

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

March 5, 2012 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Recessed Council Meeting of March 1, 2012 (Page 2 of 61)
 - Special Council Meeting of March 1, 2012 (Page 7 of 61)
 - Regular Council Meeting of March 5, 2012 (Page 14 of 61)
 - Council Workshop Meeting of March 15, 2012 (Page 24 of 61)
2. Presentation on the Chincoteague Island Arts Organization, Plans for the Island Theater (David Landsberger)
3. Discuss a Possible Motion on the Draft Zoning Ordinance (Page 34 of 61)
4. Cemetery Committee Report of February 28, 2012 (Vice Mayor Richardson) (Page 40 of 61)
The following may require a motion:
 - Possible Motion on a Proclamation Designating April 9 – 14 as cemetery Clean-up Week
5. Harbor Committee Report of March 1, 2012 (Councilman J. Howard) (Page 43 of 61)
6. Public Works Committee Report of March 6, 2012 (Mayor Tarr) (Page 45 of 61)
The following may require a motion:
 - Possible Motion on the Inclusion of the Storm water Master Plan GIS Inventory (Page 47 of 61)
7. Budget and Personnel Committee Report of March 13, 2012 (Councilwoman Conklin) (Page 52 of 61)
8. Pavement Contract Approval for Main Street and the Town Dock & Boat Ramp Area (Page 53 of 61)
9. Recreational Trails Program Authorizing Resolution for a Potential Grant (Page 59 of 61)
10. Recreation and Community Enhancement Vacancy Appointment (Page 60 of 61)
11. Mayor & Council Announcements or Comments
12. Closed Meeting in Accordance with Section 2.2-3711(A) (7) of the Code of Virginia.
 - Probable Litigation
13. Potential Action for Fire Suppression in the Town of Chincoteague

ADJOURN:

MINUTES OF THE MARCH 1, 2012
CHINCOTEAGUE RECESSED TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
Nancy B. Conklin, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
John H. Howard, Councilman
Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 1:30 p.m.

RECONVENE

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to reconvene.
Unanimously approved

Mayor Tarr stated that the invocation and Pledge of Allegiance has been dispensed as this is a recessed meeting and these agenda items have been done on February 28, 2012.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

- 1. Discuss the Department of Recreation and conservation, Land and Water Conservation Fund (LWCF) Grant for the Downtown Newly Purchased Property**
 - **Possible determination of the design.**
 - **Possible motion to fund Land Studio Professional Corporation to design the Park area for the purpose of writing the grant.**
 - **Land and Water Conservation Fund Authority Resolution.**

Mrs. Edwards briefly explained the grant. She introduced Mr. Bill Spivey with Land Studio. She would like to get input from Council and the Stakeholders.

Mayor Tarr greeted Mr. Spivey and invited him to review the outcome of Tuesday's meeting with Council.

Mr. Spivey explained the proposed plans for the Bridge Street property that the Town recently acquired. He discussed the grade and suggestions. He invited feedback for the true intention of this property and what this property would serve.

Mayor Tarr opened the floor to the public for comments.

Town Manager Ritter discussed the slope and what would be most cost effective.

There was discussion and Mr. Spivey made suggestions and further explained the plans. Mr. Spivey also explained the importance of the project and deciding what the real needs are. He asked if they were catering to the community, transient or tourism standpoint.

Discussion continued regarding streetscape from the new bridge to Bridge Street and parking.

Mr. Spivey feels Council should step back and decide what the priorities are.

There was discussion about the adjoining properties and property owners along with parking, handicapped accessibility and emergency vehicle access.

Mr. Spivey mentioned the utilities and the substation entrance.

Council asked if once the grant was in place would there be a problem to make a change.

Mr. Spivey advised it was possible as long as the intent wasn't changed and it was a minor change.

Mrs. Edwards interjected that some modifications can be made with their approval.

Mr. Richard Vesley expressed his concern as a stakeholder regarding the use of the Island Theatre and the concept, balancing the community needs for additional parking which he feels is very necessary. He suggested reducing the pedestrian aspect as opposed to parking. He pointed out the additional property adjacent to the Town's property not owned by the Town. He also addressed emergency vehicular access.

There was lengthy discussion about easements, right-of-ways, the Kiwanis' parking lot, emergency and service access.

Mayor Tarr feels that the project should be designed based on Town owned property. He asked if agreed that the Kiwanis parking lot entrance on Bridge Street should be closed.

There was discussion about the streetscape project and the possibility of utilizing the TEA-21 Grant for the streetscape. There were questions about the parking spaces and the reason for adding infrastructure.

Councilman T. Howard feels it's more acceptable to the community to use Bridge Street for parking.

Mr. Spivey asked how many parking spaces Council would agree to and what they want in the corridor. He continued to explain the alternatives including points of access and the possibility of eliminating some parking.

There was further lengthy discussion and Council concurred to keep the improvements on the Bridge Street property only.

Mayor Tarr stated and Council agreed they would like to see 8 parking spaces on the Town owned property on Bridge Street. He strongly reiterated that the improvements can only be on the Town's property.

Mr. Spivey advised he will make the revisions.

Mrs. Edwards asked if Council also agrees to a small covered area and a grilling area near the northern property line along with open space.

Mayor Tarr asked to move on to the next part on the agenda which is to approve the funding.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to fund Land Studio Professional Corporation to design the Park area for the Purpose of writing the grant not to exceed the amount of \$5,600. Unanimously approved.

Vice Mayor Richardson and Councilman J. Howard left the meeting at this time for prior commitments.

Mrs. Edwards explained the resolution needed to move forward with the grant application.

Councilman Jester motioned, seconded by Councilman Muth to adopt the Land and Water Conservation fund Authorizing Resolution. Motion carried.

Ayes: Jester, Muth, Conklin, T. Howard

Nays: None

Absent: Richardson, J. Howard



LAND AND WATER CONSERVATION FUND AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the Land & Water Conservation Fund, federal funding assistance is requested to aid in financing the cost of land acquisition and or facility development; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to complete the land development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;

2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Robert N. Reed downtown waterfront park within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation are in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;
6. We acknowledge that no non-recreational uses may be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;
7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;
8. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;
9. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held March 1, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager

Mayor Tarr thanked Town Planner Neville and Mrs. Edwards for their time and hard work.

Mrs. Edwards advised she would be attending Monday night's meeting for public comments as part of the process as stated in the resolution. She continued to review some of the positive ideas in the draft.

Adjourn

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adjourn.
Unanimously approved.

Mayor

Town Manager

**MINUTES OF THE MARCH 1, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
Nancy B. Conklin, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
John H. Howard, Councilman
Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:05 p.m.

INVOCATION

Councilman J. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

Mayor Tar advised that the reason for this special meeting is to address the Fire Tax issue.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the agenda. Unanimously approved.

1. Discuss the County Proposed Fire Tax with the Members of the Chincoteague Volunteer Fire Department and Members of the Public.

Supervisor Wanda Thornton reported that she received information from the County regarding all of the options. She stated that the County and the Finance Department did not originally recommend that Chincoteague pay a fire tax, this came directly from the Fire Commission. She stated that she wasn't in attendance at that meeting. She also stated that Parksley and Onancock has recently pushed Mr. Jason Loftus, Director of the County's Public Safety Department, and who recently resigned, to advocate adding Chincoteague to the equation. They don't seem to care that Chincoteague pays for their own fire and emergency services.

Supervisor Thornton advised that they will tax Chincoteague 3.5%, not 3% on property taxes and 5% more on personal property taxes. She stated that you will take the current assessment and multiply it by \$0.44. She wondered why the property value is reduced and not the house value. She expected Chincoteague to pay more taxes than the rest of the County. She feels that the fairness issue is the most important issue.

Supervisor Thornton advised that the 2011 real estate tax levy on Tangier was \$147,048. This is for all funds including the general fund, school debt, fire and EMS funds. The total 2011 personal property tax levy on Tangier was \$72,111. They received \$73,509 in fire tax. She

advised that Chincoteague will probably be taxed close to \$400,000 and will receive \$88,000. The rest of that money will be distributed to all the other fire companies. She expressed her disapproval of the percentage of return Chincoteague would receive as opposed to the other fire companies. She stated that she couldn't sit on the Board of Supervisors and make a decision that would be so disproportionate. She believes that Wednesday night they will decide whether they will include Chincoteague in the options or not. She is unsure if there will be public comment at this meeting and has heard negative comments regarding revenue. She feels they need to present the case that there are a lot of people in the County that do not realize that the Town pays 24 hour Emergency Medical Services. She feels it would behoove the Town and Fire Company to take an ad out in the Eastern Shore News to simply spell out exactly what Chincoteague does. That the Town pays for their own. She stated that the general fund pays to run the County Emergency Services and the 911 Center. She added that of that it is approximately \$72,000 of Chincoteague's tax money that goes to the County EMS and 911 Center of which the Town uses absolutely nothing.

Supervisor Thornton advised she has always supported the Chincoteague Volunteer Fire Company and will do anything within her power to see that this doesn't happen.

Councilman J. Howard asked if it would benefit to have a company like Springstead conduct a study. He feels that if she or if Mayor Tarr speaks they may listen. However, if someone from the outside who conducts these types of studies would present proof it would come across better.

Supervisor Thornton stated that the Board will decide on this Wednesday night. She advised that if they have their chance where everyone speaks they will have 4 minutes each to speak. She feels this may be a better opportunity. She is unsure what will happen Wednesday night. She strongly feels this is unfair to do this to any district and is hopeful they will feel the same way. She stated that the equation changes when they add Chincoteague by distributing more to the other fire companies. She again feels that by putting this information into the newspaper would get the message out. She added that when the 911 System was added to Chincoteague it was done out of necessity.

Mayor Tarr advised that staff will work on getting this information in the paper.

Mr. Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, mentioned the redistricting.

Chief Bobby Lappin, Chincoteague Volunteer Fire Company explained what happened in the redistricting. He stated that there were 6 departments originally in the Atlantic District and with the redistricting, 2 companies were taken out. He continued to explain that by taking the 2 fire companies out of the Atlantic District because of the redistricting they should have raised the taxes to compensate the difference. He stated that redistricting changed the revenue.

Chief Lappin also advised that the Fire Commission was trying to figure out what to do and started giving options. He stated that at that time they voted to do nothing. He also stated that while the other departments in the County were receiving \$1,000,000 in a 10 year period Chincoteague was receiving nothing. He added that a lot of the companies in the district receive

\$88,000-\$90,000 every year plus approximately \$20,000 from the County fund totaling \$108,000 per year and over a ten year period they would receive over \$1,000,000. He stated that there were suggestions at the Fire Commission meetings, but, they didn't want to hear them. Chief Lappin stated that when they were approached with this option Chincoteague didn't want it and voted in January against it. The Atlantic District was against it and most of the other companies were also. He feels it's a money grabber and not fair to Chincoteague. He asked why they would impose a tax and return the money. He added that as long as the Chincoteague Volunteer Fire Company can make the money they will provide for their own.

Ms. Denise Bowden, Chincoteague Volunteer Fire Company, feels that the ad should run a couple of times to remind the people. She advised that she asked that the information about the meeting be broadcasted throughout the scanners also. She asked those in attendance to tell 10 people and for those ten people to tell ten people. She stated that they need to attend these next meetings with the Board of Supervisors so they can see the faces. She expressed her appreciation of the meeting tonight. She advised that they do it because they love it. They depend on the Town and the Town depends on the Fire Company. They've been doing it for 87 years and needs everyone's support to stand up for what they think is right. She also asked if the Town's attorney has been contacted.

Mayor Tarr advised that he has and there are options.

Mr. Orsino wanted to let residents know of the tax that the County is giving to the 15 Fire Departments within the County, and each fire department will receive \$68,000 to \$98,000. The Chincoteague Fire Company does receive \$20,000. However, they have to meet certain criteria and this funding has nothing to do with the fire tax. He stated that the Mutual Aid Agreement with the sister Companies has nothing to do with the fire tax. He feels that it isn't fair based on the amount of fire taxes that the Town will pay.

There was discussion regarding the total assessed value of this district being so high.

Mr. Billy Joe Tarr, Chincoteague Volunteer Fire Company, added that the County has to be bailed out regarding Fire and EMS, which is why they had to redistrict.

Mr. Orsino interjected that the Fire Company offered their \$20,000 back to the County. There was a proposal made that each Department could receive \$2,000.

Councilman J. Howard asked why the Chincoteague Volunteer Fire Company would work a month out of their summer to raise the money. When Parksley and Onancock shut their carnivals down and sold the property. He is afraid it will happen here.

Chief Lappin responded that at this time it isn't needed because the carnival is up and running and they'll still have Pony Penning. He added that as long as those people will work and help keep it running they won't need the fire tax. He stated that if it ended up for whatever reason that they can't run the carnival then maybe they may need to do this. However, for now, they do not need it.

Supervisor Thornton advised they have added one more option. She stated that she just received it today and it states that payment will be based on service level.

Chief Lappin stated that the biggest problem is that the small Companies like Saxis are forgotten and going to a call basis will cut those small out.

Supervisor Thornton stated that the idea before was to close some of the fire companies. She was unsure if Mr. Mason put this new option in.

Mayor Tarr stated that he doesn't know why the fire districts have to stay married to the voting districts. He advised that the fire districts can stay any way they want. He reminded that in the new voting districts there are homes right next to the fire house and they pay taxes that won't go to that fire company.

Supervisor Thornton agrees and the major issue from the County standpoint is that it's going to be too many problems for the Finance Department.

Mayor Tarr feels it could fix the problem.

Councilman Jester feels that if this goes through there will be a lot of difficulty.

Ms. Bowden also added that when the Fire Commission was established in the 70s, they have overstepped their boundaries according to their own By-Laws. She doesn't understand how a Commission like that can make a suggestion on someone's taxes when they're going to reap the benefits. She feels the By-Laws should be reviewed closely.

Councilman J. Howard asked what other counties the size of Accomack does.

Supervisor Thornton replied that they don't do this. She advised it is part of the regular property tax.

Councilwoman Conklin agrees that there should be an ad in the paper.

Ms. Bowden suggested getting it together and sent to the paper tomorrow because of the deadlines.

Councilman T. Howard asked if there was a recommendation to the Fire Commission.

Supervisor Thornton advised that it wasn't a unanimous decision, however, it was made and they were advised. She was unsure what happened since then.

Mr. Rush advised that he attended the meeting and the Commission decided to go out and rally the other fire companies to attend the next meeting. He stated that there was no discussion as it was a moot issue.

Ms. Bowden asked if the public could attend the meeting March 7th understanding there is no public comment.

Supervisor Thornton advised they absolutely could attend. She stated that the budget meeting started at 4:00 p.m. and the fire tax issue will be discussed at 6:00 p.m. She added that whether they decide to allow public comment is entirely up to the Board. She stated that her suggestion would be to at least allow one spokesperson from each fire company to speak. She feels that having people there on Chincoteague's side is very important and why this needs to be advertised in the paper. She feels the ad should stress the fairness issue.

Supervisor Thornton also stated that those who live in the County do not know all the facts and this is a way to inform them and see if they feel it is fair.

Councilman J. Howard asked if Chincoteague serves other areas in the County.

Chief Lappin advised that Chincoteague does serve the surrounding areas and calls are related to Accomack.

Supervisor Thornton also stated that most people are able to understand this.

Chief Lappin suggested letting people know that there are other companies in the County that make more money than Chincoteague and still receive money from the fire tax.

Mr. Billy Joe Tarr feels it's important that everyone knows what is going on because they may get a call from one of the other Supervisors.

There were further comments.

Ms. Bowden added that there are people in the County that don't know Chincoteague has their own 911 system.

Supervisor Thornton stated that this is why it needs to be spelled out specifically.

Mr. Rush feels that the big thing is why redistricting happened. He discussed the fire tax and advised that there is an EMS tax within the County that Chincoteague does not pay. This funds the Fire Commission's Office and puts the career providers in their departments. He stated that their service is spread thin where they are dispatching 3, 4 or 5 departments for ambulance response. The reason is because they are not adequately staffing their departments. They don't provide the service that their citizens are paying for. He agreed with Mr. Billy Joe Tarr that everyone should educate themselves on the information so that when asked you can inform someone else.

Mr. Rush stated that the paper advised that the meeting would be at Arcadia High School and this is not true. He stated there is a lot of misinformation and everyone needs to know the facts.

Supervisor Thornton stated that she called and was advised that it would be in the Board of Supervisors' Chambers. She stated that if anything changes she will make phone calls.

There were comments as to the Supervisors' Chambers being very small and won't hold many people.

Mr. Rush stated that there will have to be people filling the room, the hallways and outside if necessary.

Chief Lappin advised that at one time the EMS tax was divided between all the fire companies and now the County gets all the EMS tax.

Councilman J. Howard asked if Supervisor Thornton could come up with Option 5.

Mr. Rush responded that there were actually 6 options and has since been narrowed down to 2. He stated that the fire departments in Bloxom, Parksley, Tasley, Onancock, Melfa, Wachapreague and Painter are not friends of Chincoteague. He advised that there are two members at-large on the Fire Commission and one member was not present that evening, Ms. Billie D. Custis, who is the Mayor of Onley voted opposite of her fire department. The Onley Fire Department agreed with Chincoteague, however, she voted against their wishes to throw Chincoteague under the bus.

Ms. Bowden reminded that the fire departments Mr. Rush just listed have been benefactors of the Chincoteague Volunteer Fire Company. She advised that Bloxom was given an ambulance to start their ambulance service. Parksley was given a fire truck to use. The Chincoteague Volunteer Fire Company has paid Parksley to run a stand at the annual carnival for the last 3 years. She also added that no one could ever accuse Chincoteague's Volunteer Fire Company of not working for what they need. She stated that if it isn't in the budget they wait until it is in the budget.

Mr. Billy Joe Tarr advised they saved 5 years to purchase the ladder truck.

Ms. Bowden stated that it takes 16 - 17 nights to make what they can each year for the last 87 years.

Supervisor Thornton advised that never once has she ever voted against any Fire Company. She feels that all volunteers for the fire companies are worth everything. She can't fathom why they would vote for this.

There was further discussion regarding what should be spelled out in the article.

Supervisor Thornton advised that time is of the essence as they will have to decide before they approve the budget.

Further comments were made.

Supervisor Thornton asked to title the article “Is This Fair?”

Mayor Tarr commented also.

There was a round of applause for those working so hard to keep this from happening.

Adjourn

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adjourn.

Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MARCH 5, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
Nancy B. Conklin, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

Council Members Absent:

John H. Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:07 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

PERSENTATION

Mayor Tarr presented Mr. Fred Gers with a Certificate of Special Recognition.



***Certificate
of Special Recognition***

presented to

Mr. Fred Gers

Whereas, congratulations and citations are in order for Mr. Fred Gers for heroically saving the life of a victim floating face down in Assateague Channel in August 2011; and

Whereas, a life was saved because of the skillful and caring response by Mr. Gers as the victim had fallen off another boat and was seconds from drowning; and

Whereas, this courageous action in averting what could have been a tragic loss to family, friends, and community was a act of heroism which deserves special recognition by the Town Council of the Town of Chincoteague;

Now, Therefore, I, John H. Tarr, Mayor, the Members of the Town Council and the citizens of Chincoteague, hereby extend to Mr. Fred Gers our sincere appreciation for his heroic action.

Dated this 5th day of March 2012.

John H. Tarr, Mayor

Mr. Tommy Daisey thanked the Town for recognizing Mr. Gers and stated that he is very fortunate to have Mr. Gers sailing for him. He also expressed his appreciation to Mayor Tarr and Supervisor Thornton for going to Washington to defend the property owners of Chincoteague.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Mrs. Kelly Jewett advised that she is part of the local group called Animal Rescue. She stated that they try to help relocate stray cats and occasionally dogs. She reported that they have had over 1,200 stray cats spayed or neutered and they just can't keep up. She then introduced Dr. Jeffery Newman with the Caring Hands Animal Hospital from Fairfax County.

Dr. Jeff Newman stated he is a co-owner of 4 hospitals in Northern Virginia. He explained that they as a group went to Tangier in May and September to trap, spay and neuter approximately 400 cats. He advised that he came to the Island and counted cats in a specific area and in one day counted 36 cats. He stated that this is their community service through the hospitals. He asked Council if they would allow them to come to Chincoteague for 4 or 5 days for this purpose. They would like to come Saturday, May 5th through Monday, May 8th to capture stray cats and have them spayed or neutered returning them back to the area they were captured. He gave Council brochures. He also advised Council that these cats carry diseases and feels this would be better for the environment.

Mayor Tarr stated that this sounds like a complete program for our community.

Dr. Newman stated that he will organize further and contact the Town in a couple of weeks.

Councilman T. Howard asked how many people he would be bringing.

Dr. Newman advised it was approximately 25. He also stated that they would also vaccinate the cats for rabies.

Mayor Tarr stated that this is a great service.

- Mr. Ray Rosenberger came before Council regarding the zoning issue. He stated that the Planning Commission started this process in April of 2010 and gave their recommendation to Council in September 2011. He advised that since this time there was a public hearing and they received 52 written recommendations from citizens receiving more comments after the meeting. He reviewed the packet with the zoning recommendations. He feels that spending a little more time reviewing the recommended changes is important and suggested postponing this matter until the workshop in the 15th.

- Mr. Dean Orsino, Vice President of the Chincoteague Volunteer Fire Company, stated that the property that the Fire Company just purchased is zoned R3. They feel and request that this property should be zoned as the downtown property of C2.

- Mrs. Wanda Thornton also approached Council regarding the zoning issue. She advised that she has serious issues with the innuendos in the document. She explained that they purchased 13 ½ acres of property in 1988 because it adjoined their property. She stated that at that time they couldn't put a campground there if they wanted to expand. She also stated that the parcel was originally going to be part of Misty Meadows Mobile Home Park. They later purchased the mobile home lot that joined that property, which is also a part of Misty Meadows. Although they have no intentions to expand they do not want that right taken away from them. They feel their property should have been zoned the same as the other 4 campgrounds. She added that the only other campground that has been in business longer than they have is Tom's Cove.

Mrs. Thornton asked what this parcel of land would realistically be used for. She stated that she has received misinformation that was handed out by Mrs. Flanigan and followers. She advised that Council changed this parcel last time to suit Mrs. Flanigan and she still isn't satisfied. Mrs. Thornton stated that she didn't complain at that time but she's complaining now. She also feels Mrs. Flanigan's ideas are too farfetched for anyone to look at them. She feels that if Mrs. Flanigan would do a cost analysis looking at the current laws that she would have a reasonable idea of what it would cost to do what she is suggesting. She advised that it cost \$3 per square foot to fill wetlands, which is \$44,000 per acre not including the fill. She stated that most of the land north of Mrs. Flanigan's property is considered wetlands.

Mrs. Thornton advised that if they were ever to expand the campground they would not enter through Misty Meadows as assumed. They would continue to enter through Deep Hole where the office is. She also stated that no one in their campground can attach a structure and must be ready to move as stated in their contracts. They do not sell their camper lots and they have never had any complaints. She advised that they have strong rules. She presented a list of questions to Mayor Tarr to be given to the Building and Zoning Administrator for response. She reviewed document.

Mrs. Thornton stated that a decision has to be made on what is right. She added that it doesn't have to suit her or suit Mrs. Flanigan it has to be based on what is right.

- Ms. Deborah Ullman, a Main Street resident, approached Council regarding zoning. She stated that she received a copy of the new zoning maps from Town Planner Neville. She mentioned the Redman's Cemetery behind her residence, which is zoned Commercial and doesn't feel this is a proper zoning classification. She is unsure if all the cemeteries are classified as Commercial and feels it's not kosher. . She then stated that her property is zoned Commercial, however, the 8 properties north of her are being changed from Residential to Commercial. She doesn't feel this is appropriate doesn't understand why they are expanding the Commercial District toward the high school. She stated that one of the problems the Town faces is getting permanent residents. She asked Council to preserve the residential character around the high school. Ms. Ullman suggested changing those commercially zoned on north of her property along Main Street to Residential.

STAFF UPDATE

Police Department

Major Mills advised that the monthly Police Report has been included in the packet. He reminded them that Thursday, May 8th at 11:00 a.m. is the annual Senior Luncheon at Maria's.

Public Works Department

Public Works Director Spurlock also advised that the monthly Public Works Report has been included in the packet. He reported that the Chincoteague Cultural Alliance has presented him with some beautiful artwork for the new Street Banners Program for Maddox Boulevard. He invited Council to come review the artwork.

Planning Department

Town Planner Neville reported that they have the details and activity of the zoning map before them. He stated that the Beach Access Committee was very busy last month and the Planning Commission took a break in February but will resume March 13th at 7:00 p.m. They will have a number of items to discuss along with the Wastewater Advisory activity. He also stated that on March 13th there will be a meeting regarding the regional plan for the rocket launches.

General Government

Town Manager Ritter reported on the Downtown Rehabilitation Project which will begin next week. He advised they have advertised for the position of the Director of Transportation. He stated they have received 6 applications to date. They are still working on the DCR Grant application. The Eastern Shore Broadband Authority has connected to the fire station. They have put a 1/4 page ad in the Eastern Shore News regarding the fire tax issue. He reported that they went to Richmond about the 550 Senate Bill which will affect the seaside management plan, and later decided not to change. He stated that he attended the VLGMA. Town Manager Ritter also stated that he has been working on the budget and will present it to Council April 2nd.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the revised agenda. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

1. Consider Adoption of the Minutes

- **Council workshop meeting of January 31, 2012**
- **Regular Council Meeting of February 6, 2012**
- **Special Council Meeting of February 28, 2012**

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

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

2. Wastewater Advisory Committee Update

Vice Chairman Mike Tolbert reported that they met March 1st, 2012. He advised that there were a few members from the DEQ Regional Office in attendance. They explained the regulations, permitting process and discussed methods of disposal with the Committee. The Committee is still in the process of reviewing the information. They will conduct a survey by phone and in person the businesses along Main Street and Maddox Boulevard. He also stated that they met with Mr. Burbage with Sunset Bay along with his sewer plant operator. Vice Chairman Tolbert advised Council that they have quite a bit of extra capacity in the Sunset Bay sewer plant. The Committee has been looking into using that extra capacity by determining interest of the businesses along Main Street that would like to be considered.

Vice Chairman Tolbert stated that the service area is very narrowly defined within the property of Sunset Bay, just south of the American Legion. He stated in order to allow the expansion of the service area to the downtown businesses Council would need to write a letter. He explained the area to be considered for expansion.

There was brief discussion.

Mayor Tarr stated that if Council decides to move forward the DEQ doesn't have any problems. He also stated to do this the Town would have to submit a letter.

Councilwoman Conklin motioned, seconded by Councilman Muth to write a letter supporting the expansion of the service area. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

3. Chincoteague Cultural Alliance Presentation and Grant Request

Mr. Robert Behr came before Council regarding the yearly Local Government Challenge Grant Request. He stated that this is for the Virginia Commission for the Arts opportunity. He also reminded that this grant is a dollar for dollar match up to \$5,000, so with the Town's match would total up to \$10,000. He advised that the application deadline is April 2nd and they would receive the funds with the agreement from the Town.

Mr. Behr reviewed the past events and upcoming events and stated they would like to continue the services. He advised that they are a volunteer organization and every penny goes toward creating the events. He requested that Council approve to make application for this grant once again.

Councilman T. Howard mentioned Mother Earth Day and the events.

There were questions and comments about some of the upcoming events.

Councilwoman motioned, and seconded by Councilman T. Howard to approve the funds for the grant and move forward with the grant application in support of the Chincoteague Cultural Alliance. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

4. Beach Access Committee Update

Mayor Tarr reported that the Washington, DC trip was very successful. He thanked Mr. Scott Chesson, Supervisor Thornton along with Mr. and Mrs. John Jester for taking them. He stated that the afternoon session with Congressman Rigell and meeting with the Washington officials of the Wildlife Service was very successful. He stated that they called the Chief of the Wildlife Service from the northeast region to set up a meeting to discuss this issue. They have sent a document to Congressman Rigell's office with questions to be considered. He advised that Staff worked very hard prior to and afterwards to help get this together. He asked for a round of applause for all the hard work they did.

Councilwoman advised that those who watched online were very proud of those who spoke.

5. Discuss the Additional Comments from the Zoning Amendment

- **Possible Motion on Any Potential Changes to the Draft Zoning Amendment**
- **Possible Motion on the Draft Zoning Ordinance with Potential Changes Above**

Town Planner Neville reviewed the staff report summarizing the comments from February 6th. He advised that the public comment period was open for 25 days after the public hearing. He asked if Mayor Tarr felt he should close the public comment period.

Mayor Tarr officially closed the public hearing for the public comment period for the zoning amendments and changes.

Town Planner Neville stated that the additional 7 comments have been handed out this evening. He stated that it is important to look at the outstanding issues. Council had the Planning Commission's recommendations, which has been modified based on public comment. He stated that there are 4 outstanding issues to consider before adopting the entire packet. He listed 4 items are: 1. The zoning in the salt marsh areas surrounding the island. 2. R4 Resort Residential District permitted uses and there were alternative language. 3. The zoning district boundaries along North Main Street. 4. Several small requests and suggestions that generally don't fit within this comprehensive update process.

Town Planner Neville stated that the main idea is identifying the 3 main issues and a few loose ones in the 4th topic. He stated that Council would have the opportunity to confirm which way they want to go.

He reviewed each comment:

Public Comment 1:

Town Planner Neville explained that there are 88 acres of marsh land currently zoned R-3 Residential and are reported under contract to the U.S. F&W Service. The proposed zoning Map was prepared to illustrate the C-4 Resort Commercial recommendation of the adopted 2010 Comprehensive Plan. He also stated that there are 20 acres of marsh land that's currently zoned C-1 Commercial. The proposed Zoning Map was prepared to illustrate the R-3 Mixed Use Residential recommendation of the adopted 2010 Comprehensive Plan.

The Planning Commission recommended forwarding this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing.

Staff recommended to maintain a consistent, 'comprehensive' approach that would propose to retain its existing R-3 residential zoning until or unless it is purchased by the U.S. F&W Service and to retain its existing C-1 commercial zoning while allowing the remainder of Marsh Island to be mapped as R-3 Mixed Use Residential based on its existing land use.

There was brief discussion.

Public Comment 2:

Town Planner Neville explained that there was concern for the possible expansion of commercial uses in the Resort Residential and Resort Commercial districts which was expressed by property owners in the north end of the Island. This led to a revised Zoning Map that reduced the size of the proposed C-4 Resort Commercial district. He advised that one property owner of an existing campground has requested that adjacent property currently under the same ownership should be allowed to develop as an expansion of the campground use without having to obtain a special use permit.

The Planning Commission recommended that within the proposed R-4 district, new Campground and Camper/Travel Trailer Park uses will continue to be permitted by Special Exception/Special Use Permit approval. Existing Campground uses may be expanded as a permitted use on a contiguous parcel.

He advised that additional public comment has been presented with a concern for the potential traffic impact to a subdivision off of North Main Street.

Staff recommended that the potential development of 80 acres as any one of the permitted uses in the R-4 district will have implications for the surrounding neighbors and public infrastructure. Campgrounds are supported by the Comprehensive Plan land use policies. Staff supports both.

Mayor Tarr explained that when the Comprehensive Plan was developed they picked out the campground property as the most developable property. They were the largest pieces of property and what was proposed. All the property was zoned resort C4 Commercial. He stated that if they intended for them all to be the same they should be put back. He doesn't know why they included the subdivision. He stated to fix it they would just change the subdivision. He feels they are treating all the campgrounds the same which was the intent of the Comprehensive Plan.

Public Comment 3:

Town Planner Neville explained that one property owner has proposed the amendment of both existing and commercial zoning districts along Main Street north of the Island Motor Inn to a residential district. There were five written comments have been received, both for and against the zoning of existing 'Island Village Subdivision' lots to the R-2 zoning.

The Planning Commission recommended maintaining the R-2 zoning along the Main Street frontage to a depth of approximately 125 feet and map the remainder of the 'Island Village' property to the R-4 district.

Staff supports accepting the proposed Zoning Map amendment or modifying the proposed zoning of the island Village subdivision so that all lots are included in the R-4 Resort Residential district.

Mayor Tarr stated that he would like to see cemeteries spelled out. He advised that they are currently drafting a map of all the cemeteries on the Island along with ownership.

Councilman T. Howard commented on the cemetery issue also. He asked what difference it would make.

Town Planner Neville stated that in a commercial district it would assume a profession and wouldn't be a good designation. However, each district should show cemeteries as a forbidden use. He doesn't feel it is a huge issue and can be readdressed in the future.

Public Comment 4:

Town Planner Neville stated that individual landowner requests and suggestions for changes to the proposed Zoning Map and Zoning Districts have been evaluated on whether they meet the intent of the comprehensive zoning amendment. Lot specific proposals were not generally encouraged at this time unless there was an error, or if the proposed change could improve on the implementation of the Comprehensive Plan. He stated there were several individual requests which are parcel specific.

The Planning Commission recommended that these issues were generally not considered by the Planning commission because they were parcel specific or because they have been submitted recently as a result of the Town Council public hearing.

Staff recommended maintaining a consistent, 'comprehensive' approach that implements the Comprehensive Plan and adopts the Zoning map as presented in the public hearing. There were two that could be accomplished as a 'correction' to the Zoning Map prior to adoption.

Town Planner Neville asked if they wanted to discuss the individual requests or wait until the Workshop. He asked if they wanted to create the grandfathered clause.

Town Attorney Poulson referring to a nonconforming use stated that the state code states if it is abandoned for 2 years and the Town Code states abandoned for 5 years then the nonconforming use can no longer be allowed.

Town Planner Neville stated that these are the main topics and Council can confirm the Planning Commission's recommendations or the changes can be made.

Mayor Tarr stated that if Council has any comments or questions to see Town Planner Neville and this will be discussed further at the Workshop.

6. Public Safety Committee Report of February 7, 2012

Mayor Tarr advised that the report was included in the agenda and asked if there were any comments. There were none.

7. Recreation and Community Enhancement Appointments

Town Manager Ritter advised that at the last Council meeting, Council approved to add a 5th member to the Recreation and Community Enhancement Committee. They also approved a staggered 2 year term for this Committee. He contacted the Committee members asking if they were still interested in serving and on a 2-year term. He advised that Mr. VanDame, Mr. Conklin and Mr. Taylor expressed their interest to continue to serve on the Committee. However, Ms. Plant advised she was unable to continue to serve. He also added that Council also agreed that a member of the Garden Club should be added a member.

Town Manager Ritter advised that the Garden Club decided that Ms. Nancy Lane should be their representative. Council will have to vote on this member. He advised that Council will have to 1st motion to approve the staggered 2-year terms and 2nd Council will have to nominate Ms. Nancy Lane as the Garden Club's representative and 3rd Council would have to decide if they want to fill Mrs. Plant's vacant seat.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to approve the staggered 2-year terms of Mr. VanDame, Mr. Conklin and Mr. Taylor as stated. Motion Carried.

Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard

Mayor Tarr opened the floor for nominations to fill the 4th seat on the Recreation and Community Enhancement Committee.

Councilman T. Howard nominated Ms. Nancy Lane as the Garden Club's representative on the Committee.

There were no further nominations and Mayor Tarr closed the floor for nominations.

All of Council present approved the nomination of Ms. Nancy Lane as a member of the Committee.

Staff was directed to advertise for the fifth position opening on the Committee.

8. Mayor & Council Announcements or Comments

Public Works Director Spurlock reminded Council of the Public Works Committee meeting Tuesday, May 6th at 5:00 p.m.

Mayor Tarr also reminded Council of the Board of Supervisors' meeting Wednesday, May 7th at 6:00 p.m. in the Board Chambers. He added that the Fire Tax will be discussed and expressed the importance of attendance.

Adjourn

Vice Mayor Richardson made a motion, seconded by Councilwoman Conklin to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE MARCH 15, 2012
CHINCOTEAGUE TOWN COUNCIL WORKSHOP

Council Members Present:

John H. Tarr, Mayor
Ellen W. Richardson, Vice Mayor
John H. Howard, Councilman
Nancy B. Conklin, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilman T. Howard to adopt the agenda adding Public Comment to item #3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues and under Item #5. Closed Session adding Possible Litigation Concerning the Fire Tax. Unanimously approved.

1. Town Decorative Banner Project - Update

Public Works Director Spurlock updated Council on the Banner Project. He stated that with much needed input he was prepared to present the artwork for the 20 banners which could cost approximately \$85 each. He stated that there are several thoughts for the bottom verbiage on the banners. He asked Council their preference. He added that every picture selected will be on a banner.

Councilman Jester stated he would like to see the word “Ponies” on the bottom of a couple of the banners.

Councilman T. Howard feels that there should be one banner reflecting the Beebe Family.

There was further discussion about the verbiage at the bottom of the banners.

Mayor Tarr advised to contact Public Works Director Spurlock with further comments or suggestions within the next couple of days.

2. 911 Dispatch Equipment Update

Chief Lewis reported that they were contacted by Verizon regarding an upgrade. He advised that the upgrade would cost \$80,000. He also stated that if they do not have the upgrade, Verizon will not give the Town a maintenance agreement. He added that with the \$80,000 the first year's maintenance is free and each year after that will cost \$15,000.

Mayor Tarr asked how much the Town was currently paying in maintenance and was advised \$14,000.

There was further discussion and comments.

Town Manager Ritter advised that there is a USDA Grant for this type of expense up to 75% of the \$80,000 cost. He asked Council to review this further and decide if they want the upgrade.

Chief Lewis advised he is waiting for the price and this was just an estimate.

Councilman J. Howard asked Chief Lewis what the shortfalls would be if the Town fell under Accomack's 911 Service.

Chief Lewis advised he doesn't see any shortfalls.

Councilman J. Howard feels they will have to make some cuts.

Chief Lewis believes they would lose 5 part-time dispatchers.

Mayor Tarr added that they would lose the cost for police dispatch.

Town Manager Ritter advised that they will review this matter further in the budget hearings.

There was further discussion and comments and Town Manager Ritter advised there is approximately \$25,000 in the LGIP for 911 dispatch.

Councilman Jester advised that our dispatchers are doing more than the County's dispatchers.

Mayor Tarr asked staff to run the numbers with and without 911 before the budget.

3. Comprehensive Zoning Map Amendment – Resolution of Outstanding Issues

• Public Comment

Town Planner Neville reported that the Planning Commission wanted to give Council a clear recommendation on each of the issues. He reviewed the issues one at a time.

Issue:

1. Commercial zoning of salt marsh areas.
 - A. Adjacent to Maddox Campground

Recommendation: No change – Maintain a consistent approach in both locations to implement the Comprehensive Plan land use or to retain the existing zoning consideration of public comment provided.

B. South end of Marsh Island

Recommendation: No change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

He explained the similarities and why the Commission decided no change. He feels that being consistent is the best way to go.

Mayor Tarr asked for clarification.

Town Planner Neville advised that the Commission felt they should stay with the original recommendation and maintaining the Residential District on Marsh Island in its entirety.

There was discussion regarding the boat slips and maintaining the current use.

Councilman T. Howard expressed his concern about changing from commercial to residential because of the restrictions on each use.

Planning Commission Chairman Rosenberger explained the only comments the Commission heard were from the residents of Marsh Island. He stated that Mr. Tull didn't comment until February 28th, during the public comment period.

Councilman T. Howard feels that people should be able to continue the current use of their property. He doesn't feel that the Town should take away an allowed use.

There was further discussion.

Chairman Rosenberger stated that all of the residents of Marsh Island that responded were unanimously requesting that Marsh Island be zoned R-3. He added that it seemed consistent with the Comprehensive Plan.

Town Planner Neville interjected that they spoke about safety and parking issues referring to Commercial Use. He stated that there was concern that there isn't enough land for parking on the commercial property and the commercial parking would be on their drain fields and in the roadway.

Council discussed the potential parking issues if this remained commercial.

Councilwoman Conklin asked about access to the commercial property of marshland.

Town Planner Neville asked if the change in zoning would change the land value.

Mayor Tarr advised it would be the same. He stated that the intent is to get the issues off the table. He asked for public input on issue #1.

- Mr. Eddie Tull addressed his 28 acres on the south side of Marsh Island. He advised he has had offers for this property and there are things that can be done. He addressed the land value. He informed Council he owns from the old drawbridge to Black Narrows Bridge, which is exactly 400 feet. He is currently having it surveyed. He also stated that his lawyer advised him that the law says you can't fill it but it doesn't say you can't build on it. He has owned it since 1969 and has always been commercial. He showed a picture of the property and requested that his property remain the same.

- Ms. Laurie Walton stated that she has owned a property on Marsh Island for approximately 9 years and is in favor of zoning it residential. She stated that in regards to Mr. Tull's property, the two billboards are in disrepair. She asked if more billboards could be put if it remains commercial. She mentioned sewerage and septic issues regarding the commercial use on marshland. She stated that the remains from the boat that burnt are still there after many years. She mentioned the potential traffic hazard also.

Town Planner Neville reviewed item 1 (A) and the recommendation from the Planning Commission.

There was discussion.

Council agreed to leave marshland zoning to Maddox Campground as it was advertised, as C-4 Resort Commercial as advertised in the Town Council public hearing.

Mayor Tarr asked to review item 1 (B).

There was discussion and comments.

Councilman T. Howard feels the southern side of Marsh Island should remain the same.

Councilman J. Howard concurs.

Councilman Muth disagrees as the Marsh Island area and use has changed with the new bridge. He explained that Mr. Tull's rights were not taken away and the value has been maintained.

Mayor Tarr asked the pleasure of Council.

Councilman T. Howard motioned, seconded by Councilman J. Howard to go with the alternative of leaving the southern side of Marsh Island as C-1 Commercial, changing the rest of Marsh Island to R-3 Mixed Use Residential. Motion carried.

Ayes: T. Howard, J. Howard, Conklin, Jester, Richardson

Nays: Muth

Issue:

2. Campground use expansion in the R-4 Resort Residential District
Recommendation: Revise proposed Sec. 3.10.25 – Adopt the proposed zoning map as advertised at the Town Council public hearing and modify the proposed R-4 District Regulations in response to public comment as follows:

Sec. 3.10.25 – Campgrounds, camper/travel trailer parks.

Expansion area for campground or camper/travel trailer parks may be permitted if adjacent to an existing campground or camper/trailer park at the time of the adoption of this ordinance.

Town Planner Neville explained that the R-4 District only allows Campgrounds by special use permits to expand. The Commission feels that language should be added to the R-4 district regarding expansion. He stated they were trying to stop the domino effect.

There was discussion and further explanation that if someone owns a campground and adjacent property, that the adjacent property could be converted by right to expand the campground. The way it is currently written it's allowed by a special use permit. Council also discussed the choices.

Town Planner Neville also explained Mr. Whitlock's property and zoning.

Mayor Tarr opened the discussion to the public.

Mr. Whitlock approached Council stating that he has to have all the property in the same zone. He stated that he has had an existing subdivision and this is a realistic assessment of what it could be.

Mrs. Wanda Thornton asked about the effects on the adjoining property. She advised that during the Comprehensive Plan, it showed all of her adjoining property as part of the campground. She stated that this doesn't affect Mr. Whitlock as his subdivision is not for camper lots. She advised she has researched this in Accomack. She stated that this means that he can build houses. She also stated this won't solve the problem.

Councilman T. Howard asked what would preclude someone from vacating the property line to utilize that parcel as a campground.

Mrs. Thornton stated that by making her property C-4 Resort Commercial would include the same land that Redman & Johnson recommended in the Comprehensive Plan. She asked why Pine Grove is treated different than any of the other campgrounds. She requested that her property be zone just as the Comprehensive Plan states, which is the same as the other campgrounds on the island.

Mrs. Flaningam stated that by keeping the area in question residential it will allow for many commercial uses. She stated that people are concerned of their property value regarding commercial development. She suggested finding another way to accommodate.

Mayor Tarr reminded Council that when Maddox Campground came regarding the zoning of all their properties as C-4 as in all other campgrounds and one of their parcels wasn't adjacent either. He advised that he is comparing campgrounds and the allowances.

There was discussion of the verbiage of the alternative option and keeping that area of Main Street in the R-2 district for a buffer.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the Comprehensive Plan recommendation, except for the properties which front on Main Street which will be zoned R-2. Unanimously approved.

Issue:

3. North Main Street zoning district boundaries

A. R-2 Residential zoning

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated that this is what was just decided continuing the Residential along Main Street.

Council agreed not to change what was advertised.

B. C-3 Commercial zoning proposed by Town Plan

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained that this item was referring to the recommendation from the Comprehensive Plan that an additional 6 or 7 properties from the back side of Redman's Cemetery from Taylor Street north toward Main Street be included in the C-3 district.

There was brief discussion.

Council decided not to change what was advertised.

C. C-3 Commercial to R-2 zoning

Recommendation: No change - Adopt the proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the request to possibly change the existing commercial zoning on the east side of Main Street almost to the high school to Residential. He advised that the Planning Commission did not want to change those as this is a traditional value use.

Council decided not to change what was advertised.

Issue:

4. Landowner requests/suggestions

A. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special use permit approval.

Recommendation: No Change – Adopt the proposed R-3 Mixed use Residential zoning district as advertised at the Town Council public hearing

Town Planner Neville stated that the residents of Marsh Island would like to see the public piers and boat ramps still be permitted but under the special use permit category. He stated that the Planning Commission decided that by making this change would change other properties also.

Council decided not to change what was advertised.

B. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the island.

Recommendation: No Change – Adopt the proposed zoning map as advertised at the Town Council public hearing. Consider this suggested as a possible update in the future after the Cemetery Committee has completed its mapping project.

Town Planner Neville stated that there was a request to change the zoning of all cemeteries. He advised that the Planning Commission decided not to address this issue at this point because of the remapping project.

Council discussed the matter further and decided not to change what was advertised at this time. They agreed to address it when the remapping project was completed.

C. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district.

Recommendation: Revise zoning map – Revise the proposed zoning map to include the existing fire house parcel in the C-2 Old Town Commercial zoning district.

Town Planner Neville stated that the property is currently zoned R-3 Residential. He stated that it works for the fire house today to be in a commercial district and the building is commercial. He stated that when they relocate, the property will be commercial.

Councilman J. Howard motioned, seconded by Vice Mayor Richardson to change the zoning of the fire house to “Old Town” Commercial. Unanimously approved.

D. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in the commercial zoning district.

Recommendation: No Change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville explained the past use of one business parcel on Ridge Road and stated that there was a suggestion that this parcel remain commercial. He advised that the lot across the

street is C-1 Commercial. He stated that Council could review and issue a one-time special use permit.

Mayor Tarr asked why it wouldn't be grandfathered.

There was discussion about the current use.

Town Planner Neville advised that the Planning Commission recommended not changing what was advertised. It is currently zoned R-3 Residential.

Council decided not to change what was advertised.

- E. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District.
Recommendation: Revise Zoning Map – Include the suggested change as a correction to the zoning map prior to adoption by the Town Council.

Town Planner Neville explained the area south of Ocean Breeze. He advised the proposed zones. He added that the area would be down-zoned. He suggested the zoning reflecting the current use. He stated that the Planning Commission recommended that the lots should be corrected and included in the R-4 Residential Resort district.

Town Manager Ritter stated that the lots were not 99 year leases, they were individually owned properties.

There was discussion about part of this camper/mobile home park being commercial and the other part was residential and making the correction. The property is currently C-1 Commercial.

Mr. Tull explained the subdivision and stated it is a campground.

Council agreed not to change what was advertised.

- F. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.
Recommendation: No change – Adopt proposed zoning map as advertised at the Town Council public hearing.

Town Planner Neville stated there are a few lots on the east end of Ocean Boulevard that are zoned Commercial. There was a suggestion to make all of Ocean Boulevard Residential. He stated that the Planning Commission recommended there be no change.

Council decided not to change what was advertised.

Town Planner Neville also reported that there was a question that had to do with the limits to the Town boundaries. He showed the map of the Town boundaries. He stated that there was an area owned by the National Park Service next to the Maryland line which was covered in the Resource Conservation District. He stated that he was required to send a letter and notice to all adjacent jurisdictions. There was a question as to why part of this area would be zoned in the Chincoteague boundaries. He also advised that the Town limits go to the edge of Assateague Island.

Mr. Donald Thornton asked about the islands on the Chincoteague Bay.

Town Planner Neville stated some of them are considered Resource Conservation and others Aquaculture. He advised Council that based on their direction he will make corrections to the Zoning Map. He needs to make sure the map is correct and the motions to approve have all the wording that satisfies the State Code and the Town Attorney before final approval.

There was brief discussion regarding the RT 175 right-of-way boundaries also.

Mayor Tarr thanked Town Planner Neville and the Planning Commission for their hard work.

4. Council Member Comments

There were none.

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

- **Personnel Matters**
- **Possible Litigation Concerning the Fire Tax**

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

Councilwoman Conklin moved, seconded by Councilman T. Howard to reconvene in regular session. Ayes- , T. Howard, J. Howard, Jester, Muth, Conklin Absent: Richardson

Councilwoman Conklin moved, seconded by Councilman 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) 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- , T. Howard, J. Howard, Jester, Muth, Conklin
Nays- None
Absent- Richardson

Councilman T. Howard motioned, seconded by Councilman Muth to approve a change in the Employee Handbook, Position & Classification Table minimum salary range for the Director of planning position from \$45,510.40/yr to \$50,000/yr and the approximate 9 percent shift be the increase in the Director of Planning’s salary. Motion carried.

Ayes: T. Howard, Muth,
Nays:
Absent- Richardson

Adjourn

Councilman T. Howard motioned, seconded by Councilman Jester to adjourn. Unanimously approved with Councilwoman Richardson Absent.

Mayor

Town Manager



STAFF REPORT

To: Mayor Tarr and Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: April 2, 2012

Subject: Zoning Map and District Update

- ❖ **Town Council Public Hearing was held on February 6, 2012 and the record was kept open for written comments for 25 days. A summary of the public comments received was reviewed by Town Council at the regular meeting on March 5, 2012. Outstanding issues were resolved at the Town Council Workshop on March 15, 2012.**
 - ❖ **The proposed Comprehensive Amendments to the Official Zoning Map and Zoning Ordinance of the Town of Chincoteague, Virginia are ready for action by the Town Council.**
-

Planning Process

For background information on the Planning Process, refer to the Staff Report prepared for the Town Council public hearing on February 6, 2012.

Final Revisions

Outstanding issues that were raised during the Town Council public hearing process, beginning on February 6, 2012 and extending to March 2, 2012, were presented by Staff at the regular Town Council meeting on March 5th and were resolved by the Town Council during a workshop meeting on March 15th. The proposed Comprehensive Zoning Map and Zoning District Amendments have been revised to incorporate these final revisions and are ready for action by the Town Council.

The final revisions by Town Council (See 3.15.12 meeting minutes for discussion) to resolve the outstanding issues are listed below. “No Change” indicates the Town Council’s direction to proceed as shown on the Proposed Zoning Map.

- 1) Commercial zoning of salt marsh areas surrounding the Island
 - a. 88 acres east of Maddox Campground [**Resolved – C-4 as recommended by Town Comprehensive Plan**]
 - b. 20 acres at south end of Marsh Island [**Resolved – C-1 for south parcel of Marsh Island, R-3 for remainder**]
- 2) R-4 Resort Residential District – existing campground use expansion permitted by right [**Resolved – C-4 as recommended by the Town Comprehensive Plan, except for parcels which front on Main Street will retain existing R-2)**]
- 3) Proposed zoning district boundaries along North Main Street
 - a. R-2 District along North Main Street [**No Change**]
 - b. Reconsider proposed expansion of commercial zoning along east side of North Main Street [**No Change**]
- 4) Landowner requests for proposed zoning changes
 - a. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special permit approval [**No Change**]
 - b. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the Island [**No Change**]
 - c. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district [**Resolved – C-2**]
 - d. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in a commercial zoning district [**No Change**]
 - e. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District [**No Change**]
 - f. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street. [**No Change**]

Summary of Proposed Amendments

Amendments to the Official Zoning Map and Zoning Districts for the Town of Chincoteague include, without limitation, the following changes to conform to recommended densities and policies of the Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010:

- Remap six (6) current zoning districts to twelve (12) proposed districts with boundaries that generally follow the current zoning map unless a change was recommended by the 2010 Comprehensive Plan or the Planning Commission, or the Town Council
- Rename six (6) current zoning districts with limited change in permitted uses and area regulations,
- Adopt six (6) proposed zoning districts that are based on the current zoning with limited change in permitted uses and area regulations,
- Amendment of certain sections of the Town Code to add, amend or repeal as necessary to implement the proposed Zoning Map amendments.

Such amendments will amend certain sections of the Town Zoning Ordinance (as attached) in conjunction with a comprehensive amendment to the Official Zoning Map and would change the zoning district designations on the Official Zoning Map (as attached). The public purpose for these amendments include those purposes of zoning set forth in Section 15.2-2200 and 15.2-2283 of the *Code of Virginia*.

Staff Recommendation

Staff recommends the following motion for approval.

Motion for Approval

Motion to adopt the following ordinance:

**AN ORDINANCE FOR ADDITIONS TO AND AMENDMENT
OF APPENDIX A (ZONING ORDINANCE),
OF THE TOWN OF CHINCOTEAGUE CODE
AND COMPREHENSIVE AMENDMENT OF THE TOWN ZONING MAP**

WHEREAS, the Town of Chincoteague, Town Council has forwarded a comprehensive amendment of the Official Zoning Map and Zoning Districts, to the Planning Commission to review and make recommendations to the Town Council for changes that conform to recommended densities and policies of the Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010; and

WHEREAS, the Planning Commission has completed a thorough review which included the establishment of new zoning districts, and a comprehensive zoning map amendment; and

WHEREAS, the Planning Commission scheduled and conducted formal and duly advertised public hearings in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 5-1-1 (S. Papadopoulos absent, Chairman abstained) to forward a favorable recommendation to the Town Council to amend Appendix A of the Town Code (Zoning Ordinance) and the Official Town Zoning Map; and

WHEREAS this ordinance and zoning map amendment has been advertised for public hearing before the Town Council in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with the Code of Virginia, it is stated by the Town Council that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning practice in the Town of Chincoteague and that approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 2nd day of April, 2012, by the Town of Chincoteague Town Council, that Appendix A of the Town Code be amended to read as follows:

(see TEXT attached)

BE IT FURTHER RESOLVED this the 2nd day of April, 2012 by the Town Council that the Town of Chincoteague official zoning map be amended to rezone all parcels as follows:

(see MAP attached)

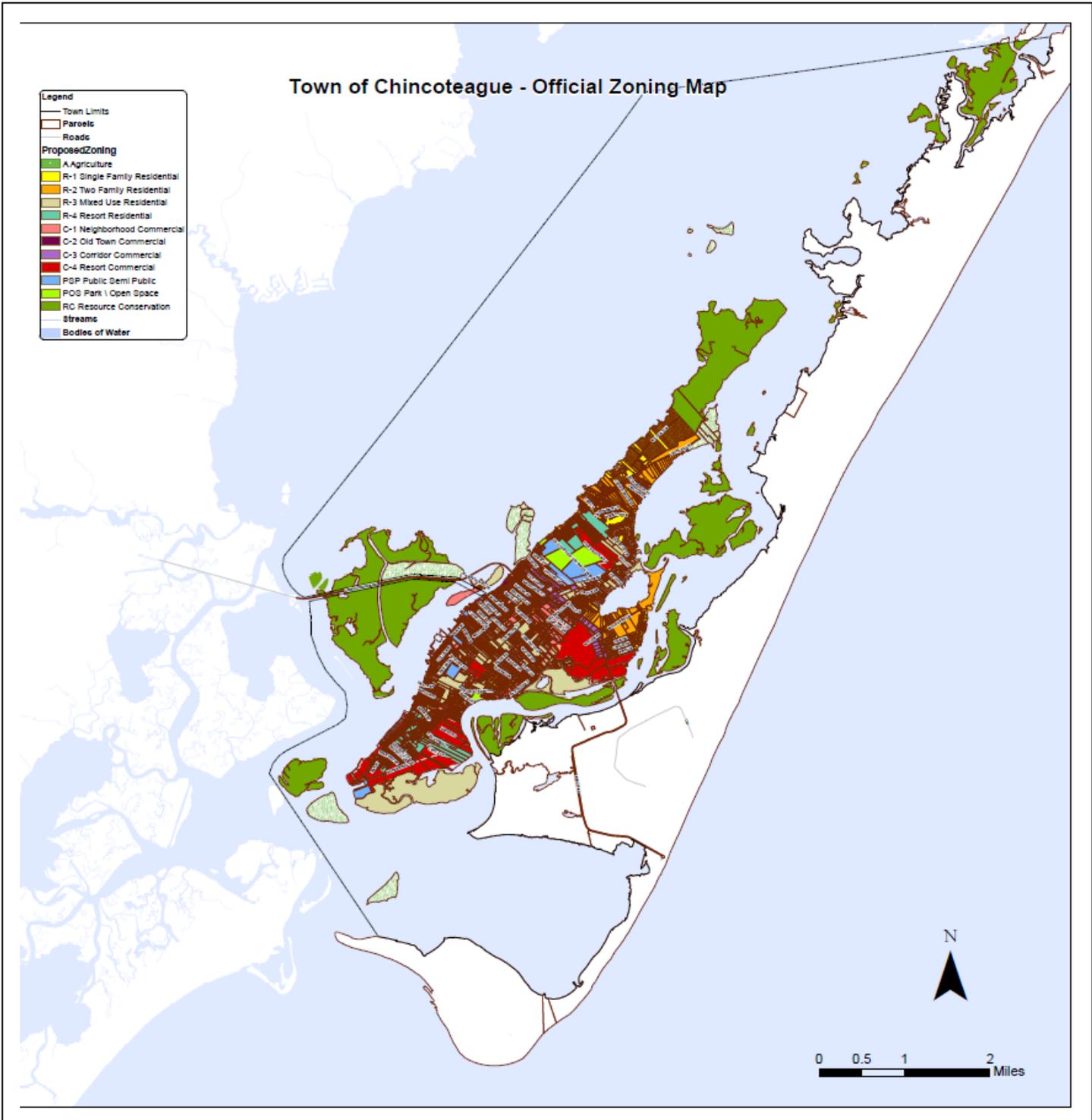
BE IT FURTHER RESOLVED, that the Town Manager be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

John H. Tarr,
Mayor

This Ordinance is effective immediately.

Robert G. Ritter, Jr.
Town Manager

Council Members	Vote
John H. Tarr, Mayor	_____
Ellen W. Richardson, Vice Mayor	_____
John H. Howard, Councilman	_____
Nancy B. Conklin, Councilwoman	_____
John N. Jester, Jr., Councilman	_____
Tripp Muth, Councilman	_____
Terry Howard, Councilman	_____

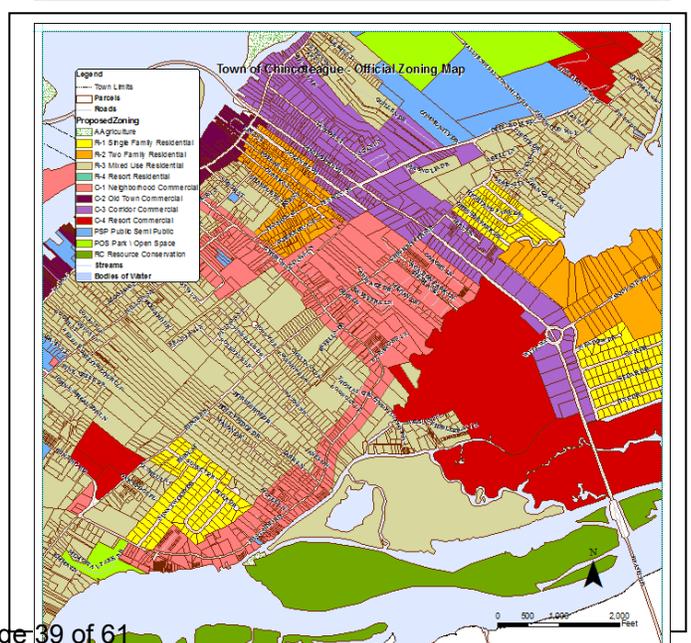
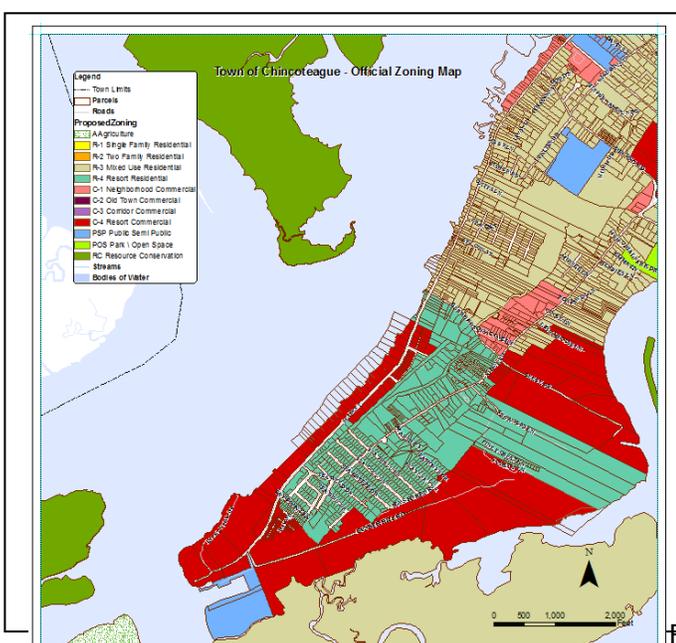
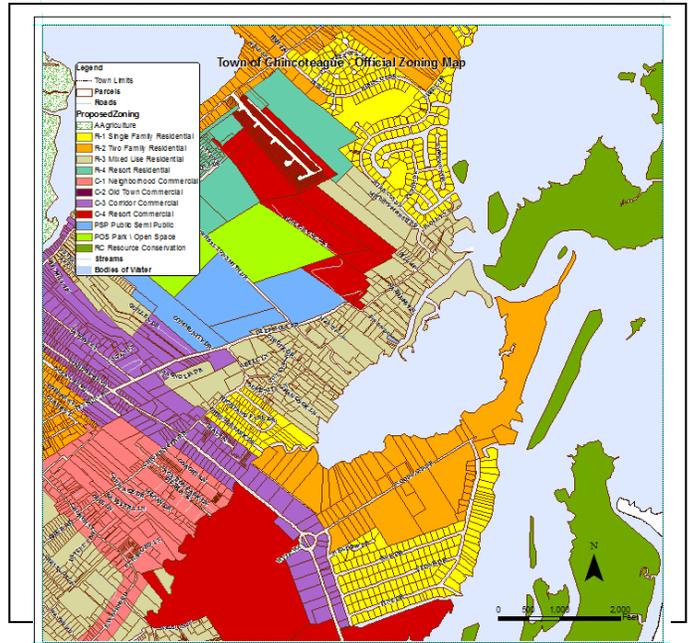
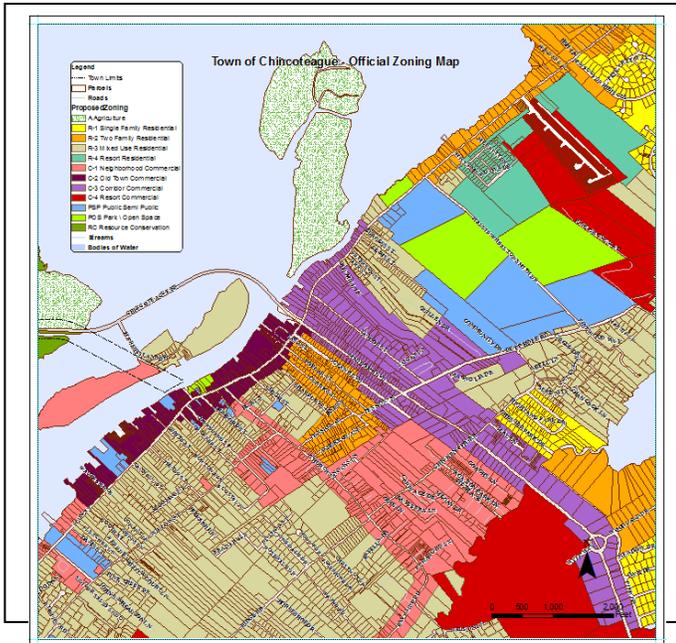
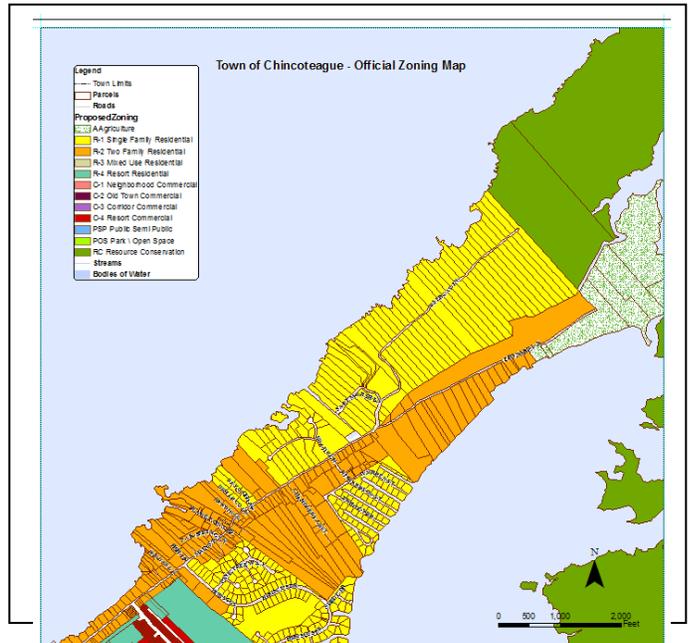
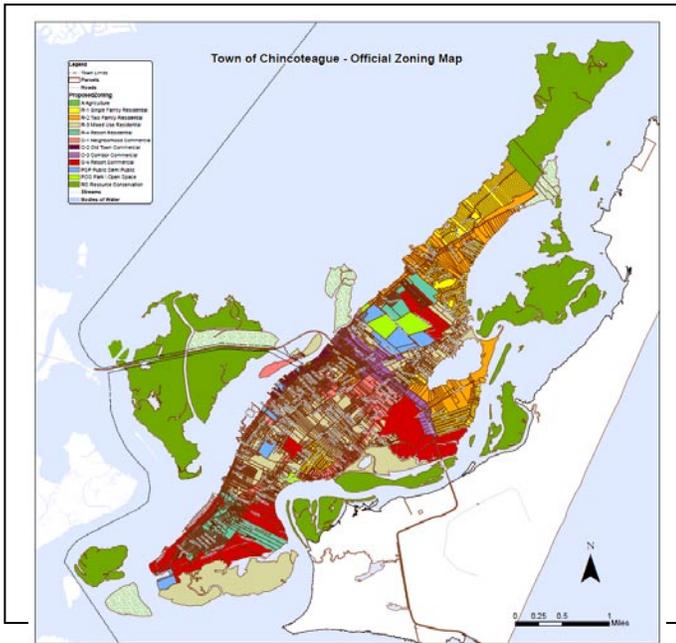


**Official Zoning Map
April 2012**

This is to certify that this Official Zoning Map was adopted on April 2, 2012 as part of the Zoning Ordinance of the Town of Chincoteague.

John H. Tarr, Mayor

Robert G. Ritter, Town Manager



**MINUTES OF THE FEBRUARY 28, 2012
Cemetery Committee**

Members Present

Ellen Richardson, Chairwoman
Terry Howard, Councilman
Gary Turnquist

Others Present

Robert Ritter, Town Manager
Ms. Laurie Walton

Call to Order

Chairwoman Richardson called the meeting to order at 5:00 p.m.

Agenda Adoption

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

1. Review Cemetery Map, Priorities for Maintenance, Budget Needs

Town Manager Ritter explained the maps that were prepared by Town Planner Neville showing parcel numbers, photographs of the areas, as well as the acreage of each cemetery. Town Planner Neville would like the Committee to rate each cemetery on the list in order of importance also listing who maintains each cemetery.

There was discrepancy in the actual location of Andrew's and Daisey Cemetery and where the map showed it was located.

The Committee then discussed the following chart and made recommendations on the attention that was needed on each cemetery.

Priority 1--Needs attention now

Priority 2--Town hires out

Priority 3--Someone is maintaining

KEY	NAME	GRAVESITES	ACREAGE	OWN/MAINTAIN	PRIORITY
1	AYDELOTTE	62	0.21	FAMILY?	1
2	CHRISTUNION BAPTIST	29	0.41	DONNA WEST	3
3	ODD FELLOWS	55	0.45	ISLAND BAPTIST MEN	3
4	BUNTING	209	0.37	TOWN HIRES	2
5	BEULAH	36	0.17	UNION BAPTIST MEN	3
6	GREENWOOD	706	1.21	TOWN HIRES	2
7	ANDREW'S & DAISEY	53	1.2	USCG PETTY OFFICERS	3
8	DAISEY	62	0.38	FAMILY	3
9	THORNTON	142	0.46	FAMILY/FRIENDS	1
10	JONES	6	0.22	NO ONE	1
11	MECHANICS &	1142	2.27	TOWN HIRES	2

12	DAISEY MEMORIAL				
13	REYNOLDS	33	0.02	FAMILY	3
14	BIRCH FAMILY	8		NEEDS HELP	1
15	CLARK	10		DANA CONKLIN	3
16	CATHOLIC CHURCH	14		CATHOLIC CHURCH	3
17	TAYLOR & BIRCH	3		JOSEPH KAMBARN	1
18	RED MENS	614		CHRIST UNITED METHODIST MEN	3
19	WHEALTON FAMILY	9		RUTH LANE	3
20	HOLLY RIDGE	122		DOUG MARSHALL	1
21	CAPTAIN CHANDLER	1		CHUCK WARD	3
22	REED	16		NEEDS HELP	1
23	HILL	17		DONNIE RAY THORNTON	3
24	CARTER	1		STEWART BAKER	3
25	BAPTIST CHURCH	1		CHURCH	3
	TOTAL	3351			

The Committee decided to finish Reed Cemetery at the upcoming Cemetery Clean-Up Week.

2. Discuss Cemetery Maintenance Fund Raising

The Committee discussed raising funds to help in maintaining the cemeteries. There were several ideas as how to raise the money.

Ms. Walton suggested having a cemetery tour on the Island in order to raise money.

Chairwoman Richardson stated that using the trolley's for such an event is not allowed.

Chairwoman Richardson advised that there was discussion in the past on a brochure and map that would allow people to tour the cemeteries themselves.

Mr. Gary Turnquist suggested adding twenty-five cents per quarter on the water bill.

3. Cemetery Clean-Up Week

The Committee decided that April 9th -14th 2012, should be designated as Cemetery Clean-Up Week and April 14th will be the actual clean-up day.

4. Committee Member Comments

There were no comments from the Committee.

Adjourn:

Mr. Turnquist motioned, seconded by Councilman Terry Howard to adjourn the meeting. Unanimously approved.



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 to beautify and preserve our family burial grounds.

NOW, THEREFORE, I, Mayor John H. Tarr do hereby proclaim the week of November 9TH through 14TH, 2012, 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 2nd day of April 2012.

John H. Tarr, Mayor

ATTEST:

Robert G. Ritter Jr., Town Manager

**MINUTES OF THE MARCH 1, 2012
Harbor Committee**

Members Present

John H. Howard, Chairman
Terry Howard, Councilman
Wayne Merritt, Harbormaster
Ernie Bowden

Others Present

Mr. Dave Seaman
Robert Ritter, Town Manager
Mr. Danny Bowden

Call to Order

Chairman J. Howard called the meeting to order at 5:00 p.m.

Open Forum/Public Participation

Mr. Dave Seaman was thankful for the new lights that have been installed at the Harbor. He suggested adding two or three more lights so that the whole Harbor would be very well lit.

Agenda Adoption

Councilman T. Howard motioned, seconded by Mr. Ernie Bowden to adopt the agenda. Unanimously approved.

1. Harbormasters Update

A. Entrance Shoaling

Harbormaster Merritt advised of a tow company that is coming to replenish the beach at Wallops Island had a problem in accessing the Harbor. He stated that there was a problem with the way the shoal has shifted making navigation in that area difficult. They will assist in making that area more navigable.

B. Installed Lighting

Harbormaster Merritt suggested that two more lights will be installed to keep the Harbor well lit.

Mr. Danny Bowden expressed his appreciation for the lighting and hopes that it would deter any future vandalism.

C. Spring Activities

Harbormaster Merritt advised that the Navy will be coming soon and there will possibly be activity at night. He expressed his concerns with the increase in the fuel prices. He is not sure how the rising fuel prices will effect the subleasing this year.

Mr. Bowden asked about the possibility of putting in a jetty.

Harbormaster Merritt agreed that something should be done in the near future.

Chairman J. Howard suggested asking the company that was doing the dredging for Wallops Island for ideas.

2. Update on the Start of the Slip Permit

Harbormaster Merritt discussed the new wording of the “permit” as opposed to a “lease”. He stated that subleasing this past year was the worse he had seen. He attributed most of that due to fuel prices. The new permits will be due on June 1st as opposed to July 1st as in the past. This new date will coincide with the Town’s fiscal year budget.

Mr. Bowden was concerned with the changing of the due date and the possibility of losing a month worth of rent according to the lease.

Chairman J. Howard will look into the matter.

Mr. Ernie Bowden would like to see a copy of the actual budget of the Harbor.

Town Manager Ritter will e-mail a breakdown of the budget to Mr. Bowden.

Adjourn

Councilman T. Howard motioned, seconded by Mr. Ernie Bowden to adjourn the meeting. Unanimously approved.

Public Works Committee Meeting

March 6, 2012

MINUTES

Members Present:

Hon. John Tarr, Chairman
Hon. Ellen Richardson

Also Present:

Mr. Robert Ritter
Mr. Harvey Spurlock
Mr. and Mrs. Ray Rosenberger
Hon. John Jester

Chairman Tarr called the meeting to order at 5:10 pm.

Public Participation

None

Ms. Richardson made a motion to approve the agenda. The motion was seconded by Mayor Tarr and unanimously approved.

1. Consideration of Modification to Section 62-87/88 Service Connections

Mr. Spurlock presented proposed amendments to Section 62-87 and 62-88 of the Town Code. Mr. Spurlock explained the changes would consolidate code provisions that permit the use of easements for water service connections. The change would also eliminate the requirement that all pipe used for water main extensions have a minimum diameter of six inches.

Mr. Ritter suggested language requiring proposed pipe diameters be approved by the Public Works Director.

Mayor Tarr noted water main extensions which would create significant system demand be evaluated by the Town's water system model at the expense of the developer.

The committee recommended the proposed modifications be forwarded to the Ordinance Committee for consideration.

2. Clark Nexsen GIS Drainage Proposal

Mr. Spurlock presented a fee proposal submitted by Clark Nexsen, for the integration of the drainage inventory completed in Phase I of the Storm Water Master Plan, into the Town's GIS system. The committee recommended the proposal be forwarded to full Council for review and approval.

3. Thomas Gardens Bridge Abutment Landscaping Proposal

Mr. Spurlock presented a landscape design and cost proposal, developed by Thomas Gardens, for the areas adjacent to the foot of the new drawbridge. Mr. Spurlock noted this property is owned by VDOT making the project eligible for funding received from the VDOT Urban Maintenance program. The proposal received favorable comments from the committee/public participants and will be implemented.

4. Questions/Comments

Ms. Richardson inquired as to the status of sidewalk construction for the northwest quadrant of the intersection of Main St. and Maddox Blvd. Mr. Spurlock explained the Town had only secured one of the required easements. The committee discussed several ideas for obtaining the additional required easements.

Ms. Richardson also inquired as to the feasibility of adding directional signage at the drawbridge for the historic downtown area. Mr. Spurlock will work with Mr. Neville, Town Planner, to develop a design.

Mr. Jester noted several of the signs in Robert Reed Park are in need of repainting.

Mr. Jester also suggested directional signs for Town owned public parking be replaced with universal standard signs.

Ms. Richardson motioned to adjourn the meeting at 5:35 pm. The motion was seconded by Mayor Tarr and unanimously approved.

The next meeting is scheduled for Tuesday, May 1st, 2012 at 5:00 pm.

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTING SERVICES
GIS DATABASE DEVELOPMENT**

PROJECT DESCRIPTION

Clark Nexsen will update and expand the Town's GeoDatabase with additional stormwater points obtained during Phase I Stormwater Master Plan field work and develop a stormwater pipe, stormwater ditch and watershed boundary layers.

A. COORDINATION

Clark Nexsen will discuss with the Town information presented in the geodatabase, review attribution and determine future needs for the database.

B. CONVERT CADD DRAWINGS

Clark Nexsen will convert the Phase I Stormwater Master Plan CADD Drawings into GIS layers. Existing StormwaterPoints layer will be expanded to include the new structures and verification of the existing structures. A structure numbering convention will be provided (if required). A new layer StormwaterPipes will be created for stormwater conduits and will include storm drains and culverts. A new layer StormwaterDitches will be created for stormwater ditches and channels to identify roadside ditches and swales and outfall channels. The fields within these attribute tables will be expanded to accommodate future surveyed information.

C. INCORPORATE ATTRIBUTES

Clark Nexsen will incorporate the attributes provided from the field work performed during the Phase I Stormwater Master Plan.

StormwaterPoints:

Clark Nexsen will update the table with additional fields, to include: Rim Elevation, Sump Elevation, Northing and Easting, Structure Number, Photo Identification and Survey Date. Attributes to be provided for this layer include Northing and Easting, Structure Number and Photo Identification fields as determined from the Phase I Stormwater Master Plan. Structure locations (northing and easting) are approximate and based on alignment of the structure to the aerial imagery. These attributes will be based on the information obtained during the Phase I Stormwater Master Plan. The existing Type and Location_S fields will be updated accordingly from the Phase I work. Additionally, the Type field will be updated to reflect Pipe Entrance and Pipe Outfall. Population of the remaining attributes will require a detailed survey to be performed in the future.

StormwaterPipes:

Clark Nexsen will create a new pipe layer for conduits connecting various StormwaterPoints. The fields will include: Upstream Structure, Downstream Structure, Pipe Size, Pipe Shape, Pipe Material, Length, Upstream Invert, and Downstream Invert. Attributes to be provided for this layer will include the Upstream Structure, Downstream

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTING SERVICES
GIS DATABASE DEVELOPMENT**

Structure, Pipe Size, and Pipe Shape, and Length. Population of the remaining attributes will require a detailed survey to be performed in the future.

StormwaterDitches:

Clark Nexsen will create a new ditch layer for ditches and channels connecting various StormwaterPoints. The fields will include: Upstream Structure, Downstream Structure, Ditch Type, Ditch Depth, Average Bottom Width, Ditch Material, Upstream Invert, and Downstream Invert. Attributes to be provided for this layer will include the Upstream Structure and Downstream Structure. Population of the remaining attributes will require a detailed survey to be performed in the future.

Watershed Boundary:

Clark Nexsen will create a new watershed layer for primary watershed boundaries identified during the Phase I Stormwater Master Plan. The fields will include: Watershed Name and Watershed Area. These fields will be populated from information determined during Phase I Stormwater Master Plan.

D. GEODATABASE IMPLEMENTATION

Clark Nexsen will create a geodatabase to update the Town's existing StormwaterPoints layer and update its attributes. The feature classes mentioned above will be implemented in ESRI ArcGIS 10 or the current version used by the Town. The implementation will include the creation of subtypes to categorize and symbolize the feature classes and domains will be created to control the data input options.

E. QUALITY CONTROL

Clark Nexsen will perform *Quality Assurance* throughout development of the GeoDatabase and perform a *Quality Control Review* before each submittal.

Deliverables:

1. Clark Nexsen will submit one (1) DRAFT GeoDatabase (CD) and electronically via NewForma.
2. Clark Nexsen will submit one (1) FINAL GeoDatabase (CD) and electronically via NewForma.

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTING SERVICES
GIS DATABASE DEVELOPMENT**

Schedule:

The schedule for completing the ordinance is approximately 49 days. The project milestones are:

TASK	CALENDAR DAYS	CUMULATIVE WEEKS FROM NTP
Notice to Proceed	-	-
Coordination	-	-
Convert CADD Drawings	7	1 Weeks
Incorporate Attributes	28	5 Weeks
GeoDatabase Implementation	7	6 Weeks
Quality Control	7	7 Weeks

Scheduled completion of the project is an estimate dependent on review time by the Town.

REIMBURSABLES

Project reimbursables include travel and tolls and related printing costs. Labor travel time is included in the work-hour breakdown.

OPTIONAL SERVICES (NOT INCLUDED)

1. Citizen Information Meetings
2. Council Meeting
3. Survey
4. Incorporation of LiDAR Data

**TOWN OF CHINCOTEAGUE
GIS DATABASE DEVELOPMENT**

CN COMM: 3459.2
DATE: 10/25/2011

SUMMARY

TASK GROUP/BREAKDOWN	Principal hrs.	Project Manager hrs.	Civil Engineer hrs.	Civil Engineer Intern hrs.	GIS Specialist hrs.	Environmental Scientist hrs.	CADD Technician hrs.	Clerical hrs.	Total hrs.	Subtotal Cost \$	Sub Consultant \$	Sub Consultant Mark-up \$	Direct Costs \$	Total \$
A. Coordination			4		4				8	\$868				\$868
B. Convert CADD Drawings			4		8		40		52	\$3,900				\$3,900
C. Incorporate Attributes			4		24		80		108	\$7,988				\$7,988
D. Geodatabase Implementation					12				44	\$4,364				\$4,364
E. Quality Control		4	8						12	\$1,652				\$1,652
TOTAL WORK HOURS		4	32		68		120		224	\$18,772				\$18,772
HOURLY RATE	\$186	\$155	\$129	\$88	\$88	\$88	\$67	\$60						

**TOWN OF CHINCOTEAGUE
GIS DATABASE DEVELOPMENT**

CN COMM: 3459.2
DATE: 10/25/2011

WORK-HOUR BREAKDOWN

TASK GROUP/BREAKDOWN		Principal hrs.	Project Manager hrs.	Civil Engineer hrs.	Civil Engineer Intern hrs.	GIS Specialist hrs.	Environmental Scientist hrs.	CADD Technician hrs.	Clerical hrs.	Total hrs.	Total Cost \$
A.	Coordination Discussion with Chincoteague			4		4				8	\$868
	Subtotal			4		4				8	\$868
B.	Convert CADD Drawings Convert Phase I Data to GIS			4		8		40		52	\$3,900
	Subtotal			4		8		40		52	\$3,900
C.	Incorporate Attributes Install Phase I Attributes			4		24		80		108	\$7,988
	Subtotal			4		24		80		108	\$7,988
D.	Geodatabase Implementation Develop Attribute Schema, Subtypes, Domains and Data Dictionary			12		32				44	\$4,364
	Subtotal			12		32				44	\$4,364
E.	Quality Control Review, Update, Deliver		4	8						12	\$1,652
	Subtotal		4	8						12	\$1,652
TOTAL WORK HOURS			4	32		68		120		224	
HOURLY RATE		\$186	\$155	\$129	\$88	\$88	\$88	\$67	\$60		
TOTAL FEE			\$620	\$4,128		\$5,984		\$8,040			\$18,772

BUDGET AND PERSONNEL COMMITTEE MEETING MINUTES OF MARCH 13, 2012

Members Present:

Nancy B. Conklin, Chairwoman

John Nelson Jester, Councilman

Tripp Muth, Councilman

Staff:

Town Manager Robert Ritter

Call to Order

Chairwoman Conklin called the meeting to order at 5:05 p.m.

Agenda Adoption

Councilman Jester motioned, seconded by Councilman Muth to adopt the agenda as presented. Unanimously approved.

Public Participation

There was none.

1. Closed meeting in Accordance with Section 12.2-3711(A)(1) of the Code of Virginia.

• Personnel Matters

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

Councilman Jester moved, seconded by Councilman Muth to reconvene in regular session. Unanimously approved.

Councilman Muth moved, seconded by Councilman 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) 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, Muth, Conklin

Nays- None

Absent- None

2. Committee Member Comments

There were none

Adjourn

Councilman Jester moved, seconded by Councilman Muth to adjourn. Unanimously approved.

MEMORANDUM

TO: Town Council
FROM: Harvey Spurlock, Public Works Director 
DATE: March 29, 2012
SUBJECT: Contract 01-PAV-11, Fall 2011 Paving Extension

Branscome Eastern Shore has agreed to bilaterally modify Contract 01-PAV-11, Fall 2011 Paving to extend pricing, the period of performance and scope of work. The contract is being extended to allow the paving of Main Street from Maddox Blvd. to Bridge St. (limited to one travel lane from Church St. to Bridge St.) and the Town Dock Parking lot to be done in conjunction with Branscome's work on the Main Street streetscape project. Accomplishing the work in this manner is will save the Town a significant amount as the streetscape project will absorb mobilization costs.

Total cost for the Main St. work shall not exceed \$81, 373.
Total cost for the Town Dock parking lot shall not exceed \$38,056.

I recommend the contract extension be approved.

PROPOSAL/CONTRACT



BRANSCOME
EASTERN SHORE

P.O. Box 316
Tasley, VA 23441

Phone: 757-787-4801 Fax: 757-787-8149

PROPOSAL SUBMITTED TO

NAME	Town of Chincoteague
STREET	6150 Community Drive
CITY, STATE, ZIP	Chincoteague Island, VA 23336
TELEPHONE	757-336-3366
FAX	336-1965
CONTACT	Harvey Spurlock
DATE	3/19/2012
BID NO.	

WORK TO BE PERFORMED AT	
NAME	Main Street Paving
STREET	Main Street
CITY, STATE, ZIP	Chincoteague, VA

<u>Description of Work ("Work"):</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
For the area of Main Street from the new pavement joint just south of the Bridge, to the north edge of Bridge Street (where the Streetscape project ends), deducting the area included in the Streetscape project to be milled and paved, we will:			
1) Mill 1 1/2" and haul millings to the Town Yard	Approx. 7074.00 SY	\$2.60 / SY	\$18,392.40
2) Tack and pave with 1 1/2" asphalt surface course VDOT SM-9.5A	Approx. 584 TN	\$105.00 /TN	\$61,320.00
3) Traffic control for the milling and paving	1 LS	\$1,661.00	\$1,661.00
			\$81,373.40

Thank you for the opportunity to price this work.

Due to the Volatility in the Liquid Asphalt Market:- Asphalt laydown prices are based on March 3, 2012 VDOT Index of \$635.56. At time of installation the actual Index for that date will be used to recalculate unit prices. Drainage is not guaranteed on areas having less than (1%) one percent grade. Price based on one mobilization. Additional mobilizations will be billed at \$1,000.00 each. Price based on work to be completed by June 30, 2012. If project is not completed by this completion date, we reserve the right to adjust price. This proposal expires (30) days from date hereof but may be accepted at any later date at the sole option of Branscome Eastern Shore.

Branscome Inc. agrees to furnish all labor, material and equipment to complete the work in accordance with the governing specifications, if applicable. Subject to the limitations set forth in the Additional Terms and Conditions (see back), Branscome Inc. warrants its work shall be provided in a good workmanship manner and warrants its workmanship and material for a period of one year.

Unless it is clearly so stated, a lump sum price is to be paid for the work, it is understood the quantities referred to above are estimates only and that payment shall be made at the stated unit prices on the actual quantities of Work performed by Branscome Inc. as determined upon the completion of the work.

Subgrade or stone grade, if provided by others, to be within +/- 1/10 ft. compacted and left in a firm and unyielding condition.

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If the work may take longer than one month, Branscome Inc. may send an invoice for that part of the work actually performed. The undersigned shall be obligated to pay such invoice in full within thirty days of invoice date. Final and complete payment for all the work performed pursuant to this contract shall be made not later than fifteen (15) days after the completion of the work. Interest at the highest legal rate under the laws of the jurisdiction in which the contract is executed or one and one-half percent (1 1/2%) per month, whichever is less, shall be charged and paid on all unpaid balances from the date we receive the payment. To accept this proposal, please sign and return all copies. Upon receipt and the execution of the proposal by Branscome Inc. which includes the terms and conditions set forth on the reverse side, it will constitute a legally binding contract representing the full and complete agreement between us.

To the extent permitted by law, I give Branscome the right to setoff any money which may be in the possession of Branscome Inc. against any amount owing to Branscome Inc.

BRANSCOME INC.
Quoted By : Steve Booker, Estimator

Accepted By: _____
Title: _____
Date: _____

Accepted By: _____
Doug Matthews, Area Manager
Date: _____

ADDITIONAL TERMS AND CONDITIONS

1. Branscome Inc. is not obligated to perform the Work under this contract until the Customer's credit has been checked by the Credit Department of Branscome Inc. If credit conditions become unsatisfactory at any time prior to our completion of the Work, Branscome Inc. shall be furnished adequate security upon request, or it will have no further obligation to perform the Work.

2. Any deviations from the specifications or modifications of the terms of this contract and any extra or incidental Work, shall be set forth in writing and signed by both parties prior to the making of such change. Any increase or decrease in the contract price resulting from such change shall be included in such writing. Unless advised otherwise, any job superintendent will have the authority to make any changes unless the customer advises Branscome Inc. to the contrary.

3. Branscome Inc. will provide and pay for Workmen's Compensation Insurance covering its employees and Public Liability and Property Damage Insurance protecting itself. Branscome Inc. will also assume responsibility for the collection and payment of Social Security and State Unemployment Taxes applicable to its employees.

4. Branscome Inc. shall be provided with suitable access to the Work area. If the Work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be so performed and completed as to permit Branscome Inc. to perform its Work in a normal uninterrupted single-shift operation.

5. (a) Base course placed and not paved during current construction season will be placed on grade at the time it is installed and Customer assumes responsibility until such time as specifications permit pavement. Customer is responsible for any damage except that caused by construction operation of Branscome Inc.

(b) Drainage not guaranteed on areas having less than one percent (1%) grade.

(c) Depths indicated are to be construed as average depths.

6. Unless a time for the performance of the Work is specified, Branscome Inc. shall undertake it in the course of its normal operating schedule. Branscome Inc. shall not be liable for any failure to undertake or complete the Work for causes beyond its control, including but not limited to fire, flood or other casualty; labor disputes or other disagreements; and accidents or other mishaps whether directly affecting the Work or indirectly affecting other operations of Branscome Inc.

7. If for causes beyond the control of Branscome Inc., the Work is not completed within six (6) months after the date of acceptance of this proposal, Branscome Inc. may cancel this contract at any time thereafter on (10) days notice. In such event, Branscome Inc. (i) shall be relieved of any further obligation with respect to the balance of the work; and (ii) shall be entitled to receive final and complete payment for all Work performed by it through the date of cancellation within fifteen (15) days of such cancellations.

8. Branscome Inc. shall not be responsible for, and you agree to hold it, its employees and agents harmless from any liability resulting from damages to utilities or other facilities or objects buried beneath, or to driveways or other improvements located within the work area or designated areas of access. It is further understood that Branscome Inc. shall not be responsible for any damage to or deterioration of any of its Work whether any labor or materials not furnished and installed by it, whether or not such failure or inadequacy was or could have been known at the time the Work was undertaken.

9. You shall be responsible and liable to Branscome Inc. for any and all loss, damage, costs, expenses and attorney's fees it suffers or incurs as a result of your breach of any obligation or covenants in this contract.

10. Within five (5) days after Branscome Inc. completes the Work, you shall make a walk through inspection and provide Branscome Inc. with a punch list of all items of the Work which require correction. After Branscome Inc. has completed all items on the punch list which are its responsibility, it shall have no further responsibility to you under this contract other than defects in workmanship or materials covered by the Warranty in paragraph 11. In no event shall Branscome Inc. be responsible for damage caused by use of completed Work by others which was not anticipated at the time the Work was contracted (e.g. parking lot for automobiles versus parking lot for heavy trucks).

11. Except as set forth in this contract, Branscome Inc. makes no warranty or representation to Customer concerning the labor or materials which are the subject of this contract, including but not limited to any IMPLIED WARRANTY OF MERCHANTABILITY OR IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. In the event of any defect in material or workmanship provided by Branscome Inc. within one year from the completion of the Work, Branscome Inc. at its cost and expense shall repair such defects. Branscome Inc. shall have no responsibility for any other damages to Customer, including but not limited to indirect or consequential damages. One year following completion of the Work, Branscome, Inc. shall have no obligation to Customer for the Work.

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13. It is agreed that venue in any legal action shall be in Williamsburg, Virginia.

2/2 PAGES

PROPOSAL/CONTRACT



BRANSCOME
EASTERN SHORE

P.O. Box 316

Tasley, VA 23441

Phone: 757-787-4801 Fax: 757-787-8149

PROPOSAL SUBMITTED TO

NAME	Town of Chincoteague
STREET	6150 Community Drive
CITY, STATE, ZIP	Chincoteague Island, VA 23336
TELEPHONE	757-336-3366
FAX	336-1965
CONTACT	Harvey Spurlock
DATE	3/19/2012
BID NO.	

WORK TO BE PERFORMED AT	
NAME	Town Boat Ramp
STREET	Main Street
CITY, STATE, ZIP	Chincoteague, VA

<u>Description of Work ("Work"):</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
For the existing pavement at the Town Boat Ramp, as shown on the attached drawing, including the drive to Main Street, we will clean the existing pavement, mill 1 1/2" x 12' the Town driveway, tack, and pave the prepared area with 1 1/2" of surface mix asphalt. This work to be done when we pave Main Street.			\$38,056.00

Thank you for the opportunity to price this work.

Due to the Volatility in the Liquid Asphalt Market:- Asphalt laydown prices are based on March 3, 2012 VDOT Index of \$635.56. At time of installation the actual Index for that date will be used to recalculate unit prices. Drainage is not guaranteed on areas having less than (1%) one percent grade. Price based on one mobilization. Additional mobilizations will be billed at \$1,000.00 each. Price based on work to be completed by June 30, 2012. If project is not completed by this completion date, we reserve the right to adjust price. This proposal expires (30) days from date hereof but may be accepted at any later date at the sole option of Branscome Eastern Shore.

Branscome Inc. agrees to furnish all labor, material and equipment to complete the work in accordance with the governing specifications, if applicable. Subject to the limitations set forth in the Additional Terms and Conditions (see back), Branscome Inc. warrants it's work shall be provided in a good workmanship manner and warrants its workmanship and material for a period of one year.

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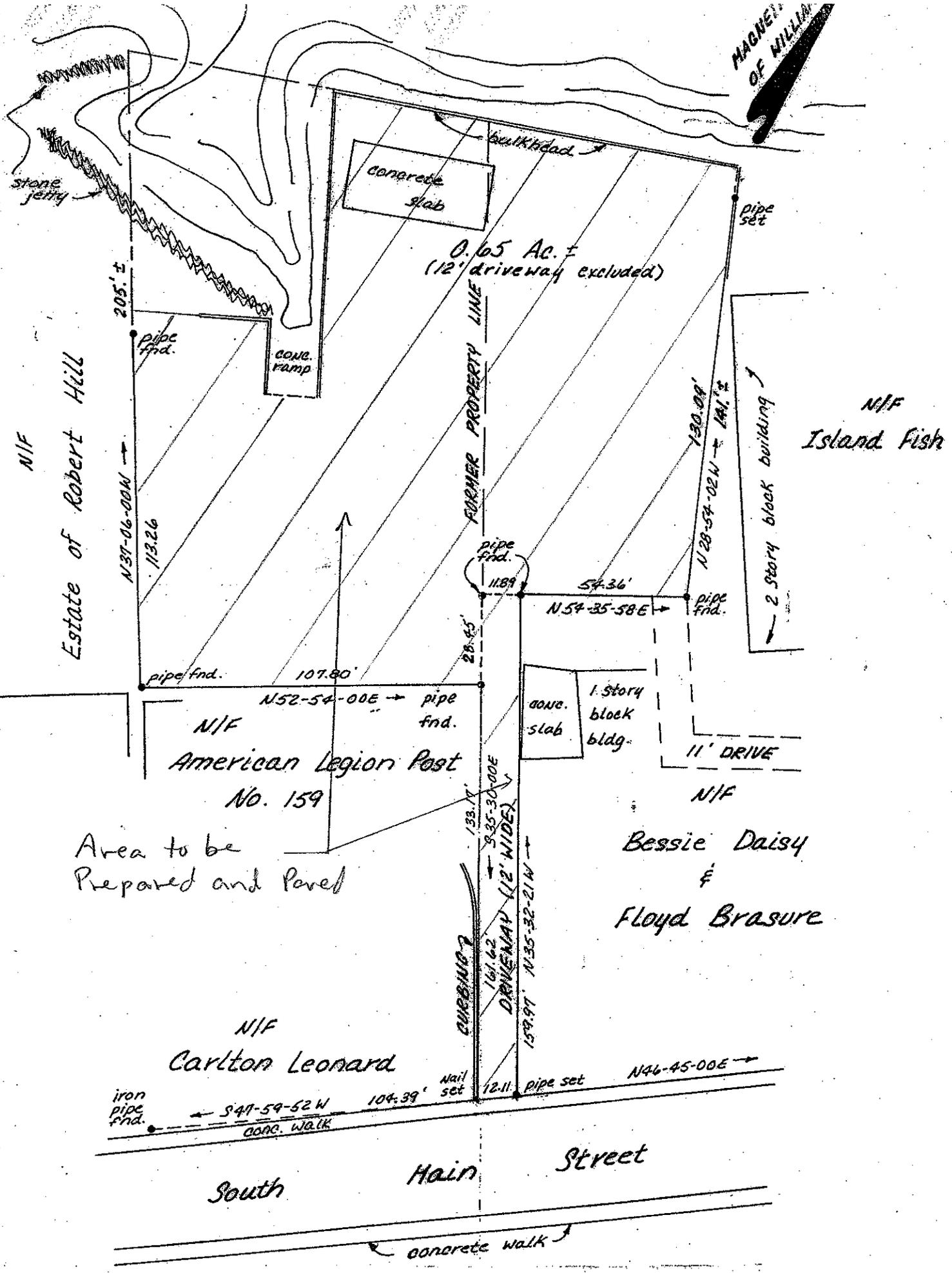
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BRANSCOME INC.
Quoted By : Steve Booker, Estimator

Accepted By: _____
Title: _____
Date: _____

Accepted By: _____
Doug Matthews, Area Manager
Date: _____

MAGNET OF MILLIA



NOTE:

FIELD TO THE CORNER OF THE PROPERTY BY THE ROAD ALL CASES ARE AND ARE

ADDITIONAL TERMS AND CONDITIONS

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2/2 PAGES



RECREATIONAL TRAILS PROGRAM AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the Recreational Trails Program, federal funding assistance is requested to aid in financing the cost of trail development; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to complete the trail construction project described in the application;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town Manager is authorized to make formal application to DCR for funding assistance;
2. Any fund assistance received will be used for implementation and completion of activities to develop the extension of the Ocean Blvd. Extended trail within the specified timeframe;
3. The Town of Chincoteague hereby it is committed to providing funding necessary for completion of this project;
4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;
5. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;
6. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval;
7. This resolution becomes part of a formal application to the Virginia Department of Conservation and Recreation.

This resolution was adopted by the Chincoteague Town Council during the meeting held April 2nd, 2012 at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager



MEMORANDUM
Town of Chincoteague Inc.

To: Mayor & Town Council
From: Robert Ritter, Town Manager
Date: March 27, 2012
Subject: Recreation & Community Enhancement Committee Appointment

At the previous Council meeting, Council asked the Town Manager to advertise for the vacant Recreation & Community Enhancement Committee position for Ms. Cathy Plant. The vacancy has been properly advertised and we had only one interested persons (see attached).

The following is a suggested recommendation for a two year term:

1. David Johnson

Term Ends
December 31, 2013

Robert Ritter

From: David Johnson [davidjohnson@starpower.net]
Sent: Wednesday, March 21, 2012 12:10 PM
To: ritter@chincoteague-va.gov
Subject: recreation committee opening

Rob,

This is to let you know of my interest in joining the town's Recreation and Community Enhancement Committee.

This committee has been doing great work and I think I could be helpful to the continuing effort to make Chincoteague a wonderful place to live and visit.

I have been regularly attending meetings of the town council and other town committees since 2005 and have a relatively informed knowledge of town issues.

I have been a volunteer at the town library since 2006 and am currently on the board of the library and the Chincoteague representative on the board of the Eastern Shore Library. I also have been involved in the summer history tours since 2006.

And am currently helping to organize the YMCA's Bay to Bay April 7 race.

I believe John Jester, Terry Howard, and Jack Van Dame have some sense of my involvement in Chincoteague.

David Johnson

6368 Circle Drive
757-336-0608