

**MINUTES OF THE JANUARY 5, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman  
John H. Howard, Councilman  
John N. Jester, Vice-Mayor  
Ellen W. Richardson, Councilwoman

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman John Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation**

Haley Petroski, a tenth grader from Chincoteague High School, has been chosen to go to Australia this summer for the 'People to People Student Ambassadors Program.' She will be there for 17 days to learn about the culture, history, and people there. It will cost about \$6,000 and she is requesting the Council offer some support. Mayor Tarr requested this item be sent to the Budget & Personnel Committee.

**Agenda Additions/Deletions and Adoption**

Councilman James Frese requested that #8A be added as 'Closed Session for Considering Committee Appointments' and 9A be added as 'Consider Dedication Ceremony for Donald Leonard Park.' Councilman Terry Howard asked if we have a legal opinion on 'Closed Session' for appointments of non-compensated personnel. He explained that there are laws regarding what you can and cannot discuss in a closed session. Mayor Tarr asked Town Manager Robert Ritter to give the code to Attorney Jon Poulson for review and suggested the Agenda be approved with the addition of 8A with Mr. Paulson's consent. **Councilman James Frese motioned, seconded by Vice Mayor John Jester, to accept the agenda with the addition of Items 8A and 9A.** The motion was unanimously approved.

**1. Consider Adoption of the Minutes.**

**Councilman Terry Howard motioned, seconded by Councilwoman Nancy Conklin, to approve the minutes of the Regular Council Meeting of December 1, 2008.** The motion was unanimously approved.

**2. Consider Changing the Sign Ordinance**

Town Planner, Jared Anderson, elaborated on the Memorandum submitted with the Council Packets regarding signs, balloons, pennants, banners, and flags. Questions and

comments were made about complexity and extra time necessary for enforcement, time allotments for various displays, and sizes. **Councilman John Howard motioned, seconded by Councilman Terry Howard, to send Article VII. Signs, with amended sections 7.4, 7.6, 7.13 to the Planning Commission, and request they send any recommendations back to council within 60 days.** The motion was unanimously approved.

### **3. Harbor Breakwater Project Proposal from GMB LLC.**

Town Manager, Robert Ritter, reported that GMB has made a number of changes to the wording of the agreement per the Town's request. Attorney Jon Poulson explained his concerns regarding changes to portions of the GMB. Discussion continued with input from council. **Councilman James Frese motioned, seconded by Councilman Terry Howard, to accept the agreement between the Town of Chincoteague and GMB with the few minor changes discussed and to approve signing of contracts by the Town Manager provided GMB agrees to changes.** The motion was unanimously approved. Vice Mayor John Jester asked that in the future, to have contracts reviewed by the Town's Attorney prior to Council meetings to save time.

### **4. Public Works Committee Report of December 2, 2008**

Mayor Tarr presented the following report:

- **Public Works Monthly Report November 2008** - Mr. Cosby updated the committee on the status of several projects and issues. Including the status of the DEQ groundwater permit. Mr. Tarr asked staff to put together a timeline illustrating the progression of the permit process.
- **Disposition of Road Millings** – The committee and Mr. Haugh discussed various alternatives for the disposition of the road millings stored at the harbor. Mr. Tarr motioned that the committee send the recommendation to Town Council that we donate the millings to the Little League. Ms. Richardson seconded this motion and it was approved unanimously.
- **Trash Collection Request – Union Baptist Church** – Mr. Ritter and Mr. Cosby explained the details of this situation. The committee asked staff to explore options with the church, the Food Bank and Davis Disposal.
- **Pony Express Report** – Mr. Van Dame gave a detailed report of this year's operation of the trolley system and answered questions from the committee.
- **Fir Landing Boat Ramp** – Mr. Tarr explained the issues and options surrounding the proposed construction of a dock adjacent to the Fir Landing facility and the addition of four posts where boats can tie up. The owner of the property has agreed to split the cost of installing the posts with the Town. Due to time constraints, the committee agreed to consult with the council members who were not present at this meeting to make sure they are agreeable with proceeding with the installation of the posts.

Vice Mayor John Jester requested that this report regularly include any upcoming projects for the next 2 or 3 months. Mayor Tarr reported that the Public Works Committee has recommended donating the millings to the Little League for use in their new ball field. Councilman John Howard reminds council that the millings must be removed by April 30<sup>th</sup> or they will become available to the public. **Councilman Terry Howard motioned, seconded by Councilwoman Ellen Richardson to donate the millings to the Little League.** The motion was unanimously approved.

## 5. Christmas Home Decoration Judging Results

Mayor Tarr extended a "Thank You" to his wife and 3 anonymous judges of the Christmas Home Decoration contest. The results are: Judges Choice – Bill & Ginger Birch

Most Festive – Kevin Krome & Steve Potts

Most Traditional – Connie Bailey

Most Illuminated – Ray & Nancy Rosenberger

Honorable Mention – Calvin & Bonnie Barrett, Jack & June Mohr, Jack & Barbara Kambarn, and Arlene Shreves. Mayor Tarr explains that the Judges Choice, Most Festive, Most Traditional, and Most Illuminated will all receive \$100 US Savings Bonds from the Town.

## 6. Fiscal Year 2010 Trolley Resolution

Mayor Tarr explained to Council that a copy of the Resolution is included in their packets and that this must be signed each year. Comments and questions are addressed and Councilman James Frese stated that Trolley Manager Jack Van Dame deserves a pat on the back for the success he has had with the program. **Councilman Terry Howard makes a motion, seconded by Councilwoman Nancy Conklin, to sign and send the resolution.** The motion was unanimously approved.

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

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, 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 \$75,400 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 Robert G. Ritter, Jr. 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 \$20,000, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 5<sup>th</sup> day of January, 2009.

(Official Town Seal)

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(Signature) Robert G. Ritter, Jr, Town Manager

## **7. Two Part-time Dispatch Position Vacancies to be filled**

Police Chief Edward Lewis explained he would like to fill these 2 vacant positions so that training can be completed by the summer. **Councilman James Frese motioned, seconded by Vice Mayor John Jester, to fill the 2 Part-time Dispatch Positions.** The motion was unanimously approved.

## **8. Possible Donation to Eastern Shore Tourism Commission**

Councilman Terry Howard reminded council about the presentation and packet received from the Eastern Shore Tourism Commission. He commented that Chincoteague would be remiss if we did not take this opportunity to be in on the ground floor and make some type of contribution. Councilwoman Nancy Conklin stated that she would like this to go to the Budget Committee and have some additional research and information. Several council members question whether the Chincoteague Chamber and Chincoteague Community Center already make donations considering the Town's current Budget. Councilman Terry Howard ask Town Manager Robert Ritter to explain the 'Donations' line item in the Budget and what amount of funds are available. Town Manager Robert Ritter explained that the funds have not all been dispersed, but they are allocated. The issue will go before the Budget Committee.

## **8A Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – To discuss Committee Appointments and Recommendations**

Councilman James Frese motioned, seconded by Vice Mayor John Jester, to go into a closed session in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia to discuss Committee Appointments and Recommendations. The motion was unanimously passed.

Councilman James Frese moved, seconded by Councilman Terry 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, J. Howard, Jester, Frese, T. Howard, Richardson

## **9 Committee/Commission Appointments and Recommendations**

- Harbor Committee

- Ernest Bowden is nominated and unanimously approved. His term will expire on December 31, 2010.
- Building Code of Appeals
  - Jerry Tarr is nominated and unanimously approved. His term will expire on December 31, 2013.
- BZA Recommendation
  - Circuit Judge makes this appointment; Attorney Jon Poulson will notify that the term has expired for Jesse Speidel.
- Planning Commission
  - In order of nomination for the expired term of Jane Wolff:
    - Gene Wayne Taylor, Jane Wolffe, Steve Katsetos, Travis Thornton
      - Gene Wayne Taylor is approved with a right hand vote of 4. His term will expire on December 31, 2012.
  - In order of nomination for the expired term of Chuck Ward:
    - Steve Katsetos, Chuck Ward, Travis Thorton
      - Steve Katsetos is approved with a right hand vote of 5. His term will expire on December 31, 2012.

Mayor Tarr directed Town Manager Robert Ritter to make sure all appointees are qualified residents of Chincoteague, then to send letters welcoming them to their new positions.

## **9A Dedication Ceremony for Donald Leonard Park**

Councilman James Frese explained that he would like to see a dedication ceremony of the Donald J. Leonard Park with Mr. Donald J. Leonard as the guest of honor. Vice Mayor John Jester suggested we get a Town Sign made and placed as soon as possible. Discussion continued about when and where to have the ceremony. Mayor Tarr directed Town Manager Robert Ritter start putting together ideas for a ceremony, the cost, and report to council.

## **10 Mayor & Council Announcements or Comments**

Councilman Terry Howard explained that he supported the motion to give Town employees the day after Christmas off, but his question was how much it would cost taxpayers. He reported the approximate cost was \$4500 for that day. Mayor Tarr stated that he felt the number is probably more.

Councilman Terry Howard commented that he feels the Committee and Commission appointment nominations are handled unfairly.

Councilwoman Nancy Conklin commented that Christmas is a long way off, but before council decides to give an additional day off, they need to look closely at the number of days and perhaps have employees work Christmas Eve if it is going to be 3 days in a row. Mayor Tarr stated that he would like to have Budget and Personal look at the Calendar each year and adopt days off for the entire year; and that a true cost for a day off be determined including overtime and other items for particular days.

Councilman James Frese commented that the extra day off for employees was done in the spirit of thanking and rewarding the employees for work done throughout the year.

Vice Mayor John Jester reported that he had some complaints that the Main Street Christmas lights were taken down too early, so he hopes we will be able to leave them up until after the New Year next year.

He told Public Works Director Mike Cosby that he understands the lights had to be removed this year because of high winds. Vice Mayor Jester said that he has been questioned about the Community Center being opened for citizens to use for walking during cold weather. Councilwoman Nancy Conklin explained that there was a liability issue in the past, so the Community Center does not offer this service.

Councilman John Howard said that next year, if a councilmember wishes to vote against an extra day off at Christmas, they should think about it because they may not become very popular with the employees. He further requested that all reports should be on 1 side of paper. The 2 sided copies are confusing.

Councilwoman Ellen Richardson thanked the council for giving the employees the extra day off at Christmas. She commented that she understands it cost money, but that it is a good PR thing and shows appreciation. She personally would rather have the day after Christmas off. She also asked when the website will be updated and Town Manager Robert Ritter said he is getting a quote. She mentioned that Mr. Conklin has older pictures, and it would be nice to have some type of collage on the website. Mayor Tarr said that some changes have been made to the site and that there is a rough draft available of updates to the website. Vice Mayor John Jester said that sometimes website updates need to be done on site and not by an offsite person; Town Manager Robert Ritter stated that he has addressed this issue.

Chief of Police Edward Lewis reported that the USDA will start deer depopulation hunting tonight.

Town Planner Jared Anderson reported that he submitted the Safe Routes to School Grant application today. He thanked Councilwoman Ellen Richardson, the schools, principals and PTA for their assistance.

He also thanked the Town Council for the extra day off during the holidays.

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

Councilman Terry Howard motioned, seconded by Councilman James Frese, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters. The motion passed unanimously.

Councilwoman Richardson moved, seconded by Councilman Terry 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, J. Howard, Jester, Frese, T. Howard, Richardson

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Mayor

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Town Manager

**MINUTES OF THE January 15, 2009  
JOINT CHINCOTEAGUE TOWN COUNCIL & PLANNING COMMISSION  
WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
John N. Jester, Vice-Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman

**Planning Commission Members Present:**

Bob Behr, Commissioner  
Steve Katsetos, Commissioner  
Gene W. Taylor, Commissioner  
Ray Rosenberger, Commissioner

**Planning Commission Members Not Present:**

Tripp Muth, Commissioner  
Mollie Cherrix, Commissioner

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

***Call to Order***

Mayor Tarr called the meeting to order at 5:11 pm.

***Invocation***

Councilman J. Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

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

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

### **1. *Discussion of the March 2008 Draft Comprehensive Plan Update for the Town of Chincoteague***

*The following were notes taken by Mr. Anderson on the easel. Council and Planning Commission's comments addressed part of Chapter 5, starting on page 5-10, Chapter 6 and Chapter 7. Most of the notes indicate an amendment, deletion, or addition to the DRAFT Comprehensive Plan.*

- There should be an acronym page at the beginning of the plan.
- (5-10) Health Care- Section does not mention the medical facility on Teal Lane. Need to include.
  - There is now only one private health care provider (Dr. Baczek-dentist)
- Boat Landings- "Fir" Landing not "Fur" Landing
- Robert N Reed Downtown Park- "the foot of the bridge" needs to be removed and replaced with "Downtown."
- (5-11) After Chili Chowder Cook-off include "and other arts & cultural events."
- Veteran's Memorial Park-take out "(at no cost)"
- There needs to be mention of Donald J. Leonard Park, and the Island Nature Trail in this section.
  - There should also be mention of how the money used to purchase the school board land on Hallie Whealton Smith Drive was used to fund the expansion of the Combined School.
- Chincoteague Recreation Convention Center-from "However, as originally envisioned..." should be stricken from the draft.
- There should be a new section on 5-11 with the heading "Community Pool."
- (5-12) Museums- the last paragraph should be moved to 5-11
- Police Protection-we are not pursuing "CALEA," the Police Department is pursuing "Virginia Law Enforcement Accreditation."
- Under Fire & Emergency Services we need to include "NIMS Certified"
- (5-13) Flood Insurance- strike through "in affected areas," because the entire island is affected.
- Drainage-under last bullet take out "Prepare and adopt" and replace with "Enforce."
- Health Care-entire bullet needs to be taken out
- (6-2) Transportation Analysis- The Town should pursue more public parking opportunities.
- Remove section from third paragraph, starting at "Most non-local traffic...on these main travel routes."
- (6-2 & 6-3) The first paragraphs of these pages are very similar, they need to be combined.

- (6-5) Add as an implementation strategy “Sidewalks along the entirety of Maddox Boulevard.”
- Pursue plan to make sure private roads are safe.
- Need an inventory of all roads on Chincoteague.
- (7-1) take out “generally somewhat,” too confusing.
  - Strike entire last paragraph
- (7-2, 7-3, 7-4) Homeowner & Housing Statistics- take out this section.
- (7-4) Building Codes- have Mr. Kenny Lewis look over and verify the accuracy of this section.
- Put a “.” After the word “involvement” in the last paragraph.

Completed Chapter 7, at the next meeting Council and Planning Commission will review Chapter 3.

**There was a motion from Chairman Rosenberger, seconded by Councilman Frese to adjourn the meeting. The motion was unanimously approved.**

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**Mayor**

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**Town Manager**

**MINUTES OF THE FEBRUARY 2, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman  
John N. Jester, Vice-Mayor  
Ellen W. Richardson, Councilwoman

**Council Members Absent:**

Nancy B. Conklin,  
John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman Terry Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation**

Mayor Tarr recognized and welcomed from the Accomack County Board of Supervisors, Chairman Steve Mallette and Vice Chair Laura Belle Gordy. Chairman Mallette explained that he wanted to introduce himself and Vice Chair Gordy to the Council and that they are taking this opportunity to do some community outreach and open the lines

of communication between the County and the Town. He explained that one of the goals for the year is improved communications so that the interest of the communities is well understood. The Public Service Authority (PSA) being established is going to be the foundation for future economic development and Chairman Mallette would like Council to recommend someone from the business community to serve and represent the interest of Chincoteague on the PSA.

Barbara Thackery said she attended 2 meetings last week for Main Street Planning. She said there were some great ideas, but she was disappointed in the attendance. She also complimented the new framing of the signs on the causeway.

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

Attorney Jon Poulson suggests that a Closed Session be placed before item #7 so that he may offer legal advice. Mayor Tarr said to move item #7 to item #13 under Closed Session. Councilman Terry Howard asked that a personnel matter be added to the Closed Session as well. **Councilman James Frese, seconded by Councilwoman Ellen Richardson, made a motion to accept the Agenda as amended. The motion is unanimously passed.**

### **1. Consider Adoption of the Minutes**

Councilman Terry Howard said there is a correction under the Public Works committee report, Page 3, number 4, with the name 'Hall' – Councilwoman Ellen Richardson said it is misspelled and should be 'Haugh'. Also, where it stated 'David' disposal, it should say 'Davis' disposal. **Councilman Terry Howard motioned, seconded by Councilman John Jester, to approve the minutes with corrections for the Regular Council Meeting of January 5, 2009.** The motion was unanimously approved.

### **5. Public Safety Committee Report of January 6, 2009**

Mayor Tarr summarized the following report.

- The first draft of the Emergency Operations Plan was completed and has been reviewed. Bryan Rush is making the changes and adding annexes as appropriate.
- Mr. Rush has spoken with Mr. Richard Taylor from Union Baptist Church about their disaster team. He will be out of town for meetings until March. I will include him in the agenda for our March 3<sup>rd</sup> meeting.
- The Public Safety Committee voted last month to terminate service to two of the satellite phones owned by the Town due to lack of funding. However, upon the termination process I was able to secure better pricing that is actually less than what one line was initially quoted to be. The new service will be paid monthly at \$19.99 a phone plus tax without fees as long as calls remain inside the U.S., Canada, and the Caribbean.
- Training - LTJG Merriman has scheduled an ICS 300 class at the Chincoteague Coast Guard Base on January 21, 22, and 23. Pre-requisites are IS 700, IS 100, and IS 200 which can be completed on-line at fema.gov. He is holding seats for local government. A head count will be needed by Bryan Rush by January 12, 2009. Mr. Ritter expressed that Mrs. Hammonds had turned in ICS 100, ICS 200, and IS 700. Mr. Rush advised she would be a good candidate as finance is an important part of the ICS structure.
- Mayor Tarr advised that he spoke with the President of the Volunteer Fire Company about their EOP and including it into the Town's plan. He also offered them some assistance from the Town when the Town's plan is complete. Councilman Jester asked if the fire company

received a copy of the Ocean City Fire Department EOP. The chief advised he did and would use it as a template to develop their plan. Fire Chief Lewis apologized for not understanding the committee format and lack of attendance from the fire company. Chief Lewis wanted the Town to know that the fire company wants to work together with the Town and he feels things are going well.

- Mayor Tarr advised that he and Accomack County Board member, Mrs. Wanda Thornton are working on a meeting with local health care facilities and would like the fire company to attend when the meeting occurs.

- Goals and Objectives - Councilman Jester would like for everyone to look at ways to improve and enhance public safety this year. Mr. Jester would like for the committee to develop a plan for improvement. He would like to see in the plan the File of Life project for the elderly citizens. Mr. Jester would like to see the EOP completed before hurricane season and also develop a COOP (Continuity of Operations Plan) to allow government to continue operations after a disaster. He suggested that the Police Department do crime prevention activities. Also, the creation of a position detailed ICS training matrix.

- Mr. Rush states that the money needs to be appropriated in the budget to execute these goals. NIMS training has not cost the Town much money so far, but the longer we wait to train, it will begin costing money. Mr. Rush would like to see a deputy emergency services coordinator appointed and exercise the EOP. He would also like to see EMS and Emergency Management linked under one department such as a Public Safety Department.

- Mr. Rush would like to increase full time staffing by one. Mayor Tarr also suggested that part-time personnel be looked at as well as scheduling time that Mr. Rush can do administrative work. Mayor Tarr addressing Councilman Jester's concern about a COOP, states that NASA may be used as a secondary location for operations. Also, Mayor Tarr would like to see an off-site storage for vital records, to be backed up nightly. Mayor Tarr wants to develop an essential personnel list with ID cards.

- Police Chief Lewis wants to work towards accreditation for the communications center and the police department.

- Mayor Tarr would like everyone to send Mr. Rush their goals/objectives to be included in a rough list for next meeting to be reviewed and prioritized by the committee.

- Councilman Jester would also like to see the Public Safety Committee to take up the "Safe Routes to School Project."

- Police Report - Police Chief Lewis distributed a report for review by committee.

## **6. Public Works Committee Report of January 8, 2009**

Mayor Tarr summarized the following report:

- Church Garbage Collection - Mr. Howard stated that the Food Bank had indicated their willingness to transport their cardboard to the convenience center. Mr. Tarr asked Mr. Ritter to take care of the resolution of this issue with the representative of the church.

- Committee Member Comments I – Ms. Richardson expressed her concerns about the placement of plaques at our park facilities. Mr. Howard expressed his desire to have people trim their bushes at intersections.

- Public Participation II – Mr. Boothe requested that drainage and road work be performed on the section of School Street that is not in the state system.

- December Report – Mr. Cosby went over the activities of the Public Works department for the month. The DEQ requirements for the groundwater permit were also discussed. Mr. Tarr requested a conference call with the DEQ to obtain a final list of requirements.

- Committee Member Comments II – Mr. Howard asked about the feasibility of improving the street drainage between drain inlets. Mr. Cosby stated that he has plans to purchase a walk behind planer that should help these situations.

- Ms. Richardson inquired about the status of a driveway replacement on Cropper Street. Mr. Tarr mentioned his desire to get Cropper Street added to the state system.
- Mr. Howard discussed the need for a drainage plan.
- Mr. Richardson asked about the start date of work on the new trail.
- Mr. Tarr asked about the status of the contractor for the road work on Hallie Whealton Smith.

## **7. Ordinance Committee Report of January 14, 2009**

Councilman Terry Howard gave the Ordinance Committee report in the absence of Councilman John Howard.

Public Participation - Mr. Thomas Clark of Don's Seafood indicated that he supported the ordinance that would exempt certain activities from Health Department involvement.

1. **Food Service Ordinance** - Mr. Anderson indicated that a Strength, Weakness, Opportunities, and Threats Analysis was completed. Mr. Anderson also spoke with Mr. Keith Privett from the Accomack County Health Department who indicated that he had some concerns about Chincoteague adopting this ordinance.
  - Councilman J. Howard questioned whether the Town's insurance would go up if we adopted this ordinance. Mr. Ritter will look into this with the insurance company. The committee would also like to know if the Town would be liable if someone got sick at an event that was exempted from Health Department inspections.
  - Councilman J. Howard questioned who in the Town would enforce this ordinance if adopted? Mr. Anderson had previously asked the question to Franklin County, who had already adopted a similar ordinance, they never answered him. It was the decision of the committee to get a quote from the Town's insurance company, and the opinion of the Town Attorney before coming back to the Ordinance Committee.
2. **Wetlands Board Consideration** - Councilman Frese spoke to the committee regarding the establishment of a Wetlands Board on Chincoteague. He indicated that there is no Chincoteague representation on the Accomack County Wetlands Board. Councilman Frese indicated that Mr. Jim White of Chincoteague has prepared "A Guide to Establishing a Wetlands Board on Chincoteague." In this guide it outlines the approximate time devoted by staff if a board is established on the Island. Also included in the guide is the current fee (\$282) for an Accomack County Wetlands Board Application. Councilman Frese indicated that the hearings would be held at the Town Office and they are usually held at 10 AM, because someone from VMRC usually attends the meetings.
  - It was indicated that the money from the fee goes into the town's general fund; there is also a separate cost for advertisement. The County has set the fee for mitigation at \$12/foot, which is roughly \$550,000/acre. The mitigation money goes into a wetlands bank that could be used for fragmites control, or acquisition of land for wetlands preservation. Councilman J. Howard asked how much of this could be done with current staff. Mr. Ritter indicated that current staff could handle the duties of the Wetlands Board; however, other projects that are being worked on may suffer and might not be completed in a timely manner.
  - Councilman T. Howard would be interested in looking at the mechanics of a Wetlands Board such as how many hours, who's going to do the work, etc.

Mayor Tarr would like for the committee to examine the \$12 square foot mitigation fee and what impact it would have on applications. Councilman Frese explained that the impact is usually from a failed bulkhead system, but that if changes are made by the property owner, that mitigation must be paid into the fund. The fund could be used to purchase additional wetlands.

## **5. Harbor Committee Report of January 14, 2009**

Councilman Terry Howard gave the following report:

- Harbormaster Merritt stated that subleasing was down with the last fishing boat leaving that day. Harbormaster also stated that he is happy to report that there have not been any problems at the harbor such as theft or vandalism since the last meeting. Harbormaster also stated that he has received the bulletin board and will install it this spring.
- The Committee discussed raising the rates at the harbor for subleasing slips. It was decided to work up the new rates as part of next year's budget so council could vote on it. The new rates are as follows. A subleased slip for the recreation boater would be \$10.00 a day with a \$25.00 minimum, \$50.00 a week and \$200.00 a month. Mr. John H Howard made the motion and it was second by Mr. E Bowden. It was passed and it will be implemented the upcoming draft budget for council for approval.
- The committee discussed the installation of a FM/VHF radio, the price not to exceed \$310.00. Mr. Bowden made the motion that he and the harbormaster would purchase and install the radio and be reimbursed. The motion was seconded by Mr. Handforth and unanimously approved.
- Harbormaster Merritt stated that Mr. Jack from Gateway Marina was still interested in putting a boat lift at the harbor and he also stated that when he receives more information on the lift he would contact him. Harbormaster Merritt will stay in contact with Mr. Jack and will pass any information onto the committee as it is received.
- The committee discussed security cameras at the harbor. Harbormaster Merritt and Mr. Ritter will get more information and bring it to the next meeting.
- Mr. Frese asked if we would give the working waterman on the island a free ramp user fee. The request was set aside until more research on the legalities and to put this item on the next Harbor meeting agenda.

Councilman Terry Howard said the next meeting will be on March 11, 2009 at 6:30 p.m.

## **9. Budget and Personnel Committee Report of January 20, 2009**

Councilman John Jester presented the following report:

- Mr. Robert Behr, Chincoteague Cultural Alliance, stated for the last two years, Council has allowed him to write a 50/50 grant to the Virginia Commission for the Arts. Council has been generous in providing the 50% match to this grant in the amount of \$5000. Mr. Behr is asking for permission to again write the grant for FY'10. Applications are due April 1, 2009.
- Town Manager Ritter presented a list to donation obligated in FY'09 Budget as adopted by Council. There was a small amount budgeted over the annual donations for those that might come and request a donation. Town Manager Ritter also suggested that a policy be adopted on donations, why we give donations, who should receive donations, etc. Chairwoman Conklin stated that the Committee wanted to seriously look at the Town's donations because the Town is not receiving revenue from the state as in the past.
- Vice Mayor Jester stated that the Tourism Commission has received funding from Accomack and Northampton Counties. Accomack County collects a 2% occupancy tax from rentals within the Town of Chincoteague which amounts to quite a bit of money. He is not in favor of the Town supplementing something Accomack County should be adequately funding. Town Manager Ritter stated that the Center currently purchases a half page advertisement in the Tourism Commission's brochure and Gloria Hanratty suggested that the Center take a half page and the Town take the other half. This way we would be getting something for our money. Vice Mayor Jester and Councilman Frese stated they might be willing to purchase an advertisement in next fiscal year's budget. Chairwoman Conklin stated that the Town supports the Chincoteague Chamber of Commerce. Our chamber, the Eastern Shore

Chamber and the Tourism Commission all have brochures and all using the same venues to place the brochures. Chairwoman Conklin does not feel it is necessary for the Town to even advertise in the Tourism Commission's brochure. It was the consensus of the Committee to not recommend to Council a donation to the Eastern Shore Tourism Commission.

- Councilman Frese stated that he applauded this student but felt there might be a better way to help young people than just donating to one student. He is also concerned if the Town's revenues are meeting the expenditures of the Town during this fiscal year. Vice Mayor Jester agreed that he was not certain as how taxpayers would feel about Council donating to individual students. It was the consensus of the Committee not to recommend to Council a donation to the student for the People to People Student Ambassador Program.
- Town Manager Ritter stated he had asked Mrs. Hipple for a plan for the collection of delinquent tax accounts. The plan is stated below:
  1. Contract with Mr. James Elliott, Attorney, for the collection of delinquent real estate accounts.
  2. Immediately turn over older delinquent real estate accounts upon signing contract with Mr. Elliott. (Some of these accounts have been advertised for sale by Accomack County)
  3. There is only one person on a payment plan with the Town for delinquent real estate taxes.
  4. Enter all delinquent Personal Property accounts within the State's Debt Setoff system.
  5. Send 2008 Second Notices for Real Estate and Personal Property in February 2009.
  6. Send Certified Letters to those that do not respond from the Real Estate Second Notice.
  7. In July 2009, turn over to Mr. Elliott the remainder of the real estate delinquent accounts for collection.
  8. Mark off books personal property delinquent accounts which fall under the Statute of Limitations.
  9. Advertise requests for proposals for the collection of personal property taxes.

Mr. Elliott was contacted by Mrs. Hipple and presented the following information for the Town's review. Mr. Elliott also submitted a contract should the Town wish to proceed with his services. Town Manager Ritter stated that Mr. Elliott's services would not cost the Town any money as it would come from the delinquent taxpayer or sale of the property.

DELINQUENT REAL ESTATE TAX  
SUIT TIME LINE

February 5	Demand Letter Mailed
March 10	Legal Advertisement Published
April 15	Suit filed
June 15	Court Orders Sale
July 10	Public Auction
July 15	Court Approves Bid
July 24	Deed Delivered
July 31	Court Disburses Funds
Two years following Confirmation of Bid	Town receives unclaimed surplus of funds

Town Manager Ritter stated that even though there is no cost to the Town and its operations, he brought it to the Committee to let them know what the plan is for collection of delinquent real estate taxes. Chairwoman Conklin thought this was a proactive approach and agreed with the plan. It was the consensus of the Committee to get an opinion from Town Attorney Poulson.

- Mr. David Quillen representing AFLAC stated he would like the opportunity to present their supplemental insurance plans to the Town's employees. There would be no impact on the Town's budget as the program is paid completely by the employees through payroll deductions.

AFLAC offers a cancer plan, disability plan, and accident plan. It would be approximately 20 to 30 minutes presentation to the employees. It only takes three employees to make a group to receive group rates. Councilman Frese asked if this supplemental insurance would have any impact on the Town's insurance plan. Town Manager Ritter stated he would look into that question.

- Town Manager Ritter stated the Town has been approached by another supplemental insurance carrier to make a presentation to the employees. The carrier is Allstate. Mr. Quillen stated that AFLAC is #1 worldwide for supplemental insurance and that AFLAC pays more than the Colonial Plan through Allstate. The Town could offer both as there is no contract and the decision would be up to the employees. Chairwoman Conklin asked if Allstate could make a presentation at the next meeting. Town Manager Ritter replied yes.
- Town Manager Ritter presented several graphs outlining revenues and expenditures as of December 31 as compared to last year for the same period. The second graph showed tax revenues as of December 31 as compared to last year for the same period. Town Manager Ritter stated that personal property collections were significantly down, but the Town would catch those when the stickers are due. He also indicated that real estate tax revenue was significantly more this year. The third graph showed transient occupancy tax revenues as of December 31 as compared to last year for the same period. Town Manager Ritter indicated overall these revenues are up. The fourth graph showed meals tax revenues as of December 31 as compared to last year for the same period. Vice Mayor Jester stated he would like to see the trend over several years. Town Manager Ritter indicated overall these revenues are up. The fifth graph showed water revenues as of December 31 as compared to last year for the same period. Town Manager Ritter indicated these revenues are down. The final graph showed water expenditures as of December 31 as compared to last year for the same period. Water expenditures are also down.
  - Public Works Director Cosby presented a memorandum to each Committee member that explained water's revenue sources. He stated that water withdraw from our wells are 9.81 percent less this fiscal year as compared to last. Due to the seasonal usage of water, water revenues are collected at a rate of roughly 5 percent per month from January through July and roughly eleven percent per month from August through December. The larger water revenue months are behind us. Other water revenue sources such as extensions, connections, availability fees and interest on savings are also down. These other revenue sources are hard to forecast because it is dependent on other factors. Overall the water revenues exceed water expenditures.
    - Vice Mayor Jester asked if water anticipated any large projects through the end of the fiscal year. Public Works Director Cosby responded that the groundwater committee was requiring some work on the water pumps.
    - Councilman Frese asked if the water revenues represented any increase in the rates. Town Manager Ritter responded 3% each year. He further stated that the Town will need to look at increasing the water fees. Councilman Frese responded that we need to look at expenses.
    - Public Works Director Cosby stated that in the worst case scenario water could be short on revenues by as much as \$150,000 from the budgeted figures. He further stated that serious consideration should be given to forgiving the loan the general fund made to the water fund.

Councilman Terry Howard says it should be noted that Council has been donating to High School students, Little League and Soccer League for quite some time. He agreed there should be a donation policy about who, where, what, and how much, but believes Council should donate something to student Haley Petroski. Councilman James Frese says he would like to give a donation, but it is not a good idea at this time. Councilman John Jester commented that we should be careful with funds. Councilman Terry Howard

gave an overview of budgeted donations for the year and requested that a donation for Haley Petroski be placed on the Agenda for the next Council meeting.

## **10. Contract Award for Real-Estate Tax Collections**

*Moved to Item #13 – Closed Session*

## **11. Consider 50% match to Virginia Commission for the Arts grant in the amount of \$5000**

Mr. Robert Behr, President of the Chincoteague Cultural Alliance, thanked the Town Council and the citizens of Chincoteague for their past and continued support of events and educational programs. He reported that the Chincoteague Cultural Alliance is in its sixth year of producing various events such as festivals, indoor concerts, and the 2<sup>nd</sup> Saturday Art Stroll. He requested that the Town Council apply for the 2010 Virginia Commission for the Arts Local Government Challenge Grant. Mr. Behr explained that in the past the Council has pledged \$5,000 in addition to grant funds and says he will assist in writing the grant if Council approves. Councilman Terry Howard explained that he attended an event and commends the 100 percent volunteer alliance on their work. **Councilman Terry Howard made a motion, seconded by Councilwoman Ellen Richardson to apply for the 2010 Virginia Commission for the Arts Local Government Challenge Grant with \$5000 match from the Town if the grant is awarded.** The motion is passed unanimously.

## **12. Recreation & Community Enhancement Committee of Jan 20, 2009**

Councilman James Frese presents the following report:

- It was discussed to have a workshop on the review of the bicycle plan for Monday, February 23, 2009, at 5:30 pm.
- Mr. Anderson stated that there has been much discussion about the playground equipment in the last several months. We have funds with which to purchase playground equipment. After meeting with several vendors and receiving literature from dozens of companies, we have been able to select pieces of equipment that will complement our current playground inventory. In order to maximize the amount of equipment we are proposing a community-build, where the Town asks for volunteers to do much of the labor. This will save the Town much money. The following is a recommended list of estimated pricing of equipment. Wooden ship \$5,000.00, Rock N' Cross \$4,800.00, Ribbon Climber \$3,400.00, Three tiered chin-up bars \$500.00, Supernova \$6,000.00, and the Sand Digger \$500.00.
  - Mr. Conklin made a motion and seconded by Councilman J. Howard to recommend to Council to purchase the Wooden Ship, Rock N' Cross, Three tiered chin-up bars, Supernova, and the Sand Digger at approximately \$16,800. The motion was unanimously approved.
- Mr. Ritter stated that Mr. Anderson put together a survey plan for the Committee members on the Donald L. Leonard Park, to fill out and send back to Mr. Anderson before the next meeting. Mr. Ritter also stated that we have two signage samples for the Donald L. Leonard Park to install at the park. One sample just had the name and the other sample had the Town Logo and the name on the sign.
  - Councilman J. Howard made a motion and seconded by Councilwoman Richardson to recommend to Council to purchase the sign with the Logo and the park name. The motion was unanimously approved.

- Councilman Howard heard that people who use kayaks are parking their car in front of the ramps, which makes it difficult for others to use the ramp. He wanted to make sure that the harbor master is aware and to possibly put signage that states “do not park in front of the boat ramp.”

Action Item – Consider Playground Equipment Recommendation

Town Planner Jared Anderson presented a report and slides about the Playground Equipment recommended for purchase. Mr. Anderson explained that installation of the equipment be a community effort in order to save money. **Councilman John Jester made a motion, seconded by Councilman James Frese, to purchase the Playground Equipment recommended by the Recreation and Community Enhancement Committee.** The motion is unanimously passed.

Action Item – Consider Purchase of a Sign with Logo and park name Donald L. Leonard Park

Mayor Tarr explained that Council has recommendations from staff to examine. **Councilman James Frese made a motion, seconded by Councilwoman Ellen Richardson, to purchase item #3 at 74 inches by 29 ½ inches with 5 1/2 inch letters for \$1350.** The motion passes unanimously.

### **13. Consider adopting the 911 Dispatch policy**

Mayor Tarr said that Council should have a copy of the 911 Dispatch Policy Manual. Captain Randy Mills explained that it should be part of Police Department Policy and Procedures. Councilman John Jester asked if it has been reviewed by Emergency Operations Bryan Rush; Captain Mills says that the Fire Company looked over it and there were no concerns and all sides were satisfied. Councilman John Jester said he looked at it as operational, and does not see the need for Council for approval. He suggested that the Police get something in writing from the Fire Department stating they reviewed the document. Town Attorney Jon Poulson suggested sending a copy to various state agencies as well as Fish & Wildlife to get appropriate input. He agreed with Vice-Mayor John Jester and said it does not need to be approved by Council, but should be reviewed by agencies with the technical expertise in this area.

### **14. Consider Setting the Date for a Public Hearing on the Subdivision Ordinance**

Town Planner Jared Anderson explained that this item has been with the Planning Commission for several months. There were questions about a few items and it was suggested that it go to Town Attorney Jon Poulson for review. This item will be placed on the Agenda for the March 2009 meeting.

### **15. Mayor & Council Announcements or Comments**

Mayor Tarr reported that he, Vice Mayor John Jester, Councilman James Frese, and Town Manager Robert Ritter all met 2 times with Todd Christiansen and his group from Richmond, and other towns about Broadband on the Eastern Shore and where everyone stands on this issue. He said the project is moving along very quickly and things looked very good.

Vice-Mayor John Jester reported that the ground breaking for Broadband from Virginia Beach across the Bay Bridge-Tunnel was today. He commented that contractors are working much faster than expected.

Councilman Terry Howard said he appreciated the help he received from the Town Office whenever he calls. He appreciated the image the Police Department has created in the community by doing their job and being compassionate. He said the Public Works does a good job all year in the heat and cold. He explained that he believes we have a good operation and that we can never say thanks enough.

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

Councilman Terry Howard made a motion, seconded by Councilman James Frese to go into a Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia to discuss personnel matters and obtain legal advice. The motion is unanimously passed.

Councilwoman Richardson moved, seconded by Councilman Terry 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 - Jester, Frese, T. Howard, Richardson

**AJOURN**

Councilwoman Richardson made a motion to adjourn, seconded by Councilman Frese. The motion was unanimously approved to adjourn.

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Mayor

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Attest: Town Manager

**MINUTES OF THE February 12, 2009  
JOINT CHINCOTEAGUE TOWN COUNCIL & PLANNING COMMISSION  
WORKSHOP**

**Council Members Present:**

**Planning Commission Members Present:**

John H. Tarr, Mayor  
James Frese, Councilman  
John N. Jester, Vice-Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman

**Council Not Present:**

Nancy B. Conklin, Councilwoman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

Bob Behr, Commissioner  
Tripp Muth, Commissioner  
Ray Rosenberger, Commissioner

**Planning Commission Members Not Present:**

Mollie Cherrix, Commissioner  
Steve Katsetos, Commissioner  
Gene W. Taylor, Commissioner

***Call to Order***

Mayor Tarr called the meeting to order at 5:09 pm.

***Invocation***

Councilman J. Howard offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

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

Councilman T. Howard motioned, seconded by Councilman Frese, “**to adopt the agenda as presented.**” The motion was unanimously approved.

**2. *Discussion of the March 2008 Draft Comprehensive Plan Update for the Town of Chincoteague***

*The following notes were taken by Mr. Anderson on the easel. Council and Planning Commission’s comments primarily addressed Chapter 3, starting on page 3-1, and going through page 3-8 “Historic Downtown Planning Area.” Most of the notes indicate an amendment, deletion, or addition to the DRAFT Comprehensive Plan.*

- Mr. Anderson indicated that a land use area map while informative is not required to update the Comprehensive Plan. However, the Zoning Ordinance and Official Zoning Map must follow the guidelines set forth by the Comprehensive Plan.
- (3-1) change picture to Chincoteague location
- (3-3) This Single-Family Residential land area is very similar to our current R-1 District. Picture is not of Chincoteague, update.
- (3-4) The main difference between our current R-1 and R-2 are the setbacks, minimum lot sizes, and the ability to put duplexes on a given lot.
- Planning Commission needs to look closely at the differences/similarities between “home occupation,” and “limited home occupation.”
- 2<sup>nd</sup> Paragraph after the Goals- strike “from incompatible uses.”

- 2<sup>nd</sup> to the last bullet under implementation strategies- take out “and low intensity cottage industries.”
- Take out entire last bullet
- (3-5) Mixed Use Residential- Strike 3<sup>rd</sup> Paragraph
- 2<sup>nd</sup> bullet- strike “(e.g. Conditional Use)”
- 4<sup>th</sup> bullet- strike “establish voluntary and incentive based” add “Encourage.”
- 5<sup>th</sup> bullet -reword the entire bullet (Jared)
- (3-6) strike-first bullet
- “Town Center Commercial” should be replaced with “Historic Downtown.”
- Mr. Ron Mason-indicated that VDOT, in 1996, produced a document that outlined all eligible structures to the National Historic Registry. The project area was between Hallie Whealton Smith Drive and Bunting Road on Main Street. Mr. Mason and Ms. Nancy Payne would appreciate if Council and the Planning Commission would consider this study when addressing the Historic Downtown area.
- Mr. Behr spoke with an architectural historian; the historian indicated that Chincoteague is one of the most historically intact municipalities along the East Coast.
- (3-7) 1<sup>st</sup> Paragraph, 3<sup>rd</sup> Sentence add “Encourage” to beginning of sentence.
- 2<sup>nd</sup> Paragraph, 1<sup>st</sup> Sentence add with local merchants “and property owners...”
- 1<sup>st</sup> bullet- strike “limited”
- 4<sup>th</sup> bullet- strike “Main Street Merchants” add “Community and Business Organizations.”
- 5<sup>th</sup> bullet- strike “Town Center,” add “Historic Downtown”
- (3-8) 2<sup>nd</sup> bullet- strike “developing a visitor discovery center” add “local organizations”
- 3<sup>rd</sup> bullet need to add “Robert N. Reed”
- 5<sup>th</sup> bullet strike “gallery” add “fine arts center.” Take out “for sale of artwork.”

Recessed at 3-8 “Resort Residential Planning Area.”

There was a motion from Chairman Frese, seconded by Councilwoman Richardson “**to adjourn the meeting.**” The motion was unanimously approved. The meeting was adjourned at 7:03 PM.

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Mayor

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Town Manager

**MINUTES OF THE February 21, 2008**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP**

**Council Members Present:**

John H. Tarr, Mayor  
 Nancy B. Conklin, Councilwoman  
 Terry Howard, Councilman

Glenn B. Wolffe, Councilman  
E. David Ross, Councilman

**Council Members Not Present:**

Anita Speidel, Vice Mayor  
Ellen W. Richardson, Councilwoman

**Planning Commission Representative Present:**

Ray Rosenberger, Chairman

**Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner  
Kenny Lewis, Building and Zoning Administrator

***Call to Order***

Mayor Tarr called the meeting to order at 5:07 pm.

***Invocation***

Councilman Ross 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 adopt the agenda as presented. The motion was unanimously approved.

***3. Consider Adoption of the January 17, 2008 Special Council Meeting Minutes.***

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

***4. Capital Projects Review***

Mr. Ritter indicated that the purpose of this presentation was to give Council an idea of what projects are being planned in the upcoming fiscal years. The focus should be on FY09 projects.

There was some discussion of the possibility of adding Geographic Information Systems as a budgetary item so that the Town can have an updated system that might be useful to employees.

The Police are upgrading the radio system to be compatible with the new digital system.

There was a question about the playground equipment and how the Town was going to pay for it. It was discussed that some of the playground fund has already been used to put mulch around existing equipment and that the remaining funds would not be enough to purchase more equipment.

The Town applied for a grant to help fund breakwater equipment for the Curtis Merritt Harbor of Refuge. The Town is confident that this project will be funded because the Town has all the permits in hand. This program is a 75% matching fund grant.

The Town needs to figure out whether to contract out or to collect refuse in-house.

The Town's TEA-21 grant needs to be utilized very soon; the grant was not utilized to purchase property on Main Street. It is suggested by staff to utilize these funds for a bike lane on Maddox Boulevard from Chicken City Road to Maddox Circle.

## **5. Discussion on the Amended Changes that the Planning Commission has recommended to Council on Article VII. Signs of the Zoning Ordinance.**

Mr. Anderson from this point forward will combine all amendments to the Planning Commission's sign ordinance into one font, size, and color.

On page 12 there was an amendment to "Menu & Sandwich boards, easels and other sidewalk signs." It was amended to "Sidewalk signs." There was discussion on whether these signs would only be prohibited when in the public right-of-way. It was suggested that 7.2.49. be amended to incorporate language that will eliminate Menu and Sandwich boards from being considered portable signs. It was suggested that Menu and Sandwich Board signs be no more than 8 square feet.

It was suggested by Council to reference the section number of the definition of prohibited signs in Section 7.6, however the page number is not needed.

There was also discussion of the Planning Commission's recommendation of having roof signs as prohibited. The Planning Commission recommended putting these in prohibited signs for cosmetic as well as safety concerns. It was recommended to permit roof signs, however they would begin no lower than the wall line and extend no more than four vertical feet from that point. The maximum size for roof signs would be 32 square feet.

7.2.66. Vehicular Signs. The only vehicles that would be subject to this definition would be inoperable vehicles and watercraft. It was suggested that staff look at this definition and come up with an agreeable definition.

Councilman Ross had concerns over the artwork on the side of the structure on Taylor Street. He was wondering where artwork was addressed in the Sign Ordinance. Mr. Lewis indicated that because there was no commercial message on the structure it cannot be considered a sign.

Councilman Ross questioned why the Town has so many off-premise signs. It was indicated that many were grandfathered from before annexation.

The Planning Commission has recommended to Council a directional sign policy that the Town would administer. The Mayor indicated that as part of this program the Town could also have signs that indicated the old neighborhoods of the Island.

Councilman Howard does not have a problem with the electronic or neon signs so long as they do not blink or are scrolling. Councilman Wolffe has concerns over the allowance of electronic or LED signs. If the Town allows these signs as long as they do not scroll or flash how often are the sign's operator allowed to change the message on the sign. It may be difficult to monitor.

The Mayor would like the Planning Commission to look into moving billboard and report back to Council.

**There was a motion from Councilman Wolffe, 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 MARCH 2, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

John N. Jester, Vice-Mayor

**Call to Order**

Mayor Tarr called the meeting to order at 7:32 p.m.

**Invocation**

Councilman J. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

**Open Forum/Public Participation**

- Mr. Bob Behr, President of the Chincoteague Cultural Alliance and Director of the Oyster and Maritime Museum, explained that he received an email indicating that the Virginia Senate supported legislature enabling the creation of Arts and Cultural Districts. Chincoteague obtained this ability in 2006. He explained that there are many incentives to Arts and Cultural Districts including the attraction of new businesses. Mr. Behr

wanted to encourage Council to begin the creation of the Arts and Cultural District within the Town.

- Mr. Mike Doyle, suggested that a 4 way traffic stop be placed at the Ridge Road, Church Street and Chicken City Road intersection when the roads are realigned. Town Manager Ritter said that he has talked with VDOT about this issue and that they plan to complete realignment first and then do a study to see if a 4-way traffic stop would be necessary.

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

Councilwoman Conklin requested that Item #7 and Item #3 be swapped to accommodate the guest speakers because of inclement weather. **Councilwoman Conklin motioned, seconded by Councilman Frese, to accept the agenda as amended. The motion was unanimously approved.**

### **2. Consider Adoption of the Minutes**

**Councilman T. Howard motioned, seconded by Councilman Frese, to approve the minutes of the February 2, 2009, Regular Council Meeting as presented. The motion was unanimously approved.**

### **2. Public Hearing on the Town's Intent to Apply for CDBG Funding**

Mayor Tarr opened the Public Hearing at 7:48 p.m.

Mrs. Kat Edwards explained that the public hearing is required by the Department of Housing and Community Development when a locality applies for Community Development Block Grant (CDBG) funds. She explained the following criteria:

- 1) The public is made aware of the intention to apply for funds
- 2) The public is informed of all possible project types available with this type of funding
- 3) Solicit public comments or suggestions and public needs'
- 4) Go over history of prior CDBG funding and how it was used.

Mrs. Edwards reported that applications for the "competitive round" will be due April 8, 2009. National objectives state that CDBG funding must show a benefit to low or moderate income persons, or eliminate slums and blight. There are 5 primary types of projects:

- A. Comprehensive Community Development (includes all needs including water and sewer.)
- B. Economic Development Grant (must create jobs for low/moderate income or eliminate blight)
- C. Housing (Rehabilitation or Production for low/moderate income)
- D. Community Facility (Usually water or sewer to benefit low/moderate income)
- E. Community Service Facility (Adult daycare, clinic, etc that benefit low/moderate income)

Low to Moderate income persons are defined as: single person household \$28,350 or less yearly;

2 person household \$32,400 or less yearly; 3 person household \$36,450 or less yearly;  
etc.

Discussion began with public comments and suggestions for a technical training center, a face-lift for Main Street, and classes for Space Port employment training.

Mrs. Edwards explained that the Town has had 2 CDBG grants in the past. The first in 1994 for Housing Rehabilitation which was for 27 homes for the low to moderate income households. The second was the Downtown Revitalization Project where the Robert N. Reed, Sr. Downtown Park was completed along with some streetscape work. She explained that the Town currently has a Planning Grant for the study of potential Fiber Optic Network for telecommunications.

Mayor Tarr closed the Public Hearing at 8:00 p.m.

### **3. Discussion on Broadband**

Ms. Laura Barnes, External Affairs Manager and Mr. Jeff Merriman, Manager of Economic Development, both with Verizon of Eastern Virginia, gave a report about broadband services and what Verizon has in our area. Mr. Merriman explained that broadband simply means “high speed access to the internet” and can be obtained via DSL line, the copper phone line that goes into a house, a cable line, a fiber line, wireless service or satellite. He stated that 1 megabit per second and 3 megabits per second download service is currently offered on Chincoteague through DSL. There is also 7 megabits per second download service available in a limited area and mobile broadband service is available as well.

Vice-Mayor Jester said that he read an article that Verizon would not be bringing fiber or FIOS to the Eastern Shore. Mr. Merriman explained that this service has only been introduced to densely populated areas because it is extremely expensive. Mr. Merriman also stated that realistically, rural areas such as Chincoteague would be further in the future. He explained that alternative fiber services are available but still very expensive. Mr. Merriman reported that new wireless speeds will also be available in the future and that rival fiber speeds and wireless applications have been solving the problems in rural areas where it is just too expensive to run fiber.

Mr. Pat Coady, Executive Director of the Eastern Shore of Virginia Broadband Authority, explained that the Authority was formed April 2008 by Accomack and Northampton counties jointly. The need for better and faster communication service has been discussed and studied by both counties for several years. Mr. Cody reported that bids were awarded for two contracts which run fiber from across the bridge tunnel up Route 13 to Wallops with a spur landing on Chincoteague with a Labor Day completion goal. These are being paid by grants.

Mr. Nick Pastoretti, Director of Network Engineering of the Eastern Shore of Virginia Broadband Authority, explained that broadband is not just internet access, but includes healthcare facilities and schools and large business with high bandwidth needs. He said that the system is being built in an open access network which should spur competition and bring new businesses to the area. Mr. Pastoretti also explained that the Broadband Authority would be responsible for maintenance and repairs. Discussion and comments continued regarding individual pricing, taxes, stimulus funding and completion dates.

#### **4. Public Safety Committee Report of February 3, 2009**

Mayor Tarr presented the following report:

**EMERGENCY OPERATIONS PLAN** – Mayor Tarr stated that the second draft should be completed for review by the March meeting. EMS Supervisor Rush is making the changes and adding appendices as appropriate.

**SOUTHERN BAPTIST DISASTER RELIEF TEAM** – Mayor Tarr reminded Council that, Mr. Richard Taylor from Union Baptist Church will be at the March 3<sup>rd</sup> meeting to inform the Committee about their disaster team.

**PODEX** - The PODEX Committee will meet February 9, 2009 from 10:00 – 12:00 at the Public Safety building in Accomac. The state CRA Committee will be there to discuss rescheduling of the PODEX that was cancelled in September 2008 because of Tropical Storm Hanna.

**ICS 300** - Public Works Director Cosby, Accounting Specialist Carole Hammonds, and Fire Chief David Lewis attended the ICS 300 training held at the U. S. Coast Guard base, January 21-23, 2009. All three were certified.

**IS700, ICS 100, and ICS 200** - Alternative training will be held February 25, 2009, from 09:00 a.m. – 12:30 p.m. at the Eastern Shore Chamber of Commerce for those individuals needing IS 700, ICS 100, and ICS 200. The format will be in lecture form and allowing for computer testing for students to receive certificates. This training is currently available on-line at [fema.gov](http://fema.gov).

EMS Supervisor Rush reported that an additional ICS 300 training will be offered on the northern end of Accomack County at the end of March.

**Chincoteague Volunteer Fire Company** – There were no Fire Company members present. EMS Supervisor Rush stated that a new generator was installed and is fully functional at the Main Street station.

Mayor Tarr inquired about the functionality of the Fire/EMS radio system. Police Major Mills stated that all was functional at this time. Mayor Tarr asked if the Town hired Delmarva Two-Way to install the radio system. Major Mills was unsure. He advised that Verizon handled all of the 911 and mapping, but, Delmarva Two-Way installed the consoles. Vice Mayor Jester was concerned about having a service contract with a specified time for service stated in the contract. Major Mills advised that there was a contract but was unaware of any time for service.

**Communications Manual** – EMS Supervisor Rush brought the manual corrections to the meeting. Mayor Tarr stated that the manual was introduced at the council meeting last evening and that he could give his corrections to Major Mills. Mayor Tarr also stated that the Fire Co., National Park Service, and Fish and Wildlife needed to review and send in their comments. EMS Supervisor Rush also stated that he had made changes to the wording in the document and would like Committee support for the changes and to include the changes in the new draft of the EOP. The changes would be Emergency Services to Emergency Management. The committee concurred.

**Essential Employees** – EMS Supervisor Rush notified the Committee that he sent an e-mail to all department heads requesting a list of essential employees. Vice Mayor Jester asked if all police officers and dispatchers should be included. Mayor Tarr also suggested that EMS Supervisor Rush meet with all department heads and revise the list. Mayor Tarr suggested that different scenarios be used to determine those individuals. Vice Mayor Jester asked if any employee ID's have been issued. EMS Supervisor Rush advised they haven't been issued and that the essential employees were going to receive them first. Vice Mayor Jester suggested that Town Manager Ritter set a time frame for employee ID's.

**NIMS Compliance** – EMS Supervisor Rush issued a training model to show the Committee who needs ICS training and what type. Mayor Tarr asked if anyone knew what other localities were doing for Public Works training. EMS Supervisor Rush advised that other communities are including Public Works.

Mayor Tarr asked about a classroom session during the day. EMS Supervisor Rush said that he would look into it further. Vice Mayor Jester suggested that a training plan be devised. He asked Town Manager Ritter to draft a plan to implement NIMS training with a time-line. Town Manager Ritter asked if the employees had to complete the training on the Town's time. Vice Mayor Jester responded that it would be nice if the employees would do the training on their own time, but the Town would have to allow them to do it on the job.

**Goals and Objectives** – EMS Supervisor Rush submitted a list of goals and objectives compiled from the last meeting. He asked for a priority rating for each. Mayor Tarr asked about the Vacation Watch Program. Vice Mayor Jester explained that the program. He suggested that fire safety be added because of the concern of not having a Fire Marshal and no way to enforce the codes. Mayor Tarr stated that it is spelled out in the state code that the Fire Chief has the authority. Mayor Tarr suggested a meeting with the Building Inspector, Fire Chief, and State Fire Marshal so a plan could be developed. Mayor Tarr questioned the goal of separating EMS from General Government. EMS Supervisor Rush explained the goal. Vice Mayor Jester suggested that the EOP be number one along with NIMS compliance and updating the web page for emergencies. Vice Mayor Jester also suggested that a COOP (Continuity of Operations) plan be put high on the list.

**Committee Member Comments** - EMS Supervisor Rush advised that he will be losing an employee for four months due to hip surgery. A five-member department covering twenty-four hours a day would be reduced to four. EMS Supervisor Rush advised that his department would be able to cover the absences; however it will run into the summer and doesn't leave room for sickness or injuries. EMS Supervisor Rush asked the Committee to support hiring part-time employees. The Committee agreed to send the request to the Budget and Personnel Committee.

## **5. Public Works committee Report of February 3, 2009**

Mayor Tarr presented the following report:

Councilman Frese addressed the Committee regarding the condition of the eastbound side of Eastside Road. There was discussion about having this project placed in the Urban Project 6-Year Plan. There was also discussion of the USDA grant and who benefited from it, which would be Law Enforcement and Public Safety.

**January 2009 Report** - Public Works Director Cosby explained the January 2009 Workload Analysis. He also updated the Committee on the current drainage work on Smith, School and Sharpley Streets. He felt that this should eliminate the drainage issues over the past several years. He also stated that 9 Public Works employees attended a work Zone Safety class. He also continued with the update of the sidewalk destruction and restoration project. He advised that Mr. Hal Clark attended a 2-day water works math class to prepare him for the licensing test.

Public Works Director Cosby explained the work completed to date on the Hallie Whealton Smith Trail. He stated that they're at a stopping point because of an issue with planning and materials. He advised that he also completed a mid-year water revenue analysis, which was presented to the Budget and Personnel Committee. He included the analysis in the agenda packet for this meeting. There was further in-depth discussion regarding the Hallie Whealton Smith Trail and the lack of materials, planning and funds.

The Committee had a lengthy discussion about the Mid-Year Water Revenue Analysis along with the potential problems with revenue.

**Vehicle Washing (J. Howard)** - There was further discussion about the lack of routine vehicle washing.

**Surplus Vehicles (J. Howard)** - The Committee discussed the disposition of the surplus vehicles. Vice Mayor Jester gave Town Manager Ritter information about Government Auction of such vehicles. He advised the Committee that he would look into this matter further and handle the sale through the Government Auction.

## **6. Budget and Personnel Committee Report of February 17, 2009**

Mayor Tarr brought before the Committee future issues, one is regarding donations management within the Town budget. Mayor Tarr reported that Accomack does not give donations. Mayor Tarr also informed the Committee that he had staff working on a project list in the event that the Town would receive federal stimulus money. He stated that staff would prioritize projects and submit the list to Governor Kaine. The next topic was a building permit issue for the local Saltwater Cowboys of \$600, that the Committee would like waived.

**Request for Part-Time EMS Providers** - EMS Supervisor Rush notified the Committee of an upcoming absence of an employee due to an operation. EMS Supervisor Rush told the Committee that he currently has five employees to cover twenty-four hours a day, seven days a week, and three-hundred sixty-five days a year. He is concerned about losing an employee and maintaining staffing. He proposed to hire 2 part-time employees

at the level of EMT-Intermediate or EMT-Paramedic. EMS Supervisor Rush gave the Committee members a wage comparison and explained the savings of using a part-time employee over paying overtime. He also suggested to the Committee of possibly including some administration days, which would allow him to complete other assigned duties. Councilwoman Conklin asked if there would be any difficulty hiring individuals. EMS Supervisor Rush advised that there would be no problems. However, FLSA would not allow the part-time employee to volunteer on the ambulance with the Chincoteague Volunteer Fire Company. Town Manager Ritter suggested including this item in the upcoming budget. Councilman Frese stated that doing so right away could save money and was needed, Councilman Jester agreed. Mayor Tarr suggested looking into hiring an EMT/Driver part-time to assist with administration days that would take EMS Supervisor Rush off the road.

**Internet Government Options Contract** – There were discussions at previous meetings about using the government internet options to buy and sell surplus. Town Manager Ritter explained that an agreement needed to be signed in order to use this option. He stated that the cost would be 7.5% of the purchase price plus an additional 5% if the auction company collected the money from the bidder. He suggested setting up a Pay Pal account to collect the money. Councilwoman Conklin questioned the 7.5% for training. Councilman Jester is in full support of the project. Councilman Frese questioned as to whether it complied with Virginia Code. Town Manager Ritter stated that he has a list of 65 towns, counties, and cities in Virginia using the program.

**Final Review of the Employee Performance Evaluation** – Town Manager Ritter showed the Committee the updated version and requested to implement the new evaluation form. Vice Mayor Jester inquired the whereabouts of the written goals for staff. Town Manager Ritter referenced the last page of the document. Vice Mayor Jester requested a wording change on page 10 of the document “may to will”. Town Manager Ritter advised that he will make the change. He also explained page 9 and the formula used for rounding performance points. Vice Mayor Jester advised to make it clear to the employees what the process is for obtaining a merit increase. Town Manager Ritter advised that General Government and EMS Departments used this format for last year’s evaluation. Vice Mayor Jester asked and suggested that the Town has a requirement to review employee performance with the employee at six month intervals so they are not surprised at evaluation time. Councilwoman Conklin asked if everyone got a raise just because they work for the Town. Town Manager Ritter replied that this is the purpose of the new evaluation form, which to give a merit increase only for good merit. The Committee suggested that Town Manager Ritter send a copy to the other Council members.

**Federal Stimulus Update** – Town Manager Ritter informed the Committee that all department heads met and were instructed to list project ideas and submit a project statement by Thursday. The information would be entered into Governor Kaine’s website created for this particular matter. Councilman Frese suggested looking at the VML to see what other localities are requesting. Town Manager Ritter advised that once all the information has been put into the site, copies will be distributed. Vice Mayor Jester asked what the Town’s number one project would be. Town Manager Ritter advised that one of the projects would be to purchase a local marina that would allow

larger boats to obtain fuel, which could increase tourism. Councilman Frese questioned as to whether the Town should get into the marina business or encourage privatization of such idea. Town Manager Ritter stated that we would not want the area sold to become a hotel. Councilwoman Conklin suggested buying the marina and leasing it, so that it would remain a marina.

**Donations** – Town Manager Ritter stated that he would e-mail Town Attorney Poulson’s response, which said to limit donations to only non-profit organizations. Councilman Frese expressed his concern over the lack of revenue to supply daily needs, let alone donations. Councilman Frese suggested not including donations in the FY 10 budget. Town Manager Ritter advised that Council should develop a policy for donations. Councilwoman Conklin agrees on the idea of reducing donations. Mayor Tarr suggested looking at all donations because some things may have to stay, such as fireworks and the scholarship. Councilwoman Conklin suggested that no more single donations be made until the Committee and Council could discuss the issue further.

**Building Permit for Saltwater Cowboys** - Mayor Tarr stated that Wesley Bloxom came to him about having a building permit fee waived by the suggestion of Building and Zoning Administrator Lewis. Mayor Tarr advised the Committee that the riders currently use an old chicken house to board the horses during the round ups. He added that they want to tear the existing structure down and build new stalls. Mayor Tarr stated that Mr. Lewis has looked at the area and it meets all the requirements. The Saltwater Cowboys will be doing their own work and would like the fee waived. Mayor Tarr suggested to approve the request with the stipulation that if it becomes a business they would have to come back and pay the fee. Town Manager Ritter advised that building permit revenues are down for the year and the Town would be losing this fee. Vice Mayor Jester suggested that the Saltwater Cowboys bring much more revenue to the area than the six hundred dollars.

**Council Action on the Report:**

- **Request for Part-Time EMS Providers - Councilman T. Howard made a motion, seconded by Councilwoman Richardson, that the 3 part-time EMS positions be approved. The motion was unanimously approved.**
- **Internet Government Options Contract –Councilman Frese motioned, seconded by Vice Mayor Jester, which the Town buy and sell surplus through GovDeals, Inc. at a cost of 7.5% of the purchase price. The motion was unanimously approved.**
- **Building Permit for Saltwater Cowboys –Councilman J. Howard motioned, seconded by Councilman Frese, to waive the building permit fees for this property, with the stipulation that if it becomes commercial within next 10 years, all fees will be payable. The motion was unanimously approved**

**7. Cemetery Committee Report of January 27 & February 25, 2009**

*Councilwoman Ellen Richardson presented the following report:*

**REPORT OF THE JANUARY 27, 2009 Meeting**

The Committee discussed last fall's clean-up site of the Whealton Cemetery. Councilwoman Richardson presented pictures of the site area. There was discussion regarding the right-of-way to the cemetery. She also advised that at the spring clean-up, the Chincoteague Garden Club stated they would help out.

Pictures of the cracked vault lids from the Greenwood Cemetery were presented by Councilwoman Richardson. The Committee would like Mr. Guy Doughty of Doughty Funeral Home in Exmore to supply the lids. He will measure the lids and bring the new lids the next time he is in Town. The Committee agreed to have him do the work after he gives a price on how much it would cost. Councilwoman Richardson stated that she would call him in a couple of weeks, if he doesn't get back with her with the quote

### **REPORT OF THE FEBRUARY 25, 2009 Meeting**

The Committee discussed going back to Holy Ridge Cemetery for clean-up in the spring. There was discussion and decision of the date and time of the next clean-up. It would be at the Holy Ridge Cemetery, March 14<sup>th</sup>, 2009, between 9:00 a.m. and 12:00 p.m. It was mentioned that the Garden Club is willing to help with the clean-up day. It was decided that the clean-up day would act as their Committee meeting and they would not need to meet again in March.

Pictures of the new vault lids were presented by Ms. Richardson from the Greenwood Cemetery.

The Committee expressed their appreciation to Mrs. Mandy Betts and Ms. Connie Bailey for their donation in purchasing the vault lids from Mr. Guy Doughty of Doughty Funeral Home in Exmore. Councilwoman Richardson asked if staff could send a letter of appreciation to Mrs. Betts and Ms. Bailey for their generosity.

## **8. Neighborhood Signs**

Vice Mayor Jester explained that the Town is in the final days of the centennial years and he would like to see some of the old neighborhood names brought back and displayed via community signs. Some of the names are: Mad Calf, Up the Neck, Tic Town, Up the Creek, Birch Town, Piney Island, Down the Ridge, Dodge City, and Chicken City. He stated that he would particularly like to see one for the old football field, Whealton Field, and the old Town Jail. Vice Mayor Jester stated the cost of the signs would be \$40 each. He advised he spoke to a few people who would donate money toward the purchase of the signs.

**Vice Mayor Jester motioned, seconded by Councilman T. Howard, to adopt the Sign Project and purchase the signs currently on the list and to place advertisement in the paper explaining that the signs are for the centennial and the Town would accept donations for signs. The motion was unanimously approved.**

## **9. Setting the date for a Public Hearing on Balloons, Pennants, and Flags**

Councilman T. Howard motioned, seconded by Councilwoman Conklin, to set the date for a Public Hearing for April 6, 2009 for the Sign Ordinance on Balloons, Pennants, and Flags. **The motion was unanimously approved.**

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

Councilwoman Richardson said she liked the new folders being used for council reports.

Vice Mayor Jester would like to commend the Chincoteague Elementary and High Schools for receiving the Board of Education's Excellence Award in the VIP programs for 2 years in a row, as well as Academic Challenge for the district. He would like to see letters go to the students, teachers and principals.

Vice Mayor Jester reported that on March 21, 2009 from 1 p.m. to 5 p.m., the Chincoteague Island Library Oral History project will have a symposium on the Storm of 1962 at the Bateman Center at the Refuge. There will be photo displays and old movies and it is their wish that people that were experienced the 1962 storm will come and discuss the event so that the history can be recorded.

Councilman Conklin would like to see the schools recognized as well for the high scores on the Standards of Learning tests.

Mayor Tarr reported that the next meeting will be a Special Council Meeting on March 19, 2009 at 5 p.m.

**Councilman T. 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 MARCH 19, 2009 SPECIAL CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
Manager  
Nancy B. Conklin, Councilwoman  
Town Planner  
James Frese, Councilman  
John N. Jester, Vice-Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman

### **Staff Present:**

Robert Ritter, Town  
Jared Anderson,

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

Mayor Tarr called the meeting to order at 5:03 pm.

## ***Invocation***

Councilman J. Howard offered the invocation.

## ***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

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

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

### **6. *Chincoteague Application for Community Development Block Grant (CDBG) funding for broadband.***

Ms. Kat Edwards of A-NPDC provided information to Council in regards to Broadband. Ms. Edwards used the following hand out for her presentation to Council:

#### **TOWN OF CHINCOTEAGUE; BROADBAND NETWORK APPLICATION REQUIREMENTS**

The Town currently has a planning grant to determine the need/demand for broadband, provide preliminary engineering for a route to serve business users and cost estimates for designing and constructing the network.

Surveys conducted in December through March resulted in over 110 surveys from businesses describing their current telecommunication uses, future needs and desires for better service. 76% of all businesses responding indicated that if broadband were available at a reasonable price; they would be interested in purchasing the service. A positive response was also received from USFWS, USCG, medical clinics, schools, emergency response personnel and Town staff. Based on the fact that broadband will soon be available, Accomack and Northampton County schools and ESCC will be applying for a telecommunications grant that will enable student's greater learning.

The proposed network will provide reliable service, faster speeds, greater versatility at a cost less than or comparable to the existing service. It will make our Town more attractive to businesses and visitors needing broadband access. This is especially important with the new opportunities available to NASA. It will provide new learning opportunities for our children and better healthcare for all.

There are a number of things that the Town will be required to do as a condition of receiving funding for the network.

1. In order to receive this funding Chincoteague has been to provide a line of credit for \$100,000 to be available to the project has passed a resolution to that effect earlier this year. Two possible uses for these funds have been proposed.
- This line of credit is proposed to be available to the Eastern Shore Broadband Authority to be used as collateral to borrow additional funds for creation of the

network. As such it would not be drawn on unless ESVBA lacked sufficient income to amortize their loan.

- If there were cost overruns in the Chincoteague network build out, this line of credit could be tapped to complete construction

In either case, the Town will have the opportunity to negotiate with ESVBA, if the grant is funded, regarding repayment of these funds when working out an agreement for transferring the network when it is complete and is to be turned over to the ESVBA.

2. The project will be funded with a CDBG grant from the Department of Housing and Community Development as an economic development project designed to create jobs which will be available to low and moderate income persons. The Town will need to document that 22 jobs have been created during the 2 year project period and up to 2 years after. (4 years total) The tracking process will go through the Virginia Employment Commission. Jobs will be listed with the VEC and the VEC will verify applicants as low-to-moderate income. 5 1% of the applicant pool must be low-to moderate-income.

3. As a guarantee that the Town will do everything in its power to make sure that this process is followed and LMI benefit is achieved, DHCD will require that localities put to provide an irrevocable letter of credit in the amount of the grant award. This letter of credit would only be called in if the Town fails to meet its obligations by having 22 jobs that are made available to LMI persons. The amount to be repaid to DHCD would be dependent on the degree to which this goal was not met. However in reality, this never happened due to the low number of jobs to be created and the maximum income limits for applicants.

If the grant is funded, all of these issues will become a part of contract negotiations and can be further discussed at that time.

**These items appear to require a large financial commitment on the part of the Town. In reality, the Town could have the entire network built with no financial expenditure at all.**

- The \$100,000 line of credit may never be used. There is opportunity to require the ESVBA to release it at the completion of the network if it is not needed or to take over payments if any portion has been drawn on.
- The irrevocable letter of credit is to guarantee that 22 new jobs will be created in Chincoteague in a 4 year time period. The income limits attached show that most if not all of the persons applying for these jobs will probably fall within the income limits. In addition, this item can be revisited at the time of contract negotiation with DHCD.

Vice-Mayor Jester questioned if the fiber that is laid down initially would be the Town's property. Ms. Edwards indicated that it will be the town's asset until the town negotiated a deal and the transfer is made between the ESVBA and the Town, then the fiber/infrastructure would belong to the authority.

Ms. Edwards indicated that the town may have additional bargaining chips such as the future placement of a wireless antenna on pre-existing towers for wireless broadband.

Councilman J. Howard asked if it is still true that residential areas will have broadband by 2010. Ms. Edwards indicated that nothing from that goal has changed in the ESVBA Business Plan.

There was brief discussion on job creation. Ms. Edwards indicated that 22 jobs will need to be created in Town within four years of the grant initiation. 51% of the applicant pool needs to be low to moderate income.

In order to proceed with this grant the Town must produce both a Line of Credit, and a Letter of Credit, however, it is likely that neither one of these items will be utilized.

Ms. Edwards indicated that the town will be holding a public hearing in the next few weeks where we will be discussing mapping, cost estimates, and for the public to comment one last time. Also at the April council meeting a resolution will be included in the agenda packet that will need to be approved in order to apply for the grant.

## **7. Community Facilities Grant**

The Police Department has asked for support from Council in sending a Community Facilities Grant Application to the United States Department of Agriculture. Chief Lewis indicated that the police would be applying for a 4-wheel drive vehicle that would be used during inclement weather, and on some of the more difficult-to-pass private roads.

The Police Department is also requesting support to apply to the COPS Hiring Recovery Program (CHRP). If awarded this grant the town would receive full funding to hire a police officer for 36 months, at the end of that time period the town would be required to retain that position for an additional 12 months. If another officer leaves during that time the officer whose position is funded could be absorbed into the position lost.

There was a motion by Councilman J. Howard seconded by Councilwoman Richardson “to approve submitting an application for the Community Facilities Grant for a four wheel drive vehicle and an application for the COPS Hiring Recovery Program (CHRP) to hire an additional officer.” Unanimously approved.

## **8. Adjourn**

There was a motion by Councilwoman Conklin, seconded by Councilman J. Howard “to adjourn the meeting.” Unanimously approved.

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**Mayor**

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**Town Manager**

### **Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

John N. Jester, Vice-Mayor

### **Call to Order**

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

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

### **Open Forum/Public Participation**

Mayor Tarr presented Mr. Bob Behr, President of the Chincoteague Cultural Alliance, a certificate of nomination for Recognition for the Chincoteague Cultural Alliance for the 2008 'Governor's Award for the Arts' for outstanding achievement and significant contributions to the Arts in the Commonwealth of Virginia.

Mr. Moyerman, son-in-law of a senior resident who lives on Phipps Lane, asked why the street sign for Phipps Lane was moved to cause an obstruction. Town Manager, Robert Ritter, said the sign was moved to the actual property line. Mr. Moyerman asked if the right of way was moved would the utilities need to be moved or if anyone has looked into this. Mayor Tarr explained that the right of way would be an issue for the property owners and not the Town. Discussion continued about safety issues surrounding the current placement of the sign. Mayor Tarr instructed Attorney Poulson to research the right of way issue concerning the sign.

Mrs. Sandy Bowden, representing the After Prom Committee for Chincoteague High School, gave Council three T-shirts from the past three After Prom parties. She requested Council's support for this year's event.

Mr. Dean Orsino, of Threadgoodes, requested Council's support to bring a retired Space Shuttle to the NASA Wallops Visitor Center. Councilman T. Howard and Mayor Tarr both agreed it was a great idea.

Mrs. Donna Mason said she is in support of the Broadband Initiative. She also suggested the Town use the Space Port and launches as advertisement for tourism.

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

Mayor Tarr requested that Item #5 be deleted until additional information is obtained from VDOT. **Councilwoman Conklin motioned, seconded by Councilman Frese, to accept the agenda as amended. The motion was unanimously approved.**

### **1. Consider Adoption of the Minutes: March 2 & 19, 2009**

**Councilman T. Howard motioned, seconded by Vice Mayor Jester, to accept the minutes as submitted for March 2, 2009 & March 19, 2009. The motion was unanimously approved.**

## **2. YMCA Update Presentation & Proclamation**

Mr. Gary White, former Director of the Pocomoke City YMCA, gave Council an update on establishing a YMCA on Chincoteague. He stated that an office has been opened on Maddox Boulevard and the goal is to raise \$300,000 in six weeks, which began April 1, 2009. He explained that it will need community volunteers and community support to run on \$100,000 a year. Mr. White also reported the programs that the YMCA has offered and hopes to offer in the future.

### ***The Chincoteague Island Family YMCA of the Mid-Delmarva Family YMCA Association***

***WHEREAS, the Young Men's Christian Association, YMCA, mission is to bring together persons of all ages who are united in a common effort to promote and inspire life long development for children, adults and families through programs that build healthy spirit, mind***

***and body for all, and***

***WHEREAS, in 2005 a group of enthusiastic citizens began organizing the Chincoteague Island***

***Family YMCA, and***

***WHEREAS, the Chincoteague Island Family YMCA has begun to follow the National YMCA***

***Mission Statement by offering programs to meet community needs and to help children and***

***families grow strong through value-based programs for all ages, abilities and incomes, and***

***WHEREAS, each YMCA in the United States is a non-profit organization, supported by memberships, program fees and public and private contributions and does not receive funds from***

***the National YMCA, and***

***WHEREAS, the National YMCA requires our community to show our financial commitment to***

***support a YMCA by raising \$300,000 to cover the first three years operating expenses for community programs, rent, utilities and staff, and***

***WHEREAS, the Chincoteague Island Family YMCA have launched their Founder's Campaign to raise the \$300,000,***

***NOW, THEREFORE, I, John H. Tarr, Mayor of the Town of Chincoteague along with the***

***Town Council do hereby give our support in this noble undertaking and recommend that all***

***citizens of Chincoteague do likewise.***

**DATED** this 6th day of April 2009.

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John H. Tarr, Mayor

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Robert G. Ritter, Jr., Town Manager

**Councilman T. Howard motioned, seconded by Vice Mayor Jester, to adopt the proclamation as submitted. The motion passed unanimously**

### **3. Public Hearing on Sign Ordinance Balloons, Pennants, & Flags**

Mayor Tarr opened the Public hearing for public comments at 8:09 p.m. No Public comments were made and the hearing was closed at 8:10 p.m. **Vice Mayor Jester made a motion, seconded by Councilman T. Howard, to approve the changes as submitted. The motion passed unanimously.**

## **Article VII. Signs**

### **Section 7.4 Temporary Signs**

**7.4.12. Pennants. There shall be no more than two- fifty (50) foot long pennants, or one-one hundred (100) foot long pennant per business. Such placement shall not exceed 2 times per calendar year not to exceed 2 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the pennant or pennants are removed within seven days after the event has ended. Placement of such pennants must comply with Article VII of this ordinance. Pennants shall not be placed closer than ten feet from any property line. A permit is required.**

### **Section 7.6 Prohibited Signs**

7.6.8. Air or Gas filled balloons and inflatable objects. **Balloons and inflatable objects not exceeding 10 cubic feet in volume are exempt from this regulation provided no commercial message is displayed on such balloon(s).**

### **Section 7.13 Commercial Districts**

7.13.1.9. Flags, Commercial. Two flags, **displaying a commercial message,** per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. **(Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or “open & welcome flags” are exempt)**

## **4. Resolution on Broadband application for CDBG Funding**

Kat Edwards reviewed the following resolution for Council.

### ***Resolution***

*Be it resolved that, pursuant to two public hearings, the Town of Chincoteague wishes to apply for \$534,990 of Virginia Community Development Block Grant funds for the Chincoteague Broadband Network Project.*

*Whereas the Town has committed to securing a \$100, 000 of credit to be used in whole or in part on this project, as needed;*

*And Whereas the US Fish and Wildlife has committed to provide \$ 25,000 towards construction of their service connection;*

*And Whereas the Eastern Shore of Virginia Broadband Authority is committed to providing high quality telecommunications services to businesses, government facilities, schools and health care providers;*

*And Whereas it is projected that: 4,317 residents of Chincoteague including 1,938 LMI residents will benefit from construction of the fiber optic network; the project will create 20 full-time equivalent jobs that will be made available to LMI persons through registration at the Virginia Employment Commission and 2,177 LMI persons will benefit from improved quantity and quality of health care services as a result of the implantation of this project.*

*Be it further resolved that Robert G. Ritter, Town Manager is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.*

*Adopted at its regularly scheduled meeting on April 6, 2009.*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**Councilman Frese made a motion, seconded by Councilwoman Conklin to adopt the Resolution as written. Councilman J. Howard abstained. The motion was passed.**

***5. Resolution Approving the Design When No Public Hearing is Held – Deleted from Agenda***

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

The Honorable Wanda Thornton commented that the Railroad and Broadband Authority have met about right of ways and easements and are ready to proceed. She presented the following report:

- 1) Wednesday April 8, 2009 will be the last time to comment on the budget; the vote will probably occur on Wednesday April 15, 2009. The budget includes a 45 cent increase on Personal Property taxes and a 9 cent increase on Real Estate taxes.
- 2) She requested that Public Works be designated to work on Hazardous Clean Up with Accomack County Ground Water Committee if the town wishes to participate in this event.
- 3) Land Use values: Taxes are high because of land use and designation in the records. The State Land Evaluation Advisory Council has made mistakes; for example it appears that there is not any Tomato farming in Accomack County.
- 4) If the tax increase goes through, additional personnel will be hired at the Assessor's office to do re-assessments and trend current values district to district as well as clean up prior assessment mistakes.
- 5) There will be a Public Hearing to decide whether or not to form a Public Service Authority, will be on April 22, 2009
- 6) She reported that there has been continued discussion about Prayer during public meetings. It has been placed on the Agenda for the April 15, 2009 meeting.
- 7) The Board of Supervisors has been asked to take a position on Off Shore Drilling.

- 8) Accomack County has designated Saturday May 4, 2009 as Spring Clean Up Day and all tipping fees will be waived for the day. Another day is planned for Saturday October 3, 2009.
- 9) A report from VDOT has no money allocations for the next 6 years for our area. There is dredging money available from Stimulus money.
- 10) On the County meeting agenda is a study of tax relief for the elderly.

Discussion continued about tomato farming, farm subsidies, business licenses, and taxes. Supervisor Thornton reported that she asked for a cost analysis in regards to tipping fees because the Town may be losing these fees. Mayor Tarr reported that the Town would lose about \$80,000 a year in tipping fees.

Councilman T. Howard requested that Hazardous Materials Collection for the Town be put on an upcoming agenda. Supervisor Thornton explained that the Town can do their own collection and she would facilitate it through the County Ground Water Committee.

## **7. Public Safety Committee Report of March 3, 2009**

Mayor Tarr explained that the Public Safety meeting scheduled for April 7, 2009 is canceled. Mayor Tarr presented and reviewed items in the following report:

**Emergency Operations Plan** - The second draft is projected for release on April 7, 2009.

**NIMS Compliance Plan** - The first draft of the Town of Chincoteague's NIMS Compliance Plan will be presented at the Public Safety Committee meeting on March 3<sup>rd</sup>.

**PODEX** - The exercise is rescheduled for May 1<sup>st</sup> and 2<sup>nd</sup>. The EOC will open Friday at 09:00 and wrapping up the exercise around 11:30 hours. Set-up of the parking lot will be done Friday afternoon. The commodities will be distributed from 09:00 until 11:00. There will be two-hundred tarps, two-hundred cases of water, and two-hundred meals ready to eat (MRE's) distributed. Mayor Tarr spoke with Mr. Aubrey Justice, NALL President. The Little league will reschedule games to start after 12:30 p.m.

**Rocket Move** - Town Manager Ritter and Mr. Bryan Rush attended a planning meeting with NASA on Friday February 27 concerning a rocket move from the main base to Wallops Island. The move will affect Chincoteague as power to the Island will be off for a period of time and route 175 will be closed during the move. More information will be made available at the Public Safety Committee meeting on April 7. Mayor Tarr advised to put out public service announcements about the power outage. Mr. Rush advised that he would also try using the reverse 911 system to deliver information and test the system at the same time.

**ICS 300** - The next class will be held March 21<sup>st</sup> from 1pm – 8pm; March 25<sup>th</sup> from 6pm – 10pm; and March 28<sup>th</sup> from 1pm – 8pm. Attendance at all three sessions is mandatory for course completion. The course will be held at the Wallops Flight Facility.

**Union Baptist Church Disaster Relief Team** - Mr. Richard Taylor from Union Baptist Church's Disaster Relief Team gave the Committee an overview of their capabilities. Mr. Taylor advised that someone had recently donated a disaster trailer to the team. The

team has an array of capabilities in various training disciplines. The team works under the Southern Baptist Conference and can be deployed anywhere. Mr. Taylor stated that the team would request to stay locally if there should be a need in the community. Team members can feed 3,000 individuals a day; provide shower trailers; chain saw teams; mud-out teams; and minor roof repairs. During a large event they would be requested through FEMA or the Red Cross. During small disaster scenarios, the team can be contacted through the Church. Vice Mayor Jester expressed his gratitude for the team as he was a recipient of these services during the 9/11 tragedy. Mr. Rush invited the team to participate in the PODEX.

**CERT Presentation** - Captain Barry Frishman gave the Committee information on the recent CERT (Community Emergency Response Team) training that he attended. Mr. Frishman expressed his desire to help the community and strengthen CERT presence here on the Island. The Committee offered Mr. Frishman support. Mr. Rush will be contacting Mr. Frishman to discuss further use of the CERT on the Island. Mr. Jester suggested the use of boats to move supplies if there was a bridge failure. Mr. Frishman also agreed to talk with the local Charter Boat Association’s captains for support should there be a bridge failure.

**Essential Personnel** - Mr. Rush advised that he had a meeting with all the department heads as instructed. The department heads did have some issues with making individuals stay during an emergency. Mr. Rush requested more guidance on this issue, because of a small work force. Mayor Tarr states, there needs to be a written policy. Vice Mayor Jester agreed with a written policy. Mr. Rush advised that the initial list that was requested meets the criteria. Police Chief Lewis states that the police department policy already states that there full-time employees are essential. The Committee approved the current list:

<b>General Government</b>	Town Manager Harbor Master	Building and Zoning Administrator
<b>Public Works</b>	Public Works Director Roads and Facilities Supervisor Mechanic	Waterworks Supervisor Waterworks Technician Labor/Equipment Operator II

**Police Department** - All Full-time Employees

**Emergency Medical Services** - All Full-time Employees

The Committee wants the definition of an essential employee added to the personnel manual. Mr. Ritter wants the twelve hour operational period added to the EOP. The Committee recommended that the essential employee job descriptions have the wording “essential employee” added and taken to Council for approval.

**NIMS Compliance** - Mr. Rush issued a training model to show the Committee who needs ICS training and what type. Mr. Rush distributed the Town’s NIMS Compliance Plan for Committee review. Mr. Rush explained the plan along with the time-line, incentive program, and sign-off documents. The Committee suggested that the department heads have the signature page completed within their respective departments and to remove the “disciplinary statement” on the sign-off page. The Committee was in

agreement with the incentive page. Mayor Tarr requested they bring the NIMS/Essential employee package to Council next month.

**Committee Member Comments** – Vice Mayor Jester asked Mr. Rush if he had worked on the annual public information blurb to distribute. Mr. Rush advised that he had not.

There was a discussion about NIMS compliance. Vice Mayor Jester explained the process. Mayor Tarr said that Bryan Rush is trying to get classes on the Island. Compliance is necessary for some future FEMA Grant funding and/or reimbursements.

**Councilman T. Howard made a motion, seconded by Councilman Frese, to adopt the NIMS Compliance Plan. The motion passed unanimously**

## **8. Public Works Committee Report of March 3, 2009**

Mayor Tarr presented and reviewed the following report:

**Public Works Monthly Report February 2009** - Public Works Director Cosby updated the Committee on the status of several projects and issues, including the road work on Hallie Whealton Smith, the spring paving bid, playground equipment damage at Memorial Park and status of the work required by the DEQ for our groundwater permit.

**Margaret's Lane Drainage Request** – Public Works Director Cosby reviewed a request for drainage work on private property. There are people willing to give the Town the necessary easements to work in this area, and it is a badly needed improvement which will benefit at least seven parcels. The Committee expressed their willingness to proceed with planning for the project.

**School and Pine Street Drainage** – Public Works Director Cosby reviewed sections of street adjacent to the Smith/School/Sharpley project area that are not in the state road system. He agreed to research the ownership of these sections prior to expanding the project into these areas.

**Roads Budget Update** – Mr. Fitchett provided the Committee with an update on the costs of the Smith/School/Sharpley project in comparison with the Church Street drainage work done last year. Public Works Director Cosby reviewed the Roads expenses to date for this fiscal year, the projections for needs for the remainder of the year, and several ideas regarding possible project choices.

**Committee Member Comments** – Mr. Howard asked about the drainage situation at the intersection of Ridge and Wayne Roads. Public Works Director Cosby agreed that the drainage in that area is a problem but it was not an easy solution.

Councilman T. Howard commended Public Works staff on their work on School, Sharpley, & Smith streets.

## **9. Budget and Personnel Committee Report of March 17, 2009**

Councilwoman Conklin presented and reviewed the following report:

**Item #1-Presentation of Healthcare Comparisons** - Ms. Lisa Buswell of USI Insurance Services gave a presentation on the Town's current health insurance offerings. The overview reviewed the Town's offerings with its present carrier in relationship with other regional and national carriers. The town's current plan was compared with other plans taking into consideration a projected premium increase of approximately 13.5% with the present carrier. Other options included exploring a separate Medicare supplement plan for town retirees in order to obtain better rates for the existing group medical coverage. Vice Mayor Jester stated that given the Island's close proximity to Maryland and its providers, our coverage should allow as much flexibility as possible for employees to be seen in either Virginia or Maryland. Ms. Buswell indicated that her staff could develop a survey for employees and retirees to complete regarding their current coverage and potential changes to be made for future policies. Town Manager Ritter asked for the Committee to give consideration as to their desires in using Ms. Buswell's services in assisting the town during this period of negotiations with different carriers as she is presently not our agent of record. Ms. Buswell noted that there would be no additional fees to the town as the result of using her as an advocate as these fees are already inclusive in the current premiums.

**A motion was by Vice Mayor Jester, seconded by Councilman Frese to recommend to Council the use of Ms. Buswell's services in negotiating the town's health insurance plan, Motion Carried.** Councilman Frese asked that the employee survey be conducted. Town Manager Ritter stated that would be done once Ms. Buswell was our agent of record.

**Item #2-Consider Chincoteague Island Community Tennis Association Request** - Town Manager Ritter informed the Committee that the Chincoteague Island Community Tennis Association has received two grants, totaling \$3,000 towards the repair and resurfacing of the tennis courts at Memorial Park. The lowest bid for the work came in at \$11,900.00. The group is asking the Town to consider funding the balance, approximately \$8,900.00. Vice Mayor Jester stated that he had several questions regarding the project. The consensus of the Committee was to forward the matter to the budgetary process.

**Item #3-Budget Amendment** - Town Manager Ritter explained the proposed amendment to the Committee. The amendment involves the grant monies obtained for replacement of 911 equipment that were slated in the budget amendment for FY08, but that did not occur until FY09. The amendment is needed to show the proper allocation and disbursement of funds during FY09. A motion was made by Vice Mayor Jester, seconded by Councilman Frese to recommend the amendment to Council, Motion Carried

**Item #4-Committee Member Comments**

Vice Mayor Jester stated that he was very pleased with the increased safety measures taken by town employees. He stated that he has observed public works staff with their safety vests on at job sites and feels we are moving in the right direction. Vice Mayor Jester expressed interest in a formal Safety Plan to be created and adopted as part of the Employee Handbook. Town Manager Ritter indicated that Public Works Director Mike

Crosby has been conducting quarterly safety meetings with staff and recent safety improvements have been made in the garage area.

Councilman Frese added that the Town should be able to have a representative from our insurance company to assist in the development of safety plans and safety training as this is included in most policies.

Councilwoman Conklin asked that Ms. Buswell of USI Insurance services be appointed as agent for Town Insurance research. Vice Mayor Jester stated that a local company asked if they could make a presentation. Town Manager Ritter responded that the other company will make a presentation at next Budget & Personnel meeting and this issue will be brought back to Council at the May meeting.

Town Manager Ritter explained that Item #3, Budget Amendment, needed to be voted on before the end of the Fiscal Year.

## **10. Recreation & Community Enhancement Committee Report of March 17, 2009**

Councilman Frese presented the following report:

**Earth Day Celebration- May 9, 2009** - Mrs. Megan McCook attended the meeting and has been one of the organizers for the Town's Earth Day Celebration. She indicated that a trailer will be at the Earth Day Celebration so that individuals can discard both their used computers and small appliances. There will also be a wetlands/ environmental information trailer. Ms. McCook indicated that she is trying to organize a farmers market to be there and for there to be a native plant sale. In the past the Earth Day celebration organizers have done fund raising events such as auctioning off painted trash can or painted birdhouses, the organizers would like to use this money to purchase benches for the Robert N. Reed Downtown Park. Ms. McCook indicated that she was particularly interested in the benches that can change direction. This action would need to go to Council for approval.

**There was a motion by Councilman J. Howard, seconded by Councilwoman Richardson "to send to the Council the Resolution for Spring Clean Up, Paint Up, and Fix up Week."**

**Unanimously Approved.**

### ***Resolution for Spring Clean up, Paint up, and Fix up Week***

**A RESOLUTION** of the Town of Chincoteague Island, Virginia, to acknowledge the importance of Earth Day and support the community-wide activities and events that remind us of our Island's connection to the rest of the planet.

**WHEREAS**, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for preserving our environment by keeping it clean, healthy, and beautiful; and

**WHEREAS**, the Town of Chincoteague Island and our citizens are committed, through the goals of the Comprehensive Plan, ordinances, policies and our actions, to the preservation and stewardship of our natural landscape, open space and sensitive environmental areas; and

**WHEREAS**, Chincoteague's Earth Day is Saturday, May 9, 2009; Earth Day will celebrate beautifying our Island and involves people around the world over the course of several days; and

**WHEREAS**, during this celebration we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, IN COUNCIL MET:**

1. That the week of May 9 – May 15, 2009 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague. To coincide with the Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 9 – May 15, 2009 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

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Mayor

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Town Manager

**Bicycle Plan Review** - Mr. Lou Hinds of the U. S. F & W SERVICE stated that they along with the Town have received a \$600,000 grant to extend the bike trail from the traffic circle to the current bike trail going towards Assateague. Mr. Hinds stated that they do not have an engineering plan yet. He also added that the Town and the F & WS need to establish a cooperative agreement. He stated over the salt marsh it may need to be an elevated bike path. He also wanted to remind the Committee that U. S. F & W SERVICE and the Town are completing an alternative transportation plan that will complete much of the research that we need. Lastly, Mr. Hinds thought that it would be a good idea to have a ground breaking ceremony for the bicycle path on Maddox Boulevard.

The Committee requested minutes for each meeting from now on.

**There was a motion by Mr. Jack Van Dame, seconded by Councilman J. Howard “to accept the memo and the previous page as the minutes.” Unanimously approved.**

Review of the Town's Bicycle Plan (beginning on line 154)

(65-66) “This plan shall be reviewed and if need be updated every four years.”

(161-167) Mr. Anderson added a paragraph describing Safe Routes to School Program.

(168) We should include a reference about the Bicycle Safety Tape that was produced a couple years ago. Copies should be made and distributed to the Schools and shown periodically on cable TV.

(175) add “most” at the beginning of the sentence.

(176) strike “Main Street and Maddox Boulevard.”

Kathy Plant will look up the deed of Edgar Twiford in regards Ocean Boulevard extended when she has some free time.

(203) strike “downtowns”

(204) strike “stores”

(206) “Town Offices” and (207) “Police Department” should not be put under “Downtown.”

(209) add “Carnival Grounds” and “Robert N. Reed Downtown Park.”

(210-212) Strike first sentence of the paragraph

(214) Include “some extended shoulders along Ridge Road, and a multi-use trail on Deep Hole Road.

In regards to the Maddox Boulevard Corridor, VDOT may have surveyed plans or plats already, need to contact them.

(220) “...to the stores and other destinations throughout the Island.”

Mr. Anderson will call Mr. Conklin, and Mr. Van Dame in regards to Maddox Boulevard.

Stopped at priority and solutions (223)

Mayor Tarr explained that the Resolution for Spring Clean Up be acted upon. Vice Mayor Jester suggested that the Clean Up needs a lot of promotion and should run longer than one week because of seasonal residents, with several pickup dates. **Vice Mayor Jester made a motion, seconded by Councilman Frese, to extend the Clean Up campaign from May 9<sup>th</sup> to May 31<sup>st</sup>. Motion was passed unanimously.**

## **11. Pony Pines Subdivision Time Extension Request on Final Plat**

Town Planner Anderson explained that a request was submitted by Pony Pines managing principal, Mr. Frederick Schmidt, asked for an extension of 1 year from September 3, 2009 to September 3, 2010. He stated that Building & Zoning Administrator Lewis recommended this be extended from the March 3, 2009 letter for 1 year to March 3, 2010. Discussion continued regarding economy, property assessments, plat review periods, and precedents.

Councilman Frese motioned, seconded by J. Howard, to give the extension for 1 year from September 3, 2009. Councilman T. Howard asked what delays occurred during the approval process, and if this was something that others must endure. He would like to have an explanation for the extension. Attorney Poulson advised that Council should be careful not to set precedence. Councilman Frese withdrew his motion and Mayor Tarr instructed Town Planner Anderson to contact Mr. Schmidt for an explanation.

## 12. Award of the Harbor Bids

Town Manager Ritter gave the following report:

Currently the Town has in the Fiscal Year 2009 budget \$229,906, to replace the Harbor's breakwater sea wall and a breakwater on the North side, which \$182,894 is in the approved Port Authority Grant. Fiscal Year 2010 we have proposed \$195,856, to fund the remaining portion of the project, which \$146,890 is in anticipated unapproved Port Authority Grant. This would be a total of \$425,762 for the project. Currently the Town has \$248,835.41 left in our LGIP account for Harbor Projects.

On the bid opening day we received two bids and they are the following:

	BIC, Inc.	Fisher Marines
Total for all bids including alternates	\$384,045	\$ 445,970

**Councilman T. Howard made a motion, seconded by Councilman Frese, to award the Curtis Merritt Harbor of Refuge Phase 2 Rehabilitation project to BIC, Inc. in the amount of three hundred eighty four thousand forty five dollars (\$384,045). The motion passed unanimously.**

## 13. Award of the Pavement Contract

Public Works Director Cosby presented the following report:

- Bid Item 1 (Paving preparation work for Smith, School and Sharpley Streets:
  - Branscome Eastern Shore \$ 3,500.00
  - Gerald Moore & Son \$ 7,080.00
- Bid item 2 (Surface paving for Smith, School and Sharpley Streets:
  - Branscome Eastern Shore \$ 63.42 per ton
  - Gerald Moore & Son \$ 71.61 per ton
- Bid Item 3 (Paving preparation for Maddox Boulevard)
  - Branscome Eastern Shore \$ 8,814.00
  - Gerald Moore & Son \$13,830.00
- Bid Item 4 (Surface paving for Maddox Boulevard)
  - Branscome Eastern Shore \$ 62.62 per ton
  - Gerald Moore & Son \$ 70.00 per ton
- Bid Item 5 (Surface paving – smaller quantities in other areas if needed)
  - Branscome Eastern Shore \$ 68.28 per ton
  - Gerald Moore & Son \$ 75.00 per ton

For reference purposes, our last contract price for surface asphalt was \$74.50 per ton.

**Councilman J. Howard made a motion, seconded by Councilwoman Richardson, to award all 5 bids to Branscome. The motion passed unanimously.**

## 14. Mayor & Council Announcements or Comments

Councilman T. Howard stated that he was glad to see the pot holes being repaired.

Councilwoman Conklin informed Council that she was almost knocked over by a bicyclist while walking on the sidewalk. She understands that the Police are unable to be everywhere all the time, but something needs to be done about this.

Councilman Frese commented that he received a request for a diaper changing station in the Community Center.

Vice Mayor Jester requested that a letter go to all the dispatchers, signed by all Council members, telling them their work is appreciated. Vice Mayor Jester also requested that a timeframe be obtained from VDOT on the bridge.

Councilman J. Howard requested to see the town rates compared to other area rates throughout the Eastern Shore. He would also like to see the Employee questionnaires receive a reply and that the Town needs to improve on communications.

Councilwoman Richardson reported that they have been cleaning up the Holy Ridge cemetery since March 12<sup>th</sup>. She wanted to thank Councilman J. Howard for the use of his equipment. They have found tombstones that have never been seen. She announced that they will be working for the next 2 weeks and invited everyone to come out and help.

Mayor Tarr reported that he and Vice Mayor Jester attended the Culture Day over at the Refuge. He stated that Lou Hinds has been doing a lot of work on this and it is very nice.

Mayor Tarr instructed Town Manager Ritter to contact VDOT about not working on May 6<sup>th</sup> because of the Seafood Festival as well as getting the Causeway cleaned before the Festival. He also requested VDOT be invited to the May Town Meeting.

Mayor Tarr reported that he and Supervisor Thorton met with the healthcare providers on Chincoteague. There are plans for a health fair at the Community Center in the future and both offices are attempting to work together to coordinate hours and staffing arrangements. They will be providing 24 hour contact information and office hours for us to distribute. A meeting has also been scheduled before Memorial Day between the Fire Department and EMS services.

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

**Councilwoman Richardson motioned, seconded by Councilman Frese, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1 & 7) of the Code of Virginia – to review legal and personal matters. The motion passed unanimously.**

**Vice Mayor Jester motioned, seconded by Councilman J. Howard, to go out of the closed meeting in Accordance with Section 2.2-3711(A) (1 & 7) of the Code of Virginia – to review legal and personal matters. The motion passed unanimously.**

**Councilman Frese moved, seconded by Councilman T. 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 & 7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, J. Howard, Jester, Frese, T. Howard, Richardson

## **AJOURN**

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Mayor

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Town Manager

### **MINUTES OF THE APRIL 16, 2009 JOINT CHINCOTEAGUE TOWN COUNCIL & PLANNING COMMISSION WORKSHOP**

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

John H. Tarr, Mayor  
James Frese, Councilman  
John N. Jester, Vice-Mayor  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman

#### **Planning Commission Members Present:**

Bob Behr, Commissioner  
Steve Katsetos, Commissioner  
Ray Rosenberger, Commissioner  
Gene W. Taylor, Commissioner

#### **Planning Commission Members Not Present:**

Mollie Cherrix, Commissioner  
Tripp Muth, Commissioner

#### **Staff Present:**

Robert Ritter, Town Manager  
Jared Anderson, Town Planner

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

Mayor Tarr called the meeting to order at 5:48 pm.

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

Councilman T. Howard motioned, seconded by Councilman Frese, “**to adopt the agenda as presented.**” The motion was unanimously approved.

**1. Possible Adoption of February 12, 2009 Special Joint Council/ Planning Commission Workshop Meeting Minutes.**

Councilman T. Howard motioned, seconded by Councilman Frese “to adopt the February 12, 2009 minutes as presented.” Unanimously approved.

**2. Discussion of the March 2008 Draft Comprehensive Plan Update for the Town of Chincoteague**

*The following notes were taken by Mr. Anderson on the easel. Council and Planning Commission’s comments primarily addressed Chapter 3, starting on page 3-8, and going through page 3-12 “Historic Downtown Planning Area.” Most of the notes indicate an amendment, deletion, or addition to the DRAFT Comprehensive Plan.*

- (3-8) Third Paragraph- Strike through
- (3-9) last bullet Implementation strategies replace “Ensure” with “Encourage.”
- 2<sup>nd</sup> Paragraph of Neighborhood Commercial, take out last sentence beginning with “The Planning Area...”
- 2<sup>nd</sup> bullet replace “conditional uses” to “special use processes.”
- (3-10) 2<sup>nd</sup> bullet, reword to include “Encourage landscaping for commercial and residential uses.”
- 5<sup>th</sup> bullet, add “consider more off-street parking options especially for the businesses.”
- (3-11) 1<sup>st</sup> paragraph, write entire Curtis Merritt Harbor of Refuge.
- 1<sup>st</sup> bullet start sentence with “If at all possible...”
- 2<sup>nd</sup> bullet- strike through
- (3-12) 2<sup>nd</sup> to last bullet under implementation strategies, take out last sentence that begins “In addition, the Town should limit...”

Recessed at 3-13 “Public/Semi-Public Planning Area.”

*Note: We will be going over the first four land use areas (Single Family Residential, One/Two Family Residential, Mixed Use Residential, Historic Downtown) after we complete 3-13 through 3-17. The reason for this is because we did not have the maps when we initially reviewed these land use areas.*

There was a motion from Chairman Frese, seconded by Councilwoman Richardson “to adjourn the meeting.” The motion was unanimously approved. The meeting was adjourned at 7:03 PM.

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Mayor

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Town Manager

**Council Members Present:**

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
John N. Jester, Vice-Mayor  
Ellen W. Richardson, Councilwoman  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 6:34 p.m.

**Agenda Additions/Deletions and Adoption**

**Councilman James Frese, seconded by Councilman Terry Howard, made a motion to adopt the Agenda. The motion is unanimously approved.**

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

Councilman Terry Howard made a motion, seconded by Councilman James Frese to go into a Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia to discuss personnel matters. The motion is unanimously passed.

Councilman James Frese moved, seconded by Councilman Terry 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 - Jester, Frese, T. Howard, Richardson, Conklin, J. Howard

**AJOURN**

Councilwoman Richardson made a motion to adjourn, seconded by Councilman T. Howard. The motion was unanimously approved to adjourn at 8:05 pm.

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Mayor

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Town Manager

**MINUTES OF THE MAY 4, 2009**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 7:35 p.m.

**Invocation**

Councilman J. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

**Open Forum/Public Participation**

Mayor Tarr opened the floor for public comment.

Ms. Barbara Thackray asked Council about the message board in the downtown area. She requested that the schedules be updated regularly. She also asked Council to consider having Council members represent specific communities of the Island.

Mayor Tarr advised that they would see that the schedules in the downtown message board be reviewed and updated regularly. He also advised that the Council is voted on by the Island residents as a whole and not in districts. He stated that if anyone has an issue they can contact either of the members at any time.

**Agenda Additions/Deletions and Adoption**

Councilman Frese requested that item #6 be stricken from the agenda at this time.

**Councilwoman Conklin made the motion, seconded by Vice-Mayor Jester to adopt the agenda as corrected. Unanimously approved.**

**1. Consider Adoption of the Minutes: April 6 & 16, 2009**

Councilman T. Howard made a motion, seconded by Councilman Frese to adopt the minutes as presented. Unanimously approved.

**2. Public Hearing for a Fiscal Year “09” Budget Revision:**

Town Manager Ritter explained that this item was a housekeeping item. The Budget Amendment was an item placed in last year’s budget for the 911 system and was not used, therefore, having to be moved to the current budget.

Mayor Tarr opened the Public Hearing. There being no comments, the Public Hearing was closed.

**Councilman Frese made a motion, seconded by Councilman T. Howard to approve the Budget Revision/Amendment as presented. Unanimously approved.**

### **3. VDOT Bridge Update**

Mr. Thomas A. Rakowski, VDOT Project Manager, informed Council that the new bridge is projected to be completed in November 2009. He stated that things are progressing and on schedule. Mr. Rakowski stated that there were some delays. He explained the work currently being done. There were questions regarding the Marsh Island ramp and the number of lanes from the bridge coming on to Main Street. Mr. Rakowski advised that the Marsh Island ramp was also moving ahead. He did not indicate a date that it would be opened to traffic. He advised that there would be 3 narrow lanes at the Main Street intersection to the new bridge.

### **4. Budget and Personnel Committee Report: April 21, 2009**

Councilwoman Conklin advised that Optima gave a presentation and they're waiting to hear back from them. She advised that there was another Budget Workshop scheduled for May 19, 2009, which will be a closed session. Councilwoman Conklin stated that they discussed the potential of purchasing 2 lots that are for sale along Maddox Boulevard for additional off-street parking. She also told Council that there were discussions regarding the Public Works Director job description along with the Administrative Assistant/Clerk Leader job description.

Town Manager Ritter explained that at the last Budget and Personnel Committee meeting the Committee forwarded the job description for the Public Works Director. He stated that there were some changes to the requirements.

Vice-Mayor Jester had questions regarding the requirements of a "Class II Waterworks Operator's License". He felt that this shouldn't be a requirement.

There was further discussion regarding the requirement.

**Vice-Mayor Jester made a motion, seconded by Councilman Frese to remove the special requirements "Possession of or ability to possess in a timely manner a Class II Waterworks Operator license issued by the Commonwealth of Virginia". Motion carried, all voting for except Councilwoman Conklin and Councilman T. Howard.**

**Vice-Mayor Jester made a motion, seconded by Councilman Frese to approve the amended job description of the Public Works Director. Unanimously approved.**

Town Manager Ritter explained the second job description for Administrative Assistant/Clerk Leader. He advised that he changed the title from "supervisor" to "leader". He advised this is not a newly created position it is for a current staff member.

There was lengthy discussion regarding the need of a “supervisor” or a “leader” and the increase to go with the additional responsibilities. There was also discussion regarding the requirements listed in the description and the number of employees this position would supervise.

Mayor Tarr recommended that Council defer the item until the next Council meeting.

Town Manager Ritter requested concerns or changes to the description prior to the next meeting.

Mayor Tarr announced a Special Council Workshop to discuss organizational issues to be held at 5:00 p.m., May 21, 2009 at which time this issue will be discussed in Closed Session. Council concurred.

## **5. Recreational and Community Enhancement committee Report: April 21, 2009**

Councilman Frese stated that at the meeting there was discussion of pricing the signage for the Hallie Whealton Smith Trail. He asked Town Planner Anderson for the research he completed regarding the signage. Town Planner Anderson presented Council different options and prices. There was discussion regarding the prices and choices. Vice-Mayor Jester suggested the same type of signage for the Town owned boat launches. Councilman T. Howard interjected that the additional purchase of signs were not on the agenda and shouldn't be discussed especially with the current economy and additional expenses.

**Councilman J. Howard made a motion, seconded by Councilman Frese to purchase 2 of the Island Nature Trail signs. Unanimously approved.**

Mayor Tarr asked that the additional signage for the boat launches be placed on the June agenda.

## **6. ~~Wetlands Board~~**

## **7. Mayor & Council Announcements or Comments**

Councilman T. Howard stated that with the economy the Town needs to be careful of what is being spent.

Councilman Frese feels that this Council has shown restraint with the budget hearings. He feels that the suggestion of the additional signage was a practical matter. He didn't feel that Council was being reckless or foolish.

Vice-Mayor Jester stated that he represented the Town at a dedication ceremony at Wallops honoring part of the crew of the USS New York, a ship that part was made of metal from the World Trade Tower. He stated that the Crew, Skipper and X. O. were here in training. He presented them with a Proclamation from the Town and a coin from the Pentagon. He also advised there would be 2 other ships, the USS Arlington and the USS Somerset, made like this one.

Vice-Mayor Jester asked if the Town would consider becoming a member of the Eastern Shore Defense Alliance. They promote the Department of Defense activities on the Eastern Shore.

Councilman J. Howard asked to invite Mr. Ronnie Lewis and Mr. Jeff Fitchett to the next Public Works Committee meeting. He also addressed the signage. He feels that for safety issues areas around the Island need to be posted. Councilman J. Howard also stated that the Town is taking the budget to heart and cutting back.

Councilwoman Richardson stated that there was a POD exercise on Saturday and an EOC tabletop exercise on Friday. She stated that the Coordinators were very impressed. She commended Mayor Tarr on an excellent job. She felt it was handled very professionally. Councilwoman Richardson stated that she had many compliments on the organization of the POD exercise. She also commended Mr. Bryan Rush as he is actually the backbone of it all.

Mayor Tarr commended and thanked Town Manager Ritter. He also thanked Mrs. Kelly Fox for an excellent job that day acting as the Public Works Director.

Mayor Tarr announced a Special Budget Workshop, Thursday, May 7, 2009 at 9:00 a.m. He reminded Council that Thursday is also the National Day of Prayer and the local churches have invited Council. He stated that May 9<sup>th</sup>, 2009 is the kick-off for Spring Clean-up Week at the Robert N. Reed Downtown Park.

Mayor Tarr stated that on May 11, 2009 the National Wildlife Refuge and National Park Service is conducting a meeting with the Town to give an update on events and entertain questions or suggestions from the public. He added that on May 14<sup>th</sup>, at 5:00 p.m. there will be a dedication ceremony of the Donald Leonard Park at which time the sign will be unveiled.

Mayor Tarr asked Town Manager Ritter to get a price of the lots on Maddox Boulevard for parking prior to the meeting on May 7<sup>th</sup>, 2009.

Councilman T. Howard encouraged everyone to review a copy of the proposed budget to see what the Town is doing.

## **Adjournment**

Councilman T. Howard made a motion, seconded by Councilman Frese to adjourn. Unanimously approved.

### **MINUTES OF THE MAY 21, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor  
James Frese, Councilman

Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

## **Call to Order**

Mayor Tarr called the meeting to order at 5:08 p.m.

## **Invocation**

Councilman J. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

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

**Councilman T. Howard motioned, seconded by Councilman Frese, to accept the agenda as amended. The motion was unanimously approved.**

### **1. Discussion on Council and Committee Meeting Organizational Processes**

The following discussion took place:

- a. Advertising was discussed and the understanding was that staff would use the cheaper general circulating news paper for future services. If time was an issue staff would use the company that would allow for the proper placement of advertisement.
- b. Training was discussed with the new NIMS compliance policy that Council has adopted. It was determined that we would check with Bryan Rush to see if we could have in house training for Council members. Other training discussed was to have customer service training for office staff. It was mentioned that the Eastern Shore Chamber of Commerce may offer future courses at the Bateman Center.
- c. Council Forum was discussed about having a one half hour dedicated for open public participation before the official meeting begins. Public participation would begin at 6:00 pm.
- d. Discontinue mandatory reading of all committee meeting minutes unless specifically required. It was discussed that it was up to the Chair person of the committee to give a brief overview of the committee report. If the Chair did not want to give a brief review of their report, it was their option and not mandatory. A brief discussion occurred on using the consent agenda process for adopting committee reports.
- e. Free Week(s) a discussion occurred regarding the fact that Council attends many meetings and they would like to have a week or two without meetings each month. The Mayor suggested that we schedule committee meetings every other month on a staggered basis. He would get up with the Town Manager to work out the schedule of meetings on the Calendar for the rest of the year.
- f. Department Briefing it was discussed that each department head (i.e. Police Chief, Public Works Director, Planning Director and the Town Manager) give a very brief report before the open public participation for each regularly scheduled Council meeting.

- g. Legal Issues a discussion occurred that all legal documents should get reviewed by the Town's Attorney prior to coming to the full Council.
- h. Publications A discussion occurred that would have staff look into someone to help write articles to be placed in the local news paper to get the public more informed. School students were suggested along with someone from Chincoteague Reports.

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

**Councilman Frese motioned, seconded by Councilman T. Howard, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – personal matters. The motion passed unanimously.**

**Councilwoman Conklin motioned, seconded by Councilman T. Howard, to go out of the closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters. The motion passed unanimously.**

**Councilman Frese moved, seconded by Councilwoman Conklin to adopt a resolution of certification of the closed meeting.**

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

**VOTE: Ayes- Conklin, J. Howard, Jester, Frese, T. Howard, Richardson**

**ADJOURN**

**Councilwoman Conklin moved, seconded by Councilman T. Howard to adjourn. The motion passed unanimously.**

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Mayor

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Town Manager

**MINUTES OF THE JUNE 1, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John H. Howard, Councilman

## **Call to Order**

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

## **Invocation**

Councilman T. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

## **Introduction of Student Government Day Students**

Mayor Tarr introduced the Chincoteague Combined Schools Student Government Day participants. He also stated that because of the early closure of school that day, they were unable to go to dinner with the Council. Mayor Tarr stated that the Town will issue gift certificates to the restaurant they choose for that evening.

Mr. Kenny Ballerini, acting Mayor, introduced the participants of Student Government Day:

Rebecca Ballerini, Devin Alms, Brittany Besecker, Courtney Conklin, Rachel Reed, Council Members. Linda Rush, Chief of Police, Jeremy Heartly, Public Works Director. He also introduced Timothy Johnson and Corey Sykes, who were unable to attend the meeting.

Student Government Mayor Ballerini stated that at the mock-session there were discussions about public transit, road surface and maintenance and park recreation. He commented on the Park progress. Student Government Mayor Ballerini stated that they discussed the public transit and how the Trolley System and schedules work well. They also discussed road maintenance. He referred to the VDOT survey for high-traffic roads. He stated that Pension Street was mentioned in the report with plans to upgrade this street and additional funds remaining would be maintenance to other roads on the Island.

Mayor Tarr complimented the Student Government participants on a job well done.

## **Open Forum/Public Participation**

- Mrs. Jenny VanDame thanked Council for the new boat at Memorial Park and commented on how well it looks.

- Supervisor Wanda Thornton congratulated the Students and stated it's wonderful to see

them take interest in politics. She advised that she was before Council on a serious note. She stated that someone trespassed on her property that had 4 dogs. She advised Council that a pit bull attacked her great-granddaughter when she was getting out of the car. Supervisor Thornton believes that the dog would have killed her if there weren't several people present to pull the dog off. She advised that the child was bleeding and in shock. They attempted to jump into the vehicle and drive away from the dogs. She also stated

that a neighbor advised she was chased by the dogs. The dog was euthanized. There were no tags or licenses. She feels that the current ordinance isn't enough for this type of problem.

Supervisor Thornton requested that the Town ask Town Attorney Poulson to help find a way to strengthen the ordinance to avoid any further injuries. She advised that she has had several of her exotic animals killed by dogs. She stated that when it happens to a child she feels she has to try to do something. Supervisor Thornton also stated there is another dog that was present and aggressive during this attack and hasn't been taken care of. She asked Council as a governing body to take some measures to try to rectify the situation and ordinance. She advised that there is a Dangerous Dog Registry. She commended the Chincoteague Police Department and Accomack County as they did a good job in this situation.

Council asked questions regarding the residency of the owners.

Supervisor Thornton stated that the County is working on strengthening the vicious dog laws and should have something within a couple of weeks.

After further discussion regarding the incident and possible solutions Council requested that Town Attorney Poulson work with the County and look into the matter further.

- Mr. Tom Rickowski, VDOT, stated that the Bridge Contractor is making progress.

He

advised that they are working with the Game and Inland Fisheries and had the time of year restrictions extended to June 27<sup>th</sup>. The detour road needs to be paved so that when the restrictions are lifted they will be able to shift traffic. He advised that the contractor can't close the lanes after Memorial Day. Mr. Rickowski feels that between Memorial Day and Father's Day the traffic isn't that bad. He requested that they be able to close lanes Tuesdays, Wednesdays and Thursdays between now and June 22<sup>nd</sup>, giving them 9 days to get caught up. The prompt agreement would expedite the project well.

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

Councilman Frese motioned, seconded by Councilman T. Howard to adopt the agenda. Unanimously approved.

#### **1. Consider Adoption of the Minutes: May 4 & 22, 2009**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the minutes of May 4 & 22, 2009. Unanimously approved.

#### **2. Public Hearing for the FY "2010" Budget**

Finance Director, Karen Hipple explained a Power Point presentation of the proposed FY 2010 Budget. She stated that the Water Funds are significantly down. She explained the highlights of the budget, one being the Cop's Grant, another is the Safe Routes for Schools Grant. She advised that this is the first year the Town will receive tower rent, as in the agreement. Finance Director Hipple stated that the Harbor Fund

received a grant. She stated that a new expenditure line item in the General Fund is that the Town is looking into an offsite computer backup system in an underground vault. She also stated that the Town received a grant for phase II of the Harbor breakwater project. In addition, at the Harbor, there is a line item for a security system. Finance Director Hipple explained that in the Water Fund there is money for the Pension Street project. There are also funds to help purchase a 6-wheeled heavy-duty truck.

Finance Director Hipple then explained the Reserves. She stated that there are only 2 line items to place money in the reserve which are User Fees, for boat ramp repairs and 911 equipment replacement. Finance Director Hipple stated there are no other reserves. She continued by explaining revenues in the different departments. She stated that the water revenues are down from last year possibly attributed from the lack of transient use. She mentioned the 3 bond payments and their maturity dates. She advised that this makes up 39.2% of the budget, salaries 30.1% and operations 13.4%.

Finance Director Hipple stated that the water fund has to operate on a cost allocation plan to the general fund. She explained that there is no money for capital improvements to the water system. The water fund borrowed money from the general fund for the roof repairs to the ground storage tank and has to repay that loan.

Mayor Tarr thanked Finance Director Hipple for her presentation.

Mayor Tarr opened the Public Hearing for the FY 2010 Budget at 8:23 p.m. He invited questions or concerns from the public.

Ms. Nancy Lane asked why, in the Harbor Fund, the proposed revenue exceeded the expenditures. Finance Director Hipple responded that this was a type-o and it's supposed to be equal. She stated that the published ad was correct.

Supervisor Thornton asked why the specific tax for Mosquito Control isn't a separate fund. Mayor Tarr responded that it isn't any longer. Town Manager Ritter stated that there has to be an authority to tax separately.

Supervisor Thornton also addressed donations. She stated that the County has done away with donations and because of the economy this is something that the Council may have to consider or setting a specific amount of donations in the future.

Mayor Tarr closed the public hearing at 8:29 p.m.

Mayor Tarr advised that Council cannot act on the budget until the next meeting. He complimented Finance Director Hipple on her presentation and staff for their hard work.

There were discussions regarding donations, which include the scholarship fund.

### **3. Emergency Operation Plan Adoption**

Mr. Bryan Rush explained that according to the Disaster Law and the Commonwealth the Local Governments have to submit an Emergency Operations plan every 5 years. He stated that the plan has been written so that anyone can take it and begin emergency operations. He entertained any comments or additions.

Vice Mayor Jester complimented Mr. Rush on the work he completed. He stated that there is no money in the budget for emergency equipment. He suggested looking into expanding emergency equipment.

Councilman T. Howard stated that the Plan is a very well written document.

Vice Mayor Jester motioned, seconded by Councilman Frese to adopt the Emergency Operation Plan as presented. Unanimously approved.

### **4. Resolution for Chicken City Road**

Councilman Frese motioned, seconded by Councilman J. Howard to approve the "Resolution Approving Design When No Public Hearing Is Held". Unanimously approved.

### **5. Pony Pines Time Extension**

Mr. Mike Hinman, Attorney for Pony Pines, LLC, is requesting an extension in time to record a plat for the Pony Pines subdivision. He explained the history of the property and stated that they are requesting a 1-year extension to give them more time to record the plat before they are required to start on the project. He added that Mr. Schmidt has spent a lot of money to get this project buildable. He stated that he's ready but the market is not ready.

Town Attorney Poulson stated that subdivision is a matter solely between the governing body and the developer.

There was further discussion regarding the property.

Councilman Frese motioned, seconded by Councilman T. Howard to approve the extension for one full year from September 2, 2009. Unanimously approved.

### **6. Sea Shell Café Noise Ordinance Waiver**

Mayor Tarr explained that they have a letter from Mr. Landsberger of the Sea Shell Café regarding a waiver from the Noise Ordinance for September 17, 18, 19 and 20, prior to 9:00 p.m. He asked Chief Lewis how loud the decibel rating could be until 12:00 midnight.

Chief Lewis responded that it is 70 decibels during the day and 60 decibels in the evening, which is not that loud. He added that a grass cutter would start at around 65 decibels.

Town Attorney interjected that there are provisions for non-profit organizations and governmental functions. He asked how the Town could dispense an ordinance.

Councilwoman Conklin stated that this is a Chamber sponsored event.

There was further discussion regarding the request and the decibel limits.

Town Attorney Poulson stated that there is no way to get around the ordinance. However, it's a practical matter and as long as no one complains and if they're going to shut down by 9:00 p.m. there shouldn't be any problems. He also stated the ordinance needs to be reviewed.

Mayor Tarr asked Town Manager Ritter to explain the ordinance to Mr. Landsberger.

### **7. Public Safety Committee Report of May 5, 2009**

Mayor Tarr stated that the report contains everything the Committee has been working on.

Councilman T. Howard asked about the removal of certain information in the Emergency Operations Plan.

Mayor Tarr stated that for security reasons the codes and telephone numbers couldn't be listed for the general public to review.

### **8. Budget and Personnel Committee Report of May 19, 2009**

Councilwoman Conklin stated that the majority of the meeting was regarding the selection of an agent for health care for the employees. They felt that Mr. Bill McComb's proposal for Associated Insurance Centers was the best choice.

Town Manager Ritter stated that because it is not a monetary issue it wouldn't have to go to Council. There was discussion regarding premiums.

There were questions regarding existing conditions and the retirees. Town Manager Ritter advised that Mr. McComb would be in the office tomorrow regarding the proposal. Several Council members wanted to make sure that the employees had input on this issue.

### **9. Recreation and Community Enhancement Committee Report of May 19, 2009**

Councilman Frese stated that they discussed 2 streets regarding a bicycle path and a safety factor. One is East Side Road and because of the shoulder hazard they couldn't recommend this as a bicycle path. He added that the other is Chicken City Road. He

stated that the road has been widened to the maximum and is not a recommended path because it is still too narrow.

Vice Mayor Jester asked about the right-of-way from Deep Hole Road to Chicken City Road.

Town Attorney Poulson stated that this has already been taken care of and they have taken the position that it is a public road all the way through.

Councilman J. Howard asked if the Town was planning on removing trees that have fallen on adjacent properties there.

Town Manager Ritter advised that we could, however he felt that the survey needs to be completed first to know what the boundaries are. He added that the clearing and paving of that property could possibly take place in the fall.

Councilman J. Howard informed the public that there is a right-of-way that follows parallel to Maddox Boulevard from Deep Hole Road to Chicken City Road. The Town is looking into clearing a 10 feet path for a safe bicycle path from Dollar General and coming out beside Libertino's Garage.

There was further discussion regarding safe and/or recommended bicycle routes.

### **10. Eastern Shore Defense Alliance Membership**

Vice Mayor Jester stated he attended a meeting with an advocacy group that is promoting the Navy and the economy of this area. He recommended that the Town become a corporate sponsor, which is a fee of \$250.00. He feels that this technology will bring people here to the area and create a great relationship with the Navy.

Mayor Tarr stated that they came before Council in the past and is a big part of our community and he suggested the Town join.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to become a corporate sponsor of the Eastern Shore Defense Alliance. Unanimously approved.

### **11. Discuss a Weed Ordinance**

Vice Mayor Jester stated that there are several properties that are overgrown. He asked Town Attorney Poulson for the difference in the Town Code of "occupied" dwelling versus "unoccupied" dwellings.

Town Attorney Poulson explained that occupied is habitable presence of human beings.

Vice Mayor Jester asked about the homes that are only occupied for 3 months out of the year.

Town Attorney Poulson stated that they are occupied. However, he added, that if a building is vacant and the owner checks on it periodically, it would be considered unoccupied. He feels that staff could look into this and come up with some guidelines.

Mayor Tarr feels that other issues regarding undeveloped property should be reviewed also.

After further discussion, Council recommended referring this matter to staff and the Town Attorney for definitions and options for a reasonable solution.

## **12. Wetlands Board**

Councilman Frese explained that Island residents are currently utilizing the County's Wetlands Board. He stated that Town Attorney Poulson advised that there would be some legal action for the Town to have its own Board. He stated that there is no Town representative on the County's Wetlands Board. Councilman Frese stated that there are Island residents that are willing to be a member of the Board. He read the state requirements for a Wetlands Board. He added that the permit process would be more convenient for the residents.

Councilman Frese stated that Council would have to vote to proceed to investigate. He continued to explain that Council could approve to have staff create the ordinance and then to appoint Board members. He added that the cost to the Town would be completely covered by the fees. He asked if Council wishes to proceed.

Vice Mayor Jester stated that Chincoteague is wetlands. He feels that the Town should be able to deal with it. He also stated that the Town needs more knowledge before they go forward.

Mayor Tarr feels there should be more research before Council approves this.

Further discussion continued. Council agreed to move forward. They asked Town Attorney Poulson to look into the legal issues and asked for Building and Zoning Administrator Lewis to research the County's Wetlands Board.

Councilman Frese motioned, seconded by Vice Mayor Jester to proceed with staff and Town Attorney Poulson to look into the Wetlands Board further. Unanimously approved.

## **13. Zoning Inspection Fee**

Councilman Frese stated that it's late for this budget session, but feels that there should be further investigation regarding the costs of the zoning fees. He wants to see the actual cost and what is being charged to the citizen.

There were questions and comments regarding the fee and when it was approved versus when it was charged.

Mayor Tarr stated that all the fees are being reviewed regarding the true cost.

Councilman Frese motioned, seconded by Councilman J. Howard to stop the zoning inspection fee immediately. Unanimously approved.

#### **14. New Job Description Approval**

Town Manager Ritter stated that this was a matter discussed in executive session at a previous Council meeting. He advised that the requested changes were made.

Councilman J. Howard asked if he, Town Manager Ritter, was the only office manager at this time. He advised that he was.

Councilman Frese asked if the additional duties listed on the proposed job description would be given to this employee.

Town Manager Ritter advised that these are the jobs that the employee is already doing. He added that this is an upgrade to reflect what they already do.

Councilman Frese asked if this would be a raise in grade.

Councilman T. Howard motioned, seconded by Councilman Frese to approve the new job description. Unanimously approved.

#### **15. Curtis Merritt Harbor of Refuge Project Change Order Request**

Town Manager Ritter explained the proposed changes regarding the seawall and an extension in the amount of 22 feet of the seawall to the bank.

Councilman J. Howard motioned, seconded by Councilman Frese to approve the change order request contingent that the engineer can obtain the additional permits.

#### **16. Mayor & Council Announcements or Comments**

Chief Lewis reported that in May 2009 the dispatcher's received 2,769 calls for service. There were 200 911 calls, 73 ambulance calls, the police responded to 365 complaints. There were 5 D.U.I. arrests, 16 noise complaints, 7 breaking and entering reports with 6 solved. The Police Department issued 62 warrants, 166 summons and 28 arrests. Chief Lewis also announced a Crime Prevention meeting scheduled for Thursday, June 4, 2009.

Councilman J. Howard asked if all phone lines to the Police Department had a caller I. D. Chief Lewis responded that all but one, which is the 336-0911 line. However, all lines are recorded.

Town Planner Anderson advised that the Island Nature Trail is almost complete. He stated that there will be a session for public comment and review on the Comprehensive Plan in June. He added that this will be advertised in the local paper.

Town Planner Anderson stated that he has been reviewing the inoperative vehicles on the Island. He advised that the numbers are going down and the letters will go out next week.

There was discussion regarding no pets on Phase II of the Island Nature Trail.

Mayor Tarr asked Councilman Frese to review this at their next Committee meeting.

Town Manager Ritter advised that during the month of May, staff has answered 1,938 phone calls (averaging 97 calls per day), received 1,581 walk-ins (averaging 79 customers per day), 1,487 pieces of mail (averaging 75 per day) to sort and process. He advised that they have been copying, folding and stuffing approximately 3,000 compliance letters with the Water Quality Report, Flood Protection Program and Emergency Preparedness information. Town Manager Ritter also stated that he presented a certificate to an Eagle Scout last Friday at the Methodist Church. He added that he expects the drainage easement for Marlin Street to complete D.I. repairs. He stated that the new trail is almost complete and the signs would be placed soon. He suggested that signage reflect no pets on the new trail.

Town Manager Ritter also stated that the placement of the new playground equipment is nearly finished. He advised Council that the new water line on Maddox Boulevard from Deep Hole Road to Chicken City Road should be complete this week for paving.

Mayor Tarr suggested the matter of no pets on the new trail be placed on the agenda for the next meeting.

Councilwoman Richardson asked about the lack of notice regarding the power outage for NASA to move a rocket. She feels that there should have been more public notice.

Mayor Tarr asked Town Manager Ritter to notify Mr. Rush regarding notification.

Councilman J. Howard feels that Channel 9 is not reviewed as often. He asked if we could review having a computerized mass call-out system.

Mayor Tarr stated this is a reverse 911 system. Chief Lewis advised that the system is approximately \$100,000 not including the Verizon charges.

Councilman J. Howard also mentioned the tick problem. He suggested researching an aerial spray. He also asked if the Town could combine with the school for information.

Mayor Tarr stated that Mrs. Ruth Lane has volunteered, during the summer months, to keep up the newsletter until school starts.

Councilman J. Howard stated that he would like to see someone from the school here to keep the communication between the schools and the Town open.

Mayor Tarr stated that the Town needs to structure this and have the permission of the school. He added that Mrs. Lane would like to do a draft for the July meeting for approval.

Councilman J. Howard stated that he would like to see the school schedules and other community schedules and events listed in the newsletter too.

Mrs. Lane suggested having the school students give input for the newsletter but not giving them the responsibility of actually completing it.

Vice Mayor Jester asked about contacting Christopher Newport University about a free website review. He also commended the American Legion for a nice Memorial Day ceremony.

Councilman Frese asked about the leaning light posts at Memorial Park.

Mayor Tarr stated that staff would contact A&N.

Councilman T. Howard stated that he agreed with Supervisor Thornton about a holding place for dogs. He also addressed potholes and ruts.

Town Manager Ritter stated that the previous contractor did not work out. He added that we are currently waiting on a quote.

Mayor Tarr stated that as of July 1, 2009 Council voted to change the Council meeting time. He stated that the meeting will begin at 6:00 p.m. with opening the meeting as usual and then the first 30 minutes designated to public comment and open forum. He added that if there is no public participation the rest of the meeting will continue with staff's reports. He asked Town Manager Ritter to put this information on Channel 9, the internet and the newspaper. He also added that some of the Committee meetings and times will change as they are trying to condense everything into the first two weeks of the month.

## **Adjournment**

Vice Mayor Jester motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE JUNE 18, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

#### **Call to Order**

Mayor Tarr called the meeting to order at 6:03 p.m.

### **Invocation**

Councilman J. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

### **Open Forum/Public Participation**

- Mr. Kenny Lewis spoke about the proposed health insurance plan for Town employees. He felt that the proposed plan was not the best plan for the majority of the employees. He indicated that the employees met Monday, June 15 with Mr. McComb to discuss the plan and were able to ask questions. They came to the conclusion that the employees would be better off with the existing plan. Mr. Lewis suggested that a committee be formed to find a better policy for the Town and the employees. He also mentioned that the employees that were at the meeting on Monday all agreed to give up the possibility of getting a merit-based raise this year so that the money budgeted for the raises could go to offset the increase in the health insurance.
- Mr. Bryan Rush also spoke in regards to employee health insurance. He stated that he knew first-hand how well the current insurance worked for him and his family. His other concern was for retirees, some of whom have given many years of good service to the Town. He indicated that the retirees that are 65 years and older seem to get good treatment with the proposed insurance, however, the retirees between the ages of 50-65 will be paying significantly more if the new plan is adopted.
- Mrs. Mollie Cherrix expressed her concerns regarding the health insurance. She is one of the retirees that is under the age of 65 where the costs of insurance would increase greatly if the proposed plan is adopted.
- Mr. Kenny Lewis responded to the administrative fee waiver agenda item. He indicated that the administrative fees currently assessed stop a lot of illegal building on the Island. If the Town does away with the administrative fees then he will have to go through the legal system, where fines are much stiffer.

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

Councilman Frese requested that items 3 and 11 be switched because agenda item 11 could affect item 3. Councilman T. Howard motioned, seconded by Councilman Frese **“to adopt the amended agenda.”** Unanimously approved.

#### **1. Consider a change in Healthcare Providers**

Mr. Bill McComb came before Council to present a new health insurance plan for the Town’s employees. He stated that the current plan with MAMSI will be increasing in July, and there are currently 17 single subscribers, 11 single plus one subscribers, and 2 employees on the family plan. Mr. McComb indicated that with the new proposed plan the Town would save approximately \$53,000 over the current plan. Centra owns OptimaHealth which is primarily a Virginia-based plan. However, there is a Private

Health Care System (PHCS) in case a subscriber is outside the area and needs medical attention. This will allow the person to be seen at several places across the country.

Mr. McComb explained that people 65 and older are currently paying very high costs. He recommended that the Town provide “Plan F” which would help defray many medical costs for people with Medicare.

It was indicated that the Town can renew, the only thing MAMSI would need is a 30 day notice before termination. Councilwoman Conklin stated that the fees have gotten out of proportion. Vice- Mayor Jester would like to see the benefits package spelled out in the employee manual. All the employees at the meeting stood to indicate their support of taking the money budgeted for merit based increases to help offset the increased costs of the health insurance.

Councilman Frese motioned, seconded by Councilman J. Howard **“to form a committee with at least one council member, employees, and Mr. McComb to report back to the Council by October 1 of this year.”** Unanimously approved.

## **2. Presentation of the Downtown Revitalization Project**

Mr. Clay Massey of Massy Design and Mr. Bill Spivey of Land Studio presented their updated findings to Council. Mr. Massey indicated that it might be best if they break the revitalization project into nine separate sections, because of the high costs of construction. The entire project would cost approximately \$4 Million to complete. Mr. Massye suggested two options for the TEA-21 grant money that the Town already has.

Option 1 would be to start the streetscape on one side of Main Street from Bridge Street to just past the Library. Option 2 would be to bury the utility lines from Bridge Street to Church Street. The reason this option has become viable is because they might be able to directional bore the lines underground which would only cost \$20-40/foot as opposed to the duct bank method which is \$200/foot. Mr. Massey indicated that the utility poles would temporarily stay to hold the street lights until the entire streetscape could be completed and pedestrian-scale lighting could be placed.

It was the consensus of Council that the consultants move forward with Option 2, putting the utilities underground.

## **3. Administrative Fee for Building without a permit**

Councilman Frese began by citing Section 36-106 of the State Code of Virginia. This ordinance allows for a municipality to enact an ordinance that would set the civil penalties for building without a permit. It stated that the penalty for the first summons should not be more than \$100 and the second offense should not be more than \$150. Mr.

Kenny Lewis indicated that the Town has never adopted an ordinance but Council adopted the 'administrative fees' a few years ago which were set in the fee schedule.

There was a consensus of Council to send to the Town's Attorney this issue of whether 'administrative fees' for building without a permit should be permitted.

Councilman Frese motioned, seconded by Councilman J. Howard "**to not charge the 'administrative fee' until we hear back from the Town's Attorney.**"

Ayes- Frese, J. Howard, Richardson

Nays- T. Howard, Jester, Conklin, Tarr

The motion did not pass, therefore the Town will still use 'administrative fees' until the Council hears back from Mr. Poulson.

#### **4. Resolution of Respect for the former Town Councilman William Elliot**

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

Resolution shall be placed in the Chincoteague Beacon and placed in the minutes.

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

**WHEREAS**, William Elliott 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 William Elliot, 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 18<sup>th</sup> day of June 2009

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John H. Tarr, Mayor  
Manager

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Attest: Robert G. Ritter, Jr., Town

#### **5. Resolution for a Virginia Litter Prevention and Recycling Grant**

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

**RESOLUTION**

**WHEREAS**, the Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2010, Revenue Sharing Program; and, **WHEREAS**, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Cleanup Projects; **NOW, THEREFORE**, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program. **BE IT FURTHER RESOLVED** the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects. **ADOPTED** by unanimous vote of the Town Council on June 18, 2009.

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John H. Tarr, Mayor

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Robert G. Ritter, Jr., Town Manager

## **6. Curtis Merritt Harbor of Refuge Project Change Order Request**

Town Manager Ritter explained that the change order is to build a new dock up to the existing bulkhead. The new dock would be 13 inches above the current dock, and the cost would be approximately \$23,800 to build.

Councilman J. Howard motioned, seconded by Councilwoman Conklin **“to approve the Curtis Merritt Harbor of Refuge Phase 2 Rehabilitation project change order #2 in the amount of twenty three thousand eight hundred dollars (\$23,800) for a new total of the project to be four hundred twenty one thousand six hundred twenty five dollars (\$421,625).”** Unanimously approved.

## **7. Presentation of Reverse 911 (Captain Mills)**

Captain Mills explained that he did some research on alternatives to a reverse 911 system. One alternative is from a company called Global Connect. This is the same system that Accomack County Public Schools used to alert people of school delays and closings. It costs the School Board \$2/per household. Because our system would be used by emergency services the cost would be reduced down to \$.50/per household. If we have 1,700 households on the Island the yearly cost would be \$850. In addition, we would need to purchase the phone database from Verizon for \$1,400, which is a one-time cost. This system also has the ability to send out messages to certain areas of Town.

Vice-Mayor Jester suggested that the Town talk to other municipalities that already have the system to get a better idea of how it actually works. We also need to find out how many households we have on the Island.

## **8. Possible Wind Energy Ordinance**

Mr. Anderson indicated that he was speaking on behalf of the Planning Commission. They would like to know if establishing a more comprehensive wind energy ordinance was something amenable to the Council. If so, they would further research the issue, hold a public hearing, and send the recommendations to Council.

It was the consensus of the Council for the Planning Commission to move forward with establishing a comprehensive wind energy systems ordinance and bring it back to Council at a later date.

**9. Street Name Request**

A request was made from Mr. Donald R. Thornton to name the driveway entering Pine Grove Campground ‘Pine Grove Way.’

Councilman J. Howard motioned, seconded by Councilwoman Richardson **“to approve the street name request of Mr. Thornton.”** Unanimously approved.

**10. Library Availability Fee Waiver Request (Vice-Mayor Jester)**

Vice-Mayor Jester thought that the availability fee imposed by the Town should only apply to connections where water was going to be used. A connection for the fire suppression system would rarely if ever be used so the fees should not apply. Specifically the library would have to pay approximately \$90,000 in availability fees.

Town Manager Ritter indicated that the main reason why we have such high holding capacity is because of fire suppression systems. In order to maintain these holding facilities and the distributions systems the Town needs to charge an availability fee.

Vice-Mayor Jester motioned, seconded by Councilwoman Richardson **“to waive the availability fee for the Library, contingent upon legal review by the Town’s Attorney.”** Unanimously approved.

**11. Adoption of the Fiscal Year “2010” Budget**

Mayor Tarr asked if there were any questions regarding the budget. Hearing none, he called for a motion to approve the FY 2010 budget.

DESCRIPTION	ACCOUNT	FY 10 BUDGET
<b><u>REVENUES</u></b>		
<b>GENERAL FUND</b>		
REAL ESTATE TAX LEVY \$.06/100	104001.0100	\$599,278
TANGIBLE PROP. TAX LEVY	104001.0125	\$185,000
DEL.TAX,INTEREST,PENALTY	104001.0130	\$27,000
MEALS TAX	104001.0500	\$445,000
BANK FRANCHISE TAX	104001.0600	\$42,000
SALES TAX	104010.0100	\$110,000
BUSINESS LICENSE	104010.0200	\$105,000
MOTOR VEHICLE LICENSE	104010.0300	\$79,000
UTILITIES TAX	104010.0500	\$126,765
TRANSIENT OCCUPANCY TAX	104010.0600	\$560,000
FINES	104015.0100	\$40,000
INTEREST ON SAVINGS	104020.0100	\$75,000
CEMETERY CLEANUP DONATION	104041.0150	\$1,000

USER FEES	104041.0200	\$25,000
BUILDING PERMITS	104041.0500	\$40,000
ZONING ADVERTISEMENTS	104041.0600	\$2,000
GRANTS/LITTER	104045.0100	\$2,655
SALE OF CAPITAL ASSETS	104049.0100	\$500
OPTIMUM CHOICE/RET.SPOUSE	104051.0200	\$20,796
VA FIRE PROGRAMS	104051.0300	\$10,000
PAYMENT IN LIEU OF TAX- USFWS	104061.0100	\$4,200
HARBOR ADMINISTRATION	104061.0105	\$7,000
RENTAL INCOME TROLLEY	104061.0106	\$12,000
TOWER RENT	104061.0107	\$4,800
COMMUNICATIONS TAX	104071.0100	\$243,200
PERSONAL PROPERTY REL ACT	104071.0200	\$150,250
MOBILE HOME SALES TAX	104071.0300	\$6,200
OVERAGE/SHORTAGE	104091.0100	\$0
RECOVERED COST FROM WATER	104101.0200	\$123,720
PUBLIC WORKS MISC. REV	104201.0100	\$10,000
MISCELLANEOUS INCOME	104303.0100	\$15,000
TIPPING FEE REFUND - CTY.	104303.0300	\$49,333
SOLID WASTE COLLECTION FEE	104303.0400	\$193,665
LAW ENFORCEMENT FUNDS	104401.0100	\$125,014
POLICE MISCELLANEOUS	104401.0125	\$1,000
POLICE DONATIONS	104401.0150	\$20,000
POLICE GRANTS	104401.0160	\$5,000
COPS GRANT	104401.0170	\$40,350
911 DISPATCH REVENUE	104401.0200	\$15,000
VDOT MAINTENANCE FUNDS	104501.0100	\$527,998
ROAD PERMIT FEES	104501.0101	\$800
SRTS GRANT	104501.0150	\$17,040
VA COM FOR ARTS GRANT	104545.0140	\$5,000
TRF.FROM GEN.FUND SAVINGS	104701.1000	\$63,000
	TOTAL	\$4,135,564

### **MAIN STREET PROJECT**

PROGRAM INCOME	204501.0100	\$3,000
TEA-21 GRANT MAIN ST	204501.0115	\$277,000
LOAN REPAYMENT	204501.0200	\$3,920
TRANSFER FROM GEN. FUND	204501.8900	\$63,000
	TOTAL	\$346,920

### **CURTIS MERRITT HARBOR**

INTEREST ON HARBR SAVINGS	304031.0100	\$2,500
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HARBOR RENT	304031.1000	\$44,120
RENT NEW SLIPS (RESTROOM)	304031.1001	\$10,667
SUBLEASES	304031.1002	\$17,560
DRY/WINTER STORAGE	304031.1003	\$750
LOADING DOCK	304031.1004	\$2,520
VA PORT AUTHORITY GRANT	304031.1050	\$146,890
TRF.FROM LT REPLACEMENT	304910.8900	\$48,966
TOTAL		\$273,973

**TROLLEY**

TROLLEY GRANTS	704501.0100	\$47,900
PROGRAM INCOME	704501.0110	\$7,500
RTAP REIMBURSEMENTS	704501.0200	\$0
TRANSFER FROM GEN. FUND	704501.8900	\$20,000
TOTAL		\$75,400

**WATER**

WATER RENT	804101.0100	\$875,000
WATER ADJUSTMENTS	804101.2200	-\$500
WATERLINE EXTENSIONS	804131.0100	\$10,000
SERVICE CONNECTIONS	804131.0200	\$16,939
INTEREST ON WATER SAVINGS	804131.0300	\$360
MISCELLANEOUS	804131.0400	\$500
AVAILABILITY FEES	804131.0500	\$34,371
TOTAL		\$936,670

TOTALS: \$5,768,527

Town of Chincoteague  
FY'10 Budget Expenditures

<u>Expenditure Name</u>	<u>Number</u>	<u>Budgeted</u>
<b>FUND 10 - General Fund</b>		
Fund 10 - General Fund/Department 50 - General Government		
<b><u>Salaries</u></b>		
Mayor	5010-0101	\$ 4,800.00
Council	5010-0102	\$ 23,040.00
Town Office Staff	5010-1001	\$ 360,681.00
Emergency Medical Staff	5010-1002	\$ 219,778.00

Overtime	5010-1003	\$	36,000.00
Subtotal		\$	644,299.00

**Benefits**

Social Security	5010-2001	\$	49,290.00
Hospitalization	5010-2101	\$	60,764.00
Blood Bank	5020-2102	\$	-
Unemployment - All Employees	5010-2103	\$	5,000.00
Retirement	5010-2201	\$	57,444.00
Life Insurance	5010-2202	\$	2,513.00
Subtotal		\$	175,011.00

**Expenses**

Bank Charges	5030-3100	\$	750.00
Building Administrator Expense	5030-3101	\$	100.00
Cleaning	5030-3102	\$	9,000.00
Planning Commission	5030-3103	\$	40.00
Board of Zoning Appeals	5030-3104	\$	40.00
Building Permit Surcharge	5030-3105	\$	1,175.00
Board of Building Code Appeal	5030-3106	\$	25.00
Emergency Medical Clothing	5030-3107	\$	2,200.00
EMS Cell Allowance		\$	1,600.00
Insurance	5030-3401	\$	95,000.00
Auditing	5030-3501	\$	23,800.00
Donations	5030-3601	\$	6,600.00
Fire Department Donation	5030-3602	\$	19,650.00
Transfer to Civic Center (TOTAX - 17%)	5030-3701	\$	95,200.00
Tourism - 5% Chamber & 5% Civic Center	5030-3705	\$	44,500.00
ANPDC Membership	5030-4030	\$	7,000.00
Scholarship	5030-4301	\$	1,000.00
Office Supplies/Publications	5030-4401	\$	10,000.00
Office Equipment/Software Maintenance	5030-4402	\$	20,000.00
Postage	5030-4403	\$	10,000.00
Tax Bills & Conversion	5030-4404	\$	750.00
Motor Vehicle License	5030-4501	\$	2,100.00
Gasoline/Diesel	5030-4701	\$	-
Travel & Training	5030-4801	\$	3,800.00
Mayor's Expense	5030-4901	\$	300.00
Council's Expense	5030-4902	\$	500.00
Town Manager's Expense	5030-4903	\$	250.00
Attorney/Legal Consultants	5030-5101	\$	29,000.00
Drug/Alcohol Testing	5030-5201	\$	2,000.00

Christmas Dinner	5030-5501	\$	4,000.00
Dues	5030-6101	\$	3,000.00
VML Conference	5030-6102	\$	1,000.00
Advertising & Website	5030-7101	\$	11,000.00
Building Maintenance	5030-7301	\$	5,000.00
Electricity	5030-7401	\$	14,500.00
Heating Oil	5030-7402	\$	3,500.00
VA Fire Programs/CVFC	5030-7601	\$	10,000.00
EOC Operations/Training	5030-7602	\$	1,500.00
Special Projects	5030-7701	\$	7,000.00
Pony Penning Expense	5030-7702	\$	5,000.00
Deer De-Pop Program	5030-7703	\$	8,500.00
Telephone Bills	5030-8202	\$	14,000.00
Optimum Choice - Retirees	5030-8401	\$	46,000.00
Insurance-Ret Spouses & Others	5030-8402	\$	20,796.00
Miscellaneous	5030-8501	\$	5,000.00
Cemetery Cleanup	5030-8600	\$	1,500.00
Va Commission for the Arts	5030-8700	\$	10,000.00
Transfer to Main Street Project	5030-8800	\$	63,000.00
Transfer to Trolley Fund	5030-8900	\$	20,000.00
Transfer to Reserve	5030-8910	\$	-
VOLSAP for Volunteer Firefighters	5030-8912	\$	2,640.00
Subtotal		\$	643,316.00

**Capital Improvements**

Office Equipment	5090-9709	\$	6,000.00
Server Backup	5090-9710	\$	2,714.00
Bond - School Board Property	5090-9740	\$	67,168.00
Interest on Bond	5090-9741	\$	15,789.00
Planning Consultants	5090-9750	\$	1,000.00
Subtotal		\$	92,671.00

**Subtotal Fund 10 Department 50** \$ 1,555,297.00

Fund 10 - General Fund/Department 60 - Public Works  
Administration

**Salaries**

Salaries	6010-1001	\$	81,763.00
Overtime	6010-1003	\$	500.00
Subtotal		\$	82,263.00

**Benefits**

Social Security	6010-2001	\$	6,293.00
Hospitalization	6010-2101	\$	13,833.00
Retirement	6010-2201	\$	7,777.00
Life Insurance	6010-2202	\$	339.00
Subtotal		\$	28,242.00

**Expenses**

OFFICE SUPPLIES & EQUIP.	106030.4401	\$	500.00
STREET MAINTENANCE	106030.4501	\$	1,000.00
STREET SIGNS / 911	106030.4502	\$	2,000.00
STREET LIGHTS	106030.4503	\$	59,000.00
GASOLINE/DIESEL	106030.4701	\$	22,875.00
OIL/GREASE	106030.4703	\$	1,500.00
TOOLS/SHOP	106030.4704	\$	2,000.00
TRAVEL & TRAINING	106030.4801	\$	1,250.00
CLOTHING/UNIFORMS	106030.5202	\$	1,175.00
BLDG. MAINTENANCE	106030.7301	\$	1,500.00
EQUIPMENT REPAIRS	106030.7302	\$	10,000.00
SAFETY	106030.7303	\$	250.00
VEHICLE P/M'S	106030.7304	\$	500.00
TIRES	106030.7305	\$	2,000.00
GARAGE SUPPLIES	106030.7306	\$	2,000.00
VEHICLE REPAIRS	106030.7307	\$	6,000.00
ELECTRICITY	106030.7401	\$	7,500.00
LP GAS	106030.7402	\$	2,000.00
TIPPING FEES	106030.7501	\$	1,200.00
SANITATION CONTRACT	106030.7502	\$	374,344.00
MISC.	106030.8501	\$	1,500.00
Subtotal		\$	500,094.00

**Subtotal Fund 10 Department 60** \$ 610,599.00

Fund 10 - General Fund/Department 61 - Public Works

Mosquito Control

**SALARIES**

SALARIES	6110.1001	\$	41,338.00
OVERTIME	6110.1003	\$	1,000.00
Subtotal		\$	42,338.00

**BENEFITS**

SOCIAL SECURITY	6110.2001	\$	3,239.00
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HOSPITALIZATION	6110.2101	\$	277.00
RETIREMENT	6110.2201	\$	310.00
VSRS/LIFE INSURANCE	6110.2202	\$	15.00
Subtotal		\$	3,841.00

**OPERATIONS EXPENSES**

INSURANCE	6130.3401	\$	8,100.00
OFFICE SUPPLIES	6130.4401	\$	200.00
GASOLINE	6130.4701	\$	2,875.00
TOOLS & SMALL EQUIPMENT	6130.4704	\$	1,000.00
CHEMICALS	6130.4705	\$	30,500.00
CONTRACT SPRAYING	6130.4706	\$	23,000.00
TRAVEL, TRAINING, CONFERENC	6130.4801	\$	300.00
UNIFORMS	6130.5202	\$	500.00
TELEPHONE, PAGERS, OTHER	6130.6204	\$	400.00
EQUIPMENT REPAIRS/MAINT.	6130.7302	\$	1,000.00
SAFETY EQUIPMENT	6130.7303	\$	400.00
VEHICLE MAINTENANCE	6130.7304	\$	1,000.00
SUNDRY	6130.6101	\$	200.00
Subtotal		\$	69,475.00

**Capital Improvements**

EQUIPMENT	6190.9124		\$12,990
DRAINAGE	6190.9125		\$22,250
Subtotal			\$35,240

**Subtotal Fund 10 Department 61** \$ 150,894.00

Fund 10 - General Fund/Department 63 - Public Works

Facilities

**Salaries**

Salaries	6310-1001	\$	218,721.00
Overtime	6310-1003	\$	3,000.00
Subtotal		\$	221,721.00

**Benefits**

Social Security	6320-2001	\$	16,962.00
Hospitalization	6320-2101	\$	36,589.00
Retirement	6320-2201	\$	19,984.00
Life Insurance	6320-2202	\$	935.00
Subtotal		\$	74,470.00

**Expenses**

SEASONAL DECO & BANNERS	106330.4100	\$	2,000.00
TOOLS	106330.4704	\$	750.00
UNIFORMS	106330.5202	\$	5,179.00
PUBLIC RESTROOM SUPPLIES	106330.6260	\$	2,000.00
ELECTRICITY	106330.7401	\$	3,500.00
SUNDRY	106330.8501	\$	200.00
PARKS & REC EXPENSE	106330.8590	\$	3,000.00
VANDALISM REPAIRS	106330.8600	\$	2,000.00
BOAT RAMP EXPENSE	106330.8700	\$	2,000.00
TRF TO BOAT RAMP RESERVE		\$	23,000.00
DONALD J. LEONARD PARK	106330.8800	\$	200.00
ISLAND NATURE TRAIL	106330.8900	\$	1,000.00
Subtotal		\$	44,829.00

**Subtotal Fund 10 Department 63** \$ 341,020.00

Fund 10 - General Fund/Department 65 - Public Works  
Roads

**Salaries**

Salaries	6510-1001	\$	72,855.00
Overtime	6510-1003	\$	2,000.00
Subtotal		\$	74,855.00

**Benefits**

Social Security	6520-2001	\$	5,726.00
Hospitalization	6520-2101	\$	12,130.00
Retirement	6520-2201	\$	7,755.00
Life Insurance	6520-2202	\$	367.00
Subtotal		\$	25,978.00

**Expenses**

Snow Removal	6530-4102	\$	1,000.00
Pavement Maintenance	6530-4150	\$	302,665.00
Sidewalks	6530-4201	\$	30,000.00
Roadside Structures	6530-4250	\$	3,000.00
Drainage Maintenance	6530-6250	\$	50,000.00
Traffic Control Operations	6530-7201	\$	1,500.00
Traffic Control Devices	6530-7202	\$	20,000.00
Electricity	6530-7450	\$	14,000.00
Engineering	6530-8600	\$	5,000.00

Subtotal		\$	427,165.00
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<b>Subtotal Fund 10 Department 65</b>		\$	527,998.00
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Fund 10 - General Fund/Department 70 - Police Department

**Salaries**

Salaries	7010-1001	\$	471,678.00
Overtime	7010-1003	\$	8,500.00
Subtotal		\$	480,178.00

**Benefits**

Social Security	7020-2001	\$	38,295.00
Hospitalization	7020-2101	\$	32,160.00
Retirement	7020-2201	\$	48,496.00
Life Insurance	7020-2202	\$	2,329.00
Subtotal		\$	121,280.00

**Expenses**

Gasoline	7030-4701	\$	18,000.00
Travel/Training	7030-4801	\$	8,000.00
Uniform Allowance (Officers)	7030-5201	\$	6,000.00
Uniforms - Town	7030-5202	\$	1,500.00
Police Conference	7030-6102	\$	400.00
Photography	7030-7201	\$	300.00
Office Supplies/Equipment Maintenance	7030-7300	\$	9,000.00
Equipment Repairs & Supplies	7030-7302	\$	3,500.00
Vehicle Maintenance	7030-7304	\$	5,000.00
Drug Enforcement	7030-7901	\$	5,000.00
Academy Dues	7030-7903	\$	3,800.00
Bicycle Patrol	7030-7904	\$	200.00
Community/Youth Programs	7030-7905	\$	20,000.00
Grant Funded Expenditures	7030-7906	\$	5,000.00
Ammunition	7030-7907	\$	1,400.00
Police Drug Dog	7030-7908	\$	3,500.00
Cell Phone Allowance	7030-8203	\$	3,600.00
Sundry	7030-8501	\$	1,200.00
Subtotal		\$	95,400.00

**Capital Improvements**

Patrol Vehicle	7090-9650	\$	27,500.00
SRTS Program Project	7090-9685	\$	17,040.00

Subtotal		\$	44,540.00
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<b>Subtotal Fund 10 Department 70</b>		\$	741,398.00
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Fund 10 - General Fund/Department 75 - Emergency  
Dispatch

**Salaries**

Salaries	7510-1001	\$	189,488.00
Overtime	7510-1003	\$	2,000.00
Subtotal		\$	191,488.00

**Benefits**

Social Security	7520-2001	\$	14,493.00
Hospitalization	7520-2101	\$	22,687.00
Retirement	7520-2201	\$	10,205.00
Life Insurance	7520-2202	\$	487.00
Subtotal		\$	47,872.00

**Expenses**

Travel/Training	7530-4801	\$	2,500.00
Uniform Allowance - Dispatchers	7530-5201	\$	1,400.00
Uniforms (Town for Dispatchers)	7530-5202	\$	1,500.00
Office Supplies/Equipment Maintenance	7530-7300	\$	19,000.00
E911 Line Fees	7530-8202	\$	7,000.00
911 Addressing	7530-8203	\$	1,100.00
Sundry	7530-8501	\$	200.00
Subtotal		\$	32,700.00

**Capital Improvements**

911 Equipment Reserve	7590-9270	\$	5,000.00
Subtotal		\$	5,000.00

<b>Subtotal Fund 10 Department 75</b>		\$	277,060.00
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<b>Total Fund 10</b>		\$	<b>4,204,266.00</b>
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**Fund 20 - Main Street Project**

**Expenses**

Maintenance	2030-7101	\$	1,000.00
Electricity	2030-7401	\$	2,000.00

Transfer to Loan Pool	2030-7601	\$	3,920.00
Subtotal		\$	6,920.00

**Capital Improvements**

Main Street Project	2090-9711	\$	340,000.00
Subtotal		\$	340,000.00

<b>Total Fund 20</b>		<b>\$</b>	<b>346,920.00</b>
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**Fund 30 - Curtis Merritt Harbor**

**Salaries**

Salaries	8010-1001	\$	22,459.00
Overtime	8010-1003	\$	200.00
Subtotal		\$	22,659.00

**Benefits**

Social Security	8030-2001	\$	1,718.00
Hospitalization	8020-2101		
Retirement	8020-2201	\$	2,327.00
Life Insurance	8030-2202	\$	105.00
Subtotal		\$	4,150.00

**Expenses**

Administrative Expense - Town	8030-3100	\$	7,000.00
Operation/Maintenance/Etc.	8030-7300	\$	15,500.00
Driveway Stone	8030-7305	\$	15,700.00
Signs	8030-7310	\$	1,000.00
Mowers and Trimmer	8030-7315	\$	1,898.00
Sundry	8030-8501	\$	4,200.00
Subtotal		\$	45,298.00

**Capital Improvements**

CMH Replacement Project	8090-9126	\$	195,866.00
Security System	8090-9127	\$	6,000.00
Subtotal		\$	201,866.00

<b>Total Fund 30</b>		<b>\$</b>	<b>273,973.00</b>
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Fund 70 - Trolley

**Salaries**

Salaries	3010-0100	\$	30,000.00
Subtotal		\$	30,000.00

**Benefits**

Social Security	3020-2001	\$	2,400.00
Subtotal		\$	2,400.00

**Expenses**

Insurance & Bonding	3030-3401	\$	4,000.00
Signs/Printing/Advertising	3030-4402	\$	3,500.00
Gasoline/Diesel	3030-4701	\$	8,000.00
Drug/Alcohol Testing	3030-5201	\$	1,000.00
Equipment Repairs/Maintenance	3030-7302	\$	13,000.00
Other Expenses	3030-8501	\$	1,500.00
Rent	3030-8505	\$	12,000.00
Subtotal		\$	43,000.00

**Total Fund 70** \$ **75,400.00**

Fund 80 - Water

**Salaries**

Salaries	6210-1001	\$	200,025.00
Overtime	6210-1003	\$	3,000.00
Pump Duty	6210-1004	\$	12,363.00
Subtotal		\$	215,388.00

**Benefits**

Social Security	6220-2001	\$	16,477.00
Hospitalization	6220-2101	\$	30,100.00
Retirement	6220-2201	\$	19,227.00
Life Insurance	6220-2202	\$	908.00
Subtotal		\$	66,712.00

**Expenses**

Office Supplies/Equipment Maintenance	6230-4401	\$	2,500.00
Postage	6230-4403	\$	2,825.00
Gasoline & Diesel	6230-4701	\$	3,960.00
Tools	6230-4704	\$	750.00
Chemicals	6230-4705	\$	6,600.00

Travel & Training	6230-4801	\$	2,500.00
Uniforms	6230-5202	\$	1,300.00
Dues/Licenses	6230-6101	\$	600.00
Building Maintenance/Rehab	6230-7301	\$	2,000.00
Safety	6230-7303	\$	500.00
Vehicle Maintenance	6230-7304	\$	500.00
Raw Water Purchase (NASA)	6230-7400	\$	500.00
Electricity	6230-7401	\$	41,240.00
LP Gas	6230-7402	\$	500.00
Distribution & Repairs	6230-8101	\$	20,000.00
Supply Repairs	6230-8103	\$	15,000.00
Pager/Well Monitoring	6230-8202	\$	500.00
Miss Utility	6230-8204	\$	500.00
Sundry	6230-8501	\$	200.00
Reimbursement to Fund 10	6230-8601	\$	63,750.00
Reimbursement to Fund 10 4 yrs \$5000/month	6230-8602	\$	60,000.00
Regulation Compliance	6230-8750	\$	3,000.00
State Groundwater Permits	6230-8770	\$	6,300.00
Equipment Expense to Fund 10	6230-8800	\$	1,000.00
Engineering	6230-9100	\$	500.00
Subtotal		\$	237,025.00

**Capital Improvements**

Water Main Extensions	6290-9101	\$	10,000.00
Interest WT Bond Supply Main Street	6290-9504	\$	32,007.00
Water Bond - Supply Line Main Street	6290-9505	\$	93,865.00
Water Bonds	6290-9506	\$	158,540.00
Interest on Water Bonds	6290-9507	\$	83,133.00
Generator for Water Wells	6290-9601	\$	20,000.00
Pension St Waterline Replacement	6290-9603	\$	10,000.00
6 Wheel Heavy Duty Truck	6290-9850	\$	10,000.00
Subtotal		\$	417,545.00

**Total Fund 80** \$ **936,670.00**

**TOTAL ALL FUNDS** \$ **5,837,229.00**

**GENERAL GOVERNMENT FEES**

**Building and Zoning Permit Fees**

Category	CURRENT FY "10"	CURRENT FY "09"
Res. New Construction: per sq ft	\$0.18	\$0.18
Res. New Const.: minimum fee	\$80.00	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00	\$60.00
Comm. New Construction: per sq ft	\$0.23	\$0.23
[plus \$5 per plumbing fixture (Chinco)]		
Comm. New Constr.: minimum fee	\$110.00	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00	\$90.00
Mobile Homes: per sq ft	\$0.18	\$0.18
Demolition of Structure: Residential	\$30.00	\$30.00
Demolition of Structure: Commercial	\$30.00	\$30.00
Removal/Installation fule tanks:		
1000-3000 gallon capacity	\$115.00	\$115.00
Each additional 1000 gallon capacity	\$25.00	\$25.00
Installation of radio or communication tower:		
Up to 100 feet	\$115.00	\$115.00
Each additional 100 feet	\$45.00	\$45.00
Each Additional Attachement		
Piers or Bulkheads:		
Up to 300 linear feet	\$90.00	\$90.00
Each additional 100 linear feet	\$11.00	\$11.00
New Docks: per sq ft	\$0.18	\$0.18
Boat ramps & groins	\$115.00	\$115.00
Swimming Pools:		
Above-ground	\$60.00	\$60.00
In-ground	\$80.00	\$80.00
Commercial	\$80.00	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00	\$45.00
Installing New Sheathing-Residential while re-roofing		
Installing New Sheathing-Commercial while re-roofing		
Re-siding	\$45.00	\$45.00
Moved Buildings	\$80.00	\$80.00
For other work not listed:		
Residential	\$60.00	\$60.00
Commercial	\$90.00	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a	n/a
No inspection required	\$30.00	\$30.00
Inspection required:		
Per sq ft	\$0.13	\$0.13
Minimum fee	\$60.00	\$60.00
Appeals to the Board of Appeals	\$450.00	\$450.00
Administrative Fees:		
Lost permit (reissue)	\$30.00	\$30.00
Permit amendment (reissue)	\$30.00	\$30.00
Change of use	\$50.00	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00	\$30.00
For beginning constr. prior to obtaining BP:		
First offense	\$50.00	\$50.00
Each offense thereafter	\$200.00	\$200.00
Re-inspection fee	\$40.00	\$40.00
State Code Academy Surcharge	1.75%	1.75%
Refunds: (% of amount paid)		
Permit issued, no inspections	75%	75%
Foundation inspection completed	75%	75%
Framing & foundation inspection completed	25%	25%
Subdivision Review Fees (per each submitted plat):		
Up to 10 lots:		
Base fee	\$200.00	\$200.00
Each lot (in addition to base fee)	\$10.00	\$10.00
Over 10 lots or required new road construction:		

**GENERAL GOVERNMENT FEES**

**Building and Zoning Permit Fees**

<b>Category</b>	<b>CURRENT FY "10"</b>	<b>CURRENT FY "09"</b>
Base fee	\$500.00	\$500.00
Each lot (in addition to base fee)	\$20.00	\$20.00
<b>Zoning Fees:</b>		
Zoning inspections	\$0.00	\$35.00
Special use permit	\$450.00	\$450.00
Conditional use permit	\$1,500.00	\$1,500.00
Variance application	\$450.00	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00	\$540.00
Appeal decision of Zoning Administrator	\$450.00	\$450.00
Proposed rezoning change	\$730.00	\$730.00
Amendment to the zoning ordinance	\$330.00	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00	\$30.00
Site evaluation (subdivision)	\$100.00	\$100.00
<b>Travel Trailer Park Fees:</b>		
Up to 25 trailers	\$500.00	\$500.00
26-49 trailers	\$1,000.00	\$1,000.00
50 or more trailers	\$2,000.00	\$2,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
<b>Sign Permit Fees:</b>		
Less than or equal to 25 square feet	\$45.00	\$45.00
Each sq ft in excess of 25 sq ft	\$1.00	\$1.00
<b>Mobile Home Park Fees:</b>		
4-25 mobile homes	\$1,000.00	\$1,000.00
26-40 mobile homes	\$2,000.00	\$2,000.00
41 or more mobile homes	\$5,000.00	\$5,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
Transcript Fees (per page)	\$12.00	\$12.00
<b>Document Fees:</b>		
Comprehensive Plan	\$20.00	\$20.00
Zoning Ordinance	n/a	n/a
Subdivision Ordinance	n/a	n/a
Complete ordinances, incl zoning & subdivision	\$35.00	\$35.00
Excerpts from Ordinances & Other Town Documents: per page and/or double sided per page	\$0.50	\$0.50
Maps 36" x 44"	\$55.00	\$55.00
Contractors List (Class A & B)	\$0.00	\$0.00
New Address Fee	\$25.00	\$25.00
New Road Fee (at cost per MSAG)	cost	cost
Elevators/Escalators/Lifts	\$60.00	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00	\$80.00
Carport or Garage: per sq ft	\$0.18	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00	\$45.00
Deck: per sq ft	\$0.18	\$0.18
Fence (> 8 linear ft. Total)	\$45.00	\$45.00
Fireplace	\$0.00	\$0.00
Foundation	\$60.00	\$60.00
<b><u>General Government Taxes and Fees</u></b>		
Real Estate Tax ( \$.06/100)	\$0.06	\$0.06
Tangible Property Tax ( \$/100)	\$0.85	\$0.85
Tangible Property Tax Relief (percent)	63%	62%
Excise Tax; Meals (percent)	4%	4%
Excise Tax; Transient Occupancy Tax (percent)	3%	3%
Vehicle Decals (annual)	\$27.00	\$27.00
Road Subdivision Review Fee	\$250.00	\$250.00
Side Walk Administrative Fee (Percent)	25%	25%
Solid Waste Collection Fee (Residential per week)	\$1.00	\$1.00
Solid Waste Collection Fee (Commercial/Business per week)	\$1.00	\$1.00

# FISCAL YEAR 2010

## Rate Schedule

### Curtis Merritt Harbor

(July 1, 2009 – June 30, 2010)

25 ft Slip \$390.40

30 ft Slip \$441.20

40 ft Slip \$664.31

50 ft Slip \$966.81

Slip at head of Collector Pier \$1061.28

Loading Dock fees are \$7.00 per day after 4 hours for commercial vessels and \$10.00 a day for recreational vessels with a \$25.00 minimum.

Sublease rate for Commercial Vessels: \$3.50 per day or any portion of a day.

Sublease rate for recreational vessels: \$10.00 per day or any portion of a Day with a \$25.00 minimum or \$50.00 a Week (7 days) or \$200.00 a Month (30 days) any size slip.

Nets or other items left on dockside for storage over 3 days will be charged a \$10.00 fee per day.

Boat repair area for Harbor lessee is \$10.00 per day after 7 days per season haul out.

For Non Harbor Lessee there will be \$10.00 a day charge after the first 8 hours.

Fees or Penalties for leaving the work area not cleaned \$50.00 one time penalty per haul out. If payment is not received all Harbor and Town Property privileges will be prohibited.

Trailer parking with Harbormasters permission, short term (less than Two weeks) \$5.00 per day. Trailer must have a tag and a user fee sticker.

D.W.MERRITT HARBORMASTER

**WATER RATES, CHARGES AND BILLING FOR FY 10**

A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$26 residential	6,000	\$3.99
	\$42 commercial	6,000	\$4.73
1	\$105	15,000	\$4.73
1.5	\$208	30,000	\$4.73
2	\$334	48,000	\$4.73
3	\$665	96,000	\$4.73
4*	\$1040	150,000	\$4.73
6	\$2080	300,000	\$4.73
8	\$3328	480,000	\$4.73

\*One meter currently in the system is to be charged \$5.97 per 1000 gallons over the allowed usage.

**Connection Fees**

New connections to the water system shall be charged at the rate below plus all additional related costs incurred by the town:

- \$620 for a 5/8" or 3/4" Meter connecting pipe
- \$1,126.00 for a 1" connecting pipe
- \$1,520 for a 2" connecting pipe

**Availability Fee Schedule**

Meter Size (inches)	Availability Fee
5/8 & 3/4	\$3,708
1	\$9,270
1.5	\$18,540
2	\$29,664
3	\$59,328
4	\$92,700
6	\$185,400
8	\$296,640

Condominiums are charged an availability fee of \$3,819 per living unit but supplied by a master meter with the minimum billing based on the size of the meter.

**Billing and other charges**

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town, shall be charged a fee of \$50.00.
- A change of ownership fee of \$50.00
- A twenty-five percent administrative fee will be applied to all Water main extensions, by the Town

**Water bill adjustments**

If, after checking or testing the meter, the reading is found to be correct, the account will be charged \$50.00. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to **“adopt the budget for the fiscal year 2010 including the real estate tax rate of \$0.06/100 of assessed**

value, tangible property tax rate of \$0.85/100, tangible property tax relief of \$0.63/100, excise tax (meals) at 4%, excise tax (transient occupancy) at 3%, including the General Government, Harbor & Water fee schedules and appropriate the funds for disbursement.” Unanimously approved.

## 12. Council Comments

- Town Manager Ritter explained that monthly reports by department heads will be given at the first Council meeting of the month. He also indicated that Branscome will be paving Maddox Boulevard next week and there might be some traffic delays.
- Vice-Mayor Jester stated that in each Councilmember’s packet is a list of retreat items. He stated that it would be a good idea to revisit this list periodically so we do not lose sight of important items. He also added that we may need to send a letter to the owners of Pony Pines because of the property overgrowth.
- Councilman Frese complimented Ms. Ruth Lane for working on the Town’s monthly newsletter.
- Councilwoman Conklin appreciated the reports by the police and general government.
- Councilman T. Howard would like to have a procedure in place to alert citizens when the trash receptacle at the recycling center is full. The Mayor requested that the recycling center employees tell Town Manager Ritter when it is full.

## Adjournment

Councilman T. Howard motioned, seconded by Councilman Frese to “**adjourn the meeting**”. Unanimously approved.

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Mayor

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Town Manager

## MINUTES OF THE JUNE 26, 2009 SPECIAL CHINCOTEAGUE TOWN COUNCIL MEETING

### Council Members Present:

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

Nancy B. Conklin, Councilwoman

John N. Jester, Vice-Mayor

John H. Howard, Councilman - **Absent**

### Call to Order

Mayor Tarr called the meeting to order at 8:00 a.m.

## **Invocation**

Councilman T. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led the Pledge of Allegiance.

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

Councilman Frese motioned, seconded by Councilman T. Howard to adopt the agenda. The motion was unanimously approved.

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

**Councilman T. Howard motioned, seconded by Councilman Frese, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters on the hiring of a public works director. The motion passed unanimously.**

**Vice Mayor Jester motioned, seconded by Councilman T. Howard, to go out of the closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters on the hiring of a public works director. The motion passed unanimously.**

**Councilman Frese moved, seconded by Councilman T. 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, Jester, Frese, T. Howard, Richardson, Absent - J. Howard

## **AJOURN**

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Mayor

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Town Manager

**MINUTES OF THE JULY 6, 2009**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

**Call to Order**

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

**Invocation**

Councilman T. Howard offered the invocation.

**Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

**Staff Update**

- Chief Lewis reported that there were 2,800 calls: 209 911 calls, 67 Ambulance calls, 349 Police calls, 13 Arrests, 80 Traffic Citations, 30 Warnings, 2 DUI/Drug Arrests, 2 B&E's and 22 Animal Complaints.
- There was lengthy discussion regarding another dog attack along with the remedies to assure this doesn't happen again. Chief Lewis will compile a report along with the costs to possibly handle animal control as the County only comes to the Island when called, except weekends. Council concurred to review the proposed Ordinance. They directed Town Manager Ritter to contact the County asking them what they're going to do to help the Town control this problem.
- Town Planner Anderson briefed Council about the Comprehensive Plan review meetings that were held. He advised that he will be compiling the comments and presenting them to Council. He also added that the Town is currently receiving grant money for the Safe Routes for Schools to purchase a speed travel trailer with solar panel. He added that the grant money will also purchase helmets for the National Night Out. Another event to be paid for out of the grant money will be for a Bike Rodeo, along with a Bicycle Safety Pamphlet for every school age child from Kindergarten -8<sup>th</sup> grades.

Mayor Tarr asked if we could add signage to the speed limit signs to reflect the "Entire Island".

Town Planner Anderson also stated that the signage and native plantings for the Island Nature Trail Phase I along with the Leonard Park are complete.

Councilwoman Richardson stated that the Church of God donated a picnic table to the Leonard Park.

- Town Manager Ritter stated that in the month of June there were 1,874 phone calls, 1,114 walk-ins, 1,292 pieces of mail. He advised Council that staff has been working on the end of the year transfers, open enrollment, filing, water billing, minutes, researching vendors, ordering Public Works supplies. He informed Council that the Litter Grant application has been submitted. He also stated that the change order for the Harbor project has been started on the north side. Town Manager Ritter stated that the signage for the nature trails are installed or will be installed soon.

Town Manager Ritter informed Council that the Town has exceeded the General Government Revenues by \$156,000 and the Water Works Revenues by -\$12,682. He stated that the Town has exceeded the budgeted revenues for Transient Occupancy by \$62,000, Meals Tax by \$45,853 and the Delinquent Tax Revenues by \$31,292.

Vice Mayor Jester added that the Eastern Shore Public Library came to photograph all the old minute books to put them in electronic form. He suggested inviting the National Archive Association to preserve the minute books.

### **Open Forum/Public Participation**

Mayor Tarr opened the floor for public participation.

There was discussion regarding Public Forum versus Council Forum. The discussion continued about why this section of the meeting is earlier along with the format.

Councilman J. Howard asked who pays the Recycling Center's attendant.

Town Manager Ritter responded that the Town pays Chincoteague's attendant, and the County pays the other Center's attendants.

Councilman J. Howard feels this isn't fair within the County.

Councilwoman Richardson stated that she was approached about mosquito control spraying and how it's paid.

There was further mosquito and tick control discussion. Vice Mayor Jester asked Town Manager Ritter to explain that the Town will put larvacide in ponds or glades on anyone's property to control the mosquitoes.

Town Manager Ritter explained that the Town sprays and kills weeds to help eliminate ticks and mosquitoes. He added that because there are local businesses that spray for ticks the Town couldn't impede on their business.

- Mrs. Jenny VanDame stated that there is a democracy and the public shouldn't expect the government to pay for everything as some things are the citizen's responsibility.
- Mr. Jack VanDame agreed with his wife. He stated that unless taxes are raised the Town just can't do everything.

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

Mayor Tarr requested that "Closed Session" be added to the agenda to discuss the matter of a Public Works Director.

There was discussion regarding the Insurance Committee. Mayor Tarr stated the first meeting will be Thursday, July 16, 2009 at 3:00 p.m.

Councilman T. Howard motioned, seconded by Councilman Frese to adopt the agenda with the addition. Unanimously approved.

### **1. Consider Adoption of the Minutes: Regular Council Meetings of June 1, 2009, June 18, 2009 and June 26, 2009.**

Councilman Frese questioned the minutes. He requested that a statement be added, "Councilman Frese asked Town Manager Ritter if the raise was already granted to the employee and the Town Manager's response was that it was not." He explained that he asked if the raise had already been given to the employee and the answer was 'no.' He also asked to add "Councilman Frese stated that these duties are more than previously presented."

Mayor Tarr asked if Councilman T. Howard would accept the amendments if they were reviewed and correct. He agreed.

Councilman J. Howard asked if the employee was given the raise before it was voted on.

Mayor Tarr responded that the employee did not.

Councilman T. Howard motioned, seconded by Councilman Frese to adopt the minutes of June 1, 2009, June 18, 2009 and June 26, 2009 Town Council meetings with the amendments/corrections. Unanimously approved.

### **2. Bridge Grand Opening Ceremony Committee**

Vice Mayor Jester felt that planning for a ceremony for the new bridge should begin soon. He volunteered to start this Committee.

Town Manager Ritter stated that he spoke with Mr. Tom Rakowski of VDOT and he volunteered to be on the Committee also.

Mayor Tarr stated that the Town needs dates from VDOT regarding completion times.

Vice Mayor Jester felt that input from the citizens are important and they want to make it a big deal.

Councilman T. Howard stated that if VDOT knows that the Town is making plans for a ceremony, this could encourage them to be a little more upfront on the completion schedule.

Councilwoman Richardson asked about the plaque on the Draw Bridge. She stated that they were supposed to erect this on the new bridge.

Vice Mayor Jester felt the plaque should be on the old bridge. He added that the Town asked that the cab and the dropdown gate be placed on Bridge Street along with photographs for historical purposes.

Councilman J. Howard stated that it's hard to set a specific date because things go wrong causing delays.

Mayor Tarr stated that this will be started soon.

### **3. Discuss a Possible Policy or Ordinance on the Town Waterways**

Vice Mayor Jester stated that during a concert at the Robert N. Reed Downtown Park there was a boat running full speed back and forth. He's afraid that there will be an accident within our corporate limits. He asked what the Town can do to protect our waterways. He is requesting that the Town Manager and Harbor Master come before Council to inform them of what can and cannot be done.

Councilman T. Howard suggested contacting the VMRC.

Mayor Tarr requested that the Town Manager arrange a meeting with all the agencies.

Councilman T. Howard asked for a report from Mr. Leonard Jester on the "Slow, No Wake" signage that were installed a while ago.

### **4. Street Name Change Request**

Town Manager Ritter explained that Mr. Steve Katsetos presented him with a letter requesting a street name change from "Yvonne Lane" to "Katsetos Lane" in memory of his mother and father.

Mayor Tarr expressed his concerns of changing the street names throughout the Island. He asked who pays for and installs the new signs. He's concerned that this will happen every time someone purchases property.

Councilman T. Howard stated that the requests from the people that own property has been honored. He sees that this could cause others to want to change street names.

Councilwoman Conklin felt that if you own all the property, you should be able to name it what you want. She stated that if others owned the street that would be different.

Councilwoman Conklin motioned, seconded by Councilman Frese to allow the street name change from Yvonne Lane to Katsetos Lane. Unanimously approved.

## **5. July 2009, Town News Letter**

Mayor Tarr stated that Council has before them the July 2009 Newsletter written by Ms. Ruth Lane.

Councilman T. Howard asked about the Town's Trash Policy. He stated that there were problems where trash bags are being put out during the weekend and not collected until later in the week. He explained that Davis Disposal is good about picking it up. However, it's supposed to be in cans with lids.

Vice Mayor Jester suggested educating the rental agencies about the Trash Policy.

Councilman T. Howard stated that it needs to be done regularly.

Councilwoman Conklin commended Ms. Lane on a job well done. She also commended Town Manager Ritter for balancing the budget.

Council agreed that Ms. Lane did a great job on the newsletter.

Vice Mayor Jester also suggested putting the Trash Policy on the website.

## **6. Public Works Committee Report of May 26, 2009**

Council reviewed the minutes of the Public Works Committee from May 26, 2009.

Councilwoman Conklin expressed how nice it was to have the supervisors of the Public Works Department at the meeting to answer questions.

Vice Mayor Jester stated that the potholes along Willow Street look pretty well.

## **7. Budget and Personnel Committee Report of June 9, 2009**

Councilwoman Conklin stated that they discussed health insurance matters. She also added that she's hoping for an opinion on the Tennis Association.

Mayor Tarr stated he spoke with Town Planner Anderson and he will be contacting Mrs. Edwards to help look for grant money.

Town Planner Anderson stated they are researching a couple different grants at this point.

## **8. Harbor Committee Report of June 11, 2009**

Councilman T. Howard reported that they opened with their own forum where several speakers giving their reasons for no fishing and crabbing at the Harbor. He also reported that Mr. T. W. Bowden wants to place a tractor and trailer to store horseshoe crabs at a fee for \$100. Councilman T. Howard added that there will be ice and drink machines placed at the Harbor.

Mayor Tarr stated that both items, the no fishing issue and storage trailer should be brought to Council for a vote.

There was lengthy discussion regarding no fishing along with the fee and use permitted by right for the tractor trailer being parked at the Harbor.

Council agreed to have Town Attorney Poulson review these matters further.

## **9. Public Hearing to Vacate a Subdivision Lot Line.**

Mr. Doug Taylor, of 3212 Ridge Road, is requesting a vacation of their lot line.

Town Manager Ritter stated that is has been properly advertised.

Mayor Tarr opened the public hearing at 7:37 p.m.

Councilman T. Howard asked if there were any complaints regarding the lot line vacation.

Mr. Taylor advised there were no comments or complaints.

Mayor Tarr closed the public hearing at 7:38 p.m.

Vice Mayor Jester motioned, seconded by Councilwoman Richardson to allow the lot line vacation. Unanimously approved.

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

Councilwoman Richardson stated that a citizen requested that the sign for "Tick Town" be moved where it's supposed to be near Jester Street. Council briefly discussed the actual location of "Tick Town".

Mayor Tarr stated that there are a few discrepancies of some of the location of the community signs.

Town Attorney Poulson read the Town Ordinances pertaining to the Harbor regarding loading, unloading, storage, and removal. He stated that if it is not for storage as such, it can be placed in a designated area for the purpose of loading the trailer.

Discussion continued about the storage of the trailer.

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

- **Personnel Matters – Public Works Director**

**Councilman T. Howard motioned, seconded by Vice Mayor Jester, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – personal matters – Public Works Director. Unanimously approved.**

**Councilman Frese motioned, seconded by Councilman J. Howard, to go out of the closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters. Unanimously approved.**

**Councilman T. Howard moved, seconded by Councilman Frees 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, J. Howard, Jester, Frese, T. Howard, Richardson**

## **Adjourn**

Councilman Frese motioned, seconded by Councilwoman Richardson to adjourn the meeting. Unanimously approved.

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Mayor

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Town Manager

### **Council Members Present:**

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

### **Call to Order**

Mayor Tarr called the meeting to order at 3:01 p.m.

### **Invocation**

Councilman J. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

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

Mayor Tarr requested that an agenda item for a boating infrastructure grant could be added as the first item on today's agenda. Councilwoman Conklin motioned, seconded by Councilman Frese **"to add this item and adopt the amended agenda."** Unanimously approved.

#### **1. Boating Infrastructure Grant Application**

Mrs. Kat Edwards of the A-NPDC indicated that there is a grant available to help finance a fueling station, similar to what Cape Charles already has, down at the Curtis Merritt Harbor of Refuge. There would also be the option for a credit card reader so there did not have to be an attendant on duty at all times. The fueling station would be primarily used for boats and not automobiles. The amount of grant money is based on the number of transient slips. The initial cost for this project is approximately \$140,000, part of this would be a grant and the rest of the cost would be split between the Port Authority and the Town of Chincoteague. Mrs. Edwards indicated that the Town may be responsible for up to \$70,000.

It was indicated that Delegate L. Lewis would send a letter asking for Port Authority assistance. Mrs. Edwards indicated that the application is due August 7, so we do not have much time.

Mayor Tarr indicated that the Charter Boat Association may be able to provide some money towards the project.

There was a motion by Councilwoman Conklin, seconded by Councilman T. Howard **"to adopt the resolution that allows staff and Mrs. Edwards to proceed and complete the application for the grant."** Unanimously approved.

PROJECT RESOLUTION

WHEREAS, the Department of Health, Division of Wastewater Engineering manages funds from the United States Fish and Wildlife Services for the development and improvement of boating infrastructure facilities; and

WHEREAS, The Town of Chincoteague has identified the need to provide fueling facilities at the Curtis Merritt Harbor of Refuge for the use of recreational boaters using the Town's day-docks, transient slips and safe harbor facilities;

NOW, THEREFORE, LET IT BE RESOLVED, that the Town of Chincoteague respectfully requests that the Virginia Department of Health assist in approval and funding of an application for \$\_\_\_\_\_ in Boating Infrastructure Grant funds for the construction of fueling facilities consisting of a three compartment tank, fueling stations and associated electronics in order to enhance the standard of recreational enjoyment for transient boaters.

BE IT FURTHER RESOLVED, that the Town of Chincoteague along with its funding partners intends to fund \$\_\_\_\_\_ of the cost of the approved project, and gives its assurance that all applicable federal and state regulations governing such expenditure of funds will be complied with in the administration, development and subsequent operation of the facility, and

BE IT FINALLY RESOLVED, by the Town Council of the Town of Chincoteague, that the Chincoteague Town Manager is hereby authorized to cause such information or materials as may be necessary to be provided to the Department of Health and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the fueling facility.

Adopted this 15<sup>th</sup> day of July, 2009.

Attest:

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

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

## **2. Adoption of the Revised Chapter 58, Article II, Sec 58-46 (a), Traffic and Vehicles**

This section of the code must be updated every year. The language in this section primarily pertains to police matters.

There was a motion by Councilman T. Howard, seconded by Vice-Mayor Jester “**to approve the amendments in Chapter 58, Article II, Sec 58-46 (a), Traffic and Vehicles.**” 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 1,2009**,

except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as of its adoption. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose. (Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09)

### **3. Discussion On Health Insurance Committee**

The Health Insurance Committee consisted of Mrs. April Hooper, Mr. Robbie Fisher, Mrs. Mollie Cherrix, Mr. Jeff Fitchett, and members of the Budget & Personnel Committee. Councilman Frese made a motion, seconded by Councilwoman Richardson, **“to include Mr. Bryan Rush and the rest of the Town Council on the Health Insurance Committee.”** Unanimously approved.

There was a motion by Councilman J. Howard **“to ask Mr. Poulson to see how the group should be named (i.e. Council Workshop, or Health Insurance Committee), how we should move forward, and if there is any conflict of interest with certain Councilmembers.”** Unanimously approved. It was indicated that the meeting will not be held on the 16<sup>th</sup> as it was originally scheduled.

### **4. Tax Attorney Issue**

The Town submitted the names of delinquent tax payers to Mr. James Elliot, who is an attorney that specializes in collecting delinquent taxes. The names were sent to Mr. Elliot in March 2009.

Councilwoman Richardson explained that a gentleman called her and he owed real estate taxes dating back 10 years. He has fallen on hard times and would not be able to pay the sum of the taxes when they are due to Mr. Elliot. The gentleman is willing to establish a payment plan with the Town. Councilwoman Richardson also indicated that this citizen has already entered into an agreement with Accomack County to pay back taxes on a monthly plan.

Councilwoman Richardson motioned, seconded by Councilman J. Howard **“to bring in the individual and set up a payment plan, and if there is a missed payment then the delinquent taxes would go straight to Mr. Elliot.”** Unanimously approved.

## **5. Council Comments**

- Town Manager Ritter explained that VDOT requested a one-lane closure next to Black Narrows to pave the area that will be used as a lane during construction. The closure will only be for one day, Tuesday July 21. There was no opposition to this request.

## **Adjournment**

Councilman Frese motioned, seconded by Vice-Mayor Jest to “adjourn the meeting.” Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE AUGUST 3, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

### **Call to Order**

Mayor Tarr called the meeting to order at 6:00 p.m.

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

### **Open Forum / Public Participation.**

- Supervisor Steve Mallet updated Council on County issues and actions. He stated that the County is currently doing organizational restructuring. He spoke to Council regarding County Economic Development. He stated that there is a bid out for the new Wal-Mart. He also stated that there are several prospects for building an Industrial Park at Wallops. He added that the Supervisors discussed several things including the Riverside Hospital, energy efficiency, broadband companies, sewage and septic treatment facilities and a PSA.

Mayor Tar asked about eliminating the car decals.

Supervisor Mallet stated that they plan to incorporate this on the personal property tax bills for 2010.

Councilwoman Conklin asked how the officers would enforce this.

Supervisor Mallet responded that if someone doesn't pay their personal property taxes it will be reported to the DMV and in order to renew car tags the personal property taxes would have to be paid.

Mayor Tarr thanked Supervisor Mallet. He also thanked Mr. Stuart Hall for his assistance in the Public Works Director interviews.

Vice Mayor Jester reminded Supervisor Mallet about the issues of the assessments on the Island including marshlands.

Supervisor Mallet explained the process and the programs to assist in this issue.

Councilman Frese asked if they were planning to computerize the system. Supervisor Mallet advised they were.

Councilman T. Howard asked if the Treasurer would be returning to Chincoteague to collect taxes.

Supervisor Mallet was unaware of any plans. However, she should have the resources to be able to return to the Island for collection of taxes.

Councilman T. Howard requested that Supervisor Mallet discuss this with the Treasurer.

- Mr. Mike Doyle stated that the Island is blessed to have a good fire department. He suggested a 4-way stop at the Church Street, Chicken City Road and Ridge Road intersection. He feels that once the work has been done a 4-way traffic stop would move traffic. He also mentioned parking overnight at Veterans Memorial Park. He stated that it is usually quiet there. However, a few weeks ago there were a few cars parked there overnight. He feels that if visitors can use the park overnight then the town's people should be able to also. He requested that Council look into this matter further.

Mayor Tarr advised that the Ordinance Committee is currently reviewing the Park regulations.

Chief Lewis suggested signage reminding visitors that there is no overnight parking or their vehicle would be towed.

### **Staff Update**

- Chief Lewis reported that in July there were 3,037 phone calls, 323 Ambulance and Fire calls, 462 Police calls, 33 Arrests, 14 Traffic Accidents, 147 Traffic Summons, 52 Warnings, 2 Breaking & Enterings, 1 Drug Arrest, 9 DUIs.

He advised that the Police Department has received the DMV grant in the amount of \$14,400 to buy Eagle Eye Cameras and overtime. He reminded Council of the National Night Out to be held tomorrow night at 6:00 p.m. to 10:00 p.m.

- Town Planner Anderson stated that the DEQ issued a grant but would like to have a “ground breaking” ceremony. There will be a joint meeting to discuss the Comprehensive Plan. He stated that the Recreation Committee is almost finished with the Bike Plan review. He advised that he has completed some GIS work. He announced to Council that this would be his last meeting as he would be leaving to go back to school to become an attorney. He thanked Council for the opportunity.

Council thanked him for his hard work and dedication.

Mayor Tarr stated that Town Planner Anderson has been a model employee and has almost completed the Comprehensive Plan.

- Town Manager Ritter reported for July there were 1,964 phone calls, 1,207 customers, 1,074 pieces of mail. He advised that staff has worked on the end of the fiscal year close out. They are also preparing for the auditors, water billing along with minutes and archiving the Building and Zoning Files. He stated that they worked on the Pony Penning Shuttle. He added that there were 100 Blueberry Festival Business Licenses this year, 15 Pony Penning Sales Permits. Transient Occupancy Tax was \$77,730.00 (up \$3,000 from last year), Meals Tax revenues were \$59,637 (down \$2,000 from last year) Water revenue was \$85,743 (up \$5,000 from last year). Town Manger Ritter stated that staff attended a Building Official meeting regarding hurricane construction requirements and conservation. The Police servers are being upgraded along with the General Government servers.

Town Manager Ritter reported that the Town’s part-time medic Mr. Ray Miles has been hired full time to fill the position vacated by Mr. Thomas Rhodes. He will begin August 30, 2009. The Public Works is working on drainage along Smith Street extended. They purchased some asphalt patch bags. They are clearing the overgrowth on the sidewalks along Main Street. They installed a 2 sided sliding board at Memorial Park. They installed and removed all the signage and snow fencing for the Pony Penning Shuttle. Town Manger Ritter reported on some of the drainage issues that will be checked into along with plans to correct the problems. He also stated that there is a grant for the Fish

and Wildlife for a bike path from the Assateague gate to the traffic circle on Maddox Blvd.

Town Manager Ritter also added there were water service replacements along Maddox Blvd. He explained the mosquito control issues and the resolutions. He stated that the pothole patching will begin in September. He also added that the Harbor project should be done in the next 2-3 weeks.

Councilman T. Howard commented about not being able to hear the comments at the meeting and asked about fixing the potholes.

There was discussion about repairing potholes and the company used for those repairs.

Councilman J. Howard stated that they have looked at several places on the Island and made a list to be repaired.

Councilman T. Howard also asked about the job vacation in our EMS Department.

Town Manager Ritter stated that the position was vacated by Mr. Thomas Rhodes. He added that they advertised in-house and have hired one of the part-time EMS personnel.

Vice Mayor Jester stated that if the Town knows that the downtown restroom is out of service the downtown merchants should be notified. He also addressed the mosquito control issue and asked when and how the decision is made to fly the plane.

Town Manager Ritter advised that Mr. Watson does a mosquito count throughout the Island. The decision for flying the plane depends on the mosquito count. Because of the cost of flying the plane, we have to be careful as to when and how often. He stated that there was another hatching after the last aerial spraying.

Councilman J. Howard feels that Ms. Lane could address the process in her next newsletter to educate the public regarding mosquito control.

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

Mayor Tarr stated that Council would like to add one item to the agenda regarding a hearing for early public notice for broadband.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the agenda with the addition of 1(a) Public Hearing for Early Public Notice for Broadband. Unanimously approved.

#### **1. Consider Adoption of the Minutes: Regular Council Meetings of July 6, 2009 and July 15, 2009**

Councilwoman Richardson stated that the Church of God donated 5 picnic tables to the Leonard Park not 1 table.

Councilman T. Howard motioned, seconded by Councilman Frese to approve the minutes with the noted correction. Unanimously approved.

**2. Public Hearing for Early Public Notice for Broadband.**

Mrs. Kat Edwards reported that the Town was awarded a Community Block Grant in the amount of \$540,990 for the purpose of broadband. This is because of economic development and business. She stated that the purpose of the public hearing is because we work with public money within a flood zone. This would give the public one more chance to comment on the construction of this project. She explained the process.

Mayor Tarr opened the public hearing at 7:10 p.m.

Mr. Ray Rosenberger stated that he strongly supports this issue and feels that Council should support it.

Mayor Tarr closed the public hearing at 7:12 p.m.

Mrs. Edwards stated that she and her daughter volunteered on the Pony Shuttle and stated that they heard nothing but praises on what an outstanding and organized service the Shuttle was.

**3. Public Hearing on Possible Change in the Utilities Ordinance, Chapter 62, Article II, Water Division 2, Sec 62-5, Connection Fees and Availability Fees, Letter (c)**

Town Attorney Poulson explained that currently the water rates do not apply for churches and other certain non-profit organizations unless they exceed 40,000 gallons of water. He stated that there is no charge to suppression systems on water rates unless they exceed 40,000 gallons. He stated that presently there is a connection fee for all new services and fire suppressions. The new concept is to waive the available fee for nonprofit organizations on a case by case scenario to the Town Council. Town Attorney Poulson stated that there is no standard and he doesn't feel that the Council would want to hear every case. He reviewed the Code and suggested that water rates in Section 56 should read, "water rates should not be applied to nonprofit tax exempt organizations...". He explained that those non-profits that are tax exempt would be waived of these fees less than 40,000 gallons.

Town Attorney Poulson also stated that regarding the availability fees for fire suppression systems, Section 57 should read, "availability fees for fire suppression systems for nonprofit tax exempt organizations shall not be assessed unless such connections is used for purposes in addition to fire suppression". He added that subsection (c) should be, "service connection fees and availability fees shall be charged in accordance with this Article". He stated that Council could decide to be clear by changing it to, "Although water usage rates are not applied to nonprofit tax exempt organizations as provided

herein, service connection fees and availability fees shall be charged in accordance with this Article.”

There was discussion regarding singling out the churches and why this is an issue at this time. Town Manager Ritter explained that the reason this is an issue at this time is because of the request from the Island Library to waive the availability fees for their fire suppression service request.

Town Attorney Poulson stated that he didn't want another nonprofit organization to come in with the same request without standards in place.

Councilman Frese expressed his concern of an availability fee in the amount of \$90,000. He feels that if there are 10 buildings to be built, there would be no need for 10 fire suppression systems. He feels that there should be more definitive data regarding the fee. He feels that it is unnecessary to pay this large amount for something that is only going to be used if there's a fire.

Mayor Tarr explained that they have to build the system large enough to handle a fire.

Councilman Frese understands the argument and requested to review this further.

Town Attorney Poulson stated that a fire suppression system should be encouraged.

Mayor Tarr suggested passing the recommended changes to the Ordinance and review the availability fees further at another time. Mayor Tarr opened the public hearing. There were no comments from the public and Mayor Tarr closed the hearing.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to approve the proposed changes in Section 62-56 (d) to change from “churches and nonprofit” to “nonprofit tax exempt” and also adding to Section 62-57 (b) “Availability fees for fire suppression systems for nonprofit tax exempt organizations shall not be assessed unless such connection is used for purposes in addition to fire suppression”. 62-57(c) add “Although water usage rates are not applied to nonprofit tax exempt organizations as provided herein, service connection fees and availability fees shall be charged in accordance with this Article”. Unanimously approved.

**The Ordinance now reads as follows:**

**Sec. 62-56. Rates.**

(d) Water rates shall not be applied to ~~churches and certain other~~ nonprofit **tax exempt** organizations except in cases where water usage exceeds forty thousand (40,000) gallons per quarter. In such cases, ~~the church or~~ nonprofit **tax exempt** organization shall be charged at the commercial rate for the water used in excess of forty thousand (40,000) gallons.

**Sec. 62-57. Connection fees and availability fees.**

(b) The cost of service connections which are made to the system to provide for fire suppression systems shall be determined on a case-by-case basis as dictated by the requirements of individual fire suppression systems. Connection and meter sizes for fire

suppression systems shall be determined by the size of the suppression system.

**Availability fees for fire suppression systems for nonprofit tax exempt organizations shall not be assessed unless such connection is used for purposes in addition to fire suppression.** Connections for fire suppression systems shall be made only by the town.

(c) Although water usage rates are not applied to ~~churches and certain other~~ nonprofit **tax exempt** organizations **as provided herein**, service connection fees and availability fees shall be charged in accordance with this article.

#### **4. Ordinance Committee Report of July 9, 2009**

Councilman J. Howard reported that they were asked to review the park rules. They decided to add the rules to apply to the other parks with a few changes. He advised that on the paved trail on the south side of Hallie Whealton Smith Drive pets are allowed. However, on the other trail on the north side of Hallie Whealton Smith Drive pets are not allowed. He also added that a dog can be walked at the Donald J. Leonard Park.

Councilman T. Howard stated that the \$50 fee only applies to the Robert N. Reed Park.

There were discussions regarding closure time, fishing on the pier and alcohol permits.

Councilwoman Conklin explained that when Don's Seafood has an event on his dock they stray down to the Park. She feels that because of the amount of money brought in to the community from certain events, such as the Chili Chowder Cook-off, the rules should be less strict.

Councilman T. Howard stated that the amount of money has nothing to do with enforcing the laws. He feels it's important that the people come to the Island to spend the money. However, if they're violating the law there should be no discretion.

Councilwoman Conklin stated that if the economy is going to be suppressed then the laws are too strict.

Mayor Tarr stated that they are referring this back to the Ordinance Committee and to Town Attorney Poulson for review.

Councilman T. Howard also suggested that the laws regarding alcohol on boats that are docked at the Park should also be reviewed.

Vice Mayor Jester asked if there were safety rules to the Skate Park.

Councilman J. Howard stated that they are posted at the Skate Park and also states that all the Memorial Park rules apply.

Mayor Tarr stated that they aren't using the required gear there. He stated that Item 4 would be dispensed as Council just discussed the matter.

#### **5. Budget and Personnel Committee Report of July 14, 2009**

Councilwoman Conklin reported that Town Manager Ritter was researching the Chincoteague Cultural Alliance Grant information. She stated that they have been reviewing the Employee Handbook and are up to Section 105.

Town Manager Ritter stated that when the 100 series are complete they will bring the suggested changes to Council at that time.

Councilman T. Howard asked about Section 103 and striking “interpretation”.

Vice Mayor Jester explained that it makes it more understandable. He also stated that the Chincoteague Cultural Alliance understands the rules for the matching monies for the grant. They will be presenting a plan for accounting purposes.

## **6. VDOT Bridge Update**

Mr. Tom Rakowski, of VDOT, reported that the main focus is opening the mainline bridge as soon as possible. He stated that adhering to restrictions regarding road closures have been difficult and causing construction delays. He advised that the immediate milestone is the one-way traffic to install the temporary lights on September 16, 2009. The opening of the mainline bridge will be middle to late January 2010 and then the Marsh Island connection should be completed in June of 2010. He added that the demolition phase is scheduled to be complete by September 2010.

Council explained that they understand the delays and thanked Mr. Rakowski for giving the facts and being upfront in the issues and actual schedule changes. They asked him to come back with any more updates.

## **7. Resolution USDA Police Car**

Town Planner Anderson stated that this is more of a housekeeping issue. He explained that in order to receive the grant for a police car this has to be completed.

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the resolution. Unanimously approved.



## RESOLUTION OF GOVERNING BODY OF Town of Chincoteague

The Mayor and Council governing the Town of Chincoteague, consisting of seven members, in a duly called meeting held on the 3<sup>rd</sup> day of August, 2009, at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Utilities Service, an agency of the United States Department of Agriculture, the Government, of the Town of Chincoteague does hereby adopt and abide by the covenants contained in the following agreements:

1. Form RD-400-4, "Assurance Agreement"
2. Form RD-400-1, "Equal Opportunity Agreement"
3. Form RD-1940-1, "Request for Obligation of Funds"
4. Form RD-442-7, "Operating Budget"
5. Form AD-1047, "Certification Regarding the Debarment, Suspension and Other Responsibility Matters- Primary Covered Transactions"
6. Form AD-1049, "Certification Regarding Drug-Free Workplace"
7. FmHA 1940-Q, "Exhibit A-1, Certification Regarding Lobbying"

BE IT FURTHER RESOLVED that Robert G. Ritter, Jr. be authorized to execute, on behalf of the Town of Chincoteague the above agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meetings of this Board.

Town of Chincoteague

BY: \_\_\_\_\_

#### CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Town of Chincoteague Town Council in a duly assembled meeting on the 3<sup>rd</sup> day of August, 2009.

\_\_\_\_\_  
Secretary/ Attest

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

Vice Mayor Jester commended all of the Town employees on a wonderful Pony Penning week and all the extra work.

Councilman J. Howard stated that he was at the green box site and observed a campground dump truck unloading in the compactor and then returning with a second load. He feels that the maximum regulations need to be enforced or our compactor needs

to be emptied more than 2 times a week. He also asked Town Manager Ritter to have the traffic lines painted on the traffic circle and on Church Street.

Mayor Tarr stated that Town Manger Ritter researched some regulations from the Council minutes in 1991. He stated that the County restrictions are different than what the Town has in place. He added that the County empties the other compactors 3 times a week.

Town Manager Ritter feels that the major impact on the Recycling Center is the extended holiday weekends. He feels that if the County can empty the compactor 3 times on those weeks it would eliminate the problem.

There was further discussion regarding the use and allowable amounts at the Recycling Center.

Councilwoman Richardson stated that a citizen approached her about a great job on her culvert.

Town Attorney Poulson reminded Council to review the memo he sent to them regarding administrative fees.

Mayor Tarr stated this would be put on the next meeting agenda.

Town Planner Anderson stated that they will be receiving 180 bike helmets from the Safe Routes to Schools to be given out at the National Night Out. He also stated that the radar trailer is on the way.

Councilman J. Howard thanked Town Planner Anderson and stated that he enjoyed working with him.

**9. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia. Personnel Matters, Town Planner Position and appointment of Mrs. Lane as Editor of the Town's Newsletter.**

Councilman T. Howard motioned, seconded by Councilman Frese, to go into a closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters. Unanimously approved.

Councilman Frese motioned, seconded by Councilwoman Conklin, to go out of the closed meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia – to review personal matters on the hiring of a public works director. Unanimously approved.

Councilman Frese moved, seconded by Vice Mayor Jester to adopt a resolution of certification of the closed meeting. Councilman T. Howard opposes the reason to have gone into executive session and does not believe it conformed to the Virginia state law of FOIA.

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, Jester, Frese, J. Howard, Richardson

Nays- T. Howard (*reason that such closed meeting was not conducted in conformity with the Code of Virginia requirements*)

### **Adjournment**

Councilman J. Howard motioned, seconded by Councilwoman Richardson to adjourn the meeting. Unanimously approved.

### **Adjourn**

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Mayor

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Town Manager

## **MINUTES OF THE SEPTEMBER 8, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

### **Call to Order**

Mayor Tarr called the meeting to order at 6:00 p.m.

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

### **Open Forum / Public Participation.**

- Mr. George Hiob, of 8213 Seaweed Drive, expressed his strong concerns regarding the mail delivery problems and road conditions in Ocean Breeze.

There was lengthy discussion regarding the Town's responsibility and Mr. Tull's responsibility as the road owner.

Town Attorney Poulson explained that the Town took Mr. Tull to court to have him prosecuted. He added that the Town tried to alleviate other potential options. He also stated that the property owners also have an obligation to fix the road. Town Attorney Poulson stated that the Town turned to Mr. Tull as the road owner. However, in most of the deeds there is an obligation of the property owners.

There was further discussion regarding establishing an association and the location for a pad for the mail receptacles. The residents of Ocean Breeze could not agree on a location for the pad.

Mr. Hiob feels it is impossible to get everyone involved in an association.

Councilman T. Howard stated that there was disagreement as to where the pad would be. He suggested working with the residents on the location would be the first step.

Mr. Hiob stated that everyone agreed and Mr. Tull stopped it at the last minute. He also added that there were neighborhood associations, but, not for all of Ocean Breeze.

Councilman T. Howard asked if the Town could look into doing something for them. He also suggested that the Postal Service should be able to tell them what they require.

Mr. Hiob feels that the Postmistress shouldn't have that much authority.

Town Attorney Poulson agreed.

Mrs. Margie Hiob interjected that they were informed that the Town would proceed further. They haven't heard anything. She stated that they went to court, the Fire Department, Police Department and the Town was all present. She asked why they didn't go to Civil Court with this.

Town Attorney Poulson stated that the Town is reviewing this and he couldn't go into detail at this time. He added that they are trying another avenue.

Mrs. Hiob asked for a time-line.

Town Attorney Poulson stated that he was unable to give them a time-line.

Mayor Tarr stated that because this may go back to court it can't be discussed in open session. He stated that it is a private road. He explained that the Town took Mr. Tull to court on the conditions of 3 roads and it didn't work out. He strongly suggested forming

a home owner's association. He added that the deeds state that there should be a homeowner's association so the association could take action.

- Mr. Hiob also addressed Council regarding the Curtis Merritt Harbor. He feels that the Harbor Master should be on duty during a holiday weekend to direct boat traffic for launching and loading boats.

Councilman T. Howard stated that there was a Harbor Committee meeting last week. He added that this issue was expressed and the Harbor Master has his hands full.

Mr. Hiob asked what his duties are.

Councilman T. Howard stated that a citizen expressed that the Harbor Master doesn't have enough time to do all these things. He explained that the Harbor Master is one man and can only be in one place at a time. The Harbor Committee will be making a recommendation to Council to possibly hire another person.

Mr. Hiob stated that it isn't a problem except for holiday weekends. He suggested a police officer there during those busy weekends.

Councilman J. Howard understands and explained that the Harbor Master could only work 40 hours a week and has 5 other ramps to oversee.

- Mrs. Margie Hiob also spoke regarding a homeowner's association for Ocean Breeze. She asked what benefit this would be.

Mayor Tarr explained that an association would have more leverage and guidelines for road maintenance and other issues.

Vice Mayor Jester stated that the power as a group is greater, referring to an association.

Mrs. Hiob asked if she could contact him about setting up an association.

### **Staff Updates**

- Chief Lewis reminded Council of the Poker Run and Block Party set for Saturday, September 12<sup>th</sup>. He reported that there were 3,443 calls for the month of August, 260 were 911 calls, 410 were Police Department calls, resulting in 49 investigations and 29 arrests. He stated that they placed the speed trailer on Maddox Boulevard, South Main Street and North Main Street. He advised that when placed on Maddox Blvd. for 2 hours over 1,600 cars went by; 920 were traveling between 28-35 mph, 40 were going over 38 mph and 10 over 50 mph.

Councilman T. Howard asked how many times it has been used. He feels that it will remind people to slow down.

Chief Lewis advised it has been used about 4 times. He added that there are a couple of businesses that have complained that it's running off their business. He also stated that it records the date, time and speed of the vehicle.

- Public Works Director Spurlock thanked Council for the smooth transition. He reported for August that other than the routine duties they have been dealing with drainage issues. He also stated they installed a service apron on Ocean Blvd. along with repairs on Mumford Street. They have been acquiring easements for additional drainage and completed rehab work on pump house #3 along with leak repairs. Public Works Director Spurlock also mentioned purchasing or renting a generator and plans for water main replacement and paving on Maddox Blvd. from Main Street to Chicken City Road. He added that they have been spraying for mosquitoes twice a day and commented that it has been very effective.

Councilman T. Howard commented on the mosquito control efforts.

Councilwoman Conklin stated that there have been compliments about how well the Recycling Center is being kept.

Public Works Director Spurlock stated that Mrs. Cheryl Russell-Webb and Mr. Will Tucker are the part-time Recycling Center employees.

Vice Mayor Jester commended Mr. Frank Reed for his work keeping the Downtown Park clean and manicured.

Town Manager Ritter also informed Council that there was some work to the downtown restrooms. He advised that the Public Works employees have installed new restroom fixtures. He stated that this was done because the holding tank was being pumped every 14 days.

Public Works Director Spurlock advised that the commodes are waterless along with spring loaded faucets. He advised that the cost to pumping the holding tank was \$1,200 and the fixture cost was \$1,070.

- Town Manager Ritter reviewed a handout in the packet for the revenues and expenditures. He advised that most revenues are up comparing to last year. He reported that there were 1,595 phone calls, 1,028 customers and 1,037 pieces of mail to process. He also stated that the audit, by Robinson, Farmer and Cox, was complete and everything was in order. There will be a report within the next couple of weeks. The supplemental bills were sent and due the end of September. Town Manager Ritter reported that the archiving of the Building and Zoning Files has been completed. He stated that staff has been working on minutes along with routine work and monthly water billing.

Town Manager Ritter also reported that delinquent letters were sent for Business License and there were no delinquent Meals or Transient tax reports or payments. The Harbor project has been completed. He advised that Mr. Britton has done a very good

job. He added that the paperwork has to be sent to receive this fiscal year's grant this week. He stated that on the agenda there was a Janitorial Contract bid done earlier today. He also added that the Virginia Coastal Management Program will be doing a native plant demonstration at the Island Nature Trail on Friday, September 25, 2009 at 3:30 p.m. and there will be light refreshments and a naturalist-guided tours of the trail.

Vice Mayor Jester asked about the collection of back taxes.

Town Manager Ritter stated that staff is still working on those and the taxes just sent out were the supplemental tax bills.

Councilman T. Howard asked about "supplemental" tax bills.

Town Manager Ritter explained that it's the additional billing that wasn't or couldn't be processed at the time of the original billing.

Vice Mayor Jester asked about the Virginia Fire Program funds.

Town Manager Ritter advised that Paramedic Rush has applied for this grant and we should receive the funds this fiscal year.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the agenda. Unanimously approved.

Council requested that Town Manager Ritter schedule a meeting with Massey Design Group regarding the downtown revitalization for September 17, 2009.

**1. Consider Adoption of the Minutes:**

- Regular Council Meeting of August 2, 2009
- Special Council Planning Commission Workshop meeting of August 5, 2009
- Special Council Staff Insurance Workshop Meeting of August 12, 2009

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

**2. Public Hearing on a Budget Revision.**

Town Manager Ritter explained that one of the reasons for the hearing was that there was a grant from the USDA for a police vehicle. He stated that the grant was for \$24,375. The Town budgeted \$27,500. He explained the budget amendment is to take \$12,230 of the budgeted funds and add to the grant for a Police patrol vehicle and \$15,270 in the Public Works budget for equipment. He added that it has been properly advertised.

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

There was discussion regarding the grant and what the expenses were. Town Manager Ritter explained that by dividing the budgeted amount, there would be approximately

\$36,000 for a command vehicle for the Police Department and \$15,270 for equipment for Public Works.

Councilman Frese asked for clarification.

Councilman J. Howard explained that there was money budgeted for a police vehicle. The USDA grant came through and the Police Department was willing to transfer excess funds to the Public Works Department for the purchase of equipment.

There was further discussion regarding the potential equipment to be purchased.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to adopt the budget revision for fiscal year 2010 to incorporate the revenue and expense of the USDA grant for the purchase of a patrol vehicle \$24,375 and the current expenditure of \$27,500 for the expense of a Patrol vehicle be reduced to \$12,230 and the remaining \$15,270 be shifted to Public Works for the purchase of a vehicle or equipment and appropriate the funds for disbursement. Unanimously approved.

### **3. Broadband Pre-contract Activities**

Mrs. Kat Edwards explained that there is a list of items that are part of the requirements to receive the \$540,990 funds for the Broadband project. She briefly reviewed the documents:

1. Local Business Employment Plan. Declares that the Town will take specific actions to encourage the use of local businesses and tradesman in all construction activities related to the Project.

2. Non-Discrimination Policy. Reaffirms that the Town does not discriminate in its hiring and employment practices.

3. Anti-Displacement Plan Certification. This plan governs the actions the Project will take to avoid displacement of families who receive assistance and establishes relocation assistance procedures for families who are relocated due to Project activities.

4. Fair Housing Certification. This certifies that the Town will take a specific action each year during the course of the Project to promote fair housing practices within the Town.

5. Section 504 Non-discrimination on Basis of Handicap Policy. This resolution commits the Town to take specific actions to assure that Project assistance is accessible to handicapped persons including those with impaired vision or hearing.

TOWN OF CHINCOTEAGUE  
LOCAL BUSINESS AND EMPLOYMENT PLAN  
FOR THE  
CHINCOTEAGUE COMMUNITY BROADBAND NETWORK PROJECT

1. The Chincoteague Town Council hereby designates the Town and the entire area of the County of Accomack and the County of Northampton as its Local Business and Employment Project Area.
2. The Town, its contractors, and designated third parties, shall, in utilizing Community Development Block Grant (CDBG) Project funds, utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for work and for procurement of materials, equipment or services the Town, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned by persons residing in the Project Area:
  - a) The Town shall ascertain what work and procurements are likely to take place through the use of CDBG funds.
  - b) The Town shall ascertain through various and appropriate sources including the *Eastern Shore News* that business concerns within the Project Area which are likely to provide materials, equipment and services will be notified of the activities and procurement opportunities funded through the CDBG Project.
  - c) The identified business concerns shall be apprised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CDBG funds
  - d) To the greatest extent feasible, the identified businesses and any other Project Area business concerns shall be utilized in activities which are funded with CDBG funds.
4. In the use of trainees or employees for activities funded through the CDBG Project, the Town, its contractors and designated third parties shall take the following steps to utilize lower-income persons residing in the Project Area:
  - a) The Town, in consultation with its contractors (including design professionals), shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CDBG funds.
  - b) The Town shall advertise through the *Eastern Shore News* the availability of such positions with information on how to apply.
  - c) The Town, its contractors, and designated third parties shall be required to maintain a record of inquiries and application by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.

- d) To the greatest extent feasible the Town, its contractors, and designated third parties shall utilize lower income Project Area residents in filling training and employment positions necessary for implementing activities funded by the CDBG.
5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the Town of Chincoteague shall keep and require to be kept by contractors and designated third parties, listings of all persons employed and all procurements made through the implementation of activities funded by the CDBG project. Such listings shall be completed and shall be verified by site visits and interviews, cross-checking of payroll reports and invoices and through audits if necessary.

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John H. Tarr, Mayor

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Date

TOWN OF CHINCOTEAGUE

NON-DISCRIMINATION POLICY

THE TOWN OF CHINCOTEAGUE DOES HEREBY REAFFIRM AND RESOLVE that it will not discriminate in hiring and employment practices against any individual on the grounds of race, age, handicap, creed, religion, color, sex, or national origin.

THE TOWN FURTHER RESOLVES that Department heads or supervisors will take affirmative action to ensure that this policy shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

Duly adopted at the regular meeting of the Chincoteague Town Council on the  
\_\_\_\_ Day of \_\_\_\_\_, 2008

John H. Tarr, Mayor

Date

CHINCOTEAGUE TOWN  
COMMUNITY BROADBAND NETWORK PROJECT

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN  
CERTIFICATION

The Town of Chincoteague will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the Town of Chincoteague will make public and advise the state that it is

undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The Town of Chincoteague will provide relocation assistance to each low/moderate – income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The Town of Chincoteague’s FY 09 project will include the following activities:

*Provide financial assistance for the development of a fiber optic telecommunications network.*

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-ways or easements to be purchased or the acquisition of tracts of land that do not contain housing. The Town of Chincoteague will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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John H. Tarr, Mayor

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Date

TOWN OF CHINCOTEAGUE  
FAIR HOUSING CERTIFICATION  
Compliance with Title VIII of the Civil Rights Act of 1968

WHEREAS, the Town of Chincoteague has been offered and intends to accept federal funds authorized under the Community Development Block Grant Program to implement the Community Services Expansion Project, and

WHEREAS, recipients of funding under the Program are required to take action to affirmatively further fair housing;

THEREFORE, the Town of Chincoteague agrees to take at least one action to affirmatively further fair housing each grant year, during the life of the project funded with Community Development Block Grant funds. The actions will be selected from a list provided by the Virginia Department of Housing and Community Development. The yearly actions could include, but may not be limited to one of the following:

- a) Adopt a resolution endorsing the concept of fair housing including the specific rights included in the laws and advertising its wording through the local media.
- b) Enact a local fair housing ordinance substantially equivalent to the federal or state law.
- c) Develop local enforcement and complaint resolution mechanisms.
- d) Attendance by a member of the locality's governing body or chief administrative official, and a second appropriate representative (Realtor, Banker) at a fair housing workshop approved by DHCD.
- e) Provide all program beneficiaries with a copy of DHCD's fair housing brochure.
- f) Enlist the participation of local Realtors, lenders and homebuilders in an agreement and promotion of affirmative marketing, open housing and review of underwriting/credit criteria. Publish such agreement in a local paper.
- g) Conduct public educational programs for local housing consumers and providers and/or financial institutions regarding fair housing issues.

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John H. Tarr, Mayor

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Date

TOWN OF CHINCOTEAGUE  
COMMUNITY BROADBAND NETWORK PROJECT

RESOLUTION OF INTENT TO COMPLY WITH SECTION 504 POLICIES

WHEREAS, the Town of Chincoteague has been offered a Community Development Block Grant from the Virginia Department of Housing and Community Development to implement a project that will result in the development of expanded community services in the Town of Chincoteague; and

WHEREAS, the U.S. Department of Housing and Urban Development has adopted policies and procedures to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance contained in 24 CFR Part 8, implementing Section 504 of the Rehabilitation Act of 1973 as amended.

THE TOWN OF CHINCOTEAGUE DOES HEREBY RESOLVE that it will take steps to ensure that members of the population eligible to be served or likely to be affected who have physical handicaps or have visual or hearing impairments are provided with the information necessary to understand and participate in the program. The steps will include but not be limited to:

- a) Locating programs or services in accessible facilities.
- b) Assigning aides to assist beneficiaries.
- c) Conducting home visits when necessary.
- d) Conducting a self-evaluation of existing facilities and practices to determine if they are in compliance with Section 504 requirements.
- e) Assure that all advertisements related to the Project include the State phone numbers of the Communication Center for the Deaf for VOICE and TDD.

THE TOWN FURTHER RESOLVES that it will adopt a grievance procedure that incorporates appropriate standards for due process and provide for the prompt and equitable resolution of complaints.

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

There was discussion regarding the some of the verbiage.

Councilman Frese motioned, seconded by Vice Mayor Jester to approve the documents containing: Local\_Business Employment Plan, Non-Discrimination Policy, Anti-Displacement Plan Certification, and Fair Housing Certification along with, Section 504 Non-discrimination on Basis of Handicap Policy Resolution. Unanimously approved.

#### **4. Chincoteague Recreation & Convention Center Authority Appointment**

Mayor Tarr opened the floor for nominations.

Councilwoman Conklin nominated Lynn Ballerini.

Vice Mayor Jester nominated Lynn Neilson.

Councilman T. Howard nominated Laurie Walton.

There being no further nominations, Mayor Tarr closed the floor.

Mayor Tarr asked Council their pleasure on nominee Lynn Ballerini. He advised that 5 members of Council voted for Mrs. Ballerini. He stated that Mrs. Ballerini will be the new Center Authority member.

Mayor Tarr requested that Town Manager Ritter send thank you letters to the applicants.

**5. Recreation & Community Enhancement Committee Report of August 11, 2009**

Councilman Frese reported that the Committee has been reviewing and completed the changes to the Bike Plan. He advised that they have done a wonderful job. He stated that the Committee voted unanimously to recommend the changes to Council.

Councilman T. Howard motioned, seconded by Vice Mayor Jester to approve the changes to the Bike Plan. Unanimously approved.

**6. Public Safety Committee Report of August 13, 2009**

Mayor Tarr reviewed the Committee minutes. He announced that Ray Miles has been hired for the vacant EMS position. He stated that the last change is the 911 call-back system has been set up and tested. He feels that it is a good tool to get messages out to the public.

Vice Mayor Jester added that this is National Preparedness Month.

**7. Discuss the Wetlands Board**

Councilman Frese reported that he has information from Town Attorney Poulson. He stated that he is pushing for this because there are mitigation fees that could be used for the native grasses. He believes that local control can help take care of the fragmities. He asked Council if they would like to continue looking into this further. He reviewed the information presented to Council.

Town Attorney Poulson stated that if the Town forms a Wetlands Board they would have to impose the fees. He added that the Town doesn't have a wetlands bank. He suggested reviewing the Chincoteague applications to the Accomack County Board to become familiar with the process. Town Attorney Poulson feels it would require additional staff. He also added that the County is doing something now that doesn't cost the Town anything.

Mayor Tarr asked Town Attorney Poulson if the Town could use this for fragmities control.

Town Attorney Poulson stated that he would think that by having control of fragmites would enhance the wetlands.

Mayor Tarr stated that there is no approved wetlands bank on the Eastern Shore. He compared the revenue to the expenses. He continued that bulkheads are exempt and is unsure of the amount of revenues. He also added that the members of the Board will need some kind of training.

Further discussion continued about fees and mitigation. Council expressed their concerns and felt that there are unanswered questions.

Mayor Tarr strongly urged Council to give Town Manager Ritter their questions before the next meeting.

Councilman Frese requested a copy of the questions as they're submitted.

**8. Resolution for a ARRA Capital Assistance Grant, 100% Federal Assistance**

Town Manager Ritter stated that in accordance with the stimulus grant requirements Council would need to approve a resolution. The total request is \$22,400 to purchase a vehicle power washing station for \$20,000, replace a laptop for \$1,400 and purchase a desktop computer for \$1,000. Town Manager Ritter added that this is a 100% grant.

Councilman Frese motioned, seconded by Councilwoman Richardson to approve the ARRA Capital Assistance Grant Resolution. Unanimously approved.



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

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr., Town Manager is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, 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 \$22,400 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 Robert G. Ritter, Jr. 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 \$00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to

the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 8<sup>th</sup> day of September 2009.

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*Signature of Recording Officer)*

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Robert G. Ritter, Jr.

Town Manager

September 8, 2009

*(Date)*

**9. Memorandum of Understanding with the National Park Service and Wildlife Refuge**

Town Attorney Poulson explained the concept. He stated that if a Refuge or Park officer observes someone for a DUI on Chincoteague they can stop them. He feels that if someone sees this, a simple phone call to the Town or to the Park Service would suffice. He stated that this is a change of policy.

Mayor Tarr expressed his concerns also.

Vice Mayor Jester feels that the federal officers are trained and he would prefer that they stop someone rather than let something bad happen.

Chief Lewis doesn't agree that the Park Service should be able to write tickets on Chincoteague.

Mayor Tarr stated that he would like to ask them to remove this section.

Vice Mayor Jester stated that it would be beneficial to both departments.

Councilman J. Howard motioned, seconded by Councilman T. Howard to approve the Memorandum of Understanding with the national Park Service and Wildlife Refuge, removing item "V-F". Unanimously approved.

United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Chincoteague National Wildlife Refuge Complex  
8231 Beach Road, P.O. Box 62

Chincoteague, VA 23 336

MEMORANDUM OF UNDERSTANDING

BETWEEN

U.S. FISH AND WILDLIFE SERVICE  
CHINCOTEAGUE NATIONAL WILDLIFE REFUGE COMPLEX  
8231 BEACH ROAD, P.O. BOX 62  
CHINCOTEAGUE ISLAND, VA 23336

NATIONAL PARK SERVICE  
ASSATEAGUE ISLAND NATIONAL SEASHORE  
7206 NATIONAL SEASHORE LANE  
BERLIN, MD 21811

AND

TOWN OF CHINCOTEAGUE  
6150 COMMUNITY DRIVE  
CHINCOTEAGUE ISLAND, VA 23336

**I. INTRODUCTION:**

This Memorandum of Understanding (MOU) between the Town of Chincoteague Island Police Department (Police Department), acting through the Mayor of the Town of Chincoteague Island, Virginia; the U.S. Fish and Wildlife Service, acting through the Refuge Manager, Chincoteague National Wildlife Refuge Complex (Refuge); and the National Park Service, acting through the Superintendent, Assateague Island National Seashore (Seashore), herein referred to as the Parties, will provide for cooperation in the use of trained personnel and equipment for the common purpose of protecting the lives, property and resources of the public they serve.

**II. BACKGROUND AND OBJECTIVES:**

Whereas, the Parties recognize that a unique relationship is created by Chincoteague Island being a "Gateway Community" to the Refuge and Seashore, and that potential for emergency law enforcement incidents to escalate into or overlap jurisdictional boundaries exists and,

Whereas, in March of 1994, the Commonwealth of Virginia ceded concurrent jurisdiction over crimes and offenses occurring on Chincoteague National Wildlife Refuge and Assateague Island National Seashore to the United States; and,

Whereas, the Commonwealth of Virginia retained jurisdiction concurrent with the United States, so far that all process, civil and criminal, issued under the authority of the Commonwealth may be executed by proper officers thereof upon any person amenable to the same within the limits of the ceded lands; and,

Whereas, it is the mutual desire of the Parties to work together for the common purpose of better protecting lives and property by cooperating in the use of trained personnel and

equipment when unforeseen threats to human life and property within their respective jurisdictions arise; and,

Whereas; the Parties have determined that in cases where a specific need for law enforcement assistance and investigative support has been identified or where a law enforcement emergency or a violation in progress exists, it shall be mutually beneficial, economical, and advantageous to the public interest to have a law enforcement agreement in place; and.

Whereas, the Parties desire to document existing traditional cooperative assistance or verbal agreements; and,

Whereas, this effort will promote the U.S. Fish and Wildlife Service's mission to work with others to conserve, protect, and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people; and,

Whereas, this effort will promote the National Park Service's mission to consider the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.

### **III. AUTHORITIES:**

This MOU between the Parties is entered into under the authority of the Fish and Wildlife Revenue Enhancement Act of 1998, 16 USC 742 I(b); the National Park Service General Authorities Act of 1970, 16 USC 1 b(1); Department of Interior (DOI) Departmental Manual, Part 446, Chapter 4; Title 15.2, Code of Virginia, Chapter 1726; and, Title 19.2 Code of Virginia, Chapter 12.

Whereas, the Fish and Wildlife Revenue Enhancement Act of 1998, 16 USC 742 I(b), authorizes the Secretary of Interior to utilize by agreement the services and facilities of any other Federal or State agency for the effective enforcement of any Federal or State laws on lands, waters, or interests therein under the jurisdiction of the Service: and,

Whereas, the National Park Service General Authorities Act of 1970, 16 USC I b(1), in order to facilitate the administration of the National Park System, the Secretary of the Interior is authorized to use applicable appropriations for the aforesaid system for the rendering of emergency rescue, fire fighting and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System; and,

Whereas, Department of Interior (DOI) Departmental Manual, Part 446, Chapter 4 authorizes and encourages the Service to enter into agreements with state and other law enforcement agencies relative to emergency assistance; and,

Whereas, Title 15.2, Code of Virginia, Chapter 1726 authorizes any locality to enter into a reciprocal agreement with any agency of the federal government exercising police powers for cooperation in the furnishing of police services; and.

Whereas, subject to the conditions of an agreement entered into pursuant to Title 15.2, Code of Virginia, Chapter 1726, police officers of such cooperating police departments shall have the same powers, rights, benefits, privileges, and immunities in every jurisdiction subscribing to such agreement, including the authority to make arrests; and,

Whereas law enforcement officers of the Department of Interior, pursuant to Title 19.2, Code of Virginia, Chapter 12, are conservators of the peace while engaged in the performance of their official duties.

#### **IV. TERMS AND CONDITIONS:**

This Agreement and the obligations of the Refuge, Seashore, and Police Department hereunder are subject to the availability of funds and resources, and nothing contained herein shall be construed as binding the Refuge or Seashore to expend in any fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purposes of this Agreement for that fiscal year or as involving the Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations, or as obliging the Police Department to expend funds, other than as may be lawfully appropriated. Participation in this Agreement in no way obligates the Refuge, Seashore or the Police Department to obligate and/or provide any funding to unsuccessfully implement the terms or conditions herein contained. The cost of furnishing services shall be borne by the agency furnishing the services and no claims for reimbursement shall be made upon the other.

#### **V. SCOPE OF SERVICES:**

Therefore, the parties hereto, in consideration of the cooperative provisions and conditions herein contained, promise and agree with each other as follows:

- A. The parties of this agreement will reciprocally provide emergency assistance when there is a clear and present danger to human life, including natural and manmade disasters, and the requesting agency does not have the resources immediately at hand to bring the incident under control. Requests can be initiated by all officer's perception of an urgent need to assist or by the requesting agency directly to authorized personnel of the responding agency via radio, telephone, or in person.
- B. Under routine conditions not considered an emergency, the parties of this agreement may reciprocally provide aid and assistance upon request of either party; however, such aid and assistance will be directed toward the safety of the public, officers, or emergency personnel and will only extend to ensuring their safety.
- C. The requesting agency will be in charge of the incident scene. The responding units will render only specifically requested assistance.
- D. Each law enforcement agency will normally have sole responsibility for traffic direction and control within its own jurisdiction. However, when incidents arise in either agency's jurisdiction, the responding agency, within its capabilities, will assist the requesting agency in traffic direction and control.
- E. This MOU authorizes law enforcement officers of either Party to take initial action to stop major crimes in progress occurring in their presence when the agency of jurisdiction does not have the resources immediately at hand. The purpose of this initial action is to ensure for public safety and to prevent destruction of property and shall be for the purposes of referral to the agency of jurisdiction.
- F. ~~In the interest of public safety, the Parties recognize the threat that driving under the influence of alcohol or a controlled substance poses to the general public and visitors of the Refuge and Seashore. This MOU authorizes Refuge Officers and Park Rangers to take initial action and affect the detention of suspected DUI violators encountered within~~

~~the Town of Chincoteague Island would pose an obvious threat to the safety of the general public. The purpose of this detention is for the safety of the public and referral to the agency of jurisdiction.~~

G. This MOU authorizes Refuge Officers and Park Rangers to affect the detention of persons wanted under local warrants on Service lands and authorizes the Police Department to affect the detention of persons wanted under federal warrants within the Town of Chincoteague Island. Arrangements for all administrative actions for executed warrants by either agency will be the responsibility of the initiating agency.

#### **VI. AGREEMENT TERM:**

This agreement shall be effective on the date of the last signature of the parties and shall remain in effect for a period of five (5) years. At the end of that time, it shall be reviewed and reaffirmed if, in the opinion of the parties, it has produced the desired effect of mutual cooperation. If a reaffirmation memorandum is signed, the agreement is automatically continued for another five (5) year period. This Agreement may be amended only by mutual agreement of the parties. The Agreement may be terminated by mutual agreement or by any party upon sixty (60) days notice in writing to the other party.

#### **VII. LIABILITY:**

Neither Party shall be responsible for liability incurred as a result of the acts or missions of the other party in connection with this Agreement, other than as provided for by law.

#### **VIII. PROPERTY MANAGEMENT AND DISPOSITION**

No direct funding is required or authorized by this agreement and no property, real or personal, shall be acquired, managed or disposed of hereto. Each party will maintain its own personnel's equipment and each will be responsible for all costs for emergency or routine assistance if it occurs as a result of an incident.

#### **IX. AVAILABILITY OF FUNDS:**

Implementation of this agreement by the Refuge and Seashore is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this agreement will be construed by the parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The parties acknowledge that the Refuge and Seashore will not be required under this agreement to expend any federal appropriated funds unless and until an authorized official of the Service affirmatively acts to commit to such expenditures as evidenced in writing.

#### **X. NON-DISCRIMINATION**

During the performance of this agreement, the parties agree to abide by the terms of Executive Order 11246 which addresses non-discrimination. The Parties will not discriminate against any person because of race, color, religion, sex, or national origin.

**XI. CONTROLLING LAW**

The provisions of the statues and regulations cited in this MOU contain legally binding requirements. T he MOU itself does not alter, expand, or substitute for those provisions or regulations, nor is it a regulation itself. This MOU contains internal procedural guidance to our staff to assist us in carrying out existing legal requirements. This agreement does not create a right of action between the parties or third parties.

**1. NOTICES:**

Any notice required by this Agreement shall be given in writing to the contact persons designated herein. Notice shall be deemed effective when delivered personally to the contact persons, or three (3) business days after deposited, postage fu11y prepaid, registered or certified, in an official receptacle of the U. S. Postal Service.

**Town of Chincoteague Island, Inc:**

Mayor John "Jack" Tarr  
6150 Community Drive  
Chincoteague Island, VA 23336

**Chincoteague National Wildlife Refuge:**

Refuge Manager Louis S. Hinds III  
8231 Beach Road, P.O. Box 62  
Chincoteague Island, VA 23336

**Assateague Island National Seashore:**

Superintendent Trish Kicklighter  
Route 611, 7206 National Seashore Lane  
Berlin, MD 21811

In Witness Whereof, the parties have caused this Agreement to be executed as of the date of last signature below:

**APPROVED:**

**Town of Chincoteague Island, Inc:**

By: \_\_\_\_\_  
Mayor John "Jack" Tarr

\_\_\_\_\_  
Date

**Chincoteague National Wildlife Refuge:**

By: \_\_\_\_\_

\_\_\_\_\_

Refuge Manager Louis S. Hinds III

Date

**Assateague Island National Seashore:**

By: \_\_\_\_\_  
Superintendent Trish Kicklighter

\_\_\_\_\_  
*Date*

**10. Hazardous Waste Collection**

Mayor Tarr explained that the County issued the Town a check in the amount of \$8,000 which is to be used for hazardous mitigation. The Town would like to conduct a Hazardous Waste Collection the same time as the County. However, the County will not be conducting a collection this year because of budget cuts. Mayor Tarr would like to see the Town proceed with this collection.

Town Manager Ritter explained the research about hazardous waste collections. He asked Council their pleasure of the process; pre-registrations, restrictions to Island residents and what chemicals or items.

There was discussion regarding requirements and regulations.

Mayor Tarr advised that the charge is \$1.25 per pound.

Councilman T. Howard feels that is expensive.

Town Manager Ritter asked what time period the Council wants to do the collection. He asked if they wanted to do it for a week, a day or a weekend.

Vice Mayor Jester feels it should be in the Spring and for a weekend during the Paint Up, Clean Up, Fix Up week. He believes that the Town's efforts could be good for the environment. He stated that the Recycling Center currently accepts motor oil and Mason Oil Company accepts batteries. He would like a good advertising campaign.

Town Manager Ritter stated that there will be a container placed in the Recycling Center for the collection of metal.

Discussion continued and Council concurred that the collection should only be for a weekend and to seek other quotes along with advertising.

**11. Recommendation from the Health Insurance Committee to Continue With the Current Health Plan Thru This Fiscal Year for Employees and Retirees**

Councilman Frese stated that the Committee requested that Council keep the current plan through the fiscal year. This was so that there would be time to research and find a plan that would benefit both the Town and the employees.

Councilman T. Howard motioned, seconded by Councilman Frese to continue with the current healthcare plan through fiscal year 2010 for employees and retirees. Unanimously approved.

**12. Janitorial Service Contract**

Mayor Tarr explained that the current janitorial provider is no longer with the Town and staff has put out a bid.

Public Works Director Spurlock stated that there was a pre-bid meeting and walk through along with the bid opening. He read the sole bid from Alliant Services:

Bid Item 1	-Bi-Weekly Cleaning	\$687/month
Bid Item 2	Weekly Cleaning	\$174/month
Bid Item 3	Monthly Cleaning	\$178/month
Bid Item 4	Semi-Annual Cleaning	\$520/cleaning
Bid Item 5	Annual Cleaning	\$194/cleaning
Total Annual Cost		\$13,700

Public Works Director Spurlock added that the previous janitorial contract was \$8,940 per year and did not include floor stripping, waxing or carpet shampooing since 1996. He recommended that the bid be awarded to Alliant Services.

Councilman T. Howard asked where Alliant Services is based.

Public Works Director Spurlock advised that they have a representative that lives on the Island and they currently have the cleaning contract at NOAA. He also added that all cleaning supplies are included.

Councilman Frese motioned, seconded by Vice Mayor Jester to enter into a contract for Janitorial Services with Alliant Services. Unanimously approved.

**13. Mayor & Council Announcements or Comments**

Councilman T. Howard stated he didn't receive the minutes from the last Harbor Committee meeting. He feels that Harbor Master Merritt needs part-time assistance and the Harbor Committee will discuss this matter at their next meeting.

Councilman T. Howard also stated that he was bothered by the way Mr. and Mrs. Hiob were addressed earlier in the meeting.

Councilwoman Conklin asked about the video camera system at the Harbor.

Mayor Tarr stated that he and Harbor Master Merritt have to get together about the specifics.

Councilman Frese doesn't feel the need for a "traffic cop" at the launches. He stated that this is the first complaint and Harbor Master Merritt is doing a fantastic job. He also added that he wouldn't want to waste Town money hiring another employee if it isn't needed.

Council J. Howard asked for an update regarding the Medical Center.

Mayor Tarr stated that they are currently looking for a doctor to replace Dr. Wolffe. Dr. Wolffe agreed to stay on for a couple more months. He advised that Eastern Shore Rural Health stated that they're looking to hire another doctor for their facility. He stated that if they're going to build a medical facility on Rt. 13 in Oak Hall, it needs to be an urgent care facility. Mayor Tarr stated that hopefully they'll have a health fair here to bring in a couple of doctors.

Councilman J. Howard feels that the Recycling Center needs rules and regulations.

Mayor Tarr stated that Accomack County has set rules. He also added that the Public Works Committee will review this at their next meeting.

There was discussion regarding the rules.

Mayor Tarr stated that it will be on the Public Works Committee agenda.

Public Works Director Spurlock interjected that the County is emptying the containers 3 times a week since the first week in August. He added that the recycling containers are now being emptied 2 times a week.

Mayor Tarr directed Public Works Director Spurlock to speak with Mr. Hall with the Accomack County Public Works regarding the rules.

Town Manager Ritter stated that he spoke with Harbor Master Merritt about the boat launch issues in question. He advised Town Manager Ritter that if he sees this he addresses it, but it doesn't happen that often. He added that occasionally there are a few that are trying to get out and in at the same time. As long as they're moving and doing what they can there's nothing the Harbor Master can do. He also commended Harbor Master Merritt on a job well done.

Councilman T. Howard stated that under Robert's Rules of Order there is no discussion under the comment period. However, he added that the Harbor Master has never asked for help, it was a suggestion that came from the public.

Town Manager Ritter also added that this has not been budgeted.

Mayor Tarr thanked Council and the members of the audience for attending.

### **Adjournment**

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

### **Adjourn:**

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Mayor

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Town Manager

## **MINUTES OF THE SEPTEMBER 17, 2009 CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING**

### **Council Members Present:**

John H. Tarr, Mayor  
John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
James Frese, Councilman  
John H. Howard, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

### **Call to Order**

Mayor Tarr called the meeting to order at 10:15 a.m.

### **Invocation**

Councilman T. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

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

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adopt the agenda. Unanimously approved.

#### **1. Main Street Rehabilitation Project.**

Mr. Clay Massey addressed Council regarding the Main Street Rehabilitation Project. He informed Council of the estimates for the relocation of the utility lines. He stated that they received estimates: A & N - \$340,000, Verizon - \$258,000, Charter - \$10,000, and the Town's infrastructure - \$200,000 which totals approximately \$800,000. He advised that the budgeted amount is \$190,000. Mr. Massey stated that they will continue to work with the utility companies. He also added that there is some expense to the property owners to switch from over-head to the meter base. He stated that the conduit would be placed along Main Street and done as a directional bore.

Councilman J. Howard stated that the Town needs to coordinate with the utility companies.

There was further discussion of the costs of incorporating the utility line project with the Broadband project.

They also addressed the Bridge Street plans. Mr. Massey showed Council the plans and suggested putting the conduits in and capping them along with a vacant sewer line. He stated that it would be in place if the Town wanted to do this at another time. There was further discussion of the materials along with owner's permission to conduct sidewalk work.

Mr. Massey also addressed drainage plans and issues along with paving.

Town Manager Ritter stated that this meeting is to have a motion allowing Massey Design to move forward with Phase 2A.

Mr. Massey stated that Council needs to decide to go with possibly one side of the road as money allows.

Councilman J. Howard asked about Bridge Street belonging to Accomack County.

Town Manager Ritter stated that it is currently VDOT's responsibility to maintain Bridge Street.

There was more explanation of the use and plans for Bridge Street. Vice Mayor Jester stated that there was a suggestion to get an easement from the Medical Center to make that area one big parking lot.

Mayor Tarr explained that it is up to Council to begin on the west side, starting at the corner of Bridge Street because of the funds.

Mr. Massey explained the plans and parking issues.

Councilman J. Howard stated that he was under the impression that the road width could be an issue with the recommended curbing.

Mayor Tarr asked for an estimated time frame for construction drawings to be done and ready to go to bid.

Mr. Massey feels they should concentrate on this issue for now.

Vice Mayor Jester stated that the money has to be spent.

Mrs. Edwards stated that VDOT has never seen the project. They have percentages as to when it should be completed. They have to review the plans and the Town has no control of that time frame. She added that this could impact the readiness to put out the bid.

Mayor Tarr asked if this could be carried over into the next year.

Mrs. Edwards advised that it could and the Town could apply for more money because the plans are done.

Town Manager Ritter interjected that the Town has to show as much done as possible so that the Town can apply for another grant.

Vice Mayor Jester motioned, seconded by Councilwoman to adopt the proposal presented by Massey Design of Phase 2A of the project. Unanimously approved.

### **Adjournment**

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adjourn the meeting. Unanimously approved.

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Mayor

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Town Manager

## **MINUTES OF THE SEPTEMBER 18, 2009**

### ***Joint Council/ Planning Commission Workshop***

**Council Present**

**Council Not Present**

John H. Tarr, Mayor  
John N. Jester, Vice-Mayor  
Ellen W. Richardson, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman

John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman

**Planning Commission Present**

Gene Wayne Taylor, Commissioner  
Ray Rosenberger, Chairman  
Bob Behr, Commissioner  
Mollie Cherrix, Commissioner  
Tripp Muth, Commissioner  
Steve Katsetos, Commissioner

**Staff Present**

Jared Anderson, Town Planner  
Robert G. Ritter Jr., Town Manager

**Call to Order**

Mayor Tarr called the meeting to order at 6:04 PM.

**Invocation**

There was an invocation by Councilman T. Howard.

**Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

**Adoption of Agenda**

Vice-Mayor Jester motioned, seconded by Councilman Frese to “adopt the agenda as presented.” Unanimously approved.

**1. Update on the 2009 Comprehensive Plan Update**

Mr. Anderson went through a brief explanation of why there is a need to review the Comprehensive Plan. He also went through each chapter of the Comprehensive Plan and explained the significance of each section.

The Committee went through and explained each of the amendments that were made from the last meeting.

They indicated that the second paragraph on page 3-11 should be removed along with the 5<sup>th</sup> bullet on page 3-11 should also be removed in its entirety.

Mr. Burton of Tom’s Cove Campground was worried that the Town might be taking away rights from property owners. Mayor Tarr indicated that for the Resort-Commercial Land Use Area there was no intention for the properties designated Resort-Commercial to lose any rights they currently have. He feels that under the proposed Comprehensive Plan Update it is recommended that a few rights be added.

Commissioner Taylor questioned whether the Town could produce the Zoning Ordinance Amendments and the Comprehensive Plan update side by side, so that property owners would know exactly what rights they would have. Mr. Anderson stated that the Zoning Ordinance must follow the Comprehensive Plan. Since the Comprehensive Plan update would not have been adopted, the Zoning Ordinance could not follow it. He added that

the amendments to the Comprehensive Plan should be adopted before the Zoning Ordinance changes.

There was discussion about Planned Unit Developments or PUDs. A PUD was described as being a development package that the developer presents to the Town. The developer will include the roads and infrastructure, typically in doing so they would request a density bonus. PUDs are typically found on larger (>100 acres) parcels of land.

However, Mr. Anderson suggested that we include language in the Comprehensive Plan, so that at a later date if we find that a PUD may be feasible on a larger parcel of land on the Island we could adequately address it through proper zoning provisions.

The Joint Committee would like Mr. Anderson to come up with language at the end of the Resort-Commercial Land Use Area section to indicate that this land use would follow current (as of 10/15/09) permitted uses, plus any subsequent provisions provided by this chapter.

Mr. Travis Thornton would like to see all of the Maddox Family Campground parcels under the same land use area (Resort-Commercial).

The Joint Committee decided to add an Agricultural Land Use Area after speaking with several citizens during the previous stakeholder meetings. They feel that this area would mirror the current Agriculture Zoning District. They also felt that this land, which was previously in Resource Conservation Land Use Area, had distinct characteristics from the other lands in Resource Conservation and needed to be in its own land use area.

The chart on page 3-1 needed to be removed because it was not correct. The language that references the chart also needs to be removed from each of the land use area sections.

The next meeting will probably be in November, or when Mr. Anderson can return to Chincoteague.

## **2. Adjourn**

Councilman T. Howard motioned, seconded by Vice-Mayor Jester to adjourn.

Unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE OCTOBER 5, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

#### **Call to Order**

Mayor Tarr called the meeting to order at 6:00 p.m.

#### **Invocation**

Councilman J. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

## **Open Forum / Public Participation.**

There was no participation from the public.

## **STAFF UPDATE**

Chief Lewis reported for the month of September there were 2,174 calls: 195 were 911 calls, 69 ambulance calls. The Police responded to 305 complaints, 18 arrests and 3 DUI's.

Public Works Director Spurlock reported: The new Custodial Contract is in place. They are working on a new Public Safety Manual. He has been working on having Cropper Street added to the state road system. Routine maintenance is ongoing. The sidewalk along Jester Street has been repaired. The road patching is being done along with Curtis Merritt Harbor cleanup. The signage at the Harbor has been installed. Review of drainage issues along Hallie Whealton Smith Drive to replace the line along with placing an additional line on Tarr Lane. The downtown restrooms fixtures have been replaced. Routine meter reading took place. He commended the Waterworks Technicians for the good job they do maintaining the water system. They are looking into a SCATA system to remotely control the wells along with a backup generator on the main. There were 22 services along Maddox Blvd. that should be repaired or replaced, 15 are completed to date. VDOT has agreed to pave the Main Street intersection when they pave the bridge. Mosquito Control is over for the year.

Councilman Frese commended Public Works Director Spurlock on doing the requested jobs at the Harbor.

Councilman T. Howard asked if the water meters are read every month of the year. He also asked about an automated meter reading system.

Public Works Director Spurlock responded that the Water Works Technicians are reading water meters every month. He also stated that he has researched the automated meter reading systems and explained the high cost and possibilities of grant monies.

Vice Mayor Jester asked where the Town is regarding the pump houses.

Public Works Director Spurlock stated that blocking the windows at pump house #4 has been completed and they're planning to re-shingle another pump house.

There was discussion regarding a generator. Public Works Director Spurlock stated that this is a budgeted item and he is waiting for a quote and information from a vendor in Salisbury.

Councilman J. Howard asked what is going to be done on Smith Street.

Public Works Director Spurlock feels that during the Methodist Church construction project the Town can incorporate the corrections to the drain with their work. He explained the current problems with the drain and possible corrections.

Councilman J. Howard asked if the Town could legally build up the low area along East Side Road.

Public Works Director Spurlock stated he would look into this further. He also stated that they did correct the drainage at the intersection of Wayne Road and East Side.

Town Manager Ritter reported for the month of September:

September 2009 Meals Tax revenue = \$93,092, 2008, September 2008 = \$88,609 (up \$4,483), 2009 year-to-date = \$255,000, 2008 year-to-date = \$249,000 (up \$6,000).

September 2009 Transient Occupancy revenue = \$145,545, 2008 = \$145,865 (down \$320),

2009 year-to-date = \$376,812 2008, 2008 year-to-date = \$372,222 (up \$4,590).

September Water Rent revenue = \$84,670, 2008 = \$85,476 (down \$806),

2009 year-to-date = \$254,204, 2008 year-to-date = \$250,593 (up \$3,611).

Town Manager Ritter also reported that the General Government staff has been resolving tax issues and collecting supplemental taxes. They are also working on several grant reports and COBRA for 3 former employees has been completed. They have completed the Audit Report review, the servers have been moved and the work is 95% completed. Letters went out to the Curtis Merritt Harbor slip holders requesting donations to off-set the grant for fuel pumps. Staff completed the VML Workman's Compensation Audit Report. They also continued working on collection of delinquent taxes and researched tax credits.

Councilman T. Howard asked if the dredging was complete.

Town Manager Ritter advised that they have the preparation complete and will begin dredging soon.

There was discussion regarding the Harbor fund draw with the Port Authority.

Mayor Tarr stated that the Town would be reapplying for the grant for gas pumps.

#### **AGENDA ADDITIONS/DELETIONS AND ADOPTION:**

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

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of September 8, 2009**

- **Special Council Meeting of September 17, 2009**

Councilman Frese stated that on page 9, item 7B should be the Eastern Shore News and the Eastern Shore Post, Mrs. Edwards advised she would make the change. He also stated that item 4B should reflect the same change.

Councilman T. Howard stated that on page 8 the year stated 2008.

Town Manager Ritter advised he would verify the year before the change.

Councilman T. Howard stated that on page 22, item 13, he stated that the Harbor Master needed assistance and the Harbor Committee would be discussing that issue at the next Harbor meeting. He clarified that someone approached the Committee and they would be discussing the matter, not that he needed assistance. He commended the Harbor Master on the job that he does and feels that he can't be everywhere at one time. He also added that it does not mean that he believes there needs to be a part-time employee there.

Vice Mayor Jester stated that on page 23, regarding a health fair. He advised that it doesn't mean to "bring in" doctors but to help find doctors.

Councilman Frese stated that on page 26, next to the motion, Councilwoman Conklin seconded that motion.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to adopt the minutes with the suggested corrections. Unanimously approved.

**2. Fiscal year 2009 Audit Report by Robinson, Farmer, Cox Associates**

Finance Director Hipple introduced Mr. Aaron Hawkins with Robinson, Farmer, Cox Associates.

Mr. Hawkins briefly reviewed the report and explained that they sent a management letter pointing out that there is a new auditing standard for next year, 2010, which is Gatsby 55. He opened the floor for questions. He stated that there is only one difference which is health insurance for retirees.

Mayor Tarr thanked Mr. Hawkins for attending.

**3. Public Works Committee Report of September 1, 2009**

Mayor Tarr asked for questions regarding the report. There were no comments or questions.

**4. Curtis Merritt Harbor Committee Report of September 3, 2009**

Councilman T. Howard explained that the Harbor Master gives an update at each meeting. He added that Town Manager Ritter updates them on the project progress. He advised that the next meeting will be November 5, 2009 at 5:00 p.m. He feels that the vandalism seems to be down and there has been talk of a security system to help with this matter.

**5. Budget & Personnel Committee Report of September 15, 2009**

Councilwoman Conklin advised they are continuing with the review of the Employee Handbook and they agreed to use the VML state handbook template. She advised that the changes are minor.

Town Manager Ritter explained that there is a boiler-plate VML handbook that the Committee will review and combine the policies using that format.

Vice Mayor Jester added that they want to tie the Town's Handbook to what the professionals recommend.

#### **6. Sending an Employee to the Police Academy**

Chief Lewis stated that there is an officer that will be retiring soon. He advised that he has an employee that has been with the Town for 3 years and is interested in going to the Police Academy. He also added that this employee is a good employee.

Councilman T. Howard asked if this employee would be working part-time or full-time for at least 3 years and is willing to sign the contract.

Chief Lewis responded that he is willing to sign.

Councilman Frese motioned, seconded by Councilman T. Howard to send the employee to the Police Academy. Unanimously approved.

#### **7. Chincoteague Volunteer Fire Department Request**

Mayor Tarr explained the request from the Fire Department for more money to purchase fireworks for next year. He recommended that this matter be discussed with the next budget.

Councilman T. Howard feels that the Town needs to do what they can for the Fire Department.

Council concurred and the item will be placed on the budget list for the next year.

#### **8. Street Closing for the 6<sup>th</sup> Annual Poker Run on Saturday, September 11, 2010**

Chief Lewis advised that the last Poker Run brought in just under \$20,000. He advised that he walked into each business during this year's Poker Run and they seemed to be satisfied with the additional patronage.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to approve the street closing for the 6<sup>th</sup> Annual Poker Run on Saturday, September 11, 2010. Unanimously approved.

#### **9. Discuss County New Dog Ordinance**

Councilman Frese stated that the County has passed an upgraded Animal Control Ordinance. He feels that the Town's responsibility is to have an enclosure to house

animals until the County's Animal Control can get to the Island to pick them up. He also suggested purchasing a padded suit.

Chief Lewis stated that currently, if there is a vicious dog complaint the officers can do what needs to be done to take control of the situation. He also stated that if the Town wants a vehicle to transport the dogs, training is required of all the officers. He added that there haven't been many vicious dogs over the past 10 years.

Council further discussed Animal Control and what would be necessary to protect the public before it's too late. They also discussed reviewing the County's Ordinance and possibly adopting a clear set of rules for animals on the Island. Council questioned the feasibility of training officers to handle vicious dogs.

Town Attorney Poulson explained that there are 3 classifications of dogs: at loose, dangerous dogs, which are dogs that bite other dogs and cats, or vicious dogs, which are dogs that bite, injure or kill people. A vicious dog is ordered by the court to be euthanized. A dangerous dog is registered and a fee is paid and signs are posted. Town Attorney Poulson also added that there is a \$100,000 liability policy prior to registering dangerous dogs. He added that the judge makes the determination that a dog is dangerous or vicious. He feels that the Town should adopt a parallel ordinance with the County's ordinance deciding who would enforce the ordinance.

Councilman J. Howard suggested, allowing the County build the temporary cages for the detainment of those certain animals.

Councilman T. Howard asked if the Town could adopt the County's ordinance and continue to remain under the County's Animal Control.

Town Attorney Poulson feels that the Town could. He suggested adding some verbiage regarding dangerous or vicious dogs.

Further discussion continued regarding the current actions that the Police Department and County takes during those specific situations. Council directed Town Attorney Poulson to review the County's ordinance and the Leash Law and bring any recommendations back at a later date.

#### **10. Discuss Interpretation By Council**

Councilman Frese first expressed his concern regarding interpretation by anyone other than Council. He also expressed his opposition to the imposition of inspection fees for a home occupation.

Town Attorney Poulson explained that the Town hired the Zoning Administrator to interpret the Zoning Ordinance. He also stated that if the Zoning Administrator has a question regarding an interpretation then the Town Attorney would be notified then referred to the Town Council if necessary.

Zoning Administrator Lewis stated that his job and the Police Officer's job are to interpret the laws. He stated that when the inspection fees were approved in 2007 and 2008, he realized in 2009 that he had not observed what that particular fee was until he called the County office for clarification. He also stated that Council reviewed this and June 1, 2009 the fee was stopped. Zoning Administrator Lewis explained the process of a business license and the qualifications for each district. He added that if there isn't enough parking for a home occupation, the application isn't denied. He continued, that it is specified on the license "No onsite parking" as he did not believe that Council's intent was to keep someone from making a living. He added that "Zoning Clearance" is to make sure it meets all the zoning requirements and under the Home Occupation, 2 parking spaces are required.

Council discussed the matter further. Mayor Tarr advised that the Planning Commission is reviewing home occupations and Town Attorney Poulson is reviewing the grass cutting business license.

Councilman Frese read the County's definition of "Zoning Clearance" feeling that, as written, incorporated towns including Chincoteague should be excluded.

Zoning Administrator Lewis explained the County's interpretation of the fee was that the County charges exclude incorporated towns because those towns are charging their own fees.

Discussion continued regarding the fees and interpretations. Mayor Tarr stated that the interpretation originally comes from Council.

#### **11. Discuss Return of Zoning Inspection Fees**

Councilman Frese stated that he feels that this fee should not have been charged in incorporated towns.

Town Attorney Poulson feels that it was a valid charge when it was passed. He added that it has since been stopped.

Building and Zoning Administrator Lewis stated that the zoning fee isn't just for business licenses.

Councilman J. Howard asked if the fee was charged the same across the board.

Building and Zoning Administrator Lewis advised they have been.

There was discussion about returning the fees.

Councilman Frese made a motion to return the monies paid for this fee. There being no second, the motion failed.

## **12. Discuss the Wetlands Board**

Councilman Frese discussed the issues raised regarding a wetlands bank and replenishing wetlands. He stated that the consideration is that the VMRC receives the funds for this. He feels that the fund would be used to eliminate fragmites. He stated that the purpose is to decide if Council would like to pursue starting a Wetlands Board. He added that VMRC is in the process of raising the fees. He explained his research into the Farm Bureau of the costs to replenish a crop. Councilman Frese feels it's up to Council to look into this to see what kind of service can be done for the Island residents.

Town Attorney Poulson advised that there would have to be approval from the General Assembly.

Council further discussed the County's district representatives along with the elimination of fragmites. Also discussed were the fees, jurisdiction and restoration.

Councilman Frese doesn't feel that it would be necessary to hire someone for this position.

Vice Mayor Jester would like the Town staff to be knowledgeable of the wetlands rules and procedures to assist our residents rather than referring them directly to Accomack.

Councilman Frese made a motion for the Town to seek the legislation to permit a Wetlands Board. There being no second, the motion failed.

## **13. Mayor & Council Announcements or Comments**

Councilman T. Howard commended the Police Department for going beyond their normal duties for the Community.

Councilman J. Howard commended Councilman Frese for his efforts in saving the taxpayers money.

Councilwoman Conklin thanked Public Works Director Spurlock for clearing the weeds in the downtown area.

Vice Mayor Jester presented Town Manager Ritter with a draft letter to the Coast Guard. He advised that day marker 29 has been knocked over. He stated that a letter from the Town would help speed up the repair as it is currently a navigational hazard.

Councilwoman Richardson stated that the Cemetery Committee will have a proclamation for the Council to approve for the Cemetery Fall Cleanup week scheduled for November 8<sup>th</sup> through the 14<sup>th</sup>. She announced that an Island resident turned 96 and she requested that the Town recognize her. She also added that the Committee will determine the location of the cemetery to be cleaned.

Mayor Tarr stated that the changes were completed with NFW & NPS in the Memo of Understanding and signed by all parties. He added that the letters from Accomack

regarding the reassessment will go out tomorrow. Mayor Tarr also mentioned that he along with Vice Mayor Jester and Paramedic Rush will be working on an Emergency Plan with NFW & NPS separate from the Town's Plan. He stated that this is regarding the closures of the beach and beach parking issues.

## **ADJOURN**

Councilman J. Howard motioned, seconded by Councilwoman Richardson to adjourn the meeting. Unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE OCTOBER 14, 2009 SPECIAL COUNCIL & STAFF WORKSHOP**

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

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

#### **Other Members Present**

Robert Ritter, Jr. Town Manager  
Bryan Rush  
April Hooper  
Karen Hipple

Bill McComb  
Mollie Cherrix  
Jeff Fitchett

#### **Call to Order**

Mayor Tarr called the meeting to order at 3:00 p.m.

#### **Invocation**

Councilman T. Howard offered the invocation.

#### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

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

Councilman J. Howard motioned seconded by Councilman Frese to adopt the agenda as presented. Unanimously approved.

#### **1. Report From William McComb on Insurance Plans**

Mr. McComb brought information to the Committee about Health Savings Accounts. He advised that these accounts could be set up for each employee with a maximum amount to be deposited into the account of \$3,000 per year. The account would have a card assigned to it to be used for deductibles, prescriptions etc. The employee contribution would be tax deductible and tax deferred. The money in the account can be rolled over year after year if not used. The account is also interest bearing.

Mr. McComb also handed out some information regarding other Anthem Health Plans. Some plans include dental and optical. He also advised of another dental option, Delta Dental, that the Town could consider separately from any health plan.

It was also asked how many plans the Town could offer the employees. Mr. McComb stated that you are limited to how many plan choices you have depending on your group size.

Another question was, "can you have a basic Blue Cross Blue Shield plan along with an HSA".

## **2. Report From Bryan Rush on Health Insurance Survey**

Mr. Rush presented information he collected from a health insurance survey. Several towns, cities and businesses were sent a survey asking what health insurance company they have along with their deductibles, co pays etc. Approximately 18 responses were received and compiled. The majority of the responses have Blue Cross Blue Shield as their health insurance company.

The survey also asked if they would like to partner with the Town to try and get a lower rate as it would make a bigger group. At this time the Committee decided not to go with this option but would leave it open for future possibility.

## **3. Review Goals and Objectives**

Mr. McComb will do a comparison on health insurance companies including our present company, United Healthcare and present this at the next meeting.

The Committee also decided to gather information at this time not making any decisions until after the first of the year as there will be changes to healthcare in January 2010.

It was also suggested that a letter be sent to the employees requesting that they contact their doctors asking if they accept Anthem insurance.

Employees should also be notified that the Town is keeping the present health insurance company through this fiscal year.

#### **4. Next Meeting Date and Time**

The Committee set their next meeting for December 9, 2009 at 10:00 a.m.

#### **5. Committee Member Comments**

Councilman Howard stated that the Atlantic Medical Center is looking into building a facility on Rt. 175. He asked if we would be better off to support something like this and close the medical center in Town giving us more evening and Saturday hours.

Mayor Tarr stated that there is no policy in place on the Town's health care benefits. They have tried to find something in the minutes but can't find anything. Whatever is decided should be written.

Mayor Tarr would also like the minutes from the meetings posted in all three departments.

Medicare doughnut holes and retirees under the age of 65 were also discussed. Again, this will have to wait until January.

Councilwoman Richardson added that her husband worked for the Town for five years and got his health insurance benefit and that has been more than twenty years ago. She suggested going back that far into the minutes to find something on the benefits.

#### **Adjournment**

Councilman Frese motioned, seconded by Councilwoman Conklin to adjourn the meeting. Unanimously approved.

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Mayor

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Town Manager

### **MINUTES OF THE OCTOBER 15, 2009 CHINCOTEAGUE TOWN COUNCIL MEETING**

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

John H. Tarr, Mayor

James Frese, Councilman

Terry Howard, Councilman

Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor

Nancy B. Conklin, Councilwoman

John H. Howard, Councilman

#### **Call to Order**

Mayor Tarr called the meeting to order at 5:00 p.m.

## **Invocation**

Councilman J. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

## **Open Forum / Public Participation.**

There was no participation from the public.

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

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

### **1. Discussion on Christmas Dinner**

Council discussed the previous Christmas Dinner expenses and other options to recognize the Committees. Mayor Tarr advised Council that the Police Department has their own private party, the Public Works Department usually goes out to lunch and the General Government staff has their own luncheon. There was a suggestion to have a separate social for the active committee members and give an allowance for staff or one social for all of staff.

Mayor Tarr stated that since the money has already been budgeted and with staff waiving their merit increases this year it would be nice to set up a type of bonus pool.

Councilman J. Howard asked what Public Works Director Spurlock would suggest.

Public Works Director Spurlock feels that it could be given to the employee as a surmountable Christmas bonus in lieu of a dinner.

Mayor Tarr advised that the Town currently does that. However, it isn't much and could be expanded.

Council agreed, in order to save money, to have a social for the active committee members and a separate social for staff. They requested that staff research the catering costs and plan the least expense to the Town.

Councilman T. Howard asked if the spouses would be invited to the socials.

Councilman J. Howard motioned, seconded by Vice Mayor Jester for the Mayor and Council to have the active committee members' social and the Town staff social(s) paid by the Town. Unanimously approved.

## **2. Discussion on Christmas Decorations**

Mayor Tarr explained that Mr. Kevin Krome and Mr. Steve Potts collected almost \$9,000 for new Christmas decorations. The plan is to decorate each light pole down Maddox Boulevard from the Chamber of Commerce and down Main Street, starting at Taylor Street. He added that the Downtown area will remain the same. He added that the Chamber has donated \$1,000 to buy a 22 foot tree along with a motion Santa Claus. He stated that the Town has \$2,000 in the budget for decorations. He advised that they will be LED lighting and Mr. Krome and Mr. Potts have donated all LED lights for the downtown park.

He advised Council that he would need to buy 15 boxes and timers to complete the Christmas lighting project.

Councilman Frese motioned, seconded by Councilwoman Conklin to approve the purchase of boxes and timers for the Christmas lights. Unanimously approved.

Mayor Tarr stated that there will be a thank you letter sent to all who donated for this project.

## **3. Discussion on a Survey for Ocean Blvd. Extended**

Town Manager Ritter stated that he has researched the cost to have the extension of Ocean Boulevard surveyed. He advised that the cost could be from \$1,300 to \$8,000. He informed Council that locating the property markers is important in determining the cost.

Councilman J. Howard suggested discussing a survey with Mr. Mike Tolbert. He added that the Committee would like to blacktop the road.

Town Manager Ritter asked about the drainage canal through the extension area.

Councilman J. Howard stated that he doesn't feel that it will ever be opened to vehicles. He advised that the intent is for a bicycle and foot path to Chicken City Road.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to ask Mr. Mike Tolbert to find the property markers and/or review the survey allowing expenses up to \$1,300, if the cost is more to come back to Council for approval. Unanimously approved

## **4. Discussion on the Vision of a New Town Website**

Town Manager Ritter asked Council what they envision in a new website for the Town.

There was discussion of ideas and rotating pictures they would like to see on the new webpage.

Vice Mayor Jester suggested asking Christopher Newport University to analyze the current website. He advised that they recently analyzed the Chincoteague Chamber of Commerce's website. They've decided to make changes based on the analysis.

Discussion continued and Council decided to put out a request for quote for this service.

## **5. Walking/Bike Tour Brochure**

Vice Mayor Jester showed Council the draft brochure and explained how and why this came to be. He also advised that Mrs. Kat Edwards has found grant money from the Virginia Coastal Zone to pay for the brochures. He feels it is a good idea to promote the history of the community. He also advised that the Chincoteague Cultural Alliance will distribute them to the local businesses.

Council discussed the contents of the brochure. Mayor Tarr asked Council to review the brochure and give Vice Mayor Jester any changes prior to Friday.

## **6. Discussion on the Water Availability Fee**

Mayor Tarr explained why this matter is back to Council for review. He also explained a situation regarding a house and mobile home on one lot with one water meter. He continued that the subdivision of the lot caused the requirement to purchase an additional water meter. He advised that staff's interpretation is that all applications for service are assessed an availability fee. However, he feels that the availability fee is for an additional draw on the system and in this case would not be an additional draw.

Vice Mayor Jester asked for interpretation of what "availability" means.

Mayor Tarr explained that during the rate study and the adoption of the rates, in order to keep the rates low the availability fees were established. He advised that it's a matter of establishing the intent and changing the wording to reflect the intent.

Council discussed the different situations and the intent of the ordinance, fees according to existing service and increase of demand on the water system.

Public Works Director Spurlock feels that the meter charge is tied into the connection fee.

Town Manager Ritter feels that the ordinance needs to be changed to reflect the intent of Council.

Mayor Tarr suggested rewording the ordinance untying the availability fee to the new services and tying it to the additional draw on the system. Council requested that staff review and make the appropriate changes bringing them back to Council for approval.

## **7. Mayor & Council Announcements or Comments**

Councilman T. Howard commented on the Island's historical information in the brochures. He suggested contacting some of the older Island residents for their historical stories and information.

Councilman J. Howard expressed his concerns of the plans for placement of the fiber optic cables along the marsh and coming up out of the rocks at the bridges. He feels that disturbing the rocks could cause problems. He also understands that it's not up to the Town, but wanted to express his concerns.

Councilman J. Howard also mentioned moving forward with the attorney regarding Assateague and the 2% research.

Council also discussed the symposium and who would be attending.

## **ADJOURN**

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

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Mayor

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Town Manager

## **MINUTES OF THE OCTOBER 28, 2009** *Special Council Meeting*

### **Council Present**

John H. Tarr, Mayor  
John H. Howard, Councilman  
Nancy B. Conklin, Councilwoman  
Ellen W. Richardson, Councilwoman  
James Frese, Councilman  
Terry Howard, Councilman

### **Council Not Present**

John N. Jester, Vice-Mayor

### **Call to Order**

Mayor Tarr called the meeting to order at 5:00 p.m.

### **Invocation**

Councilman J. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

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

Councilman T. Howard motioned seconded by Councilman Frese to adopt the agenda as presented. Unanimously approved.

#### **1. Closed Meeting in Accordance with Section 2.2-3711(A)(7) of the Code of Virginia for Discussion of Possible Land Acquisition.**

Councilman Frese motioned, seconded by Councilwoman Conklin, to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss with staff and/or legal counsel regarding negotiating issues which may become subject to review by the Commission on Local Government relating to interjurisdictional cooperation and

negotiating issues which are or would be subject to review by the Commission. The motion was unanimously approved.

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

Councilman T. Howard motioned, seconded by Councilman Frese, 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, T. Howard, Richardson, J. Howard, Frese,  
Nays- None  
Absent- Jester

**ADJOURN**

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adjourn the meeting. Unanimously approved.

\_\_\_\_\_  
Mayor

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

**MINUTES OF THE NOVEMBER 2, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 6:00 p.m.

## **Invocation**

Councilman T. Howard offered the invocation.

## **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

## **Open Forum / Public Participation.**

Mr. Joe Justice expressed his concern and problems regarding the drainage near his property along Chicken City Road. He suggested installing a flood-gate at Captain Bob's property or Beebe Road.

Mr. Willie Moore addressed Council about a petition that has been circulating to name the new bridge in his father's memory, Mr. William Lee Moore. He advised that there are 436 signatures. He stated that his family is humbled by this gesture. He presented Council with the petition and gave a brief history and epitaph of his father. Mr. Moore also stated that his father loved the island and generously gave to the different organizations and the Island's less fortunate. He finished by requesting that Council write a resolution to the State Commonwealth Transportation Board requesting to name the new bridge after his father.

Mr. Thomas Clark feels that the Island is in need of a new Planner. He stated that it would be beneficial to the Town.

## **STAFF UPDATE**

Sgt. Fisher reported that for the month of October there were 2,399 phone calls; 126 were 911 calls, 62 were ambulance calls, 278 were Police Department calls, 3 breaking & entering arrests, 1 drug arrest, 1 DUI, 40 traffic summons, 30 traffic warnings. He also reported that the new Tahoe was here from the grant money. The markings have been put on and they are currently waiting for the radio and lights.

Public Works Director Spurlock reported for the month of October. He stated that Ocean Blvd. extension's Bike Path just east of Fowling Gut would need to be filled. They are in the process of getting a street included in the Urban Street Program. He is currently working with VDOT to resolve the flooding problem at the new bridge and Main Street. He is also in the process of obtaining quotes for a new SCADA system. There will be 2 handicapped ramps installed at the crosswalks of the new bridge entrance on Main Street. The Maddox Blvd. project of installing new water services and new drains should be completed tomorrow. He advised that the final paving for Maddox Blvd. is scheduled for the spring to be incorporated with the new bridge abutment.

Public Works Director Spurlock also reported that the storm drain clean-out is under way. They have installed a new flapper gate at the end of Bunting Road. They have jetted some ditches and cleaned out inlets. The Public Works Department has also done some cleanup at the Harbor. He advised that they will begin putting up Christmas decorations November 16<sup>th</sup>. They are also working on patching the tennis court surfaces. They plan to install a new flapper gate on Smith Street.

Public Works Director Spurlock also stated that Mr. Bill Savage with Accomack County Public Works toured the drainage issues and they are working with the Army Corps of Engineers to obtain permits for drainage. He also stated that the easement is in place for Margaret's Lane and they will be installing the drain next week. They are modifying manifolds at the wells for the new Groundwater Rule from the Health Department for sampling at the individual wells. They have replaced a part on one of the lift pump motors. They have also completed the installation of the meter for the fire suppression system at the Island Library. He advised that they are working on a pump at well 4 and there are flow issues at well 3.

Councilman Howard asked about the markers on Ocean Blvd. extension.

Public Works Director Spurlock advised they haven't been located as of yet.

Vice Mayor Jester asked if the permits depend on salt water.

Public Works Director Spurlock advised that he spoke with Mr. Robert Cole, of the Army Corps of Engineers and believes that the concern is if there is a hazard to navigation and this would not be.

Vice Mayor Jester feels that the flooding issue is on Main Street between Maddox Blvd. and Taylor Street. He asked if there was anything that could be done.

Public Works Director Spurlock advised that the Lott's property, on the south side of the new bridge, has suffered significantly.

Town Manager Ritter reported for the month of October. He advised that the real estate and personal property taxes are being processed and should go out Wednesday or Thursday. Because the Town received them early and together, staff is stuffing both real estate and personal property taxes in one envelope to save money.

Meals Tax revenues = \$48,802 and for October 2008 = \$47,524;

Year to Date for 2009 = \$302,080 (up approximately \$7,000 from last year).

Transient Tax revenues = \$60,068 and for October 2008 = \$60,444;

Year to Date for 2009 = \$436,881 (up approximately \$4,000 from last year).

The Water Rent revenues = \$109,507 and for October 2008 = \$94,465;

Year to Date for 2009 = \$363,711 (up approximately \$18,000 from last year).

Town Manager Ritter also reported that the Town received the Virginia Port Authority money again this year. The Town has received approximately 90% of the design from Massey Design. He asked Council to review the designs quickly because they will have to go to VDOT for approval soon. He also informed Council that Massey Design Group has merged with Bowman Consulting.

Town Manager Ritter announced that there will be a meeting Thursday at 10:00 a.m. at the Town Office with Todd Christensen regarding the Broadband and pre-contract activities. There is also a meeting on Friday at 10:00 a.m. at the Shore Bank in Onley,

VA. They will be discussing Southern Rivers money for wastewater. Council is requested to attend. He also stated that Mr. Rakowski with VDOT advised that everything is still on schedule regarding the new bridge. He informed the Town Manager of the scheduled night-time lane closures for approximately 10 minutes at a time on November 12<sup>th</sup> or November 16<sup>th</sup> from 8 p.m. to 2 am to move girders. The only concern they have is emergency vehicle access and if there is an emergency call their vehicles would be moved immediately. They also added that they will advertise the closures along with putting it on the message board.

Town Manager Ritter also reported that there are a couple of bids for the Harbor cameras. The matter will be revisited at the next Harbor Committee meeting on Thursday.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Mayor Tarr stated there is one item to add to the agenda. It is a resolution to put Cropper Street into the state system will be 7(b).

Councilman T. Howard motioned, seconded by Councilman Frese to adopt the agenda with the addition. Unanimously approved.

#### **1. Consider Adoption of the Minutes**

- **Regular Council Meeting of October 5, 2009**
- **Council & Staff Insurance Workshop of October 14, 2009**
- **Special Council workshop Meeting of October 15, 2009**
- **Joint Council & Planning Commission Workshop Meeting of September 18, 2009**
- **Special Council Meeting of October 28, 2009**

Councilwoman Conklin motioned, seconded by Councilman J. Howard to approve all minutes as presented. Unanimously approved.

#### **2. Public Hearing on Lot Line Vacation**

Town Manager Ritter stated that this was properly advertised and explained that the lot line to be vacated was between lots 9B and 10A in Silver Sails Landing.

Mayor Tarr opened the public hearing, there were no comments and the hearing was closed.

Councilman Frese motioned, seconded by Councilman T. Howard to approve the lot line vacation between lots 9B and 10A, Silver Sails Landing. Unanimously approved.

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

Honorable Wanda Thornton reported on several matters within the County. She commended Public Works Director Spurlock, and feels that he is an asset to our Community. She feels that this is the worst that the drainage has been since 1989. The new Wal-Mart has broken ground. The County received \$70,000 for the permit and will help the County as they're struggling to stay afloat. She urged Council to keep informed

on the Aquaculture Protection Zone. The EPA enforces the Chesapeake Bay Act cleanup. There are still those still pushing for a PSA, she feels that there are a lot of ways to handle this issue. It would cost the County \$200,000 for startup. They are working on a new zoning district.

Honorable Thornton also reported that they had the largest turnout in the state for the summer migrant program. The County has done away with the decal. Land use taxation is costing millions of dollars. The County is losing money on tipping fees for the Town. She feels that the rates will decrease and will affect the Town. The Animal Control Ordinance is being finalized. There were 22 cases of rabies cases on the Shore last year. There is also a new strain of rabies out and she hopes that the Health Department will hold a meeting about this.

Honorable Thornton commented on redistricting. She also reported on tourism expenses for 2008. She advised that the collected revenue for transient taxes from Chincoteague were \$351,572.43 and the collected revenue transient taxes for the rest of the combined towns was \$16,906.77. She also stated that this was not a written part of the annexation agreement. She suggested employee "cost-savings" brain storming. She also advised that the personal property tax billing for the county will be twice a year. She feels that the business community should be notified that they must file by February 15<sup>th</sup> for the personal property taxes. The date to report to the state is March 15<sup>th</sup>.

Honorable Thornton stated that the County is struggling to make ends-meet. She stated that if the Town discontinues the door to door trash collection and requires the use of the Convenience Centers, this would put a burden on the County.

Councilman J. Howard asked about the transient occupancy taxes paid by Chincoteague to the County. He also asked about the percentage of real estate taxes paid by Chincoteague.

Honorable Thornton stated that it would be a severe blow to the County to lose the tourist trade from Chincoteague.

Vice Mayor Jester stated that there is less trash coming into the County but the cost is more.

There was discussion regarding the expenses being paid out of the general fund. She added that the state is giving unfunded mandates to the County.

Vice Mayor Jester feels that the Chincoteague Bay is mentioned as being polluted and this could harm our seafood business. He advised that is isn't our section of the Chincoteague Bay.

Honorable Thornton stated that she has argued this point before. She stated that the shellfish sanitation report will be completed soon. She advised that there were no real depreciable problems on Chincoteague. She added that this report is informative.

Discussion continued regarding the feasibility of a PSA.

**4. Set a Date for a Public Hearing on a Wind Energy Ordinance**

Town Manager Ritter asked Council for their input on the proposed ordinance and if they would like to schedule the public hearing for December 7, 2009.

Vice Mayor Jester feels this is a proactive step. He explained why this ordinance was proposed.

There were questions and concerns expressed regarding the noise levels having to comply with the current noise ordinance and only allowed with a conditional use permitted by Council.

Councilman Frese motioned, seconded by Council T. Howard to set December 7, 2009 as the public hearing date for the proposed Wind Energy Ordinance. Unanimously approved.

**5. Change in the Utility Ordinance on the Availability Fees**

Town Manager Ritter explained the changes and why this matter was brought before Council. The change in wording implied if there is an increase in demand of the water system there would be a charge of availability fees.

Council agreed that this was reasonable. There were questions and further explanations of the changes.

Councilman Frese motioned, seconded by Vice Mayor Jester to adopt the newly revised Sec. 62-57 Connection fees and availability fees. Unanimously approved.

Chapter 62

**UTILITIES \***

**ARTICLE II. WATER**

**DIVISION 2. RATES, CHARGES AND BILLING**

**Sec. 62-57. Connection fees and availability fees.**

(a) New connections to the water system shall be charged at the rate established by the town council plus all additional related costs incurred by the town.  
*(Amended 3/16/06, 4/19/07)*

(b) The cost of service connections which are made to the system to provide for fire suppression systems shall be determined on a case by case basis as dictated by the requirements of individual fire suppression systems. Connection and meter sizes for fire

suppression systems shall be determined by the size of the suppression system. Availability fees for fire suppression systems for nonprofit tax exempt organizations shall not be assessed unless such connection is used for purposes in addition to fire suppression. Connections for fire suppression systems shall be made only by the town.

(c) Although water usage rates are not applied to nonprofit tax exempt organizations as provided herein, service connection fees and availability fees shall be charged in accordance with this article.

(Code 1977, § 15-1-2; Ord. of 4-5-1999, § 15-1-2)

*(Amended 4/20/06, 4/19/07, 8/03/09)*

(d) An availability fee **for new connections which increase the demand on the water system** ~~as established by the town council~~ shall be charged **and the amount charged shall be according to the rate schedule established by the Town Council, as contained in the annual budget.** The amount shall be collected prior to the installation of the meter **and issuance of the building permit. Existing structures where a new connection is required the fee shall be waived provided that no additional demand is placed on the system. If the water service entry branch size is increased, charges shall be calculated based on the difference of fees for the existing size and the new size.**

*(Amended 4/20/06, 4/19/07, 11/02/09)*

(e) **New multiple units such as Condominiums, Town homes, Apartments, Duplex, Vacation Rental Cottages, or each Multi Business Establishment, located on the same parcel** are to be charged an availability fee as established by the town council per ~~living~~ unit but supplied by a master meter with the minimum billing based on the size of the meter.

*(Amended 4/20/06, 4/19/07, 11/02/09)*

## **6. Cemetery Committee Report of October 1, 2009**

Councilwoman Richardson reported that the Cemetery Cleanup Week is November 8<sup>th</sup> – 14<sup>th</sup>, 2009. She advised that they will be cleaning up the Birch & Taylor cemetery behind the old elementary school property off of Church Street on Saturday, November 14<sup>th</sup> between 9:00 a.m. and Noon. She also stated that the raised vault at the Thornton Cemetery is going to be repaired. She informed Council that there was an anonymous donation in the amount of \$1,000 for the repairs. She suggested going back to the Holy Ridge Cemetery for needed repairs there.

Councilman T. Howard advised that Chief Lewis has a couple of people who needed some community service hours and utilizing them for this purpose.

Vice Mayor Jester asked if the Chamber made any donations.

Councilwoman Richardson advised that the Chamber pays for the Greenwood Cemetery to be cut two times a year.

## **7. Proclamation on Cemetery Cleanup Week**

Mayor Tarr read the proclamation.

## PROCLAMATION

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

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

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

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of November 8<sup>TH</sup> through 14<sup>TH</sup>, 2009, 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 2<sup>nd</sup> day of November 2009.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter, Jr., Town Manager

### **7(b) VDOT Right-of-Way**

Town Manager Ritter explained that this is to insure that VDOT has a granted right-of-way for the street acceptance of Cropper Street and requested a resolution stating such.

Councilman J. Howard motioned, seconded by Councilman T. Howard to approve the resolution. Unanimously approved.

### **RESOLUTION TOWN COUNCIL, TOWN OF CHINCOTEAGUE STREET ACCEPTANCE CROPPER STREET EASTERN SHORE DISTRICT**

WHEREAS, certain streets on the attached sketch titled Cropper Street, Chincoteague Island and described on the attached Form U-1 (Rev. 1-1-07), fully incorporated herein

by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

**WHEREAS**, the street meets the requirements established by the Virginia Department of Transportation; and

**WHEREAS**, the above streets serve a genuine public need; now, therefore, be it

**RESOLVED**, by the Chincoteague Town Council this 18th day of October 2009, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the State Highway Secondary System for maintenance, as provided in § 33.1-229, Code of Virginia,; and, be it

**RESOLVED FURTHER**, That this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (30) feet with necessary easements for cuts, fills and drainage; and, be it

**RESOLVED FINALLY**, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**8. Public Safety Committee Report of October 6, 2009**

Mayor Tarr made minor changes to the minutes to include in the MOU the NPS and NFW. He reviewed the minutes. He advised that staff is up to date on the ISO training. He stated that Mr. Barry Frishman has been a huge asset to the community for his time and efforts on the CERTS team.

**9. Ordinance Committee Report of October 8, 2009**

Councilman J. Howard stated that they have created rules for all the Town's parks.

Town Manager Ritter explained the changes. He advised Council of the additions and changes to the current park rules. He also added that Town Attorney Poulson has been consulted regarding the verbiage.

Councilman Frese expressed his concern about the violations. He feels that the penalty is too severe for the violation.

Vice Mayor Jester explained that it is copied from the Virginia Trespass Code. There was discussion regarding the severity of the penalty.

Sgt. Fisher explained that it is up to the judge to decide the penalty depending on the number of offenses.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to approve the revised park rules.

Ayes: Jester, Conklin, J. Howard, T. Howard, Richardson  
Nays: Frese  
Absent: None  
Motion carried.

Chapter 42  
**PARKS AND RECREATION\***  
**Article I. In General**

Secs. 42-1—42-25. Reserved.

**Article II. ~~Veterans Memorial Park~~ Regulations**

Sec. 42-26. Authority.  
Sec. 42-27. Compliance required.  
Sec. 42-28. Penalty for violation.  
Sec. 42-29. Rules and regulations.

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\***Charter references**—Parks, playgrounds, etc., ch. 2, § 1(15), (16); town plan, ch. 3.

**Cross references**—Environment, ch. 22; streets, sidewalks and other public places, ch. 50; vegetation, ch. 66; waterways, ch. 70; recreational park, app. A, § 2.136.

**State Law references**—Swimming pools, lakes and other waters, Code of Virginia, § 15.2-1110; local parks, recreation facilities and playgrounds, Code of Virginia, § 15.2-1806 et seq.; Public Recreational Facilities Authorities Act, Code of Virginia, § 15.2-5600 et seq.; Park Authorities Act, Code of Virginia, § 15.2-5700 et seq.

**ARTICLE I. IN GENERAL**

Secs. 42-1—42-25. Reserved.

**ARTICLE II. ~~VETERANS MEMORIAL PARK~~ REGULATIONS**

**Sec. 42-26. Authority.**

This article is adopted pursuant to the authorities contained, among other things, in Charter chapter 2, section 1(9), (15), (21), (22), (41), (44), (48), (49), (50) and (71) and Code of Virginia, § § 4.1-128 and 15.2-1102.  
(Code 1977, § 16-7; Ord. of 11-7-1991)

**Sec. 42-27. Compliance required.**

All persons using the town-owned recreational facilities, ~~Veterans Memorial Park~~, shall fully comply with all rules and regulations provided for in this article or as the rules

and regulations may be amended from time to time. It shall be unlawful for any person to violate any such rule or regulation set forth in this article or any section of this article.  
(Code 1977, § 16-3)

#### **Sec. 42-28. Penalty for violation.**

Any person violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished by confinement in jail for not more than 12 months and a fine of not more than \$500.00, either or both, except as may be otherwise specifically provided under this article.  
(Code 1977, § 16-5)

#### **Sec. 42-29. Rules and regulations.**

(a) The following rules and regulations shall be applicable to the uses of all town-owned recreational facilities: ~~Veterans Memorial Park:~~

- (1) ~~Each~~ **Each** The facilities shall be open from: ~~one-half hour before sunrise to 10:00 p.m.~~
  - a. Robert N. Reed Park shall have the hours of operation from one-half hour before sunrise to midnight each day.**
  - b. Veterans Memorial Park shall have the hours of operation from one-half hour before sunrise to 10:00 p.m. each day, with fishing allowed to midnight.**
  - c. Donald J. Leonard Park shall have the hours of operation from one-half hour before sunrise to midnight each day.**
  - d. Island Nature Trail shall have the hours of operation from one-half hour before sunrise to one-half hour after sunset.**

~~Each day, provided~~ Such hours of operation may be modified by the town manager, his designee, or the director of public works from time to time. Hours of operation shall be conspicuously posted. Entering onto the facility between the hours of ~~closure 10:00 p.m. and one-half hour before sunrise~~ except ~~by boat~~ during the course of a bona fide emergency shall constitute a criminal trespass.

- (2) No person shall take a drink of an alcoholic beverage as defined under Code of Virginia, § 4.1-100 et seq. or tender a drink thereof to another, at **any** such public facility, except as may be expressly permitted under Code of Virginia, title. 4.1.
- (3) No person shall possess any opened container of alcoholic beverage, as defined in subsection (a)(2) of this section, at **any** such public facility, except as may be expressly permitted under Code of Virginia, tit. 4.1.
- (4) Except as otherwise provided by law and giving due consideration to the present and proposed uses of the public facility, no person shall take a

drink of or consume any alcoholic beverage, as defined in subsection (a)(2) of this section, or tender a drink thereof to another or possess any opened container of an alcoholic beverage at such public facility.

- (5) **The above provision for consumption of alcohol will not apply to any person while situated on a boat for which a slip has been leased at the Robert N. Reed Park.**
  - (6) Violation of subsections (a)(2), (3) and (4) of this section shall constitute a class 4 misdemeanor.
  - (7) No person shall, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, while at such public facility, engage in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this article.
  - (8) No open fires or burning shall be permitted at any time except for the purpose of the preparation of food and in cooking grills situated at the facility or provided by such persons. This subsection shall not prohibit the smoking of tobacco products except as may be required by state law.
  - (9) No person shall destroy, deface or injure any part of such property, real or personal, or otherwise throw or discard or cause to be thrown or discarded on such property or any part thereof any paper, bottle, can, fruit or vegetable peeling, glass, rag or any other refuse or waste, except in a receptacle provided for the disposal of refuse or waste.
  - (10) No weapons or firearms of any kind are permitted.
  - (11) No drugs are permitted.
  - (12) No excessive noise, as provided by article II of chapter 22, shall be permitted.
  - (13) No pets shall be permitted in the parks, **except in Donald J. Leonard Park and Phase I (paved section) of the Island Nature Trail.**
  - (14) No fireworks or explosives are permitted unless a special permit is issued by the town.
- (b) For the purpose of this subsection the word “group” shall additionally mean either a preplanned assemblage of ten or more persons engaging in one joint activity, or an informal assemblage of ten or more persons coming together and engaging in one joint activity. The following rules and regulations shall be applicable to the use of

the facility by groups **for Veteran's Memorial Park and the Robert N. Reed Downtown Park**, so as to ensure that the facility is reasonably accessible to all citizens and guests, no liability is incurred by the town or its agents and employees and the property is preserved and maintained for the benefit of future users:

- (1) Any such group or member thereof shall, prior to utilizing the facility, secure a written permit from the office of the town manager.
- (2) Such permit shall specify the area of the facility to be used by the group for its activity and the permitted hours, consistent with the planned activity, other groups desiring to use the facility or particular part thereof, and such other reasonable factors that the town manager or his designee may determine. The playground equipment cannot be exclusively reserved.
- (3) The permit shall be further executed by the group or a member thereof and shall provide that the group or person executing the permit shall be responsible for any and all damages to the facility committed by such group or any member thereof. The town manager or his designee may require either that such person or the group provides evidence of financial responsibility or appropriate liability insurance.
- (4) A copy of the permit shall be maintained in the town office and a copy delivered to the applicant, which shall be exhibited, upon request, to any member of the town manager's staff or any police officer.
- (5) The town manager shall, further, provide such group or person acting on behalf of the group a copy of the rules and regulations applicable to the facility. **The person scheduling the event is responsible for cleaning the Park at the conclusion of the event. If cleaning is not performed to the Town's satisfaction, the Town will clean the Park at the expense of the responsible party.**
- (6) The town manager shall, further, maintain a scheduling book in such a form as to show the particulars of each permit issued so as to not create unnecessary scheduling conflicts.
- (7) Permits shall be generally issued on a first come, first served basis.
- (c) The town manager, his designee, or any public officer who has probable cause to believe that any person is not utilizing the facility in accordance with this article shall have the right to terminate such person's use of the facility and to expel such person from the premises. Any person failing to leave when so instructed by any such person shall be guilty of a separate offense of trespass and punished as provided in this article.

The following only pertains to the Robert N. Reed Downtown Park

- (1) A user fee of \$50.00 shall be charged for each scheduled event with the exception of a community service event for which the fee may be waived at the discretion of the Town Manager. The income from user fees is a project program income and as such may only be utilized for Park purposes.

(Code 1977, § 16-4; Ord. of 11-7-1991; Ord. of 7-6-1992 h, i, k(2))

#### **10. Renewal of the Motion to Delay the Hire of a Planner**

Councilman J. Howard stated that the reason he requested the delay is because the Town is in the need of attorney fees. He has no intention of doing away with the Planner position. He stated that the Planner only did part-time planner duties. He suggested that the Town hire a part-time Planner.

Council further discussed the need of a Planner along with the funds.

Councilman J. Howard stated that he withdraws his motion.

#### **11. Mayor & Council Announcements or Comments**

Councilwoman Richardson stated that she was against hiring a Planner at that time because the Town can't afford one. She explained that there are serious drainage issues that need addressing. She also stated that the Hallie Whealton Smith Drive drainage is insufficient. She has talked with the Public Works Director about making the water flow better there. She understands that it takes money to do these things.

Mayor Tarr feels that Public Works Director Spurlock has done a lot of work on drainage. He added that there has been an unusual amount of rain.

Councilwoman Richardson also commented on the Customer Service class that staff was attending for \$99. She feels that the employees didn't need this class.

Mayor Tarr advised that this was an action item and the Town Manager followed it through.

Councilman J. Howard asked about the matter of hiring a relative of Council. He stated that he asked Mr. Mark Flynn and the response was that if the relative resides in the Councilmember's household and/or is a dependant they shouldn't hire the relative.

Town Manager Ritter reminded Council of the upcoming meetings: Thursday at 11:30 a.m. in the Council Chambers with the DHCD regarding broadband and Friday at the Shore Bank in Onely at 10:00 a.m. regarding wastewater to show support for the grant.

#### ***12. Closed Meeting in Accordance with Section 2.2-3711(A)(7) of the Code of Virginia for Discussion of Possible Land Acquisition.***

Councilman T. Howard motioned, seconded by Councilman Frese, to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss with staff and/or legal counsel regarding negotiating issues which may become subject to review by the

Commission on Local Government relating to interjurisdictional cooperation and negotiating issues which are or would be subject to review by the Commission. The motion was unanimously approved.

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

Councilman T. Howard motioned, seconded by Councilman Frese, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes-	Jester, Conklin, T. Howard, Richardson, J. Howard, Frese,
Nays-	None
Absent-	None

**RECESS**

Councilman Frese motioned, seconded by Vice Mayor Jester to recess the meeting until Friday. Unanimously approved.

\_\_\_\_\_  
Mayor

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

**MINUTES OF THE DECEMBER 7, 2009  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
James Frese, Councilman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman

John N. Jester, Vice-Mayor  
Nancy B. Conklin, Councilwoman  
John H. Howard, Councilman

**Call to Order**

Mayor Tarr called the meeting to order at 6:00 p.m.

### **Invocation**

Councilman J. Howard offered the invocation.

### **Pledge of Allegiance**

Mayor Tarr led in the Pledge of Allegiance.

## **2. Certificate of Special Recognition to Honorable Donald Hart**

Mayor Tarr asked Supervisor Wanda Thornton if she had anything to say before the presentation.

Supervisor Thornton spoke of Supervisor Hart's achievements.

Mayor Tarr stated thanked Supervisor Hart for his many years of support for the Island's District. He then read the Certificate of Recognition:



### **Certificate of Special Recognition**

**WHEREAS**, Mr. Donald L. Hart, Jr. has served this community and Accomack County well for many years in numerous capacities, including 30 years as a member of the Accomack County Board of Supervisors; and

**WHEREAS**, these years of service have been marked by exemplary dedication to the best interests of the county as he has worked constantly for the betterment of its economic, cultural, educational and aesthetic development; and

**WHEREAS**, he has earned the admiration and high regard of those with whom he has come into contact, and the affection of his fellow public servants, who are proud to call him "friend" and

**WHEREAS**, his exceptional performance of the duties and responsibilities has not only earned respect throughout Accomack County but throughout each county of the Commonwealth of Virginia by his election as Chairman of the Virginia Association of Counties;

**NOW, THEREFORE**, I, John H. Tarr, Mayor of the Town of Chincoteague on behalf of the Town Council and all our citizens, do hereby express our sincere appreciation to Donald L. Hart, Jr. congratulating him on his distinguished service and extend him our best wishes for continued success as Chairman of the Virginia Association of Counties.

ADOPTED this 7<sup>th</sup> day of December 2009.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

Supervisor Hart thanked Mayor Tarr and Council. He advised that he has been on the board for 30 years. He stated that Chincoteague has Supervisors that fight for our Island. He also added no matter where you're raised we're all part of the County and should be one big family. He added that his fight on the Board is that all citizens are being treated the same and fairly. Supervisor Hart stated that he is there to represent Districts 1-9. He again thanked Mayor Tarr and Council.

### **Open Forum / Public Participation.**

- Mr. Joe Justice came before Council regarding a 4<sup>th</sup> flooding of his property. He asked if Council has addressed the Army Corps of Engineers regarding the flood gate at Captain Bob's. He feels that nothing is being done about it.

- Mr. Dan Whealton addressed Council regarding the naming of the new Chincoteague Drawbridge. He explained that he meant no disrespect, but feels that the Causeway from beginning to the end, including the bridges, was rightfully named in honor of John B. Whealton. He explained some of the Whealton history to the Island. He feels that renaming landmarks sets a bad precedence. He suggested renaming the downtown dock as the William Lee "Fishman" Moore Dock, as he spent most of his life on that fish dock.

Councilwoman Richardson stated that the Causeway is still the John B. Whealton Causeway and the Channel Bridge is still the Channel Bridge. She agrees with Mr. Whealton and feels that it should be left alone.

Councilman J. Howard stated that Council has no intention of renaming the Channel Bridge.

Councilwoman Richardson asked if the plaque from the Drawbridge to be placed on the new bridge.

Council was advised that the plaque was not allowed on the new bridge and should be placed in the Downtown Park.

- Ms. Michelle Mardis of Bunting Road addressed Council about the drainage issues near her home. She advised that she keeps getting flooded and may have to lose the downstairs living space of her home. She advised that Building and Zoning Administrator Lewis gave her some information that would help. She stated that she has nowhere to live at this time because of the condition of her home. She asked Council for

help writing letters to Arlington, Virginia appealing to have her home removed from the frequent flooding list.

There was discussion about FEMA and having Town Manager Ritter assist Ms. Mardis with a letter to Arlington.

Town Manager Ritter suggested getting Mrs. Edwards, with the ANPDC involved for future flooding issues.

Ms. Mardis also stated that her home couldn't be raised because it is on a cement slab and the first floor block has rotted because of the water damage. She advised it would cost thousands of dollars to demolish the first floor and rebuild at the required flood elevation.

There were questions about drainage issues around the Island.

Public Works Director Spurlock reported that the Town put out a RFQ for Storm Water Management. He advised that the interviews will be Monday with the engineering firms. He added that they will address various flooding issues throughout the Island. Public Works Director Spurlock stated the he would like to have a Storm Water Master Plan. He also added that there was a study in 1991 and this particular drainage system was evaluated and should be reviewed. He feels that ideally they should begin at the Inlet. There was further discussion regarding the issues with Fowling Gut and waste water management.

Public Works Director Spurlock advised that there was over 40" of rainwater since July along with extreme high tides.

Councilman Frese feels that the Town's approach is wrong. He would like to see the political approach change and address Washington directly. He commended Public Works Director Spurlock on a great job, but feels this should be addressed directly.

## **Staff Update**

### Police Department

Chief Lewis reported for January 1, 2009 through December 2, 2009:

Calls = 24,732            911 Calls = 2,005        Police Responses = 3,516  
Arrests = 201            Traffic Summons = 836.

Vice Mayor Jester and Councilman Frese asked how this report compared to last year's report. They also suggested a report comparing the previous years to see the trend.

Chief Lewis advised that the calls are down as the drug arrests and crime rates are down.

### Public Works Department

Public Works Director Spurlock reported that they are currently engaging an engineering firm for storm water management. He stated that along with the routine operations there was a week of storm debris collection. This was coordinated with the landfill's free tipping fee week for storm debris. He continued to report that they have been working diligently on drainage maintenance along with the installation of new drains. The paving patchwork along Maddox Boulevard will be done tomorrow. He stated that Branscome is not able to hold the prices that were quoted and the Town will have to put out another RFQ.

Public Works Director Spurlock also reported that the Christmas decorations were put up. They also cleaned the Harbor along with berm restoration. They will be installing the drainage line on Margaret's Lane. The Pension Street project will start mid-January, and will include new water services. Also in January the USDA will begin the annual deer depopulation program. He stated that the Water Department, along with the monthly meter readings, installed new water services on the west end of Maddox Boulevard. He added that the fire suppression water meter for the Library has been installed. He concluded that the chlorinator needed unexpected repairs. Maddox Boulevard will be paved in the spring when the bridge intersection is paved.

### General Government

Town Manager Ritter reported that the tax billing was complete and now in the process of posting payments. He stated that the water billing was done for the month. He advised that the Town received 26 applications for the Planner position. They have scheduled 5 interviews. He also added that evaluations are almost complete. Town Manager Ritter advised that a letter has been sent to VDOT and the ANPDC thanking them for their help during the November Nor'easter. They reviewed the drawings of the Downtown Corridor project.

Town Manager Ritter also reported:

R/E taxes – \$219,278	last year = \$227,273	down \$7,995
P/P taxes - \$52,063	last year = \$65,918	down \$13,855
M-tax - \$332,763	last year = \$324,381	up \$8,382
T/O tax - \$473,291	last year = \$464,727	up \$8,564
Water rent \$438,079	last year = \$409,931	up \$28,048

Town Manager Ritter stated that with the Broadband Grant the Town is required to work with the VEC and open a satellite office in the Town office. They are requiring that the Town help employ 20 people from now until the project is completed.

Councilman J. Howard asked when the VEC services would be up and running.

Town Manager Ritter stated that Mrs. Chesser has agreed to sit in on the training and will begin the first of the year and run until the construction is completed at which time the Town is no longer obligated.

Vice Mayor Jester advised that the broadband completion to the Island will be 2011. He also added that the Chamber of Commerce will be meeting with the local businesses to get them to register with the VEC. He feels this would be a good service for the community.

Town Manager Ritter also reported that a letter was issued to all fuel providers giving them until November 2010 to strap down all fuel tanks.

Councilman T. Howard feels that the public should be notified about this deadline also.

Town Manager Ritter added that he has worked on the Personnel Policy for the Budget and Personnel Committee. He also stated that he and Public Works Director Spurlock will be meeting with Steve Minor and Stewart Hall on Thursday. He also announced that the Healthcare Committee Meeting has been cancelled for December. They have also reviewed the plans for Chicken City Road intersection.

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

Councilman T. Howard motioned, seconded by Councilman Frese to adopt the agenda with the change of moving the Certificate of Recognition presentation to the beginning of the meeting. Unanimously approved.

- 1. Consider Adoption of the Minutes**
  - **Regular Council Meeting of November 2, 2009**
  - **Recessed Council Meeting of November 6, 2009**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the minutes as presented. Unanimously approved.

- 3. Resolution on Determination of the State of Emergency on the Storm in November**

Vice Mayor Jester motioned, seconded by Councilman Frese to adopt the resolution. Unanimously approved.

Mayor Tarr read the resolution.



## *AUTHORIZING RESOLUTION*

**WHEREAS**, the November 2009 Nor-Easter caused moderate flooding to the Town of Chincoteague and potential of loss of life and property existed; and

**WHEREAS**, this resolution recognizes the potential disaster that could have occurred in the Town of Chincoteague; and

**NOW, THEREFORE**, the Town Council resolves that the Town of Chincoteague declared a local disaster at 5:00 am November 13, 2009.

**ADOPTED** This 7<sup>TH</sup> Day of December 2009.

I certify that the foregoing is an accurate copy of the Resolution/Ordinance adopted by the Town of Chincoteague on December 7, 2009.

---

John H. Tarr, Mayor

Attest:

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Robert G. Ritter Jr., Town Manager

#### **4. Public Hearing on a Wind Energy Ordinance**

Mayor Tarr opened the Public Hearing. He asked Vice Mayor Jester to highlight the ordinance. He stated that the primary focus of the ordinance is safety and creating guidelines.

There was lengthy discussion and Town Attorney Poulson recommended changes. He also raised a few questions about the wording.

Council concurred to forward the ordinance to Town Attorney Poulson and to the Planning Commission for further review.

#### **5. VDOT Bridge Update**

Mayor Tarr welcomed Mr. Tom Rakowski with VDOT for another bridge update.

Mr. Rakowski advised that the bridge project is still on schedule for mid to late January 2010. He stated that the current detour will remain in place for the next 30-45 days. He

explained the details of the work in progress. He advised that the landscaping is scheduled to begin next month. He also added that it is hard to schedule an exact opening date. However, he has set a date for the opening ceremony. Mr. Rakowski also stated that the Marsh Island connector will be completed in June 2010 and the demolition of the existing bridges and completion will be September 2010.

There were also comments and general questions from the public.

**6. Discussion on Moving Forward With an Arts and Cultural District**

Mr. Bob Behr explained to Council that in 2006 he worked with Sen. Nick Rarras on a bill that was approved, that the Town could create an Arts Cultural District. He read from the Code of Virginia and the proposal. He stated that the Arts Committee would be a subcommittee of the Planning Commission. He thanked the Committee for their work. Mr. Behr also added that they didn't include any incentives at this time.

There was lengthy discussion regarding possible costs to the Town and the feasibility.

Vice Mayor Jester motioned, seconded by Councilman T. Howard to have a meeting with Council, the Planning Commission and the Subcommittee to decide what direction the Town wants to go with the planning process to create an Arts & Cultural District. Unanimously approved.

**7. Public works Committee Report of November 3, 2009**

Council reviewed the report. There was discussion regarding drainage at the traffic circle.

**8. Harbor Committee Report of November 5, 2009**

Councilman T. Howard reviewed the report. He advised that the dredging is complete. There was discussion regarding donations for the fuel pump grant and the surveillance system. He announced the next meeting will be January 7, 2010 at 5:00 p.m.

**9. Budget and Personnel Committee Report of November 10, 2009**

Councilwoman Conklin reviewed the report. She stated that they will be reviewing the retirees' insurance benefit at the next meeting.

There was discussion regarding holidays in the employee handbook and leaving the paid holidays as they currently are.

**10. Recommendation on a Video Monitoring System for the Harbor**

Public Works Director Spurlock stated that they have asked 2 vendors to present the Town with their design of a monitoring system. He reviewed the 2 systems with Council and made his recommendation to have Startech Communications install their system based on the cost coupled with an adequate system. There was further discussion.

Mayor Tarr asked Public Works Director Spurlock if he would ask if this system could be upgraded to include additional sites.

Public Works Director Spurlock also recommended that they approve the upgrade in memory to allow additional hours of recording.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to purchase the video monitoring system with Startech Communications and the upgrade in memory. Unanimously approved.

#### **11. Rezoning Application Submitted and the Process to go Forward**

Town Manager Ritter reviewed the application from Mr. Philip Ettinger to rezone his property just south of Oyster Bay II. He is requesting that they change the zoning from R1 to R2. He advised that because of the Town's Zoning Ordinance there is a time restriction. He suggested putting this item on the January agenda and then forwarding the request to the Planning Commission so it returns to the Council before the deadline.

Mr. Jeff Potts, with Coldwell Banker stated that this property was 4 ½ acres and part of the Oyster Bay community and known as the common area. However, because of the lack of use it was sold and was zoned R1, but, the surrounding properties are zoned R2 or R3. He feels that this should have been zoned as the adjacent properties are zoned.

There was lengthy discussion resulting in tabling this matter and placing it on the agenda for the next Council meeting.

#### **12. Mayor & Council Announcements or Comments**

Councilwoman Richardson announced that the Cemetery Cleanup will be after the first of the year. She also thanked Mr. Carlton Leonard for cleaning the Leonard Park.

Councilman J. Howard asked to discuss having the administrative fees for sidewalks be removed at the next Council meeting.

Mayor Tarr asked staff to research the current charge, including the information in the January agenda.

Vice Mayor Jester informed Council that he emailed the Commonwealth about fragmites control. He was informed that there was no government program for this. He also mentioned having VDOT clean the debris away from the Causeway.

Councilwoman Conklin announced that the Chincoteague Christmas Parade was rescheduled for Tuesday night.

Mayor Tarr reminded Council that the Committee Christmas Social is scheduled for Wednesday at 5:00 p.m. The Recreation and Community Enhancement Committee meeting for Tuesday is rescheduled for the December 8<sup>th</sup> at 5:00 pm.

Mayor Tarr informed Council that he along with, Supervisor Thornton, Town Manager Ritter and Mr. Steve Minor toured the beach. He stated that they are currently replacing some of the parking lots. However, there are larger issues to come before Council at a later time. He announced that there is a leadership meeting on the 14<sup>th</sup> and possibly a special meeting with Council and the Park Service.

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

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

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

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

Councilman T. Howard moved, seconded by Vice Mayor Jester to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1 & 7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Frese, T. Howard, Richardson, J. Howard, Jester  
Nays- None  
Absent- None

**Adjourn.**

Councilman T. Howard moved, seconded by Vice Mayor Jester to adjourn the meeting.  
Unanimously approved.

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Mayor

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Town Manager