

MINUTES OF THE AUGUST 7, 2023
CHINCOTEAGUE TOWN COUNCIL MEETING
The Chincoteague Center

Council Members Present:

Christopher D. Bott, Vice Mayor
Denise P. Bowden, Councilwoman
William T. McComb, Jr., Councilman
Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Council Members Absent:

J. Arthur Leonard, Mayor

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Robby Fisher, Chief of Police
Mr. Wes Parks, Public Works Director
Mr. E. Bryan Rush, Director of Emergency Services

Call to Order

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Vice Mayor Bott led in the Pledge of Allegiance.

Public Comment

Vice Mayor Bott opened the floor for public comment.

- Mr. Fred Gers, 6292 Highland Park Drive, thanked Town Manager Tolbert for explaining the reason behind “No Parking” in Highland Park. He doesn’t feel it’s a public safety issue. He stated that if it was for safety reasons then all other streets on the Island would be “No Parking”. He heard it was because someone was blocking a driveway. He added that if this were the case then communicate with your neighbor. He feels steps were skipped. He advised that Mr. and Mrs. Lappin went around the neighborhood and talked to people, and no one had any problems with parking. He is sorry that some people were put out of the way and unable to use their driveway. He wants to take a step back and work it out as a neighborhood. He asked Council not to bring up public safety as an excuse. He thanked Council for their time.

- John Sparkman, 6258 Highland Park Drive, advised he has owned his house for 36 years and has resided full time here for 18 years. He stated that he has never had a parking issue and was shocked to receive the letter. He doesn’t have the benefit of a large driveway. He added that there is a process if someone blocks the driveway. He stated that Chester Park and Circle Drive don’t have restrictions. He doesn’t know where his family would park. He asked Council to reconsider.

- Mr. Robert Lappin, Jr. 6377 Highland Park Drive, thanked Council and advised he wants to save Highland Park to keep parking. He has been a Highland Park Resident for over 24 years. He stated that he received the “No Parking” letter, and the signage was installed within a few days. He doesn’t know of any issues. Highland Park is a family-oriented community; his children grew up there. When his children turned 16 vehicles were bought and taxes paid to the Town. He stated that he has 4 vehicles and 2 parking spaces on his property. A neighbor allows him to use their driveway so he wouldn’t block the neighbor across the street, because it’s the neighborly thing to do. He stated that his neighborhood has always looked out for each other. The average lot size in Highland Park is 60’ x 100’ with most drain fields located in the front yard. He was able to purchase his home at the age of 22. He advised that he called Town Manager Tolbert who advised he received complaints. He asked why residents weren’t contacted. He was advised that it was his decision. He responded that there are many other streets on the Island that are far worse than Highland Park. He reached out to his neighbors, and most were against the Town’s decision, except for a few. He explained the time he drove the firetruck to his home to pick up his son off the school bus. He advised there was plenty of room for the firetruck and school bus on the road. He also stated that the only incident that he could recall happened recently. There were no vehicles on the roadway, it was simply an accident and bad timing. He asked about the local lawncare workers having to park along the side of the road. He asked if the Town would make exceptions as to what is ok and not. He also asked the Town Manager about Christmas and Thanksgiving and was advised that an exception would be made. He asked how many rules and exceptions would be made. He also advised that one of the neighbors had to ask her son not to come visit her because he would have to park along the street. He asked Council why the Town is getting involved in something so small when they have bigger problems to deal with. He asked why the Town didn’t contact the residents to resolve the problem. Mr. Lappin presented Council with a petition that represents the majority of Highland Park residents that disagree with this matter. He also gave Council the survey. He asked Council to take it to a discussion. He feels that when he wants his family to come over, he should dictate that and not have someone dictate that for him.

- Mrs. Amy Lappin, 6377 Highland Park Drive, advised she normally sits back and lets the Town officials tend to their many responsibilities without complaint. She stated that she and Mr. Lappin have been married for 27 years and were able to buy a home on the Island. They chose Highland Park for many reasons. She stated that they raised their children with old school values. She described her neighborhood. She stated that the Town officials advised there have been many complaints. She reported on the number of vehicles along the street during the day. She advised that no one from the Town reached out to them to make them aware. She wished someone would have reached out to resolve the issue, not be excluded. She commented further that the Island used to be a place that no matter what income, you could buy anywhere and over the years it’s become harder. She added that many homes are being bought and rented which doesn’t leave many options for the local youth. Because of the high prices her son was forced off the Island and daughter could only afford to rent. Because of this her children frequently visit and need to park in front of their home and at no time do they block anyone from leaving their driveway. She stated that most of the neighborhood signed the petition to remove the “No Parking” signs. She discussed a suggestion about putting in a sidewalk. Because of limited parking residents would still have to park in front of their homes. None of the residents are asking the Town to supply parking. They were told that safety was the issue and she asked why

they didn't ask her husband, the Fire Chief, for help. She asked Council not to make her chose between family visitations. She was told exceptions would be made for holidays, and asked who gets to determine what those exceptions are. She asked for the right to be included in this decision. She asked what to do, sell the vehicles or not allow visitors.

- Ms. Kathy Vitek, 7442 Eastside Road, came before Council to express concerns about The Pearl. She advised that she purchased her home for the tranquil location. She has enjoyed dining at Etta's and looked forward to a more casual dining experience within walking distance. They weren't concerned when they heard the new owners wanted to use the property as a live music venue. She was surprised to see a text about loud music from a 27-year-old friend who was staying at her home. While watching the pony swim they watched 2 jet skis race out of the dock at The Pearl past the "No Wake Zone" sign. Following the swim, a pontoon party boat pulled up there with music so loud that people couldn't have a conversation. They left the pontoon and went inside The Pearl leaving the music blaring. Calls to The Pearl went unanswered, and someone went over to complain. The music was turned off. She explained the continued noise issues. She feels that no one should have to get out of bed, walk down the street, go into a bar, and ask them to turn the music down. They are aware of the decibel meter apps they can download but don't feel they should have to do that. The burden shouldn't be on the residents to ensure that the world complies with the noise ordinances. Ms. Vitek stated that it seems too late for a zoning review because The Pearl is more bar and less restaurant. She questioned The Pearl maintaining a liquor license and added she wants The Pearl to be good neighbors.

- Paula Nees, 6417 Canal Lane, thanked everyone that took part in Pony Penning week that made it a success. She advised she has lived here for 5 years and is the first year she volunteered to help on the Pony Shuttle. She stated she had a blast, everyone on the bus was kind, and enjoyed their visit. She asked Council to consider reinstating the Adopt-the-Road Program.

Agenda Adoption

Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes:

Nays:

Absent: Leonard

Staff Reports

General Government

Town Manager Tolbert reported on The Center's July rentals. He gave an update on the HRSD advising the target for completion of the plant design is mid-September with completion of construction by August 2024. He also reported on the well relocation. He stated that in July Senators Kaine and Warner proposed an amendment to the National Defense Authorization Act (NDAA) which would have authorized NASA to enter into an agreement with the Town to reimburse us for the relocation of our wells. The proposed amendment had to clear the Senate Commerce Committee prior to being included in the NDAA. It failed to include the language in this amendment. Representative Kiggans was able to secure a promise to include the legislation in the next NASA reauthorization bill.

Town Manager Tolbert also advised that A & N Innovative Solutions will operate the new charging stations to be located on Post Office Street in the downtown parking lot. He is reviewing the lease agreement which will govern Solution's use of the property for a term of 5 years at \$1 per year. The cost of installation and maintenance of the facility will be completely absorbed by this subsidiary. He reviewed the financial report for July. He advised that Ms. Jennifer Debruhl, Director of DRPT came to discuss the Town's program with him and Transportation Director King. He then gave the Building and Zoning report for July.

Vice Mayor Bott asked for details outlining Highland Park.

Town Manager Tolbert advised he received 3 distinct complaints from residents of Highland Park about blocked driveways. He agreed that this should have been resolved in the neighborhood. The complaint was that the parties could not access their driveway because of cars parked across the street at different times of the day. He stated that he looked into this and looked at "No Parking" as a solution. He added that there are several other streets on the Island that are narrower. He stated that the difference is he hasn't received complaints on other streets on the Island. He added that the complaints he received about this have been going on for years. He reported that one gentleman stated that we have a Police Department. He added that it isn't against the law to park along the side of the street and if residents weren't doing something against the law the police could make a request that they move. He continued that they have made it illegal to park there and police can now do something about it. He stated that this is the reason for making both sides of the street "No Parking". He made the decision but did make Council aware.

Councilman McComb asked if the Transient Occupancy Tax deficit of \$10,000 was related to the difficulty with online bookings and collecting.

Town Manager Tolbert hopes not. He stated that the problem is in the paperwork. He spoke with an expert from Staunton, VA. He explained that the law was created by state legislatures to collect more money but doesn't have a clue the Town is collecting what we're supposed to collect. The 3rd party intermediaries are required by law to submit the check with the owner's name and property address. They issue a check in a lump sum with no information. He stated that certain citizens that rent their homes are advising that they've overpaid the Transient Occupancy Tax, but we have no way to know this. Some 3rd parties have a dashboard that the homeowner can print the report and send it to the Town, but most do not. He reported that he spoke with the Attorney General.

Councilman Taylor stated that the July financial report is from June's rentals. He feels they will catch up.

Police Department

Chief Fisher introduced the new officer, Officer Bradley Taylor who worked for the Northampton County Sheriff's office. He started in the jail, then went on the road as an Animal Control Officer and then became a road Deputy. He introduced Officer Taylor's wife Carrie, who has been hired as a dispatcher. He stated that she has worked as a dispatcher in

Northampton County for 13 years. He added that they recently moved to Atlantic. He reviewed the Department's report for July. They conducted crowd and traffic control for the carnival, July 4th fireworks, the Beach Walk, Pony Swim and swim back, and July 29th fireworks. He reported on meetings and training. He added that the officers were trained in decibel meters and given copies of the new ordinances.

Councilwoman Bowden stated that they have had issues with low-speed vehicles. She read an excerpt from the Code of Virginia; Low-Speed vehicles required equipment. She feels that some people are throwing a tag on some of them. She asked if the Police are stopping to ensure they all have what they're supposed to.

Chief Fisher advised they do not. He stated that the weekend before Pony Penning, he was off duty when he saw a low-speed vehicle with a split windshield and no wiper in the bicycle lane. He inquired with the DMV and was given the Federal Code section. He doesn't feel it's fair that the DMV is issuing plates.

Councilwoman Bowden doesn't believe they are.

Chief Fisher commented further about some of the differences between the State Code and the Federal Code.

Vice Mayor Bott asked staff to contact an attorney for a definitive answer regarding the action between the State vs. Federal Codes.

Brief discussion continued.

Councilman McComb asked how many decibel meters the Police Department has.

Chief Fisher advised they have 1 and will be purchasing another. He added that one was down for recalibration.

There was discussion about putting the decibel meters on a 6-month recalibration cycle.

Public Works Department

Town Manager Tolbert advised that Water Works Tech Savage went to training for Water Plant Operator Class 3. They repaired a leak at the water plant, paved the basketball court at Brianna's Kindness Park, the trees have been trimmed around the power lines near the water tower, dump trucks damaged sidewalks on Willow Street during the paving operation on Cropper Street. He also reported that the contractor replaced the sidewalk in a timely manner at no charge. They conducted support activities for July 4th fireworks, Pony Penning, and the Rocket Launch. They caught up on weed control and right-of-way mowing, pavement marking is complete at Memorial Park, routine equipment and vehicle maintenance continue, and they held safety meetings.

Councilwoman Richardson asked where the basketball goals were going on the new asphalt.

Town Manager Tolbert advised on the eastern end toward the Baptist Church.

Emergency Services

Emergency Management Coordinator Rush reported they had the most calls ever in a month. He advised they had 152 calls for service in July. He highlighted the U.S. Coast Guard's open house. He gave a report on his recent meeting in Richmond for the State EMS Advisory Board, adding that the Board is coming to the Eastern Shore at the end of September. They are continuing weather monitoring. He worked on the After-Action Reports and preparing for the POD exercise. He gave a hurricane season update. He also stated that Pony Penning is an all-hands on event, with the volunteers, cowboys, fire, State Police, Public Works employees, office staff, EMS, an all-hands event. He stated that swim day starts at 5:00 a.m. He added they had 24 buses, and the last bus left the back of the carnival at 12:45pm. The Trolley also ran that week which helped. They held an all-hands hotwash (meeting) for the After-Action Report. He gave kudos to all employees. He also reminded everyone to prepare now for hurricane season. The Save Station AEDs will be here Wednesday. He stated that there will be no big launches in the short term, but there will be smaller launches.

Adoption of the Minutes

Councilman Savage motioned, seconded by Councilman McComb to adopt the minutes of the July 5th, 2023 regular Council meeting. All present were in favor and the motion was carried.

Ayes:

Nays:

Absent: Leonard

Joint Public Hearing for Zoning Changes

Vice Mayor Bott opened the joint public hearing for zoning changes at 8:05p.m.

Town Manager Tolbert advised there are 3 proposed zoning changes this evening. He explained the reason behind height regulations for new homes. This addition to the Code will require the height of any new structure in an existing neighborhood, which takes advantage of the "average setback rule" to force you to consider the height of the structure. This is to match the heights of surrounding structures more closely. He read the verbiage.

Town Manager Tolbert reviewed the proposed zoning changes to Section C. RC Resource Conservation in the Town Ordinances. There are also proposed structural changes to the RC zone to further protect this and other shorelines surrounding the Island. He stated they are proposing to rezone certain areas as well and he reviewed the proposed zoning maps.

Vice Mayor Bott opened the floor for public comment on the changes.

- Mrs. Theresa Bulger, 3380 Main Street, advised she owns marsh property and they all have a common goal. They have been buying marshland and own marshland all over the Island. She stated that they intend to create a park to possibly donate to the Town or garden club. She advised she has no issue with 99% of the proposed ordinance. She feels the conservation zone doesn't go far enough and should extend all the way around the east side of the Island and

extended to the west side of the Island as well. She mentioned that there is already a commercial kayak business there and doesn't care as she isn't involved in the tourism business. She commented further stating that they decided to buy up marshland to conserve and preserve. She also advised that she considered the possibility of using her property and having a nonprofit ecotourism kayak business. She feels "kayak" should be stricken or adding "nonprofit" kayak businesses. She took issue with not allowing a flagpole on the property. She feels that a flagpole in the marsh shouldn't be banned. She commented further adding that Council should form a committee and she would volunteer to serve on that committee. She feels they shouldn't have property become more valuable when they control someone else's. She advised they bought one of the properties from a Councilman.

- Mr. David Bourne, 3380 Main Street, stated they recently bought marshland on Eastside. He feels there is a conflict of interest and procedural issues. He commented that he received the letter Saturday for the Monday night meeting. He feels there's procedural problems. He feels there is a sense where the neighborhood should come together. He agreed with his wife's idea of a committee. He suggested that Council think in a more evenhanded way. He purchased the Eastside lots from a Councilman and feels there is discrepancy in procedure. He feels the Councilmember should recuse himself from the vote. He suggested a moratorium and come up with a plan that is evenhanded, and they would be the biggest supporters.

- Mrs. Tammy Riley, 4460 Williams Lane, stated that she is on the same page about conservation. She commented on the property purchased across from her mother. She stated that if there was land there, she wouldn't be able to tell anyone what they can do with it. She added that there is no land there, only marsh and she doesn't agree with a parking lot there adding that it isn't a piece of land. She apologized if her kayak business bothers anyone, and she doesn't have a problem with anyone else having a kayak business on Eastside. She has a problem with filling in the marshland. People who drive down Eastside Road should be able to see the beauty.

Vice Mayor Bott closed the public hearing. He asked the Planning Commission for a recommendation on the proposed zoning changes.

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion on the proposed Ordinance pertaining to area height.

Mr. Dendler motioned, seconded by Mr. Shendock to approve the proposed Ordinance pertaining to the area height. Unanimously approved.

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion on the proposed Zoning change.

Mr. Katsetos motioned, seconded by Mr. Dendler and Mr. Shendock to approve the proposed Zoning change. Unanimously approved.

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion to modify the Resource Conservation District.

Mr. Shendock motioned, seconded by Mrs. Cherrix to approve the modification of the Resource Conservation District. Unanimously approved.

Planning Commission Chairman Rosenberger advised Council that the Planning Commission recommends approval of the proposed changes.

Vice Mayor Bott asked for Council comments on the proposed changes.

Councilman Taylor advised he is on the Accomack County Wetlands Board. He stated that the guidelines go past what is allowed by right. He added that if someone buys a piece of property, it has certain rights to it. He stated that if he voted to put this in the Conservation Zone it then changes the use. He is all for putting your own property in the Conservation Zone. He feels people should have the rights. He asked Building and Zoning Administrator Bowden if anyone on Chincoteague tried to build a house on the marsh.

Building and Zoning Administrator Bowden advised they have put building on wetlands, but building on the marsh is harder.

Councilman Taylor commented further adding that there are already restrictions on marshland. He feels that if the neighbors want to control something then they should buy it. He mentioned the Beebe Ranch where people didn't want a development there, so a group of people bought it.

Councilwoman Bowden added a disclaimer that she doesn't, never have, and never will own marsh on Eastside Road, she owns property on Rosedale Drive and that's it. She expressed that she disagrees with Councilman Taylor that people are putting their money where their mouth is and conserving things. She commented that a kayak business is not in the marsh. She explained that if you look at the maps of New York City back in the 1600s, all of New York City was marsh. She feels they have to be progressive to the future of Chincoteague Island. The changes have been insurmountable and, in some instances, too fast, too soon, and too quick. She stated they have to ask what they are doing for the kids or grandkids down the line. She also stated that they have to be responsible about growth because once it's gone you can't get it back. She appreciates everything the Planning Commission has gone through with this.

Councilwoman Bowden motioned, seconded by Councilman McComb to go forth with the Planning Commission's recommendation to approve the Code and Zoning changes as presented. The motion was carried.

Ayes: Bowden, McComb, Richardson, Savage

Nays: None

Abstain: Taylor

Absent: Leonard

Sec. 3.3. Area regulations.

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This rule shall be known as the “average setback rule” and shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

3.3.3. *Open space.*

- (1) The minimum side yard setback for each main structure shall be 15 feet.
- (2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

3.3.4. *Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies. Structures using the “average setback rule” as referenced in 3.3.2 must not exceed the average height of structures on either side of the proposed structure. The building official may make minimum allowances for compliance with applicable flood zone and building code requirements.
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.
- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).
- (6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.

3.3.5. *Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than five feet by five feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-

PART II - CODE OF ORDINANCES
Appendix A - ZONING
ARTICLE V. - OTHER DISTRICTS
SECTION C. RC RESOURCE CONSERVATION

Statement of intent. The resource conservation district is established for the specific purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

Sec. 5.7. Uses permitted by right.

The following uses shall be permitted in the RC resource conservation district, subject to all other provisions of this ordinance:

5.7.1. Game preserves and conservation areas.

5.7.2. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.

5.7.3. Drainage, erosion and flood control devices.

5.7.4. Wells, water reservoirs and water control structures.

~~5.7.5. Accessory structures.~~

~~5.7.5. Seafood and shellfish landing and receiving areas. storage and shipping facilities.~~

~~5.7.6. Aquaculture and mariculture facilities and activities.~~

~~5.7.8. Commercial kayak and boat rental facilities.~~

~~5.7.7. Public parks and recreational areas. marinas and other public buildings.~~

~~5.7.10. Lodges, hunting clubs, boating clubs.~~

5.7.8. Fences.

- (1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence line, regardless of

construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

- (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
- (3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.7.12. Public utilities.

Sec. 5.8. Special exceptions; special use permits; conditional use.

5.8.1. Public utilities generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

5.8.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

Sec. 5.9. Area regulations.

5.9.1. Lot size.

- ~~(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.~~

~~5.9.2. Setback. Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from the edge of any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.~~

5.9.3. Open space.

- ~~(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.~~
- ~~(2) The minimum side yard for accessory structures shall be 30 feet or more.~~

5.9.4. Height regulations.

- ~~(1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.~~
- ~~(2) No accessory building or structure shall be more than 25 feet in height.~~
- ~~(3) Roof area extending above the maximum three story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.~~
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- ~~(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).~~
- ~~(6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.~~

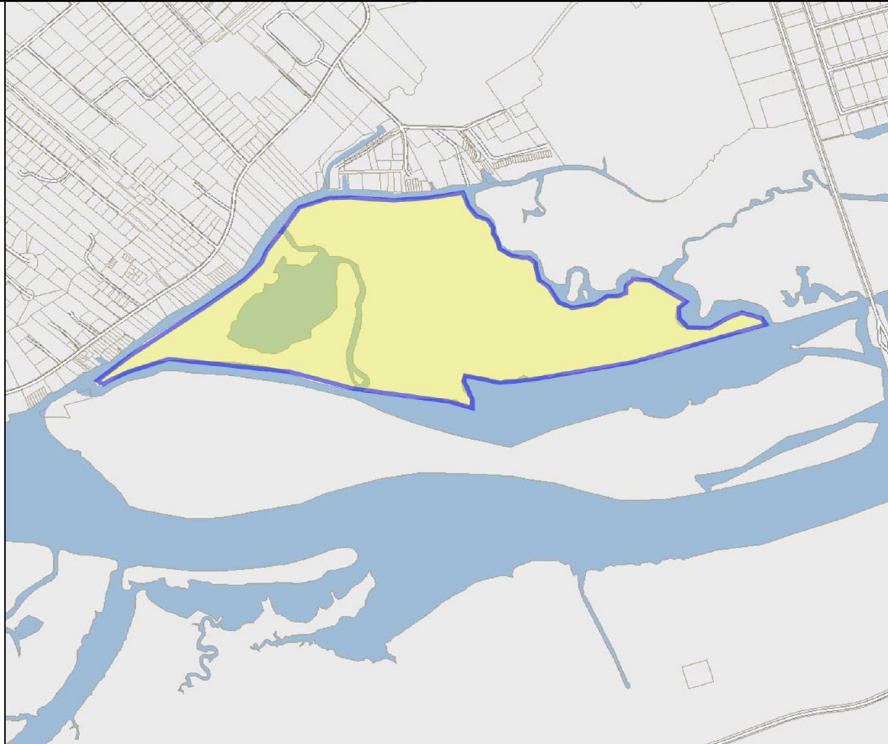
5.9.5. Corner lots.

- ~~(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.~~

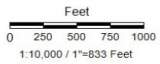
~~(Ord. of 2-5-2001; Amended 4-2-2012, 5-4-2015, 12-5-2016)~~

Accomack County, Virginia

Legend
Parcels



Map Printed from AccoMap
<https://parcelviewer.geodecisions.com/Accomack>



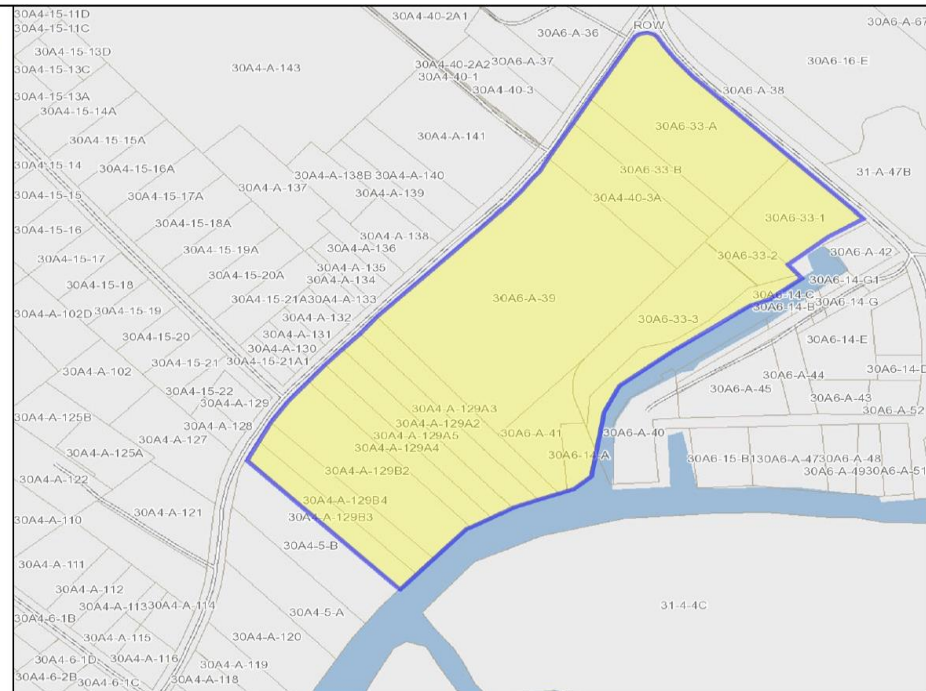
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Date: 7/24/2023

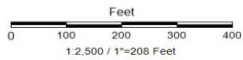
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.

Accomack County, Virginia

Legend
Parcels



Map Printed from AccoMap
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Title: Area to be Rezoned Resource Conservation

Date: 7/24/2023

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Consider Change Order to FY23 Spring Paving Contract

Councilwoman Richardson advised that the Public Works Committee reviewed the Fall Paving Projects, South Main Street, 4 roads in Ocean Breeze, and pavement marking. VDOT granted an increase in the Urban Maintenance monies due to the addition of 4 Ocean Breeze roads. They also discussed drainage improvements on South Main Street, Seashell, Seashore, and Seaweed Drives. They agreed to extend the contract with Paragon Paving to the end of 2023 which allows the Town to take advantage of existing pricing and accomplish the South Main Street Paving Project.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to approve the extension of the 2023 Paving Contract with Paragon Paving. All present were in favor and the motion was carried.

Ayes:

Nays:

Absent: Leonard

Councilwoman Bowden asked if drainage structures were included in the South Main Street Paving Project.

Town Manager Tolbert advised it does, but they will not replace the box culverts at that time. He added they do not have money enough to replace those in the FY24 budget. He hopes to add this to next year's budget. The only drainage not included in the price is the 2 box culverts.

There was brief discussion.

Councilwoman Richardson motioned, seconded by Councilman McComb to approve adding the paving of South Main Street from the vicinity of Beebe Road to the Curtis Merritt Harbor in the FY23 Spring Paving Project. All present were in favor and the motion was carried.

Ayes:

Nays:

Absent: Leonard

Council Comments

Councilman Savage stated he appreciated all comments made this evening. He gave kudos to the Town Manager and staff, volunteers, and 1st responders for July 4th and Pony Penning. He added that looking at the amount of people that were here, it is incredible that our people can handle that. He appreciated everything.

Councilman Taylor appreciated everyone for the civility.

Councilman McComb asked about the Adopt-a-Road Program.

Finance Director Lewis advised that this was done in the past and over time those sponsors moved, passed away, or just stopped cleaning their portion of the road. She stated that it can easily be reinstated. She explained the process and advised she will work it.

Councilman McComb agrees that the marsh should be protected in other areas around the Island as well. He referred to the comment about forming a committee and stated that they have the Planning Commission which is no better vehicle in making this sort of change. He added that it's worth looking into making sure we protect the marsh across the board because they have lost a lot of ground over the last few years. He feels it's an urgent matter. He thanked all departments for their work in Pony Penning.

Councilwoman Bowden agreed with Councilman McComb that the marsh protection could be expanded. She added that with Pony Penning, she and Mr. Bobby Lappin go way back, 31 years, in the Fire Company. They've watched Pony Penning grow to a point where you don't know how it gets bigger. She stated that it takes everyone, the Fire Company, staff, and the community. She commented that there are 150 animals on the beach keeping their heads down eating, and don't know what's going on, and they control the entire economy on the Island and Eastern Shore. She added that it is with great pride this event continues to go each year. She appreciates all of the Town and Town staff for making things happen the way it happens so that when they are involved in the Pony Swim, Beach Walk, or whatever else they know other things are running smoothly. She also commented that she has friends that have vacation rentals here, and their rentals are down. They wondered if it was that the world has opened up again and people are going to other places. She agrees with Councilman Taylor that they will make up for it especially after the last few weeks. She congratulated our pickleball group who won the state championship. She would also love to see the road cleanup (Adopt-a-Road Program) be reinstated. Councilwoman Bowden stated that for Highland Park, she feels for everyone who lives there. She stated that they pay the Town Manager to make decisions. She feels they were shortchanged in annexation and hopes everyone can come together to make everyone happy.

Vice Mayor Bott feels the decision the Town Manager made on the parking in Highland Park was wrong and wants Council to take it up. He will add this to the agenda of the next meeting. He added that when there is a drastic decision such as this, Council should be involved. He feels this was done in a discriminatory basis and not thoroughly evaluated before it was done. He asked Councilmembers to contact him about it and that this matter should be on the next meeting agenda.

Adjourn

Councilwoman Bowden motioned, seconded by Councilwoman Richardson and Councilman McComb, to adjourn. All present were in favor and the motion was carried.

Ayes:

Nays:

Absent: Leonard

Christopher D. Bott, Vice Mayor

Michael T. Tolbert, Town Manager