

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

February 4, 2008 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ROSS

PLEDGE OF ALLEGIANCE

PRESENTATION

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of January 7, 2008 (Page 7 of 27)
2. The Financial Report of the Year ended June 30, 2007 (Robinson, Farmer, Cox Associates)
3. 911 Computer Telephony integrated Telephone Call System Bid (Page 12 of 27)
4. The Public Works Committee Report of January 8, 2008 (Councilman Wolffe) (Page 21 of 27)
5. Budget and Personnel Committee Report of January 15, 2008 (Page 28 of 31)
The following action by the Committee occurred and will need to be acted upon:
 - Change in the employee hand book, section 601 Family Medical Leave
 - Evaluation Form (Pay for Performance)
6. Resolution for LEOS Retirement Program for EMS Personnel (Page 22 of 27)
7. Resolution Authorizing the Application for State Aid to Public Transportation for FY 2009 (Page 24 of 27)
8. 100th Year Anniversary
 - Proclamation (Page 24 of 27)
 - Logo (For Information and Comment Purposes) (Page 24 of 27)
9. Committee Appointments (Page 24 of 27)
10. Possibly Setting a date for a Joint Public Hearing with the Planning Commission for the Parking Section of the Zoning Ordinance (Jared Anderson) (Page 24 of 27)

11. Mayor & Council Announcements or Comments

(Note: Roberts Rules do not allow for discussion under comment period)

12. Closed Meeting in Accordance with Section 2.2-3711(A) (3) of the code of Virginia.

- Land Acquisition

ADJOURN:

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**MINUTES OF THE JANUARY 7, 2008
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

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

Call to Order

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

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Open Forum/Public Participation.

· Mr. Robert White a Chincoteague High School student was asking the town to contribute a donation to help send 15 students to Washington DC. This trip would create a unique learning class room for the students. Fifteen students will be attending at a total cost of \$325 per student. It was asked to send this matter to the budget and personnel committee this month.

· Mr. Robert Watson Sr. of 7787 Eastside Road, discussed with council a drainage issue along the front of his house.

· Mr. Dean Orsino of 4211 Main Street, discussed the hearing that he participated in that day with the group that did the reassessment.

Agenda Additions/Deletions and Adoption

“Councilman Wolffe motioned, seconded by Vice Mayor Speidel to adopt the agenda as presented.” The motion was unanimously approved.

1. Approval of the Minutes of the October 11, 2007 Special Council Meeting, and the December 3, 2007 Council Meeting.

“Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the minutes of October 11 and December 3, 2007.” The motion was unanimously approved.

2. Broadband Discussion with Barbara Schwenk

Ms. Schwenk mentioned that a pre-bid meeting occurred with approximately 30 possible contractors to bid on the project. The project will install the main back bone of the fiber optic line down route 13 from the Bay Bridge tunnel to the Maryland State line. Construction on the main backbone along Route 13 will start this spring. The spur that will send the distribution line to Chincoteague will be an alternate in the contract because of the possible high cost to get the fiber over to the Town. The opening of the bids will be January 17, 2008 at the A-NPDC office. Councilman Ross had concerns with the how much money the Town may have to commit

without a known dollar amount. It was mentioned to change the language in the resolution to take out the word “commitment” and add statement of “intent.”

“Councilman Wolfe made a motion to adopt the resolution and the proposed letter to DHCD, seconded by Councilwoman Conklin.” The motion was unanimously approved.

Resolution, High-speed Broadband Deployment.

WHEREAS, affordable high-speed broadband access has become an essential economic development tool in all areas, particularly rural regions, and;

WHEREAS, the Town of Chincoteague and the Eastern Shore of Virginia is underserved with choices for affordable high-speed broadband access, and;

WHEREAS, a Telecommunications Study has been completed that identified need and aggregated demand, particularly with regard to educational institutions, public safety entities, and community-serving businesses and organizations, and;

WHEREAS, to date, Accomack County has pledged \$200,000 and Northampton County has pledged \$66,000 in matching funds for this construction, and;

WHEREAS, additional funds of \$2 million have been inserted into spending bills in the US House and Senate to complete construction of the new fiber backbone for the Eastern Shore, and;

WHEREAS, partial funding of \$3 million is in place from the Commonwealth of Virginia for construction of a new fiber backbone from Wallops to Norfolk, and;

WHEREAS, the Virginia Department of Housing and Community Development needs commitments from Eastern Shore towns in order to authorize use of its funds for extensions of the backbone off Route 13 into the towns, and;

WHEREAS, the commitment that DHCD needs from each town is a commitment to build a distribution network from the backbone extension throughout the town;

NOW THEREFORE BE IT RESOLVED that we, the duly-elected members of the Town Council of the Town of Chincoteague, hereby state our intent to provide an open-access, high-speed distribution network for our town off of the Mid-Atlantic Broadband Cooperative fiber backbone extension off Route 13, and;

BE IT FURTHER RESOLVED that we, the duly-elected members of the Town Council of the Town of Chincoteague, concur with the Broadband Management Team recommendation to appoint the Accomack-Northampton Planning District Commission as the agency that will coordinate planning efforts to bring affordable high-speed broadband to the region until such time as a permanent organization is named or formed to continue deployment to all areas of the Eastern Shore of Virginia.

Adopted at the Regular Council meeting of January 7, 2008, by the Town Council, of the Town of Chincoteague.

John H. Tarr, Mayor

Attest, Robert G. Ritter Jr.

3. Presentation of the Parking Section of the Zoning Ordinance

Mayor Tarr announced that our Staff Planner could not give the presentation tonight because of an illness. He urged Council to look over the information in the packet and relay any concerns to Mr. Anderson. Mayor Tarr announced that the presentation will be added to the Special Council Meeting Workshop for the sign ordinance review, next Thursday, January 17, 2008 at 5:00 pm.

4. Judging Results of the Christmas Decorations.

The 2007 Winners of the Annual Christmas Decorations were;

* Best overall appearance, Jack and June Mohr

*Most Illuminated, Bill and Ginger Birch

*Most Festive, Kevin Krome and Steve Potts

*Most Creative, Larry and Gail Parsons

Honorable Mention were Alfred "Dino" and Sharon Johnson, Harry and Karen Thornton, and the cluster of homes on Piney Island's Meadow Street.

*** will receive a \$100 savings bond**

5. LEO'S Retirement Program for EMS Personnel

Mr. Ritter discussed with Council the proposed LEO's program for the emergency medical service employees. It was stated that the rate will go up 1.85 percent for all employees to cover the EMS retirement program, it will go from 6.66 percent to 8.36 percent. Also, discussed were that \$5,550.70 would be a budget overage. Positions that are not filled and positions filled but are still on the probation period will not be considered in the retirement at that time resulting in a savings to the budget. Councilman Ross made mention that he will not be voting for the program because he disagreed with the timing right now. He agreed with the program to the EMS personnel, but felt it should be added to the up-coming budget process.

"Councilman Wolfe made a motion to adopt the new rate of 8.36 percent of the LEO's retirement program, to include the Emergency Medical Service Personnel into the LEO's retirement program and make it retroactive to January 1, 2008, seconded by Councilwoman Richardson". Ayes were Councilman Howard, Councilman Wolffe, Councilwoman Conklin, Vice Mayor Speidel, Councilwoman Richardson. Nays were Councilman Ross. The motion was adopted.

6. Possible Adoption of an Ordinance for a Lot Line Vacation (for Racing Moon LLC)

The Ordinance was discussed at the previous Council meeting. Council asked the Town Attorney to bring back a revised Ordinance of the Lot line Vacation.

"Councilman Howard made a motion to adopt the proposed ordinance to vacate the lot line, seconded by Councilwoman Conklin." The motion was unanimously approved.

AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT PURSUANT TO §15.2-2272.2

WHEREAS RACING MOON, L.L.C., a Maryland Limited Liability Company and N.C.L.T., LLP, a New Jersey Limited Liability Partnership (hereinafter collectively "Racing Moon") are the owners of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 19 (Tax Map No.: 031B10100001900) on a certain Plat of Survey entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2", "located on North Main Street, Chincoteague Island, Accomack County, Virginia", dated September 16, 1967, made by George H. Badger, Jr., CLS, said Plat of Survey being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14 at Page 68, and

WHEREAS JOHN TOFFEY DUKES, III and SUSANNE S. DUKES, husband and wife (hereinafter "Dukes") are the owners of a certain parcel of real estate situated in the Town of Chincoteague shown as Parcel II, 0.5744 Ac. (Tax Map No.: 031B1A0000093E0) on a certain Plat of Survey entitled "Survey of property at the Request of Michael McGee, Chincoteague, Accomack, Co, Virginia", dated March 21, 1985, made by R L Beebe, C.E., which Plat is recorded in Deed Book 488 at Page 422 in the aforesaid Clerk's Office with a deed dated March 27, 1985 from Gladys V. Richardson, and

WHEREAS Lot 19 and a portion of Parcel II containing 0.16 Acres 6977.1 sq. ft. are further shown on a Plat of Survey entitled "Parcel of Land surveyed at the request of David Landsberger, Located on Chincoteague, The Islands District, Accomack County, Virginia",

dated April 10, 2007, made by Shore Engineering Co., Inc., which Plat is attached hereto and made a part hereof, and

WHEREAS Racing Moon and Dukes have requested that the line shown on said Plat as "S 69 14' 00" W 141.62' " dividing Lot 19 and said 0.16 Acres 6977.1 sq. ft. parcel, being a portion of said Parcel II, be vacated so that said 0.16 Acres 6977.1 sq. ft. parcel can be added to and become a part of Lot 19 and used in conjunction therewith as one (1) lot known as "Lot 19", and

WHEREAS Racing Moon and Dukes have agreed that said additional area to be added to and become a part of Lot 19 shall be expressly subject to the same covenants and restrictions applicable to Lot 19, and

WHEREAS all said notice requirements of §15.2-2204 have been complied with, and

WHEREAS the governing body affirmatively finds that no owner of any lot shown on the aforesaid Plat entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2" located on North Main Street, Chincoteague Island, Accomack County, Virginia," dated September 16, 1967, made by George H. Badger, Jr., CLS, will be irreparably damaged by the said vacation of said line,

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the line "S 69 14' 0" W 141.62' " shown on the Plat entitled "Subdivision of Rosslyn Investments, Inc., "Venture No. 2", located on North Main Street, Chincoteague Island, Accomack County, Virginia", dated September 16, 1967, made by George H. Badger, Jr., CLS, said Plat being recorded in the Clerk's Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14 at Page 68, be vacated and that the new property line of Lot 19 in the place and stead of the property line so vacated, upon the conveyance of the Parcel 0.16 Acres 6977.1 sq. ft. to Racing Moon, shall be as follows: Beginning from a point at the southeast corner of Parcel II and the northeast corner of Lot 19 as shown on the aforereferenced Plat dated April 10, 2007, thence N 73 50' 16" W 115.17' (reversed), as shown on said Plat ; thence S 69 14' 00" W 60' (reversed), as shown on said Plat; thence S 29 20' 57" E 70' (reversed), as shown on said Plat, to a pipe on a northwest line of the said Lot 19, 62.25' from the northwest corner of Lot 19.

2. As a result of the said vacation of said property line former Lot 19 as shown on the aforereferenced Plats and the part of Parcel II 0.16 Acres 6977.1 sq. ft. shall be upon the conveyance and recordation of said part of Parcel II 0.16 Acres 6977.1 sq. ft. to Racing Moon one (1) lot to be known as Lot 19, which Lot shall be expressly subject to the same covenants and restrictions applicable to former Lot 19.

3. That this Ordinance shall have no legal effect until such conveyance and recordation of said 0.16 Acres 6977.1 sq. ft. parcel to Racing Moon.

4. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia.

Ayes: Councilman Howard, Councilman Wolffe, Councilwoman Conklin, Vice Mayor Speidel, Councilwoman Richardson. Nays were Councilman Ross.

Approved as of January 7, 2008.

John H. Tarr, Mayor

7. Mayor & Council Announcements or Comments

• Councilman Ross asked staff to proceed with adding 1 or 2 microphones to the Council chamber, correct speakers on the right side of room and look into purchasing a new mixer soon.

He also announced that the National Fish and Wildlife will conduct a meeting on alternative transportation the following day.

· Councilman Howard announced that the Curtis Merritt Harbor Committee will not meet this month. The Cemetery will meet Tuesday, January 29, 2008. Councilman Howard also apologized for omitting Councilman Ross's name at the last meeting for helping with the Cemetery clean up.

· Mayor Tarr- Announced that January 14, 2008 at 7:00 pm he will have a Quarterly joint Town Hall meeting with Honorable Wanda Thornton, County Supervisor to discuss Town issues. On January 17, 2008, a Special Council Meeting Workshop on the proposed sign Ordinance and the Parking Ordinance presentation. On January 29, 2008, the National Fish and Wildlife will host a meeting on the light House restoration. On January 30, 2008, the National Fish and Wildlife will host a Cemetery fact finding meeting on Assateague Island.

Adjournment of Meeting

Mayor Tarr announced that the next regular Council meeting will be on Monday, February 4, 2008 at 7:30 pm. **“Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting”**. The motion was unanimously approved.

Mayor

Town Manager

Public Works Committee Meeting
January 8, 2007
MINUTES

Chairman Wolffe called the meeting to order at 5:32 pm.

Present: Hon. Glenn Wolffe, Chairman
Hon. John Tarr
Hon. Terry Howard

Mr. Michael Cosby
Mr. Robert Ritter
Mr. Ray Rosenberger

Public Participation – Mr. Rosenberger stated that he appreciated that the vegetation problem at the Ridge Road/Church Street/Chicken City Road intersection had been resolved.

Mr. Cosby stated that he wished to add an agenda item to address and update the status and content of the sanitation contract. All three committee members concurred with this request.

1. December 2007 report. Mr. Cosby reviewed the status of several projects that appeared on the December 2007 reports, specifically the Accomack County ditching project, the Church Street improvements, pavement marking plans, the septic installation bid for the harbor and downtown restrooms, the roof replacement project at the ground water storage tank, the recent VDH inspection of our waterworks, and the completion of the aquifer tests. Mr. Tarr recommended that we stub out water service lines for unimproved lots on Church Street before paving begins.
2. American Legion request. The committee discussed the American Legion's request to place and maintain a wreath at Veteran's Memorial Park to honor Veterans and those who are currently in our military services. It was the unanimous decision of the committee to allow the placement of the wreath.
3. Discussion of drainage alternatives for the Church Street project. Mr. Cosby reviewed several possible solutions for the terminus of the new drain pipes on Church Street and indicated his desire to explore the possibility of purchasing pipe inspection and cleaning equipment that would provide clearer information to solve this problem and that could also be used as a drainage maintenance tool in many other applications. The committee was in general agreement that this could be worthwhile and Mr. Cosby stated that he would proceed with research and return to the committee with cost information.

4. Status of Sanitation contract bid. Mr. Cosby explained that there were two contractors that appear serious in bidding for our next sanitation contract and reviewed the main topics that were discussed at the pre-bid meeting. Mr. Cosby asked the committee for their opinion on the length of the contract, whether the Town had a desire to begin using standardized trash cans and whether to allow an opt-out provision in the agreement for the successful contractor. The committee agreed to change the term of the contract to five years total and consider allowing an optional bid requiring the use of trash cans if Mr. Cosby could do this in compliance with procurement policies. The inclusion of an opt-out clause for the contractor was denied.
5. Committee Member Comments – Mr. Tarr requested that Mr. Cosby address possible drainage problems at properties on Deep Hole Road and Wayne Road. He also asked if Public Works staff could work to eliminate vegetation that is growing over the pavement on many roads and to begin utilizing our GIS assets to document our drainage system.

Mr. Wolffe adjourned the meeting at 7:07 pm.

The next meeting is scheduled for Tuesday, February 12, 2008 at 5:30 pm.

**MINUTES OF THE JANUARY 15, 2008
BUDGET AND PERSONNEL COMMITTEE MEETING**

Members Present

Hon. Nancy B. Conklin, Chairwoman
Hon. Anita W. Speidel

Absent

Hon. Glenn B. Wolffe

Others Present

Rob Ritter, Town Manager
Mike Cosby, Public Works Director

Call to Order.

Madam Chair Conklin called the meeting to order at 5:30 p.m.

Public Participation.

No one was present for the public participation portion of the meeting.

Agenda Adoption.

Vice Mayor Speidel moved, seconded by Councilwoman Conklin to adopt the agenda as presented. The motion was unanimously approved.

1. Discuss possibly funding a program for Pigeons and Cats (Presented by USDA Wildlife Service)

David Allaben from USDA Wildlife Service began by stating that they have been contracted out by the town since 2003 with the deer reduction program. He stated that he was asked to come and do a presentation on the reduction of cats and pigeons. The problems with feral cats are rabies, cat scratch fever, parasites, worms, distemper, urination, starvation, getting in the trash. Wild cats live an average of 5 years where a house cat lives approximately 17 years. The method to catch the cats would be by a live trap in a cool area. Humane society and PETA agree with their method of feral cat reduction. Cats with a collar and proof of rabies shot would be let go. The Pigeons are a similar nuisance and they would be caught with a live trap also along with decoys.

The Committee agreed to take no action and allow the individual parties who have an issue with Cats or Pigeons, to contract out with USDA Wildlife service.

2. Discuss a change in the employee hand book, section 601 Family Medical Leave

At the previous Budget and Personnel committee meeting staff was asked to present a policy on the family medical leave act. This was based off of the language stated in the US Department of Labor section number 29 CFR 825.104 - What employers are covered by the Act? It states "Public Agencies are covered employers without regard to the number of employees employed".

"Councilwoman Conklin made a motion and seconded by Vice mayor Speidel to adopt the revised section of the employee handbook, section 601 Family and medical leave and send it to council at their next meeting". The motion was unanimously approved.

601. Family and Medical Leave States;

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to "eligible" employees for certain family and

medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and all Public Agencies and schools are covered without regard for the number of employees.

(a) Reasons for taking leave:

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility
- A condition requiring absence of more than three consecutive calendar days from work, or other regular daily activities that also involves continuing treatment by a health care provider
- Pregnancy or prenatal care
- A chronic condition (ie. Asthma, diabetes, epilepsy, etc.)
- A permanent or long-term condition requiring medical supervision (Alzheimer's, stroke, terminal diseases, etc.)
- Absences to receive and recover from multiple treatments by or on referral by a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (ie. Chemotherapy, physical therapy, dialysis, etc.)

Leave, as the result of a workers compensation injury, may be counted as FMLA leave. While the Family Medical Leave Act provides for 12 weeks of unpaid, job protection, the Town permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages. The use of accrued leave does not extend one's FMLA leave. Accrued leave use must adhere to the Town policy regarding use.

Spouses who works for the Town and are both eligible for FMLA, are entitled to a combination of 12 weeks of leave during any 12 month period if the leave is taken for the birth or adoption of the employee's newborn child or to care for a parent with a serious health condition.

(b)Advanced Notice and Medical Certification:

The employee may be required to provide advanced leave notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." If 30 day notice is not possible due to a medical emergency or the employees' uncertainty as to when the leave will be required to begin, notice must be given as soon as it is practical to do so. The Town may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

(c)Job Benefits and Protection:

For the duration of FMLA leave, the employer must maintain the employee's health

coverage under any group health plan. Upon returning from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. In addition, the use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(d) Unlawful Acts by Employers FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Once the Town of Chincoteague is made aware that an employee is on FMLA leave, the Town must notify the employee in writing within 2 business days (unless there are extenuating circumstances) that the leave is designated as FMLA leave.

If the Town learns that an employee's leave qualifies as FMLA leave after the employee returns to work, the Town can retroactively designate the leave within two business days of the employee's return to work.

If an employee did not realize that the leave he or she took qualified as FMLA leave until after his or her return to work, he can notify the employer and request that the leave be designated as FMLA leave within two business days of the employee's return to work.

Absence from work due to FMLA leave may not be considered in promotion decision, performance appraisals, or disciplinary actions.

The information contained in this section is to provide general information about the FMLA. Specific questions or concerns should be directed to the Department of Labor.

3. Discuss Waste Water Management Inc. Contract

Staff briefed the committee on the amount of money that was budgeted last fiscal year for the wastewater study. Sixty thousand dollars was in the budget in FY "07", which forty nine thousand six hundred eighty eight dollars was spent. After the FY "07" budget was closed out the remaining money was dropped. The current FY "08" budget has twenty thousand dollars; with a current invoice of ten thousand that has just been submitted. This concludes the sixty thousand dollar in the current contract. Waste Water Management Inc. has since sent an e-mail stating that sixty thousand additional dollars would complete what they believe needs to be completed in calendar year "08", including twenty thousand dollars from FY "07" overrun.

The committee thought that the amount may be excessive and that they wanted the Mayor and the Town Manager to discuss the additional amount of the contract with Waste Water Management Inc.

4. Discuss a Donation to the Hi-Y student members going to Washington DC.

At the Council meeting of January 7, 2008, Council asked if the Budget and Personnel committee would review a donation for 15 students to go to Washington D.C.

"Vice Mayor Speidel made a motion and seconded by Councilwoman Conklin to donate three hundred dollars per student, a total of fifteen hundred dollars". The motion was unanimously approved.

5. Discuss a new Evaluation Form (Pay for Performance)

At a previous Council meeting staff was asked to look into coming up with a new evaluation form. Staff presented a pay for Performance Evaluation form to the Budget and Personnel Committee. It was noted that the last page of the Pay for performance has a salary calculation worksheet. This page of the form would be the page that would give the employee their overall score and an adjustment would be made if they score in the desired range.

“Vice Mayor Speidel made a motion and seconded by Councilwoman Conklin to adopt the new Pay for performance Evaluation form and send it to Council at their next meeting”. The motion was unanimously approved.

6. Committee Member Comments

No comments were made.

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

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

{Private}

“Vice Mayor Speidel moved, seconded by Councilwoman Conklin to reconvene in regular session”. Unanimously approved.

Councilwoman Conklin moved, seconded by Vice Mayor Speidel to adopt a resolution of certification of the closed meeting.

WHEREAS, the Budget and Personnel Committee of 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 Budget and Personnel Committee of 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, Speidel,

Nays- None

Absent- Wolffe

ADJOURN

“Councilwoman Speidel motioned, seconded by Councilwoman Conklin, to adjourn the meeting”. The motion was unanimously approved.

GUIDE RESOLUTION

Town of Chincoteague – Adding Section 138 Coverage for Eligible Emergency Medical Technicians
And increasing the Retirement Multiplier to 1.85% for all eligible Employees

WHEREAS, by resolution legally adopted, be it hereby resolved that the Town of _____, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council, does hereby elect to have such employees of the Town who are employed in positions as full time, salaried, emergency medical technicians and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective _____, to be provided benefits in the Virginia Retirement System equivalent to those provided for as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and

WHEREAS, by resolution or resolutions legally adopted and approved by the Council, (Name of Political Subdivision) has elected to provide the enhanced benefits described in § 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as “Section 138 Coverage”, and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing (Name of Political Subdivision) to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the “1.85 Multiplier”); and

WHEREAS, (Name of Political Subdivision) desires to make this irrevocable election effective (DATE) and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage;

NOW, THEREFORE, IT IS

RESOLVED, that (Name of Political Subdivision) elects to add Section 138 Coverage to eligible emergency medical technicians and to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage; and it is further

RESOLVED, that (Name of Political Subdivision) agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and it is further

RESOLVED that _____, (Name of Political Subdivision) (Administrator/Manager), and _____, Clerk, are authorized and directed in the name of (Name of Political Subdivision) to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of (Name of Political Subdivision) shall be affixed to any such contract and attested by the Clerk, and the Treasurer of (Name of Political Subdivision) is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by (Name of Political Subdivision) or its employees for this purpose.

CERTIFICATE

I, _____, Clerk of (Name of Political Subdivision), certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the (Name of Political Subdivision) governing body held at _____, Virginia, at _____ o'clock p.m. on _____, 20____.

Given under my hand and seal of (Name of Political Subdivision) this _____ day of _____, 20____.

_____ Clerk



TOWN OF CHINCOTEAGUE, INC.

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 4th day of February, 2008.

(Official Town Seal)

(Signature)

Robert G. Ritter, Jr.
Town Manager

(Date)



Proclamation

WHEARAS, the Town of Chincoteague was incorporated on March 13, 1908 by an Act of the Virginia General Assembly; and

WHEARAS, the Town of Chincoteague, Inc. and its citizens will highlight this Centennial of the Town's incorporation by a Celebration Event on March 13, 2008; and

WHEREAS, there will be many events throughout the year which will celebrate, honor, and commemorate the Town's Centennial; and

WHEREAS, the citizens of the Town of Chincoteague, Inc. have made many valuable economic and social contributions over the past 100 years to the Nation and the Commonwealth of Virginia; and

WHEREAS the Town of Chincoteague, Inc. has gained a well deserved reputation for harvesting some of the finest seafood in the nation; and

WHEREAS the Town of Chincoteague, Inc. has established itself as one of the recreation and tourism capitals in the Commonwealth of Virginia, and along the Atlantic Coast; and

WHEREAS, Chincoteague's annual pony penning, sponsored by the Chincoteague Volunteer Fire Department, has received national attention since 1924.

Therefore, I, John H. Tarr, Mayor, do hereby proclaim this year Two-Thousand and Eight to be a year long Centennial Celebration for the incorporation of the Town of Chincoteague.

John H. Tarr, Mayor

Attest: Robert G. Ritter Jr., Town Manager



1908 CENTENNIAL 2008

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TOWN OF CHINCOTEAGUE