stated that the two bids considered were from Interstate Construction of Delmarva, Inc. and Pocomoke Materials.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the aggregate materials contract to the low bidder, Pocomoke Materials. Unanimously approved.

#### **14. Award of Contract for Concrete Work.**

Acting Town Manager Jeffries stated that one bid was received from C. Lee Davis, Inc. with the required 5% bid bond.

Councilman Mason motioned, seconded by Vice Mayor Conklin, to award the concrete work contract to C. Lee Davis, Inc. Unanimously approved.

#### **15. Award of Directional Drilling Contract.**

Acting Town Manager Jeffries stated that four bids were received for the drilling contract. He stated that the lowest bid was \$1,220,598 from Mears/HDD, LLC. He added that the estimate from the engineering firm was \$850,000. Acting Town Manager Jeffries stated that Mr. Andy Landrum from Whitman, Requardt and Associates (WR&A) was negotiating with Mears/HDD, LLC for possible cost reductions and had also contacted Mr. Will Cumming of the Virginia Department of Transportation (VDOT) for additional funding from the state. Acting Town Manager Jeffries stated that some of the additional cost of the directional drill project was due to an additional 500 feet of drilling required to accommodate sheet piling planned by the VDOT's bridge design consultant for construction of the approach to the new bridge.

Acting Town Manager Jeffries stated that Mears/HDD, LLC offered a cost savings of \$17,000 if the in-place survey requirements were modified. They offered a cost savings of \$72,000 if the pile supported thrust collar was eliminated and if 150 linear feet of 16" DIP pipe was replaced with HDPE pipe. In addition, the company offered a \$15,000 potential cost savings if the company was awarded the Suffolk project, which would reduce the mobilization cost.

It was the consensus of Council to pursue additional funds from VDOT until efforts were exhausted.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the directional drill contract to Mears/HDD, LLC at the original bid price less the abovementioned cost savings offered, for a price of \$1,131,598, to be further reduced by \$15,000 if the contractor was awarded the Suffolk project. Unanimously approved.

#### **16. Other Matters.**

- Chief Lewis announced that the Police Committee meeting would be on January 4<sup>th</sup> at 5:30 pm.
- Town Attorney Poulson stated that he worked on the Subdivision Ordinance over the holidays and would continue to work on it.
- Vice Mayor Conklin complimented the Public Works Department on the Christmas decorations in the Downtown Park and throughout town. She also announced the Christmas decoration contest winners. Vice Mayor Conklin stated that Ginger Birch, Calvin Barrett, Dale Holston, Dino Johnson, Bill Mears, Sherry Tarr and Mandy Betts

each won a \$50 U.S. Savings Bond and that Baxter Brasure, Dick Gonzoph, Reverend William Gregory, Jessica Conklin, Jim Stanfield, June Mohr, Vince Tolbert, Harry Thornton, Dick Conklin and Howard Allwine each won an Honorable Mention certificate. Mayor Tarr thanked Vice Mayor Conklin and the judges for their efforts in the contest.

- Councilman Mason asked about the water rate/fee study status. Mayor Tarr stated that it was discussed at the last Budget and Personnel Committee meeting and that the cost of the study would be approximately \$30,000.

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

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

Councilman Richardson moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**18. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilwoman Richardson to recess the meeting until January 20, 2005. Unanimously approved.

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Mayor

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Acting Town Manager



**MINUTES OF THE JANUARY 20, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 5:30 p.m.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Unanimously approved.

Councilman Wolffe moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**5. Recess of Meeting until 7:30 pm.**

Mayor Tarr stated that the meeting would recess until 7:30 pm.

**6. Reconvening of Meeting.**

Mayor Tarr stated that Council met earlier in the evening in closed session to discuss the search for a new Town Manager. He stated that the meeting was already in session.

**7. Special Presentation – Mr. Steve Habeger, Past Executive Director, Navy SCSC, Wallops Island, VA.**

Mr. Habeger stated that he was currently employed by the Northrop Grumman Corporation. He explained the Economic Value Study of the Surface Combat Systems Center (SCSC) developed by Dr. Memo Diriker of Salisbury State University’s Business, Economic and Community Outreach Network (BEACON). Mr. Habeger spoke of the military value and the economic value of SCSC’s presence in the region. He also explained the effects of direct, indirect and induced values added to the region.

Mr. Habeger introduced Dr. Diriker of BEACON. Dr. Diriker explained the study analysis in further detail. He stated that Mr. Habeger and the Eastern Shore Defense Alliance asked him to review three scenarios.

- Scenario 1: Mr. Habeger stated that the Navy was planning a new ship class called the DDX, in which the ship would become operational in 2012. He stated that there was a plan to build a building in 2005 or 2006 on Wallops Island to support the DDX ship class.
- Scenario 2: Mr. Habeger stated that the combat facilities on Wallops Island currently had a five-day work week force. He explained Base Realignment and Closure (BRAC) and how it worked. Mr. Habeger estimated a 40% increase in AEGIS with this scenario.
- Scenario 3: Mr. Habeger stated that it was basically the same as scenario 2, except at another combat systems facility. Mr. Habeger estimated a 40% increase in the SSD facility.

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following resolution in support of the base. Unanimously approved.

**RESOLUTION OF SUPPORT**

**WHEREAS,** The U.S. Navy Surface Combat Systems Center at Wallops Island is a valued part of Accomack County that benefits the community through an improved

technology environment, the civic engagement of Navy personnel, and quality jobs for local residents, and

**WHEREAS**, an economic impact study for the Surface Combat Systems Center found that it generates total economic activity in Accomack County exceeding \$58 million per year, and

**WHEREAS**, expansion of the Navy Surface Combat Systems Center could add more than \$39 million to the base's economic impact on the region

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Chincoteague supports the preservation and expansion of the U.S. Navy Surface Combat Systems Center at Wallops Island, and;

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Chincoteague supports the efforts of the Eastern Shore Defense Alliance in promoting the future of the base.

**DATED** this 20<sup>th</sup> day of January, 2005.

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John H. Tarr, Mayor

Attest:

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J. Wesley Jeffries, Acting Town Manager

### **8. *Public Participation.***

- Mr. Bob Behr advocated the purchase of the trolleys by the Town.
- Mr. Gerry Ryan also supported the purchase of the trolleys.
- Mr. Richard Conklin asked what the legal opinion was regarding Dr. and Mrs. Wolffe serving on Council and a Town Commission concurrently. He stated that he opposed such, as did many others in the community.

### **9. *Purchase of Trolleys.***

Mr. Jim McGowan of the Accomack-Northampton Planning District Commission (A-NPDC) stated that three grant applications and cost schedules had been prepared for the possible purchase of trolleys. He stated that the grant program required Council to have a public hearing.

Councilman Wolffe motioned, seconded by Councilman Mason, to schedule a public hearing and complete the grant applications. Unanimously approved.

## **10. Appointment to the Planning Commission.**

At the regular meeting held on January 3<sup>rd</sup>, Council tabled the nomination of Mrs. Jane Wolffe for re-election to the Commission until an opinion was rendered from Town Attorney Poulson regarding the legality of spouses serving on Council and a Town Commission concurrently. Town Attorney Poulson felt that Mrs. Wolffe was eligible for reappointment.

Mayor Tarr opened the floor to nominations to fill the vacant full-term seat due to Mrs. Wolffe's expired term.

Councilman Ross nominated Mrs. Jane Wolffe.  
Councilwoman Richardson nominated Mr. Jim Frese.  
Councilman Howard nominated Mr. Tom Derrickson.

Mayor Tarr closed the nominations.

In favor of Mrs. Wolffe were Vice Mayor Conklin and Councilmen Mason and Ross. Councilman Wolffe abstained. Having received a majority of votes, Mrs. Wolffe was reappointed to the Planning Commission.

## **11. Lease of Town Dock for Boat Tours.**

Acting Town Manager Jeffries explained that Mr. Shawn Giacobbe had previously appeared before Council to request leasing a section of the Town Dock for his tour boat for loading and unloading passengers. Mayor Tarr stated that a copy of a former lease by Island Cruises for the same docking space was sent to Town Attorney Poulson for review. Mayor Tarr reiterated that the matter before Council was whether or not Council wanted to allow the leasing of the dock space, which included advertising to anyone wishing to lease the space and then soliciting bids for the space.

- Councilman Mason stated that the start date needed to be established and that the liability needed to be identified.
- Vice Mayor Conklin was concerned about the water lines, vehicle parking and congestion with boats moored along the Town Dock.
- Councilman Howard advocated allowing another business as a benefit to the Island's economy. He added that the Town needed to continue to be 'business friendly'.
- Councilman Wolffe was concerned that the construction on the water line might not be completed by the proposed lease start date. He added that an informal study could be done regarding the congestion and vehicle parking concerns mentioned by Vice Mayor Conklin.
- Councilman Ross asked if other possible locations could be considered, such as the new waterfront park or the harbor.
- Councilman Mason suggested consulting the Harbor Master regarding the parking and congestion matter at the Town Dock.

It was the consensus of Council to gather more information and discuss the matter at a future meeting.

## **12. Authorization of a Water Rates & Fees Study.**

Councilman Mason reported on the 16” water main replacement from Black Narrows to the Town Dock area. He stated that there was also a plan to replace the line all the way to Wallops Island. Councilman Mason stated that along with that, there was a recommendation in the Capital Improvement Plan to install an additional raised water tower and maintain the existing tower and tank. He explained that a cost study was done regarding the current income of the water facility with respect to the budget. He stated that the report showed solid income for the current year, but in the following years the income was projected to be \$300,000 to \$400,000 below budget. Councilman Mason stated that as a result, the Public Works Committee recommended that a ‘water rate and fees study’ be done.

Councilman Mason reported that a proposal for the study was received from Mr. Ed Donahue of Municipal & Financial Services Group in the amount of \$30,000. He added that the fee for the study was an unbudgeted expense and would have to be withdrawn from the Town’s LGIP water reserve.

Councilman Mason motioned, seconded by Vice Mayor Conklin, to fund the ‘water rate and fees study’. Unanimously approved.

## **13. Resolution for the Addition of Silver Sails Landing to the State Roads System.**

Acting Town Manager Jeffries stated that the developer of the Silver Sails subdivision, Mr. Domnick Brunori of Brunori Homes, was in the process of having the road deeded to the Town for inclusion into the urban highway system. He stated that the road had been inspected by Mr. Kenny Wright, VDOT Assistant Resident Engineer, and approved for acceptance.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following resolution to accept Silver Sails Landing into the State Urban Highway System. Unanimously approved.

### **RESOLUTION**

WHEREAS, the Virginia Department of Transportation, in accordance with its procedures for towns requesting mileage additions, requires that a formal request be made for such by council resolution; now

THEREFORE BE IT RESOLVED, that the Town Council of the Town of Chincoteague, Chincoteague Island, Virginia requests that the Virginia Department of Transportation accept and incorporate the 0.1765 mile long rural road collector known as Silver Sails Landing into the Urban Highway System with such collector becoming eligible for maintenance payments under Section 33.1-41.1 of the Code of Virginia.

Adopted this 20<sup>th</sup> day of January, 2005  
Town of Chincoteague, Virginia

BY: \_\_\_\_\_  
John H. Tarr, Mayor

Attest: \_\_\_\_\_  
J. Wesley Jeffries, Acting Town Manager

Councilman Ross commented that the Silver Sails subdivision was an example of building to the ordinances. He commended the developer, Mr. Brunori.

#### **14. Other Matters.**

- Acting Town Manager Jeffries stated that the preparation for the directional drill for the 16" water line had begun.
- Councilman Howard requested that the decision made by Council regarding the appointment to the Planning Commission be reviewed by Town Attorney Poulson.
- Mayor Tarr reminded the public and Council that the public planning workshop was scheduled for January 27<sup>th</sup> at 7:00 pm.

#### **15. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters.**

Councilman Howard moved, seconded by Councilwoman 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 Howard moved, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Mason moved, seconded by Councilman Howard 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- Conklin, Howard, Mason, Richardson, Ross, Wolfe  
Nays- None  
Absent- None

## **16. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on February 7, 2005. Councilwoman Richardson motioned, seconded by Councilman Wolfe, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

### **MINUTES OF THE FEBRUARY 7, 2005 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

#### **Council Members Absent:**

Nancy B. Conklin, Vice Mayor

#### **1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

#### **2. Invocation.**

Councilman Ross offered the Invocation.

#### **3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

#### **4. Approval of Minutes of the January 3 and January 20, 2005 Council Meetings.**

Councilwoman Richardson stated that in the 'Other Matters' section of the January 3<sup>rd</sup> meeting, Mayor Tarr's name needed to be corrected. Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as corrected. Unanimously approved.

**5. Resolution of Respect.**

Mayor Tarr read the following resolution of respect into the minutes.

**A RESOLUTION OF THE  
CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS,** Henry Jester served Chincoteague well for many years in many capacities;  
and

**WHEREAS,** he served faithfully as a member of Town Council and played a vital role  
in the development of the community; and

**WHEREAS,** his exemplary conduct and sense of fairness furthered the cause of better  
understanding and was an influence for good in the growth and progress of  
our community;

**NOW, THEREFORE BE IT RESOLVED,** that by the sad and untimely death of  
Brother Henry Jester, the Chincoteague Town Council lost a valuable  
friend, whose energies and initiative contributed inestimable service to the  
people of the Town of Chincoteague by his work with the Council; and

**BE IT FURTHER RESOLVED,** that this Resolution be spread upon the minutes of this  
meeting and a copy published in the Chincoteague Beacon.

**IN TESTIMONY WHEREOF,** the Council has caused the corporate seal to be hereunto  
affixed and the signature of its Mayor, John H. Tarr, this 7<sup>th</sup> day of  
February, 2005.

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John H. Tarr, Mayor

ATTEST:

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J. Wesley Jeffries, Acting Town Manager

**6. Presentation of Fire Programs Funds.**

Mayor Tarr presented Chincoteague Volunteer Fire Company's President, Mr. David Lewis, and Chief, Mr. Bobby Lappin, a check from the Virginia Fire Programs in the amount of \$8,501.77.

**7. Introduction of New Employee.**

Acting Town Manager Jeffries introduced Mr. Michael Goodenough as the new public works employee. Mayor Tarr and Council welcomed Mr. Goodenough.



## **8. Council Information Items.**

- Councilman Howard asked about the status of the pumping station on Maddox Boulevard. Acting Town Manager Jeffries stated that Boggs Water & Sewage expected to have a well point system available in the near future to divert the standing water from the dig site.
- Councilman Ross asked if the training workshop on February 24<sup>th</sup> was open to the public. Acting Town Manager Jeffries stated that it was open to the public, but that there would be no public participation.

## **9. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that there was no change to Council's previous vote on the camper additions ordinance, as it pertained to travel trailers and campers and not mobile homes.
- **Public Works Committee-** Councilman Mason stated that the Committee met on January 11<sup>th</sup> and discussed the new drain installation on Mumford Street, the postponement of the paving until the spring, and the water rates and fees study. He announced that the next meeting would be on February 10<sup>th</sup> at 5:00 pm.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee discussed going to Richmond to seek additional grant funding on February 9<sup>th</sup> for the Harbor Rehab project. He added that the current renovations to the Harbor were almost complete.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on January 12<sup>th</sup> and discussed extending for one month the solicitation of names for the Hallie Whealton Smith nature trail. He stated that the Committee also discussed investigating the establishment of a YMCA on the Island. Councilman Ross stated that there would be a meeting regarding the YMCA on February 9<sup>th</sup> at 3:30 pm. He added that the Accomack County Parks and Recreation Director would also attend the meeting to help with some ideas for other outdoor activities.
- **Budget and Personnel Committee-** Councilman Wolffe reported for Vice Mayor Conklin. He stated that the Committee met on January 18<sup>th</sup> and discussed electronic banking and possibly receiving credit card payments for Town transactions, changes in the DMV services in relation to additional costs that would be incurred by the Town, and a preliminary discussion regarding disability and cancer insurance policies that may be offered to the Town employees. Councilman Wolffe announced that the next meeting would be on February 22<sup>nd</sup>.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on January 19<sup>th</sup> and January 26<sup>th</sup>. He stated that the special event vendor license was reviewed and that a recommendation by the Committee would be offered to Council later in the meeting. Councilman Howard announced that the next meeting would be on February 16<sup>th</sup>.
- **Cemetery Committee-** Councilman Howard stated that the Committee met on January 25<sup>th</sup> and discussed cleaning up the Holly Ridge Cemetery on North Main Street.

## **10. Public Participation.**

- Mr. Chris Walker stated that he was a local commercial fisherman and was representing fishermen on the Eastern Shore. He stated that he was part of 44-member team that conducted a study regarding bottle-nosed dolphins getting caught in the large mesh gill nets. He added that after more than two years, the team reached a consensus and sent their suggestions to remedy the situation to the government for review. Mr. Walker stated that even though the study was done and suggestions were made, the government's National Marine Fisheries Service was imposing an endangered species act which would ban large mesh gill nets in this area. He asked Council for a letter of support to enable the fishermen to continue to use the nets, as this was their livelihood. He stated that Accomack County and the State of Virginia were also writing letters of support. Councilman Wolffe stated that he supported the fishermen, but with some reservation due to his understanding of the matter.

It was the consensus of Council to send a letter of support for the fishermen.

- Mr. Mike Handforth asked Council to support the Virginia Marine Resources Commission's (VMRC) option #2, which offered a minimum flounder size of 16 ½" with a bag limit of 6 fish per person and no closure time.

It was the consensus of Council to send the letter of support to the VMRC.

- Mr. Shawn Giacobbe stated that he had proposed leasing the north side of the Town Dock and offered to answer any questions Council might have regarding possibly leasing the space.

Councilman Mason asked how many passengers his boat would hold. Mr. Giacobbe responded that 38 passengers were allowed.

Councilman Wolffe reiterated that the discussion of Council regarding agenda item number eleven would be whether or not Council agreed to allow *anyone* to lease the dock space, and not just Mr. Giacobbe. He added that if it was in the best interest of the Town to lease the space, the matter would have to be advertised to the public for bids.

Councilman Wolffe also asked Mr. Giacobbe to address the concern of parking and asked him if there was a problem with using the area south of the boat ramp. Mr. Giacobbe stated that he would have his customers use the trolley system to alleviate the parking problem at the Town Dock. He also mentioned utilizing the downtown parking lot and possibly parking two or three cars in each of the empty boat trailer parking spaces in the Town Dock lot. Mr. Giacobbe stated that the reason for not using the south side of the boat ramp was due to congestion and interference with boat ramp traffic. Councilman Wolffe mentioned the concern of the water main construction in the requested lease area. Mr. Giacobbe stated that he felt the lease should be contingent upon completion of the new water main construction.

## **11. Leasing of Downtown Dock.**

Mayor Tarr stated that it was Council's decision of whether or not to advertise for public bids for the leasing of space at the Downtown Dock.

Councilman Mason stated that he was concerned with safety regarding pedestrian traffic, including children.

Councilman Howard asked Mr. Giacobbe what Island Cruise's safety record was when he was employed there. Mr. Giacobbe stated that the safety record was very good. He added that there would even be fewer passengers than Island Cruise had. Councilman Howard told Mr. Giacobbe that he was in favor of such a business at the Town Dock.

Councilman Wolffe agreed with Councilman Howard. He stated that the pros outweighed the cons on the matter, especially with bringing customers into the downtown area and using the trolley system. Councilman Wolffe stated the importance of including in the proposed lease that the lease would not be in effect until the construction on the new water main was completed, and also that there be a cap on the size of the vessel allowed to lease the space.

Councilman Wolffe motioned, seconded by Councilman Howard, to advertise a proposed lease for the Town Dock space to the public for bids.

Council made suggestions to Town Attorney Poulson as to how specific limits and stipulations should be detailed in the lease.

Councilman Wolffe motioned, seconded by Councilman Howard, to table the previous motion until Town Attorney Poulson could draw up a lease for Council's review. Unanimously approved.

## ***12. Appointments to Building Code Board of Appeals and Curtis Merritt Harbor of Refuge Committee.***

Mayor Tarr stated that Mr. Reginald Birch, Jr.'s term had expired on the Building Code Board of Appeals and that he had expressed an interest in continuing to serve on the Board. He added that there were no others interested in filling the expired term.

Mayor Tarr opened the floor for nominations to fill the expired term on the Building Code Board of Appeals.

Councilman Howard nominated Mr. Reginald Birch, Jr.

Mayor Tarr closed the nominations.

In favor of Mr. Reginald Birch, Jr. were Councilmen Howard, Mason, Ross and Wolffe and Councilwoman Richardson. Vice Mayor Conklin was absent. Mr. Birch was re-appointed to the Building Code Board of Appeals.

Mayor Tarr stated that Mr. Ernest Bowden's term on the Curtis Merritt Harbor of Refuge Committee had expired and that he had expressed an interest in continuing to serve on the Committee. He added that Mr. Kevin Merritt had also expressed interest in serving on the Committee.

Mayor Tarr opened the floor for nominations to fill the expired term on the Curtis Merritt Harbor of Refuge Committee.

Councilman Mason nominated Mr. Ernest Bowden.  
Councilman Ross nominated Mr. Kevin Merritt.

Mayor Tarr closed the nominations.

In favor of Mr. Ernest Bowden were Councilmen Howard, Mason, Ross and Wolffe and Councilwoman Richardson. Vice Mayor Conklin was absent. Mr. Bowden was re-appointed to the Curtis Merritt Harbor of Refuge Committee.

Mayor Tarr announced that there was a vacancy on the Planning Commission that would be voted on at the March 7<sup>th</sup> Council meeting. He added that there were two vacancies on the Board of Zoning Appeals and asked Town Attorney Poulson to submit the names of those interested in serving on the Board to the Circuit Court judge.

### **13. Ordinance Committee Recommendation.**

Councilman Howard stated that the Committee met on January 19<sup>th</sup> and January 26<sup>th</sup> and discussed two alternatives offered by Town Attorney Poulson for a “special event vendors license”. He stated that the Committee recommended alternative number 2.

Councilman Mason stated that the difference between the two proposed alternatives was that the first alternative specifically defined a ‘local nonprofit organization’. Town Attorney Poulson clarified that alternative one was a broader form, whereas alternative two was more restrictive. There was a lengthy discussion regarding ‘local nonprofit organizations’ as opposed to ‘charitable organizations’.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt ordinance alternative number one for a special event vendors license as stated below. Councilman Ross stated that he felt it was not fair to change the recommendation of the Committee without Vice Mayor Conklin’s input.

Ayes – Howard, Mason, Richardson, Wolffe

Nays – Ross

Absent – Conklin

The motion was carried.

### **Sec. 18-95. Special event vendors, carnivals, and circuses.**

Notwithstanding the provisions of Sec. 18-91 and Sec. 18-92 and the license requirements enumerated therein, any person, firm, or corporation engaged as an itinerant vendor or operating a carnival or circus at a Special Event conducted or sponsored by a local “charitable nonprofit organization” or a local nonprofit organization, as herein defined, shall pay a license tax of \$30.00 for each such event, unless such person, firm, or corporation is otherwise licensed in accordance with Chapter 18.

A “Special Event” for purposes of this Section shall be an event which is conducted for a limited number of days not exceeding fourteen (14) in any calendar year.

A local “charitable nonprofit organization” for purposes of this Section shall mean an organization which is described in Internal Revenue Code §501(c)(3) and to which contributions are deductible by the contributor under Internal Revenue Code §170, except that educational institutions shall be limited to schools, colleges, and other similar institutions of learning, and a majority of such organization’s receipts are utilized, directly or indirectly, within the Town of Chincoteague.

A local nonprofit organization means an organization exempt from Federal Income Tax under Internal Revenue Code §501 other than charitable nonprofit organizations, and the majority of such organization’s receipts are utilized, directly or indirectly, within the Town of Chincoteague.

#### **14. Approval of Fuel Storage Tank Installation.**

Acting Town Manager Jeffries stated that according to Town Code Section 26-2, permission must be obtained from Council to place storage tanks for inflammable or explosive substances within the corporate limits. He stated that the permit application for the two new 12,000 gallon fuel storage tanks for Shore Stop at 4130 Main Street had been properly completed and reviewed by Zoning Administrator Lewis.

Councilman Ross questioned the potential traffic problem with the tanker truck due to the increase in tank refueling since the capacity of the tanks would be reduced.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the permit for the fuel storage tanks for Shore Stop. Unanimously approved.

#### **15. Replacement of 16” Water Main – Phase II.**

Acting Town Manager Jeffries mentioned the importance of replacing the remainder of the 16” water main from Black Narrows to the mainland. He also mentioned the concern of the cost of the project.

Councilman Wolffe stated that the bond and the materials would be less expensive now than later.

Councilman Mason read and explained excerpts from the corrosion study report. He stated that the geotechnical investigation, the final design phase and the bid phase have not yet been approved by Council. Councilman Wolffe asked if the items would have to be a current fiscal year’s budget amendment and what the estimated cost of those items would be. Councilman Mason replied that the items would be an additional \$133,500 (geotechnical investigation = \$45,000; final design phase = \$82,000; bid phase = \$6,500).

It was the consensus of Council to install the pipe in one job, rather than in two sections at separate times. Mayor Tarr recommended that the Public Works Committee research the costs involved and present the information to the Budget and Personnel Committee for consideration for next fiscal year’s budget.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the geotechnical investigations, final design phase and bid phase at an estimated cost of \$133,500 as listed in Whitman, Requardt and Associates' letter proposal dated June 2, 2004. Unanimously approved.

## **16. Other Matters.**

- Acting Town Manager Jeffries presented a picture of Pony Penning 2005 that was donated to the Town by Mr. Mike Carrey. He also stated that the directional drill was about one week ahead of schedule.
- Councilman Ross stated that he was concerned about the way certain citizens at a prior Board of Zoning Appeals meeting were addressed by the Board. Acting Town Manager Jeffries stated that he would check with Zoning Administrator Lewis regarding the matter. He was directed by Council to send a letter to the BZA members expressing the Mayor and Council's concerns.
- Councilman Wolffe requested that at the March 7<sup>th</sup> meeting, the issue regarding lot sizes be addressed.
- Councilman Howard asked about the results from the Accomack-Northampton Planning District Commission regarding the planning workshop.
- Councilman Mason asked if discussion regarding a Town Planner could be placed on the agenda for March 7<sup>th</sup>.

## **17. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Ross, to recess the meeting until February 11, 2005 at 12:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE FEBRUARY 11, 2005**  
***CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**Council Members Absent:**

Nancy B. Conklin, Vice Mayor

## **1. Call to Order.**

Mayor Tarr called the meeting to order at 1:00 p.m.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Unanimously approved.

Councilman Ross moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe 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- Howard, Mason, Richardson, Ross, Wolffe

Nays- None

Absent- Conklin

**5. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Mason, to recess the meeting until February 12, 2005 at 8:30 am. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE FEBRUARY 12, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**Council Members Absent:**

Nancy B. Conklin, Vice Mayor

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 9:00 am.

**2. *Invocation.***

Councilman Ross offered the invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

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

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

Councilman Ross moved, seconded by Councilman Mason to reconvene in regular session.  
Unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe 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- Howard, Mason, Richardson, Ross, Wolfe  
Nays- None  
Absent- Conklin

**5. Recess of Meeting.**

Councilman Wolfe motioned, seconded by Councilman Mason, to recess the meeting until February 15, 2005 at 7:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE FEBRUARY 15, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

**Council Members Absent:**

Nancy B. Conklin, Vice Mayor

**1. Call to Order.**

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

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Councilman Mason moved, seconded by Councilman Wolffe to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Ross 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- Howard, Mason, Richardson, Ross, Wolffe

Nays- None

Absent- Conklin

#### **5. *Recess of Meeting.***

Councilman Mason motioned, seconded by Councilman Howard, to recess the meeting until February 17, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

### **MINUTES OF THE FEBRUARY 17, 2005 *CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING***

#### **Council Members Present:**

John H. Tarr, Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman

#### **Council Members Absent:**

Nancy B. Conklin, Vice Mayor  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Public Hearing: Property Line Vacation, Louis & Lynda Hesen, Lots 30 & 30A, Division Street.**

Mayor Tarr stated that Mr. and Mrs. Hesen have applied to vacate the property line between lots 30 and 30A on Division Street in order to build an addition to their house located on lot 30.

Mayor Tarr opened the public hearing.

Mayor Tarr closed the public hearing after receiving no public comment.

Councilwoman Richardson motioned, seconded by Councilman Ross, to adopt the following ordinance to vacate the property line between lots 30 and 30A, Division Street. Unanimously approved.

**AN ORDINANCE TO VACATE A PROPERTY LINE IN A SUBDIVISION IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA**

WHEREAS, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to 15.2-2272 of the Code of Virginia of 1950, as amended; and

WHEREAS, one or more members of the governing body of the Town of Chincoteague has moved that the hereinafter described part or parts of a certain plat of a Subdivision situated in the Town of Chincoteague entitled "Survey of Property for Edward Lunn Tull, Chincoteague, Accomack County, Virginia," dated April 26, 1971, made by R.L. Beebe, C.E., revised November 7, 1973, to show Lots 25 through 56, said plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 19, page 42, reference to said plat being hereby made for a more particular description of the herein conveyed property, and in which subdivision the property line dividing Lot 30 and Lot 30A, Division Street be vacated, and add property line on Northwest portion of Lot 30A.

WHEREAS, the basis of said vacation is at request of owners of said lots for the purpose of an addition of 18'x30' consisting of 540 sq. ft. to existing house located on Lot 30.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE:

1. That the property line between Lot 30 and Lot 30A of the plat entitled "Survey of Property for Edward Lunn Tull, Chincoteague, Accomack County, Virginia," dated April 26, 1971, made by R.L. Beebe, C.E., revised November 7, 1973, said plat being recorded in Plat Book 19, page 42, be and is hereby vacated and add a lot line on the Northwest portion of Lot 30A.

2. That a certified copy of the Ordinance be recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia.

The effective date of the Ordinance shall be upon adoption.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Acting Town Manager

#### **5. Public Hearing: Grant Funding for Trolleys.**

Mayor Tarr stated that the applications and resolutions for grant funding for the trolleys were mailed to the Virginia Department of Rail and Public Transportation by the February 1<sup>st</sup> deadline by Mr. Jim McGowan of the Accomack-Northampton Planning District Commission (A-NPDC). He stated that a public hearing was a requirement of the grant application process.

Mayor Tarr opened the public hearing.

Mayor Tarr closed the public hearing after receiving no public comments.

Councilman Howard motioned, seconded by Councilwoman Richardson, to retroactively approve the submission of the applications and to adopt the required resolutions. Unanimously approved.

#### **6. Public Participation.**

- Mr. Ray Rosenberger, representative of the Eastern Shore Research, Conservation and Development Council (RC&D), explained that the RC&D Council was facing federal funding cuts that would eliminate the local RC&D. He requested support from Council and asked that they contact Representative Thelma Drake for her support of the local RC&D by March 1<sup>st</sup>.

It was the consensus of Council to send a letter of support by the March 1<sup>st</sup> deadline.

- Mr. Bob Behr of the Main Street Merchants Association and the 2<sup>nd</sup> Saturday Art Stroll thanked the Mayor and Council for their support of the trolley system.

## **7. Advertisement of Town Dock Lease.**

Mayor Tarr stated that Town Attorney Poulson provided Council with a lease agreement, ordinance and newspaper advertisement regarding the use of a section of the Town Dock for the operation of a tour boat. He stated that the ad would be published in the paper for the first two weeks' editions in March. Mayor Tarr added that the bids were scheduled to be opened at the March 17<sup>th</sup> recessed Council meeting.

Councilman Mason questioned the insurance section of the proposed lease agreement regarding the 'Town as insured'. Mayor Tarr stated that it was standard procedure.

Councilman Howard motioned, seconded by Councilman Ross, to adopt the following ordinance authorizing the lease of a portion of the Town Dock in conjunction with the operation of a tour vessel and the solicitation of bids for such lease. Councilman Mason objected to the leasing of the space for safety reasons.

Ayes – Howard, Ross, Richardson

Nays – Mason

Absent – Conklin, Wolffe

The motion was carried.

**AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION  
OF THE TOWN DOCK OF THE TOWN OF CHINCOTEAGUE  
IN CONJUNCTION WITH THE OPERATION OF A TOUR VESSEL(S)  
AND THE SOLICITATION OF BIDS FOR SUCH LEASE**

BE IT ORDAINED AS FOLLOWS:

1. That the Council solicit bids for the lease of the portion of the Town Dock in conjunction with the operation of a tour vessel(s) for the 2005 and 2006 seasons in the form and on the terms and conditions contained in the hereinafter described Lease.
2. That the form, terms and conditions of said Lease shall be as follows:

THIS AGREEMENT OF LEASE, made this 1<sup>st</sup> day of May, 2005, by and between **THE TOWN OF CHINCOTEAGUE, INCORPORATED**, Lessor, party of the first part; and \_\_\_\_\_, Lessee, party of the second part.

WITNESSETH: That the said Lessor, for and in consideration of the mutual covenants hereinafter mentioned and be kept and performed by Lessee, does hereby demise and lease to Lessee the hereinafter described real estate, subject to the terms and conditions herein contained.

## **DESCRIPTION OF REAL ESTATE**

Seventy Feet (70') waterfront dock frontage of the "Town Dock", on Chincoteague Channel, Chincoteague, Virginia, as designated by white lines. The demised area does not include adjacent walkways or parking areas.

## **TERM**

The term of this Lease is for two (2) periods of six (6) months each, the first beginning on May 1, 2005, or at such time as the Town completes the installation of a new water main in the area of the Town Dock, whichever is the later, and terminating on October 31, 2005, with a second term beginning May 1, 2006 and terminating on October 31, 2006, without notice. This lease shall not automatically renew for any successive term.

## **RENT**

The total rent for said terms shall be \_\_\_\_\_  
(\$ \_\_\_\_\_), said rental to be paid in two (2) annual installments of \_\_\_\_\_  
(\$ \_\_\_\_\_) each, in advance, without demand, on the first day of each term, and payable to Lessor at 6150 Community Drive, Chincoteague, Virginia 23336. Lessee will pay a late charge of \$100.00 per day for any rental installment made after the 1<sup>st</sup> day of any term.

## **USE OF DOCK FRONTAGE**

Said dock frontage shall be used solely as an embarkation and debarkation area for Lessee's tour vessel(s) as authorized herein, and Lessee shall restrict its use for such purposes and shall not use or permit the use of the property for any other purpose without the express written consent of Lessor.

Lessee's vessels shall only utilize said dock frontage between the hours of 3:30 pm and sunset each day and no vessel(s) shall be moored at said frontage for any cumulative times in excess of two (2) hours daily for such permitted purposes. Lessor, by its Town Manager, may permit additional times for specific trips upon reasonable advance written request by the Lessee. No other portion of the Town Dock shall be utilized for the Lessee's purposes.

Lessee shall not utilize any vessel in excess of fifty feet (50 ft.) in length in its operations. Any such vessel utilized by Lessee shall be in compliance with all state and federal laws and regulations at all times and under the control, while utilizing said dock frontage, of a properly licensed master.

Lessee may post up to two (2) signs along such dock frontage prohibiting the mooring or other use by any other vessel during Lessee's period of daily operations. Lessee may also post during the period of any such term a sign not exceeding \_\_\_\_ ft. by

\_\_\_\_ ft. advertising the business and other pertinent information including fees and schedule.

### **PARKING**

Lessee's invitees and guests may utilize the public parking area of the Town Dock, and notwithstanding prohibitions to the contrary, vehicles may be parked in areas otherwise set aside for vehicles and trailers to maximize parking spaces during its hours of operations. If sufficient parking spaces are not available for existing and primary permissive uses attendant to the Town Dock and Lessee's invitees and guests, Lessee shall direct such invitees and guests to other public parking areas in the general vicinity. In the event that the parking of such invitees and guests creates unnecessary congestion and/or unreasonable interference with the other existing and primary permissive uses of the Town Dock, the Town Manager shall have the authority to direct that all parking by the Lessee's invitees and guests be at other designated public parking areas.

### **REPAIRS AND MAINTENANCE**

Lessee shall maintain the herein demised premises in a clean, orderly and safe condition and deliver up the premises at the expiration or termination of this Lease in as good condition as received. Failure of Lessee to maintain the property in a clean, orderly, and/or safe condition shall constitute a default by Lessee.

Lessor and Lessee shall make a joint inspection of said demised premises at the inception of this Lease with a memorandum prepared and initialed by Lessor and Lessee detailing the condition of said premises. At the termination of said Lease, Lessor and Lessee shall, within five (5) days thereof, make a further joint inspection to determine the condition of said premises.

### **DAMAGE TO PROPERTY**

Lessee is solely responsible for all damages to the demised property caused by its operations, including acts or omissions of its agents, employees or invitees and guests, inclusive of, but not limited to, broken dolphins, moorings, or piles; punctured, distorted or otherwise damaged bulkheads or component parts; any damage to adjacent boardwalks, sidewalks, or parking areas; and the release of any hazardous substances into Chincoteague Channel. The Lessee shall cause such repairs to be timely made, including the clean up of any fuel spills or other hazardous substances, and the failure to make timely required repairs or clean up shall constitute a default by Lessee.

### **INSURANCE**

Lessee shall maintain during the terms of this Lease liability insurance with a carrier licensed in the Commonwealth of Virginia, with limits of \$500,000.00 for personal injury and \$250,000.00 for property damage liability, with the Town to be shown as an additional insured. The Town shall be provided a Certificate of Insurance showing such coverages and the insured at the beginning of each term. The Town shall

receive at least five (5) days notice in advance of any cancellations of the required insurance coverage.

### **ASSIGNMENT, SUBLEASE, OR LICENSE**

Lessee shall not assign or sublease the premises or any right or privilege connected therewith. Any unauthorized assignment, sublease or license to occupy shall be void and shall terminate this Lease at the option of the Lessor. The interest of Lessee in this Lease is not assignable by operation of law without the written consent of the Lessor.

### **HOLD-OVER AND DEFAULT**

At the termination of this Lease, by lapse of time or otherwise, Lessee agrees to yield up immediately possession to said Lessor, and failing so to do, to pay as liquidated damages, for the whole time such possession is withheld, the sum of One Hundred Dollars (\$100.00) per day, but the provision of this clause shall not be held as a waiver by said Lessor of any right of re-entry nor shall the receipt of said rent or any part thereof operate as a waiver of the right to forfeit said Lease and the term hereby granted for a period still unexpired, nor for any breach of any of the covenants herein.

It is expressly agreed between the parties hereto, that if default be made in the payment of the rent above reserved, or any part thereof, or any of the covenants and agreements herein contained, to be kept by Lessee, it shall be lawful for Lessor, or their successors or assigns, at any time thereafter, at the election of said Lessor, or their successors or assigns, without notice, to declare said term ended, and to re-enter said demised premises, or any parts thereof, either with or without process of law, and said Lessee, or any person or persons occupying the same, to expel, remove and put out, using such force as may be necessary so to do, and the said premises again to repossess and enjoy, as before this demise, without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenants, and said Lessee further covenants and agrees, that Lessor, or their successors or assigns, shall have, at all times, the right to distrain for rent due, and shall have a valid lien upon all property of said Lessees, whether exempt by law or not, as security for the payment of the rent herein reserved.

### **ALTERATIONS AND IMPROVEMENTS**

Lessee will not do or permit any alterations of or upon any part of said demised premises except by written consent of Lessor, and all alterations and improvements to said premises shall remain for the benefit of Lessor unless as otherwise provided in said consent as aforesaid. Lessee may not install signs or any form of advertising except as provided herein.

### **INDEMNIFICATION**

Lessee agrees to indemnify and hold Lessor harmless from any and all claims, suits, actions, or damages, without limitation, against or incurred by the Town arising



from the Lessee's operations at the demised premises, specifically including, but not limited to, any petroleum spills or the release of any other hazardous substance either on the demised premises, adjacent Town property, or into Chincoteague Channel.

### **COSTS OF ENFORCEMENT**

Lessee further covenants and agrees to pay and discharge all reasonable costs, attorney's fees, and expenses that shall be made and incurred by Lessor in enforcing the covenants and agreements of this Lease; and all the parties of this Lease agree that the covenants and agreements herein contained shall be binding upon, apply and inure to their respective successors and assigns.

### **NOTICES**

All notices or demands of any kind that Lessor may be required or may desire to serve on Lessee under the terms of this Lease may be served on Lessee (as an alternative to personal service) by leaving a copy of such demand or notice with the Lessee, or by mailing a copy thereof by registered or certified mail, postage prepaid, addressed to Lessee, or at such other address or addresses as may from time to time be designated by Lessee in writing to Lessor. Service shall be deemed complete at the time of leaving such notice as aforesaid or within five (5) days of the mailing of same. All notices and demands from Lessee to Lessor may be similarly served on Lessor at 6150 Community Drive, Chincoteague, Virginia 23336, or at any such other address as Lessor may from time to time designate in writing to Lessee.

3. That all bids shall be in writing, signed by the bidder, sealed and delivered to the Town Manager, who shall mark each for identification, on or before 5:00 pm March 17, 2005 to be opened and read aloud at the March 17, 2005 session of the Council. Any such bid shall be accompanied by a bidder's deposit of \$1,000.00 in the form of a cashier's check, bank check, or letter of credit payable to the Town of Chincoteague to ensure the execution of the Lease by the successful bidder. At such session the Mayor may call for any additional bids, which shall be received. After the acceptance of any such additional bids, or there being no such additional bids, the bidding shall be closed.
4. At such open session or any later time as Council may determine, and after such investigation as Council may see fit, Council, after receiving the recommendations of staff, if any, may accept the highest bid from a responsible bidder and adopt this Ordinance awarding the Lease to such bidder, subject to the right of Council by a recorded majority vote to accept a lower bid from a responsible bidder and award such Lease to the lower bidder, if in its opinion there is some reason(s) affecting the interest of the Town which makes it advisable to do so, which reason(s) shall be affirmatively stated in the action adopting the Ordinance and awarding such Lease.

5. All bids shall be irrevocable for a period of thirty (30) days after the last date for the submission of bids. The Town reserves the right to negotiate with the highest responsible bidder, and further reserves the right to reject any and all bids. Council may waive any minor irregularities in any bid.
6. The cost of the advertisement provided for herein shall be reimbursed to the Town by the successful bidder to whom such Lease is awarded.
7. The form of the advertisement shall be as follows:

**AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION  
OF THE TOWN DOCK OF THE TOWN OF CHINCOTEAGUE IN  
CONJUNCTION WITH THE OPERATION OF A TOUR VESSEL(S) AND  
THE SOLICITATION OF BIDS FOR SUCH LEASE**

The Town of Chincoteague intends to adopt an Ordinance awarding a Lease of a certain portion of the Town Dock to the successful bidder in conjunction with the operation of a tour vessel(s) for the 2005 and 2006 seasons in accordance with the terms and provisions of said Ordinance and in the form and on the terms and conditions of the Lease contained therein. A copy of the full text of said Ordinance is on file in the office of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia 23336.

The Council invites bids for the Lease proposed to be awarded in the Ordinance. All bids shall be in writing, sealed, and delivered to the Town Manager on or before March 17, 2005 at 5:00 pm. All such bids shall be accompanied by a cashier's check, bank check or letter of credit in the amount of \$1,000.00 to ensure that the successful bidder executes said Lease. Failure to do so shall result in the forfeiture of said deposit. All bids shall be opened in the March 17, 2005 session of Council. Council shall have the right to call for any additional bids, which shall be received at the time. At such open session, or later, the Council may determine and after such investigations as Council may see fit, Council, after receiving recommendations of staff, if any, will accept the highest bid from a responsible bidder and adopt the Ordinance awarding the Lease to such bidder, subject to the right of Council by recorded majority vote to accept a lower bid from a responsible bidder and award such Lease to the lower bidder, if in its opinion there is some reason affecting the interest of the Town which makes it advisable to do so, which reason(s) shall be affirmatively stated in the motion adopting the Ordinance and awarding such Lease. Council reserves the right to negotiate with the highest bidder, and further reserves the right to reject any and all bids. Council may waive any minor irregularities in any bid.

J. W. Jeffries, Acting Town Manager  
Town of Chincoteague  
By Direction of the Council

8. That the Acting Town Manager is directed to advertise the foregoing form of advertisement for two (2) successive weeks in the *Chincoteague Beacon*, a newspaper circulated within the Town of Chincoteague.

### **8. Award of Sunnywood Drainage Contract.**

Councilman Mason stated that Mr. Steve Booker of Interstate Construction of Delmarva, Inc. (ICD) would honor the bid prices of April 30, 2004 for the Sunnywood Manor drainage project. He stated that the Public Works Committee recommended that Council accept bid items 6 and 8 through 11 totaling \$118,400. Councilman Mason added that the Public Works Department would complete the remaining bid items.

Councilman Mason motioned, seconded by Councilman Howard, to accept ICD, Inc.'s bid items 6 and 8 through 11 for the Sunnywood Manor drainage project for a total amount of \$118,400. Unanimously approved.

### **9. Level Funding for Accomack-Northampton Planning District Commission (A-NPDC) FY '06 Budget.**

Mayor Tarr stated that the A-NPDC requested level funding in the amount of \$6,459 from the Town for FY 2006.

Councilwoman Richardson motioned, seconded by Councilman Mason, to approve the A-NPDC's request for level funding in the amount of \$6,459 and to remain a charter member. Unanimously approved.

### **10. Donation to North Accomack Little League.**

Mayor Tarr stated that Council had received a letter requesting a donation. Mr. Randy Mills, NALL Senior Vice President, stated that there was a correction to the letter regarding the corrected date of February 26<sup>th</sup> for the fund raiser dinner/auction. Mayor Tarr stated that Council had donated \$500 in the past.

Councilwoman Richardson motioned, seconded by Councilman Mason, to donate \$500 to the North Accomack Little League. Unanimously approved.

### **11. Signing of Virginia Marine Resources Commission (VMRC) Adjacent Property Owner's Forms.**

Mayor Tarr stated that the Town had received two requests for comments regarding VMRC Adjacent Property Owner's Forms. Acting Town Manager Jeffries explained the two requests:

- Creekside Harbor Townhouse Association – applied to replace bulkheading and dredge an existing boat basin adjacent to the Town's Eastside Boating Facility.

Councilman Ross motioned, seconded by Councilwoman Richardson, to mark the 'DO NOT OBJECT' blank on the Adjacent Property Owner's Form for the Creekside Harbor Townhouse Association's proposed project. Unanimously approved.

- Edgerton Fish Company – applied to replace bulkheading adjacent to the Town Dock on Main Street.

Councilman Ross motioned, seconded by Councilwoman Richardson, to mark the ‘DO NOT OBJECT’ blank on the Adjacent Property Owner’s Form for Edgerton Fish Company’s proposed project. Unanimously approved.

## **12. Other Matters.**

- Acting Town Manager Jeffries stated that he received a letter from Mr. John W. Kellam, Mayor of Onley, regarding participation in the 400-year celebration of Jamestown. Mayor Tarr stated that he would contact Mr. Kellam for more information and report to Council in the March 7<sup>th</sup> meeting. Acting Town Manager Jeffries also informed Council that the new 16” water main could be pulled in across the channel as soon as next Monday.
- Councilman Mason stated that he had received several suggestions of a Town Cleanup Day. Mayor Tarr recommended that the Public Works Committee discuss the matter and report to Council.

## **13. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on March 7, 2005. Councilman Mason motioned, seconded by Councilwoman Richardson, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MARCH 7, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

## **1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

## **2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the February 7, 11, 12, 15 and 17, 2005 Council Meetings.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

**5. Certificate of Recognition.**

Mayor Tarr read the following certificate of recognition in honor of Mr. Lloyd N. "Woose" Reed. Mr. Reed followed the presentation with his rendition of "Oh Chincoteague".

**CERTIFICATE OF RECOGNITION  
PRESENTED TO  
Mr. Lloyd N. Reed**

**WHEREAS,** Mr. Lloyd N. Reed was born in Chincoteague, Virginia on September 30, 1907 and lived in this community for 31 years, although he left for 22 years, he returned to Chincoteague in 1961;

**WHEREAS,** during a long and productive lifetime, he has demonstrated in countless ways his dedication to the welfare of others, his love of the water and has earned the respect and affection of people from all walks of life and all ages;

**WHEREAS,** Mr. Reed was married to the late Anna R. Reed for 74 years and this union produced one child, one grandchild, four great-grandchildren, and three great-great-grandchildren;

**WHEREAS,** Mr. Reed remains active in Christ United Methodist Church, the Kiwanis Club, the Masonic Lodge, as a Shriner and in entertaining friends with his poems and songs about his love of the water.

**NOW, THEREFORE,** by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mr. Lloyd N. "Woose" Reed with sincere gratitude for his service to the citizens of Chincoteague and best wishes for many happy, productive years in the future.

**DATED** this 7<sup>th</sup> day of March, 2005.

ATTEST:

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John H. Tarr, Mayor

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J. Wesley Jeffries, Acting Town Manager

## **6. Presentation of Little League Donation.**

Mayor Tarr presented Police Chief Lewis a donation check in the amount of \$500 to be given to Little League Senior Vice President, Randy Mills. Chief Lewis thanked the Mayor and Council for the donation on Mr. Mills' behalf.

## **7. Council Information Items.**

Councilman Mason asked Town Attorney Poulson about the status of the advertisement for the travel lift at the Curtis Merritt Harbor. Town Attorney Poulson responded that he had not completed it to date.

## **8. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on February 22<sup>nd</sup> and discussed the definitions in the sign ordinance.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met on February 9<sup>th</sup> and discussed having dry slips for sail boats. He stated that there was also a trip to Richmond for a grant request from the Virginia Port Authority for the Harbor Rehab project.
- **Public Works Committee-** Councilman Mason stated that the Committee met on February 10<sup>th</sup> and discussed a request from J & W of North Carolina, Inc. to increase the water tank maintenance contract by \$8,000 to offset added costs due to the work being delayed until the spring. It was the consensus of the Committee to increase the contract amount.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on February 22<sup>nd</sup> and discussed FY '06 budget concerns, including reductions in revenues, collection of taxes, auditing services and sanitation services bidding problems, bonding and grant issues related to Town projects, specific departmental needs, and the expected annual increase in health care premiums to the employees.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on February 9<sup>th</sup> and discussed researching the possibility of having a YMCA on the Island. He stated that the Committee would meet on March 9<sup>th</sup> at 3:30 pm to discuss the matter again, as well as have Mr. William Allen from the Accomack County Parks and Recreation program to discuss other possible outdoor programs for the community.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in February, but was tentatively scheduled to meet on March 16<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard stated that the Committee discussed soliciting organizations for donations for the Cemetery Cleanup Fund. He stated that the Holly Ridge Cemetery on North Main Street would be cleaned up soon. Councilman Howard stated that the Committee received a generous donation from the 3 Cs Club of Chincoteague. He announced that the next meeting would be on March 22<sup>nd</sup> at 5:30 pm.

- Councilman Wolffe stated that Council had received a letter from the younger skaters at the Skate Park. He reported that the older children were picking on the younger children. Councilman Wolffe expressed the importance of responding to the letter and trying to rectify the situation.

## **9. *Public Participation.***

- Mr. Bob Behr of the Second Saturday Art Stroll and the Main Street Merchants stated that he wanted to comment on agenda item number twelve, 'Consider Hiring a Planning Consultant Firm'. He asked the Mayor and Council to consider asking the prospective firm if they had any experience with national Main Street programs and also any experience with slow growth issues.

## **10. *Appointment to Planning Commission.***

Mayor Tarr stated that there was one vacant seat on the Planning Commission due to the resignation of Mr. William J. Tarr. Mayor Tarr read those citizens interested in filling the positions and stated that Mr. James Frese had requested removing his name from the list.

Mayor Tarr opened the floor to nominations to fill the unexpired term.

- Councilman Wolffe nominated Mr. Reginald Birch, Jr.
- Councilwoman Richardson nominated Mr. Tom Derrickson.
- Councilman Mason nominated Mrs. Elizabeth Hunt.
- Councilman Howard nominated Mr. Robert Behr.

Mayor Tarr closed the nominations.

In favor of Mr. Reginald Birch, Jr. were Councilmen Howard, Mason and Wolffe.

Opposed were Vice Mayor Conklin, Councilwoman Richardson, and Councilman Ross. Mr. Birch did not receive a majority vote.

In favor of Mr. Tom Derrickson were Vice Mayor Conklin, Councilmen Howard, Mason and Wolffe, and Councilwoman Richardson. Opposed was Councilman Ross. Mr. Derrickson was appointed to the Planning Commission to fill the unexpired term.

## **11. *Recommended Changes to "Lot Size Requirements" from the Planning Commission.***

Councilman Wolffe explained that Council had received recommendations from the Planning Commission for changes to lot sizes necessary in Residential R-2 and R-3 zones. He recommended that Council have a public hearing on the matter prior to waiting on a final document to come from any proposed planning consultant firm.

Councilman Mason agreed with Councilman Wolffe about having a public hearing and reminded Council of the public workshop results regarding growth and the impact on the economy, police, public works, etc.

Mayor Tarr stated that he thought that the Town should hire a professional planner. He added that the salary for the planner was still available in this fiscal year's budget.

Councilman Wolffe reiterated that a public hearing would slow down the building of townhouses by compromising until the planner could resolve many other problems.

Councilman Howard stated that the Planning Commission recommended hiring a planner first. He agreed that a planner could handle the decisions of this magnitude. Councilman Wolffe stated that he sensed an urgent need to slow down growth in the meantime, while the planning consultant was doing his or her work.

Councilman Ross indicated that he felt Council should address the recommended change from the Planning Commission in this meeting and should give them a response.

Mayor Tarr added that the Planning Commission needed a planner to help with their process. Councilman Mason concurred with Councilman Wolffe regarding the urgency of slowing down this type of growth.

Vice Mayor Conklin stated that the demand on infrastructure would help to slow growth. Councilman Wolffe stated that the way to control growth was through zoning.

Councilman Wolffe motioned, seconded by Councilman Mason, to hold a public hearing on the recommended changes in “Lot Size Requirements” from the Planning Commission.

Ayes – Mason, Ross, Wolffe

Nays – Conklin, Howard, Richardson

Mayor Tarr voted against the motion to hold a public hearing. The motion was defeated.

## **12. *Hiring of a Planning Consultant Firm.***

Mayor Tarr requested that Council consider hiring a consultant firm to provide planning services for the Town. He stated that the Accomack-Northampton Planning District Commission (A-NPDC) could furnish a listing of reliable firms and a Request for Proposal (RFP) to be used.

Vice Mayor Conklin motioned, seconded by Councilman Wolffe, to have the A-NPDC send out an RFP to hire a planning consulting firm. Unanimously approved.

## **13. *Other Matters.***

- Councilwoman Richardson recommended that Mrs. Karen Hipple receive a letter of commendation for recouping the liens against the Parks property on Anderton Avenue. It was the consensus of Council to write a letter of commendation for Mrs. Hipple’s file.
- Councilman Mason stated that he spoke to Mr. Will Cumming of VDOT and was told that the fenders of the Channel swing bridge would be repaired and some of the diaphragms would be replaced on Black Narrows bridge by May 30<sup>th</sup>. He also asked Acting Town Manager Jeffries about the status of the directional drill under the channel. Acting Town Manager Jeffries responded that the boring and the pulling of the pipe were completed in 19 days. He added that the subcontractor would pressure-test the new pipe into position, sanitize the pipe and then connect the pipe to the system. Mayor Tarr asked Acting Town Manager Jeffries if the Town needed to send VDOT a bill.



- Councilman Ross asked Town Attorney Poulson’s opinion on ‘granting a variance when a zoning ordinance so severely restricts the use of an applicant’s property that it deprives the owner of all reasonable use’ as quoted in the Virginia Supreme Court case of Cochran vs. Fairfax County Board of Zoning Appeals. Town Attorney Poulson stated that the general theory of variances was that it had to be a hardship and not a self-imposed hardship. He added that a variance should not be granted for convenience. Councilman Wolffe suggested sending another letter to the Board of Zoning Appeals from Town Attorney Poulson reiterating the rule on variances.
- Councilman Howard asked about the proposed downtown sewage system. Mayor Tarr stated that it was close to being brought to the Public Works Committee and then to Council.

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

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

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

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
 Nays- None  
 Absent- None

There was a discussion regarding the expected completion date of the Downtown Park.

**15. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Ross, to recess the meeting until March 14, 2005 at 7:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MARCH 14, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

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

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Councilman Wolffe moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

- Councilman Mason asked when the Town would be considered part of the Enterprise Zone.
- Councilman Wolffe suggested canceling the March 17<sup>th</sup> recessed meeting if it was determined to be unnecessary.

### **5. *Recess of Meeting.***

Councilman Mason motioned, seconded by Councilman Howard, to recess the meeting until March 17, 2005 at 7:30 pm, unless it was determined to be unnecessary. If the recessed meeting was unnecessary, the next meeting would be on April 4, 2005. Unanimously approved.

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Mayor

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Acting Town Manager

## **MINUTES OF THE MARCH 17, 2005 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Fiscal Year 2004 Audit – The Report from Witt Mares P.L.C. by Ms. Diane Smith.**

Ms. Diane Smith of Witt Mares PLC explained the new format of the audit. She explained that this was the first year that the Town had to convert the financial statements to conform to the format required by Government Auditing Standards-34. Ms. Smith complemented the management report prepared by the Accounting Specialist.

Ms. Smith reviewed the financial highlights of the Town. She explained the budgeted vs. actual revenues and expenses and commended management for managing the major funds of the Town within the budget. Ms. Smith emphasized the segregation of duties as her most important recommendation.

Mayor Tarr and Council commended Acting Town Manager Jeffries and Staff for a job well done and for conforming to the new accounting standards and requirements.

**5. Public Participation.**

- Mrs. Dorothy Dutky stated that she was concerned about the water supply for all of the recent new development. She also raised the question about the sewage problem. Mayor Tarr explained the water Capital Improvement Plan and that the Town was in the process of putting in a new well.
- Mrs. Nancy Payne offered the suggestion to use the main points from the public workshop and hold a public hearing regarding the rate of development on the Island.
- Mrs. Claire Lott agreed with Mrs. Payne's comments regarding public participation in the growth issue.
- Mrs. Gail Reichard stated that there needed to be a balance between growth and preserving the Island's charm and history. She added that she supported the decision-makers during the difficult process of maintaining a 'delicate balance'.

**6. Bid Opening – Lease of Town Dock.**

Mayor Tarr stated that two sealed bids were sent into the Town Office for the leasing of space at the Town Dock. In accordance with the advertisement, Mayor Tarr called for any other bids. After having received no other bids, Mayor Tarr opened the two bids in the order that they were received as follows:

- Bid #1: Received March 16<sup>th</sup> at 10:15 am, from Shawn Giacobbe of ASA Fishawn Charters, LTD for \$1,200 per season.

- Bid #2: Received March 17<sup>th</sup> at 3:45 pm, from Barry Fisher of Edgerton Fish Company for \$1,500 per season; dock frontage shall be used solely for unloading of seafood mostly by local watermen.

Mayor Tarr stated that both bids included checks for the amount of the bid. He told Acting Town Manager Jeffries that the advertisement was very specific as to leasing the space for tour boat operation only. Mayor Tarr recommended, and Council agreed, to have Town Attorney Poulson review the two bids, as one bid was not within the advertised specifications. Council would then make a decision at the April 4<sup>th</sup> meeting.

## **7. Completion of Comment Sheet Regarding Carlton Mason's BZA Appeal.**

Mayor Tarr explained that Mr. Carlton Mason had appealed through the Board of Zoning Appeals (BZA) a decision of Zoning Administrator Lewis regarding a community pier on his property on Marsh Island. Mayor Tarr stated that the Town was a joint property owner and that Council was asked to consider "approval" or "disapproval" of the proposed land use and the inclusion of any comments Council deemed necessary.

- Councilman Wolffe commented that there was a misconception that Council's decision weighed more than just an adjacent property owner. For this reason, he recommended replying "no comment". Councilman Wolffe added that Zoning Administrator Lewis' decision was correct as the ordinance was written; however, the zoning ordinance needed rewriting.
- Councilman Mason stated that the BZA should only rule on whether the Zoning Administrator interpreted the ordinance correctly. He stated that Zoning Administrator Lewis acted correctly, so he recommended replying "disapprove".
- Councilman Howard stated that Council should act as representatives of the people.
- Vice Mayor Conklin was concerned that parking would be a problem. She asked if there would be enough parking for the boaters if there wasn't even enough parking for the rental units; three spaces were required for two-bedroom rental units and there were currently only two available parking spaces per unit.
- Councilman Ross stated that Zoning Administrator Lewis processed the application correctly and interpreted the ordinances as honestly as he knew how. He recommended replying "disapprove".
- Councilwoman Richardson stated that Council should support Zoning Administrator Lewis and Town Attorney Poulson's decisions and interpretations.
- Mayor Tarr stated that Council had to remember to address the matter as an adjoining property owner and to consider how the decision would affect the Town's property.

Councilman Mason motioned, seconded by Councilman Howard, to sign the "disapprove" section of the adjoining property owner form for Mr. Carlton Mason's appeal to the BZA. Unanimously approved.

## **8. Other Matters.**

- Councilman Mason stated that there were two directions for an appeal. He recommended asking Town Attorney Poulson to determine the proper route of an appeal: a zoning appeal to the BZA or a subdivision appeal to the Planning Commission. Councilman Mason stated that he could not find justification in the State Code for the appeal process as stated in the Subdivision Ordinance. Mayor Tarr asked if Acting Town Manager Jeffries would have Zoning Administrator Lewis draft a letter to Town Attorney Poulson requesting his opinion on the matter.
- Councilman Ross stated that Council should inform the public on the results of the sign survey and the planning workshop. Mayor Tarr stated that the Planning Commission was working one hour each meeting on the sign issue and that the Request for Proposal for the Planning Consultant was being prepared.
- Councilman Wolffe reminded Council and the public that Delegate Lynwood Lewis would be at Chincoteague High School on March 21<sup>st</sup> at 7:00 pm. He stated that he had read in the paper about money available for safety improvements on Route 13. He asked if Staff could contact Mr. Will Cumming of VDOT to see if it was appropriate for Chincoteague to support VDOT even though Chincoteague was not adjacent to Route 13, and he also recommended contacting Supervisor Thornton for her ideas on the matter. Councilman Wolffe commented on his concern of the financial condition of the Chincoteague Center. He asked if a report could be prepared by the Chincoteague Recreation and Convention Center Authority and presented to Council. Mayor Tarr asked Vice Mayor Conklin to speak to the Authority and report back to Council. Finally, Councilman Wolffe asked how the issue of lot sizes could be reintroduced, in an entirely different way. Mayor Tarr stated that Town Attorney Poulson should be consulted on the matter.
- Mayor Tarr stated that Supervisor Thornton would be at the April 21<sup>st</sup> Council meeting to explain the Enterprise Zone and the Route 13 improvements.
- Councilman Howard asked if each member of Council could have a copy of the maintenance portion of the Uniform Statewide Building Code.
- Councilman Ross asked Acting Town Manager Jeffries who was responsible for repairing the dip in the road at the 16" water main crossing on Route 175, just west of Black Narrows bridge. Acting Town Manager Jeffries stated that VDOT was observing the area daily and that the contractor was responsible for repairing the road.

## **9. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on April 4, 2005. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MARCH 30, 2005**  
**CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent:**

Glenn B. Wolfe, Councilman

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 6:15 p.m.

**2. *Invocation.***

Councilman Ross offered the invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

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

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

Unanimously approved.

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

Councilman Mason moved, seconded by Councilwoman 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- Conklin, Howard, Mason, Richardson, Ross  
Nays- None  
Absent- Wolffe

Mayor Tarr stated that he would have a staff meeting on Friday, April 1<sup>st</sup> with the heads of the departments. He asked Council if there was anything that needed to be discussed at the meeting. Councilman Mason stated that Acting Town Manager Jeffries would discuss the upcoming paving projects.

### **5. *Adjournment of Meeting.***

Mayor Tarr announced that the next meeting would be on April 4, 2005. Councilman Howard motioned, seconded by Councilman Mason to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

## **MINUTES OF THE APRIL 4, 2005 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

### **1. *Call to Order.***

Mayor Tarr called the meeting to order at 7:30 p.m.

### **2. *Invocation.***

Councilman Howard offered the Invocation.

### **3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.



#### **4. Approval of Minutes of the March 7, 14, 17 and 30, 2005 Council Meetings.**

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

#### **5. Plaque of Recognition.**

Mayor Tarr presented past Town Manager Jim West with a plaque for his service and dedication to the Town. Mayor Tarr read the inscription on the plaque, and Mr. West thanked the Mayor and Council for the honor.

#### **6. Council Information Items.**

- Councilman Howard asked about the status of the proposed No-Wake zones. Acting Town Manager Jeffries replied that there would be a complex procedure to go through for Council to pass a No-Wake zone ordinance.
- Councilman Wolffe asked Town Attorney Poulson about the letter sent to him by Zoning Administrator Lewis regarding the clarification of the appeals process. Town Attorney Poulson stated that he had just received the letter and had not yet reviewed it. Councilman Wolffe also asked what the procedure was, if any, for re-introducing the subject of a motion that has been previously defeated. Town Attorney Poulson replied that it could be done in a subsequent meeting, not in the same session, but that the Chairman could rule it out-of-order if it became ongoing.
- Councilman Mason asked Town Attorney Poulson if he reviewed the spoil site policy. Town Attorney Poulson stated that he saw no problem with the policy as written. Councilman Mason also asked about the status of the travel lift. Town Attorney Poulson replied that the same form would be used.

#### **7. Committee Reports.**

- **Public Works Committee-** Councilman Mason stated that the Committee met on March 8<sup>th</sup> and discussed having a clean-up week from April 25-29<sup>th</sup>. He also stated that the sanitation services contract was out for bids and that the paving projects would begin on April 5<sup>th</sup>.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee discussed the pump and haul ordinance. He stated that the dry slip lease agreement was discussed and that the travel lift would be out for bids soon.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the auditor presented the FY 04 audit report.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin stated that the detailed report would be discussed later in the Council meeting.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on March 9<sup>th</sup> and discussed with Mr. Bill Allen of the Accomack County Parks and Recreation Department the use of the old elementary school gymnasium for Chincoteague parks and recreation activities. He stated that the Committee agreed to invite Mrs. Beth Turner, Director of the Onley YMCA, to the April 13<sup>th</sup> meeting. Councilman Ross stated that the Committee also recommended to Council that the Town send a letter to the Accomack County Board of Supervisors urging them to

keep the old elementary school gymnasium for Parks and Recreational purposes. He also stated that there was a discussion regarding the overgrowth on the Island bike paths. Mayor Tarr stated that the gymnasium matter would be discussed at the April 21<sup>st</sup> recessed Council meeting and that the Public Works Committee would discuss the overgrown bike paths.

- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee discussed the guidelines for the use of the Downtown Park. He stated that the next meeting would be on April 20<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard stated that the Committee discussed cleaning up the Holy Ridge Cemetery on North Main Street near the Christ Sanctified Holy Church. He stated that the next meeting would be on April 26<sup>th</sup> at 6:00 pm.

## **8. Public Participation.**

- Mrs. Ginny Van Dame complimented Mr. West and the fantastic job he did as Town Manager.

## **9. Execution of a Town Dock Lease Agreement.**

Mayor Tarr stated that Council had received two bids for lease of space at the Town Dock. He stated that the Edgerton Fish Company withdrew their bid as their proposed use was not the requested use that was advertised in the newspapers. Acting Town Manager Jeffries stated that the other bid was from Shawn Giacobbe of A.S.A. Fishawn Charters, LTD in the amount of \$1,200 for two six-month seasons.

Town Attorney Poulson asked what the allowed size of the sign would be, since the dimensions were left blank in the proposed lease agreement. Mayor Tarr stated that it would be in accordance with the Town's sign ordinance.

Councilman Wolffe motioned, seconded by Councilman Howard, to accept the bid from Mr. Giacobbe for two six-month seasons and to execute the following lease agreement. Vice Mayor Conklin raised the question of rescinding the agreement if the ramp was blocked due to the additional parking from the tours. Town Attorney Poulson stated that the agreement allowed for the Town Manager to redirect parking for the tours if it was interfering with the normal activities of the ramp. Councilman Howard reminded Council of Mr. Giacobbe's plan to use the trolley system. Councilman Mason asked if the agreement allowed the Town Manager to redirect the parking due to safety concerns because of high traffic volume. Town Attorney Poulson replied that it did. The motion was unanimously approved.

**THIS AGREEMENT OF LEASE**, made this 1<sup>st</sup> day of May, 2005, by and between **THE TOWN OF CHINCOTEAGUE, INCORPORATED**, Lessor, party of the first part; and A.S.A. Fishawn Charters, Ltd., Lessee, party of the second part.

WITNESSETH: That the said Lessor, for and in consideration of the mutual covenants hereinafter mentioned and be kept and performed by Lessee, does hereby

demise and lease to Lessee the hereinafter described real estate, subject to the terms and conditions herein contained.

### **DESCRIPTION OF REAL ESTATE**

Seventy Feet (70') waterfront dock frontage of the "Town Dock", on Chincoteague Channel, Chincoteague, Virginia, as designated by white lines. The demised area does not include adjacent walkways or parking areas.

### **TERM**

The term of this Lease is for two (2) periods of six (6) months each, the first beginning on May 1, 2005, or at such time as the Town completes the installation of a new water main in the area of the Town Dock, whichever is the later, and terminating on October 31, 2005, with a second term beginning May 1, 2006 and terminating on October 31, 2006, without notice. This lease shall not automatically renew for any successive term.

### **RENT**

The total rent for said terms shall be twenty-four hundred dollars (\$ 2,400.00), said rental to be paid in two (2) annual installments of twelve hundred dollars (\$ 1,200.00) each, in advance, without demand, on the first day of each term, and payable to Lessor at 6150 Community Drive, Chincoteague, Virginia 23336. Lessee will pay a late charge of \$100.00 per day for any rental installment made after the 1<sup>st</sup> day of any term.

### **USE OF DOCK FRONTAGE**

Said dock frontage shall be used solely as an embarkation and debarkation area for Lessee's tour vessel(s) as authorized herein, and Lessee shall restrict its use for such purposes and shall not use or permit the use of the property for any other purpose without the express written consent of Lessor.

Lessee's vessels shall only utilize said dock frontage between the hours of 3:30 pm and sunset each day and no vessel(s) shall be moored at said frontage for any cumulative times in excess of two (2) hours daily for such permitted purposes. Lessor, by its Town Manager, may permit additional times for specific trips upon reasonable advance written request by the Lessee. No other portion of the Town Dock shall be utilized for the Lessee's purposes.

Lessee shall not utilize any vessel in excess of fifty feet (50 ft.) in length in its operations. Any such vessel utilized by Lessee shall be in compliance with all state and federal laws and regulations at all times and under the control, while utilizing said dock frontage, of a properly licensed master.

Lessee may post up to two (2) signs along such dock frontage prohibiting the mooring or other use by any other vessel during Lessee's period of daily operations.

Lessee may also post during the period of any such term a sign not exceeding 3 ft. by 3 ft. advertising the business and other pertinent information including fees and schedule.

### **PARKING**

Lessee's invitees and guests may utilize the public parking area of the Town Dock, and notwithstanding prohibitions to the contrary, vehicles may be parked in areas otherwise set aside for vehicles and trailers to maximize parking spaces during its hours of operations. If sufficient parking spaces are not available for existing and primary permissive uses attendant to the Town Dock and Lessee's invitees and guests, Lessee shall direct such invitees and guests to other public parking areas in the general vicinity. In the event that the parking of such invitees and guests creates unnecessary congestion and/or unreasonable interference with the other existing and primary permissive uses of the Town Dock, the Town Manager shall have the authority to direct that all parking by the Lessee's invitees and guests be at other designated public parking areas.

### **REPAIRS AND MAINTENANCE**

Lessee shall maintain the herein demised premises in a clean, orderly and safe condition and deliver up the premises at the expiration or termination of this Lease in as good condition as received. Failure of Lessee to maintain the property in a clean, orderly, and/or safe condition shall constitute a default by Lessee.

Lessor and Lessee shall make a joint inspection of said demised premises at the inception of this Lease with a memorandum prepared and initialed by Lessor and Lessee detailing the condition of said premises. At the termination of said Lease, Lessor and Lessee shall, within five (5) days thereof, make a further joint inspection to determine the condition of said premises.

### **DAMAGE TO PROPERTY**

Lessee is solely responsible for all damages to the demised property caused by its operations, including acts or omissions of its agents, employees or invitees and guests, inclusive of, but not limited to, broken dolphins, moorings, or piles; punctured, distorted or otherwise damaged bulkheads or component parts; any damage to adjacent boardwalks, sidewalks, or parking areas; and the release of any hazardous substances into Chincoteague Channel. The Lessee shall cause such repairs to be timely made, including the clean up of any fuel spills or other hazardous substances, and the failure to make timely required repairs or clean up shall constitute a default by Lessee.

### **INSURANCE**

Lessee shall maintain during the terms of this Lease liability insurance with a carrier licensed in the Commonwealth of Virginia, with limits of \$500,000.00 for personal injury and \$250,000.00 for property damage liability, with the Town to be shown as an additional insured. The Town shall be provided a Certificate of Insurance

showing such coverages and the insured at the beginning of each term. The Town shall receive at least five (5) days notice in advance of any cancellations of the required insurance coverage.

### **ASSIGNMENT, SUBLEASE, OR LICENSE**

Lessee shall not assign or sublease the premises or any right or privilege connected therewith. Any unauthorized assignment, sublease or license to occupy shall be void and shall terminate this Lease at the option of the Lessor. The interest of Lessee in this Lease is not assignable by operation of law without the written consent of the Lessor.

### **HOLD-OVER AND DEFAULT**

At the termination of this Lease, by lapse of time or otherwise, Lessee agrees to yield up immediately possession to said Lessor, and failing so to do, to pay as liquidated damages, for the whole time such possession is withheld, the sum of One Hundred Dollars (\$100.00) per day, but the provision of this clause shall not be held as a waiver by said Lessor of any right of re-entry nor shall the receipt of said rent or any part thereof operate as a waiver of the right to forfeit said Lease and the term hereby granted for a period still unexpired, nor for any breach of any of the covenants herein.

It is expressly agreed between the parties hereto, that if default be made in the payment of the rent above reserved, or any part thereof, or any of the covenants and agreements herein contained, to be kept by Lessee, it shall be lawful for Lessor, or their successors or assigns, at any time thereafter, at the election of said Lessor, or their successors or assigns, without notice, to declare said term ended, and to re-enter said demised premises, or any parts thereof, either with or without process of law, and said Lessee, or any person or persons occupying the same, to expel, remove and put out, using such force as may be necessary so to do, and the said premises again to repossess and enjoy, as before this demise, without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenants, and said Lessee further covenants and agrees, that Lessor, or their successors or assigns, shall have, at all times, the right to distrain for rent due, and shall have a valid lien upon all property of said Lessees, whether exempt by law or not, as security for the payment of the rent herein reserved.

### **ALTERATIONS AND IMPROVEMENTS**

Lessee will not do or permit any alterations of or upon any part of said demised premises except by written consent of Lessor, and all alterations and improvements to said premises shall remain for the benefit of Lessor unless as otherwise provided in said consent as aforesaid. Lessee may not install signs or any form of advertising except as provided herein.

### **INDEMNIFICATION**

Lessee agrees to indemnify and hold Lessor harmless from any and all claims, suits, actions, or damages, without limitation, against or incurred by the Town arising from the Lessee's operations at the demised premises, specifically including, but not limited to, any petroleum spills or the release of any other hazardous substance either on the demised premises, adjacent Town property, or into Chincoteague Channel.

### **COSTS OF ENFORCEMENT**

Lessee further covenants and agrees to pay and discharge all reasonable costs, attorney's fees, and expenses that shall be made and incurred by Lessor in enforcing the covenants and agreements of this Lease; and all the parties of this Lease agree that the covenants and agreements herein contained shall be binding upon, apply and inure to their respective successors and assigns.

### **NOTICES**

All notices or demands of any kind that Lessor may be required or may desire to serve on Lessee under the terms of this Lease may be served on Lessee (as an alternative to personal service) by leaving a copy of such demand or notice with the Lessee, or by mailing a copy thereof by registered or certified mail, postage prepaid, addressed to Lessee, or at such other address or addresses as may from time to time be designated by Lessee in writing to Lessor. Service shall be deemed complete at the time of leaving such notice as aforesaid or within five (5) days of the mailing of same. All notices and demands from Lessee to Lessor may be similarly served on Lessor at 6150 Community Drive, Chincoteague, Virginia 23336, or at any such other address as Lessor may from time to time designate in writing to Lessee.

### ***10. Adoption of Guidelines for the Use of Robert N. Reed Sr. Downtown Park.***

Councilman Howard reminded Council of the recommendations for the park guidelines that were previously considered by the Ordinance Committee and Council. He stated that action had already been taken on the name of the park, whether alcohol would be permitted at the park, and the requirement of a vendor license for special events. Mayor Tarr stated that the guidelines would be similar to those of Memorial Park.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to approve the following Downtown Park guidelines. Unanimously approved.

### **ROBERT N. REED SR. DOWNTOWN PARK RULES & REGULATIONS FOR USE**

1. Anyone may schedule an event at the Park.
2. Each event shall be scheduled by Permit.

3. Each event shall be reviewed and if deemed appropriate, approved by the Town Manager. Questionable events shall be directed to Town Council for consideration.
4. Only food vendors with a current Town Business License and Health Department Permit, in compliance with the Town Meals Tax Ordinance and coordinated with the person scheduling the event shall be allowed in the Park during the event.
5. A user fee of \$50.00 shall be charged for each scheduled event with the exception of a community service event for which the fee may be waived at the discretion of the Town Manager. The income from user fees is a project program income and as such may only be utilized for Park purposes.
6. Pets are prohibited in the Park.
7. Events at the Park must be concluded by midnight.
8. The possession, consumption, gift or sale of alcohol in the Park is prohibited.
9. The person scheduling the event is responsible for cleaning the Park at the conclusion of the event. If cleaning is not performed to the Town's satisfaction, the Town will clean the Park at the expense of the responsible party.

### ***11. Adoption of a Pump & Haul Ordinance for Sewage Disposal from Curtis Merritt Harbor of Refuge.***

Acting Town Manager Jeffries stated that in order to proceed with the application for a Health Department permit for the Harbor, the Town is required to enact an ordinance for the pumping and hauling of sewage from the restrooms' holding tanks that are being proposed for the property. Councilman Mason added that the Harbor needed the approved Health Department permit by June 30<sup>th</sup>. Town Attorney Poulson indicated that there were new systems available.

Vice Mayor Conklin motioned, seconded by Councilman Mason, to adopt the following ordinance. Unanimously approved.

#### **AN ORDINANCE AUTHORIZING THE PUMPING & HAULING OF SEWAGE FROM THE CURTIS MERRITT HARBOR OF REFUGE PROPERTY**

**WHEREAS**, the Curtis Merritt Harbor of Refuge, hereinafter referred to as the Harbor, is not able to obtain sewage disposal by septic system or by a central sewage system approved by the Accomack County Health Department; and

**WHEREAS**, the Town of Chincoteague, Inc., hereinafter referred to as the Town, is authorized by Virginia Sewage Handling and Disposal Regulations to enter into and to guarantee a contract providing for the pumping and hauling of sewage; and

**WHEREAS**, the Town is authorized by Section 15.2-1102 of the Code of Virginia to enact legislation it deems expedient to secure and promote the health, safety and general welfare of the inhabitants of the Town; and

**WHEREAS**, the Town Council finds that the regulated pumping and hauling of sewage from the Harbor, where central sewage treatment is unavailable and a sanitary septic system cannot lawfully be installed, is conducive to the health, safety and general welfare of the Town.

**NOW, THEREFORE**, be it ordained and enacted by the Town Council:

**SECTION 1.** The Town is hereby authorized to enter into a contract containing such terms and conditions as it deems appropriate, and to execute such other documents as may be necessary to permit the permanent pumping and hauling of sewage from the Harbor by a private contractor holding a valid sewage hauling permit according to the circumstances and under the conditions set out in Sections 2 and 3 below. The Town's Mayor or its manager may act in the Town's behalf in concluding the terms of such a contract and in obtaining Accomack County or Virginia Health Department approval. No such contract shall be deemed concluded or impose any obligation upon the Town unless and until ratified or approved by the Virginia Department of Health.

**SECTION 2.** The contract shall provide that the contractor agrees to pump out and remove sewage from the Harbor when requested by the Town. The Town agrees to give reasonable advance notice and the contractor agrees to respond promptly to any request by the Town. The Town agrees to pay for this service at the rate as agreed to by the Town and the contractor.

**SECTION 3.** The contract entered into by the Town pursuant to this ordinance shall provide that the contract shall terminate upon willful violation of Health Department regulations in connection with the pumping and hauling by the contractor, connection to a central sewage treatment system, or a sewage system becoming available to the Town.

Adopted \_\_\_\_\_ Attest \_\_\_\_\_  
Date Mayor Acting Town Manager

**12. Appointment to the Board of the Chincoteague Recreation & Convention Center Authority.**

Mayor Tarr stated that Council received a letter from the Authority stating that there was currently one vacancy on the board due to the resignation of Mr. Jack Van Dame. The letter recommended names of two possible candidates. Acting Town Manager Jeffries stated that Mr. Robert Meehan was not able to be contacted, but that Mr. Steve Potts was willing to serve if appointed.

Mayor Tarr informed Council that the matter could be tabled until a list of possible candidates was submitted. It was the consensus of Council to proceed to nominations.

Mayor Tarr opened the nominations to fill the vacancy on the Authority.

Vice Mayor Conklin nominated Mr. Steve Potts.



Mayor Tarr closed the nominations.

In favor of Mr. Potts were Conklin, Howard, Mason Richardson, Ross, Wolffe. None were opposed. Mr. Potts was unanimously appointed to the Chincoteague Recreation & Convention Center Authority.

Mayor Tarr asked Vice Mayor Conklin to be sure the Authority contacted Mr. Potts. He also asked Acting Town Manager Jeffries to determine the length of the unexpired term to be included in the letter to Mr. Potts.

### **13. Report on The Chincoteague Center.**

Vice Mayor Conklin explained the report prepared by Center staff that included a FY 04 profit/loss summary, a list of events (free and for profit), a list of events for 2005, a tabulation of events' income and attendance (2003-2005), and a comparison of sponsored events' profit/loss (2003-2005). Vice Mayor Conklin stated that the Center still had not received their audit from FY 04.

Councilman Mason asked about security deposits listed as income on the profit/loss summary. He also asked what the professional fees were and Vice Mayor Conklin stated that they were fees for the audit services.

Councilman Wolffe stated that he requested that Council review the Center's financial reports only to determine if more support from the Town needed to be given to the Center *before* the Center's LGIP reserve was completely depleted. He reiterated that his intent was *not* to discontinue the Town's support of the Center.

Councilman Howard commended the Center staff for scheduling Pat Boone for the upcoming Christmas program.

### **14. Other Matters.**

- Acting Town Manager Jeffries announced that there would be a pre-bid conference on April 22<sup>nd</sup> at 10:00 am for the sanitation services contract. He invited Council to attend the meeting with the health insurance company on May 12<sup>th</sup> at 2:00 pm. Acting Town Manager Jeffries announced that an Automatic Defibrillator Device would soon be installed in the hallway of the Municipal Building. He also stated that he had recently spoken with Mr. David Hyder regarding the water rates and fees study and that he would invite Mr. Hyder to the next Public Works Committee meeting.
- Councilman Mason suggested that the Planning Commission review the data from the two visioning sessions so that they could assist and work with the Planner when the position was created.
- Councilman Ross asked Town Attorney Poulson to review a letter he had recently received regarding replacement septic systems.
- Acting Town Manager Jeffries requested that Council consider authorizing the purchase of a new street sweeper as the cost to repair the current sweeper would be \$9,000 to \$10,000. He explained the three results he received from the RFPs and stated that the Public Works Committee recommended to purchase the Elgin Sweeper. It was

the consensus of Council to approve the purchase of the new sweeper at the April 21<sup>st</sup> recessed Council meeting.

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

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

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

Councilman Mason moved, seconded by Councilman Wolffe 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**16. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Mason, to recess the meeting until April 21, 2005 at 7:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE APRIL 21, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Purchase of New Street Sweeper.**

Acting Town Manager Jeffries stated that the Elgin Sweeper that was discussed in the April 4<sup>th</sup> Council meeting was no longer available. He explained that it had been purchased and that another sweeper would not be available for purchase for another 60-90 days. There was a discussion regarding the sweepers offered by the other three companies.

Councilman Howard motioned, seconded by Vice Mayor Conklin, to authorize the purchase of the new street sweeper from Atlantic Machinery, Inc. in the amount of \$129,986.00, plus the sweeper equipment additions in the amount of \$4,670. Unanimously approved.

**5. Change to Conectiv's Service Agreement.**

Mayor Tarr stated that he received a letter from Conectiv asking for relief from requiring one of its Trouble and Servicemen to live on Chincoteague in order to ensure reasonable response time to requests for service and repairs, as stated in the October 1991 franchise agreement letter. Mayor Tarr explained that the service man that currently lives on Chincoteague could not apply for the opening at the Wattsville Substation due to this requirement. Conectiv also offered to "hotel" a 'Trouble and Serviceman on the Island during severe weather conditions that could lead to flooding of the causeway and prevent access'.

Mayor Tarr stated that Acting Town Manager Jeffries would invite the Conectiv representative to attend a Council meeting in order to get more information and answer Council's questions.

## **6. Support for the Transfer of County Property.**

Mayor Tarr explained that the Accomack County Parks and Recreation Department had expressed an interest in obtaining the old Chincoteague Elementary School gymnasium from Accomack County. If the property was declared as excess by the School Board, then the Board of Supervisors would be asked to decide its disposition. The Accomack County Parks & Recreation Department requested that Council consider sending a letter of support for the acquisition of the gymnasium that would benefit the youth of Chincoteague Island and northern Accomack County.

Councilman Mason motioned, seconded by Councilman Howard, to send the letter of support to the Board of Supervisors for the Accomack County Parks and Recreation Department's acquisition of the old elementary school gymnasium. Unanimously approved.

## **7. Completion of Adjacent Property Owner Form.**

Mayor Tarr stated that the resident of 3583 Main Street applied for a permit to build a waterfront pier. He stated that the Town is an adjoining property owner and Council must decide whether or not to object to the construction of the pier.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to mark the 'no objection' section of the Adjacent Property Owners Acknowledgement Form regarding construction of a waterfront pier at 3583 Main Street. Unanimously approved.

## **8. Other Matters.**

- Acting Town Manager Jeffries reported that both of the bacteriological samples of the 16" water main passed and that the contractor was currently tying the new 16" water main into the existing main. He also reported on the Sunnywood drainage project.
- Councilman Mason asked about the status of the trolley grants. Mayor Tarr stated that the grants had not been officially awarded, but that the Town was successful on both grants. Councilman Mason asked if the trolley History Tour would continue as it did last season. Mayor Tarr stated that he thought it would. Councilman Mason also announced that the Harbor Committee would not meet in May.
- Mayor Tarr stated that he and Acting Town Manager Jeffries attended a Department of Environmental Quality (DEQ) meeting regarding Well #8. He stated that he had been in contact with NASA regarding the emergency water plan. Mayor Tarr stated that there would also be a meeting with the Health Department regarding the new rules for septic system replacements. He announced that Island Supervisor Wanda Thornton would be at the May recessed Council meeting to discuss the Enterprise Zone.
- Councilman Howard asked if bids should be sent out for the current season's cemetery cleanup work. It was the consensus of Council not to request bids for the work.

- Councilman Ross asked about the status of an attendant at the Skate Park. Police Chief Lewis responded that there has been an attendant at the Skate Park for the last three weekends. He recommended that the attendant be present from 11:00 am to 7:00 pm. Mayor Tarr requested that the attendant maintain a log with the number of skaters, their ages, and the time they attended.

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

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

Councilman Mason moved, seconded by Councilman Wolffe to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**10. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on May 2, 2005. Councilman Howard motioned, seconded by Councilman Mason to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 2, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the April 4 and 21, 2005 Council Meetings.**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

**5. Report of Student Government Activities.**

Mayor Tarr gave details of the Student Government day held on May 2, 2005. Student Government Mayor, Katie Deal, introduced the Student Government Council and Staff.

**Council Members:**

Nick Bogan	Ashley Bunting
Janessa Fosque	Tamyra Mills
Michael Tolbert	Kellie Wright
America Ballerini, Town Manager	
Heather Lewis, Chief of Police	
Stephen Farrington, Director of Public Works	

The students brought three recommendations to Council.

- Student Government Councilwoman Mills proposed that the pot holes on Main Street, especially on South Main Street, be repaired.
- Student Government Councilwoman Bunting proposed that there be more lighting at the Skate Park, Memorial Park and on Hallie Whealton Smith Drive.

- Student Government Councilman Bogan proposed that pedestrian crossings be painted Downtown, on Maddox Boulevard, and on Deep Hole Road. Councilman Mason asked where on Maddox the crossings should be placed. “Councilman” Bogan recommended they be placed at the corner of Maddox Boulevard and Main Street and at the intersection of Maddox Boulevard and Deep Hole Road.

Mayor Tarr and Council thanked the Student Government participants and congratulated them on a job well done. Councilwoman Conklin complimented the Student Government Officials on being the best group she has worked with.

## **6. Council Information Items.**

Councilman Howard volunteered the Ordinance Committee to review the requirements, procedure and enforcement of “No Wake” Zones.

## **7. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson reported that the Commission met on April 26<sup>th</sup> and continued to review the Sign Ordinance.
- **Public Works Committee-** Councilman Mason reported on the Town’s Clean-up Week. He stated that the Committee reviewed the water rate/fee study. He added that the new 16” line was in service. Councilman Mason announced that there would be no meeting in May.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Town would not receive grant money from the Virginia Port Authority this year, but would re-apply for the grant money next year. He stated that Harbor Master Lewis was resigning on August 31<sup>st</sup>. He mentioned that the matter discussed regarding having dry slips at the Harbor would be discussed later in the Council meeting. Councilman Mason announced that there would be no meeting in May.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee was working hard to balance the budget for FY ’06. She added that they had also met with the health insurance representatives.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that Beth Turner, Manager of the Onley YMCA, attended the meeting and discussed the history of that organization and the requirements of establishing a YMCA on the Island. She recommended that the community be involved in the process through input and volunteering in a project. He stated that interested volunteers should contact Mrs. Kelly Fox by the next Committee meeting on May 11<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in April, but that the next meeting would be on May 18<sup>th</sup> at 4:30 pm to discuss “No Wake” zones.
- **Cemetery Committee-** Councilman Howard stated that Gary Turnquist was researching the ownership and history of the name of Redmen’s Cemetery on Taylor Street. He announced that the next meeting would be on May 24<sup>th</sup> at 5:30 pm
- **Police Committee-** Mayor Tarr announced that the meeting would be rescheduled for May 10<sup>th</sup> at 5:30 pm.

- **Chincoteague National Wildlife Refuge/Assateague Island National Seashore Community Leaders/Partners-** Councilman Wolffe asked if Council was a partner on the Committee. Mayor Tarr stated that he and Acting Town Manager Jeffries were Council's liaisons to the group. Acting Town Manager Jeffries explained that the possibility of allowing a motel to shuttle its patrons to the beach was discussed. Mayor Tarr stated that the results of the ensuing Community Leaders meeting would be discussed with Council, if deemed necessary.

## **8. Public Participation.**

- Mr. Richard Gonzoph asked when the scheduled bridge openings would begin. Mayor Tarr stated that the openings would tentatively begin on May 18<sup>th</sup>. Acting Town Manager Jeffries stated that the openings would be on the hour, from 6:00 am to midnight. He added that from midnight to 6:00 am, the openings would be on demand.

## **9. Change to Conectiv's Service Agreement.**

Mayor Tarr stated that last month Council was presented with a proposed change to Conectiv's service agreement. Council requested that representatives from Conectiv be invited to explain the proposed change and answer questions.

Mr. Richard Work introduced Mr. Oliver and Mr. Maione. Mr. Work explained the need to address part of the franchise agreement now due to the sudden opening of a position at the Wattsville substation. He also gave the average response times to 911 calls in Accomack County.

Councilman Mason asked if materials were stored on the Island. Mr. Work stated that materials are stored locally at the Wattsville substation. He added that the trucks would be stocked in the event of an emergency.

Councilman Ross asked about the need to change the contract before the service agreement expired if there wasn't currently a problem with having a serviceman living on the Island. Mr. Work responded that they were trying to make positions available for the servicemen without the residency requirement.

Councilman Wolffe asked about the other response times beside the 911 calls. He stated that his concern was not where the serviceman lived, but the response time to a service call. Mr. Maione reported on the response times for outages and trouble calls in 2004 in Accomack County. Mr. Maione stated that they would do everything possible to keep response times as low as they currently are.

Councilman Howard asked what steps would be taken during emergency situations, such as those that required a serviceman to be 'hoteled' on the Island. Mr. Work stated that a protocol could be established for such times.

Town Attorney Poulson stated that before action could be taken on the matter, an ad needed to be run in the newspaper for ten days. He suggested that an amendment to the agreement could be made effective 'if the present attendant moves' and 'if the Wattsville



substation remains in effect' which would trigger a change. He stated that if there was a change, there would be no residency requirement. But, if an emergency was reasonably anticipated, the company would dispatch a serviceman to the Island to hotel him as indicated or the Emergency Services Coordinator could request a serviceman be sent to the Island until such case as the emergency was resolved or until the Island was evacuated.

Mayor Tarr asked Mr. Work why the change needed to be done now instead of when the agreement expired in a year and a half. Mr. Work responded that it was due to a position becoming available at the Wattsville substation and the opportunity for the Chincoteague serviceman to further his career.

Councilman Wolffe recommended sending a letter with the mutually agreed upon information discussed regarding serviceman relocation, renegotiating the agreement and adding the protocol with respect to hoteling a serviceman on the Island during emergency situations. It was the consensus of Council to send the letter.

### **10. Resolution to Purchase a Street Sweeper.**

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following resolution authorizing the purchase of a new street sweeper. Unanimously approved.

#### **RESOLUTION OF GOVERNING BODY EXTRACT OF MINUTES**

LESSEE: Town of Chincoteague, Virginia

At a duly called meeting of the governing body of Lessee held on the 2<sup>nd</sup> day of May, 2005, the following resolution was introduced and adopted.

**RESOLVED**, whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement by and between Lessee and Leasing 2, Inc. dated as of May 1, 2005 and presented to this meeting; and has further determined that the Equipment will be used solely for essential governmental functions and not for private business use.

**WHEREAS**, Lessee has taken the necessary steps, including, without limitation to compliance with legal bidding requirements under applicable law, to arrange for the acquisition of such Equipment.

**BE IT RESOLVED**, by the governing body of Lessee that the terms of said Lease-Purchase Agreement are in the best interest of Lessee for the acquisition of such Equipment, and the governing body of Lessee designates and confirms the following person to execute and deliver, the Lease-Purchase Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement.

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(Signature of Party to Execute  
Lease-Purchase Agreement)

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(Print Name and Title)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Lease-Purchase Agreement is the same as presented at said meeting of the governing body of Lessee.

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Secretary/Clerk

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Date

### **11. Sewage Pump & Haul Permit for Curtis Merritt Harbor of Refuge.**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the following sewage pump and haul permit for the Harbor. Unanimously approved.

#### PERMANENT PUMP AND HAUL AGREEMENT AND GENERAL PERMIT

This PERMIT is issued by the State Health Commissioner (“Commissioner”) to the Town Council of the Town of Chincoteague (“Town”) pursuant to Part IV, Article 4, §12 VAC 5-610-598 et. seq. of the State Board of Health Sewage Handling and Disposal Regulations (July, 2000, the “*Regulations*”).

The Commissioner and Town believe that pumping and hauling pursuant to Part IV, Article 4, §12 VAC 5-610-598 et. seq. of the “*Regulations*” is the only practical method for disposal of sewage in certain areas. Accordingly, the Town has adopted by ordinance, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4, §12 VAC 5-610-598 et. seq. of the “*Regulations*”, the Commissioner and the Town agree as follows:

1. The Town will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The Town will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited to the availability of sewer hookup to the structure(s) served and any significant change in the use of a served facility.

3. The Commissioner, or the Commissioner's designee, will notify the Town in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the Town pursuant to Part IV, Article 4, §12 VAC 5-610-598 et. seq. of the Sewage Handling and Disposal Regulations to pump and haul sewage on a permanent basis from the facilities or structures listed below:

Curtis Merritt Harbor of Refuge Marina

The Town is furthermore authorized, pursuant to its ordinance3s, resolutions, or other approval and this Permit, to add individual facilities to this list. The Town may withdraw its supervision of the pump and haul from an individual facility as noted in paragraphs #1 and #2 above. This permit shall be subject to the following conditions:

1. Town may require bonding or other assurances from the third party owner of any served structure or facility.
2. In order to add a structure or facility, the Town shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply; however, the Town may require that the third party submit any local fees which may apply.
3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.
4. If the Town ceases providing pump and haul services to any individual facility, the Town shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the *Regulations* may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the *Regulations*.
5. If the General Permit is revoked, the Town must cease pump and haul operations at all facilities immediately.

**12. (a) Change to Section 70-99 of the Town Code and (b) Dry Slips for Curtis Merritt Harbor of Refuge.**

(a) Section 70-99 of the Town Code currently states:

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except at the discretion of the harbormaster and the areas that may be designated by the harbor committee. Vessels shall not be stored on the docks, adjacent waterways or upland areas of the harbor.

The Harbor Committee recommended the proposed change to Section 70-99 of the Town Code as follows:

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except at the discretion of the **Town or a designated person such as the** harbormaster and the areas that may be designated by the harbor committee. Vessels **or trailers** shall not be stored on the docks, adjacent waterways, upland area **or any Town property without the permission of the Town.**

(b) The Harbor Committee requested that Council approve the establishment of “dry slips” at the Harbor. The Committee recommended the following “dry slip” policy:  
**Definition of Dry Slip** A space used by a trailerable sailing vessel of approximately 19 to 26 feet in length. The boat’s mast and stays must be rigged, tuned and ready for launching.

**Size of Dry Slips** The slips will be 10 feet wide and 30 feet long. The location of the dry slips will be along the northeast property line up against the fence adjoining Mr. Tull’s property.

**Annual Cost** The annual rental of a dry slip will be the same as a 30-foot wet slip. The current rate is \$377.00; the proposed rate for 2005 is \$387.00.

**Number of Dry Slips** The Harbor Committee recommends that 5 places be set aside for this purpose.

**The Assignment Priority is as follows:**

1. Island, Commercial
2. Island, Non-Commercial
3. Non-Island, Commercial
4. Non-Island, Non-Commercial

**Storage** No vessels or trailers may be stored in the parking lots or on any upland area of the Harbor unless one holds a current lease agreement for a dry slip.

Only routine cleaning and maintenance will be performed while the vessel is in the dry slip. If touch-up painting is to be done on the hull or bottom, **TARPS** must be placed under the vessel.

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to (a) approve the proposed changes to Section 70-99 of the Town Code and to (b) approve the establishment of “dry slips” and the abovementioned Dry Slip policy. Unanimously approved.

### **13. Bid for FY 2005-2007 Auditing Services.**

Acting Town Manager Jeffries stated that the Town recently advertised for a request for proposal for audit services. He stated that only one proposal was received, which was from Robinson, Farmer, Cox Associates. He mentioned that the prices quoted were within the budgeted amount and that the company had performed the Town audit in 1999.

Councilman Howard motioned, seconded by Councilman Mason, to accept the bid from Robinson, Farmer, Cox Associates in the amount of \$13,450 for FY '05, \$13,950 for FY '06 and \$14,450 for FY '07. Unanimously approved.

**14. Resolution of Support for the Eastern Shore Disaster Preparedness Coalition.**

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following resolution in support of the Eastern Shore Disaster Preparedness Coalition. Unanimously approved.

**A RESOLUTION OF SUPPORT FOR THE FORMATION OF THE EASTERN SHORE DISASTER PREPAREDNESS COALITION**

**WHEREAS**, the Eastern Shore Disaster Preparedness Coalition is being formed to prepare citizens, visitors, businesses, industries and governments of the Eastern Shore of Virginia for disasters, and

**WHEREAS**, the Eastern Shore Disaster Preparedness Coalition will be comprised of representatives from Accomack, Northampton Counties and the Town of Chincoteague's emergency management agencies, the Virginia Department of Transportation, Shore Memorial Hospital, Eastern Shore Rural Health, Accomack County Health Department, American Red Cross, HAM radio operators and owners/operators of other critical infrastructures, and

**WHEREAS**, as a member of the coalition, the Town of Chincoteague will offer and receive emergency resources and preparedness ideas from other members of the coalition.

**NOW, THEREFORE**, the Town Council of the Town of Chincoteague does hereby recognize the need for such coalition and supports its mission by becoming a member of said coalition.

**DATED** this 2<sup>nd</sup> day of May, 2005.

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John H. Tarr, Mayor

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the following resolution of the National Incident Management System's Principals. Unanimously approved.

**A RESOLUTION RECOGNIZING AND ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM'S PRINCIPALS FOR THE TOWN OF CHINCOTEAGUE, VIRGINIA**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE, VIRGINIA:

Section 1. In order to streamline emergency management at federal, state, and local levels, the National Incident Management System was established by the Department of Homeland Security.

Section 2. The National Incident Management System allows for a comprehensive national approach to emergency management and response.

Section 3. In addition, the National Incident Management System establishes a mechanism for ongoing coordination to provide direction and oversight to emergency management, and standardizes the use of the Incident Command System.

Section 4. The Town Council of the Town of Chincoteague recognizes the National Incident Management System and its use in emergency management.

Section 5. The adoption of this resolution will meet the Department of Homeland Security's requirements to become NIMS compliant during the FY 2005 and receive FY 2006 funding offered by the Department of Homeland Security.

Section 6. This resolution shall become effective upon its adoption on May 2, 2005.

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John H. Tarr, Mayor

## **15. Other Matters.**

- Acting Town Manager Jeffries complimented the students who participated in Student Government Day on a job well done.
- Town Attorney Poulson answered several questions that Council had asked him during recent Council meetings.

(a) He informed Council of the recommended changes to the proposed Travel Lift policy to be advertised for bids and stated that the revised proposed policy would be sent to Council for review. There was a very lengthy discussion regarding the proposed Travel Lift policy.

(b) He answered Kenny's question regarding the appeal section of the Subdivision Ordinance. He stated that the Board of Zoning Appeals (BZA) grants a variance to the subdivision ordinance. An appeal of that Board would be as a petition to the Circuit Court. He noted that under Section 15.2-2259 of the Code of Virginia, the appeals to this point have not been consistent.

(c) He explained variances and special exceptions. He stated that the Supreme Court has said that a variance could not be granted unless there is no other reasonable use of the property. He stated that the Town's Zoning Ordinance was not specific enough to grant special exceptions. There was a lengthy discussion regarding special exceptions.

(d) He answered Council's questions regarding the new septic regulations. He reported that a policy existed that stated if the system failed, it could be replaced with the same type of system as long as that property owner owned the property. However, if the

property was sold and the system failed, the new owner would have to replace the failed system with a system that was approved by the Health Department.

- Councilman Howard thanked the Public Works Committee and Department for their efforts during the Town's Clean-up Week.
- Councilman Mason complimented Acting Town Manager Jeffries for the paving that had recently been completed.
- Councilman Wolffe thanked Mayor Tarr and Acting Town Manager Jeffries for attending his father's funeral services.

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

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

Councilman Wolffe moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Conklin 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**17. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilman Ross, to recess the meeting until May 19, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 19, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. *Invocation.***

Councilman Ross offered the invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

**4. *Resolution of Respect for Honorable Paul B. Merritt.***

Mayor Tarr presented Mrs. Helen Merritt and her son, Mr. Greg Merritt, with the following Resolution of Respect.

**A RESOLUTION OF THE  
CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS,** Mr. Paul B. Merritt served Chincoteague well for many years in many capacities; and

**WHEREAS,** he served faithfully as a member of Town Council and Islands District Supervisor and played a vital role in the development of this community; and

**WHEREAS,** his exemplary conduct and sense of fairness furthered the cause of better understanding and was an influence for good in the growth and progress of our community;

**NOW, THEREFORE BE IT RESOLVED,** that by the sad and untimely death of Brother Paul B. Merritt, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed inestimable service to the people of the Town of Chincoteague by his work with the Council; and



**BE IT FURTHER RESOLVED**, that this Resolution be spread upon the minutes of this meeting and a copy published in the Chincoteague Beacon.

**IN TESTIMONY WHEREOF**, the Council has caused the corporate seal to be hereunto affixed and the signature of its Mayor, John H. Tarr, this 19<sup>th</sup> day of May, 2005.

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John H. Tarr, Mayor

ATTEST:

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J. Wesley Jeffries, Acting Town Manager

**5. Report by Honorable Wanda Thornton, Islands District Supervisor.**

Board of Supervisors Chairman Wanda Thornton reported to Council on the following matters:

- She explained the process and details of the Enterprise Zone.
- She invited Mayor Tarr to attend a meeting in Richmond with herself, the County Administrator and the Virginia Department of Health officials.
- She informed Council that the County was hosting a workshop on proffering. She stated that the workshop was open to the public and that the Town was invited.
- She stated that a consultant was hired to evaluate NASA's water and wastewater systems.
- She informed Council that a committee was studying the disposition of the old school properties.
- She stated that the County provided the ditching machine as in the past.

**6. Approval of Safe Boating Week Proclamation.**

Mayor Tarr read the following Proclamation for Safe Boating Week. Councilman Howard motioned, seconded by Councilman Mason, to approve the Proclamation. Unanimously approved.

**PROCLAMATION  
SAFE BOATING WEEK  
May 21 through May 27, 2005**

**WHEREAS**, boating is a most wholesome activity, and the Town of Chincoteague and the entire Commonwealth of Virginia are particularly blessed with beautiful and spacious waterways where this form of recreation may be enjoyed; and

**WHEREAS**, the number of boats using our waterways continues to grow, increasing the need for the boating public to observe the basic rules of boating; and

**WHEREAS**, the United States Coast Guard Auxiliary, Flotilla 12-6, during the boating season, is having trained Vessel Safety Check Examiners available at public boat ramps, marinas, campgrounds, and other locations for voluntary, free examinations to assist boat owners in proper safety equipment and to encourage safe boating.

**NOW, THEREFORE**, I John H. Tarr, Mayor of the Town of Chincoteague, do hereby proclaim May 21 through 27, 2005 National Safe Boating Week in the Town of Chincoteague, and urge all citizens who participate in this form of recreation to observe safe boating practices, and to partake of the Coast Guard Auxiliary's generous contribution of time and effort to ensure maximum safety.

**GIVEN** under our hands and seals this 11<sup>th</sup> day of May, two thousand five.

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John H. Tarr, Mayor

Attest:

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CDR Ron LaBrec, USCG Group Eastern Shore

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BMC Jerry Tarr, USCG Station Chincoteague

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Jamie Conquest, FC Flotilla 12-6

## **7. *Approval of National Tourism Week Proclamation.***

Mayor Tarr read the following Proclamation for National Tourism Week. Vice Mayor Conklin motioned, seconded by Councilman Mason, to approve the Proclamation.

### **NATIONAL TOURISM WEEK**

**WHEREAS**, travel and tourism is one of America's largest service exports providing a trade surplus of \$2.6 billion last year and is one of the nation's largest employers with a total of 7.2 million direct travel-related jobs – that is one of every eight people; and

**WHEREAS**, including the \$80.2 billion spent in the U.S. by international visitors, travel and tourism generated \$555 billion last year, providing \$95 billion in tax revenue for local, state and federal governments; and

**WHEREAS**, tourism's economic contribution to Virginia has reached over \$1.5 billion; and

**WHEREAS**, travel and tourism is the fifth largest private sector employer in Virginia; and

**WHEREAS**, the travel and tourism industry supports the vital interests of the Town of Chincoteague contributing to our employment, economic prosperity, peace, understanding and goodwill; and

**WHEREAS**, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the Town of Chincoteague and the United States, travel and tourism will become an increasingly important aspect in the lives of our citizens; and

**WHEREAS**, given these laudable contributions to the economic, social and cultural well-being of the citizens of the Town of Chincoteague, it is fitting that we recognize the importance of travel and tourism.

**NOW, THEREFORE**, I, John H. Tarr, Mayor of the Town of Chincoteague, do hereby proclaim May 7-15, 2005 as SEE AMERICA WEEK/NATIONAL TOURISM WEEK, within the Town of Chincoteague.

**DATED** this 19<sup>th</sup> day of May, 2005.

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John H. Tarr, Mayor

Attest:

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J. Wesley Jeffries, Acting Town Manager

### **8. Public Participation.**

- Mrs. Claire Lott read the following letter written by Mr. Arthur Buono and addressed to Mayor Tarr and the Council condemning the recent Board of Zoning Appeals (BZA) action:

Dear Mr. Chairman:

I am a property owner and part-time resident of Chincoteague. I am writing to add my voice to those who have stated their concerns about the recent actions of the Board of Zoning Appeals (BZA). I attended the last BZA meeting on May 12. At that session the BZA approved two variance applications filed by the developer of the Landmark property. During the session the developer offered no evidence that compliance with the setback and right-of-way ordinances would be a hardship. Several citizens, including myself, spoke during the public session to highlight this lack of evidence. Although the two dissenting BZA members emphasized the lack of hardship evidence, the four members who voted for approval ignored this point.

In this case the actions of the majority of the BZA were directly contrary to the BZA's mandate under the law. In essence they substituted their judgment about the appropriateness of the ordinance for the Town Council's. Not only did they usurp the Town Council's prerogative in this matter but in doing so they also cast doubt on the circumstances in which the zoning ordinance will be enforced. Because of this I can say as a property owner that I do not know to what extent the ordinance applies to my property, or that of my neighbors, since this appears entirely up to the whim of a majority of the BZA.

I would urge the Town Council to appeal this latest decision to the Circuit Court, if for no other reason than to reassert its authority, and its primacy over the BZA, regarding the ordinance it enacted.

I ask that this letter be read into the record at the May 17 Town Council session.

Sincerely,  
Art C. Buono

- Mr. Carl Palmer approved the aforementioned letter's content and also urged Council to appeal the BZA's decision.
- Mr. Mike Meyers summarized the BZA comments and actions and compared them to the Code.
- Mrs. Nancy Payne agreed with the previous statements and called for Council action.
- Councilman Wolffe inquired about the time limit to appeal the decision. He was informed that it was 30 days, so he requested that the matter be placed on the agenda for the June 6<sup>th</sup> Council meeting.
- Councilman Mason agreed with Councilman Wolffe's comments and asked that Town Attorney Poulson be contacted regarding what criteria the court would use to overturn the BZA's decision.
- Councilman Ross reminded Council of the letter sent to the BZA by Acting Town Manager Jeffries regarding the mistreatment of persons appearing before the Board. He requested that Town Attorney Poulson be asked what the next step would be regarding warning the Board about their treatment of citizens.
- Under the Freedom of Information Act, Supervisor Thornton requested a copy of the tape of the recent BZA meeting minutes.
- Mrs. Elizabeth Hunt suggested inviting Mr. Ed McMahon to speak on balanced growth in a public workshop. It was recommended that the County and other Towns be contacted to partner in the workshop and share the cost of the presentation.

## **9. *Advertisement of Harbor Travel Lift Ordinance.***

Councilman Mason explained that the Harbor Committee recommended a 20-year lease due to the cost to the contractor for the lift.

Councilman Wolffe motioned, seconded by Councilman Howard, to advertise the following ordinance for the lease of a portion of the Curtis Merritt Harbor in conjunction with the operation of a marine travel lift. Unanimously approved.

**AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION  
OF THE CURTIS MERRITT HARBOR OF THE TOWN OF  
CHINCOTEAGUE IN CONJUNCTION WITH THE  
OPERATION OF A MARINE TRAVEL LIFT AND THE  
SOLICITATION OF BIDS FOR SUCH LEASE**

The Town of Chincoteague intends to adopt an Ordinance awarding a Lease of a certain portion of the Curtis Merritt Harbor to the successful bidder in conjunction with the operation of a marine travel lift for 20 years in accordance with the terms and provisions of said Ordinance and in the form and on the terms and conditions of the Lease contained therein. A copy of the full text of said Ordinance is on file in the office of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia 23336.

The Council invites bids for the Lease proposed to be awarded in the Ordinance. All bids shall be in writing, sealed and delivered to the Town Manager on or before June 16, 2005 at 5:00 pm. All such bids shall be accompanied by a cashier's check, bank check or letter of credit in the amount of \$1,000.00 to ensure that the successful bidder executes said Lease. Failure to do so shall result in the forfeiture of said deposit. All bids shall be opened in the July 5, 2005 session of Council. Council shall have the right to call for any additional bids, which shall be received at the time. At such open session, or later, the Council may determine and after such investigations as Council may see fit, Council, after receiving recommendations of staff, if any, will accept the best bid from a responsible bidder and adopt the Ordinance awarding the Lease to such bidder, subject to the right of Council by recorded majority vote to accept a different bid from a responsible bidder and award such Lease to another bidder, if in its opinion there is some reason affecting the interest of the Town which makes it advisable to do so, which reason(s) shall be affirmatively stated in the motion adopting the Ordinance and awarding such Lease. Council reserves the right to negotiate with the best bidder, and further reserves the right to reject any and all bids. Council may waive any minor irregularities in any bid. In evaluating and accepting any such bid, Council shall give consideration to the following criteria: (1) design, quality, and cost of the proposed improvements and infrastructure; (2) time of completion of such improvements and infrastructure; (3) schedule for availability of services; (4) experience in operating a marine travel lift; (5) the age, condition, and reliability of the marine travel lift proposed to be used by the Lessee; and (6) such other factors as may reasonably impact on the ability of the Lessee to effectively utilize such demised premises and to provide such service in a timely, convenient, reliable, and efficient manner to the users thereof at the Curtis Merritt Harbor.

J. W. Jeffries, Acting Town Manager  
Town of Chincoteague  
By Direction of the Council

**10. *Donation Request from Animal Rescue Coalition.***

Mrs. Kelley Jewett presented the details of the work done by the Animal Rescue Coalition. She explained that the group was planning a series of rabies clinics by Dr.

McKee of the Paws 'n' Claws Pet Clinic at a cost of \$8 per shot. Mrs. Jewett asked if the Town could supplement the cost of the shots. Councilman Howard commended Mrs. Jewett on her work with the Coalition.

Councilman Wolffe motioned, seconded by Councilman Howard, to donate \$5 per shot, with a maximum donation of \$500, to the Animal Rescue Coalition. Unanimously approved.

### **11. Advertising of FY '06 Budget for Public Hearing.**

Mayor Tarr stated that the final draft of the proposed FY '06 budget needed to be advertised for public hearing before it could be adopted. He asked if Council had any questions about the proposed budget.

Councilman Mason asked about the absence of monies for engineering studies.

Councilman Wolffe motioned, seconded by Councilman Mason, to advertise for a public hearing on the proposed FY '06 budget for the June 6<sup>th</sup> Council meeting. Unanimously approved.

### **12. Other Matters.**

- Councilwoman Richardson asked about trolley funding for this year. She asked if the trolleys would be used as shuttles for Pony Penning.
- Councilman Ross asked about the paving of Route 175 and the Town Dock. He also asked about the completion date of the Sunnywood Drainage project.
- Councilman Howard reported on Seniors Day at the Chincoteague Center on May 17<sup>th</sup>.
- Councilman Wolffe suggested that the BZA members be notified that the matter regarding their recent decision would be discussed at the June 6<sup>th</sup> Council meeting.
- Mayor Tarr announced that there would be a Community Leaders meeting at the Herb Bateman Center on the Refuge on Monday, May 23<sup>rd</sup> at 9:00 am to discuss the Piping Plover.

### **13. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters.**

Councilman Howard moved, seconded by Councilwoman 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 Mason moved, seconded by Councilman Howard to reconvene in regular session. Unanimously approved.

Councilman Mason moved, seconded by Councilman Howard 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- Conklin, Howard, Mason, Richardson, Ross, Wolfe  
Nays- None  
Absent- None

#### **14. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on June 6, 2005. Vice Mayor Conklin motioned, seconded by Councilman Mason to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

### **MINUTES OF THE JUNE 6, 2005 CHINCOTEAGUE TOWN COUNCIL MEETING**

#### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

#### **1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

#### **2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the May 2 and 19, 2005 Council Meetings.**

Councilman Howard stated that in item ten of the May 19<sup>th</sup> minutes, the motion was to donate \$5 per shot to the Animal Rescue Coalition, *with a maximum donation of \$500*. He added that Mrs. Jewett preferred to be called *Kelley*, not Barbara. Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to approve the minutes as corrected. Unanimously approved.

**5. Special Recognition – CHS Varsity Baseball Team.**

Mayor Tarr presented the following recognition to Coach Fred Richardson and the CHS Varsity Baseball Team congratulating them on their District Championship.

**CERTIFICATE OF RECOGNITION**  
PRESENTED TO THE  
**Eastern Shore District Varsity Baseball Champions**  
**Chincoteague High School**  
on behalf of the Chincoteague Town Council  
and the  
citizens of Chincoteague.  
Congratulations on your successful season!

Dated: June 6, 2005

\_\_\_\_\_  
John H. Tarr, Mayor

The members of the team presented the Mayor and Council with a signed bat and ball.

**6. Public Hearing – FY 2006 Budget.**

Mayor Tarr opened the public hearing at 7:40 pm.

After hearing no public comment, Mayor Tarr closed the public hearing at 7:42 pm.

Vice Mayor Conklin commented on several large expenditures for FY 2006.

Councilwoman Richardson stated that she was displeased with the Budget & Personnel Committee's action regarding health insurance. Councilman Wolfe suggested having the Budget & Personnel Committee review the matter.

Mayor Tarr stated that action would be taken on the FY 2006 budget during the June 16<sup>th</sup> recessed Council meeting.



## **7. Council Information Items.**

- Councilman Wolffe asked about having a planning workshop with Mr. Ed McMahon on September 7<sup>th</sup> in the evening. It was the consensus of Council to ask Mr. McMahon to attend on that date.
- Councilman Mason asked about the results of the excess school properties meeting on May 24<sup>th</sup>. Mayor Tarr stated that the School Board and the Board of Supervisors had not yet rendered a decision on the properties. Councilman Mason also asked about the status of the pumping station on Maddox Boulevard. Acting Town Manager Jeffries responded that the electricity was currently being hooked up and that the discharge pipe to the marsh would be done in-house very soon.

## **8. Committee Reports.**

- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin stated that they were working with the Health Department on septic system modifications.
- **Meals Tax Committee-** Vice Mayor Conklin stated that the Committee agreed to leave the 10% meals tax allocations to the Community Center and Chamber of Commerce as a 50/50 split, which was 5% each.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee requested Council's guidance on filling the vacancy from Mr. Bill Fallon's resignation. He stated that the Committee had also reviewed the names received from the public for the Hallie Whealton Smith nature trail and that the Committee recommended it be called 'Island Nature Trail'. He advised that the Committee had informed the public about forming a steering committee for the local YMCA venture and that interested persons could contact the office until the BORAC meeting on Wednesday, June 8<sup>th</sup>.
- **Mosquito Control Committee-** Councilman Wolffe stated that the equipment was ready and that the aerial flights had been scheduled. He stated that the flights would be more expensive because of the increased fuel cost. Councilman Wolffe added that he had researched aerial larviciding, but that it was not feasible for our densely populated island.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on May 18<sup>th</sup> and discussed 'No Wake Zones'. He announced that the matter would be reviewed again at the next meeting on June 15<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard stated that the Committee met on May 24<sup>th</sup> and decided that there would not be any more meetings until September, when additional cleanups would then be discussed.
- Mayor Tarr announced that the U.S. Department of Agriculture (USDA) would be conducting a raccoon trapping program for the next two weeks. Councilman Wolffe warned the public about vaccinating their pets.

## **9. Public Participation.**

- Mr. Reginald Stubbs stated his lengthy opposition to the granting of the variance to the Landmark condos based on his extensive experience and knowledge of the zoning laws.

- Mr. Harry Deitch stated that he was displeased with the Board of Zoning Appeals' (BZA) interpretation of land use hardship. He asked Council to expedite the hiring process of a planner. He also asked Council and Town Attorney Poulson to examine the recent BZA minutes for irregularities.
- Mrs. Barbara Thackray appealed to conserve what is good and slowly change what is not good. She asked Council to not allow any compromises (variances).
- Mr. Arthur Buono stated that he left the recent BZA meeting not knowing what the zoning laws mean or to whom they apply. He suggested that Council file a petition to overturn the BZA's recent decision.
- Mr. Rick Reichard asked Council to enforce the zoning laws that are enacted and to hire a full-time planner instead of a planning consultant. He also thanked Acting Town Manager Jeffries for the line painting on North Main Street.
- Mr. James Frese reminded Council of their need to be advocates for the average citizen. He urged consideration of the BZA matter before going to court. He also applauded the BZA on doing an excellent job.
- Mr. Mike Meyers stated that laws could not be ignored because they seem unfair or undesirable.
- Mr. Garry Fisher agreed with going to court and reversing the BZA decision.
- Mrs. Ann Stubbs commented that a 50' right-of-way included 30' of paving with sidewalks, etc. on both sides, and added that it would be next to a major intersection and should be done properly.
- Mr. Mike Meyers stated that he was concerned about the lack of slips and parking spaces for boats.
- Mrs. Ruth Patzig commented on the problems with the traffic backups because of the hourly bridge openings. She asked that Council review the matter.
- Mr. Dick Conklin stated that he enjoyed the 10-minute break while the bridge was open.
- Mrs. Beverly Fleming stated that she was concerned about sitting on Black Narrows Bridge when the channel bridge was open. She asked if VDOT would erect a light at the west end of the Black Narrows Bridge so that traffic would not stop on the bridge. Mayor Tarr responded that currently VDOT was working to stabilize that bridge.
- Mr. Reginald Stubbs stated that he was concerned about the north side of Queen Sound Bridge needing rip rap. Mayor Tarr asked Acting Town Manager Jeffries to contact VDOT regarding a resolution to the problem.

## **10. Board of Zoning Appeals (BZA) Matters.**

Mr. Jesse Speidel of the BZA stated that he had received a questionable letter from Mr. Revell Lewis regarding appealing a recent BZA decision. He wanted to be clear that he was not involved in an appeal of any kind of the BZA's decision.

Councilman Wolffe asked if the Town could file as party to another suit and if the Town could withdraw suit after filing on time. Town Attorney Poulson recommended that the Town file an independent suit, if the Town was going to file.

Vice Mayor Conklin stated that the BZA approved Mr. Birch and Mr. Conklin's subdivisions with no roads. Town Attorney Poulson stated that he interpreted those subdivisions not to include parking lots as roads.

Councilman Mason stated that he was opposed to Town Attorney Poulson's interpretation and that variances should not be enacted to road width. He then read a prepared statement. He also recommended that Council appeal the decision of the BZA.

Councilman Ross stated that he did not recollect Town Attorney Poulson's comments on road requirements. He advocated getting a decision from someone outside of the group to resolve the problem, such as a judge.

Councilman Wolffe asked if there was any other way of resolving the matter other than going to court. Town Attorney Poulson responded that at this point, he thought there probably wasn't.

Mayor Tarr explained the complete history of the problem and how he thought Council had dropped the ball. He stated that the road requirement problem needed to be reviewed by the Planning Commission.

Councilman Howard stated that he did not believe a hardship was established with the current Landmark condos case. He added that he heard the BZA did have the authority to reverse their decision. Councilman Howard stated that he did not want to take the BZA to court.

Councilwoman Richardson stated that she did not agree with a 50' right-of-way, and that the matter needed to be reviewed again.

Mr. Mike McGee of the BZA questioned the legality of the 50' right-of-way.

Mr. Donald Thornton of the BZA stated that he was offended by Councilman Ross' comments regarding the BZA's behavior toward some applicants before the Board.

Mr. Arthur Leonard of the BZA stated that the Board should not be judged and that the BZA hears cases on a per-case basis.

Mr. Robert Cherrix of the BZA stated that he did not attend the meeting being discussed, but that he would not have approved the variance from the 50' right-of-way.

Mr. Jesse Speidel of the BZA stated that the Town may need a moratorium on condo regimes and also needs to differentiate condos from townhouses.

Mayor Tarr asked the Board for a list of problem decisions/variances that could be reviewed by the Planning Commission.

**11. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Matters of Potential Litigation Concerning the BZA.**

Councilman Howard moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss matters of potential litigation concerning the BZA. Unanimously approved.

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

Councilman Wolffe moved, seconded by Councilman Howard 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

Councilman Mason motioned, seconded by Councilman Ross, to appeal the recent decision of the Board of Zoning Appeals granting the Chincoteague Landmark, LLC a variance to the 50' road right-of-way requirement.

VOTE: Ayes – Mason, Ross  
Nays – Conklin, Howard, Richardson, Wolffe  
Absent – None

The motion to appeal the BZA's decision was defeated.

**12. Items for Planning Commission.**

Mayor Tarr requested that Council consider sending the following issues to the Planning Commission for review and any changes or additions deemed appropriate.

Major Subdivisions:

- review definition of a road

- define a parking lot

Parking Restrictions:

- review definition of a private noncommercial marina
- define a commercial pier
- provision of parking at a private noncommercial marina versus commercial pier

Councilman Wolffe expressed the need to move ahead on these items and recommended that Town Attorney Poulson be present at the Planning Commission meetings when these items are discussed. Mayor Tarr concurred with Councilman Wolffe.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to have the Planning Commission review the aforementioned items. Unanimously approved.

### **13. Approval of Sanitation Services Contract.**

Acting Town Manager Jeffries stated that a bid in the amount of \$344,965.00 was received from Waste Management for the Town's sanitation services. He stated that the amount was for the first year of a three-year contract.

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the bid for sanitation services from Waste Management in the amount of \$344,965.00 for the first year of the three-year contract. Unanimously approved.

### **14. Donation for Miss & Little Miss Chincoteague Pageant.**

Mayor Tarr stated that Mrs. Tammy Riley has been organizing the pageant for a number of years to benefit the local fire company and community. She has asked Council to consider a donation to the pageant as in previous years to help defray the costs of producing the contest.

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve a donation of \$300.00 for the event. Unanimously approved.

### **15. Donation to Star Transit.**

Mayor Tarr stated that the Town had donated \$500.00 to Star Transit in the past.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to donate \$500.00 to Star Transit. Unanimously approved.

### **16. Other Matters.**

- Police Chief Lewis announced that the Police Committee meeting would be on June 7<sup>th</sup> at 5:30 pm.
- Acting Town Manager Jeffries stated that the Town team was the top fund raiser for the American Cancer Society's Relay for Life this year. He asked Council if the employees could wear presentable blue jeans each Friday for a nominal fee to raise funds

for next year's Relay for Life and March of Dimes charities. It was the consensus of Council to allow the request.

- Acting Town Manager Jeffries also announced that there would be a Downtown Revitalization Management Team meeting on June 7<sup>th</sup> at 3:00 pm.
- Vice Mayor Conklin asked about the status of the street sweeper. Acting Town Manager Jeffries stated that it would arrive this week.
- Mayor Tarr announced that there would be an Emergency Operations Committee meeting on June 9<sup>th</sup> at 6:00 pm.
- Councilman Howard asked staff to put a notice on the bulletin board that the Cemetery Committee would not meet until September.
- Councilman Mason asked if there was any procedure to resume the bridge openings every two hours.
- Mayor Tarr stated that the Request for Quotations for planners was reviewed by the Accomack-Northampton Planning District Commission and that they were ready to choose a short list for possible interviews.

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

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

Councilman Mason moved, seconded by Councilman Wolffe to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilwoman 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

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VOTE: Ayes- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**18. Recess of Meeting.**

Councilman Mason motioned, seconded by Councilwoman Richardson, to recess the meeting until June 16, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE JUNE 16, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Presentation by Honorable Lynwood W. Lewis, Jr..**

The Honorable Lynwood Lewis, Jr. presented Mr. Ollie Reed and Mr. Robert Reed, Jr. with a resolution of respect for their father, Mr. Robert N. Reed, Sr. for his years of dedication and service to this community.

**5. Public Participation.**

- Mr. Bill Thomas of Waste Management introduced himself to Council and asked if they had any questions regarding the sanitation services contract.
- Mr. Mike Meyers expressed his disappointment at Council for not enjoining the citizens in the suit against the BZA's granted variances.

## **6. Harbor Travel Lift Bid Opening.**

Councilman Mason emphasized the need for a travel lift at the Harbor. He stated that no bids were received from the recent advertisement. Councilman Mason stated that the matter would be reviewed again by the Harbor Committee.

## **7. Adoption of FY 2006 Budget.**

Mayor Tarr stated that Council held a public hearing on June 6<sup>th</sup> and received no public comment on the FY '06 proposed budget.

Vice Mayor Conklin motioned, seconded by Councilman Wolffe, to adopt the following FY '06 budget and to approve the appropriation of the funds therein. Unanimously approved.

### Town of Chincoteague FY'06 Budget Revenues

#### Fund 10 - General Government

<u>Revenue Name</u>	<u>Number</u>	<u>Budgeted</u>
Real Estate Tax Levy	4001-0100	\$436,000
Tangible Property Tax Levy	4001-0125	\$285,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 24,000
Meals Tax	4001-0500	\$440,000
Bank Franchise Tax	4001-0600	\$ 45,000
Sales Tax	4010-0100	\$110,000
Business License	4010-0200	\$120,000
Motor Vehicle License	4010-0300	\$ 72,000
Utilities Tax	4010-0500	\$280,000
Transient Occupancy Tax	4010-0600	\$340,000
Fines	4015-0100	\$ 34,000
Interest on Savings	4020-0100	\$ 27,000
Banner Donations	4041-0100	\$ 100
Cemetery Cleanup Donations	4041-0150	\$ 1,500
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 32,000
Zoning Advertisements	4041-0600	\$ 4,000
Grants/Litter	4045-0100	\$ 1,800
Sale of Capital Assets	4049-0100	\$ 2,000
ABC Profits	4051-0100	\$ 8,000
Optimum Choice-Retirees Spouse	4051-0200	\$ 12,303
VA Fire Programs	4051-0300	\$ 6,000
Revenue Sharing - USFWS	4061-0100	\$ 4,200
Harbor Administration	4061-0105	\$ 2,000
Water Rent	4101-0100	\$654,000
Water Adjustments	4101-2200	-\$ 2,000



Waterline Extensions	4131-0100	\$ 20,000
Service Connections	4131-0200	\$ 20,000
Interest on Water Savings	4131-0300	\$ 10,000
Public Works Miscellaneous	4201-0100	\$ 10,000
Miscellaneous Income	4303-0100	\$ 5,000
Tipping Fee Refund - County	4303-0300	\$ 74,000
Law Enforcement Funds	4401-0100	\$121,000
Police Donations/Grants	4401-0150	\$ 13,000
911 Dispatch Revenue	4401-0200	\$ 15,000
911 Local Tax	4401-0300	\$ 40,000
VDOT Maintenance Funds	4501-0100	\$476,560
Road Permit Fees	4501-0101	\$ 1,000
DMV Agency Compensation	4501-0103	\$ 11,200
Transfer from Drainage Reserve	4701-0600	\$130,000
Transfer from Water Reserve	4701-0700	\$206,728
Transfer from Gen. Fund Savings	4701-1000	\$400,357
Transfer from Property Acquisition	4701-1200	\$ 71,400
Transfer from Main St. Fund	4701-8200	\$ 14,000
Transfer from Mosquito Control	4940-8900	\$ 26,152
<b>Subtotal</b>		<b>\$4,629,300</b>

Fund 20 - Main Street Project

Program Income	4501-0100	\$ 20,000
CDBG Main Street	4501-0110	\$ 98,300
TEA-21 Grant	4501-0115	\$277,000
Boating Infrastructure Grant	4501-0130	\$ 33,500
Loan Repayment	4501-0200	\$ 4,820
<b>Subtotal</b>		<b>\$433,620</b>

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$ 400
Harbor Rent	4031-1000	\$ 72,428
<b>Subtotal</b>		<b>\$ 72,828</b>

Fund 40 - Mosquito Control

Revenue	4001-0100	\$137,923
Interest Income	4020-0100	\$ 3,000
<b>Subtotal</b>		<b>\$140,923</b>

Fund 70 – Trolley

Trolley Grants	4501-0100	\$379,125
Program Income	4501-0110	\$ 20,000

Transfer from General Fund	4501-8900	\$ 31,275
<b>Subtotal</b>		<b>\$430,400</b>

**TOTAL** **\$5,707,071**

Town of Chincoteague  
FY'06 Budget Expenditures

Fund 10 - General Fund

<u>Object of Expenditure</u>	<u>Number</u>	<u>Budgeted</u>
Mayor	5010-0101	\$ 4,800
Council	5010-0102	\$ 23,040
Town Office Staff	5010-1001	\$312,587
Emergency Med. Techs/ST	5010-1002	\$103,152
Overtime	5010-1003	\$ 16,000
Subtotal		\$459,579

Fund 10 - General Fund Dept. 5020

Social Security	5020-2001	\$ 35,158
Hospitalization	5020-2101	\$ 33,660
Blood Bank	5020-2102	\$ 100
Unemployment/Town	5020-2103	\$ 6,100
Retirement	5020-2201	\$ 6,411
Subtotal		\$ 81,429

Fund 10 - General Fund Dept. 5030

Bank Charges	5030-3100	\$ 3,000
Building Admin Expense	5030-3101	\$ 200
Cleaning	5030-3102	\$ 10,000
Planning Commission	5030-3103	\$ 100
Board of Zoning Appeals	5030-3104	\$ 100
Building Permit Surcharge	5030-3105	\$ 480
Board of Bldg Code Appeals	5030-3106	\$ 50
Emergency Medical Clothing	5030-3107	\$ 1,500
Insurance	5030-3401	\$ 80,000
Auditing	5030-3501	\$ 13,450
Donations	5030-3601	\$ 6,000
Transfer to Civic Center	5030-3701	\$ 85,000
Tourism 10% Meals Tax	5030-3705	\$ 44,000
ANPDC Membership	5030-4030	\$ 6,459
Regional Main Street Program	5030-4031	\$ 2,000

Scholarship	5030-4301	\$ 1,000
Office Sup./Publications	5030-4401	\$ 9,000
Office Equipment/Software Maint.	5030-4402	\$ 14,500
Postage	5030-4403	\$ 10,000
Tax Bills & Conversion	5030-4404	\$ 1,600
Motor Vehicle License	5030-4501	\$ 2,250
Travel & Training	5030-4801	\$ 3,200
Mayor's Expense	5030-4901	\$ 300
Council's Expense	5030-4902	\$ 500
Town Manager's Expense	5030-4903	\$ 250
Attorney/Consultant	5030-5101	\$ 15,000
Drug/Alcohol Testing	5030-5201	\$ 1,500
Christmas Dinner	5030-5501	\$ 3,500
Dues	5030-6101	\$ 3,200
VML Conference	5030-6102	\$ 1,000
Advertising	5030-7101	\$ 8,500
Building Maintenance	5030-7301	\$ 3,000
Electricity	5030-7401	\$ 10,000
Heating-Oil	5030-7402	\$ 3,500
VA Fire Prog/CVFC	5030-7601	\$ 6,000
EOC Operations/Training	5030-7602	\$ 1,000
Special Projects	5030-7701	\$ 3,000
Pony Penning Expense	5030-7702	\$ 5,000
Deer De-Pop Program	5030-7703	\$ 8,000
Telephone Bills	5030-8202	\$ 14,500
Optimum Choice-Retirees	5030-8401	\$ 24,707
Optimum Choice-Retirees Spouse	5030-8402	\$ 12,303
Miscellaneous	5030-8501	\$ 3,000
Cemetery Cleanup	5030-8600	\$ 1,500
Transfer to Trolley Fund	5030-8900	\$ 31,275
Subtotal		\$454,424

Fund 10 - General Fund Dept. 5090

Property Acquisition Reserve	5090-9704	\$ 25,000
Office Equipment	5090-9709	\$ 10,000
Bond-School Board Property	5090-9740	\$ 99,493
Down Payment School Property	5090-9741	\$271,400
Planning Consultant	5090-9750	\$100,000
Subtotal		\$505,893

Subtotal Dept. 50 \$1,501,325

Fund 10 - General Fund Dept. 6010

Salaries	6010-1001	\$ 82,794
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Overtime	6010-1003	1,000
Subtotal		\$ 83,794

Fund 10 - General Fund Dept. 6020

Social Security	6020-2001	\$ 6,334
Hospitalization	6020-2101	\$ 7,920
Retirement	6020-2201	\$ 1,242
Subtotal		\$ 15,496

Fund 10 - General Fund Dept. 6030

Office Supplies	6030-4401	\$ 1,000
Gasoline/Diesel	6030-4701	\$ 35,000
Oil & Grease	6030-4703	\$ 1,200
Tools/Shop	6030-4704	\$ 2,000
Travel & Training	6030-4801	\$ 300
Clothing/Uniforms	6030-5202	\$ 6,500
Bldg. Maintenance	6030-7301	\$ 1,500
Equipment Repairs	6030-7302	\$ 10,000
Safety	6030-7303	\$ 300
Vehicle P/M's	6030-7304	\$ 3,000
Tires	6030-7305	\$ 3,000
Garage Supplies	6030-7306	\$ 500
Vehicle Repairs	6030-7307	\$ 5,000
Electricity	6030-7401	\$ 6,000
LP Gas	6030-7402	\$ 1,500
Sundry	6030-8501	\$ 200
Subtotal		\$ 77,000

Subtotal Dept. 60		\$176,290
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Fund 10 - General Fund Dept. 6210

Salaries	6210-1001	\$140,858
Overtime	6210-1003	\$ 3,500
Pump Duty	6210-1004	\$ 8,500
Subtotal		\$152,858

Fund 10 - General Fund Dept. 6220

Social Security	6220-2001	\$ 11,694
Hospitalization	6220-2101	\$ 19,800
Retirement	6220-2201	\$ 2,113
Subtotal		\$ 33,607

Fund 10 - General Fund Dept. 6230

Office Supplies, Equip. Maint.	6230-4401	\$ 3,000
Postage	6230-4403	\$ 4,000
Tools	6230-4704	\$ 500
Chemicals	6230-4705	\$ 6,000
Dues/License	6230-6101	\$ 700
Other Water Works Expense	6230-6200	\$ 500
Building Maint/Rehab.	6230-7301	\$ 500
Equipment Repairs	6230-7302	\$ 500
Raw water purchase (NASA)	6230-7400	\$ 3,000
Electricity	6230-7401	\$ 32,000
LP Gas	6230-7402	\$ 300
Distribution & Repairs	6230-8101	\$ 28,000
Supply Repairs	6230-8103	\$ 15,000
Pagers/Well Monitoring	6230-8202	\$ 1,000
Miss Utility	6230-8204	\$ 700
Sundry	6230-8501	\$ 200
Regulation Compliance	6230-8750	\$ 200
State Groundwater Permits	6230-8770	\$ 6,042
Subtotal		\$102,142

Fund 10 - General Fund Dept. 6290

Water Main Extensions	6290-9101	\$ 20,000
Water Bond-Supply Main St.	6290-9505	\$123,871
Water Bond-CIP	6290-9506	\$175,000
Water Tank Painting (CIP)	6290-9600	\$260,000
Base Mapping/GIS System	6290-9846	\$ 41,250
Subtotal		\$620,121

Subtotal Dept. 62 \$908,728

Fund 10 - General Fund Dept. 6310

Salaries	6310-1001	\$179,774
Overtime	6310-1003	\$ 2,000
Subtotal		\$181,774

Fund 10 - General Fund Dept. 6320

Social Security	6320-2001	\$ 13,753
Hospitalization	6320-2101	\$ 35,640
Retirement	6320-2201	\$ 2,454
Subtotal		\$ 51,847

Fund 10 - General Fund Dept. 6330

Seasonal Decorations & Banners	6330-4100	\$ 5,000
Street Maintenance	6330-4101	\$ 1,000
Sidewalks	6330-4201	\$ 500
Street Signs/911	6330-4202	\$ 2,500
Tipping Fees	6330-4650	\$ 500
Tools	6330-4704	\$ 600
Mowers/Trimmers	6330-4708	\$ 500
Sanitation Service Contra	6330-6201	\$345,000
Other Facilities Expenses	6330-6202	\$ 500
Comfort Station	6330-6260	\$ 1,900
Weed Cutting/Spraying	6330-6301	\$ 200
Equipment Repairs	6330-7302	\$ 1,000
Electricity	6330-7401	\$ 2,500
Street Lights	6330-7450	\$ 45,000
Sundry	6330-8501	\$ 200
Parks & Rec Expense	6330-8590	\$ 5,000
Subtotal		\$411,900

Fund 10 - General Fund Dept. 6390

Drainage	6390-9105	\$ 20,000
Stainless Steel Spreader	6390-9250	\$ 10,000
Base Mapping/GIS System	6390-9846	\$ 41,250
Church/Pension Drainage Project	6390-9855	\$ 35,000
3 <sup>rd</sup> Tennis Court	6390-9860	\$ 10,000
Street Sweeper Pymt	6390-9870	\$ 28,000
Subtotal		\$144,250

Subtotal Dept. 63 \$789,771

Fund 10 - General Fund Dept. 6510

Salaries	6510-1001	\$ 81,141
Overtime	6510-1003	\$ 1,500
Subtotal		\$ 82,641

Fund 10 - General Fund Dept. 6520

Social Security	6520-2001	\$ 6,322
Hospitalization	6520-2101	\$ 11,880
Retirement	6520-2201	\$ 1,217
Subtotal		\$ 19,419

Fund 10 - General Fund Dept. 6530

Street Maintenance	6530-4101	\$ 9,000
Snow Removal	6530-4102	\$ 2,000
Maint. Coatings/Replace	6530-4150	\$295,000
Sidewalks & Gutters	6530-4201	\$ 26,000
Signs/Traffic Control	6530-4202	\$ 20,000
Roadside Structures	6530-4250	\$ 8,000
Tools/Small Equipment	6530-4704	\$ 500
Drainage Maintenance	6530-6250	\$ 2,000
Weed Control	6530-6301	\$ 1,500
Equipment Rental	6530-7001	\$ 500
Electricity	6530-7450	\$ 10,000
Subtotal		\$374,500

Subtotal Dept. 65 \$476,560

Fund 10 - General Fund Dept 7010

Salaries/Officers	7010-1001	\$415,191
Overtime	7010-1003	\$ 5,000
Subtotal		\$420,191

Fund 10 - General Fund Dept. 7020

Social Security	7020-2001	\$ 31,762
Hospitalization	7020-2101	\$ 31,680
Retirement	7020-2201	\$ 5,836
Subtotal		\$ 69,278

Fund 10 - General Fund Dept. 7030

Travel & Training	7030-4801	\$ 7,500
Uniform Allowance (Off.)	7030-5201	\$ 6,000
Uniforms (Town)	7030-5202	\$ 1,500
Police Conference	7030-6102	\$ 400
Photography	7030-7201	\$ 300
Office Supp/Equip Maint	7030-7300	\$ 3,200
Equipment Repairs & Supplies	7030-7302	\$ 2,500
Vehicle Maintenance	7030-7304	\$ 4,900
Drug Enforcement	7030-7901	\$ 5,000
Academy Dues	7030-7903	\$ 3,800
Bicycle Patrol	7030-7904	\$ 800
Community/Youth Programs	7030-7905	\$ 5,000
Grant Funded Expenditures	7030-7906	\$ 4,000
Ammunition	7030-7907	\$ 1,400
Pager Service	7030-8203	\$ 1,600

Sundry	7030-8501	\$ 200
Subtotal		\$ 48,100

Fund 10 - General Fund Dept. 7090

Vehicle Camera System(s)	7090-9300	\$ 5,000
Subtotal		\$ 5,000

Subtotal Dept. 70 \$542,569

Fund 10 - General Fund Dept 7510

Salaries/Dispatchers	7510-1001	\$169,963
Overtime	7510-1003	\$ 2,000
Subtotal		\$171,963

Fund 10 - General Fund Dept. 7520

Social Security	7520-2001	\$ 13,002
Hospitalization	7520-2101	\$ 15,840
Retirement	7520-2201	\$ 1,452
Subtotal		\$ 30,294

Fund 10 - General Fund Dept. 7530

Travel & Training	7530-4801	\$ 1,500
Uniform Allowance (Disp)	7530-5201	\$ 1,400
Uniform (Town for Disp)	7530-5202	\$ 400
Off. Supples/Equip. Maintenance	7530-7300	\$ 11,300
E911 Line Fees	7530-8202	\$ 5,500
Sundry	7530-8501	\$ 200
Subtotal		\$ 20,300

Fund 10 - General Fund Dept. 7590

Power Projector	7590-9170	\$ 1,500
911 Equip Reserve Fund	7590-9270	\$ 10,000
Subtotal		\$ 11,500

Subtotal Dept. 75 \$234,057

**Fund Total \$4,629,300**

Fund 20 - Main Street Project



Maintenance	2030-7101	\$ 14,000
Electricity	2030-7401	\$ 6,000
Trf to Loan Pool	2030-7601	\$ 4,820
Subtotal		\$ 24,820

Main Street Project	2090-9711	\$408,800
Subtotal		\$408,800

<b>Fund Total</b>		<b>\$433,620</b>
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Fund 30 - Curtis Merritt Harbor Dept. 8010

Salaries	8010-1001	\$ 24,122
Overtime	8010-1003	\$ 250
Subtotal		\$ 24,372

Fund 30 - Curtis Merritt Harbor Dept. 8020

Social Security	8020-2001	\$ 3,951
Hospitalization	8020-2101	\$ 3,960
Retirement	8020-2201	\$ 402
Subtotal		\$ 8,313

Fund 30 - Curtis Merritt Harbor Dept. 8030

Admin. Expense/Town	8030-3100	\$ 2,000
Operations, Maintenance, Etc.	8030-7300	\$ 6,500
Sundry	8030-8501	\$ 1,000
Subtotal		\$ 9,500

Fund 30 - Curtis Merritt Harbor Dept. 8090

CMH Replacement Project	8090-9126	\$ 30,643
Subtotal		\$ 30,643

<b>Fund Total</b>		<b>\$ 72,828</b>
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Fund 40 - Mosquito Control Dept. 8510

Salaries	8510-1001	\$ 25,210
Overtime	8510-1003	\$ 13,000
Subtotal		\$ 38,210

Fund 40 - Mosquito Control Dept. 8520

Social Security	8520-2001	\$ 2,923
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Hospitalization	8520-2101	\$ 3,960
Retirement	8520-2201	\$ 378
Subtotal		\$ 7,261

Fund 40 - Mosquito Control Dept. 8530

Insurance	8530-3401	\$ 8,100
Office Supplies	8530-4401	\$ 400
Chemicals	8530-4705	\$ 36,000
Contract Spraying	8530-4706	\$ 23,000
Travel, Training, Conference	8530-4801	\$ 200
Telephone, Pagers, Other	8530-6204	\$ 500
Advertising	8530-7101	\$ 300
Equipment Repairs/Maint.	8530-7302	\$ 1,000
Safety Equipment	8530-7303	\$ 200
Vehicle Maintenance	8530-7304	\$ 500
Sundry	8530-8501	\$ 200
Rent (10 of 15)	8530-8551	\$ 5,000
Subtotal		\$ 75,400

Fund 40 - Mosquito Control Dept. 8590

Equipment	8590-9124	\$ 1,000
Drainage	8590-9125	\$ 19,052
Subtotal		\$ 20,052

**Fund Total \$140,923**

Fund 70 - Trolley Dept. 3010

Salaries	3010-0100	\$ 40,000
Overtime	3010-1003	\$ 3,000
Subtotal		\$ 43,000

Fund 70 - Trolley Dept. 3020

Social Security	3020-2001	\$ 3,290
Subtotal		\$ 3,290

Fund 70 - Trolley Dept. 3020

Insurance	3030-3401	\$ 7,000
Signs/Printing/Advertise	3030-4401	\$ 7,500
Fuel	3030-4701	\$ 12,500
Lease of Vehicles	3030-5701	\$ 35,000
Equipment Repairs/Maint.	3030-7302	\$ 24,000

Del/Return Transportation	3030-8301	\$ 10,000
Other Expenses	3030-8501	\$ 8,110
Subtotal		\$104,110
Trolley Purchase	3090-9001	\$280,000
Subtotal		\$280,000
<b>Fund Total</b>		<b>\$430,400</b>
<b>Grand Total</b>		<b>\$5,707,071</b>

### **8. Naming of the Hallie Whealton Smith Trail.**

Councilman Ross stated that the Bicycle and Outdoor Recreation and Advisory Committee had received several suggestions for a name for the Town’s new nature trail adjacent to Hallie Whealton Smith Drive. He stated that the Committee recommended that the trail be named ‘Island Nature Trail’.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to name the trail ‘Island Nature Trail’. Unanimously approved.

Mayor Tarr suggested the Committee discuss signs, benches and possibly interpretive panels for the trail. He recommended the National Park Service be contacted regarding such. Councilman Mason asked if there would be a closing time for the trail. Councilman Ross responded that he did not think there would be.

### **9. Adoption of the State Motor Vehicle Laws.**

Mayor Tarr stated that each year Council is asked to re-adopt the State Motor Vehicle Code which permits all changes and updates in the State Code relevant to the traffic and vehicle code to be enforced by our Police Department.

Councilman Howard motioned, seconded by Councilwoman Richardson, to re-adopt Code of Virginia Title 46.2 and 18.2-266 and Town Code Section 58-2 as amended as follows. Unanimously approved.

#### **Sec. 58-2. Adoption of state law; former provisions.**

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, **2005**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to “highways of the state” contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and

requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as of its adoption. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose. (Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05)

### **10. *Scheduling of Meeting with Michael Chandler.***

Acting Town Manager Jeffries explained the fees involved and the dates and times that Mr. Chandler would be available for a planning meeting.

Councilman Mason suggested making the public aware that they were welcome to attend.

Councilman Wolffe supported having the meeting with Mr. Chandler, but not during the same night as the Planning Commission meeting. He recommended having the meeting on June 27<sup>th</sup>.

Acting Town Manager Jeffries stated that he would contact Mr. Chandler to see if he was available on that date.

### **11. *Request for Fireworks Donation.***

Mayor Tarr stated that Council had received a request from the Chincoteague Volunteer Fire Company for a donation for fireworks. He added that the Town and the Chamber of Commerce made donations annually for the fireworks.

Councilman Howard motioned, seconded by Councilman Mason, to donate \$1,000.00 to the Chincoteague Volunteer Fire Company for fireworks. Unanimously approved.

### **12. *Other Matters.***

- Acting Town Manager Jeffries stated that he had received the 95% bill for the directional drill and had forwarded it to VDOT for payment first.
- Vice Mayor asked if the crosswalks in town could be re-painted.
- Councilwoman Richardson thanked the Budget and Personnel Committee for revisiting the health insurance matter.

**13. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Potential Litigation.**

Councilman Howard moved, seconded by Councilman Mason to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters and potential litigation. Unanimously approved.

Councilman Mason moved, seconded by Councilman Wolffe to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilwoman 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

It was the consensus of Council not to rescind the letter to the Board of Zoning Appeals.

**14. Adjournment of Meeting.**

Councilman Wolffe motioned to change the July Council meeting from July 5<sup>th</sup> to July 11<sup>th</sup>. There was no second. The motion was defeated.

Mayor Tarr announced that the next meeting would be on July 5, 2005. Councilwoman Richardson motioned, seconded by Councilman Wolffe, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE JULY 5, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman

**Council Members Absent:**

Glenn B. Wolfe, Councilman

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. *Invocation.***

Councilman Ross offered the Invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

**4. *Approval of Minutes of the June 6 and 16, 2005 Council Meetings.***

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

**5. *Council Information Items.***

Councilman Mason asked about the status of the Maddox Boulevard pumping station. Acting Town Manager Jeffries responded that Boggs Water and Sewage Company has been contacted and will begin work within the next couple of weeks.

**6. *Committee Reports.***

- **Planning Commission-** Councilwoman Richardson stated that the Commission discussed subdivision roads, parking lots and parking at marinas. She announced that the next meeting would be on July 13<sup>th</sup> at 7:00 pm.
- **Public Works Committee-** Councilman Mason stated that the Committee met on June 14<sup>th</sup> and discussed several matters including a request for a new street name, four-way stop signs at the Church Street/Chicken City Road/Ridge Road intersection, and “No Blocking” signs near the firehouse. He added that gutter and sidewalk repairs were being completed as scheduled.
- **Curtis Merritt Harbor Committee-** Councilman Mason announced that the Committee will meet on July 13<sup>th</sup> at 7:30 pm.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee discussed health insurance benefits and the Town boat ramp user fees.

- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin stated that the Authority discussed the permit from the Health Department for a full-service kitchen and the Center's budget for FY 2006.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the YMCA Steering Committee was partially formed and that there will be one additional organizational meeting in September. He added that the Committee was trying to fill the vacant position on the Committee.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on June 15<sup>th</sup> and discussed "No Wake Zones". He announced that the next meeting will be on July 13<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard stated that the Committee will meet in September.

## **7. Public Participation.**

- Mr. Mike McGee thanked Council for working with Mr. Barry Fisher at Edgerton Dock.
- Mrs. Dolly Schell complained that she recently waited 30 minutes for an ambulance. She also complained about the noisy motor scooters in Ocean Breeze.
- Mr. Barry Fisher thanked Council for allowing him to use the Town Dock to load and unload seafood and asked for permission to continue for an additional month so construction could be completed. He added that the boat crews were using local businesses and that the boats were using Mason Oil Company for refueling.
- Mr. Joe Cruz stated that he had a 99-year lease in Bunker Hill, Inlet View. He stated that he had a problem with Mr. Eddie Tull regarding the road, water and trash in Bunker Hill.
- Mr. Lee Davis stated that he was doing concrete work at Edgerton Dock and commented on the seafood business there. He encouraged the co-existence of the seafood and tourist industries and urged Council to allow Mr. Fisher to use the dock for the additional month.
- Mr. Russell Everett stated that there have always been and always will be people who complain about the big boats at the local docks. He stated that visitors wanted to see the watermen working on those boats. Mr. Everett asked Council to allow Mr. Fisher to use the dock as well.
- Mayor Tarr asked Acting Town Manager Jeffries to ask Zoning Administrator Lewis to inspect the health and safety issues presented by Mr. Cruz.
- Mayor Tarr suggested allowing Mr. Fisher to use the Town Dock for another month. Councilman Mason reminded Mr. Fisher that all Town Docks were leased and that the Town Dock he was utilizing should be also. Mr. Fisher agreed to pay his bid amount that was refused earlier in the year. Councilman Howard stated that it was an agreement to co-use the area with Mr. Shawn Giacobbe. It was the consensus of Council to allow continued use of the Town Dock by Mr. Fisher until construction at Edgerton Dock was completed.

## **8. *Town's Contribution for Employee Health Insurance.***

Vice Mayor Conklin explained the need to increase the Town's contribution for the employee health benefit from \$330.00 per month to \$335.00 per month, which would continue to pay the employee health insurance premium at no charge to the employee.

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to approve the increase in the Town's employee health benefit contribution to \$335.00 per month. Unanimously approved.

## **9. *Appointment to the Bicycle and Outdoor Recreation Advisory Committee (BORAC).***

Councilman Ross asked Council to postpone the appointment process until the regular August Council meeting. He requested permission to continue advertising on cable channel 9 for interested candidates.

## **10. *Appointment to the Accomack-Northampton Planning District Commission (A-NPDC).***

Mayor Tarr stated that upon concurrence of Council, he would temporarily fill the vacancy on the Commission due to the recent resignation of previous Town Manager, Jim West. He requested that an alternate position, to be filled by Acting Town Manager Jeffries also be approved.

Town Attorney Poulson stated that he wanted to research the matter to determine if dual offices could be held by Mayor Tarr.

Councilman Howard motioned, second by Councilwoman Richardson, to approve the recommendation to have Mayor Tarr fill the vacant seat on the Commission and have Acting Town Manager Jeffries fill the alternate position, contingent upon propriety as determined by Town Attorney Poulson. Unanimously approved.

## **11. *Action on "Little Beach" Proposed Use.***

Mayor Tarr stated that Mr. Jim Young, owner of Arbuckle Shellfish, has applied to the State to rent shellfish grounds to raise clams in the area of Assateague Channel known as "Little Beach". He added that the proposed area would greatly affect the accessibility and use of "Little Beach" which has been set aside by the U.S. Fish & Wildlife Service for the express purpose of enjoyment by local residents and visitors.

Mrs. Jennifer Young explained that the reason he applied to rent the area was to preserve the "Little Beach" area for residents and visitors. She stated that the Virginia Marine Resources Commission (VMRC) stipulates planting a percentage of the ground bottom as aquaculture.

Mr. Ernest Bowden, Commissioner of the VMRC, explained the use of the bottom for planting. He stated that the bottom could not be prohibited from trespass.



Councilman Howard stated that a substantial effort had to be put forth on leased property within a 10-year period.

Mr. Mike McGee questioned why the Town was getting involved with a VMRC matter.

Mr. Forrest MacDowell stated the need to preserve areas such as this and apologized for possibly starting this matter. Mrs. Sandy MacDowell stated that she and her husband filed a protest against the renting of the grounds by the VMRC.

Mr. Ernest Bowden explained how the system worked: He stated that it costs \$25.00 to apply for a piece of ground and \$125.00 to advertise for two weeks to receive public comments. He added that the proposed property would be staked and a 30-day protest period would begin. Mr. Bowden stated that if there was no protest, a plat would be made for the proposed piece of ground. He stated that another 30-day protest period would begin. He advised that if the staked ground was protested and could not be resolved between applicant and protester, the applicant must appear before the Commission, at which time, the Commission would make a decision. Mr. Bowden stated that there were a few options, including placing the property into public ground (by action of the General Assembly), denying the application, or placing the property into public clamming ground.

Mr. Bowden suggested that Council send a letter to the Commission to request that the land be set aside as public clamming grounds and to deny the application. Mr. Bowden stated that the Commission could place an area into public clamming ground, but that the General Assembly must set aside and place an area into public ground status.

Councilwoman Richardson motioned, seconded by Councilman Mason, to send a letter to the VMRC requesting that they deny the application and set aside the property as public clamming ground to give the opportunity to ask for the property to be set aside [by the General Assembly] as public ground. Unanimously approved.

## **12. Other Matters.**

- Acting Town Manager Jeffries announced that Mr. Jim McGowan of the A-NPDC would meet with staff, Mayor and Council on July 8<sup>th</sup> at 3:00 pm regarding the request for quotations for a planning consultant.
- Councilwoman Richardson relayed Mrs. Margaret Hardin's thanks for paving and striping Main Street.
- Councilman Ross asked if Council should respond to Mrs. Schell's complaint regarding the Fire Company's ambulance response time. He also asked if there was an ordinance that required people to clean up after their pet droppings. Mayor Tarr stated that there was.
- Mayor Tarr told Mr. Joe Cruz that the Public Works Department would see if the road he complained about was able to be graded.
- Councilman Howard asked if Maddox Boulevard was being sprayed for mosquitoes. Acting Town Manager Jeffries responded that it was sprayed, except for where food was being served close to the road.

**13. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Possible Legal Action.**

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

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

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross  
Nays- None  
Absent- Wolffe

There was a brief discussion regarding the rules of the Island Nature Trail. Acting Town Manager Jeffries stated that the Public Works Department could stripe the trail to allow for a bike path. It was the consensus of Council to try for one season to allow bicyclists and skaters to use the Island Nature Trail.

**14. Adjournment.**

Mayor Tarr announced that the next meeting would be on August 1, 2005. Councilman Mason motioned, seconded by Councilwoman Richardson, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE AUGUST 1, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the July 5, 2005 Council Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

**5. Council Information Items.**

Councilman Ross asked about the status of the downtown package sewer system. Acting Town Manager Jeffries responded that the Public Works Committee was still awaiting input from the parties involved.

**6. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson announced that there would be a special meeting on August 10<sup>th</sup> at 7:00 pm with Mr. Will Cumming of VDOT to discuss the roads policy.
- **Public Works Committee-** Councilman Mason stated that the Committee met on July 12<sup>th</sup> and had sent a request to Mr. Cumming of VDOT for assistance in evaluating the need for street crossings and markings for not blocking certain intersections. He stated that Mr. Cumming in turn requested that the Town provide VDOT with information regarding traffic volumes and crash data on the Island. Councilman Mason stated that the water rate/fees study was also discussed at the meeting. He announced that the next meeting would be switched to August 16<sup>th</sup> at 5:00 pm to hear a presentation from Mr. Dave Hyder regarding the water rates/fees study.

- **Curtis Merritt Harbor Committee-** Councilman Mason announced that the Committee met on July 13<sup>th</sup> and requested that the Ordinance Committee review the duplicate ramp pass policy and return to the Committee with comments regarding possible modification. He stated that several items were also discussed, including installing water lines to the collector piers, the erosion problem around the boardwalk, the maintenance on the boom for loading and unloading items from the boats, and possibly installing a ‘yield’ sign where the parking lot adjoins the road that comes into the Harbor. He announced that the next meeting would be switched to August 17<sup>th</sup> at 7:30 pm.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin reported on the upcoming pro-wrestling event at the Center and stated that the recent Wild West Show was a success.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee discussed the default of a loan from the Virginia Department of Housing and Community Development (DHCD) by a previous downtown business owner. She stated that the Town would repay the loan to the DHCD and establish a plan of reimbursement from the loan recipients. Vice Mayor Conklin added that the auditor suggested that the Town develop a capitalization policy of \$3,500 for the depreciation of assets of low costs.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross announced that the next meeting would be on August 10<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on July 13<sup>th</sup> and discussed “No Wake Zones” and viewed a video from Mr. Leonard Jester on the matter. He stated that a Virginia Department of Game and Inland Fisheries representative would attend the August or September meeting. Councilman Howard announced that the next meeting would be on August 10<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard announced that the Committee would meet on September 27<sup>th</sup> at 6:00 pm. He stated that Greenwood, Daisey and Mechanics Cemeteries have recently been cleaned.

## ***7. Appointment to the Bicycle and Outdoor Recreation Advisory Committee (BORAC).***

Councilman Ross stated that he contacted two citizens interested in serving on the Committee, Mr. Rick Willis and Mrs. Cathy Plant. He stated that Mr. Willis had not returned his call but that Mrs. Plant was in the audience.

Mayor Tarr asked if there were any other nominations to fill the position. There were none.

Councilwoman Richardson motioned, seconded by Vice Mayor Conklin, to appoint Mrs. Cathy Plant to the Bicycle and Outdoor Recreation and Advisory Committee. Unanimously approved.

## ***8. Interviewing of Planning Consultant Firms.***

Mayor Tarr stated that several Council members, Mr. Jim McGowan of the A-NPDC and Acting Town Manager Jeffries reviewed the requested qualifications from eleven

planning consultant firms. He stated that by consensus, the list of firms was reduced to five for consideration for the Town's planning project.

Councilman Wolffe recommended reviewing the five firms individually, rating them on a scale of "1" through "5" and bringing the results to the August 18<sup>th</sup> work session for negotiation purposes.

### **9. Annual Donation to the Oyster Museum.**

Mayor Tarr stated that each year the Town donates \$2,000.00 to the museum.

Councilwoman Richardson, Vice Chairman of the Oyster Museum Board, thanked Council and the citizens of Chincoteague for their support of the Oyster Museum.

### **10. Letter of Support for New Restaurant.**

Mayor Tarr stated that Council received a letter from Mr. Raymond Britton, Jr. stating that he was planning to build a restaurant and deck bar on his property south of Captain Bob's to replace Captain Fish's which will close at the end of this season. Mayor Tarr stated that Mr. Britton noted in his letter that "there is going to be a great need for restaurants next year". Mr. Britton has requested a letter of support for the project, which may also help with his discharge permit application to Virginia Marine Resources Commission (VMRC).

Mr. Britton reported that the VMRC and the Department of Environmental Quality (DEQ) will prohibit any shellfish harvesting in the 100' by 50' area of sewage discharge. He added that there had not been any shellfish harvesting in that area for many years. Mr. Britton stated that the issue will go before the VMRC in Newport News and that all information needed to be in place, including any letters of support for the project.

Councilman Mason stated that there had been concern among citizens regarding the noise of the existing deck bars and asked Mr. Britton if he had considered this. Mr. Britton responded that there had been no complaints of noise from his deck bar and that someone would have to be there nightly to control the noise.

Councilman Wolffe stated he was in favor of Council sending a letter supporting the economic need of a restaurant due to the closing of several other restaurants on the Island. He stated that he did not support mentioning anything in the letter regarding the loss of shellfish grounds. Councilman Wolffe recommended the letter include that the Town was sensitive to the watermen's needs and efforts to replace shellfish, but that the economic need for a restaurant would better benefit the community as a whole. Town Attorney Poulson added that specific details, including the number of jobs the project would create and the taxes and revenue it would generate for the Town, should also be included in the letter.

Councilman Howard stated his concern for the deck bar. He stated that he supported sending a letter of support for the restaurant, but was reluctant to support the deck bar in that letter.

Councilman Howard motioned, seconded by Councilman Wolffe, to write a letter of support for the restaurant which should include the abovementioned economic statistics. Unanimously approved.

### **11. Advancement of Schedule of 16" Water Main Phase II.**

Councilman Mason stated that the Preliminary Engineering Report for the 16" Raw Water Main Replacement Phase II – Mainland to Black Narrows was received from Whitman Requardt and Associates (WR&A) regarding slip lining the 16" water main with a 12" pipe. Councilman Mason stated that the report showed that the 12" pipe was large enough to accommodate the necessary daily water usage of the Island. He requested that Council consider advancing the replacement schedule to the earliest possible date due to the continuing deterioration of the existing 16" raw water main.

Councilman Mason explained the process of slip lining the 12" pipe and the problems involved with tie-ins at the bridge abutments. He requested that Council consider three options for tie-ins at the bridge abutments, including: (1) do the entire project for the total estimated cost of \$2,161,000; (2) bid the slip lining and bridge tie-ins separately and then decide which to do; (3) do the slip lining now and postpone the bridge tie-ins indefinitely.

It was the consensus of Council to bid the slip lining and bridge tie-ins separately and report to Council with the results of the bids.

### **12. Other Matters.**

- Acting Town Manager Jeffries stated that NASA requested use of the Town's trolley on October 1<sup>st</sup> for NASA's 60<sup>th</sup> Anniversary. It was the consensus of Council to allow NASA to use the trolley. Acting Town Manager Jeffries also asked Council to review the Committee meetings schedule for accuracy so that he could prepare the calendar for next month.
- Councilwoman Richardson asked about the status of the letter regarding the "Little Beach" matter that is to be sent to VMRC. Acting Town Manager Jeffries responded that he was awaiting a response from Mr. Hank Badger of VMRC before he could complete the letter. Councilwoman Richardson asked about Conectiv's response time for outages. Mayor Tarr stated that the response times varied according to emergency status. Councilwoman Richardson asked about the status of the memorial bench for Ruby Lee Daisey at Watson Park as well as the replacement of the original plaque for Watson Park. Acting Town Manager Jeffries stated that the bench was ordered and that a bronze plaque could be placed at Watson Park to replace the original plastic one.
- Councilman Howard commended Councilwoman Richardson for following up on the abovementioned items.
- Mayor Tarr and Council commended Office Staff, the Public Works Department and the Police Department on the Pony Penning Shuttle success. Councilwoman Richardson also complimented the Virginia State Police motorcycle officers on their efforts that day.
- Vice Mayor Conklin complimented the Skate Park operation.
- Councilman Mason commented about the boat accident that damaged the Town Dock. He recommended that dolphins be installed for future protection of the Town

Dock. Councilman Mason also recommended installing a fence on the north side of the Town's property near the Town Dock similar to the one on the south side of the property.

**13. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Possible Legal Action.**

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

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

Councilman Wolffe moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**14. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to recess the meeting until August 4, 2005 at 7:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE AUGUST 4, 2005**  
**CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

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

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Unanimously approved.

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

Councilman Howard moved, seconded by Councilman Wolffe 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**5. *Recess of Meeting.***

Councilman Mason motioned, seconded by Councilwoman Richardson, to recess the meeting until August 18, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE AUGUST 18, 2005  
*CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. *Invocation.***

Councilman Howard offered the Invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

**4. *Public Participation.***

- Mr. Wesley McDonald complained about business being conducted on the Town Dock and wanted to know how long it would continue.
- Mr. Barry Fisher reminded Council that he had asked permission to use the Town Dock and explained the economy of having boats here.

- Councilman Wolffe asked Mr. Fisher about the estimated time of completion of his construction project and when his business would be self-sufficient.
- Councilman Mason stated that he was concerned about the safety of onlookers.
- Councilman Howard asked about the legal uses of the dock.
- Councilwoman Richardson commented that everyone involved needed to work together and help each other.

### **5. *Donation to Whiskers, Inc.***

Acting Town Manager Jeffries stated that Mrs. Susan Maule, President of Whiskers, Inc., requested a donation from the Town for \$500 to assist low income Island residents with sterilization surgeries for their cat or dog.

Vice Mayor Conklin asked if the mobile unit veterinarian could perform the surgeries so that it would not be necessary to supply gas cards to the pet owners. She stated that she thought that Council should have more information and that Mrs. Maule should attend the next meeting to answer questions.

Vice Mayor Conklin motioned, seconded by Councilman Ross, to postpone a decision on the donation request until Mrs. Maule could attend a Council meeting to answer questions. Unanimously approved.

### **6. *Change to Town Organizational Chart.***

Mayor Tarr stated that the Budget and Personnel Committee recommended a change in the organizational chart by placing the supervision of the office staff directly under the Town Manager, thereby eliminating any confusion and contention over assigned duties.

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the change to the Town Organizational Chart. Unanimously approved.

### **7. *Adoption of Resolution for Grant Application.***

Acting Town Manager Jeffries explained that the Virginia Land Conservation Foundation announced that it has approximately ten million dollars in matching grant funds available. He stated that the school board property appears to be an ideal category that the grant could be used to partially fund.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following resolution enlisting the assistance of the A-NPDC with the application for the grant funding. Unanimously approved.

## **RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS**, the Chincoteague Town Council has made an offer to purchase land from Accomack County to be used by the Town for conservation and recreation purposes; and

**WHEREAS**, the offer has been accepted by Accomack County; and

**WHEREAS**, preparations are underway for the transfer of this property to the Town; and

**WHEREAS**, the Town has received information that the Board of Trustees of the Virginia Land Conservation Foundation through the Virginia Department of Conservation and Recreation is receiving applications for a state-funded 50% matching grant for land protection; and

**WHEREAS**, the Town of Chincoteague desires to apply for such grant to assist with the purchase of said property.

**NOW, THEREFORE**, be it resolved that the Chincoteague Town Council does hereby request the assistance of the Accomack-Northampton Planning District Commission with the application of such grant.

**Adopted** this 18<sup>th</sup> day of August, 2005.

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John H. Tarr, Mayor

Attest:

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J. Wesley Jeffries, Acting Town Manager

## **8. Other Matters.**

- Acting Town Manager Jeffries explained the Health Department's requirement to reduce arsenic levels in the water supply from 50 parts per billion (PPB) to 10 PPB.
- Councilwoman Richardson complained about the extended bridge openings. She asked about revisiting the 2-hour scheduled openings.
- Councilman Wolffe asked if his new proposal on zoning could be discussed during the October 3<sup>rd</sup> Council meeting.
- Councilman Howard stated that the Chincoteague Ruritan Club donated \$300 to the Cemetery Fund for cemetery clean up.
- Mayor Tarr asked Acting Town Manager Jeffries to send the A-NPDC a letter asking them for their help with the land and water fund grants.

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

Councilman Mason moved, seconded by Councilwoman 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 Wolffe moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Vice Mayor Conklin moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

### **10. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on September 6, 2005 at 7:30 pm. Councilman Mason motioned, seconded by Councilman Howard, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE SEPTEMBER 6, 2005**  
***CHINCOTEAGUE TOWN COUNCIL MEETING***

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

### **1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the August 1, 4 and 18, 2005 Council Meetings.**

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

**5. Stepfamily Day Proclamation.**

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following Stepfamily Day Proclamation. Unanimously approved.

**STEPFAMILY DAY PROCLAMATION 2005**

**WHEREAS**, the Town of Chincoteague's Stepfamily Day is enhanced by our strong commitment to support the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, instill in them a sense of responsibility to all extended family members.

**WHEREAS**, approximately half of all Americans are currently involved in some form of stepfamily relationship and it is the vision of Founder, Michigan's Christy Borgeld and the Stepfamily Association of America that all stepfamilies in the United States be accepted, supported and successful.

**WHEREAS**, the Town of Chincoteague and our nation has been blessed by thousands upon thousands of loving stepparents and stepchildren who are daily reminders of the joy, trials and triumphs of the stepfamily experience and of the boundless love contained in the bond between all types of parents and children.

**WHEREAS**, Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies have made to enriching the lives and life experience of the children and parents of America and to strengthening the fabric of American families and society.

**NOW, THEREFORE**, I, John H. Tarr, Mayor, do hereby proclaim September 16, 2005 as "Stepfamily Day" in the Town of Chincoteague and call upon all citizens to acknowledge and celebrate the stepfamilies within our community and throughout our nation.

**DATED** this 6<sup>th</sup> day of September, 2005.

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John H. Tarr, Mayor

Attest:

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J. Wesley Jeffries, Acting Town Manager

## **6. Public Hearing – General Obligation Bond.**

Mayor Tarr explained that in the past Council had approved the purchase of the School Board property. He stated that the funds from the purchase of the three large parcels would be spent on the Chincoteague Combined School renovations and that the land would be set aside for conservation and public use.

Mayor Tarr opened the public hearing at 7:40 pm.

- Councilman Mason asked about the land acquisition grant. Mayor Tarr stated that Mrs. Kat Edwards of the A-NPDC was beginning the grant application process.
- Councilman Wolffe asked how the grant would affect the bond. He also asked when a decision would be rendered as to the approval of the grant. Mrs. Edwards responded that a decision should be made by January.

Mayor Tarr closed the public hearing at 7:45 pm.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following ordinance authorizing the issuance of a general obligation bond.

**ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL  
OBLIGATION BOND OF THE TOWN OF CHINCOTEAGUE, VIRGINIA,  
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
CHINCOTEAGUE, VIRGINIA:**

1. It is determined to be necessary and expedient for the Town to finance the acquisition of land and to borrow money for such purpose and issue the Town's general obligation bond therefore.
2. Pursuant to the Public Finance Act of 1991 and the Town Charter, there is authorized to be issued a general obligation bond of the Town in a principal amount not to exceed \$1,200,000 to provide funds to finance the acquisition.
3. The bond shall bear such date or date mature at such time not to exceed 20 years from their date, bear interest at such rate, be in such denomination and form, be executed in such manner and be sold at such time and in such manner as the Town Council may hereafter provide by appropriate resolution.
4. The bond shall be a general obligation of the Town for the payment of principal and of premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The Town Clerk, in collaboration with the Town Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Accomack County, Virginia.

6. This ordinance shall take effect immediately.

**ADOPTED** this 6<sup>th</sup> day of September, 2005.

**MEMBER**

**VOTE**

Nancy B. Conklin	Aye
Terry Howard	Aye
Ronald A. Mason	Aye
Ellen W. Richardson	Aye
E. David Ross	Aye
Glenn B. Wolffe	Aye

**APPROVED**

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John H. Tarr, Mayor

**7. Council Information Items.**

- Mr. David Spangler of the Tennis Association presented Council with a picture of the ribbon-cutting ceremony and a \$15,000 donation for the third tennis court at Veterans' Memorial Park. He thanked Council and Acting Town Manager Jeffries for their efforts in having the court built. Mayor Tarr and Council thanked Mr. Spangler and the Tennis Association for their support and donation.
- Councilman Wolffe recommended that the 2-hour scheduled bridge openings be attempted again. He recommended contacting the commercial fishermen for a compromise. It was the consensus of Council to begin the process toward the 2-hour scheduled bridge openings.
- Councilman Mason suggested inviting Mr. Steve Potts and Mr. Kevin Krome, owners of Bill's Restaurant, to the next Public Works Committee meeting regarding the package sewage system.

**8. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson announced that the Commission met on August 23<sup>rd</sup> and discussed roads in subdivisions with the VDOT representatives. She announced that there will be a special Commission meeting on September 12<sup>th</sup>.
- **Public Works Committee-** Councilman Mason stated that the Committee met on August 16<sup>th</sup> and discussed the results of the water rates/fees study.
- **Curtis Merritt Harbor Committee-** Councilman Mason announced that the Committee met on August 17<sup>th</sup> and discussed the Harbor's financial status. He stated that three projects needed to be addressed at the Harbor including improving the lift at the

loading dock, the drainage problem under the boardwalk surrounding the dock, and running water out the two new piers that are on the dock. Councilman Mason added that the consultant submitted drawings for the restrooms and the office.

- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on August 16<sup>th</sup> and heard comments and recommendations from the Town's FY '05 auditor. She added that the Accounting Specialist and Harbor Master positions had been filled.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross thanked Acting Town Manager Jeffries and the Public Works Department for placing the benches around the Island Nature Trail. He recommended that a grill be placed at the small pavilion near the water at Memorial Park. Councilman Ross announced that the next meeting will be on September 14<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on August 10<sup>th</sup> and discussed 'No Wake Zones' with Mr. Allen Marshall of the VMRC. He requested that the matter be placed on the October 3<sup>rd</sup> Council meeting agenda and that Mr. Marshall be invited to the meeting to answer questions. Councilman Howard announced that the next meeting will be on September 14<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard announced that the Committee will meet on September 27<sup>th</sup> at 6:00 pm.
- Mayor Tarr announced that he and his wife started a relief fund for the Hurricane Katrina victims in the name of 'Town of Chincoteague'. He stated that an account has been established at the Mercantile Peninsula Bank and that donations could be taken to the Town Office or to the bank. Mayor Tarr advised that all donations would be logged. He added that the donations would be in turn sent to the Red Cross from the Chincoteague Island residents.

## **9. *Ranking of Planning Consultant Firms.***

Mayor Tarr explained that the review committee had reviewed the requested qualifications from eleven firms and reduced the list of firms to five for consideration by Council. Council in turn reviewed the five firms individually and rated them on a scale of one to five.

Mayor Tarr stated that negotiations would be made with the top-ranked firm first, etc. He announced the firms in order of rank as agreed upon by Council as follows:

1. Redman/Johnston
2. Clarion/Kimley-Horn
3. KW Poore/McCormick-Taylor
4. Wallace/Roberts/Todd
5. Campbell/Paris

Mayor Tarr suggested the negotiations committee consist of him, Acting Town Manager Jeffries, Zoning Administrator Lewis, and Planning Commission Chairman Rosenberger. He added that the committee would make recommendations to Council for consideration.



## **10. Logo for the Downtown Wayfinding System.**

Mrs. Kat Edwards of the A-NPDC explained the importance of having a common logo for the downtown directional signage. She presented the proposed logo which would be available for use by the towns that are participating in the revitalization program.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the logo without the banner. Unanimously approved.

## **11. Other Matters.**

- Police Chief Lewis announced that the Police Committee meeting will be on September 7<sup>th</sup> at 5:30 pm.
- Acting Town Manager Jeffries stated that bids were sent out for the sand/salt spreader.
- Town Attorney Poulson asked if the surveyor for the school property had contacted Acting Town Manager Jeffries. Mayor Tarr stated that the matter would be discussed in closed session.
- Councilman Mason requested that the Town Dock Policy be discussed at the September 15<sup>th</sup> recessed Council meeting. Mayor Tarr stated that Town Attorney Poulson would review the material. The matter will be placed on the agenda upon completion of his review.
- Councilman Ross asked if a citizen could donate a natural bench for the Island Nature Trail. Mayor Tarr stated that it would be discussed at the next Public Works Committee meeting.
- Councilman Wolffe requested that his discussion/presentation of the planning/zoning matters be placed on the October 20<sup>th</sup> recessed Council meeting.
- Mayor Tarr explained that the meeting with Mr. McMahon will be rescheduled. Mayor Tarr stated that he and Council felt that due to the early afternoon time of the original meeting, the public might not have been able to attend.
- Acting Town Manager Jeffries stated that the trolley program has ended for the season.
- Councilwoman Richardson asked about the status of the plaque for Watson Park.

## **12. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel and Land Acquisition Matters.**

Councilman Howard moved, seconded by Councilman Mason to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel and land acquisition matters. Unanimously approved.

Vice Mayor Conklin moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Wolffe moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolfe  
Nays- None  
Absent- None

**13. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to recess the meeting until September 9, 2005 at 12:00 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE SEPTEMBER 9, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

**Council Members Absent:**

Ellen Richardson, Councilwoman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 12:00 pm.

**2. Invocation.**

Councilman Ross offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

Unanimously approved.

Councilman Ross moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe 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- Conklin, Howard, Mason, Ross, Wolffe

Nays- None

Absent- Richardson

**5. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Mason, to recess the meeting until September 10, 2005 at 8:00 am. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE SEPTEMBER 10, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**Council Members Absent:**

Ellen Richardson, Councilwoman

**1. *Call to Order.***

Mayor Tarr called the meeting to order at 8:00 am.

**2. *Invocation.***

Councilman Howard offered the invocation.

**3. *Pledge of Allegiance.***

Mayor Tarr led in the Pledge of Allegiance.

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

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

Councilman Ross moved, seconded by Councilman Mason to reconvene in regular session.  
Unanimously approved.

Councilman Howard moved, seconded by Councilman Wolffe 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- Conklin, Howard, Mason, Ross, Wolffe  
Nays- None  
Absent- Richardson

**5. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Mason, to recess the meeting until September 15, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE SEPTEMBER 15, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Resolution for General Obligation Bond.**

Mayor Tarr explained the general obligation bond to Mrs. Betty Mullins. The matter was then postponed until after the closed session. He stated that Council had passed an ordinance at the September 6<sup>th</sup> Council meeting authorizing the issuance of the bond. Mayor Tarr stated that bids were received from four banking institutions. He added that staff and bond counsel's recommendation was to accept Wachovia Bank's proposal.

After discussing the matter in closed session, Councilman Howard motioned, seconded by Councilman Wolffe, to accept Wachovia's offer for the general obligation bond and to adopt the following resolution authorizing the issuance, sale and award of a \$1,200,000 general obligation public improvement bond.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF A  
\$1,200,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND,  
SERIES 2005, OF THE TOWN OF CHINCOTEAGUE, VIRGINIA,  
HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS  
AND PAYMENT THEREOF**

**WHEREAS**, on September 6, 2005, the Town Council (the "Town Council") of the Town of Chincoteague, Virginia (the "Town"), adopted an ordinance authorizing the issuance of general obligation public improvement bonds in the maximum principal amount of \$1,200,000 to finance the acquisition of four land parcels to be used for conservation and recreation purposes (the "Project"), none of which bonds have been issued and sold;

**WHEREAS**, the Town's administration have recommended to the Town Council that the Town issue and sell its general obligation public improvement bonds through a private placement;

**WHEREAS**, the Town solicited proposals for the private placement of such bonds with a bank or other financial institution and four such proposals were received; and

**WHEREAS**, the Town's administration has recommended to the Town Council that the Town accept the proposal of Wachovia Bank, National Association (the "Bank"), dated September 9, 2005;

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
CHINCOTEAGUE, VIRGINIA:**

**1. Issuance of Bond.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Town Charter and the Public Finance Act of 1991, there shall be issued and sold a \$1,200,000 general obligation public improvement bond of the Town (the "Bond") to provide funds to finance the Project and such other public improvement costs as Town Council shall from time to time authorize and to pay the costs of issuing the Bond. The Bond shall be sold to the Bank pursuant to the terms of the Proposal and this Resolution.

**2. Bond Details.** The Bond shall be in the form of a single, typewritten bond, designated "General Obligation Public Improvement Bond, Series 2005", shall be in registered form, shall be dated the date of its delivery and shall be numbered R-1. The Bond shall bear interest on the unpaid principal at the rate of 3.60% per year, calculated on the basis of a 360-day year of twelve 30-day months. Payments on the Bond shall be

in monthly installments of combined principal and interest so as to amortize the aggregate principal amount of the Bond over a period of 120 months, commencing November 1, 2005. If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Each installment shall be applied first to payment of interest accrued and unpaid to the payment date and then to principal. Principal and interest shall be payable in lawful money of the United States of America by check or draft mailed, or wire transferred, to the registered owner of the Bond at the address that appears on the registration books kept by the Registrar (as hereinafter defined), except that the final payment of principal and interest shall be made upon presentation and surrender of the Bond at the office of the Registrar.

**3. Prepayment Provisions.** The Bond is not subject to prepayment prior to maturity.

**4. Execution and Form of Bond.** The Bond shall be signed by the manual signature of the Mayor or Vice Mayor and the Town's seal shall be affixed thereon and attested by the Town Clerk. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor or Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

**5. Pledge of Full Faith and Credit.** The full faith and credit of the Town are irrevocably pledged for the payment of principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Town Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Town sufficient to pay when due the principal of and interest on the Bond.

**6. Registration, Transfer and Owners of Bond.** The Bond shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The Town Treasurer is hereby appointed paying agent and registrar for the Bond (the "Registrar"). The Town may in its discretion appoint at any time a qualified bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and registration of transfers of Bond. Upon presentation and surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the Town shall execute and deliver in exchange, a new Bond having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate, and registered in name as requested by the then registered owner or his duly authorized attorney or legal representative. Any such

exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the last Business Day of the month preceding each interest payment date.

**7. Preparation and Delivery of Bond.** The Mayor, Vice Mayor and Town Clerk are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the Bank upon payment therefore.

**8. Arbitrage Covenants.** The Town covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bond to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any provision of law which may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owners thereof under existing law. The Town shall pay any such required rebate from its legally available funds.

**9. Non-Arbitrage Certificate and Elections.** Such officers of the Town as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the Town.

**10. Limitation on Private Use.** The Town covenants that it shall not permit the proceeds of the Bond or the facilities financed with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental



unit, as provide in Section 141(c) of the Code; provided, however, that if the Town receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal tax purposes of the registered owners thereof under existing law, the Town need not comply with such covenants.

**11. Qualified Tax-Exempt Obligations.** The Town designates the Bond as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code. The Town represents and covenants as follows:

(a) The Town will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in calendar year 2005, including the Bond, for the purpose of such Section 265(b)(3);

(b) The Town, all its “subordinate entities”, within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the Town and its subordinate entities have not issued, in the aggregate, more than \$10,000,000 of tax-exempt obligations in calendar year 2005 (not including “private activity bonds”, within the meaning of Section 141 of the Code, other than “qualified 501(c)(3) bonds”, within the meaning of Section 145 of the Code), including the Bond.

(c) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the Town and such other entities in calendar year 2005, result in the Town and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in calendar year 2005 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bond; and

(d) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2005 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the Town receives and opinion of nationally recognized bond counsel that compliance with any covenant set forth in (a) or (c) above is not required for the Bond to be a qualified tax-exempt obligation, the Town need not comply with such covenant.

**12. \$5,000,000 Annual Bond Limitation.** The Town represents and covenants as follows:

(a) Barring circumstances unforeseen as of the date of delivery of the Bond, the Town will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of its “subordinate entities”, within the meaning of Section 148(f)(4)(C) of the Code, and all entities that issue tax-exempt obligations on behalf of

the Town and its subordinate entities, if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued in calendar year 2005 by the Town and such other entities, result in the Town and such other entities having issued a total of more than \$5,000,000 of tax-exempt obligations in calendar year 2005 (not including private activity bonds), including the Bond;

(b) The Town has no reason to believe that the Town and such other entities will issue tax-exempt obligations in calendar year 2005 in an aggregate amount that will exceed such \$5,000,000 limit; and

(c) At least 95% of the proceeds of the Bond shall be used for "local government activities" of the Town within the meaning of Section 148(f)(4)(C) of the Code;

provided, however, that if the Town receives an opinion of nationally recognized bond counsel acceptable to the holder that compliance with any restriction set forth in (a) or (c) above will not prevent the Town from having to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, the Town need not comply with such restriction.

**13. Other Actions.** All other actions of officers of the Town in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are approved and confirmed. The officers of the Town are authorized and directed to execute and deliver all agreements, certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond.

**14. Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

**15. Effective Date.** This Resolution shall take effect immediately.

**EXHIBIT A**

**REGISTERED  
No. R-1**

**REGISTERED  
\_\_\_\_\_, 2005**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
TOWN OF CHINCOTEAGUE  
General Obligation Public Improvement Bond, Series 2005**

The Town of Chincoteague, Virginia (the "Town"), for value received, promises to pay, to **WACHOVIA BANK, NATIONAL ASSOCIATION**, or registered assigns or legal representative, the principal sum of **ONE MILLION TWO HUNDRED DOLLARS (\$1,200,00)**, together with interest on the unpaid principal at the rate of

3.60%, calculated on the basis of a 360-day year of twelve 30-day months. Installments of combined principal and interest in the amount of \$\_\_\_\_\_ shall be payable on the first day of each month, commencing November 1, 2005, with a final installment of combined principal and interest in the amount of \$\_\_\_\_\_ due on October 1, 2015. If the date any payment is due with respect to this bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia. Each installment shall be applied first to payment of interest accrued and unpaid to the payment date and then to principal. If not sooner paid, the final payment, consisting of all unpaid principal and interest, shall be due on October 1, 2015.

Principal and interest shall be payable in lawful money of the United States of America by check or draft to the registered owner of this bond at its address as it appears in the records of the Town Treasurer, who is hereby appointed the registrar and paying agent, or any successor registrar and paying agent (the "Registrar"), except that the final payment due under this bond is payable upon surrender and presentation of this bond at the office of the Registrar.

This bond is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Town Charter and the Public Finance Act of 1991. This bond had been authorized and issued pursuant to an ordinance and a resolution adopted by the Town Council on September \_\_\_\_\_, 2005, to provide funds to finance the acquisition of four land parcels to be used for conservation and recreation purposes and to pay the costs of issuing this bond.

This bond is not subject to prepayment prior to maturity.

The full faith and credit of the Town are irrevocably pledged for the payment of principal of and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Town Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the Town sufficient to pay when due the principal of and interest on this bond.

The Town has designated this bond as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and interest on this bond and the exercise of all rights and powers of the owner.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the

issuance of this bond have happened, exist and have been performed, and, together with all other indebtedness of the Town, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Town of Chincoteague, Virginia, has caused this bond to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the Town Clerk, and this bond be dated \_\_\_\_\_, 2005.

Attest:

\_\_\_\_\_  
Mayor, Town of Chincoteague, Virginia

\_\_\_\_\_  
Town Clerk, Town of Chincoteague, Virginia

AYES

NAYS

\_\_\_\_\_  
Nancy Conklin  
\_\_\_\_\_  
Terry Howard  
\_\_\_\_\_  
Ronald Mason  
\_\_\_\_\_  
Ellen Richardson  
\_\_\_\_\_  
E. David Ross  
\_\_\_\_\_  
Glenn Wolffe

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**5. Demolition of Burned Structure.**

Acting Town Manager Jeffries stated that the Zoning Administrator Lewis had been unable to contact the owner of the burned structure on Church Street by conventional means or by certified mail. He stated that Mr. Lewis has deemed the structure to be unsafe according to the Town’s Unsafe Building Ordinance and has instructed that it be removed or demolished.

Councilwoman Richardson motioned, seconded by Vice Mayor Conklin, to follow the Town’s Unsafe Building Ordinance guidelines leading to the demolition of the structure. Unanimously approved.

**6. Other Matters.**

- Councilwoman Richardson stated that there has been encroachment into Cemetery Ridge on North Main Street. Mayor Tarr stated that Zoning Administrator Lewis would look into the matter.
- Councilman Mason asked why the letter written by Mr. Bryan Rush regarding the bridge issue was not forwarded to VDOT and the U.S. Coast Guard. Acting Town Manager Jeffries stated that Island Supervisor Thornton would be meeting with the appropriate representatives of those agencies. Councilman Mason asked if complaint letters regarding Charter Communications’ service were still being collected. Acting Town Manager Jeffries responded that they were.

- Councilman Ross asked if there had currently been any problems at the Skate Park. Police Chief Lewis responded that there had not been.
- Councilman Howard commended Chief Lewis and his Department on the great job they do and on the officers' professional manner.

**7. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Matters of Personnel and Land Acquisition.**

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

Councilman Mason moved, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilwoman 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
 Nays- None  
 Absent- None

**8. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on October 3, 2005 at 7:30 pm. Vice Mayor Conklin motioned, seconded by Councilman Mason, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE OCTOBER 3, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the September 6, 9, 10 and 15, 2005 Council Meetings.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

**5. Council Information Items.**

- Councilman Mason asked about the status of the demolition of the burned structure on Church Street. Acting Town Manager Jeffries stated that the homeowner would begin demolishing the structure as soon as this week. Councilman Mason asked Acting Town Manager Jeffries if he had contacted Mr. Wesley McDonald regarding an agreement on scheduled bridge openings. Acting Town Manager Jeffries responded that he had not yet contacted him. Councilman Mason also inquired about when the Redman/Johnston Planning Consultant Firm would make their presentation to Council. Acting Town Manager Jeffries responded that it would be approximately one week.
- Mayor Tarr asked Town Attorney Poulson if he had reviewed the Planning Commission By-Laws. He responded that he had not yet reviewed them.

**6. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission discussed minor and major subdivision roads. She asked if Council would have a joint public hearing with the Commission. Mayor Tarr recommended the Commission have its own public hearing.

- **Public Works Committee-** Councilman Mason stated that the Committee met on September 13<sup>th</sup> and discussed the proposed downtown package sewage system. He reported that the maintenance of wells 7A and 7B to be upgraded to full service was also discussed. Councilman Mason stated that the Committee continued to review the water rates/fees study. He announced that the next meeting would be on October 18<sup>th</sup> at 5:00 pm instead of October 11<sup>th</sup>.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met on September 14<sup>th</sup> and discussed the fees that are charged for boats that are docked more than four hours at the loading dock. He announced that the next meeting would be on October 12<sup>th</sup> at 7:30 pm.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on September 20<sup>th</sup> and discussed the proposed change of computer software. She stated that ways to decrease expenditures and increase revenues were also discussed. Vice Mayor Conklin stated that the Committee recommended a \$25 returned check fee as well as a \$25 fee for 911 mapping changes. She added that a direct-deposit option for employees would probably be available during the next fiscal year.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin reported that the air conditioning and heating systems were running well now and that Mr. Dave Kelly had been hired as the new maintenance technician. She added that the separator walls needed to be re-hung and that the Pat Boone Christmas Show was coming up in early December.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee discussed the public's ideas received for the Island Nature Trail. He reported that the Committee agreed that the trail should remain as natural and undisturbed as possible. Councilman Ross added that the turn lanes on Maddox Boulevard did not work for bicycles. He announced that the next meeting would be on October 12<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in September, but would meet on October 12<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard announced that the Committee met on September 27<sup>th</sup> and discussed continued cleanup of the Holy Ridge Cemetery on North Main Street on November 19<sup>th</sup> at 9:00 am, with a rain date of December 3<sup>rd</sup>. He announced that the Committee would meet on October 25<sup>th</sup> at 6:00 pm.

## **7. Public Participation.**

- Mr. Jim Carpenter stated that he was opposed to septic systems being placed on cemetery grounds. Councilman Howard explained the Cemetery Committee's concern. Councilwoman Richardson read the State Code pertaining to the matter. Town Attorney Poulson stated that it was a matter of property being used as a graveyard whether it was actually deeded for that purpose or implicit.
- Mr. Gary Turnquist stated that it was possible to locate property lines around the cemeteries. He stated that lots in some of the Island cemeteries are purchased, platted and deeded. Town Attorney Poulson stated that he would research Council's right to pass an ordinance. Mayor Tarr asked if Zoning Administrator Lewis could send a letter to the Accomack County Health Department requesting notification of all new septic systems on the Island.

- Mr. Jim Frese stated that there were problems with wakes from larger boats causing erosion. He stated that the properties affected needed protection.
- Mr. Jim Swift stated that wakes also cause damage to boats and docks. He stated that a no wake with speed zone was needed.

## **8. Establishment of “No Wake Zones”.**

Councilman Howard explained how “No Wake Zones” came to the Ordinance Committee’s attention. Mr. Allen Marshall of the Virginia Marine Resources Commission (VMRC) pointed out some laws, including the burden of having to prove the reckless operation of a motor boat. He stated that a ‘no wake zone’ was easier to enforce as a wake is visible and able to cause damage to personal property. He added that the speed limit zone would be difficult to enforce. Mr. Marshall stated that requests could be made to the Committee for the placement of buoys, but that the cost to place, remove and maintain the buoys would be the requester’s responsibility. Mr. Marshall suggested possibly having a seasonal no-wake zone plus having a zone from the center of the channel toward the shoreline.

Mr. Carl Meixner asked Council to consider including the Chincoteague Channel in the zone as well.

It was the consensus of Council to have the Ordinance Committee review the necessary procedure for establishing ‘no-wake zones’ and the possible locations of the zones and to report to Council with the proposed recommendations.

## **9. Changes to Harbor Ordinance.**

Councilman Mason explained the reason for the following recommended changes.

- Section 70-95(b) – remove paragraph (b) entirely and replace it with, *“The loading dock area may be used up to four (4) hours at no charge. Beyond four (4) hours, boats may remain at the dock for reason of mechanical failure, inclement weather or any other circumstance deemed appropriate by the Harbor Master or his duly appointed agent. The fee for said mooring shall be seven (7) dollars per day.”*
- Section 70-95(c) – change the second sentence to read, *“Wharfage for all boats shall be limited to four (4) hours without charge within a 24-hour period.”*

Councilman Howard questioned charging for boats that were broken down, for mooring during bad weather, etc. Councilman Mason stated that it would be at the Harbor Master’s discretion as to whether the broken down vessel would be charged after the proposed four hours at the dock.

Councilman Mason motioned, seconded by Councilman Howard, to approve the changes to Section 70-95 of the Town Code as stated above. Unanimously approved.



## **10. Project for Regional Main Street Program.**

Mayor Tarr explained the Eastern Shore Regional Main Street Project. He explained that one or both of the following two criteria needed to be met in order to be eligible for Community Development Block Grant (CDBG) monies to fund the project: (1) the project must fulfill an economic development need, and/or (2) the project must benefit at least 51% of low to moderate income families. Mayor Tarr stated that Council must identify a project that represents the Town's most urgent community development need.

Mayor Tarr also explained that the Regional Main Street group has developed a job description for a person to work with the five main street merchant organizations to assist them with carrying out the Main Street Program. Each of the five merchant organizations is responsible for \$4,000 toward the salary of this person. The Regional Main Street group suggested that each merchant organization ask for a \$2,000 donation from their Town Council toward this effort.

Mayor Tarr stated that the project identified from the community visioning session held in March, 2004 was the Model Shared Septic System for Downtown. Councilman Mason recommended that Council look at options available for the entire Island so that the Downtown System would fit into the plan for the entire Island.

Vice Mayor Conklin motioned, seconded by Councilman Wolffe, to accept the Model Shared Septic System for Downtown as the project for the Regional Main Street Program and to donate \$2,000 to the Historic Main Street Merchants for the position to be hired. Unanimously approved.

## **11. Other Matters.**

- Police Chief Lewis reported that the Poker Run raised \$7,117 for needy children and families at Christmastime.
- Councilwoman Richardson stated that the Oyster Museum was having an Open House on Sunday, October 9<sup>th</sup> from 1:00 to 4:00 pm. She also reported that the permit application for planting shellfish in the "Little Beach" area was denied and set aside for ten years at the September 27<sup>th</sup> VMRC meeting.
- Councilman Mason stated that he was reviewing the Emergency Operations Plan and suggested that a copy be distributed to all Council members. He requested that the matter regarding the fishing boats at the downtown dock be placed on the October 20<sup>th</sup> recessed meeting agenda.
- Councilman Wolffe requested that his zoning proposal be placed on the October 20<sup>th</sup> meeting agenda for discussion. He handed out guidelines of the proposal for Council's review.

**12. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters, Land Acquisition & Potential Litigation.**

Councilman Mason moved, seconded by Councilwoman Richardson to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters, land acquisition and potential litigation. Unanimously approved.

Councilman Mason moved, seconded by Councilwoman Richardson to reconvene in regular session. Unanimously approved.

Councilman Wolffe moved, seconded by Councilman Howard 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

**13. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Howard, to recess the meeting until October 20, 2005 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE OCTOBER 20, 2005**  
**CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Public Participation.**

- Mrs. Helen Merritt asked what the Town's plan was if a hurricane was to strike the area. Mayor Tarr explained the Town's emergency plan.
- Mrs. Jane Wolffe stated that she was proud of Council and the Committees regarding the success of the Downtown Park. She added that there needed to be a definition in the comprehensive plan for 'community charm'.
- Mrs. Margo Hunt asked when Mr. McMahan would make his presentation to the Town. Mayor Tarr responded that the reschedule date had not been set. Mrs. Hunt asked about the status of the YMCA. Councilman Ross replied that the next meeting of the YMCA Steering Committee would be on October 27<sup>th</sup> at the Chincoteague Center.
- Mrs. Gail Reichard asked the name of the planning firm that was chosen by Council. Mayor Tarr stated that Redman/Johnston of Easton, Maryland was chosen.

**5. Proposal to Change Lot Sizes.**

Councilman Wolffe presented his proposed changes to Section 3.9 of the Town Code regarding lot sizes in R-3 Residential Zones. He recommended changing the minimum lot size for single unit structures to 10,000 square feet and 7,500 square feet per unit for multi unit structures. Councilman Wolffe stressed that the proposal more closely brings the value of single family homes and multi units together. He stated that the current area requirements make the value of multi units much greater than single family units.

It was the consensus of Council to discuss the proposal in the November 7<sup>th</sup> Council meeting to decide whether to have a public hearing on the matter.

## **6. Grants Funding for Trolleys.**

Mayor Tarr explained that the Town has been running a trolley system through a demonstration grant from the Virginia Department of Rail and Transportation for the past three years.

Mr. Jack Van Dame presented a comprehensive report comparing trolley data over the past three years. Councilwoman Richardson complimented Mr. Van Dame on the completeness of the report and on the successful trolley season.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve signing of the following project agreement for trolley grant funding. Unanimously approved.

**Project Agreement for Use of  
Federal Transit Administration  
Section 5311 Funds  
Fiscal Year 2006**

The Commonwealth of Virginia, Department of Rail and Public Transportation, hereafter referred to as the DEPARTMENT, and the Town of Chincoteague, hereafter referred to as the PUBLIC BODY, enter into this Project Agreement dated October 1, 2005. The parties hereby agree to incorporate the Master Agreement for Use of Federal Transit Administration Section 5311 Funds, dated October 1, 1996 as if set out in full herein. The Project Agreement Summary(s) and Budget(s) agreed to by the parties are set out in Appendix(es) A. In no event shall the DEPARTMENT grant pursuant to this Project Agreement exceed \$30,200. IN WITNESS whereof, the DEPARTMENT and PUBLIC BODY executed this Project Agreement effective on the day and year above written.

### **Appendix A**

**Operating Project Agreement Summary**  
CFDA#20509 Formula Grants For Other Than Urbanized Areas – 5311  
**Project Number: 42005-15**

Grant Recipient: Town of Chincoteague  
Project Start Date: October 1, 2005  
Project Expiration Date: March 30, 2007

#### **Operating Project Agreement Budget Detail**

	<b>Budget</b>
Deficit	\$60,400
Expense Summary	
Federal share of project cost (50%)	\$30,200
State & local share of project cost (50%)	\$30,200

## **7. Resolution for Scheduled Bridge Openings.**

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following resolution regarding scheduled bridge openings in two-hour intervals. Unanimously approved.

### **RESOLUTION**

**Whereas**, there are many citizens of Chincoteague Island and visitors to both Chincoteague and Assateague Islands that traverse the Chincoteague Channel Bridge, with such crossings totaling in the millions annually; and

**Whereas**, the likelihood of severe failure of the moving span of this bridge with its advancing age and its documented extreme deterioration increases with every opening; and

**Whereas**, an operational or structural failure of the moving span of this bridge could endanger public safety and place our citizens and visitors in peril by limiting emergency services needing to pass over the bridge; and

**Whereas**, a failure would jeopardize Chincoteague Island's economy which is very reliant on the receipt of goods and services from the mainland; and

**Whereas**, a failure also places at risk the livelihood of many Chincoteague Island residents that traverse the bridge daily to jobs on the mainland;

**Now, Therefore, Be It Resolved**, that the Town Council of the Town of Chincoteague does hereby strongly urge the scheduling of openings for the Chincoteague Channel Bridge to prolong the very limited operational life of the moving span, guard the safety of our citizens and visitors and preserve the economy of our Island; and

**Be It Further Resolved**, that the Town of Chincoteague recommends the scheduling of openings on even hours at intervals of two hours for every day throughout the year; and

**Be It Finally Resolved**, that the Town Council of the Town of Chincoteague does hereby request the Virginia Department of Transportation to support the recommended scheduling of bridge openings and prepare a request with all necessary supporting documentation to be presented to the United States Coast Guard for consideration.

**Adopted**, this 20<sup>th</sup> day of October, 2005.

Attest:

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John H. Tarr, Mayor

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J. Wesley Jeffries, Acting Town Manager

Councilman Mason implored the public to respond to the matter in writing to the U.S. Coast Guard.

## **8. Policy for Use of Town Dock.**

Councilman Mason commented on the problems with damage to the dock and the size of vessels using it this past summer. Mayor Tarr suggested allowing local watermen in smaller vessels to use the dock. Staff indicated ongoing problems all summer, hence the current prohibition of the use of the dock by larger vessels. As a result, Council was requested to consider the following recommendations for an updated policy for the use of the Town Dock:

- no unloading of catch by any commercial vessel,
- no storage of any equipment associated with a commercial operation,
- no mooring of any vessel due to mechanical failure or inclement weather,
- no mooring of any vessel for any reason at a fee

Mayor Tarr recommended having the Ordinance and Harbor Committees review the matter in a joint meeting, while consulting with Town Attorney Poulson for the proper wording.

## **9. Signing Adjacent Property Owner Form.**

Mayor Tarr explained the process leading to signing the form. He stated that Channel Breeze/Birchwood Housing applied for a community pier permit and that the Town was an adjacent property owner. Mayor Tarr added that Council had to mark the Adjacent Property Owner's Acknowledgement Form as 'no comment', 'no objection to the project' or 'objection to the project' with a written reason for the objection.

Councilman Mason noted the 700-foot pier discrepancy. He also stated that construction of 32 boat slips would designate the project as a marina instead of a community pier. Councilman Mason also mentioned the sewage discharge through a 6" diameter force main under the pier by permit. Therefore, he recommended the Town object to the project.

Stacy Hart explained about the pier and disposal permits. She explained the 700-foot pier length as well.

Councilman Wolffe stated that he would not object as an adjacent property owner. He reiterated that the Town needed to act *only* as an adjacent property owner.

Councilman Howard motioned, seconded by Councilwoman Richardson, to mark the form as 'no objection to the project'.

Ayes – Howard, Richardson

Nays – Conklin, Mason, Ross, Wolffe

The motion did not carry.

Councilman Wolffe motioned, seconded by Councilman Ross, to mark the form as 'no comment'.

Ayes – Conklin, Mason, Richardson, Ross, Wolffe

Nays – Howard

The motion carried to mark the form as 'no comment'.

**10. Deer De-Pop Program Contract.**

Councilman Wolffe motioned, seconded by Councilman Mason, to approve the following Cooperative Service Agreement contract for the deer de-population program. Unanimously approved.

**COOPERATIVE SERVICE AGREEMENT  
Between The Town of Chincoteague and  
UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)  
WILDLIFE SERVICES (WS)**

**ARTICLE 1**

The purpose of this Cooperative Service Agreement is to cooperate in a wildlife damage management project, as described in the Work Plan on the next page.

**ARTICLE 2**

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

**ARTICLE 3**

APHIS WS and The Town of Chincoteague mutually agree:

1. The parties' authorized representatives who shall be responsible for carrying out the provisions of this Agreement shall be:

J. Jeffries  
6150 Community Drive  
Chincoteague, VA 23336

WS: State Director, Martin Lowney  
USDA, APHIS, WS  
P.O. Box 130  
Moseley, VA 23120

2. To meet as determined necessary by either party to discuss mutual program interests, accomplishments, needs, technology, and procedures to maintain or amend the Work Plan (Attachment A). Personnel authorized to attend meetings under this Agreement shall be J. Jeffries or his/her designee, the State Director (WS) or his/her designee, and/or those additional persons authorized and approved by the Town of Chincoteague, and the State Director.

3. WS shall perform services more fully set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this Agreement, to amend, modify, add or delete services from the Work Plan.

4. The general provisions applicable to this Agreement shall be in accordance with the Department of Agriculture "Uniform Federal Assistance Regulations," 7 CFR 3015, and Office of Management and Budget regulation governing "Controlling Paperwork Burdens on the Public," 5 CFR 1320, which are herein incorporated by reference as a part of this Agreement.

**ARTICLE 4**

The Town of Chincoteague agrees:

1. To authorize APHIS WS to conduct direct control activities to reduce human health and safety risks and property damage associated with white-tailed deer. These activities are defined in the Work Plan. APHIS WS will be considered an invitee on the lands controlled by the Town of Chincoteague or other private property where written permission is obtained. The Town of Chincoteague will be required to exercise reasonable care to warn APHIS WS as to dangerous conditions or activities in the project areas.
2. To reimburse APHIS WS for costs of services provided under this Agreement up to but not exceeding the amount specified in the Financial Plan (Attachment B). The Town of Chincoteague will begin processing for payment invoices submitted by APHIS WS within 30 days of receipt.
3. To designate to APHIS WS the Town of Chincoteague's authorized individual whose responsibility shall be the coordination and administration of the Town of Chincoteague activities conducted pursuant to this Agreement.
4. To notify APHIS WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.
5. APHIS WS shall be responsible for administration and supervision of the program.
6. All equipment purchased for the program is and will remain the property of APHIS WS.
7. To respond to all media requests.
8. To obtain the appropriate permits for removal activities for white-tailed deer and list USDA, APHIS, Wildlife Services as subpermitees.
9. To provide a secure outdoor working space to process removed deer and bury offal.
10. To provide for the activities the necessary bait (whole kernel corn) to maintain bait stations used to lure deer into safe shooting areas.
11. To provide Town personnel to maintain bait stations as needed after they have been properly set up and marked by WS.
12. To provide a truck and the transportation of removed deer to the local food bank or processing facility after each removal operation.

#### **ARTICLE 5**

APHIS WS agrees:

1. To conduct activities at the Town of Chincoteague as described in the Work and Financial Plans, and to provide all resources necessary for accomplishment of the program (except those items the Town of Chincoteague agrees to provide as specified in Article 4), including personnel, equipment, supplies, and other support materials.
2. Designate to the Town of Chincoteague the authorized APHIS WS individual who shall be responsible for the joint administration of the activities conducted pursuant to this Agreement.
3. To bill the Town of Chincoteague for reimbursement of the actual costs incurred by APHIS WS during the performance of services agreed upon and specified in the Work Plan. APHIS WS shall keep records and receipts of all reimbursable expenditures hereunder for a period of not less than one year from the date of completion of the



services provided under this Agreement and the Town of Chincoteague shall have the right to inspect and audit such records.

4. To consult with the Town of Chincoteague prior to issuing any news release, advertisement, or literature of any kind or permitting the issuance of any news release, advertisement, or literature of any kind which refers to the Town of Chincoteague or the services performed under this Agreement. APHIS WS shall not issue any such release, advertisement, or literature without the express prior approval of J. Jeffries or his/her designee.

5. The Town of Chincoteague shall have the right to use or permit the use of all estimates, reports, records, data, charts, documents, models, designs, renderings, drawings, specifications, computations and other papers of any type whatsoever, whether in the form of writing, figures, or delineations, or any ideas or methods represented by them, which are prepared or compiled in connection with this Agreement, for any purpose and at any time without other compensation than that specifically provided herein.

#### **ARTICLE 6**

This Agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS upon failure of Congress to so appropriate. This Agreement may also be reduced or terminated if Congress only provides APHIS funds for a finite period under a Continuing Resolution.

#### **ARTICLE 7**

APHIS assumes no liability for any actions or activities conducted under this Cooperative Service Agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

#### **ARTICLE 8**

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

#### **ARTICLE 9**

All activities will be conducted in accordance with all applicable Federal, State and local laws, rules, and regulations. Nothing in this Agreement shall prevent APHIS WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage control services exclusive of those provided for under this agreement.

#### **ARTICLE 10**

The Town of Chincoteague certifies that wildlife management options, including the use of services provided by the private sector, have been carefully considered. After considering these options, the Town of Chincoteague requests that APHIS WS provide its services under the stated terms of this Agreement.

#### **ARTICLE 11**

This Cooperative Service Agreement may be amended at any time by mutual agreement of the parties in writing. Also, this Agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 120 days prior to effecting such action. The length of notice for unilateral termination may be longer or shorter if necessary.

In witness whereof, the Town of Chincoteague has caused this Agreement to be executed on its behalf, and APHIS WS has caused this Agreement to be executed on its behalf, as of the day of signature.

## **ATTACHMENT A WORK PLAN**

### Introduction

The U.S. Department of Agriculture (USDA) is authorized to protect American agriculture and other resources from damage associated with wildlife. The primary authority for Wildlife Services (WS) is the Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1468; 7 U.S.C. 426-426b and 426c as amended). Wildlife Services activities are conducted in cooperation with other Federal, State and local agencies, private organizations and individuals.

The WS program uses an Integrated Wildlife Damage Management (IWDM) approach (sometimes referred to as IPM or "Integrated Pest Management") in which a series of methods may be used or recommended to reduce wildlife damage. IWDM is described in Chapter 1, 1-7 of the WS Program Final Environmental Impact Statement. These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage. However, controlling wildlife damage may require that the offending animal(s) are killed or that the populations of the offending species be reduced.

### Description of Damage

White-tailed deer have been an increasing problem on Chincoteague Island over the past five years. This is due to an ineffective control program and lack of safe shooting areas for the public on the island. White-tailed deer are causing significant damage to private property by browsing on shrubs and other plants in residents' yards causing a large amount of economic loss. Deer are also regularly involved in vehicle collisions raising a large concern for the risk of human injury and loss of life. Lastly, there are many concerns by residents of the rising risks of tick borne diseases such as Lyme's disease.

### Planned USDA, APHIS, Wildlife Services Activities

WS will removed white-tailed deer from the abovementioned locations via sharp shooting at dusk/night with spotlights. WS will set up bait stations to lure deer into safe shooting lanes. Bait for the stations and their weekly maintenance will be provided by the Town. WS will use suppressed rifles firing frangible bullets to reduce the risks of large projectiles exiting the animals taken. Shooting will be conducted from the roof of a vehicle or other elevated position so that all rounds fired will be traveling in a downward trajectory the instant they leave the barrel. All deer removed, deemed fit for human consumption, will be donated to local charities to help families in need on the Eastern Shore.

### Effective Dates

The cooperative agreement shall commence upon final signature, and shall expire on **March 31, 2006**.

**ATTACHMENT B  
FINANCIAL PLAN**

Personnel Costs	\$5,185
Travel	790
Vehicle Usage	125
Supplies	500
Program Support	<u>1,066</u>
<b>TOTAL COSTS</b>	<b>\$7,666</b>

The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed the **TOTAL COST of \$7,666.**

**11. *Broadband Internet Feasibility Study.***

Mayor Tarr explained that the Accomack-Northampton Planning District Commission (A-NPDC) was trying to develop Broadband Internet access in this area.

Councilman Wolffe motioned, seconded by Councilman Howard, to support the A-NPDC in promoting Broadband Internet access in this area. Unanimously approved.

**12. *Other Matters.***

- Mayor Tarr commended Chief Lewis and the Police Department for their efforts for the Poker Run and the Haunted Forest.
- Acting Town Manager Jeffries stated that the Virginia Municipal League was offering several workshops on October 23<sup>rd</sup> through October 25<sup>th</sup>. He also mentioned that two Board of Zoning Appeals members' terms would expire on December 31<sup>st</sup>. Acting Town Manager Jeffries reported that bids for slip-lining the 16" water main would go out around October 30<sup>th</sup>.
- Councilwoman Richardson stated that Senator Rerras had received incorrect information regarding the start of construction of the new bridge. She asked if the Town could send a letter to our representatives. Mayor Tarr responded that he had sent a letter to Senator Rerras requesting answers to four different pieces of information from the Virginia Department of Transportation. (VDOT). He added that Senator Rerras had sent a letter to VDOT regarding such and had not yet received a response. Mayor Tarr stated that the Town could send a letter, including copies of former letters and resolutions, to our representatives.
- Councilman Ross asked if there would be a Skate Park attendant for the fall months. Chief Lewis responded that there would not. Councilman Ross asked Acting Town Manager Jeffries if there was an oil spill near Maddox Boulevard recently. Acting Town Manager Jeffries stated that the Coast Guard responded to the spill. Councilman Ross asked if there were any reports on the cemetery matters discussed in the previous Council meeting. Acting Town Manager Jeffries responded that he had not yet received a reply from Town Attorney Poulson. Councilman Ross commended Councilman Wolffe on his zoning presentation.
- Councilman Howard thanked Mr. Bryan Rush and Mr. Mike Wessells for their response and follow-up to his brother's fall.

**13. Recess of Meeting.**

Councilman Mason motioned, seconded by Councilwoman Richardson, to recess the meeting until October 21, 2005 at 8:30 am. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE OCTOBER 21, 2005  
CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 8:55 am.

**2. Invocation.**

Councilman Howard offered the invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

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

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

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

Councilman Mason moved, seconded by Councilman Howard 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- Conklin, Howard, Mason, Richardson, Ross  
Nays- None  
Absent- Wolffe (left meeting at 10:00 am)

**5. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on November 7, 2005. Vice Mayor Conklin motioned, seconded by Councilman Howard, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE NOVEMBER 7, 2005  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

**1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

**2. Invocation.**

Councilman Ross offered the Invocation.

### **3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

### **4. Approval of Minutes of the October 3, 20, and 21, 2005 Council Meetings.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Unanimously approved.

### **5. Council Information Items.**

- Councilwoman Richardson asked about the status of the plaque for Watson Park. Acting Town Manager Jeffries responded that the plaque had been ordered.
- Councilman Mason asked Town Attorney Poulson if he had reviewed the proposed policy regarding the Town Dock. Town Attorney Poulson responded that he had not.
- Councilman Howard asked if a date had been set for the Redman/Johnston presentation. Mayor Tarr stated that the firm was compiling the data for their presentation.

### **6. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on October 25<sup>th</sup> and continued to work on the draft for the proposed changes and additions to the Subdivision and Development Ordinance. She announced that the next meeting would be on November 9<sup>th</sup>.
- **Public Works Committee-** Councilman Mason stated that the Committee met on October 18<sup>th</sup> and discussed drainage issues on Piney Island, the water rates and fees study, and sewage disposal for the Island.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met and decided to meet every other month instead of monthly. He announced that the next meeting would be on December 14<sup>th</sup>.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on October 11<sup>th</sup> and received a financial report from the auditor. She stated that Mayor Tarr was trying to organize a meeting regarding proffers, that Councilman Ross suggested hiring a computer technician, and that staff was researching software packages for the office.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee discussed placing exercise stations around the nature trail as well as installing sidewalks on Hallie Whealton Smith Drive. He announced that the next meeting would be on November 9<sup>th</sup>.
- **Mosquito Control Committee-** Councilman Wolffe stated that the next meeting would be on December 12<sup>th</sup> at 5:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on October 12<sup>th</sup> and discussed No Wake Zones, the results of which would be discussed later in the Council meeting. He added that the Committee considered discussing a possible cemetery ordinance, but the matter was tabled until a draft ordinance and/or more information was received from Town Attorney Poulson.

- **Cemetery Committee-** Councilman Howard announced that the Committee met on October 25<sup>th</sup> and discussed the November 19<sup>th</sup> cleanup at Holy Ridge Cemetery on North Main Street.
- Mayor Tarr listed the terms that would expire on December 31<sup>st</sup> for several committees. He stated that the appointments would be discussed at the December 5<sup>th</sup> Council meeting.

## **7. Public Participation.**

- Councilman Wolffe gave an explanation about the procedure to address the new proposal on lot sizes. He stated that the matter needed to be sent to the Planning Commission first, and then the Planning Commission would hold a public hearing alone or with Council as a joint public hearing. Councilman Wolffe added that the decision later in the meeting would be whether to table the issue entirely until a planner could be hired or to send the issue to the Planning Commission for review.
- Mr. Barry Fisher asked about the disposition of the burned boat in the channel. He stated that he would furnish the equipment free of charge to remove the remainder of the boat. Mr. Fisher asked about the status of the Town Dock use. Mayor Tarr stated that the matter would be discussed in a joint meeting between the Harbor and Ordinance Committees on November 16<sup>th</sup>. Mr. Fisher asked when the lease for the dock at the Downtown Park expired and was told it expired on December 31<sup>st</sup>. Mayor Tarr stated that the matter would be discussed in the December Council meeting. Mr. Fisher also requested that dolphins be placed across the channel and requested that Council send a letter to VMRC in support of such.
- Mr. Jim Frese stated that he was concerned about the proposed lot size changes regarding placing such restrictions on someone's land as well as the property owner's rights. He stated that he would like to see the matter dropped. Mr. Frese also questioned the decision to stop temporary mooring at the Town Dock as he felt it was a restraint of trade.
- Mr. Carl Meixner stated that there were a number of boats causing wakes and erosion/silting problems. He stated that he would like to see a no wake zone from channel marker #12 to the bridge.
- Mr. Tommy Clark stated that he wanted to see mooring of the boats remain a town policy. He also recommended that the Town give the planning firm a chance at solving the town's growth issues first before any other action is taken.

## **8. Recommendation for "No Wake Zones".**

Councilman Howard explained the Ordinance Committee's work on the zones. He stated that the Committee recommended that "Slow – No Wake" signs be placed at the Curtis Merritt Harbor, Memorial Park and Town Dock boat ramps.

Councilman Mason asked if the signs would be informational-type signs. Councilman Wolffe asked about adding another area at the Downtown Park dock. He also recommended that private signs be placed on private properties.

Councilman Howard recommended giving a handout with the code information to customers when they purchase a ramp pass. Town Attorney Poulson recommended contacting the Game Warden to ensure compliance of “Slow – No Wake” signs.

Councilman Howard motioned, seconded by Vice Mayor Conklin, to place “Slow – No Wake” signs at the Harbor, Memorial Park, Town Dock and Downtown Waterfront Park Dock boat ramps as well as send a letter to the Department of Game and Inland Fisheries to ensure compliance of the signs. Unanimously approved.

## **9. *Proposal to Change Lot Sizes.***

Councilman Wolffe stated that the issue was whether or not to send the proposal to the Planning Commission. He added that the discussion was whether or not to wait on the planning firm’s process. Councilman Wolffe stated that he felt the processes could occur simultaneously since the Town needed balance in development now. He recommended sending the proposal to the Planning Commission.

Councilman Mason stated that planners were hired to update the Comprehensive Plan within one year. He also recommended sending the proposal to the Planning Commission for review.

Vice Mayor Conklin suggested allowing the planning firm to do its work and not burden the Planning Commission with more work before the firm reviews the development issue.

Mayor Tarr agreed with Vice Mayor Conklin and added that Councilman Wolffe’s proposal may cause additional density problems and that it does not address R-2 Residential zoning. He mentioned that it was important to get all of the public involved.

Councilman Howard stated that he was concerned about property rights and over-regulation. He agreed that it was important to get the public involved.

Councilman Wolffe reiterated that he agreed with Mayor Tarr regarding the importance of allowing the planning firm to review the growth and development situations on the Island, but his proposal was to slow the rapid growth until the time when the planners could begin their work.

Councilman Mason motioned, seconded by Councilman Wolffe, to send the zoning proposal to the Planning Commission for review.

Ayes – Mason, Ross, Wolffe

Nays – Conklin, Howard, Richardson, Tarr

The motion was defeated.

## **10. *Support of a Farmer’s Market Cooperative.***

Mayor Tarr explained the cooperative and the need for a letter of support for the Farmer’s Market Cooperative.



Councilman Mason recommended a change to the by-laws to assure continuity of officers. Councilman Howard asked if Council had received any complaints or comments citing unfairness to Islanders.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to send a letter of support for the Farmer's Market Cooperative. Unanimously approved.

### **11. Other Matters.**

- Mayor Tarr suggested sending the proposed ordinance on cemeteries to the Ordinance Committee for review. Councilman Ross questioned reporting the phrase '*after normal working hours*' in the proposed cemetery ordinance. Town Attorney Poulson explained that violations can be inspected at any time by provision.
- Acting Town Manager Jeffries stated that the ad for bids for slip lining of the 16" water main was recently run in the newspaper.
- Councilwoman Richardson asked about the status of the septic systems being placed on graveyard property. Acting Town Manager Jeffries responded that the local Health Department has been notified of the problem and that the property owner would be required to move it.
- Councilman Wolffe suggested advertising for bids for lease of the Downtown Park Dock. Councilman Ross stated that Mr. Wesley McDonald's business would be severely impacted if he loses the lease and asked if there were any alternatives. Councilman Mason asked if Council would consider a lease that was longer than one year with an option to renew.

### **12. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters.**

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

Vice Mayor Conklin moved, seconded by Councilman Wolffe to reconvene in regular session. Unanimously approved.

Councilman Mason moved, seconded by Councilwoman 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- None

### **13. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on December 5, 2005 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager

## **MINUTES OF THE DECEMBER 5, 2005 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Vice Mayor  
Terry Howard, Councilman  
Ronald Mason, Councilman  
Ellen Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

### **1. Call to Order.**

Mayor Tarr called the meeting to order at 7:30 p.m.

### **2. Invocation.**

Councilman Howard offered the Invocation.

### **3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

### **4. Approval of Minutes of the November 7, 2005 Council Meeting.**

Councilman Howard noted that the Harbor Committee recommended having "Slow-No Wake" signs placed at Curtis Merritt Harbor, Memorial Park and the Town Dock boat

ramps and that Council voted on placing the signs at the following boat ramps: Curtis Merritt Harbor, Memorial Park, the Town Dock and the Downtown Waterfront Park. Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as corrected. Unanimously approved.

**5. Public Hearing – Personal Property Tax Relief Changes.**

Mayor Tarr opened the public hearing. Acting Town Manager Jeffries explained that the Town will be reimbursed a certain amount of money from the state for tax relief on qualifying vehicles that is to be credited back to the Island's taxpayers.

After receiving no public comments, Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilman Mason, to adopt the following ordinance regarding personal property tax relief changes. Unanimously approved.

**An Ordinance to Provide for the Implementation  
of the 2004-2005 Changes to the  
Personal Property Tax Relief Act of 1998**

**WHEREAS**, The Personal Property Tax Relief Act of 1998, Code of Virginia 58.1-3523 et seq. (PPTRA), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session 1 (Senate Bill 5005), and the provisions of item 502 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-05 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"), and

**WHEREAS**, these legislative enactments require the town to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

**WHEREAS**, these legislative enactments provide for the appropriation of the town, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Chincoteague as follows:

***Subdivision III. Personal Property Tax Relief Act of 1998***

**Sec. 54-171. Purpose, definitions, relation to other ordinances.**

(a) **The purpose of this subsection is to provide for the implementation of the changes to the Personal Property Act of 1998 affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.**

(b) **Terms used in this subsection that have defined meanings set forth in the Personal Property Tax Relief Act of 1998 shall have the same meanings as set forth in Code of Virginia, § 58.1-3523.**

(c) To the extent that the provision of this subsection conflicts with any prior ordinance or provision to the town code, this subsection shall control.

**Sec. 54-172. Method of computing and reflecting tax relief.**

(a) For tax years commencing in 2006, the town adopts the provisions of item 503E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the Personal Property Tax Relief Act of 1998 and the reporting of such specific dollar relief on the tax bill.

(b) The council shall, by resolution set the percentage of tax relief at such a level that it is anticipated fully to exhaust Personal Property Tax Relief Act of 1998 funds provided to the town by the Commonwealth.

(c) Each personal property tax bill shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle together with an explanation of the general manner in which relief is allocated.

**Sec. 54-173. Allocation of relief among taxpayers.**

(a) Allocation of relief shall be provided in accordance with the general provisions of this subsection, as implemented by the specific provision of the town's annual budget relating to relief.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.

(c) Relied with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to all available state relief. The percentage shall be established annually as a part of the adopted budget for the town.

*(Adopted 12/05/05)*

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John H. Tarr, Mayor

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the changes in the wording in Section 54-151 of the Town Coded as stated below. Unanimously approved.

**Sec. 54-151. Rate.**

(a) There is levied an annual tax on motor vehicles, trailers, semi-trailers, and boats, including boats weighing over five tons or more, with situs, as defined in Code of Virginia, § 58.1-3511, within the corporate limits at the rate *established annually as a part of the adopted budget for the town*, which tax shall be administered as provided generally in Code of Virginia, § 58.1-3500 et seq.

*(Code 1977, § 6-2(a) (Amended 12/05/05)*

(b) There is hereby levied an annual tax on mobile homes within the corporate limits at the rate *established annually as a part of the adopted budget for the town*, which tax shall be administered as provided in Code of Virginia, § 58.1-3500 et seq.

*(Amended 12/05/05)*

## **6. Council Information Items.**

- Councilman Howard asked about the remainder of the payment due for the directional drill for the 16” water main. Acting Town Manager Jeffries stated that the final payment would be distributed when the punch list was satisfactorily completed.
- Councilman Mason asked if the Virginia Game and Inland Fisheries Game Warden had been contacted regarding compliance with the use of “Slow – No Wake” signs. Town Attorney Poulson offered Acting Town Manager Jeffries the name of a contact person for the project.

## **7. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission will hold a public hearing on January 5<sup>th</sup> on the proposed subdivision and zoning changes.
- **Public Works Committee-** Councilman Mason stated that the Committee met on November 8<sup>th</sup> and discussed the water rates and fees study as well as several drainage issues on the Island.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met jointly with the Ordinance Committee on November 16<sup>th</sup> and discussed the proposed policy of the Downtown Dock. He announced that there would be another joint meeting with the Ordinance Committee on December 14<sup>th</sup> at 6:00 pm.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on November 15<sup>th</sup> and discussed donations, building and zoning fees, Christmas bonuses, proposed salaries and merit increases, hiring a computer tech/programmer, and the policy of sending tax bills to mortgage companies.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee will not meet in December and that he will announce the January meeting date at a later time.
- **Mosquito Control Committee-** Councilman Wolffe stated that the next meeting would be on December 19<sup>th</sup> at 5:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee had a joint meeting with the Harbor Committee on November 16<sup>th</sup> as stated above.
- **Cemetery Committee-** Councilman Howard stated that the Committee members and other citizens had a successful cleanup at the Holy Ridge Cemetery on North Main Street. He announced that the next meeting would be on January 24<sup>th</sup>.
- Councilman Mason reported that the Town had applied for and received a grant from the Virginia Land Conservation Foundation for \$500,000 to aid in the purchase of the School Board property from Accomack County. Mayor Tarr thanked those who attended the meeting as well as Mrs. Kat Edwards from the A-NPDC for her help with the grant application and process.

## **8. Public Participation.**

- Mrs. Nancy Rosenberger asked about the excavation on the west side of Mechanics Cemetery. Councilman Howard explained that there was currently some development

adjoining the west side of the cemetery. He added that he was going to look into the matter. Mayor Tarr stated that Zoning Administrator Lewis also looked at the location.

- Mr. Bob Behr explained that according to Senator Nick Rerras's office, the Town could be included in an amendment to Virginia Code Section 15.2-1129.1 "Creation of Arts and Cultural District". He asked that Council send a letter to Senator Rerras's office requesting that Chincoteague be considered in the amendment.

## **9. Appointments to Committees.**

Mayor Tarr stated that the following members have terms that will expire on December 31, 2005 and that all have indicated the desire to continue to serve in the same capacity.

- **Planning Commission** – Mr. Ray Rosenberger and Mmes. Mollie Cherrix and Gladys Baczek,
- **Building Code Board of Appeals** – Mr. Ernest D. Holston,
- **Harbor Committee** – Mr. Michael Handforth

Mayor Tarr opened the floor for nominations for Mr. Ray Rosenberger's seat on the Planning Commission.

Councilman Wolffe nominated Mr. Ray Rosenberger.

Mayor Tarr closed the nominations.

Ayes – Conklin, Howard, Mason, Richardson, Ross, Wolffe.

Nays – None

Mr. Rosenberger was re-appointed to the Planning Commission.

Mayor Tarr opened the floor for nominations for Mrs. Mollie Cherrix's seat on the Planning Commission.

Councilwoman Richardson nominated Mrs. Mollie Cherrix.

Mayor Tarr closed the nominations.

Ayes - Conklin, Howard, Mason, Richardson, Ross, Wolffe.

Nays – None

Mrs. Cherrix was re-appointed to the Planning Commission.

Mayor Tarr opened the floor for nominations for Mrs. Gladys Baczek's seat on the Planning Commission.

Councilman Mason nominated Mrs. Gladys Baczek.

Councilman Howard nominated Mr. Nolan Warnick.

Mayor Tarr closed the nominations.

Voting for Mrs. Baczek were Councilmen Mason, Ross and Wolffe. The nomination was defeated as there wasn't a majority vote.

Voting for Mr. Warnick were Vice Mayor Conklin and Councilwoman Richardson and Councilman Howard. The nomination was defeated as there wasn't a majority vote.

Mayor Tarr again opened the floor for nominations for the last seat on the Planning Commission.

Councilman Ross nominated Mr. Reginald Birch.

Councilman Wolffe nominated Mrs. Gladys Baczek.

Councilwoman Richardson nominated Mr. Bob Behr.

Councilman Howard nominated Mrs. Gloria Hanratty.

Mayor Tarr closed the nominations.

Voting for Mr. Birch were Councilmen Mason, Ross and Wolffe. The nomination was defeated as there wasn't a majority vote.

Voting for Mrs. Baczek were Councilmen Mason, Ross and Wolffe. The nomination was defeated as there wasn't a majority vote.

Voting for Mr. Behr were Vice Mayor Conklin, Councilmen Howard, Ross and Wolffe and Councilwoman Richardson. Voting against Mr. Behr was Councilman Mason.

Mr. Bob Behr was appointed to the Planning Commission.

Mayor Tarr stated that there were two vacancies on the Board of Zoning Appeals. He stated that a letter had been sent to the Circuit Court requesting the positions be filled.

Mayor Tarr opened the nominations for Mr. Ernest Dale Holston's seat on the Building Code Board of Appeals.

Councilman Howard nominated Mr. Ernest Dale Holston.

Mayor Tarr closed the nominations.

Ayes – Conklin, Howard, Mason, Richardson, Ross, Wolffe

Nays – None

Mr. Holston was re-appointed to the Building Code Board of Appeals.

Mayor Tarr opened the nominations for Mr. Mike Handforth's seat on the Curtis Merritt Harbor Committee.

Vice Mayor Conklin nominated Mr. Mike Handforth.

Mayor Tarr closed the nominations.

Ayes – Conklin, Howard, Mason, Richardson, Ross, Wolffe

Nays – None

Mr. Handforth was re-appointed to the Curtis Merritt Harbor Committee.

## **10. Rental of Downtown Park Dock.**

Mayor Tarr stated that Council was to decide whether or not to accept bids for the leasing of mooring frontage at the Downtown Park. He stated that should Council decide to accept bids for the leasing of the property, advertisements for bids will be published in December which will permit receiving and awarding the bid at the January 3, 2006 meeting.

Councilman Wolffe asked if any significant negative comments from the public had been received. Vice Mayor Conklin responded that she had received complaints regarding usage of foul language and dumping shells overboard. Councilman Ross stated that he was concerned about workers parking vehicles in the area for long periods of time.

Councilman Wolffe motioned, seconded by Councilman Howard, to advertise for bids for the leasing of mooring frontage at the Downtown Park with modifications to the lease regarding usage of foul language, dumping items overboard, parking and trash in the area. Unanimously approved.

**11. New Resolution for Construction of Bridges.**

Councilman Ross motioned, seconded by Councilwoman Richardson, to adopt the following resolution regarding the construction of the Chincoteague Channel and Black Narrows bridges. Unanimously approved.

**RESOLUTION**

**WHEREAS**, on 17 August 2000, the Commonwealth Transportation Board approved the location and design of replacement structures for the Chincoteague Channel and Black Narrows bridges, recognizing the declining condition of the existing bridges and the dire need for replacement; and

**WHEREAS**, a number of inspections have been performed on the two existing bridges since 15 May 2001, revealing that the condition of both bridges was generally poor, with severe sectional loss and deterioration in structural and supporting members, further confirming the declining condition; and

**WHEREAS**, the Black Narrows and Chincoteague Channel bridges provide the only access to Chincoteague Island for nearly 4,000 residents and 1.2 million visitors each year; and

**WHEREAS**, failure to proceed expeditiously with construction of replacement structures for the existing bridges places the residents and visitors of Chincoteague at great risk with the ever increasing possibility of a total bridge span failure; and

**WHEREAS**, in addition to the risk to the health and well-being of the citizens and visitors, severe and irreparable damage to the Island's economy will be sustained by bridge failure; and

**WHEREAS**, the bridges replacement project (#0175-001-V12) is fully funded at the current construction estimate and on schedule to go to bid in August 2006, contract award in October and start of construction in December; now

**THEREFORE BE IT RESOLVED**, that the Chincoteague Town Council, in consideration of all these facts, requests that the Virginia Department of Transportation and the Commonwealth Transportation Board recognize the need for strict adherence to the schedule for this vital bridge replacement project and remove our citizens and visitors from peril.

**DATED** this 5<sup>th</sup> day of December, 2005.

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John H. Tarr, Mayor

Attest:

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J. Wesley Jeffries, Acting Town Manager



Mayor Tarr announced that Delegate Lynwood Lewis and the Virginia Department of Transportation representative would inform Council of the plans for the new bridges on December 13<sup>th</sup> at 7:00 pm.

### **12. Award of Bid for Slip-lining 16” Water Main.**

Mayor Tarr stated that the Town advertised for bids to complete the slip-lining of the 16” water main. Acting Town Manager Jeffries stated that three bids were received and opened on December 2<sup>nd</sup>. He stated that Mr. Andy Landrum of Whitman, Requardt and Associates reviewed the bids and recommended that T.A. Sheets be awarded the work for “Option A Only” in the amount of \$2,574,000.

Councilman Wolffe stated that even after re-bidding the project, staff has not received any less expensive bids. He stated that there were risks to delaying the project, including increased material and labor costs, project work scheduling, material availability and possible leaks in the current pipe. Councilman Wolffe also noted the obvious difference in bids between T.A. Sheets and one of the other bidders, Metra Industries.

Councilman Mason motioned, seconded by Councilman Wolffe, to accept the bid from T.A. Sheets for “Option A Only” in the amount of \$2,574,000. Unanimously approved.

### **13. Requests for Donations.**

Mayor Tarr stated that the Budget and Personnel Committee received two requests for donations and decided to recommend the following amounts to Council for consideration:

- donate an amount (\$1,202) to the \$8,798 in the Katrina Relief Fund that will make the total an even \$10,000, and
- donate \$250 toward the \$5889 tuition for Mary Catherine Besecker to attend a 17-day ambassador program to China.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the \$1,202 donation to the Katrina Relief Fund to make the total an even \$10,000. Unanimously approved.

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the \$250 donation to Mary Catherine Besecker toward the tuition for the 17-day ambassador program to China. Unanimously approved.

### **14. Approval of Letter Re: the Restructuring of the E.S. Tourism Commission & Use of Accomack County’s Transient Occupancy Tax Collected on Chincoteague Island.**

Mayor Tarr explained the purpose of the letter to the Accomack County Board of Supervisors. He stated that in the letter, Council was requesting that a portion of the transient occupancy tax collected by Accomack County be given back to tourism related businesses such as the Chincoteague Chamber of Commerce and Chincoteague Civic Center which would further increase the tax revenue benefit of both the Town and

County. Mayor Tarr added that the letter would also request that the Town be allowed to appoint an elected official to serve on the Commission.

Councilman Wolffe motioned, seconded by Councilman Howard, to send the letter with modifications to the Accomack County Board of Supervisors. Unanimously approved.

### **15. Support for Navy Undersea Warfare Training Range.**

Mayor Tarr explained that the U.S. Navy is proposing to develop an undersea warfare training range with the site located off the Virginia Capes as the second alternative. He added that Accomack County has already made the decision not to support the range.

Councilman Mason read a prepared statement of disagreement with locating the range off the Virginia Capes. There was a brief discussion regarding reasons why Council disagreed with the location of the site.

Vice Mayor Conklin motioned, seconded by Councilman Ross, to send a letter of opposition to developing the Navy Shallow Water Training Range site off the Virginia Capes area. Unanimously approved.

### **16. Other Matters.**

- Acting Town Manager Jeffries stated that Virginia Polytechnic Institute (VPI) wanted to do a study on the Island's deer population. He stated that the study would involve use of the Town's geographical information system (GIS). It was the consensus of Council to allow the study by VPI on deer modeling.
- Acting Town Manager Jeffries stated that the Accomack County Board of Supervisors requested to have their meeting in the Council Chambers on December 21<sup>st</sup> at 4:00 pm.
- Councilman Wolffe asked about the letter of request by the A-NPDC for monies to complete several projects. Acting Town Manager Jeffries responded that it would be discussed in the Budget and Personnel Committee meeting. Councilman Wolffe asked about a letter sent to Zoning Administrator Lewis regarding the right-of-way adjacent to her property. Mayor Tarr stated that the Town was not involved, but that the matter in question was a civil matter between the property owners.
- It was the consensus of Council to send a letter of support for the Chincoteague Cultural Alliance to Senator Nick Rerras requesting that Chincoteague be included in the new Arts and Cultural District.
- Mayor Tarr asked Vice Mayor Conklin to chair the Christmas Decorations Contest Committee.

### **17. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Matters of Personnel and Land Acquisition.**

Councilman Mason moved, seconded by Councilman Howard to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss matters of personnel and land acquisition. Unanimously approved.

Councilman Wolffe moved, seconded by Councilman Mason to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Councilman Mason 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- Conklin, Howard, Mason, Richardson, Ross, Wolffe

Nays- None

Absent- None

Councilman Howard motioned, seconded by Councilman Mason, to hire a Public Works Director and to advertise accordingly.

### **18. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on January 3, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilman Mason, to adjourn the meeting. Unanimously approved.

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Mayor

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Acting Town Manager