

**MINUTES OF THE JANUARY 3, 2006  
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 5, 2005 Council Meeting.**

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

**5. Katrina Relief Fund Presentation.**

Mayor Tarr presented a check in the amount of \$10,001.09 to Eastern Shore American Red Cross Board Chairwoman Diane Crockett and Mr. Rose-Jensen. Mrs. Crockett informed Council that the Eastern Shore American Red Cross had received over \$40,000 in donations for the Hurricane Katrina victims. She also presented Council with certificates and pins for the Town's efforts in the Katrina Relief effort.

Mayor Tarr thanked the community for all of their donations and thanked Mrs. Sherry Tarr for establishing the fund.

**6. Council Information Items.**

- Councilman Mason asked if the proposed Town Dock policy had been reviewed by Town Attorney Poulson. Acting Town Manager Jeffries stated that Town Attorney Poulson apologized for not attending tonight's meeting and that he had not yet had a chance to review the proposed policy.
- Councilman Howard stated that the Ordinance Committee will consider additional changes to the proposed Town Dock policy at their next committee meeting.

## **7. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated there would be a public hearing on January 5<sup>th</sup> at 7:00 pm to hear comments on the proposed zoning changes regarding parking and marinas.
- **Public Works Committee-** Councilman Mason stated that the slip-lining of the 16" water main would begin mid-January. He also announced that the Committee would hold a public meeting on January 12<sup>th</sup> at 7:00 pm to discuss the water rates/fees study.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met jointly with the Ordinance Committee on December 14<sup>th</sup> and discussed the proposed policy for the Downtown Dock. He reminded Council that the Committee would meet every other month, so the next meeting would be in February.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on December 20<sup>th</sup> and Accounting Specialist, Mrs. Barbara Milyko, presented the Committee with information regarding the cost to upgrade the Town's software to Windows-based programs. Vice Mayor Conklin also stated that the Committee recommended sending the matter regarding the default of a local business owner on repayment of a grant loan to Town Attorney Poulson for resolution.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee did not meet in December, but would meet on January 11<sup>th</sup> at 3:30 pm.
- **Mosquito Control Committee-** Councilman Wolffe stated that the Committee met on December 19<sup>th</sup> and discussed purchasing a new fogger. He mentioned that larviciding would begin around March 1<sup>st</sup> and that another person would be trained in larviciding.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee had a joint meeting with the Harbor Committee on December 14<sup>th</sup>. He announced that the next meeting would be on January 11<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard reported that the septic system had been removed from the Holy Ridge Cemetery on North Main Street. He announced that the next meeting would be on January 24<sup>th</sup> at 6:00 pm.

## **8. Public Participation.**

- Mrs. Ginny Van Dame complimented the Police Department on their efforts in the recent drug apprehensions. She also commended Acting Town Manager Jeffries for a job well done with the added Town Manager responsibilities.

## **9. Bids for Mooring Lease.**

Mayor Tarr stated that two bids for the mooring lease for 2006 at the waterfront dock of the Robert N. Reed, Sr. Downtown Park were received, one from Chincoteague Fisheries for \$20,012 and the other from Edgerton Fish Company for \$30,000. Mayor Tarr opened the bids in the order in which they were received.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the lease and to execute the following lease agreement for mooring at the Downtown Waterfront Park dock to Edgerton Fish Company for \$30,000. Unanimously approved.

THIS AGREEMENT OF LEASE, made this 1<sup>st</sup> day of January, 2006, by and between **THE TOWN OF CHINCOTEAGUE, INCORPORATED**, Lessor, party of the first part; **EDGERTON FISH COMPANY**, Lessee, party of the second part; and **BARRY E. FISHER**, Guarantor, party of the third part ( if the Lessee is an entity other than an individual).

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

#### **DESCRIPTION OF REAL ESTATE**

168' waterfront mooring frontage portion of parcel 30A5-14-1, 4 and 30A5-A-472, 473, 474, 475 with the mooring frontage extending in a southwesterly direction from adjacent Parcel A on Chincoteague Island, Virginia. Described area does not include adjacent walkways, parking lot, or park area.

#### **TERMS**

The term of this Lease is for a period of One (1) year, beginning on January 1, 2006, and terminating on December 31, 2006, without notice, and shall not automatically renew for any successive term.

#### **RENT**

The total rent for said term shall be **Thirty Thousand Dollars (\$30,000.00)**, said rental to be paid in twelve (12) consecutive monthly installments of **Twenty-five Hundred Dollars (\$2,500.00)** each, in advance, without demand, beginning January 1, 2006, and payable to Lessor at 6150 Community Drive, Chincoteague Island, VA 23336. Lessee will pay a late charge of \$100.00 per month for any rental payment made after the 20<sup>th</sup> day of the month.

#### **USE OF MOORING**

Said mooring frontage shall be used solely as mooring space for boats as authorized herein, and Lessee shall restrict the use for such purposes and shall not use or permit the use of property for any other purposes without the express written consent of Lessor. Lessee is responsible for all boats using the frontage and shall police the area as necessary to ensure at all times that boats mooring on the property are so authorized by Lessee.

All vehicles operated or utilized by Lessee, its agents and employees, or operated or utilized by any other person while on any boat utilizing said frontage shall be parked in such public parking areas of the Town as may be designated by the Town Manager from time to time.

#### **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. Further, Lessee, its agents and employees shall not place, throw, or dump any trash, debris, or other substance into the waters adjacent to the demised premises, and Lessee shall take all reasonable steps to prohibit such acts by occupants of other boats moored to or utilizing said frontage. Failure of Lessee to maintain the property, including the area in Chincoteague Channel adjacent thereto, in a clean, orderly, and/or safe condition shall constitute a default by the 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, inclusive of, but not limited to, broken dolphins, moorings or piles; punctured, distorted or otherwise damaged bulkhead or component parts; and any damage to adjacent boardwalks, parking, sidewalks, or park areas, and to Chincoteague Channel. The Lessee shall cause such repairs to be timely made and the failure to make timely repairs shall constitute a default by Lessee.

#### **EXCESSIVE NOISE AND ABUSIVE OR OBSCENE LANGUAGE**

While on said demised premises, on boats moored thereto or while in the act of mooring, embarking or disembarking, Lessee, its agents and employees shall refrain from making any loud and disturbing noises not reasonably necessary for utilizing said demised premises, and further shall not use any abusive and/or obscene language that reasonably disturbs the peace and tranquility of others on or near said demised premises; and Lessee shall take all reasonable steps to prohibit such acts by occupants of other boats moored to or utilizing said frontage.

#### **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 for 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 or berthing designation.

#### **INDEMNIFICATION**

Lessee agrees to indemnify and hold Lessor harmless for 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 Lessor may be required or may desire to serve on Lessee under the terms of this Lease may be served on Lessees (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 at the premises address, 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 Island, Virginia 23336, or at any such other address as Lessor may from time to time designate in writing to Lessee.

#### **GUARANTY**

Guarantor, for and in consideration of the sum of One Dollar (\$1.00), cash in hand to him paid, the receipt and sufficiency of which is acknowledged, does hereby unconditionally guarantee the performance of Lessee's covenants and obligations under this Lease.

### ***10. Adoption of Cemeteries Ordinance.***

Councilman Howard explained that the Ordinance Committee has met a number of times concerning the preservation of the Island's cemeteries. Consequently, Town Attorney Poulson was consulted and forwarded a draft ordinance to protect cemeteries. The Ordinance Committee recommends that Council consider adopting the proposed ordinance.

Councilman Wolffe, motioned, seconded by Councilwoman Richardson, to adopt the following ordinance regarding the Island's cemeteries. Unanimously approved.

## ARTICLE V. CEMETERIES

### **Sec. 22-151. Definitions**

*Cemetery* means any place presently utilized for the interment of human remains, whether publicly, privately, or charitably owned, including existing grave site(s) on private property and family burial grounds. For purposes of this Article the term “cemetery” shall include the land adjacent to any physical grave site situated within an area extending fifteen (15) feet from any part of the physical grave site, or the area designated by any fence or other boundary, natural or manmade, indicating the actual area set aside for cemetery purposes, whichever is the greater area.

*Person, Firm or Entity* means any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public corporation, specifically including any person in charge of or supervising any property owned or possessed by any such person, firm or entity.

### **Sec 22-152. Purposes and Authority**

The stated purpose of this Article is to regulate cemeteries within the Town of Chincoteague so as to insure that cemeteries and grave sites contained therein are not disturbed nor used other than for the purposes of the interment of human remains, and that such remains will be afforded the perpetual dignity to which entitled.

This Article is adopted pursuant to the authority contained in §15.2-1102 and §15.2-1111 of the Code of Virginia of 1950 as amended.

### **Sec. 22-153. Prohibited Acts**

No person, firm, or entity shall disturb, alter, remove, excavate, destroy, injure, deface, or erect and/or maintain any improvement, or otherwise use, except as permitted herein, any cemetery as herein defined.

### **Sec. 22-154. Non Prohibited Acts**

The provisions hereof shall not prohibit the interment of any other human remains in any cemetery, if otherwise lawfully permitted, nor shall it prohibit any person, firm, or entity from removing brush, weeds, or debris or otherwise maintaining a cemetery, nor the erection and/or maintenance of customary markers, monuments, remembrances, or fencing.

### **Sec. 22-155. Inspection**

The Town Manager, or his designee shall have the authority during normal business hours to enter on to any such cemetery, whether public, private, or charitable for the purpose of inspection and the insuring of compliance with the provisions hereof, provided however that the Town Manager, or designee, may inspect any such cemetery at any time if he or she has a reasonable suspicion that any provision of this Article V is being violated.

**Sec. 22-156. Violation and Penalties**

Any violation of this Article shall constitute a misdemeanor and shall be punishable by confinement in jail for a period not to exceed 12 months and/or a fine of not more than \$500.00.

**Sec. 22-157. Injunctive Relief**

In addition to any criminal penalty for the violation of this Article, the Town Manager is further authorized on behalf of the Town to initiate and seek injunctive relief in the Circuit Court of Accomack County to prohibit any such unlawful acts as provided for in this Article.

**Approved** this 3<sup>rd</sup> day of January, 2006.

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John H. Tarr, Mayor

**11. Results of Christmas Decoration Judging.**

Vice Mayor Conklin stated that this season boasted a large number of homes with the best show of seasonal décor ever. The results of the Christmas decorations judging for 2005 are:

- (\$100 savings bond) Kevin Krome & Steve Potts
- (\$50 savings bond) Rev. William & Faith Gregory  
Jack & June Mohr  
George & Maria Katsetos  
Richard & Carolyn Conklin  
Harry & Karen Thornton  
Tracy Martone
- (Honorable Mention) Ray & Nancy Rosenberger  
William & Ginger Birch  
Jack & Barbara Kambarn  
Alfred & Sharon Johnson  
Matthew & Ileta Reed  
Arlene Shreves  
Ernest & Connie White  
Karl & Laurie Haugh  
Matt & Janet Mason  
Delmas & Teresa Mears

**12. Request for Donation.**

Councilman Wolffe explained that the Budget and Personnel Committee received a request for a donation from the Steering Committee for a local YMCA. He stated that it was the consensus of the Committee to recommend that Council consider a donation in the amount of \$250.

Vice Mayor Conklin motioned, seconded by Councilman Howard, to donate \$250 to the local YMCA Steering Committee. Unanimously approved.

**13. Other Matters.**

- Councilwoman Richardson asked if there would be a plaque to name the Robert N. Reed, Sr. Downtown Park. Mayor Tarr responded that the matter would be discussed at the next Downtown Revitalization Management Team meeting.
- Councilman Ross asked about the status of the survey of the school property. Mayor Tarr responded that Town Attorney Poulson had someone reviewing the deeds and plats of the property before the survey could be completed. Councilman Ross also asked about the status of the old elementary school gym on Church Street. Mayor Tarr responded that he would speak with Mr. Travis Thornton of the Accomack County School Board regarding the status of the building.
- Mayor Tarr stated that the Town was still in the process of hiring a Public Works Director.

**14. Recess of Meeting.**

Vice Mayor Conklin motioned, seconded by Councilman Howard, to recess the meeting until January 19, 2006 at 7:30 pm. Unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE JANUARY 19, 2006  
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

**Council Member Absent:**

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.**

- Mr. Ray Rosenberger thanked Council for the water rates/fees study presentation. He also encouraged Council to ask legislators to defeat the Chesapeake Bay Bridge-Tunnel bill which would include the Bridge-Tunnel system into the Hampton Roads area system.
- Mr. Mike Meyers commented on the variance granted for the road in the Pony Pines development. He read the definition of a variance. Mr. Meyers stated that he was concerned about the Russell Everett development near his home. He also commented on the problem with the 50' road requirement and the Town's approach to the Board of Zoning Appeals regarding the same. Mayor Tarr and Councilman Mason attempted to explain the appeal process to a Board of Zoning Appeals decision.

#### **5. Change to Delmarva Power Agreement.**

Mayor Tarr explained that representatives from Delmarva Power had previously requested a change in the service agreement that required a trouble and service man (T&S) to reside on Chincoteague Island.

Mr. Donnie Matthews of Delmarva Power explained the coverage by Delmarva Power. He stated that there was a T&S on-call during the night from Wednesday to Sunday from 3:30 pm to midnight. Mr. Matthews stated that he was on-call on alternating weeks and that the other T&S was in Pocomoke. Councilwoman Richardson stated that in the past, there was a problem at the carnival when Mr. Matthews was present, but he couldn't help due to not being on-call.

Councilwoman Richardson and Councilmen Ross and Howard spoke in favor of changing the agreement without detriment to the Island. Mr. Ray Rosenberger advised Council to ask for all of the needs that were mentioned during the past negotiations.

Councilman Ross motioned, seconded by Vice Mayor Conklin, to write a letter to Delmarva Power agreeing to remove the requirement stating that the trouble and service man must live on the Island, in addition to commending Mr. Matthews's work on the Island. A stipulation of the agreement was that a letter must also be received from Delmarva Power assuring that the crew will be housed on the Island in the event of a storm. The motion was unanimously approved.

#### **6. Transportation Committee Recommendations.**

Mayor Tarr and Trolley Manager, Jack Van Dame, presented the following Transportation Committee recommendations to Council for consideration:

- the proposed name is "Pony Express",
- the proposed fees are (a) \$50/hour, minimum 4 hours for private users and (b) operating expenses (e.g. fuel, driver, etc.) for other users such as Chamber of Commerce, Main Street Merchants Association, etc.,
- a small shelter is proposed for certain stops along the route,
- a logo is proposed that could be created from competition within the local schools.

Councilman Howard asked about the proposed shelters. Mr. Van Dame responded that a shelter could be placed in front of the Refuge Golf Course on Maddox Boulevard, as well as about four other locations along the route. He added that the shelters would be removed when the season was over. Mayor Tarr stated that the shelters would be advertised for bids and funded by the grant.

Councilman Ross asked about the proposed fees. He expressed concern at the \$200 minimum fee. Mr. Van Dame explained the purpose of the proposed fees and the 4-hour minimum.

Councilman Ross motioned, seconded by Councilman Howard, to accept the Transportation Committee's recommendations as stated above. The motion was unanimously approved.

### **7. Support for Wisharts Point Landing Project.**

Mayor Tarr stated that Accomack County is planning to restore the Landing near Atlantic, Virginia for use by recreational, commercial and other watercraft. He added that in doing so, the Wisharts Point Channel will have to be dredged from the Landing to the Four Mouths area. Mayor Tarr stated that Accomack County is requesting support for the project in general and the dredging in particular from the Town in the form of a letter to the U.S. Army Corps of Engineers.

Vice Mayor Conklin motioned, seconded by Councilman Howard, to send a letter of support for the Wisharts Point Landing Project. Councilman Mason recommended that the letter also show the economic gains of the project. The motion was unanimously approved.

### **8. Other Matters.**

- Councilman Mason stated that he attended the last Planning Commission meeting and heard several comments regarding whether or not it was proper for a lawyer to represent a property seller, buyer, Planning Commission and the Town. He informed Council that he had contacted a VML attorney and that the attorney advised that an attorney was allowed to represent both the buyer and the seller as long as it was agreed to prior to the sale. Councilman Mason added that the VML attorney felt it was inappropriate for an attorney to represent either the buyer or the seller *and* the Town or the Planning Commission. Councilman Mason suggested that Council consider hiring a 'back-up' attorney for such cases. Mayor Tarr asked Acting Town Manager Jeffries to seek attorneys and costs for service.
- Mayor Tarr read the following Resolution of Respect for past Mayor, Anthony Stasio, which will be delivered to the family by Acting Town Manager Jeffries. Councilman Howard complimented Mayor Stasio in his dedication and quality of service to the community. Councilman Howard motioned, seconded by Vice Mayor Conklin, to approve the following Resolution of Respect. The motion was unanimously approved.

## **A RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS,** Anthony S. Stasio served the Town of Chincoteague well for many years in many capacities; and  
**WHEREAS,** he served faithfully as Councilman from July 1982 until June 1984, and as Mayor from July 1984 until June 1988, and he played a vital role in the development of the community and the annexation of the entire Island of Chincoteague into the Town; and  
**WHEREAS,** his commendable 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 Mayor Anthony S. Stasio, the Chincoteague Town Council lost a valuable friend, whose energies and initiative contributed tremendous service to the people of the Town of Chincoteague by his work; and  
**BE IT FURTHER RESOLVED,** that this Resolution be spread upon the minutes of this meeting and a copy presented to his family with our deepest sympathies.  
**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 January, 2006.

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John H. Tarr, Mayor

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J. Wesley Jeffries, Acting Town Manager

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

Mayor Tarr announced that the next meeting would be on February 6, 2006. Councilman Mason motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE FEBRUARY 6, 2006  
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 Howard offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led in the Pledge of Allegiance.

**4. Approval of Minutes of the January 3 and 19, 2006 Council Meetings.**

Councilman Wolffe motioned, seconded by Councilman Mason, to approve the minutes as presented. The motion was unanimously approved.

**5. Public Hearing – General Obligation Bond Amendment.**

Mayor Tarr opened the public hearing. Acting Town Manager Jeffries explained the amendment. He stated that the Town applied for and received a grant of \$500,000 to be used toward the purchase of property. He added that bond counsel suggested that the proceeds of the bond be used to finance the acquisition of the property as well as the improvements and repairs to the 16” water main.

Mrs. Donna Mason complimented the Town on building the Island Nature Trail. After receiving no other comments, Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilman Howard to adopt the following ordinance amending the ordinance adopted by Council on September 6, 2005.

**ORDINANCE AMENDING AN ORDINANCE ADOPTED SEPTEMBER 6, 2005, ENTITLED “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”**

**WHEREAS**, on September 6, 2005, the Town Council (the “Council”) of the Town of Chincoteague, Virginia (the “Town”), adopted an ordinance (the “Ordinance”) authorizing the issuance of the Town’s \$1,200,000 General Obligation Public Improvement Bond, Series 2005 (the “Bond”), for the acquisition of certain real property; and

**WHEREAS**, the Council desires to amend the Ordinance to provide for an additional use of the Bond proceeds;

**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHINCOTEAGUE, VIRGINIA:**

1. The Ordinance is hereby amended to provide that the proceeds of the Bond are to be used to finance the acquisition of certain real property and improvements and repairs to water supply lines, including without limitation the Town’s 16” raw water supply line from the Mainland wells.

2. Except as amended hereby, the Ordinance is hereby ratified, confirmed and approved.

3. All other actions of officers of the City in conformity with the purposes and intent of the Ordinance and this ordinance are approved and confirmed. The officers of the Town are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the use of the proceeds of the Bond as hereby amended.

4. This ordinance shall take effect immediately.

<b>MEMBER</b>	<b>VOTE</b>
Councilman Terry Howard	Aye
Councilman Ronald A. Mason	Aye
Councilwoman Ellen W. Richardson	Aye
Councilman E. David Ross	Aye
Councilman Glenn B. Wolffe	Aye

**ABSENT:** Vice Mayor Nancy B. Conklin

The motion carried.

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

- Councilman Mason asked Town Attorney Poulson about the possible separation of Harbor ordinances from other Town properties. Town Attorney Poulson responded that there should be a separation of the ordinances and that he would work on them. Councilman Wolffe inquired about the length of time to complete the separation. Town Attorney Poulson responded that it would take thirty to sixty days.
- Acting Town Manager Jeffries reported on the needed dolphins at the Town Dock.
- Councilman Mason asked if a letter of assurance that an emergency crew will be housed on the Island in the event of a natural disaster had been received from Delmarva Power. Acting Town Manager Jeffries responded that one had not been received to date.
- Councilman Wolffe asked if responses from the Eastern Shore attorneys regarding their availability of services had been received. Acting Town Manager Jeffries responded that only one had been received to date.
- Councilman Ross asked about the status of the old CES gymnasium.

## **7. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that a public hearing was held on January 5<sup>th</sup> on proposed subdivision and zoning changes. She stated that the Commission will meet on February 15<sup>th</sup> to discuss signs. Mayor Tarr stated that Council will recess tonight's meeting to the February 15<sup>th</sup> Planning Commission work session.
- **Public Works Committee-** Councilman Mason stated that the Committee met on December 13<sup>th</sup> and discussed drainage on both Piney Island and a property on Church Street. He stated that a public meeting regarding the water rates/fees study was held on January 10<sup>th</sup>.

- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee did not meet in January, but would meet on February 8<sup>th</sup>.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on January 11<sup>th</sup> and had invited Mrs. Phyllis Johnson of the Chincoteague Elementary School Conservation Club. He stated that the Committee recommended that her club supply the Island Nature Trail with swallow houses and possibly a bench or small set of bleachers for the Skate Park. Councilman Ross announced that the next meeting will be in March.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee met on January 11<sup>th</sup> and sent concerns regarding the Harbor and Town Dock ordinances to Town Attorney Poulson.
- **Cemetery Committee-** Councilman Howard reported that the Committee had two cleanups for the Holy Ridge Cemetery on North Main Street and would finish cleaning up that cemetery in the near future.
- Councilman Wolffe had a question about the November 21, 2005 minutes of the Chincoteague Recreation and Convention Center Authority. He asked that the matter be discussed at the regular Council meeting in March.

## **8. Public Participation.**

- Mrs. Dianne Olsen, Principal of Chincoteague Elementary School, expressed her concern about the ordinance which requires a \$30 license to vend at their annual Craft Fair. She stated that the profits which are used to purchase technology equipment and programs would be reduced considerably. Mrs. Olsen also mentioned several other situations where the school would be affected by the ordinance as it is currently written. Zoning Administrator Lewis read the ordinance as it now appears in the Town Code. Councilman Wolffe inquired as to alternatives. Mayor Tarr suggested having no fee for local non-profit and/or charitable organizations. Town Attorney Poulson stated that he will research the matter. It was the consensus of Council to change the ordinance at the regular March Council meeting.
- Mr. Barry Abell gave a slide presentation on a Waterman's Memorial commemorating watermen who have died at sea. He explained that the Town would provide the location, citizens would choose the type of memorial, and the memorial would be paid for by private contributions. It was the consensus of Council to support the idea and to write a letter of support for the Waterman's Memorial to Mr. Abell.

## **9. Scheduling of Public Hearing for Recommended Changes to Zoning & Subdivision Ordinances from Planning Commission.**

Mayor Tarr stated that the Planning Commission conducted a public hearing on January 5<sup>th</sup> to receive comments on proposed changes to the zoning and subdivision ordinances.

Councilman Wolffe asked about paragraph four under the definition 'parking lot'. He questioned who would decide if additional road requirements were necessary in order to provide capability of Town acceptance at future times. Councilman Wolffe thought it was necessary to add to that paragraph the person who would actually make that decision, such as the roads engineer or Director of Public Works. He also recommended that the

paragraph be worded so as not to mention the possibility of the road being accepted into the public roads system.

Councilman Mason felt that the Town should seek professional help in composing the ordinance. He questioned the wording of proposed Section 12.09(a).

Councilman Howard suggested scheduling a public hearing, and in the interim studying the proposed ordinance changes, and then making changes at the public hearing.

Councilman Ross stated that he felt there was a problem with the definition of a 'road'.

Town Attorney Poulson suggested having a workshop with Council, the Planning Commission and Mr. Will Cumming of VDOT to discuss the proposed changes to the zoning and subdivision ordinances.

### **10. Scheduling of Public Hearing for Recommended Changes to Building & Zoning Fees from Budget & Personnel Committee.**

Mayor Tarr stated that the Committee reviewed the proposed changes to the building and zoning fees and decided to recommend the changes to Council for consideration.

Councilman Wolffe explained how the proposed building and zoning fees were derived. He added that the Committee used the County's fees as a guideline.

Councilman Mason asked questions regarding the proposed re-roofing fee, permit fee refund policy and fireplace fee. He also asked about instituting a fee-escalator clause. Councilman Wolffe recommended not having an increase of a certain percentage each year. He recommended reviewing the fees every two to three years and adjusting them accordingly.

Councilman Howard motioned, seconded by Councilman Mason, to hold a public hearing during the regular March Council meeting regarding the proposed changes to the building and zoning fees. The motion was unanimously approved.

### **11. Letter Re: Chesapeake BBT Commission.**

Mayor Tarr stated that a letter has been sent to the Honorable Martin E. Williams, Chairman of the Senate Transportation Committee, expressing Council's opposition to Senate Bill 192 which would place the Chesapeake Bay Bridge Tunnel (CBBT) Commission into the Hampton Roads Bridge Tunnel (HRBT) Commission, with less local representation on the HRBT Commission.

Councilman Mason stated that there were currently over 5,000 signatures on the website opposing Senate Bill 192.

## **12. Budget & Personnel Committee Recommendations for Funding Requests.**

Councilman Wolffe explained that the Committee considered four requests for funding. He stated that the Committee recommended approving three of the requests and has asked that further information on the remaining request be made available for the next Committee meeting before Council action is taken.

The three requests recommended by the Committee for approval were:

- \$1,000 of the ANPDC's estimated \$2,000 to complete the current VCDBG downtown project,
- \$500/year support of STAR Transit's community partnership program,
- \$100/year support of the Community Emergency Response Teams (CERT) program.

The remaining request was for \$1,500 of the ANPDC's estimated \$3,000 cost to administer the VDOT-Chincoteague Transportation Element.

Councilman Mason motioned, seconded by Councilwoman Richardson, to approve the first three funding requests as stated above. The motion was unanimously approved.

## **13. Other Matters.**

- Acting Town Manager Jeffries stated that the new Automatic External Defibrillator (AED) was installed in the hallway of the municipal building. Councilman Wolffe suggested having one installed in the Community Center as well.
- Councilman Mason mentioned Senate Bill 245 which includes the prohibition of parking certain vehicles in certain counties. He also expressed concern at the Board of Zoning Appeals' actions that change ordinances.

## **14. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Matters of Personnel, Land Acquisition and Possible Litigation.**

Councilman Wolffe motioned, 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 personnel, land acquisition and possible litigation. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Councilman Howard, to reconvene in regular session. The motion was unanimously approved.

Councilman Mason motioned, 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- Howard, Mason, Richardson, Ross, Wolffe  
Nays- None  
Absent- Conklin

Councilman Wolffe motioned, seconded by Councilman Howard, to raise the Acting Town Manager's salary two pay grades effective the pay period as close to February 1, 2006 as possible. The motion was unanimously approved.

**15. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilman Mason, to recess the meeting until February 15, 2006 at 7:00 pm to meet with the Planning Commission for a work session. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE FEBRUARY 15, 2006 JOINT WORK SESSION  
OF THE CHINCOTEAGUE TOWN COUNCIL AND THE CHINCOTEAGUE  
PLANNING COMMISSION**

Members Present:

Mayor John H. Tarr  
Mr. Glenn Wolffe  
Mr. Terry Howard  
Mrs. Ellen Richardson  
Mr. Ron Mason  
Mr. David Ross

Members Absent:

Mrs. Nancy Conklin

Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix  
Mr. Tom Derrickson  
Mrs. Ellen Richardson  
Mr. C. Ray Daisey  
Mrs. Jane Wolffe

Members Absent:

Mr. Bob Behr

Mr. Kenny L Lewis, Staff Support

1. Call to Order.

Mayor Tarr called the meeting to order at 7:00 pm. The Invocation was given by Councilman Howard. Mayor Tarr led the Pledge of Allegiance.

Mr. Rosenberger called the Planning Commission to order at 7:03 p.m.

2. Redman/Johnston Associates

Redman/Johnston Associates requested the Planning Commission and Town Council to delineate the various neighborhoods with their key physical and/or other features for refining land use areas and zoning districts to provide information that will enable Redman/Johnston to add a finer grain to the goals and objectives expressed in the Comprehensive Plan.

Upon decision on the above matter, the Council and Planning Commission agreed to the following identifications:

- To create a “Preservation District”. This district would be the areas where the Town wants to maintain the character of the structures for residential and commercial uses. This would require that new construction, remodels or additions resemble the original character of the structures in the neighborhood. This type of district would prohibit pile foundations or similar degrees of construction that would not correspond with neighboring properties. This district would include the areas along Main Street, one lot deep, from Maddox Blvd to 6 lots south of Beebe Road. It would also include the side streets such as Ocean Boulevard, Poplar Street, Clark Street, Church Street, Mumford Street, Cleveland Street, Cropper Street and Jester Street.
- To create a “Gateway Business District” along the Maddox Boulevard corridor. Like the Preservation District, the Town desires to maintain the character of the commercial structures. The Town may require that an architectural committee or the Planning Commission review all proposed construction designs. Zoning may be regulated to control the heights, area or types of structures placed in this district.
- To identify the current neighborhoods within the Town. Residential neighborhoods mostly consisting of single family dwellings and/or mobile homes will be identified. Such areas include Sunnywood Manor, Piney Island (Maddox), Dodd Street, Meadow Drive, Wildcat Lane, Salt Marsh Lane, Misty Meadows, Division Street and Oyster Bay.

The Council and the Commission also identified the local, county, state and federal lands located within the Town.

The Council and the Commission identified locations on the Island that would allow development as is currently being conducted. This area would allow townhouses, duplexes, single family dwellings, mobile homes and other uses that would be permitted in the area under current zoning.

The Council and the Planning Commission will forward the areas identified to Redman/Johnston for their review.

The meeting was adjourned by Mayor Tarr and Chairman Rosenberger.

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Mayor John H. Tarr

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Chairman Rosenberger

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Mr. Ray Rosenberger, Chairman

**MINUTES OF THE FEBRUARY 21, 2006  
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. ANPDC's Request for Matching Funds for VDOT-Chincoteague Transportation Element (Elaine Meil & Leslie Ann Savage).**

Acting Town Manager Jeffries explained that the ANPDC had requested \$1,500 in matching funds for the transportation element. He stated that the information was presented at the February 6, 2006 Council meeting and after further consideration of the request, was instructed by Council to invite staff from the ANPDC to answer specific questions related to the administration of the project.

Acting Town Manager Jeffries introduced Ms. Elaine Meil and Ms. Leslie Ann Savage who explained the ANPDC's attempt to gain insight on local transportation needs. Ms. Savage further explained that housing and population trends must be studied and transportation alternatives recommended thereto. Ms. Savage also stated that due to the

FY 2005 date of the original grant, matching funds from the Town are not being requested by the ANPDC at this time.

### **5. Recommendation of Option from Water Rates & Fees Study for Public Hearing.**

Council agreed that only one option should be presented for consideration at a public hearing and thereafter engaged in a thorough analysis of the two alternatives (A and B) of the water rates/fees study. The different categories, rates, availability fee and annual escalator clause were discussed, and a decision on each topic was reached by Council consensus. The resulting option that follows is a modification of alternative B; it is to be reviewed by the Town's consulting firm and prepared for presentation at a public hearing:

- the categories are Residential and Commercial; the minimum bills are \$15 for Residential and \$35 for Commercial (per quarter per 6,000 gallons for 5/8- and 3/4-inch meters),
- the rates are \$3.45 for Residential, \$3.60 for Commercial I and \$4.68 for Commercial II (per 1,000 gallons above minimum),
- the Availability Fee is \$3,600; condominiums are to be charged \$3,600 per living unit but probably supplied by one large meter (minimum bill is to be based on meter size),
- a 2% annual increase in water rates is to be included.

### **7. Other Matters.**

- Acting Town Manager Jeffries announced that the Chincoteague Chamber had completed and circulated the new tourism brochure. He also gave updates on the Director of Public Works and Town Manager positions.
- Councilman Howard thanked Acting Town Manager Jeffries and the Public Works Department for their help in cleaning up the Holy Ridge Cemetery.
- Mayor Tarr stated that the school property has been surveyed and that the Town should go to settlement on the property before April 1<sup>st</sup>. He also mentioned that the old CES gymnasium was being turned over to Accomack County as surplus property.

### **8. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on March 6, 2006. Councilman Howard motioned, seconded by Councilman Mason, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MARCH 6, 2006  
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 February 6, 15 and 21, 2006 Council Meetings.**

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

**5. Public Hearing – Building & Zoning Fees Changes.**

Mayor Tarr opened the public hearing.

- Mrs. Betty Mullins asked to review the fee changes.
- Mrs. Donna Mason asked what the major changes were. Mayor Tarr and Zoning Administrator Lewis explained the major changes including new construction fees, appeals, re-inspections, and subdivision review fees.
- Mr. Ray Rosenberger and Mrs. Donna Mason voiced support of the new fees.

Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilman Mason, to adopt the new building and zoning fee schedule. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilman Wolffe, to place the matter on the agenda in one year to review the fees and consider adjustments. The motion was unanimously approved.

## **6. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission will meet on March 15<sup>th</sup> at 7:00 pm to discuss the Sign Ordinance.
- **Public Works Committee-** Councilman Mason stated that the Committee met on February 14<sup>th</sup> and discussed seeking planning grants regarding sewage treatment for the Island. He stated that the minimum flag lot width of five feet was established. Councilman Mason stated that the cost of drilling for meter installation was also discussed, as well as the water rates/fees study.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin reported that the Center received \$15,000 for the installation of a septic tank which was required to upgrade the kitchen to a full-service kitchen. Vice Mayor Conklin expressed much appreciation to Island Supervisor Wanda Thornton for her efforts in obtaining the financial assistance for the project.
- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee did not meet in February, but will meet on March 8<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in February, but was scheduled to meet on March 8<sup>th</sup> at 4:30 pm.
- **Cemetery Committee-** Councilman Howard reported that the Committee met on February 28<sup>th</sup> and discussed upcoming cleanups. He announced that the next meeting will be on March 28<sup>th</sup> at 6:00 pm.
- Councilman Ross asked about the mitigation area on Hallie Whealton Smith and the blockage of the drainpipe. Acting Town Manager Jeffries explained that Mr. Britton was creating a mitigation area and that he wanted to temporarily install an 18" pipe in the area. Acting Town Manager Jeffries stated that he thought the project was to be completed in a week or so.

## **7. Public Participation.**

- Mr. Tom Derrickson distributed some information to Council regarding the old elementary school gymnasium on Church Street. He explained the handout which included several programs that currently occur at the gym. Mr. Derrickson stated how important he felt it was to retain use of the facility and have the programs continue there. He added that he felt the Town should try to maintain full use of the gym. Councilman Ross reminded Mr. Derrickson of previous Council action on the gymnasium. Councilman Howard and Councilwoman Richardson suggested that the Town buy the property if given the chance. Mayor Tarr stated that he would place the matter on the agenda for the March 16<sup>th</sup> recessed Council meeting and will contact Island Supervisor Wanda Thornton to discuss possible options.
- Mrs. Jane Wolffe stated that the appraisal on the gym is high and inaccurate. She offered a copy of correcting paperwork. Mrs. Wolffe stated that the YMCA was looking for a facility and could possibly maintain the gym if the Town purchased the property.

## **8. Resolution for Operation of Trolleys.**

Mayor Tarr stated that Council has been requested to adopt a resolution to authorize the execution and filing of a grant application to the Virginia Department of Rail and Public

Transportation (DRPT) for the costs of operating public transportation in the form of a trolley system.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following resolution for the operation of the trolleys. The motion was unanimously approved.

**Resolution Authorizing the Application for  
State Aid to Public Transportation**

BE IT RESOLVED by the CHINCOTEAGUE TOWN COUNCIL that the Acting Town Manager is authorized, for and on behalf of the TOWN OF CHINCOTEAGUE, hereafter referred to as the **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the **DEPARTMENT**, for a grant of financial assistance in the amount of \$70,400.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize the Acting Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The CHINCOTEAGUE TOWN COUNCIL certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$17,600.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that the funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and Acting Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the CHINCOTEAGUE TOWN COUNCIL held on the 6<sup>th</sup> day of March, 2006.

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John H. Tarr, Mayor

**9. *Changes to Special Event Vendors Ordinance.***

Mayor Tarr stated that Council had received concerns regarding the required \$30 license for special event vendors. He stated that alternatives were discussed including a suggestion to exempt the license fee for an event sponsored by a local charitable nonprofit organization.

Town Attorney Poulson made a few corrections to the typing of the proposed ordinance.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the following Special Event Vendors Ordinance. The motion was unanimously approved.

**AN ORDINANCE AMENDING AND REENACTING SEC. 18-95 OF THE TOWN CODE OF THE TOWN OF CHINCOTEAGUE PERTAINING TO SPECIAL EVENT VENDORS (MERCHANTS), CARNIVALS, AND CIRCUSES.**

**BE IT ORDAINED THAT Sec. 18-95 of the Code of the Town of Chincoteague be amended and reenacted as follows:**

**Sec. 18-95. Special event vendors (merchants), 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 (merchant) 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, or the Chincoteague Recreation and Convention Center Authority shall be exempted from such license tax, unless such person, firm, or corporation is otherwise required to be 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 a charitable nonprofit organization, and the majority of such organization’s receipts are utilized, directly or indirectly, within the Town of Chincoteague.

Ayes:  
Vice Mayor Nancy B. Conklin  
Councilman Terry Howard  
Councilman Ronald Mason  
Councilwoman Ellen Richardson  
Councilman E. David Ross  
Councilman Glenn Wolfe

Nays:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved this 6<sup>th</sup> day of March, 2006.

\_\_\_\_\_  
Mayor



**10. Item from 11/21/05 Community Center Minutes.**

Mayor Tarr explained that Councilman Wolffe had a question about an item in the November 21, 2005 minutes of the Chincoteague Center. Councilman Wolffe asked why the Treasurer's Report was not approved. Vice Mayor Conklin explained that the meetings are very informal and that occasionally everyone speaks at once. She further explained that the Treasurer was absent, and she felt that not approving the Treasurer's Report was just because it was accidentally overlooked. Vice Mayor Conklin also stated that the Center meetings were open to the public, and she invited the Council and the public to attend.

**11. Scheduling of Public Hearing for Water Rates & Fees Recommendation.**

Mayor Tarr explained the problems with understanding the latest charts sent by the consultants. Councilmen Mason and Wolffe agreed that the latest information from the consultants needed more clarification. Councilman Mason requested that the consultants list the number of residential accounts and the number of commercial accounts that were used in the study.

Vice Mayor Conklin motioned, seconded by Councilman Howard, to table the matter until the March 16<sup>th</sup> recessed Council meeting. The motion was unanimously approved.

**12. Other Matters.**

- Acting Town Manager Jeffries distributed pictures of the slip-lining project for the 16" water main.
- Town Attorney Poulson stated that he had not received a response from Delmarva Power's counsel regarding the lighting agreement for the Downtown Park. He recommended that Acting Town Manager Jeffries follow up on the agreement. Mr. Poulson updated Council on the purchase of the School Board property. He also stated that he spoke with Mr. Will Cumming of VDOT regarding holding a workshop in April or May on subdivisions. Mr. Poulson also mentioned that the BZA petition has been dismissed.
- Councilman Ross asked Town Attorney Poulson about the BZA petition dismissal. Mr. Poulson explained that the parties petitioning for the review were not aggrieved and therefore the petition was dismissed.
- Councilman Wolffe recommended that Council write a Resolution of Respect for Supervisor Tommy Matthews.

**13. Recess of Meeting.**

Councilwoman Richardson motioned, seconded by Councilman Howard, to recess the meeting until March 16, 2006 at 7:30 pm. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MARCH 16, 2006**  
**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.**

Mrs. Ginny Van Dame commented sadly on the death of Captain "Woose" Reed.

**5. Scheduling of Public Hearing on Water Rates & Fees Recommendation.**

Mayor Tarr stated that the Public Works Committee reviewed several new analyses of proposed water rates and fees prepared by the consultants. He added that the Committee recommended that Council consider choosing one of the three analyses that uses a 3% annual increase in the computations.

Councilman Mason was in favor of the 13% rate increase with a 3% annual rate increase and a fixed rate of \$17 for residential and \$35 for commercial accounts. Several Council members favored the 6% rate increase with a 3% annual rate increase and a fixed rate of \$20 for residential and \$35 for commercial accounts.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to hold a public hearing at the April 20<sup>th</sup> recessed Council meeting on the proposed 6% rate increase with a 3% annual rate increase and a per-quarter fixed rate [for 5/8" meters] of \$20 for residential and \$35 for commercial accounts as well as an availability fee based on meter size or per living unit in condominiums. The motion was unanimously approved.

## **6. Update on Status of Old CES Gymnasium.**

Councilman Wolffe explained that he spoke on behalf of Council regarding retaining use of the gymnasium. He further explained that a motion was passed by the Accomack County Board of Supervisors to have the Accomack County Parks and Recreation Department run the building until final disposition of the facility. Councilman Wolffe stated that he offered the Town's support to keep the facility open.

## **7. Change to Sec. 62-57. Connection fees. of the Town Code.**

Acting Town Manager Jeffries explained that it was recommended to the Public Works Committee to consider recouping the expense of drilling a water service pipe under a road when the property to be served is on the opposite side of the road from the water main. He added that charges for the drilling of the pipe have ranged from \$250 to \$400 in the recent past. Mayor Tarr stated that the Committee recommended the following change to Section 62-57 of the Town Code:

add **“plus all additional related costs incurred by the Town”** to the end of paragraph (a) of *Section 62-57. Connection fees.*

Vice Mayor Conklin motioned, seconded by Councilman Mason, to change Section 62-57(a) of the Town Code as stated above. The motion was unanimously approved.

## **8. Drainage Easement Request.**

Acting Town Manager Jeffries explained that there is an opportunity for the Town to trade a drainage easement which is presently not functioning for two new easements that will better enable the drainage along Main Street. He further explained that Mr. Fred Obrecht is offering two locations off Main Street for drainage, one at Jester Street and the other at Marlin Street and that Mr. Obrecht is asking the Town to consider releasing the easement for drainage that outfalls at the Russell Fish dock. Acting Town Manager Jeffries stated that a new and larger pipe from Main and Jester Streets to the channel in one easement will alleviate the overflow conditions now being experienced on Main Street from the new drainage system on Jester Street. He added that a proposed drainage system from White Street along Marlin Street will connect in the second easement to the new storm water system planned for the Chincoteague Inn property. Acting Town Manager Jeffries explained that if the request was approved, the drainage of storm water along Main Street from Cropper Street south to the Coast Guard station will improve.

Councilman Mason asked that the Town attempt to get the easement the entire distance from Marlin Street to the channel.

Councilman Wolffe motioned, seconded by Councilman Howard, to relinquish the Savage/Fish easement for the two easements from Jester and Marlin Streets to the channel. The motion was unanimously approved.

**9. Resolution for a Regional Economic Revitalization Plan of Action.**

Mayor Tarr stated that the following resolution was required for the Accomack-Northampton Planning District Commission (A-NPDC) to close out the Regional Main Street Planning Grant at the end of the month.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to adopt the following resolution for a Regional Economic Revitalization Plan of Action. The motion was unanimously approved.

**RESOLUTION**

WHEREAS, the Town of Chincoteague is one of four towns (Cape Charles, Chincoteague, Exmore, and Onancock) which are recipients of a Virginia Community Development Block Grant planning grant for the purpose of developing plans and organizational capacity for downtown revitalization; and

WHEREAS, public input was solicited and used as the sole source to identify CDBG-eligible projects in each of the four towns to develop a *Regional Economic Revitalization Plan of Action*; and

WHEREAS, all CDBG-eligible projects identified by the citizens of each town are included in the attached list, which has been prioritized according to criteria of capacity and readiness to proceed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of Chincoteague hereby resolves to endorse the attached list of projects as a *Regional Economic Revitalization Plan of Action*.

BE IT FURTHER RESOLVED, that the Town of Chincoteague intends to prepare an application for CDBG funds in turn to implement its eligible projects(s) as soon as it is feasible to do so.

DATED this 16<sup>th</sup> day of March, 2006.

Attest:

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

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

***Regional Economic Revitalization Plan of Action***

1. Onancock – Streetscape improvements. Planning grant application already underway in 2005.
2. Onancock – Upgrade and expand the sewage treatment plant.
3. Exmore – Expand town sewer system. Planning grant application already underway.

4. Chincoteague – Create a Phase I shared, alternative septic system in the downtown that could be expanded as needed and replicated elsewhere on the island.
5. Cape Charles – Upgrade the sanitary sewer system by replacing and relocating the Mason Avenue lift station because of infiltration and inflow which actually causes backups through the manholes on Mason Avenue during heavy rains. Also, the grinder for this station is above grade and emits gas/odors.
6. Cape Charles – Property values have escalated sharply in Cape Charles over the past five years. To counteract the displacement of low- and middle-income citizens that is already happening, and to preserve community diversity, attractive, high-quality, affordable housing is needed.

## **10. Other Matters.**

- Councilman Ross stated that he will be out of Town from April 10-14, 2006 but that he could be reached by cell phone if needed.
- Councilman Mason suggested that Mr. Bryan Rush attend the one day pandemic influenza workshop on March 23<sup>rd</sup> in Richmond if his schedule permits. He also asked that a letter be written to Delegate Lynwood Lewis supporting the Senate Transportation Bill which should be funded by using a dedicated budget and possibly the gas tax funds. Councilman Wolffe suggested supporting the plan that ensures that funding for road projects comes from dedicated transportation funds and not from other State revenues.
- Councilwoman Richardson asked about the status of the two-hour bridge openings. Acting Town Manager Jeffries responded that advertisements for public comment are forthcoming.
- Acting Town Manager Jeffries asked Council if staff could participate in “Dress Down Day” for the Leukemia & Lymphoma Society. He stated that each participant would make a \$3 donation to ‘dress down’ on March 29<sup>th</sup>.
- Councilman Mason reported that the Town had requested \$288,500 in the form of a grant from the Virginia Port Authority. He stated that a definite response had not yet been received, but that their staff has recommended that \$276,000 be granted to the Town.

## **11. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia.**

Councilman Howard motioned, 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. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilman Mason to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, 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

## **12. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting would be on April 3, 2006. Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Acting Town Manager

### **MINUTES OF THE APRIL 3, 2006 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 the Pledge of Allegiance.

## **4. Approval of Minutes of the March 6 and 16, 2006 Council Meetings.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

## **5. Council Information Items.**

- Councilman Mason asked about the status of the Delmarva Power lighting agreement. Town Attorney Poulson responded that the agreement was in order.
- Councilman Howard asked about the Town not having to escrow the general obligation bond. Acting Town Manager Jeffries responded that it was not necessary to escrow the bond as the Town made the first payment within the allotted time. Town Attorney Poulson responded that the Town would be closing on the property in a couple of weeks.

## **6. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on March 28<sup>th</sup> and devoted the meeting to reviewing BZA appeals. She announced that the Commission will meet on April 18<sup>th</sup> at 7:00 pm to discuss signs.
- **Public Works Committee-** Councilman Mason stated that the Committee met on March 14<sup>th</sup> and had a sewage treatment presentation. He stated that the Committee will have a meeting with VDOT regarding what the Town wants to put in the urban highway 6-year improvement plan. Councilman Mason announced that there will be a public hearing on the proposed water rates and fees at the April 20<sup>th</sup> recessed Council meeting.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee did not meet in March, but will meet on April 12<sup>th</sup> at 7:30 pm.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on March 21<sup>st</sup> and heard a request for Police Department budget amendments from Police Chief Lewis. She added that Chief Lewis requested that the Committee research the Law Enforcement Officers program which supplements income of police officers who retire early. Vice Mayor Conklin stated that a recommendation for the office software should be prepared for the next meeting. She also stated that the Committee has begun working on the FY 2007 budget.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin reported on the profits/losses for the Christmas show, Mardi Gras and St. Patrick's Day events. She announced that there were still booths available for the upcoming Spring Craft Show. Vice Mayor Conklin reported that there will be more information regarding the kitchen upgrade at a later date.

- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the CES Conservation Club donated bird boxes for the Island Nature Trail. Councilman Mason stated that he received a recommendation to plant azaleas around the trail. Councilman Ross stated that the Committee decided to leave the trail as natural as possible without additional planting of flowers or shrubbery.
- **Mosquito Control Committee-** Councilman Wolffe stated that the Committee did not meet, but reported that larviciding has begun. He also stated that the drivers have recently attended a training session.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in March. He added that they were awaiting the proposed policy on harbors and wharves from Town Attorney Poulson.
- **Cemetery Committee-** Councilman Howard reported that the Committee met on March 28<sup>th</sup> and discussed maintenance of the cemeteries. He stated that the Holy Ridge Cemetery will be finished soon. Councilman Howard announced that the next meeting will be on April 25<sup>th</sup> at 6:00 pm.
- Councilman Ross asked which locations [ditches] were maintained with the Accomack County Public Works ditching equipment. Acting Town Manager Jeffries responded that there were approximately thirty ditches maintained on a regular basis, but that each location did not necessarily have to be maintained each year. He stated that about seven were in need of attention this year.

## **7. Public Participation.**

- Mr. Edward Lewis, President of the Virginia Watermen's Memorial Association on the Eastern Shore, stated that the Association is incorporated and has nonprofit status. He stated that the memorial that they were trying to establish would also include watermen from Chincoteague that were lost at sea and added that he hoped those interested would join the Association's efforts. Mr. Lewis explained that the design for the memorial was already chosen and that they were attempting to get the word out. He further explained that Northampton County donated a 20' by 40' parcel in Oyster for the memorial. He added that there will be a backdrop made of black granite and have a 10' tall lighthouse with a burning candle. Mr. Lewis stated that he was seeking support from Chincoteague. He added that fundraisers have begun and that a savings account has been set up for donations for the memorial. He also recommended that anyone interested should visit their website.
- Mr. Barry Abell explained that he did not mean to cause problems by introducing a memorial for Chincoteague. He stated that he would continue the Chincoteague memorial project. Councilman Howard agreed that it was a good idea to cooperate and combine efforts with Mr. Lewis's organization. Councilwoman Richardson and Vice Mayor Conklin stated that they hoped that the local project efforts will continue.

## **8. Funding of 16" Water Main Repairs.**

Mayor Tarr explained that by resolution, Council approved the use of \$500,000 from the general obligation bond to help fund repairs to the 16" water main until the grant from Virginia DC&R in the same amount is received. He stated that the first billing for the repairs was \$904,000, of which \$500,000 has been paid. Mayor Tarr stated that staff has requested that the remaining \$404,000 be borrowed from Local Government Investment



Pool savings to pay the balance. He explained that bond counsel assured staff that the amount can be reimbursed to the LGIP savings through the next bond that will be necessary to totally fund the repairs (\$2,574,000). He further explained that the Town can do so with a reimbursement resolution.

Councilman Wolffe motioned, seconded by Councilman Howard, to allow the staff to advertise for a general obligation bond when necessary and to repay the \$404,000 to the Local Government Investment Pool (LGIP). The motion was unanimously approved.

## **9. Other Matters.**

- Acting Town Manager Jeffries stated that there will be a progress meeting on the 16” water main repairs on April 18<sup>th</sup> at 10:00 am.
- Acting Town Manager Jeffries stated that the Town budgets \$500 for a donation to the North Accomack Little League (NALL). Councilman Ross motioned, seconded by Councilman Wolffe, to donate \$500 to the NALL as has been done in the past. The motion was unanimously approved.
- Councilman Ross asked about the legislation regulating gazebos on piers and asked if there was an ordinance in the Town Code regarding such. Mayor Tarr responded that there currently was not. Town Attorney Poulson advised that local governments can prohibit gazebos on piers by ordinance. Mayor Tarr recommended that more information be gathered on the matter for discussion at the April 20<sup>th</sup> recessed Council meeting. Councilman Ross also asked about the area that was filled in near the Island Nature Trail. Acting Town Manager Jeffries explained that the area is not wetlands and that it was filled because it was a low-lying area. He stated that it would not be used as overflow parking for the nature trail at this time.
- Councilman Howard asked about the closeout of the directional drilling of the 16” raw water main. Acting Town Manager Jeffries responded that most of the work has been completed, except for the 15,000 square feet of marsh that was damaged during the project.
- Councilman Wolffe commended Police Chief Lewis and the Police Department on the recent drug enforcement successes. He recommended that letters of commendation be sent to the officers and agencies involved in those efforts.

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

Councilman Mason motioned, 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. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Councilman Howard, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, 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, Wolfe  
Nays- None  
Absent- None

### **11. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilman Mason, to recess the meeting until April 20, 2006 at 7:30 pm. The motion was unanimously approved.

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Mayor

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Acting Town Manager

## **MINUTES OF THE APRIL 20, 2006 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. Wolfe, 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 the Pledge of Allegiance.

### **4. Public Hearing – FY06 Budget Amendment.**

Mayor Tarr opened the public hearing. He explained the proposed budget amendments as follows:

<b><u>Increase Revenues General Fund</u></b>	
DCR Grant – Land Acquisition	<b>\$500,000.00</b>
Loan Proceeds	<b>\$1,200,000.00</b>
<b><u>Increase Expenditures General Fund</u></b>	
Land Acquisition	<b>\$1,200,000.00</b>
Water Bond – CIP	<b>\$500,000.00</b>
<b><u>Reduce Expenditure Line Item</u></b>	
Police Salaries	<b>\$7,000.00</b>
<b><u>Increase Expenditure Line Item</u></b>	
Drug Enforcement	<b>\$7,000.00</b>

Mayor Tarr closed the public hearing after hearing no comments.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to adopt the FY06 budget amendment as stated above. The motion was unanimously approved.

### **5. Public Hearing – Water Rates & Fees Recommendation.**

Mayor Tarr opened the public hearing. He explained the need for the revised water rates and fees. Acting Town Manager Jeffries explained that the proposal includes a 6% water rate increase, with a minimum bill per quarter of \$20 for residential billings and \$35 for commercial billings. He further explained that the rate per 1,000 gallons will be charged in addition to the minimum amount when the usage exceeds 6,000 gallons. Mayor Tarr noted that there is a proposed 3% annual increase, which will be reviewed each year by Council. Mayor Tarr also explained the proposed availability fee by meter size.

The proposed water rates and fees are as follows:

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$20 residential	6,000	\$3.54
	\$35 commercial	6,000	\$3.86
1	\$88	15,000	\$3.86
1.5	\$175	30,000	\$3.86
2	\$280	48,000	\$3.86
3	\$560	96,000	\$3.86

4*	\$875	150,000	\$3.86
6	\$1750	300,000	\$3.86
8	\$2800	480,000	\$3.86

\*One meter currently in system is to be charged \$4.94 per 1,000 gallons over the allowed usage.

Meter Size (inches)	Availability Fee
5/8* & 3/4*	\$3,600
1	\$9,000
1.5	\$18,000
2	\$28,800
3	\$57,600
4	\$90,000
6	\$180,000
8	\$288,000

\*Condominiums are to be charged \$3,600 per living unit but supplied by a master meter with minimum bill based on size.

Mr. Gene Taylor asked if the availability fee increase for 5/8- and 3/4-inch meters can be phased-in instead of one large increase.

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

Councilman Howard asked if Mr. Taylor's idea could be considered. Acting Town Manager Jeffries indicated what has happened to the water reserves since May 2005. He stated that the reserves have declined from about \$700,000 to about \$13,000 since last May. Councilman Mason advised that if the availability fees were to be phased-in, then the rates would have to increase to make up the difference.

Acting Town Manager Jeffries recommended that if the proposed rates and fees are approved, the increase in the water rates should begin July 1, 2006 and the availability fees should begin immediately.

Councilman Mason motioned, seconded by Councilman Ross, to approve the water rates and fees as stated in the tables above and to implement the new rates and fees as indicated by staff. The motion was unanimously approved.

## **6. Public Participation.**

Mrs. Ginny Van Dame commented that she was very displeased with the proposal to open the bridge every one and one-half hours. Mayor Tarr explained the comment period for the bridge opening proposal and stressed the need of the public to send in comments supporting the two-hour bridge openings.

## **7. *Amendment & Reenactment of the Code of Virginia Relating to Platforms at the End of Piers.***

Mayor Tarr explained that the amendment and reenactment of Section 28.2-1203 of the Code of Virginia proposed in Senate Bill 634 relating to platforms at the end of piers was introduced to Council at the April 3<sup>rd</sup> meeting. Council then discussed the section of the Code before and after the recommended changes.

Councilman Wolffe stated that the question is whether to enact a local ordinance for platforms at the end of piers. He recommended that the matter be tabled to the May 1<sup>st</sup> meeting [or later] when Town Attorney Poulson is in attendance and more information is available.

## **8. *Change to Water Meter Application Policy.***

Acting Town Manager Jeffries explained that the Public Works Committee reviewed the requirement of an approved septic system permit in order to obtain water meter service to a parcel of land. He stated that the Committee requests Council's consideration for the following recommended change to the policy:

“A 5/8-inch or 3/4-inch water meter may be installed on a platted parcel without an approved septic system permit provided the parcel abuts a water main”. “An approved septic system permit shall be required prior to the issuance of a building permit for the parcel” is to be noted on the water meter application.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the change to the water meter service application as recommended above. The motion was unanimously approved.

## **9. *Change to Policy of Sending Tax Billings to Mortgage Companies.***

Acting Town Manager Jeffries explained that mortgage companies in the past have requested that the real estate tax bills of their clients be mailed to them as a courtesy. He explained that the procedure is very labor intensive at one of the times of year when staff is busiest. Acting Town Manager Jeffries added that in the last few years, there have been problems with tax bills being sent to the companies and the mortgage has been paid-off, resulting in those taxpayers not receiving their bills before the payment deadline. When this happened, the Town has extended the date for payment without penalty and interest.

Mayor Tarr stated that Accomack County stopped this same practice three years ago and the Budget and Personnel Committee at their November 15, 2005 recommended that Council consider similar action.

Vice Mayor Conklin motioned, seconded by Councilman Wolffe, to send all tax billings directly to the customers and to send notification of the policy change with this year's tax bills. The motion was unanimously approved.

## **10. Other Matters.**

- Mayor Tarr announced that the Town closed on the School Board property [approximately 74 acres of property between Deep Hole Road and Main Street and the waterfront property in front of the high school] today. Acting Town Manager Jeffries recommended that a letter of thanks and commendation be sent to Mr. Howie Wessells who was the attorney for the Town for this endeavor.
- Councilman Wolffe recommended sending an official response to Delmarva Power regarding the rate increase concern for fixed-income individuals.
- Mayor Tarr stated that Mr. Anzivino from Springsted will be here on April 24<sup>th</sup> at 5:30 pm to meet with Council regarding a presentation of possible candidates for the Town Manager position.

## **11. Recess of Meeting.**

Councilman Wolffe motioned, seconded by Councilman Mason, to recess the meeting until April 24, 2006 at 5:30 pm. The motion was unanimously approved.

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Mayor

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Acting Town Manager

### **MINUTES OF THE APRIL 24, 2006 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

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

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

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

Ronald Mason, Councilman

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

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

#### **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 Wolffe motioned, 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. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilman Wolffe, to reconvene in regular session. The motion was unanimously approved.

Councilman Wolffe motioned, 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, Richardson, Ross, Wolffe  
Nays- None  
Absent- Mason

**5. Other Matters.**

- Acting Town Manager Jeffries stated that T.A. Sheets requested to work on Sundays on the 16" water main repairs. Council directed Acting Town Manager Jeffries to review the applicable ordinance and if not prohibited, grant the request.
- Mayor Tarr stated that interviews for the Town Manager position will be offered to three candidates on May 8<sup>th</sup> starting at 5:00 pm.

**6. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting will be on May 1, 2006 at 7:30 pm. Vice Mayor Conklin motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 1, 2006  
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 the Pledge of Allegiance.

**4. Approval of Minutes of the April 3, 20 and 24, 2006 Council Meetings.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

**5. Report of Student Government Day.**

Mayor Tarr gave details of the Student Government day held on May 1, 2006. Student Government Mayor, Morgan Haugh, introduced the Student Government Council and Staff.

**Council Members:**

Jamie Bowden	Angel Fields
Megan Reed	Kaci Ruffing
Wyle Maddox	Daniel Justice
Cynthia Leonard, Town Manager	
Heather Emery, Chief of Police	
Billy Fox, Director of Public Works	

The students brought three recommendations to Council:

- Student Government Councilman Bowden proposed adding lighting to the basketball courts at Memorial Park.
- Student Government Mayor Haugh proposed that lights be installed on Hallie Whealton Smith Drive. She recommended using underground service as opposed to standard street lights on poles.



- Student Government Mayor Haugh also proposed that the community support the local YMCA efforts. Council recommended that the students write a letter of support for the YMCA and present the letter to the YMCA Committee prior to the Committee meeting with the Chincoteague Recreation and Convention Center Authority on May 8<sup>th</sup>. Councilman Wolffe stressed the importance of also attending the upcoming meeting with local, State and National YMCA representatives.

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

- Councilman Mason asked if there was a scheduled date for the public session with the planners. Mayor Tarr responded that there would be a meeting with Council, the Planning Commission and the planners first and then a public meeting with the planners at a later date.
- Councilman Wolffe asked about the status of parking lots and the 50' right-of-way road requirements. Town Attorney Poulson responded that Mr. Will Cumming of VDOT will attend a meeting with Council. Mayor Tarr recommended scheduling the work session as soon as possible.
- Councilman Ross asked about the number of boats allowed to be tied abreast at the Downtown Park dock. Acting Town Manager Jeffries stated that it had not been an issue with the U.S. Coast Guard in the past, but that he will contact them for an answer.

## **7. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on April 18<sup>th</sup> and 25<sup>th</sup> and discussed BZA rulings and the sign ordinance. She stated that the Commission suggested having an attorney attend some of the Commission meetings. Councilwoman Richardson asked Council if Mr. Ed McMahon would be invited back to give his presentation in the near future. She announced that the next Commission meeting will be on May 23<sup>rd</sup> to discuss signs.
- **Public Works Committee-** Councilman Mason stated that the Committee met on April 11<sup>th</sup> and discussed meeting with VDOT on May 12<sup>th</sup> at 10:00 am regarding the Chicken City Road Improvement project. He stated that other items discussed included selling surplus millings that are being stored at the Harbor and a recommendation to the Budget and Personnel Committee for a \$50,000 increase in the budget for a sewage treatment study and associated engineering expenses. Councilman Wolffe requested that the issues that have arisen from the new water rates and fees be discussed in closed meeting tonight.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met on April 12<sup>th</sup> and discussed the separation of the ordinances regarding the Harbor and the Town Dock, construction of the restrooms, and the addition of three slips to the Harbor against the sea wall.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee met on April 18<sup>th</sup> and discussed FY07 revenues, software for the Town Office, the Law Enforcement Officers Supplement, whether to send tax bills to mortgage companies, and two personnel matters. She announced that the next meeting will be on May 23<sup>rd</sup> instead of May 16<sup>th</sup>.

- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee will meet on May 10<sup>th</sup> at 3:30 pm.
- **Charter, Ordinance and Zoning Committee-** Councilman Howard stated that the Committee did not meet in April, but will meet on May 10<sup>th</sup> at 4:30 pm. He asked Town Attorney Poulson to update Council on the status of the Harbor and Town Dock ordinances. Town Attorney Poulson stated that the ordinances would be separated into three parts.
- **Cemetery Committee-** Councilman Howard reported that the Committee met on April 25<sup>th</sup> and discussed the cost of cleaning the cemetery as well as the balance in the cemetery cleanup fund, which included a recent donation from the Ruritan Club. He reported that the Daisey and Mechanic Cemeteries will be cleaned three times this year and that the Chamber of Commerce will clean the Greenwood Cemetery two times. Councilman Howard stated that the Birch Cemetery on Eastside Road, a small cemetery behind Pinewood Park on Deep Hole Road, and a small cemetery on School Street will all be considered for cleanups. He announced that the Committee will meet on May 23<sup>rd</sup> at 6:00 pm and invited the public to the meetings and to the cleanups as well.

## **8. Public Participation.**

- Mrs. Sandy Bowden explained her involvement in Parents Active with Students for Safe Socials (PASSS). She explained the PASSS kickoff, the Prom Promise and the After-Prom Party. Mrs. Bowden requested a donation from the Town for the PASSS activities. Councilman Wolffe motioned, seconded by Councilwoman Richardson, to donate \$250 (+ \$50 from Town Attorney Poulson) to PASSS for their activities. The motion was unanimous.
- Mrs. Barbara Thackray of Coley's Lane endorsed Councilman Ross' concerns about the Downtown Park dock. She recommended that Council consider an ordinance to restrict the number of large boats moored there at one time.
- Mr. Jonathan Hall stated that he has a rental property on Poplar Street which incurred a \$1,000+ water bill. He stated that he did not use the 283,000 gallons of water. Mr. Hall requested that the matter be referred to the Police Department for investigation of vandalism. Mayor Tarr stated that the Police Department will work with the Public Works Department and investigate the matter.

## **9. Other Matters.**

- Acting Town Manager Jeffries introduced the new Director of Public Works, Mr. Michael Cosby.
- Councilman Howard stated that someone asked him if it would be feasible to bus youth to the Pocomoke YMCA after school lets out. He suggested that the matter be referred to the Bicycle and Outdoor Recreational Advisory Committee for consideration.
- Mayor Tarr encouraged the constituents to vote in the local elections tomorrow.

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

Councilman Mason motioned, seconded by Councilman Howard, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss legal matters. The motion was unanimously approved.

Vice Mayor Conklin motioned, seconded by Councilman Howard, to reconvene in regular session. The motion was unanimously approved.

Councilman Wolffe motioned, 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

**11. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to recess the meeting until May 8, 2006 at 5:00 pm to conduct interviews for the Town Manager position. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 8, 2006  
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 5:00 p.m.

**2. Invocation.**

Councilman Ross offered the Invocation.

**3. Pledge of Allegiance.**

Mayor Tarr led 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 and Possible Legal Matters.**

Councilman Howard motioned, seconded by Councilman Wolffe, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel and possible legal matters. The motion was unanimously approved.

Vice Mayor Conklin motioned, seconded by Councilman Mason, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, 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.**

Councilman Mason motioned, seconded by Councilman Ross, to recess the meeting until May 18, 2006 at 7:30 pm. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 18, 2006  
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 the Pledge of Allegiance.

**4. Public Hearing – Issuance of a General Obligation Bond.**

Mayor Tarr opened the public hearing. He explained that the Town wishes to issue a general obligation bond in the amount of \$2,000,000 for repairs to the 16” water main.

Mayor Tarr closed the public hearing after hearing no public comment. He explained that no further action regarding the bond was required at this meeting, but that action would be taken at the June 5<sup>th</sup> Council meeting.

**5. Public Participation.**

Mr. Ray Rosenberger stated that Mr. Will Cumming was retiring and requested that a letter of thanks and recognition be sent to him for all of his help to the Town during his tenure at VDOT. Mr. Rosenberger also thanked Mr. Jack Van Dame and Councilwoman Richardson for their efforts with the trolley during the recent conference with representatives from the Virginia RC&D. Mayor Tarr informed Mr. Rosenberger that the dedication of the trolleys and the Downtown Park will be on June 14<sup>th</sup> and that Mr. Cumming will receive a plaque from the Town at the ceremony.

**6. Adoption of a Resolution for Grant Funding of a Groundwater Management Plan.**

Councilman Wolffe emphasized the need for the funding for the groundwater management plan. He motioned, seconded by Vice Mayor Conklin, to adopt the following resolution. The motion was unanimously approved.

**Whereas**, the Virginia General Assembly has mandated the development of water supply plans throughout the commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

**Whereas**, based upon these regulations the Town of Chincoteague is required to complete a water supply plan that fulfills the regulations by November 2, 2010, and

**Whereas**, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans, and

**Whereas**, the Town of Chincoteague has previously managed the development of successful local plans and is a logical entity to organize and manage a local water supply planning process, and

**Whereas**, the Town of Chincoteague desires to secure DEQ grant funds to help offset the cost of the plan development.

**Now therefore be it resolved**, that the Town of Chincoteague is authorized to develop an application for water supply planning grant funds and to develop a local water supply plan which will meet mandated regulations,

**It is resolved**, that the Town Manager is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the local source water supply plan, and

**It is further resolved**, that the Town of Chincoteague intends to provide up to \$5,000.00 in matching funds for the project.

**Given** under my hand and seal this 18<sup>th</sup> day of May, two thousand six.

Attest:

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John H. Tarr, Mayor

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J. W. Jeffries, Town Manager

## **7. Adoption of a Policy for Drug & Alcohol Screening for the Trolley Program.**

Mayor Tarr explained that the drug policy that is being required by the federal funding sources for the trolley system is different than the Town's policy in the handbook. He further explained that instead of rewriting the whole policy, staff recommended that Council adopt a separate policy for drug and alcohol screening for the trolley program.

Councilman Howard motioned, seconded by Vice Mayor Conklin, to adopt the policy for drug and alcohol screening for the trolley program as presented. The motion was unanimously approved.

## **8. Other Matters.**

- Councilwoman Richardson stated that she received requests for ladders on the catwalks at Curtis Merritt Harbor. Councilman Mason stated that the Harbor Committee will discuss the matter at their next meeting. She also stated that the Planning Commission will meet on May 23<sup>rd</sup> at 7:00 pm. Mayor Tarr added that there will be a joint meeting with Council, the Planning Commission and Redman/Johnston on May 31<sup>st</sup> at 5:30 pm.
- Councilman Ross asked about the status of boathouses and/or gazebos at the end of piers. Mayor Tarr asked Public Works Director Cosby to consult with Town Manager Jeffries on the matter.
- Councilman Wolffe asked if early August would be a good time to have the meeting with planning specialist, Mr. McMahon. It was the consensus of Council to hold the meeting in early August. Councilman Wolffe also reminded Council and the public that the YMCA Steering Committee community meeting will be on May 30<sup>th</sup> at the Community Center.
- Councilman Howard stated that he has received several complaints regarding dogs running loose in Ocean Breeze. He stated that Town Manager Jeffries has been working on the problem and that he just wanted Council to be aware of the situation.
- Mayor Tarr stated that Town Attorney Poulson has completed the policy for the Water Access Facilities for the Town Code. He requested that the Ordinance Committee review the proposed policy. Mayor Tarr and Council also wished Councilman Wolffe a happy birthday.

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

Councilman Howard motioned, 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. The motion was unanimously approved.

Councilman Mason motioned, seconded by Councilman Howard, to reconvene in regular session. The motion was unanimously approved.

Vice Mayor Conklin motioned, 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. Hiring of Town Manager.**

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to offer the Town Manager position to Mr. Robert Ritter, Jr. Mayor Tarr added that Mr. Ritter's first day with the Town will be on June 5<sup>th</sup>. The motion was unanimously approved.

**11. Recess of Meeting.**

Councilman Howard motioned, seconded by Councilman Wolffe, to recess the meeting until May 31, 2006 at 5:30 pm. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE MAY 31, 2006**

***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 W. Richardson, Councilwoman

**Planning Commission Members Present:**

Raymond Rosenberger, Chairman  
Jane Wolffe  
Robert Behr

**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 the Pledge of Allegiance.

## **4. Redman/Johnston Presentation.**

Mr. Peter Johnston and Mr. Tony Redman presented Council, the Planning Commission members and the public with their ideas regarding several recent planning issues within the Town. Mr. Redman reviewed the highlights from the previous visioning session that was held. Mr. Johnston explained the division of the Island into different districts and the purpose for doing such. He further explained the objectives and characteristics of each district.

Councilman Wolffe asked for clarification and additional information regarding the development of the waterfront areas along Main Street. Councilman Mason asked what a 'floating zone' is. Mr. Johnston explained that it is defined in the ordinance as 'a zone that is applicable to certain land and certain districts exhibiting certain characteristics'.

Mr. Johnston recommended having information regarding the planning issues available to the public prior to holding the public meeting. He also recommended having a questionnaire asking the public what type of development they want to see in certain districts.

There was a lengthy discussion regarding the future vision of the downtown area, including the issue of parking.

Councilman Howard stated that he felt it was important to hear public input and comments before forming a vision plan amongst Council. Mr. Johnston reiterated that the upcoming public meeting will not be a public hearing to vote on what Council has already decided upon, but rather a public workshop to receive public input and comments in order to form a vision plan.

Councilman Wolffe stated that he felt it was very important to do something now regarding the direction of current development. He asked Mr. Johnston and Mr. Redman if it would be feasible for them to help Council with a means of establishing a temporary zoning ordinance to slow this type of development while the planning process that they have presented above continues. Mayor Tarr recommended that the public be asked if they think a temporary zoning ordinance [to slow or stop multi-family buildings in commercial areas] should be enacted until the zoning ordinance has been completed.

## **5. Other Matters.**

Mayor Tarr announced that the public meeting on these planning issues will be on June 28 and 29, 2006 at 7:00 pm. Mr. Johnston recommended that the Main Street waterfront areas be discussed at the June 28<sup>th</sup> meeting.

**6. Adjournment of Meeting.**

Mayor Tarr announced that the next meeting will be on June 5, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilman Wolffe, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Acting Town Manager

**MINUTES OF THE JUNE 5, 2006  
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 the Pledge of Allegiance.

**4. Approval of Minutes of the May 1, 8 and 18, 2006 Council Meetings.**

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to approve the minutes as presented. The motion was unanimously approved.

**5. Introduction of Town Manager.**

Mayor Tarr introduced Mr. Robert G. Ritter, Jr. as the new Town Manager. Council and the public welcomed Mr. Ritter to the staff.

**6. Public Hearing – Fiscal Year 2007 Budget.**

Mayor Tarr opened the public hearing at 7:38 pm. After hearing no comments, Mayor Tarr closed the public hearing at 7:41 pm.

Mayor Tarr stated that action on the FY 2007 budget will take place at the June 15, 2006 recessed Council meeting.

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

- Vice Mayor Conklin asked about the status of the letter that was sent to the USDA Rural Development questioning negotiated water rates with the Town of Onancock after the Town had been refused the same opportunity. Mr. Jeffries replied that Mr. Walpole of Congresswoman Drake's office has responded to the matter. He added that the USDA Rural Development was still inflexible regarding the water rates.
- Town Attorney Poulson asked about the \$500,000 grant from DC&R for the acquisition of the School Board property. Mr. Jeffries responded that it has been a difficult process and that it will be two or three weeks before the grant monies are received.
- Town Attorney Poulson asked about the Water Facilities ordinance that he forwarded to the Ordinance Committee for review. Mayor Tarr responded that the Committee will meet on June 14<sup>th</sup> to review the proposed ordinance. Councilman Wolffe suggested combining the Ordinance and Harbour Committee meetings regarding the abovementioned item. The Committee members agreed to hold a joint meeting on June 14<sup>th</sup> at 6:00 pm. Councilman Mason asked Mr. Jeffries to contact the other members of the Harbour Committee and advise them of the change.
- Town Attorney Poulson stated that Council can meet with Mr. Will Cumming and Mr. Tim Holloway of VDOT on June 14<sup>th</sup>. Mayor Tarr stated that Council would like to meet with them and that he will verify the date and time of the meeting.

## **8. Committee Reports.**

- **Planning Commission-** Councilwoman Richardson stated that the Commission met on May 23<sup>rd</sup> and will meet again on June 6<sup>th</sup> at 7:00 pm. She stated that the Sign Ordinance is the topic of discussion for both May meetings. Councilwoman Richardson announced that the planners, Redman/Johnston will meet with the public on June 28 and 29, 2006 at 7:00 pm.
- **Public Works Committee-** Councilman Mason stated that the Committee met on May 9<sup>th</sup> and discussed estimates for sewage treatment survey costs as well as the Student Government Day recommendations.
- **Curtis Merritt Harbor Committee-** Councilman Mason stated that the Committee met on April 16<sup>th</sup> and discussed the estimate of restrooms and breakwater repairs. He also stated that the Town received a \$200,000 grant from the Virginia Port Authority for the Harbor project.
- **Budget and Personnel Committee-** Vice Mayor Conklin stated that the Committee discussed four bids for the bond purchase and favored the bid from BB&T. She stated that the Committee agreed to set aside \$60,000 for the sewage treatment feasibility study. Vice Mayor Conklin stated that the Committee has made recommendations regarding trash cutbacks and insurance which will be discussed later in the Council meeting.
- **Chincoteague Recreation and Convention Center Authority-** Vice Mayor Conklin stated that the Wild West Show has been cancelled due to a performer's injury and that

the Center's Craft Show was very successful. She also stated that Debby Boone will be performing at the Christmas Show this year.

- **Bicycling and Outdoor Recreational Advisory Committee-** Councilman Ross stated that the Committee met on May 10<sup>th</sup> and reviewed the plat of the property across from the high school. He added that they discussed possibly having a kayak park on that property. Councilman Ross stated that there was a discussion regarding placing small exercise stations around Memorial Park. Councilman Ross reported that he had received requests regarding transporting people to the Pocomoke YMCA via the Town's trolleys. He stated that Mr. Van Dame informed the requesters that the trolleys could not be used for transportation across the state line. Councilman Ross stated that the Committee also discussed possible locations for the Waterman's Memorial. He announced that the next meeting will be in July.

- **Cemetery Committee-** Councilman Howard stated that the Committee met May 23<sup>rd</sup> and decided to clean some of the smaller cemeteries. He announced that the next meeting will be in September. Mrs. Donna Mason commended the Cemetery Committee and asked who owns the cemeteries. Mayor Tarr responded that her question should be discussed during public participation.

## **9. Public Participation.**

- Mrs. Donna Mason asked who owns the cemeteries. Vice Mayor Conklin responded that she only knows the owner of one cemetery. Mrs. Mason reported on the severe erosion at the Bunting Cemetery. Councilman Howard responded that the Cemetery Committee will address the matter.

- Mr. Ray Rosenberger complimented the Budget and Personnel Committee for their efforts on the FY 2007 budget. He stated that he was concerned about employee retention due to rising insurance costs. Councilman Wolffe responded that staff was reviewing possible alternatives to the current health care plans.

- Mrs. Jane Wolffe stated that she appreciated the local YMCA support, including those who helped with the mailings and who have contributed donations to the local YMCA fund.

- Mr. Willis Dize reiterated his concern about the rising cost of health insurance. He also questioned why the Police Department phone number was posted on the trolley signs, which will ultimately increase the department's workload. Mayor Tarr responded that the Police Department's number was posted for emergency issues and so that handicapped patrons could give a location to be picked up by the trolley [because the Town Office closes at 5:00 pm]. Mayor Tarr recommended to Chief Lewis that the Department monitor those calls and report back to Mr. Van Dame.

## **10. Adoption of General Obligation Bond Ordinance & Resolution.**

Mayor Tarr stated that the Budget and Personnel Committee recommended that Council accept the bid from BB&T for the purchase of a two million dollar bond and explained the terms of the bond. He also stated that Council has held the public hearing as required.

Councilman Wolffe motioned, seconded by Vice Mayor Conklin, to adopt the following General Obligation Bond Ordinance and Resolutions. All Council members were in attendance; the motion was unanimously approved.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF A  
\$2,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES  
2006, OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, HERETOFORE  
AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND  
PAYMENT THEREOF**

**WHEREAS**, on June 5, 2006, 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 \$2,000,000 to finance improvements to the water supply main (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 Branch Banking and Trust Company (the “Bank”), dated May 12, 2006 (the “Proposal”);

**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 \$2,000,000 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 2006,” shall be in registered form, shall be dated the date of its delivery, shall be numbered R-1 and shall be sold to the Bank at a price of 100% of the aggregate principal amount thereof. The Bond shall bear interest on the unpaid principal at the rate of 4.36% 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 in the amount of \$15,157.15, commencing July 1, 2006, and ending on June 1, 2021. 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 subject to prepayment prior to maturity, at the option of the Town, in whole on any interest payment date, upon payment of the principal amount of the Bond to be prepaid plus a redemption premium of 1% and interest accrued and unpaid to the date fixed for redemption.

**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 premium, if any, 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 premium, if any, 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 the 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, premium 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 therefor.

**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 provided 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 income 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 2006, 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 2006 (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 2006, 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 2006 (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 2006 in an aggregate amount that will exceed such \$10,000,000 limit;

provided, however, that if the Town receives an 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 2006 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 2006 (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 2006 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**

**REGISTERED**

**No. R-1**

**June 5, 2006**

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
TOWN OF CHINCOTEAGUE  
General Obligation Public Improvement Bond  
Series 2006

The Town of Chincoteague, Virginia (the "Town"), for value received, promises to pay, to **Branch Banking and Trust Company**, or registered assigns or legal representative, the principal sum of **TWO MILLION DOLLARS (\$2,000,000)**, together with interest on the unpaid principal at the rate of 4.36% per year, calculated on the basis of a 360-day year of twelve 30-day months. Installments of combined principal and interest in the amount of \$15,157.15 shall be payable on the first day of each month, commencing July 1, 2006, with a final installment of combined principal and interest in the amount of \$15,157.15 due on June 1, 2021. 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 June 1, 2021.

Principal, premium, if any, 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 has been authorized and issued pursuant to an ordinance and a resolution adopted by the Town Council on June 5, 2006, to provide funds to finance improvements to the Town's water supply main and to pay the costs of issuing this bond.

This bond is subject to prepayment prior to maturity, at the option of the Town, in whole on any interest payment date, upon payment of the principal amount of this bond to be prepaid plus a redemption premium of 1% and interest accrued and unpaid to the date fixed for redemption.

The full faith and credit of the Town are irrevocably pledged for the payment of principal of and premium, if any, 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 premium, if any, 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 to be dated June 5, 2006.

Attest:

\_\_\_\_\_  
Mayor, Town of Chincoteague, Virginia

\_\_\_\_\_  
Town Clerk, Town of Chincoteague, Virginia

**ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL  
OBLIGATION BOND OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, IN A  
PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000**

**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 improvements to the water supply main and to borrow money for such purpose and issue the Town's general obligation bond therefor.

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 \$2,000,000 to provide funds to finance the acquisition.

3. The bond shall bear such date, mature at such time not to exceed twenty (20) years from its 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 of and 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 5th day of June, 2006.

**APPROVED**

\_\_\_\_\_  
Mayor of the Town of Chincoteague

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the Town of Chincoteague, Virginia (the "Borrower"), intends to finance improvements to the Borrower's 16" water supply main (the "Project"); and

**WHEREAS**, PLANS FOR THE Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
CHINCOTEAGUE, VIRGINIA:**

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt in an amount not currently expected to exceed \$2,000,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

**Adopted** June 5, 2006.

Attest:

\_\_\_\_\_  
Mayor, Town of Chincoteague, Virginia

\_\_\_\_\_  
Town Clerk, Town of Chincoteague, Virginia

### **11. Scheduling of Public Meeting to Address Scheduled Bridge Openings.**

Mayor Tarr explained that the U.S. Coast Guard has extended the comment period regarding the scheduled bridge openings for thirty days, ending June 30<sup>th</sup>. He added that the U.S. Coast Guard will hold a public meeting concerning this issue, but that a date and time has not yet been scheduled.

Councilman Wolffe stated that he was concerned about having the meeting at the end of June so close to the end of the comment period. Councilman Wolffe also stated that the public may pick up a comment sheet at the Town Office and/or bring written comments to the Town Office to be mailed to the U.S. Coast Guard.

### **12. Alternative to Ed McMahon Public Meeting.**

Mayor Tarr explained that the Town has been actively trying to arrange a public meeting for a presentation by Mr. Ed McMahon for longer than a year. He stated that all efforts have been unsuccessful to date. Mayor Tarr stated that Mr. McMahon will not be able to give a presentation in the near future, but does offer an alternative speaker with whom he has co-authored a publication.

Councilman Wolffe recommended waiting until Mr. McMahon could be scheduled. He further recommended that Council try to schedule the meeting with Mr. McMahon before the end of the year. It was the consensus of Council to accept Councilman Wolffe's recommendations as stated above. Mayor Tarr asked Mr. Jeffries and Town Manager Ritter to continue trying to schedule a meeting date with Mr. McMahon.

### **13. Change of Date for 3 July 2006 Regular Meeting.**

Mayor Tarr stated that due to the July 4<sup>th</sup> holiday weekend and the fireworks display at the Firemen's Carnival on Monday, July 3<sup>rd</sup>, he is requesting that the date for the regular July Council meeting be changed to July 10<sup>th</sup>.

Councilman Howard motioned, seconded by Vice Mayor Conklin, to accept the change in the date for the regular July Council meeting from July 3 to July 10, 2006. The motion was unanimously approved.

### **14. Budget & Personnel Committee Recommendations.**

- **Waste Disposal-** Vice Mayor Conklin stated that between April 1 and October 31 (seven months), the Town was currently paying \$5,136 per month for an extra trash pick-up each week at certain businesses and \$1,566 per month for cardboard recycling containers at certain businesses; the total for both services for seven months equals \$46,912. She stated that the Committee recommends reducing the services to three months – June, July and August which would result in an estimated savings of \$26,807.
- **Health Insurance-** Vice Mayor Conklin stated that the Committee considered an option for employee health insurance that would require the Town to contribute \$346 per month instead of the current \$335 per month to pay the entire premium for a single subscriber. She added that the Committee agreed to also recommend for consideration by

Council the \$11 increase in the Town's contribution per month toward the employee's health insurance.

Councilman Wolffe motioned, seconded by Councilman Mason, to accept both recommendations of the Budget and Personnel Committee as stated above. The motion was unanimously approved.

**15. Other Matters.**

- Town Manager Ritter thanked Council for the opportunity to serve the constituents and the Council.
- Councilman Mason thanked Council and the citizens for the opportunity to serve them during the past four years of his term.

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

Councilman Howard motioned, 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. The motion was unanimously approved.

Vice Mayor Conklin motioned, seconded by Councilman Mason, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, 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

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

Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to recess the meeting until June 15, 2006 at 7:30 pm. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE JUNE 15, 2006 CHINCOTEAGUE TOWN COUNCIL RECESSED MEETING**

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

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

#### ***Call to Order***

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

#### ***Invocation***

Councilman Howard offered the Invocation.

#### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

#### ***Agenda Additions/Deletions and Adoption***

Mayor Tarr and Town Manager Ritter explained that the agenda needs to be formally adopted according to Robert's Rules of Order.

Councilman Mason motioned, seconded by Councilman Wolffe, to adopt the agenda as presented. The motion was unanimously approved.

#### ***1. Approval of Minutes of the May 31, 2006 Recessed Council Meeting.***

Vice Mayor Conklin motioned, seconded by Councilman Howard to approve the minutes as presented. The motion was unanimously approved.

**2. Resolution in Honor of the Late Earl Stephens, Former Councilman.**

Mayor Tarr read the following resolution of respect. Vice Mayor Conklin motioned, seconded by Councilwoman Richardson, to adopt the following resolution. The motion was unanimously approved.

**A RESOLUTION OF THE  
CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS,** Earl R. Stephens 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 Earl Stephens, 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 15<sup>th</sup> day of June, 2006.

Attest:

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

\_\_\_\_\_  
Robert G. Ritter, Town Manager

**3. Banking Resolutions.**

Councilwoman Richardson motioned, seconded by Councilman Howard, to adopt the following banking resolution for Mercantile Peninsula Bank. The motion was unanimously approved.

**BANKING RESOLUTION**

*Financial Institution: Mercantile Peninsula Bank*

Chincoteague Branch  
6402 Maddox Boulevard  
P. O. Box 7



Chincoteague Island, VA 23336

**Account No:** 14-03533-5  
14-01699-9

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY** that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on June 15, 2006 at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X \_\_\_\_\_  
**John H. Tarr, Mayor of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Nancy B. Conklin, Vice Mayor of Town of Chincoteague, Inc.**

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit

with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on June 16, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**

x \_\_\_\_\_  
\*CLERK OF COUNCIL

x \_\_\_\_\_  
\*MAYOR, TOWN OF CHINCOTEAGUE

Councilman Mason motioned, seconded by Councilman Howard, to adopt the following banking resolution for Shore Bank. The motion was unanimously approved.

**BANKING RESOLUTION**  
*Financial Institution: Shore Bank*

Chincoteague Branch  
6350 Maddox Boulevard  
P.O. Box 504  
Chincoteague Island, VA 23336

**Account No:** 33-400709-2

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY** that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on June 15, 2006, at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X \_\_\_\_\_  
**John H. Tarr, Mayor of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Nancy B. Conklin, Vice Mayor of Town of Chincoteague, Inc.**

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on June 16, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**

x \_\_\_\_\_  
\*CLERK OF COUNCIL

x \_\_\_\_\_  
\*MAYOR, TOWN OF CHINCOTEAGUE

**4. Public Participation.**

- Mr. Ray Rosenberger stated that he recently attended a Harbor Committee meeting and learned about the Delmarva Power bulkhead condition that is preventing the completion of Edgerton Fish Company's concrete repairs. He suggested that a letter be sent from the Town to Delmarva Power to rectify the matter. Councilman Mason agreed that sending a letter would be a good idea.
- Mr. Bob Behr advised Council of a grant that is available for independent art councils from the State Art Commission. He further advised that on July 7<sup>th</sup>, the Town may create an Arts/Cultural District with a \$5,000 maximum matching grant (of which the deadline is April 2, 2007). Vice Mayor Conklin reminded Mr. Behr that the FY 2007 budget is already set. Councilman Wolffe stated that the matching monies could possibly be found. He also inquired as to the type of events to be attracted.
- Mrs. Ginney Van Dame commended Councilman Mason on his service to the community.

## **5. Adoption of the Fiscal Year 2007 Budget.**

Vice Mayor Conklin motioned, seconded by Councilman Howard, to adopt the following budget for fiscal year 2007 and to appropriate the funds for disbursement. The motion was unanimously approved.

Town of Chincoteague  
FY'07 Budget Revenues

### Fund 10 - General Government

<u>Revenue Name</u>	<u>Number</u>	<u>Budgeted</u>
Real Estate Tax Levy	4001-0100	\$460,000
Tangible Property Tax Levy	4001-0125	\$320,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 38,000
Meals Tax	4001-0500	\$432,000
Bank Franchise Tax	4001-0600	\$ 46,000
Sales Tax	4010-0100	\$115,000
Business License	4010-0200	\$120,000
Motor Vehicle License	4010-0300	\$ 71,000
Utilities Tax	4010-0500	\$295,000
Transient Occupancy Tax	4010-0600	\$345,000
Fines	4015-0100	\$ 36,000
Interest on Savings	4020-0100	\$ 70,000
Banner Donations	4041-0100	\$ 25
Cemetery Cleanup Donations	4041-0150	\$ 1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 60,000
Zoning Advertisements	4041-0600	\$ 8,500
Grants/Litter	4045-0100	\$ 2,000
Sale of Capital Assets	4049-0100	\$ 2,000
ABC Profits	4051-0100	\$ 5,000
Optimum Choice-Retirees Spouse	4051-0200	\$ 14,100
VA Fire Programs	4051-0300	\$ 7,000
Revenue Sharing - USFWS	4061-0100	\$ 3,700
Harbor Administration	4061-0105	\$ 2,000
Recovery Cost from Water	4101-0200	\$105,144
Public Works Miscellaneous	4201-0100	\$ 20,000
Miscellaneous Income	4303-0100	\$ 10,000
Tipping Fee Refund - County	4303-0300	\$ 74,000
Law Enforcement Funds	4401-0100	\$124,446
Police Donations/Grants	4401-0150	\$ 20,000
911 Dispatch Revenue	4401-0200	\$ 15,000
911 Local Tax	4401-0300	\$ 42,000
VDOT Maintenance Funds	4501-0100	\$495,000
Road Permit Fees	4501-0101	\$ 1,000
DMV Agency Compensation	4501-0103	\$ 13,000
Transfer from Ramp Repair Fund	4701-0400	\$ 63,000

Transfer from Gen. Fund Savings	4701-1000	\$100,000
Transfer from Mosquito Control	4940-8900	\$ 75,000
<b>Subtotal</b>		<b>\$3,635,915</b>

Fund 20 - Main Street Project

Program Income	4501-0100	\$ 35,000
TEA-21 Grant	4501-0115	\$277,000
Boating Infrastructure Grant	4501-0130	\$ 43,500
Loan Repayment	4501-0200	\$ 4,820
Transfer from General Fund	4501-8900	\$ 63,000

**Subtotal** **\$423,320**

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$ 2,600
Harbor Rent	4031-1000	\$ 40,000
Rent New Slips (Restroom)	4031-1001	\$ 9,000
Subleases	4031-1002	\$ 15,000
Dry/Winter Storage	4031-1003	\$ 2,000
Loading Dock	4031-1004	\$ 5,000
VA Port Authority Grant	4031-1050	\$276,000

**Subtotal** **\$349,600**

Fund 40 - Mosquito Control

Revenue	4001-0100	\$140,000
Interest Income	4020-0100	\$ 7,500

**Subtotal** **\$147,500**

Fund 70 – Trolley

Trolley Grants	4501-0100	\$ 55,200
Program Income	4501-0110	\$ 5,000
Transfer from General Fund	4501-8900	\$ 15,200

**Subtotal** **\$ 75,400**

Fund 80 – Water

Water Rent	4101-0100	\$790,000
Water Adjustments	4101-2200	-\$ 2,000
Waterline Extensions	4131-0100	\$ 20,000
Service Connections	4131-0200	\$ 30,000
Interest on Water Savings	4131-0300	\$ 15,000
Miscellaneous	4131-0400	\$ 1,000
Availability Fees	4131-0500	\$190,000
Transfer from Water Reserve	4701-0700	\$187,867

**Subtotal** **\$1,231,867**

**TOTAL** **\$5,863,602**

Town of Chincoteague  
FY'07 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	\$335,479
Emergency Med. Techs/ST	5010-1002	\$108,868
Overtime	5010-1003	\$ 17,000
Subtotal		\$489,187

Fund 10 - General Fund Dept. 5020

Social Security	5020-2001	\$ 37,423
Hospitalization	5020-2101	\$ 37,368
Blood Bank	5020-2102	\$ 100
Unemployment/Town	5020-2103	\$ 6,500
Retirement	5020-2201	\$ 20,619
VRS Life Insurance	5020-2202	\$ 2,169
Subtotal		\$104,179

Fund 10 - General Fund Dept. 5030

Bank Charges	5030-3100	\$ 1,000
Building Admin Expense	5030-3101	\$ 200
Cleaning	5030-3102	\$ 9,000
Planning Commission	5030-3103	\$ 100
Board of Zoning Appeals	5030-3104	\$ 100
Building Permit Surcharge	5030-3105	\$ 500
Board of Bldg Code Appeals	5030-3106	\$ 50
Emergency Medical Clothing	5030-3107	\$ 1,500
Insurance	5030-3401	\$ 85,000
Auditing	5030-3501	\$ 13,950
Donations	5030-3601	\$ 6,000
Transfer to Civic Center	5030-3701	\$ 86,250
Tourism 10% Meals Tax	5030-3705	\$ 43,200
ANPDC Membership	5030-4030	\$ 7,000
Scholarship	5030-4301	\$ 1,000
Office Sup./Publications	5030-4401	\$ 9,000
Office Equipment/Software Maint.	5030-4402	\$ 14,000
Postage	5030-4403	\$ 10,000

Tax Bills & Conversion	5030-4404	\$ 1,000
Motor Vehicle License	5030-4501	\$ 2,200
Travel & Training	5030-4801	\$ 3,800
Mayor's Expense	5030-4901	\$ 300
Council's Expense	5030-4902	\$ 500
Town Manager's Expense	5030-4903	\$ 250
Attorney/Consultant	5030-5101	\$ 25,000
Drug/Alcohol Testing	5030-5201	\$ 1,500
Christmas Dinner	5030-5501	\$ 4,000
Dues	5030-6101	\$ 3,000
VML Conference	5030-6102	\$ 1,000
Advertising	5030-7101	\$ 8,500
Building Maintenance	5030-7301	\$ 3,000
Electricity	5030-7401	\$ 14,500
Heating-Oil	5030-7402	\$ 5,200
VA Fire Prog/CVFC	5030-7601	\$ 6,000
EOC Operations/Training	5030-7602	\$ 1,000
Special Projects	5030-7701	\$ 5,000
Pony Penning Expense	5030-7702	\$ 5,000
Deer De-Pop Program	5030-7703	\$ 8,000
Telephone Bills	5030-8202	\$ 15,000
Optimum Choice-Retirees	5030-8401	\$ 33,243
Optimum Choice-Retirees Spouse	5030-8402	\$ 14,150
Miscellaneous	5030-8501	\$ 5,000
Cemetery Cleanup	5030-8600	\$ 1,500
Transfer to Main Street	5030-8800	\$ 63,000
Transfer to Trolley Fund	5030-8900	\$ 15,200
Subtotal		\$533,693

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	\$ 83,493
Planning Consultant	5090-9750	\$ 50,000
Software	5090-9760	\$ 42,368
Subtotal		\$210,759

**Subtotal Dept. 50** **\$1,337,818**

Fund 10 - General Fund Dept. 6010

Salaries	6010-1001	\$ 79,041
Overtime	6010-1003	1,000
Subtotal		\$ 80,041



Fund 10 - General Fund Dept. 6020

Social Security	6020-2001	\$ 6,124
Hospitalization	6020-2101	\$ 8,304
Retirement	6020-2201	\$ 3,668
VRS Life Insurance	6020-2202	\$ 386
Subtotal		\$ 18,482

Fund 10 - General Fund Dept. 6030

Office Supplies	6030-4401	\$ 1,000
Gasoline/Diesel	6030-4701	\$ 50,000
Oil & Grease	6030-4703	\$ 1,500
Tools/Shop	6030-4704	\$ 1,000
Travel & Training	6030-4801	\$ 200
Clothing/Uniforms	6030-5202	\$ 6,500
Bldg. Maintenance	6030-7301	\$ 1,500
Equipment Repairs	6030-7302	\$ 10,000
Safety	6030-7303	\$ 200
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	\$ 7,000
LP Gas	6030-7402	\$ 2,000
Sundry	6030-8501	\$ 200
Subtotal		\$ 92,600

**Subtotal Dept. 60** **\$191,123**

Fund 10 - General Fund Dept. 6310

Salaries	6310-1001	\$155,146
Overtime	6310-1003	\$ 2,000
Subtotal		\$157,146

Fund 10 - General Fund Dept. 6320

Social Security	6320-2001	\$ 12,022
Hospitalization	6320-2101	\$ 37,368
Retirement	6320-2201	\$ 7,199
VRS Life Insurance	6320-2202	\$ 758
Subtotal		\$ 57,347

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	\$ 2,000
Tipping Fees	6330-4650	\$ 1,000
Tools	6330-4704	\$ 500
Mowers/Trimmers	6330-4708	\$ 500
Sanitation Service Contract	6330-6201	\$337,000
Other Facilities Expenses	6330-6202	\$ 500
Comfort Station	6330-6260	\$ 2,000

Weed Cutting/Spraying	6330-6301	\$ 200
Equipment Repairs	6330-7302	\$ 1,000
Electricity	6330-7401	\$ 4,000
Street Lights	6330-7450	\$ 52,000
Sundry	6330-8501	\$ 200
Parks & Rec Expense	6330-8590	\$ 5,000
Subtotal		\$412,400

Fund 10 - General Fund Dept. 6390

Drainage	6390-9105	\$ 20,000
Walk-Behind Planer	6390-6300	\$ 5,000
Base Mapping/GIS System	6390-9846	\$ 2,000
Church/Pension Drainage Project	6390-9855	\$ 35,000
Street Sweeper Pymt	6390-9870	\$ 28,167
Sewage Treatment Study	6390-9880	\$ 60,000
Subtotal		\$150,167

**Subtotal Dept. 63** **\$777,060**

Fund 10 - General Fund Dept. 6510

Salaries	6510-1001	\$ 60,630
Overtime	6510-1003	\$ 2,000
Subtotal		\$ 62,630

Fund 10 - General Fund Dept. 6520

Social Security	6520-2001	\$ 4,792
Hospitalization	6520-2101	\$ 12,456
Retirement	6520-2201	\$ 2,814
VRS Life Insurance	6520-2202	\$ 296
Subtotal		\$ 20,358

Fund 10 - General Fund Dept. 6530

Street Maintenance	6530-4101	\$ 8,512
Snow Removal	6530-4102	\$ 2,000
Maint. Coatings/Replace	6530-4150	\$325,000
Sidewalks & Gutters	6530-4201	\$ 30,000
Signs/Traffic Control	6530-4202	\$ 20,000
Roadside Structures	6530-4250	\$ 8,000
Tools/Small Equipment	6530-4704	\$ 1,000
Drainage Maintenance	6530-6250	\$ 3,000
Weed Control	6530-6301	\$ 2,000
Equipment Rental	6530-7001	\$ 500
Electricity	6530-7450	\$ 12,000
Subtotal		\$412,012
<b>Subtotal Dept. 65</b>		<b>\$495,000</b>

Fund 10 - General Fund Dept 7010

Salaries/Officers	7010-1001	\$410,000
Overtime	7010-1003	\$ 7,500
Subtotal		\$417,500

Fund 10 - General Fund Dept. 7020

Social Security	7020-2001	\$ 31,912
Hospitalization	7020-2101	\$ 33,216
Retirement	7020-2201	\$ 17,699
VRS Life Insurance	7020-2202	\$ 1,862
Subtotal		\$ 84,689

Fund 10 - General Fund Dept. 7030

Travel & Training	7030-4801	\$ 8,500
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	\$ 4,000
Equipment Repairs & Supplies	7030-7302	\$ 3,000
Vehicle Maintenance	7030-7304	\$ 4,900
Drug Enforcement	7030-7901	\$ 15,000
Academy Dues	7030-7903	\$ 3,700
Bicycle Patrol	7030-7904	\$ 200
Community/Youth Programs	7030-7905	\$ 5,000
Grant Funded Expenditures	7030-7906	\$ 5,000
Ammunition	7030-7907	\$ 1,400
Police Drug Dog	7030-7908	\$ 4,500

Pager Service	7030-8203	\$ 3,600
Sundry	7030-8501	\$ 1,200
Subtotal		\$ 68,200

Fund 10 - General Fund Dept. 7090

Patrol Vehicle	7090-9650	\$ 26,500
Subtotal		\$ 26,500

**Subtotal Dept. 70** **\$596,889**

Fund 10 - General Fund Dept 7510

Salaries/Dispatchers	7510-1001	\$172,000
Overtime	7510-1003	\$ 1,500
Subtotal		\$173,500

Fund 10 - General Fund Dept. 7520

Social Security	7520-2001	\$ 13,274
Hospitalization	7520-2101	\$ 16,608
Retirement	7520-2201	\$ 1,466
VRS Life Insurance	7520-2202	\$ 477
Subtotal		\$ 31,825

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	\$ 500
Off. Supples/Equip. Maintenance	7530-7300	\$ 12,000
E911 Line Fees	7530-8202	\$ 6,000
911 Addressing	7530-8203	\$ 1,100
Sundry	7530-8501	\$ 200
Subtotal		\$ 22,700

Fund 10 - General Fund Dept. 7590

911 Equip Reserve Fund	7590-9270	\$ 10,000
Subtotal		\$ 10,000

**Subtotal Dept. 75** **\$238,025**

**Fund Total** **\$3,635,915**

Fund 20 - Main Street Project

Maintenance	2030-7101	\$ 7,833
Electricity	2030-7401	\$ 6,000
Trf to Loan Pool	2030-7601	\$ 4,820
Subtotal		\$ 18,653

Main Street Project	2090-9711	\$404,667
Subtotal		\$404,667

**Fund Total** **\$423,328**

Fund 30 - Curtis Merritt Harbor Dept. 8010

Salaries	8010-1001	\$ 26,167
Overtime	8010-1003	\$ 200
Subtotal		\$ 26,367

Fund 30 - Curtis Merritt Harbor Dept. 8020

Social Security	8020-2001	\$ 2,018
Hospitalization	8020-2101	\$ 4,152
Retirement	8020-2201	\$ 1,215
VRS Life Insurance	8020-2202	\$ 128
Subtotal		\$ 8,513

Fund 30 - Curtis Merritt Harbor Dept. 8030

Admin. Expense/Town	8030-3100	\$ 2,000
Operations, Maintenance, Etc.	8030-7300	\$ 10,000
Sundry	8030-8501	\$ 1,000
Subtotal		\$ 13,000

Fund 30 - Curtis Merritt Harbor Dept. 8090

CMH Replacement Project	8090-9126	\$ 302,720
Subtotal		\$ 302,720

**Fund Total** **\$ 349,600**

Fund 40 - Mosquito Control Dept. 8510

Salaries	8510-1001	\$ 26,167
Overtime	8510-1003	\$ 13,000
Subtotal		\$ 39,167

Fund 40 - Mosquito Control Dept. 8520

Social Security	8520-2001	\$ 2,997
Hospitalization	8520-2101	\$ 4,152
Retirement	8520-2201	\$ 1,215
VRS Life Insurance	8520-2202	\$ 128
Subtotal		\$ 8,492

Fund 40 - Mosquito Control Dept. 8530

Insurance	8530-3401	\$ 8,100
Office Supplies	8530-4401	\$ 400
Chemicals	8530-4705	\$ 30,041
Contract Spraying	8530-4706	\$ 23,000
Travel, Training, Conference	8530-4801	\$ 200
Telephone, Pagers, Other	8530-6204	\$ 500
Advertising	8530-7101	\$ 200
Equipment Repairs/Maint.	8530-7302	\$ 1,000
Safety Equipment	8530-7303	\$ 200
Vehicle Maintenance	8530-7304	\$ 1,000
Sundry	8530-8501	\$ 200
Rent (11 of 15)	8530-8551	\$ 5,000
Subtotal		\$ 69,841

Fund 40 - Mosquito Control Dept. 8590

Fogging Pickup	8590-9123	\$ 14,000
Equipment	8590-9124	\$ 1,000
Drainage	8590-9125	\$ 15,000
Subtotal		\$ 30,000

**Fund Total \$147,500**

Fund 70 - Trolley Dept. 3010

Salaries	3010-0100	\$ 48,500
Subtotal		\$ 48,500

Fund 70 - Trolley Dept. 3020

Social Security	3020-2001	\$ 1,900
Subtotal		\$ 1,900

Fund 70 - Trolley Dept. 3020

Insurance	3030-3401	\$ 5,500
Supplies & Materials	3030-4401	\$ 1,500
Fuel	3030-4701	\$ 3,500

Equipment Repairs/Maint.	3030-7302	\$ 9,500
Other Expenses	3030-8501	\$ 5,000
Subtotal		\$ 25,000

**Fund Total** **\$ 75,400**

Fund 80 - Water Dept. 6210

Salaries	6210-1001	\$146,330
Overtime	6210-1003	\$ 3,000
Pump Duty	6210-1004	\$ 9,000
Subtotal		\$158,338

Fund 80 - Water Dept. 6220

Social Security	6220-2001	\$ 12,113
Hospitalization	6220-2101	\$ 20,760
Retirement	6220-2201	\$ 6,790
VRS Life Insurance	6220-2202	\$ 715
Subtotal		\$ 40,378

Fund 80 – Water Dept. 6230

Office Supplies, Equip. Maint.	6230-4401	\$ 3,000
Postage	6230-4403	\$ 5,000
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	\$ 2,000
Electricity	6230-7401	\$ 40,000
LP Gas	6230-7402	\$ 300
Distribution & Repairs	6230-8101	\$ 20,000
Supply Repairs	6230-8103	\$ 15,000
Pagers/Well Monitoring	6230-8202	\$ 1,000
Miss Utility	6230-8204	\$ 700
Sundry	6230-8501	\$ 200
Reimbursement to Fund 10	6230-8601	\$105,144
Regulation Compliance	6230-8750	\$ 200
State Groundwater Permits	6230-8770	\$ 6,042
Subtotal		\$207,286

Fund 80 - Water Dept. 6290

Water Main Extensions	6290-9101	\$ 30,000
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Aquifer Test Plan	6290-9201	\$ 20,000
Water Bond-Supply Main St.	6290-9505	\$123,871
Water Bond-CIP	6290-9506	\$380,002
Water Tank Painting (CIP)	6290-9600	\$270,000
Base Mapping/GIS System	6290-9846	\$ 2,000
Subtotal		\$825,873
<b>Fund Total</b>		<b>\$1,231,867</b>
<b>Grand Total</b>		<b>\$5,863,602</b>

The following tax rates were approved for the current tax year within this budget:

Real Estate Tax Levy	\$0.10 per \$100 of assessed valuation
Mosquito Control Levy	\$0.03 per \$100 of assessed valuation
Tangible Property	\$0.85 per \$100 of assessed valuation
Meals Tax	4%
Transient Occupancy Tax	2%
Personal Property Tax Relief	61%

## **6. Adoption of the State Motor Vehicle Code.**

Mayor Tarr stated that each year, Council is asked to consider re-adoption of Title 46.2 and §18.2-266 et seq. of the Code of Virginia. He further stated that this practice permits all changes and updates in the State Code relevant to the traffic and vehicle code to be enforced by our Police Department.

Councilman Wolffe motioned, seconded by Councilman Mason, to re-adopt Title 46.2 and §18.2-266 et seq. of the Code of Virginia and Section 58-2 of the Town Code as follows. The motion was 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, 2006**, 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 re-adoption shall replace former section 58-2 as it existed prior to the effective date of re-adoption, 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 re-adoption 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; Re-adopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06)

### **7. Creation of a New Appointed Position (Deputy Attorney).**

Mayor Tarr explained that a newly created Mayor and Council appointed Deputy Attorney position would only be called upon during times in which the Town Attorney is absent from the area or such times the Mayor and Council determined to be a conflict of interest. Mayor Tarr stated that staff has recommended Ms. Cela Burge form Turner & Turner, Attorneys as Law as she has done work for the Town in the past with an opinion on our water rates and fees structure.

Councilman Wolffe motioned, seconded by Councilman Mason, to create a new appointed position of Deputy Attorney and offer Ms. Burge the position. The motion was unanimously approved.

### **8. Discussion on Fact Sheet Produced by NASA Public Affairs Office.**

Mayor Tarr explained the fact sheet that was prepared by the NASA Public Affairs Office warning the public not to trespass on government property. Town Manager Ritter suggested that the fact sheet be handed out by Town Office staff to customers purchasing boat trailer decals. It was the consensus of Council to follow Town Manager Ritter's suggestion.

### **9. Mayor and Council Announcements or Comments.**

- Vice Mayor Conklin recommended that the matter regarding the construction of structures on piers be placed on the July 10<sup>th</sup> regular Council meeting agenda. She also suggested that Mr. Ernie Bowden of the Harbor Committee be invited to the meeting.
- Councilman Wolffe asked that the wording of survey question number twenty on the Comprehensive Plan Questionnaire be changed to say '*restrict or prohibit*' instead of '*prohibit*'.
- Councilman Howard commended Mr. Behr on his efforts with the Arts/Cultural District work and his position on the Planning Commission.
- Councilman Ross asked about the impact of treated water from Captain's Cove being discharged into the Chincoteague Bay. Mayor Tarr responded that the comment period

will be on June 21<sup>st</sup> at Arcadia High School. Councilman Wolffe recommended that the matter be placed on the July 10<sup>th</sup> regular Council meeting agenda. Town Manager Ritter suggested having an engineer from the project attend the July 10<sup>th</sup> Council meeting to answer questions.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on July 10, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JULY 10, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### ***Call to Order***

Mayor Tarr called the meeting to order at 7:45 p.m.

### ***Invocation***

Councilman Ross offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of Minutes of the June 5 and 15, 2006 Council Meetings.***

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

## **2. Presentation & Resolution in Honor of Ronald Mason, Councilman.**

Councilman Wolffe motioned, seconded by Councilman Ross, to honor Mr. Mason at the August 7<sup>th</sup> Council meeting. The motion was unanimously approved.

## **3. Presentation – Advantages of central sewer vs. on-sight wastewater system & Captains Cove Wastewater Project (DEQ & J.W. Salm Engineering, Inc.).**

Mr. John Salm explained the differences between central sewer and on-site wastewater systems and how treatment plants work.

Messrs. James McConaty and Robert Smithson of the DEQ explained the permit process regarding wastewater systems and treatment plants. They further explained the conditions of the waters around the wastewater discharge point as well as the water quality standards that must be adhered to.

## **4. Public Hearing – Fiscal Year 2006 Budget Amendment.**

Mayor Tarr opened the public hearing. He explained that the budget revision is necessary to include the water main rehabilitation project, the loan proceeds from the 2006 general obligation bond for the water main rehab project, and to rectify account overages and accounts that were not used during the year.

After receiving no public comments, Mayor Tarr closed the public hearing. He stated that the budget amendment will be acted upon later in the meeting.

## **5. Vice Mayor Nomination.**

Mayor Tarr opened the floor for nominations for Vice Mayor.

Councilman Wolffe motioned, seconded by Councilman Howard, to nominate Councilwoman Speidel as Vice Mayor. The motion was unanimously approved.

## **6. Committee Configuration of Assignments & Appointments.**

Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the following committee assignments as presented. The motion was unanimously approved.

- **Budget and Personnel**
  - Honorable Nancy Conklin, Chair
  - Honorable Glenn Wolffe
  - Honorable Anita Speidel
- **Ordinance Committee**
  - Honorable David Ross, Chair
  - Honorable Terry Howard
  - Honorable Nancy Conklin
- **Meals Tax Committee**
  - Honorable Nancy Conklin

- **Harbor Committee**  
Honorable Terry Howard, Chair  
Honorable David Ross
- **Recreation & Community Enhancement Committee**  
Honorable Anita Speidel, Chair  
Honorable David Ross  
Honorable Ellen Richardson
- **Public Works Committee**  
Honorable Glenn Wolffe, Chair  
Honorable John H. Tarr  
Honorable Terry Howard
- **Planning Commission**  
Honorable Ellen Richardson
- **Cemetery Committee**  
Honorable Terry Howard, Chair  
Honorable Ellen Richardson
- **Safety & Transportation Committee**  
Honorable John H. Tarr, Chair  
Honorable Glenn Wolffe  
Honorable David Ross
- **Liaison Committee**  
Honorable John H. Tarr  
Honorable Anita Speidel  
Honorable Glenn Wolffe
- **Chincoteague Recreation & Convention Center Authority**  
Honorable Nancy Conklin

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

Councilman Wolffe motioned, seconded by Councilman Howard, to accept the following committee reports. The motion was unanimously approved.

- **Chincoteague Recreation and Convention Center Authority-** Councilwoman Conklin stated that she did not have a report at this time.
- **Planning Commission-** Councilwoman Richardson stated that the Commission met on March 28, April 18, May 23, and June 6<sup>th</sup>. She stated that the sign ordinance was not discussed on June 6<sup>th</sup>, so the ordinance will be discussed at the August 9<sup>th</sup> Commission work session.
- **Public Works Committee-** Mayor Tarr stated that the Committee met on June 13<sup>th</sup> and asked if Council had any questions about the meeting. He also thanked Public Works Director Cosby and Mr. Jeffries for completing the Main Street Project and for their efforts in the dedication celebration.

## **8. Public Participation.**

Mr. Richard Conklin stated that he had several questions regarding the wastewater presentation and added that sewage is a major concern for our Island. He also thanked the Town for its efforts in creating the beautiful Downtown Park.

## **9. Adoption of the Fiscal Year 2006 Budget Amendment.**

Councilman Howard motioned, seconded by Councilman Wolffe, to adopt the Fiscal Year 2006 Budget Amendment as presented. The motion was unanimously approved.

## **10. Mayor & Council Announcements or Concerns.**

- Councilman Howard requested that Committee meetings be scheduled after 5:00 pm so that the public may attend. He also requested that Council discuss the process of choosing a Vice Mayor at a meeting other than the one in which the nomination occurs.
- Councilman Wolffe announced that the Public Works Committee will continue to be on the second Tuesday of each month at 5:30 pm. He also requested that the Budget and Personnel Committee continue to meet at 5:30 pm, and Councilwoman Conklin agreed.
- Councilman Ross thanked Mr. John Salm for his presentation. He also thanked Town Manager Ritter on his presentation at the Special Council meeting earlier this evening. Councilman Ross announced that the Ordinance Committee will meet on July 12<sup>th</sup> at 5:30 pm.
- Vice Mayor Speidel stated that she looks forward to serving with Council. She also stated that the Recreation and Community Enhancement Committee will not meet in July, but will meet on the second Thursday of every other month at 5:30 pm, beginning in August.
- Councilwoman Richardson asked how long vehicles could park in the Town Dock parking lot behind the American Legion. She also asked if employees and customers of the downtown shops could park in the Town parking lot behind the Village Mall to reserve the parking at the Downtown Park for visitors using the park. Councilman Howard advised that the parking issues will be discussed again at the next Ordinance Committee meeting.

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

Councilwoman Richardson motioned, seconded by Councilman Howard, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss legal matters. The motion was unanimously approved.

Councilwoman Conklin motioned, seconded by Councilman Howard, to reconvene in regular session. The motion was unanimously approved.

Councilwoman Conklin motioned, 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, Richardson, Ross, Speidel, Wolfe  
Nays- None  
Absent- None

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on August 7, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE JULY 10, 2006 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

### **Council Members Present:**

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

### ***Call to Order***

Mayor Tarr called the meeting to order at 6:45 p.m.

### ***Agenda Adoption***

Councilman Wolfe motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

## **1. Presentation on Parliamentary Procedures.**

Town Manager Ritter explained that during a meeting, State law and the Town's Charter take precedence over Robert's Rules of Order. He further explained the purpose of following the established rules and Parliamentary procedures during meetings.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on July 10, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE AUGUST 7, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### **Call to Order**

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

### **Invocation**

Councilman Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Agenda Additions/Deletions and Adoption**

Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

## **1. Approval of Minutes of the July 10, 2006 Regular and Special Council Meetings.**

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

## **2. Ordinance Committee Report of July 12, 2006.**

Councilman Ross motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

## **3. Chincoteague Recreation & Convention Center Authority Report of June 12, 2006.**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. Councilwoman Conklin reported that the Center has a new maintenance technician and that the Authority has decided to raise the rental rates, effective July 1<sup>st</sup>. The motion was unanimously approved.

## **4. Public Hearing – Newly revised draft Ordinance, Chapter 70, Waterways.**

Mayor Tarr explained that Town Attorney Poulson prepared a newly revised draft Ordinance, Chapter 70, Waterways. Councilman Howard motioned, seconded by Councilwoman Conklin, to open the public hearing. The motion was unanimously approved.

After receiving no public comments, Mayor Tarr closed the public hearing. He stated that the draft ordinance will be discussed later in the meeting.

## **5. Public Participation.**

- Mr. Giovanni Rosanova, representative of the North Accomack Soccer League, respectfully requested assistance for the League from Council. Mayor Tarr stated that the request will be reviewed by the Budget and Personnel Committee.
- Mr. James Cole, a resident of Ocean Breeze, complained about the unsafe road conditions in the development. Mayor Tarr responded that the matter will be reviewed by Town Attorney Poulson to verify that, under the Code of Virginia, the Town has the authority to repair the roads and place a lien against the owner of the roads. He added that staff will advise Mr. Cole of the outcome.

## **6. Adoption of newly revised Ordinance, Chapter 70, Waterways.**

Councilman Howard motioned, seconded by Councilman Wolffe, to consider adoption of the newly revised Ordinance, Chapter 70, Waterways.

Councilman Howard made a motion to amend the original motion to strike out the words “*situated either in the town or within two miles of its corporate limits*” in Section 70-29. Councilman Wolffe seconded the motion, and it was unanimously approved.

Councilman Howard made a motion to amend the original motion to add the word “*except*” just before the words “*by special authority...*” in Section 70-95(b). Councilman Ross seconded the motion, and it was unanimously approved.



Councilman Wolffe made a motion to amend the original motion to include the word “*designated*” just after the words “*which areas shall be*” in Section 70-96(a). Vice Mayor Speidel seconded the motion, and it was unanimously approved.

Councilman Howard made a motion to amend the original motion to replace the word “*harbor*” with “*other town water-related facilities, excepting the Town Dock*” in the first sentence of Section 70-123. Councilman Wolffe seconded the motion, and it was unanimously approved.

Councilman Wolffe made a motion to amend the original motion to include the word “*vessels*” after the words “*Overnight habitation of*” in Section 70-95(b) and to strike the language of Section 70-104(i) and leave Section 70-104(i) as “*Reserved*”. Councilman Ross seconded the motion, and it was unanimously approved.

Councilman Wolffe made a motion to amend the original motion to strike the word “*boats*” in Section 70-119(b). The motion was seconded by Councilman Howard. There was discussion contrary to the motion. Town Attorney Poulson advised that the original language of Section 70-119(b) should not be stricken.

Ayes – None

Nays – Conklin, Howard, Richardson, Ross, Speidel, Wolffe

The motion was defeated.

Councilman Wolffe then made a motion to amend the original motion to include the words “*Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility is prohibited, except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the Town.*” as the language of Section 70-119(b). Vice Mayor Speidel seconded the motion, and it was unanimously approved.

The original motion made by Councilman Howard and seconded by Councilman Wolffe was unanimously adopted as amended above.

## **7. Adjoining Property Owner Notice (BZA Applicant, Michael E. McGee).**

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to neither approve nor disapprove the project and to respond “no comment” on the Adjoining Property Owner Notice for Mr. McGee’s BZA application. Councilman Wolffe reiterated the importance of the Town to remain neutral in the capacity of adjoining property owners.

Ayes – Conklin, Richardson, Ross, Speidel, Wolffe

Nays – Howard

Absent – None

The motion was carried.

## **8. Mayor & Council Announcements or Concerns.**

- Councilman Howard stated that Church Street, from Willow Street to the canal, and also Pension Street are in need of repair. Councilman Wolffe stated that the matter will be discussed at the September Public Works Committee meeting. Councilman Howard also stated that the Harbor Committee will not meet on August 9<sup>th</sup>.
- Councilman Wolffe asked about the status of the information from the planning group. Town Manager Ritter responded that the group was tallying the public comments. He stated that he will call the group to check the status.
- Councilman Ross stated that the Ordinance Committee will not meet on August 9<sup>th</sup>.
- Vice Mayor Speidel stated that the Recreation and Community Enhancement Committee meeting will not meet on August 10<sup>th</sup>, but will meet on September 14<sup>th</sup>.
- Councilwoman Richardson announced that the Planning Commission will hold a special meeting on August 8<sup>th</sup> at 7:00 pm to discuss the Sign Ordinance. She also stated that she has heard complaints from a man about his neighbor's cats. Mayor Tarr advised Councilwoman Richardson to speak to Chief Lewis about the complaint.
- Mayor Tarr recommended that the Safety and Transportation Committee prepare a budget for a Town animal control program. He added that the positives and negatives of the Town having its own animal control program should also be listed.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on August 17, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE AUGUST 17, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

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

#### **Call to Order**

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

#### **Invocation**

Councilman Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Agenda Additions/Deletions and Adoption***

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Approval of Minutes of the August 7, 2006 Regular Council Meeting.***

Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

### ***2. Safety and Transportation Committee Meeting Report of August 3, 2006.***

Mayor Tarr gave a brief report on the Committee meeting. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### ***3. Public Works Committee Report of August 8, 2006.***

Councilman Wolffe made a correction to the minutes; he stated that under item number one, *Mr. Wolffe* seconded the motion to approve the minutes of the previous Committee meeting. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to approve the minutes as corrected. The motion was unanimously approved.

### ***4. Accomack-Northampton Planning District Commission (A-NPDC) Presentation (Broadband Communications).***

Mrs. Barbara Schwenk of the A-NPDC presented Council with information from the Broadband Communications project on the Shore. She gave the definition of Broadband internet and explained the need for this type of communication on the Eastern Shore.

### ***5. Public Participation.***

- Mr. Fred Mueller asked Council to consider waiving the \$3,600 availability fee for his property on Pine Drive. He advised Council that a local contractor obtained a building permit for the new residence on Pine Drive in March 2006 and that neither he nor the contractor was informed that there were new fees in effect starting April 20, 2006. Mr. Mueller felt his situation was unique since he had obtained a building permit and met all of the requirements prior to April 20<sup>th</sup>, but did not apply for water service before the increase.
- Mr. Jim Frese commented that he was aware that the water rates were increasing, but did not understand until the meeting in which the new rates were adopted that the availability fees were being initiated as well. Mr. Frese also requested that Council fully support the Broadband project. Mr. Frese commented on the proposed zoning changes regarding pier structures, and he requested that Council not be as restrictive as the State regarding the regulations.

- Mr. Philip Martin commended Council on their response to Mr. Mueller’s situation with the water service fees. He also commented on the Broadband presentation and the importance of the communication program to the community.

## **6. Proposed Zoning Change, Pier Structures.**

Town Attorney Poulson advised that the Virginia Marine Resources Commission (VMRC) currently allows boat houses to cover a boat slip or boat lift (up to 700 square feet), and open-sided shelter roof structures and gazebos (up to 400 square feet) as a matter of right, unless otherwise prohibited by local ordinance.

Councilman Ross motioned, seconded by Councilwoman Conklin, to refer to the Planning Commission for their review and recommendations to Council, such recommendations only to be made after Notice and Public Hearing, a proposed zoning amendment that prohibits open-sided shelter roof structures, open-sided roof structure designed to shelter single boat slips and boat lifts, and that allows gazebo-type structures up to 400 square feet to be constructed and/or maintained on any dock, pier, or dock or pier platform in all districts.

Ayes – Ross

Nays – Conklin, Howard, Richardson, Speidel, Wolffe

Absent – None

The motion was defeated.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, that, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, that the following proposed amendments to the Town of Chincoteague Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285 for their recommendations, such recommendations to be made only after Notice and Public Hearing in accordance with Section 15.2-2204 and that Section 2.96 be amended by adding the following paragraphs to the definition of **Main Use**:

*A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.*

*A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.*

Further, the Planning Commission shall report its recommendations, with any explanatory materials, within ninety (90) days of its first meeting to consider the proposed amendments. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, that, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, that the following proposed amendments to the Town of Chincoteague Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285

for their recommendations, such recommendations to be made only after Notice and Public Hearing in accordance with Section 15.2-2204 and that the following sections of the zoning ordinance be amended as shown by the italicized language:

**Section 3.2**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

**Section 3.5.2**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

**Section 3.8.10**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

**Section 3.11.5**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 4.2.3**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 4.5.3**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

Further, the Planning Commission shall report its recommendations, with any explanatory materials, within ninety (90) days of its first meeting to consider the proposed amendments, and as necessary, will also submit a definition of *conditional use permit*. The motion was unanimously approved.

## **7. Donation Request from North Accomack Soccer League.**

Councilwoman Conklin motioned, seconded by Councilman Howard, to donate \$250 to the North Accomack Soccer League. The motion was unanimously approved.

## **8. Board of Zoning Appeals (BZA) Request.**

Current zoning regulations require that a structure must be located a minimum of twenty-five feet from either street and/or right-of-way when the structure is located on a corner lot [where the property fronts two streets or right-of-ways]. The BZA agrees with the regulations in areas where the property is located adjoining two state roads; however, the Board has concerns when the structure is located along a state road and a private street or right-of-way. Therefore, the BZA has requested that Council send a letter to the Planning Commission requesting that the Commission review the matter at their September meeting.

Councilman Howard motioned, seconded by Councilman Wolffe, to postpone the BZA's request to send a letter to the Planning Commission and to have Staff research and review

the matter and return to Council with a recommendation. The motion was unanimously approved.

## **9. Mayor & Council Announcements or Concerns.**

- Police Chief Lewis announced that the 2<sup>nd</sup> Annual Ride-4-Kids will be on September 9<sup>th</sup>. He also requested that the Island Nature Trail be closed to the public from September 15 through October 22 for the annual Haunted Forest.
- Councilwoman Richardson announced that the Planning Commission will meet on August 22<sup>nd</sup> at 7:00 pm.
- Councilman Ross stated that he will be out of town next week, but may be reached by cell phone.
- Councilman Wolffe mentioned that he will not be able to attend the September 5<sup>th</sup> Council meeting.
- Councilman Howard announced that the Harbor Committee will meet on September 13<sup>th</sup> at 5:30 pm and that the Cemetery Committee will meet on September 26<sup>th</sup> at 5:30 pm.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on September 5, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE SEPTEMBER 5, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman

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

Glenn B. Wolffe, Councilman

## **Call to Order**

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

## **Invocation**

Councilman Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Agenda Additions/Deletions and Adoption**

Councilman Ross motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

**1. Approval of Minutes of the August 17, 2006 Council Meeting.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

**2. Presentation and Resolution in Honor of Ronald Mason.**

Mayor Tarr read the following resolution in honor of former Councilman, Mr. Ron Mason, and presented Mr. Mason with a plaque and a key to the city. Council thanked Mr. Mason for his service and dedication to the Town.

**RESOLUTION OF THE  
CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS**, Ronald A. Mason has served this community well as a member of the Town Council since July 1, 2002; and

**WHEREAS**, his tenure on the Town Council has earned him the respect of the citizens of Chincoteague and people throughout Accomack County and the Commonwealth of Virginia; and

**WHEREAS**, as a member of the Town Council, he has faithfully served as a member of the Liaison Committee, the Bicycling Advisory Committee, as Chairman of the Public Works Committee, and as Chairman of the Harbor Committee; and

**WHEREAS**, the exemplary conduct and sense of fairness he has demonstrated in all capacities as Councilman has furthered the cause of better understanding, and has been an influence for good in the growth and progress of our community;

**NOW, THEREFORE**, I, John H. Tarr, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, and speaking on behalf of the entire Town Council and all other citizens, do hereby tender this Resolution, extending our deep appreciation to Brother Ronald A. Mason. We wish him success in all future endeavors and are grateful to have served with him.

**DATED** this 3<sup>rd</sup> day of July, 2006.

Attest:

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

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager



### **3. *Accomack County Board of Supervisors Update.***

Island District Supervisor, Honorable Wanda Thornton, updated Council with several issues that the County is currently facing that may affect the Island:

- The bids for the Chincoteague Channel bridge were sent out on August 31.
- VDOT will install two additional 55 mph signs on the causeway.
- The VDOT regulation on streets in subdivisions is now less than the original 50' requirement.
- The County is increasing the parking and ramp areas on the Queen Sound boat ramp.
- The County is doing another property reassessment, with a projected 36-37% increase.
- The population census for Chincoteague was overstated by about 2,000 people. The census for Accomack County was overstated by about 4,000 people. The true population of Accomack County is 34,488. The school population is basically unchanged for the past five years.
- Meals tax will be assessed only to the unincorporated areas of Accomack County.
- Affordable housing is a problem in the County.
- Economic Development – The County is working on the Wallops Island Business Park; the State has taken an interest in the project as well. Several tenants are ready to enter the Park which will create many jobs in the County. Wal-Mart is expected to build in the Onley area soon which will also provide over 250 jobs.
- Accomack County is studying a decentralized wastewater system for the County.
- There is a serious issue with the paid Fire/Medics and volunteers. Paid Fire/Medics are not allowed to volunteer after hours for the fire/rescue company in which they are paid.
- The revenue from the saltwater fishing license is not being returned to local communities, but the majority of the revenue is going toward research for VIMS.

### **4. *Resolution, Hazard Mitigation Plan, Town of Chincoteague, Virginia.***

Mr. Bryan Rush, Emergency Operations Coordinator, explained the requirement of local governments to develop a Hazard Mitigation Plan as well as the need for the plan in order to secure funding for pre- and post-disaster situations.

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the following resolution for the Hazard Mitigation Plan for the Town of Chincoteague. The motion was unanimously approved.

#### **RESOLUTION HAZARD MITIGATION PLAN TOWN OF CHINCOTEAGUE, VIRGINIA**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, an Eastern Shore Hazard Mitigation Planning Committee comprised of members of the business community and non-profit organizations, and local officials was convened in order to study the Town's risks from and vulnerabilities to natural Hazard, and to make recommendations on mitigating the effects of such Hazard on the Town; and

WHEREAS, the Accomack-Northampton Planning District Commission developed a regional Hazard Mitigation Plan including the Town of Chincoteague; and

WHEREAS, the efforts of the Town of Chincoteague, Eastern Shore of Virginia Hazard Mitigation Plan Committee members and the Accomack-Northampton Planning District Commission have resulted in the development of a regional Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chincoteague, Virginia that the sections pertaining to the Town of Chincoteague in the Eastern Shore Hazard Mitigation Plan dated June 2006 is hereby approved and adopted for the Town of Chincoteague, Virginia.

ADOPTED by the Council of the Town of Chincoteague, Virginia this 5<sup>th</sup> day of September, 2006.

APPROVED:

ATTEST:

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

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

## **5. *Budget and Personnel Committee Report of August 8, 2006.***

Councilwoman Conklin reported that the auditors gave a presentation at the meeting. She stated that the following two recommendations were also discussed.

- **Amendment to Section 303 – Holidays of the Employee Handbook-** Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to include Good Friday as a paid employee holiday. The motion was unanimously approved.
- **Position Description for a Town Planner-** Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the position description for a Town Planner as written. The motion was unanimously approved.

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

- Mrs. Lois Hunt asked Council to reconsider the policy of the causeway signs.
- Mr. Tommy Clark, Main Street Merchants representative, requested that the downtown parking spaces be closed to regular parking and be allowed to be utilized by a Classic Car association during the Chili Chowder Cook-off on October 14. He also requested that Golden Oldies music be piped throughout downtown on that day. It was the general consensus of Council to grant the Main Street Merchants' requests.

- Mrs. Payne commended Mr. Ron Mason for starting the Trolley History Tour.
- Mr. Sal Zanghi thanked the Police Department for their assistance during the recent tropical storm. Mr. Zanghi also complained about Charter Communication’s cable service. He asked Council to help with the problem.
- Mr. Ron Mason thanked the Town for the manner in which the employees handled the recent tropical storm.

**7. *Broadband Contract and Management Team.***

Councilman Howard motioned, seconded by Councilwoman Richardson, to enter into a contract with Spotts, Stevens and McCoy, Inc. for the development of a telecommunications plan for the Town under the Community Development Block Grant in the amount of \$18,000 and to authorize the Town Manager to execute the contract documents and to appoint a Telecommunication Management Team. The motion was unanimously approved.

**8. *Corner Lot Setback Requirements.***

Councilman Howard motioned, seconded by Councilwoman Conklin, that giving consideration to the public necessity, convenience, general welfare, and good zoning practices, that the following proposed amendments to the Zoning Ordinance be referred to the Planning Commission pursuant to section 15.2-2285 for their recommendations, such recommendations to be made only after Notice and Public Hearing in Accordance with Section 15.2-2204:

Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 – Corner Lots, item (2) rewording as:

*The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures.*

Further, the Planning Commission shall report its recommendations, with any explanatory materials, within ninety (90) days of its first meeting to consider the proposed amendments. The motion was unanimously approved.

**9. *Deed of Vacation – Steve Katsetos and Tom Vasiliou.***

Councilman Howard motioned, seconded by Councilwoman Conklin, to adopt the following ordinance for a deed of vacation between Messrs. Vasiliou and Katsetos. The motion was unanimously approved.

**ORDINANCE**

THIS DEED OF VACATION is made this 5<sup>th</sup> day of September, 2006 by Anastasios Vasiliou and Steve Katsetos, parties of the first part, to be referred to as “Grantors” and Grantees” for indexing purposes, and the Town of Chincoteague, party of the second part, pursuant to section 15.2-2272 of the Code of Virginia of 1950, as amended; and

The Grantors hereby, agree and request the vacation of a certain plat of survey situated in the Town of Chincoteague entitled “ William M. Birch Development” dated August 10, 1964 made by R. L. Beebe, C.E., to show Lots 1 through 13, said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat

Book 13, page 6 and “The Wagon Wheel” dated March 9, 1982 made by Marshall, McKee & Associates, to show Lots 1 through 12, said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat Book 26, page 20, 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 1 of the “Wagon Wheel Subdivision” and Lot 5 of the “William M. Birch Development” be vacated, and such property line be relocated 89.77’ into Lot 5 of the “William M. Birch Development.

**WHEREAS**, the basis of said vacation is at the request of owners of said lots for the purpose of construction of a 6 unit townhouse located on Lot 1.

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

1. That the property line between Lot 1 of the “ William M. Birch Development” dated August 10, 1964 made by R. L. Beebe, C.E., said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat Book 13, page 6 and Lot 5 of “The Wagon Wheel” dated March 9, 1982 made by Marshall, McKee & Associates, said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia in Plat Book 26, page 20, be vacated, and such property line be relocated 89.77’ into Lot 5 of the “William M. Birch Development.

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 5<sup>th</sup> day of September, 2006

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

Tax Map Numbers: 030A60700000500  
030A61800000100

**10. Mayor and Council Announcements or Comments.**

- Councilwoman Richardson announced that the Planning Commission will have a special meeting on September 7 at 7:00 pm to discuss the Sign Ordinance. She also thanked the Town employees for their efforts during the recent tropical storm.
- Councilman Ross announced that the Safety and Transportation Committee will not meet in September and that the Ordinance Committee will meet on September 18 at 5:30 pm.
- Councilman Howard announced that the Harbor Committee will not meet in September and that the Cemetery Committee will meet on September 26 at 5:30 pm in the conference room. Councilman Howard stated that he was concerned about the flooding in the streets during the recent storm and requested that a policy or precaution be considered to prohibit vehicles spraying water on property when streets are flooded. He

also asked if the Public Works Committee could review the possibility of using flood gates in certain low-lying areas of the Island.

- Mr. Bryan Rush updated Council on the recent Tropical Storm Ernesto and its effects on the Island, including damage assessment and clean-up.
- Mayor Tarr announced that the planning consultant, Mr. Ed McMahon, will have a presentation for Council and the public on September 13 at 7:00 pm.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on September 21, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE SEPTEMBER 21, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### ***Call to Order***

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

### ***Invocation***

Councilman Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Agenda Additions/Deletions and Adoption***

Councilman Wolffe motioned, seconded by Councilman Howard, to add Public Participation as agenda item number 3A and to adopt the agenda as amended. The motion was unanimously approved.

**1. Approval of Minutes of the September 5, 2006 Regular Council Meeting.**

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

**2. Presentation of Proffers.**

Mr. John Anzivino of Springsted, Incorporated gave a presentation on the proffer process with regards to capital planning. He further explained the three types of proffer systems in Virginia and the requirements associated with each type.

**3. Recreation and Convention Center Authority Report.**

Councilwoman Conklin reported that the additional septic has recently been installed so that the Center is able to have a full-service kitchen. She stated that rentals have increased, but that the Center continues to have problems with the heating and air-conditioning system.

**3A. Public Participation.**

- Mrs. Margot Hunt thanked Council for inviting planning consultant, Mr. Ed. McMahon, to give his presentation to Council and the public recently.
- Mrs. Jane Wolffe updated Council on the local YMCA activities. She stated that the local YMCA is associated with the Mid-Atlantic District YMCA and that the local chapter now has a part-time Director whose salary is being funded by a grant.

**4. Ordinance Committee Report of September 13 and 18, 2006.**

Zoning Administrator Lewis explained why it was necessary for Council to adopt new Floodplain Ordinance, Chapter 30 – Floods.

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to adopt the following Floodplain Ordinance, Chapter 30 – Floods. The motion was unanimously approved.

Chapter 30

**FLOODS\***

**Article I. General Provisions**

- Sec. 30-1. Purpose.
- Sec. 30-2. Applicability.
- Sec. 30-3. Compliance and liability.
- Sec. 30-4. Abrogation and greater restrictions.
- Sec. 30-5. Severability.
- Sec. 30-6. Reserved.

## **Article II. Floodplain Management**

- Sec. 30-7. Definitions.
- Sec. 30-8. Reserved.

## **Article III. Establishment of Zoning Districts**

- Sec. 30-9. Description of districts.
- Sec. 30-10. Official floodplain map.
- Sec. 30-11. District boundary changes.
- Sec. 30-12. Interpretation of district boundaries.
- Sec. 30-13. Reserved.

## **Article IV. District Provisions**

- Sec. 30-14. Permit and application requirements.
- Sec. 30-15. General standards.
- Sec. 30-16. Specific standards.
- Sec. 30-17. Standards for subdivision proposals.
- Sec. 30-18. Standards for the coastal high hazard district.
- Sec. 30-19. Reserved.

## **Article V. Variances**

- Sec. 30-20. Factors to be considered.

## **Article VI. Enactment**

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**\*Cross references**—Buildings and building regulations, ch. 14; environment, ch. 22; streets, sidewalks and other public places, ch. 50; utilities, ch. 62; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

**State law reference**—Flood Damage Reduction Act, Code of Virginia, §10.1-600 et.seq.

### **ORDINANCE NO. 30 - FLOODS**

AN ORDINANCE AMENDING ORDINANCE NO. 30, THE ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF CHINCOTEAGUE, VIRGINIA AS FOLLOWS:

### **ARTICLE I. GENERAL PROVISIONS**

### **Sec. 30-1. Purpose.**

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- (2) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- (3) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.
- (4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

### **Sec. 30-2. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.

### **Sec. 30-3. Compliance and liability.**

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- (b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.
- (c) Records of actions associated with administering this ordinance will be kept on file and maintained by the Zoning Administrator.
- (d) This ordinance shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **Sec. 30-4. Abrogation and greater restrictions.**



This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

**Sec. 30-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

**Sec. 30-6. Reserved.**

**ARTICLE II. FLOODPLAIN MANAGEMENT**

**Sec. 30-7. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

*Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of Zoning Appeals* means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

*Flood or flooding* means:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; or,

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Historic structure* means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior;  
or,

(b) directly by the Secretary of the Interior in states without approved programs.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*New construction* means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*Recreational vehicle* means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and,
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Special flood hazard area* means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 30-10 of this ordinance.

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure

on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Sec. 30-8. Reserved.**

### **ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS**

**Sec. 30-9. Description of districts.**

(a) Basis of Districts - The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100)-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Town prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 1, 1984, as amended.

(1) The Coastal Floodplain District shall be those areas identified as coastal AE or A1-30 Zones on the maps accompanying the Flood Insurance Study. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.

(2) The Coastal High Hazard District shall be those areas identified as V1 – V30, VE, or V Zones on the maps accompanying the Flood Insurance Study.

(b) Overlay Concept

(1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

**Sec. 30-10. Official floodplain map.**

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the town offices.

**Sec. 30-11. District boundary changes.**

The delineation of any of the Floodplain Districts may be revised by the Town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

**Sec. 30-12. Interpretation of district boundaries.**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

**Sec. 30-13. Reserved.**

**ARTICLE IV. DISTRICT PROVISIONS**

**Sec. 30-14. Permit and application requirements.**

(a) Permit Requirement - All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended and the Town Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws.

(b) Site Plans and Permit Applications - All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(1) For structures to be elevated, the elevation of the lowest floor (including basement).

(2) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

(3) The elevation of the one hundred (100)-year flood.

### **Sec. 30-15. General standards.**

In all special flood hazard areas the following provisions shall apply:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

### **Sec. 30-16. Specific standards.**

In all special flood hazard areas the following provisions shall apply:

(a) Residential Construction - New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than base flood elevation.

(b) Non-Residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than base flood elevation.

(c) Elevated Buildings - Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

(1) not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(2) be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) in the Coastal High Hazard District, follow the standards for elevation outlined in Article IV, Section 30-18.

(4) include, in Zones AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To

meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- (b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- (d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) Standards for Manufactured Homes and Recreational Vehicles

(1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) the lowest floor of the manufactured home is elevated no lower than base flood elevation; or,

(b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade;

(c) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

(d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage," any manufactured home placed



or substantially improved must meet the standards of Article IV, Section 30-16(d)(2)(a)(b) and (c) above.

(3) All recreational vehicles placed on sites must either:

(a) be on the site for fewer than 180 consecutive days;

(b) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,

(c) meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 30-16(d)(1) or (2)(a), (b) and (c), above.

**Sec. 30-17. Standards for subdivision proposals.**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**Sec. 30-18. Standards for the coastal high hazard district.**

The following provisions shall apply within the Coastal High Hazard District:

(a) All new construction and substantial improvements in Zones V1 – V30 and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:

(1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level (recommend  $\geq$  one foot freeboard); and,

(2) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article IV, Section 30-18(a).

(c) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1 – V30 and VE. The Floodplain Management Administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.

(f) The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(g) Prohibit the use of fill for structural support of buildings. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(h) Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(i) All manufactured homes to be placed or substantially improved within Zones V1 – V30, V, and VE on the Town's Flood Insurance Rate Map on sites must meet the standards of Article IV, Section 30-18(a) though (h) and that manufactured homes placed

or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1 – V30, V, and VE on the Flood Insurance Rate Map meet the requirements of Article IV, Section 30-16(d)(1) and (2), if they are located:

- (1) outside of a manufactured home park or subdivision,
- (2) in a new manufactured home park or subdivision,
- (3) in an expansion to an existing manufactured home park or subdivision, or
- (4) in an existing manufactured home park or subdivision in which a manufactured home has incurred “substantial damage.”

(j) Recreational vehicles placed on sites within Zones V1 – V30, V, and VE on the community’s Flood Insurance Rate Map must either:

- (1) be on the site for fewer than 180 consecutive days,
- (2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- (3) meet the requirements of Article IV, Section 30-14 and Article IV, Section 30-18(a) though (h).

**Sec. 30-19. Reserved.**

**ARTICLE V. VARIANCES**

**Sec. 30-20. Factors to be considered.**

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The showing of good and sufficient cause.
- (b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- (c) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(f) The importance of the services provided by the proposed facility to the community.

(g) The requirements of the facility for a waterfront location.

(h) The availability of alternative locations not subject to flooding for the proposed use.

(i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(k) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(l) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(n) Such other factors which are relevant to the purposes of this ordinance.

All applicants must obtain documentation pertaining to the request for a variance from a Virginia certified engineer to evaluate the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters prior to referring such to the BZA..

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## ARTICLE VI. ENACTMENT

ENACTED AND ORDAINED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_. This ordinance shall become effective upon passage.

Attest:

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

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

### **5. Adjacent Property Owner's Acknowledgement Form – Mr. and Mrs. Kenneth Bogush.**

Mayor Tarr explained that Mr. and Mrs. Kenneth Bogush wish to construct a boat dock on their property on Main Street which is adjacent to the Town's property. He added that the Town has the option to mark the *no comment*, *do not object*, or *object to the project* boxes.

Councilman Wolffe motioned, seconded by Councilman Ross, to mark the *do not object* box on the Adjacent Property Owner's Acknowledgement Form. The motion was unanimously approved.

### **6. Change Order Request – Painting of the Two Water Storage Tanks.**

Public Works Director Cosby explained that the contractor is prepared to begin work on the contract for the painting, repairs and maintenance of the two water storage tanks. He added that the project was originally scheduled for Fall 2004, but was delayed at the Town's request. Public Works Director Cosby informed Council that a change order for an \$8,000 increase to the contract was made on March 21, 2005 and that the contractor is now requesting another change order for an additional \$27,000 to offset cost increases.

Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the contractor's change order for an additional \$27,000 increase to the contract. The motion was unanimously approved.

## **7. Mayor and Council Announcements or Comments.**

- Councilman Ross is concerned that there is no sidewalk in front of the high school and along the side of the school along Hallie Whealton Smith Drive. He suggested that the Town, together with the School Board, ask the contractor to construct this sidewalk at no additional charge.
- Councilwoman Richardson announced that the Planning Commission will meet on September 26 at 7:00 pm. She also asked for Council's support in pursuing the idea of having flood gates installed due to flooding from storms like the recent tropical storm.
- Town Manager Ritter stated that Redman/Johnston want to meet with Council and the Planning Commission on September 28 to discuss the results of the surveys that were recently conducted. Mayor Tarr recommended that the meeting be rescheduled for some time in October.
- Zoning Administrator Lewis recommended that a better communications system be established with the Island residents regarding storm damage. He noted that complete storm damage information is important when reporting the Island's total assessed property damage to FEMA for possible financial assistance for repairs.
- Mayor Tarr stated that the Town received a request from the Shriners to have a "Boot Drive" on the Island on September 30 asking motorists for donations for the Children's Hospital. It was the consensus of Council to approve the Shriners' request.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on October 2, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE OCTOBER 2, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolffe, Councilman

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

Nancy B. Conklin, Councilwoman

### ***Call to Order***

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

### ***Invocation***

Councilman Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Public Participation***

- Mrs. Dorothy Troxler stated that she felt more directional signs indicating directions to the beach are needed north of the Main Street and Maddox Boulevard intersection for southbound traffic coming from North Main Street. She also stated that the downtown restrooms need to be refurbished as there are several broken fixtures and the toilet seats and linoleum flooring are worn.
- Mr. Anthony Smith, a local U.S. Marine who served in Iraq, presented the Mayor and Council with an American flag which was flown in Iraq on Pony Penning Day to honor Chincoteague.

## ***Agenda Additions/Deletions and Adoption***

Councilman Howard motioned, seconded by Councilman Wolffe, to adopt the agenda with the addition of item number seven, *Closed Session for Discussion of Personnel Matters*. The motion was unanimously approved.

### ***1. Approval of Minutes of the September 21, 2006 Council Meeting.***

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### ***2. Presentation and Resolution in Honor of J. Wesley Jeffries.***

Mayor Tarr presented Mr. Jeffries with a plaque and read the following resolution in honor of Mr. Jeffries's retirement and years of service. Council thanked Mr. Jeffries for his service and dedication to the Town.

#### **RESOLUTION OF THE CHINCOTEAGUE TOWN COUNCIL**

**WHEREAS**, Mr. J. Wesley Jeffries has served the Town of Chincoteague with dedicated interest and devotion to duty for many years in many capacities; and

**WHEREAS**, Mr. Jeffries has announced his plans to retire on September 30, 2006 and has been honored by the Town Council, co-workers and friends, who are deeply appreciative of his many contributions to the community through the years;

**THEREFORE**, by virtue of the authority vested in me as Mayor, and on behalf of the Town Council and all our citizens, I do hereby tender this Resolution to Mr. J. Wesley Jeffries extending our best wishes to him for much success and happiness in the future.

**DATED** this 2<sup>nd</sup> day of October, 2006.

Attest:

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John H. Tarr, Mayor

### **3. *Budget and Personnel Committee Report of August 8, 2006.***

- **Amendment to Section 109 – Conflicts of Interest, Employee Handbook-** Councilman Wolffe motioned, seconded by Councilwoman Richardson, to amend Section 109 – Conflicts of Interest of the Employee Handbook to include the new language “*No mayor or member of Council shall be an employee of the Town and upon the qualifications of any such person for such position, his or her employment shall cease.*” The motion was unanimously approved.
- **Request from EMS Personnel, Reimbursement for Cell Phones-** Councilman Howard motioned, seconded by Councilwoman Richardson, to authorize reimbursement to the three Emergency Medical Service personnel of \$25.00 per month on their paycheck for cell phone use. The motion was unanimously approved.

### **4. *Project No. 06-09-002, Emergency Repair, Harbor Boat Ramp.***

Public Works Director Cosby explained that there is a large hole in the center of the Harbor boat ramp and that adequate funding exists in the boat ramp repair reserve to repair the ramp. Mayor Tarr stated that five bids were solicited and that two bidders responded, with the lowest bid in the amount of \$23,500 from Fisher Marine Construction, Inc.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to award the emergency repair of the Harbor boat ramp to Fisher Marine Construction, Inc. in the amount of \$23,500. The motion was unanimously approved.

### **5. *Software Purchase.***

Town Manager Ritter explained that Staff has spent a considerable amount of time reviewing software from many different companies and has recommended that Harris Computer Systems be awarded the upgrade of the Town’s software.

Several Council members had specific questions that need to be researched. Councilman Wolffe motioned, seconded by Councilman Howard, to postpone making a decision on this matter until Staff can ascertain answers to Council’s questions. The motion was unanimously approved.

### **6. *Mayor and Council Announcements or Comments.***

- Public Works Director Cosby introduced Mr. Wade Easton as the new Roads Supervisor. Mayor Tarr welcomed Mr. Easton to his new position. Public Works Director Cosby also thanked Mr. Jeffries for his help and dedication to the Town
- Town Manager Ritter also thanked Mr. Jeffries for his help, hard work and dedication to the Town.



- Councilwoman Richardson announced that the Planning Commission will meet on October 5 at 7:30 pm to discuss signs. She also invited all to attend the Open House at the Oyster and Maritime Museum at 1:00 pm on October 8.
- Vice Mayor Speidel requested that a cost comparison between companies be included with future presentations to Council when major purchases are being considered.
- Councilman Ross thanked Mr. Jeffries for all of his help and hard work. He also asked Town Manager Ritter why the Council Information Items list has not been included in Council's packets recently. Town Manager Ritter responded that he would put the action items list in Council's mailboxes or email the list to Council. Councilman Ross asked about the status of the missing Pension Street sign at the end of Ocean Boulevard. Public Works Director Cosby responded that the sign has been ordered. Councilman Ross also recommended that a sign be posted on the bicycle trail on Deep Hole Road.
- Councilman Wolffe requested that the Public Works Department research Mrs. Troxler's requests made earlier in the meeting. He also asked if the parking lots/roads matter will be discussed in an upcoming Council meeting. Councilman Wolffe thanked Mayor Tarr and Town Manager Ritter for moving the informational meeting with Redman/Johnston to Monday, October 9.
- Councilman Howard thanked Mr. Jeffries for his hard work and service to the Town and to the community. He announced that the Harbor Committee will meet on October 11 at 7:30 pm and that the Cemetery Committee will meet on October 24 at 5:30 pm.

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

Councilman Howard motioned, 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. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilwoman Richardson motioned, seconded by Vice Mayor Speidel, 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, Richardson, Ross, Speidel, Wolffe  
Nays- None  
Absent- Conklin

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to authorize the Town Manager to issue a bonus pay check in the amount of \$3,500.00 to Mr. Jack Van Dame for all of his hard work and dedication for the past year as the Trolley Manager. The motion was unanimously approved.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on October 19, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE OCTOBER 9, 2006 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING WITH THE CHINCOTEAGUE PLANNING COMMISSION**

### **Council Members Present:**

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

### **Planning Commission Members Present:**

Ray Rosenberger, Chairman  
Bob Behr  
Mollie Cherrix  
Ray Daisey  
Tom Derrickson  
Jane Wolffe

### ***Call to Order***

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

### ***Invocation***

Councilman Ross offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## **1. Redman/Johnston Presentation.**

- **Survey Results-** Mr. Redman and Mr. Johnston explained the survey results. They discussed the conclusions that were drawn from the survey results and offered several recommendations as a result.
- **Direction of the Future-** There was a lengthy discussion about the future direction of the Island regarding development and conservation.

## **Adjournment of Meeting**

Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE OCTOBER 19, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### **Call to Order**

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

### **Invocation**

Councilman Ross offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Agenda Additions/Deletions and Adoption**

Councilman Ross motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. The motion was unanimously approved.

**1. Approval of Minutes of the October 2, 2006 Regular Council Meeting.**

Councilwoman Conklin stated that she was not present at the October 2 meeting. Councilwoman Conklin motioned, seconded by Councilman Ross, to approve the minutes as amended. The motion was unanimously approved.

**2. Presentation: County Reassessment, Tri-County Appraisals.**

Mayor Tarr introduced Mr. Bill Coulson of Tri-County Appraisals and Mr. Brent Hurdle, Accomack County Assessor. Mr. Coulson explained the purpose of property reassessment as well as the reassessment process. He then responded to several questions from the public and Council. Mr. Hurdle elaborated on the reassessment process. He also responded to questions from Council.

**3. Recreation and Community Enhancement Committee Report of September 14, 2006.**

Vice Mayor Speidel informed Council of the items discussed at the meeting. Councilman Wolffe motioned, seconded by Councilman Howard, to approve the report as presented. The motion was unanimously approved.

**4. Chincoteague Recreation and Convention Center Authority Report of September 25, 2006.**

Councilwoman Conklin reported on the items discussed at the meeting. Councilman Howard motioned, seconded by Councilman Ross, to approve the report as presented. The motion was unanimously approved.

**5. Ordinance Committee Report of September 13 and 18, 2006.**

Councilman Ross informed Council of the items discussed at the meeting. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the report as presented. The motion was unanimously approved.

**6. Safety Advisory and Transportation Committee Report of October 5, 2006.**

Mayor Tarr reported on the items discussed at the meeting. Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the report as presented. The motion was unanimously approved.

**7. Software Purchase.**

Councilman Wolffe motioned, seconded by Councilman Howard, to award the Town's software upgrade to Harris Computer Systems in the amount of \$38,135.00 plus travel and lodging costs, and for the Town Manager to execute the contract documents. The motion was unanimously approved.

**8. Resolution for T-21 Grant Assistance for Property Acquisition.**

Councilwoman Richardson motioned, seconded by Councilman Howard, to adopt the following resolution for T-21 Grant Assistance for Property Acquisition. The motion was unanimously approved.

**RESOLUTION**

**MAYOR AND COUNCIL**

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received for the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the Town of Chincoteague.

Now, Therefore, Be It Resolved, that the Town of Chincoteague requests the Commonwealth Transportation Board to establish a project for the continuation of the Chincoteague Main Street Corridor Enhancement Project.

Be it Further Resolved, that the Town of Chincoteague hereby agrees to pay a minimum twenty percent of the total cost for planning and design, right-of-way and construction of this project, and that if the Town of Chincoteague subsequently elects to cancel this project, the Town hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 19<sup>th</sup> day of October, 2006.  
Chincoteague Island, Virginia

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

Attest: \_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

**9. Mayor and Council Announcements or Comments.**

- Mayor Tarr commended Police Chief Lewis on his Department’s efforts with the Haunted Forest.
- Town Manager Ritter thanked Council for supporting and approving the software purchase.
- Councilwoman Richardson announced that the Planning Commission will meet on October 24.
- Councilman Ross asked Police Chief Lewis the procedure for barking dog complaints. Police Chief Lewis explained the protocol. Mayor Tarr recommended that the Ordinance Committee review the matter.
- Councilman Wolffe commended Staff for their research on the software upgrade.
- Councilman Howard commented that the Town should consider purchasing a pavement compactor. Mayor Tarr recommended that a list of the sections of pavement that need repair be given to Public Works Director Cosby for consideration.

## ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on November 6, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE NOVEMBER 6, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### ***Call to Order***

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

### ***Invocation***

Councilman Howard offered the invocation.

### ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

### ***Public Participation***

- Mrs. Lois Kelso Hunt requested that the causeway signs be considered in the Town's Comprehensive Plan.
- Mr. Delbert Daisey asked who owns Pine, Oak and Cedar Drives on Piney Island. Mayor Tarr responded that Staff will research who owns the property and let Mr. Daisey know. Mr. Daisey informed Council about the poor road condition. Mayor Tarr mentioned that the Town can grade the road.

### ***Agenda Additions/Deletions and Adoption***

Councilwoman Conklin motioned, seconded by Councilman Ross, to adopt the agenda as presented. The motion was unanimously approved.

### **1. Approval of Minutes.**

- Special Council and Planning Commission Meeting of October 9, 2006 - Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.
- Regular Council Meeting of October 19, 2006 - Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

### **2. Scheduling of a Public Hearing - Corner Lot Setback Requirements.**

The Planning Commission in their October 24 meeting recommended to Council for consideration a proposed zoning change regarding setbacks on corner lots. The proposed change will allow structures on corner lots to be placed fifteen (15) feet from the property line. The current zoning requirement is twenty-five (25) feet.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to hold a public hearing at the regular Council meeting on December 4, 2006 to amend Sections 3.6.5, 3.9.5, 4.3.5 and 4.6.5 – Corner Lots, item (2) wording as: *“The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures”*. The motion was unanimously approved.

### **3. Accomack County Board of Supervisors Update.**

Islands District Supervisor, Honorable Wanda Thornton, updated Council with several issues that the County is currently facing that may affect the Island:

- Reassessment notices will not be left on doors if property owners are not home; they will be mailed to the property owners.
- Supervisor Thornton invited Council to a meeting with the Army Corps of Engineers and FEMA on December 1 at 10:00 am to discuss flood gates.
- There was a brief discussion regarding the Enterprise Zone.
- Supervisor Thornton announced that the public hearing regarding Wal-Mart will be on November 16.
- Supervisor Thornton recommended that a representative of Chincoteague serve on the Technical Advisory Transportation Committee for the Eastern Shore.
- The bids for the channel bridge will be opened on November 8.
- NASA no longer has to have a permit or pay for a permit to withdraw groundwater. In addition, NASA no longer has a limit on the amount of groundwater they may withdraw.
- Supervisor Thornton stated that she will ask for a meeting with the Army Corps of Engineers regarding dredging of the channel.
- Supervisor Thornton showed Council a map of the impoverished areas of Accomack County. She pointed out these areas on Chincoteague as well.

**4. Proclamation for Cemetery Cleanup Week.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following proclamation for Cemetery Cleanup Week.

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

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

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

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

NOW, THEREFORE, I Mayor John H. Tarr, do hereby proclaim the week of November 12 through 18, 2006 as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 6<sup>th</sup> day of November, 2006.

Attest:

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

\_\_\_\_\_  
Robert G. Ritter, Jr., Town Manager

Councilman Howard announced that the Reed Cemetery will be cleaned on November 18 beginning at 9:00 am.

**5. Cancellation of the Regular Council Meeting of November 16, 2006.**

Councilman Howard motioned, seconded by Councilwoman Richardson, to cancel the regular Council meeting scheduled for November 16, 2006. The motion was unanimously approved.

**6. Street Paving Bid.**

Public Works Director Cosby explained that one bid was received for the paving contract. He stated that the bid was from Interstate Construction of Delmarva, doing business as Branscome Eastern Shore, who has done the Town's paving work from 1998 through 2002 and from 2004 to the present.



Councilman Wolffe motioned, seconded by Councilwoman Richardson, to award the street paving contract to Interstate Construction of Delmarva, doing business as Branscome Eastern Shore. The motion was unanimously approved.

## **7. Mayor and Council Announcements or Comments.**

- Councilwoman Richardson announced that the Planning Commission will meet on November 14 at 7:00 pm to discuss the Sign Ordinance.
- Councilman Ross announced that the Ordinance Committee will meet on November 8 at 5:30 pm to discuss the Noise Ordinance.
- Councilman Howard announced that the Harbor Committee will not meet in November.
- Mayor Tarr announced that Council has been invited to participate in the Christmas Parade on December 2 at 6:30 pm. He also encouraged Council and the citizens to vote in tomorrow's election.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on December 4, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilman Wolffe, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE DECEMBER 4, 2006 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### **Call to Order**

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

### **Invocation**

Councilman Ross offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

## ***Public Participation***

Mr. Jesse Speidel felt that the Town should not hire Springsted, Inc. to search for a Town Planner.

## ***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that “Land Acquisition” be added to agenda item number twenty, Closed Meeting. Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as amended. The motion was unanimously approved.

### ***1. Approval of Minutes of the November 6, 2006 Council Meeting.***

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

### ***2. Public Hearing – Corner Lot Setback Requirements.***

The Planning Commission in their October 24 meeting recommended to Council for consideration a proposed zoning change regarding setbacks on corner lots. The proposed change will allow structures on corner lots to be placed fifteen (15) feet from the property line. The current zoning requirement is twenty-five (25) feet.

Mayor Tarr opened the public hearing.

- Mr. Jim DeMarco stated that he is in favor of the proposed setbacks on corner lots.

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

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to amend Sections 3.6.5, 3.9.5, 4.3.5 and 4.6.5 – Corner Lots, item (2) wording as: “*The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures*”. The motion was unanimously approved.

### ***3. Harbor Committee Report of October 11, 2006.***

Councilman Howard stated that Harbor Master, Mr. Wayne Merritt, updated the Committee on the recent boat ramp repair and the upcoming dredging of the Harbor. He added that the progress of the restroom project and a conceptual plan for a commercial boat dock were also discussed.

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 10 at 7:30 pm.

#### **4. Cemetery Committee Report of October 24, 2006.**

Councilman Howard stated that the Committee approved the Cemetery Cleanup message that was recently advertised. He added that the Committee also approved a Proclamation declaring November 12-18 as Cemetery Cleanup Week. Councilwoman Richardson stated that Mr. "Woose" Reed's father's name was Mr. William Reed and that it was incorrectly stated as Mr. Thomas Reed in the Cemetery Cleanup message that was advertised.

Councilwoman Conklin motioned, seconded by Councilman Ross, to approve the minutes as corrected. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 23.

#### **5. Safety Advisory and Transportation Committee Report of November 2, 2006.**

Mayor Tarr stated that the Committee was briefed on the upcoming rocket launch from Wallops Island. He added that Emergency Operations Coordinator, Mr. Bryan Rush, updated the Committee with his Emergency Management Report.

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

#### **6. Ordinance Committee Report of November 8, 2006.**

- **Adoption of Revised Ordinance: Chapter 22 – Environment, Article II – Noise**  
Town Attorney Poulson explained that there have been problems in the past with enforcement of the Ordinance by the courts due to the language of the previous Noise Ordinance. He requested that he be given time to review the proposed Ordinance with Staff and return to Council with a recommendation for the January 2, 2007 Council meeting.

Councilman Ross motioned, seconded by Vice Mayor Speidel, to postpone action on the matter until the January 2, 2007 Council meeting. The motion was unanimously approved.

#### **7. Recreation and Community Enhancement Committee Report of November 9, 2006.**

Vice Mayor Speidel stated that in the meeting, Police Chief Lewis recommended that two 4' by 8' sheets of plywood be placed adjacent to the Skate Park to be used for graffiti which will potentially prohibit vandalism at the park.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

- **Skate Park Experimental Project to Potentially Eliminate Vandalism**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to authorize Police Chief Lewis to place two 4' by 8' sheets of plywood adjacent to the Skate Park to be used for graffiti. The motion was unanimously approved.

#### **8. *Public Works Committee Report of November 14, 2006.***

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- **Water Meter Request: 3570 Main Street** – Councilman Wolffe explained that there were two meters at that address in the past, but that there is only one there now. He added that the customer now wishes to restore the meter at no charge. Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the reinstatement of the second water meter to 3570 Main Street and to waive the \$3,600 availability fee, but to charge the meter connection fee of \$550. The motion was unanimously approved.

Mayor Tarr instructed Town Manager Ritter to research the Water Ordinance for the proper procedure for handling policy discrepancies such as the one in the situation discussed above.

#### **9. *Planning Commission Reports.***

- **Regular October 24, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Special November 14, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Scheduling of a Date for a Public Hearing to Amend Zoning Ordinance Section 2.96, by Adding to the Definition of Main Use** – Town Attorney Poulson explained the correction to the wording for the proposed ordinance. He recommended that the proposed zoning amendment be added as a separate section of the Zoning Ordinance instead of as an addition to the definition of Main Use. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to advertise for and hold a public hearing at the January 2, 2007 Council meeting to amend the Zoning Ordinance as drafted by Town Attorney Poulson. The motion was unanimously approved.

#### **10. *New Position Description: Technology Specialist.***

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter back to the Budget and Personnel Committee for review. The motion was unanimously approved.

#### **11. *New Position Description: Water Works Development Specialist.***

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter to the Budget and Personnel Committee for review.

Ayes – Conklin, Howard, Wolffe, Tarr  
Nays – Richardson, Ross, Speidel  
The motion was carried.

**12. *Water Tank Contract for Engineering Services with Whitman, Requardt and Associates.***

Public Works Director Cosby explained that during the cleaning and painting of the water storage facilities, the contractors discovered that the roof and rafters at the ground storage tank were structurally damaged. He further explained that he preferred to have Whitman, Requardt and Associates provide the design services due to their demonstrated reliability as opposed to the uncertainty involved with having the low bidder furnish design and construction services.

Councilman Howard motioned, seconded by Councilman Wolffe, to award the water tank engineering services to Whitman, Requardt and Associates in the amount of \$25,500. The motion was unanimously approved.

**13. *Wastewater Study Contract with Wastewater Management, Inc.***

Town Manager Ritter explained that the Public Works Committee has conducted interviews with four engineering firms for their services for a wastewater study. He further explained that a proposal was received from Wastewater Management, Inc. in the amount of \$60,000 for Phase I.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the wastewater study contract to Wastewater Management, Inc. in the amount of \$60,000 for Phase I. The motion was unanimously approved.

**14. *VDOT Resolution for Land Use Permit.***

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the following resolution for a Land Use Permit. The motion was unanimously approved.

**RESOLUTION**

**OF THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE**

**WHEREAS**, it becomes necessary from time to time for the Town of Chincoteague to obtain permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across, over and upon highway systems of the Commonwealth of Virginia; and

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to the Town of Chincoteague by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council this 4<sup>th</sup> day of December 2006:

Section 1: That per the provisions of Section 1.064 of the Land Use Permit Manual of the Virginia Department of Transportation, the Town of Chincoteague does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Chincoteague and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, Department or the Commonwealth in the event of suit.

Section 2: That the Town Mayor or his designee be, and hereby is, authorized to execute on behalf of the Town of Chincoteague all Land Use Permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be continuing resolution and shall not be revoked unless and sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Chincoteague shall, if requested by the Virginia Department of Transportation, furnish or shall require its contractors to furnish to the Virginia Department of Transportation a performance bond, guarantee fee or irrevocable letter of credit in a minimum amount of ten thousand dollars (\$10,000) to cover the performance of the permitted work.

**BE IT STILL FURTHER RESOLVED** that the Mayor be, and hereby is, authorized and directed to procure the insurance required by Section 1 above.

---

John H. Tarr, Mayor

Attest:

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Robert G. Ritter, Jr., Town Manager

### ***15. Hiring of Springsted, Inc. to Assist in Planner Search.***

Town Manager Ritter explained that the Planner position was advertised and that several applications have been received. He further explained that there were no applicants that met the criteria described in the job description. Town Manager Ritter requested that Springsted, Inc. assist in the search for a Town Planner at an approximate cost of \$7,000-9,000.

It was the consensus of Council to have Town Manager Ritter re-advertise the position and to have Town Manager Ritter and/or the Budget and Personnel Committee re-

examine the job description. Mayor Tarr advised that any changes in the job description needed to be approved by Council.

**16. Resolution to Add Vice Mayor Speidel to All Bank Accounts.**

Councilwoman Richardson motioned, seconded by Councilman Ross, to adopt the following Banking Resolutions to include Vice Mayor Speidel's name on the Town's bank accounts. The motion was unanimously approved.

**BANKING RESOLUTION**

*Financial Institution: Mercantile Peninsula Bank*

Chincoteague Branch  
6402 Maddox Boulevard  
P. O. Box 7  
Chincoteague Island, VA 23336

**Account No:** 14-03533-5  
14-01699-9

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that** the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006 at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation ("Agents"), whose actual signatures are shown below:

X \_\_\_\_\_  
**John H. Tarr, Mayor of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.**

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**



X \_\_\_\_\_  
\*CLERK OF COUNCIL

X \_\_\_\_\_  
\*MAYOR, TOWN OF CHINCOTEAGUE

**BANKING RESOLUTION**  
*Financial Institution: Shore Bank*

Chincoteague Branch  
6350 Maddox Boulevard  
P.O. Box 504  
Chincoteague Island, VA 23336

**Account No:** 33-400709-2  
53-400595-5

**I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that** the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

**I FURTHER CERTIFY** that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006, at which a quorum was present and voting, the following resolution was adopted:

**RESOLVED**, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X \_\_\_\_\_  
**John H. Tarr, Mayor of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.**

X \_\_\_\_\_  
**Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.**

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

**I FURTHER CERTIFY**, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

**CERTIFIED TO AND ATTESTED BY:**

x \_\_\_\_\_  
\*CLERK OF COUNCIL

x \_\_\_\_\_

**17. Christmas Home Decoration Judging.**

Mayor Tarr informed that the judging will be held on December 19 by anonymous judges who do not reside on the Island. He directed Town Manager Ritter to advertise for the event.

**18. Cancellation of Regular Council Meeting Scheduled for December 21, 2006.**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to cancel the regular Council meeting scheduled for December 21. The motion was unanimously approved.

**19. Mayor and Council Announcements or Concerns.**

- Councilwoman Conklin announced that the Budget and Personnel Committee will meet on December 19 at 5:30 pm.
- Councilwoman Richardson asked who was liable [in the case of an accident] if poles were placed in the Commonwealth's right-of-way. Town Attorney Poulson responded that the party who placed the poles in the right-of-way is responsible.
- Vice Mayor Speidel wished everyone a Merry Christmas.
- Councilman Ross requested information about the meeting held regarding event [storm] gates. Mayor Tarr responded that the Town will participate in the project after more information is received.
- Councilman Wolffe requested that in preparation for the upcoming Budget and Personnel Committee that Town Manager Ritter consider the Technology Specialist position as a part-time position as well as full-time.
- Councilman Howard commended Police Chief Lewis and the Police Department on their efforts with raising funds for the needy families in the community.
- Mayor Tarr announced that the employees' award ceremony will be on December 15 at 3:00 pm. He also wished everyone a Merry Christmas.

**20. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Possible Land Acquisition.**

Councilman Howard motioned, 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 land acquisition. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, 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, Richardson, Ross, Speidel, Wolffe  
Nays- None  
Absent- None

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on January 2, 2007 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE DECEMBER 5, 2006 CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING WITH THE CHINCOTEAGUE PLANNING COMMISSION**

### **Council Members Present:**

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

### **Planning Commission Members Present:**

Ray Rosenberger, Chairman  
Bob Behr  
Tom Derrickson  
Jane Wolffe

### **Planning Commission Members Absent:**

Mollie Cherrix  
Ray Daisey

### ***Call to Order***

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

## ***Agenda Additions/Deletions and Adoption***

Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as presented. The motion was unanimously approved.

### ***1. Redman/Johnston Presentation of the Draft Comprehensive Plan.***

Messrs. Redman and Johnston presented the draft Comprehensive Plan. They explained each of the following eight sections of the Plan:

- Introduction
- Community Profile
- Goals and Objectives
- The Land Use Plan
- Economic Development
- Community Facilities
- Transportation
- Housing

Council encouraged the public to review the draft Plan. Mayor Tarr stated that copies of the draft Plan will be available in the Town Office or may be viewed on the Town's website.

### ***Adjournment of Meeting***

Mayor Tarr announced that the next meeting will be on January 2, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

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Mayor

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Town Manager