

REGULAR COUNCIL MEETING A G E N D A

TOWN OF CHINCOTEAGUE

June 4, 2012 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

PRESENTATION

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

-
1. Consider Adoption of the Minutes
 - Regular Council Meeting of May 7, 2012 (Page 3 of 55)
 - Special Council Meeting of May 16, 2012 (Page 19 of 55)
 2. Public Hearing for the Fiscal Year “2013” Budget, Consisting of: (Page 21 of 55)
 - Revenues for all Divisions
 - General Government Fund Expenses
 - Water Division Expenses
 - Total Main Street Fund Expenses
 - Trolley Division Expenses
 - Harbor Division Expenses
 - Harbor, Water, & Gen Gov. Rate Sheets
 3. Public Hearing on the Transient Occupancy Rate, 1% Increase Beginning January 1, 2013
 4. Public Hearing on a Real Estate Tax Increase from \$.06/100 assessed value to \$.07/100
 5. Possible Adoption of the Following Resolutions:
 - a. Irrevocable Election Not to Participate in the Line of Duty Act Fund (Page 39 of 55)
 - b. VML – Amendment to Membership Agreement (Page 40 of 55)
 - c. VRS – Employer Contribution Rate (Page 44 of 55)
 - d. VRS – Member Contribution Rate (Page 45 of 55)
 6. Accomack County Board of Supervisors Update (Honorable Wanda Thornton)
 7. Consider Permission to Pump and Haul at Christ’s Sanctified Holy Church (Page 47 of 55)
 8. Consider Adoption of the State Motor Vehicle Code (Page 48 of 55)
 9. Possible Adoption of a Resolution for the FY 2013 Litter Grant Program (Page 49 of 55)
 10. Ordinance Committee Report of May 10, 2012(Councilman T. Howard) (Page 50 of 55)

The following may require a motion:

 - Chapter 22, Article III. Nuisances, Sec. 22-62 (D) Grass, Weeds and other Foreign Growth on Private Property (Page 52 of 55)
 11. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:



CERTIFICATE OF HONORABLE SERVICE

awarded to

Mr. Jack VanDame

for your dedication and devotion to duty on
the occasion of your retirement from
the Town of Chincoteague.

You have had a valuable effect on this community,
and we extend to you our sincere appreciation
for your outstanding performance.

I, as Mayor of the Town of Chincoteague, along with
the Town Council do hereby extend our sincere
congratulations on your retirement.

Dated this 4th Day of June 2012.

John H. Tarr, Mayor

MINUTES OF THE MAY 7, 2012
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

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
Terry Howard, Councilman

Council Members Absent:

Tripp Muth, Councilman

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

PRESENTATION

Public Works Director Spurlock introduced Mr. Mark Norris with the Virginia Rural Water Association. He advised that the Town has gone from one licensed Waterworks Operator to three.

Mr. Norris explained that the Virginia Rural Water Association is a state association and represents approximately 26,000 water systems. He stated that this allows them to go onsite and offer assistance with items such as tank maintenance and locating lines. He continued to explain that if there is a major event like a storm they're there to help get the water system back up and running. He stated that the reason he is before Council is to present an award to A. J. Bowden who was secretly nominated by Public Works Director Spurlock. They evaluated all the nominees and because Mr. Bowden wasn't able to make the state meeting they decided to come to him. Mr. Norris added that they select an individual that sets the example and code of ethics. He stated that this is an honor to be selected as top Water Works Operator.

Mr. Norris then presented an award for Top Water Works Operator of the Year to Mr. A. J. Bowden. He advised that this will be reported in the quarterly magazine also. There was applause from the audience

Mr. Bowden thanked Public Works Director Spurlock for nominated him and he also thanked the Town. He added that he has two employees that are good workers and have recently been certified. He stated they do a good job and it is a pleasure to have them.

Mr. Norris added that there is a 60-70% failure rate on this test and this was an accomplishment for the Town's waterworks technicians to obtain the license.

Mayor Tarr congratulated Mr. Bowden and thanked him for his many years of service and hard work for the Town.

Councilman T. Howard stated that Mr. Bowden is a deacon at his church and he never fails to ask the Lord to bless the leaders of our state and town. He stated he is impressed and appreciates everything Mr. Bowden does.

Mayor Tarr advised he has another award this evening for Mr. Greg Merritt. He asked Mr. Drew Merritt to assist. He thanked Mr. Merritt on behalf of the Town of Chincoteague and presented him with an award for dedicated service.



TOWN OF CHINCOTEAGUE
Certificate of Recognition
presented to
Mr. Greg Merritt
for dedicated service to
the Town of Chincoteague and
the Eastern Shore of Virginia on the occasion
of his retirement from the Eastern Shore News.
Dated this 7th day of May 2012
John H. Tarr, Mayor

There was applause from the audience.

INTRODUCTION OF STUDENT GOVERNMENT DAY STUDENTS

Mayor Tarr introduced Student Government Mayor Timisa Johnson asking her to introduce the Student Government participants.

Student Government Mayor Johnson introduced the participants in the Student Government Day:
Town Manager – Jeffrey Beebe
Chief of Police – Courtney Rhoades
Director of Public Works – Drew Merritt
Town Council Members – Taylor Bailey, Warren Fosque, Raesha Savage, Annie Taylor, Rachel Orlando and Connor Derrickson.

Student Government Mayor Johnson advised they went to different businesses asking what they would like to see change within the Town. They discussed the different ideas to make Chincoteague a better place. She advised that they talked about Maddox Campground and the beach situation.

Student Government Public Works Director Merritt suggested having more youth activities and suggested utilizing the Island Activity Center. He also added that the Island is a “bit boring” in the off-season.

Student Government Councilwoman Taylor talked about the south side of the parking lot at the Chincoteague Veteran’s Memorial Park. She advised that it gets flooded and ducks are all in that area. She feels it needs addressing as it’s a hazard.

Mayor Tarr thanked the students for participating and the school for allowing the classes to continue to do the Student Government Day. He asked Council to vacate their seats for pictures of the Student Government Participants.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public comment.

- Ms. Lexi Hubb advised Council that about a year ago a theatre company was formed called the Chincoteague Island Theater Company. She advised that the Chincoteague Cultural Alliance was approached with an idea to utilize the Theater. She gave background of her qualifications in theater. She stated that the Cultural Alliance agreed to sponsor the endeavor. She also advised that the 3rd Thursdays Theater Series will begin May 13th through October being held by Sundial Books. She then explained of the background of some of the members.

Mrs. Hubb expressed her excitement of the purchase of the Island Theater and hopes to utilize the stage with live performances. She requested that if anyone is asked or approached about the Island Theater to please advise of the newly formed Theater Company. She stated that Chincoteague not only has a theater as a space but as an art form. She also advised they are working on advertisement.

- Mrs. Ginny Van Dame commented on the recent election and stated that the Seafood Festival was a wonderful event.

- Ms. Laurie Walton, Main Street Merchants, stated that at their last meeting, they discussed signage at the foot of the bridge. She advised they presented their ideas to Town Manager Ritter which is on the agenda later in the meeting.

- Mr. J. W. Jeffries commented on Mr. A. J. Bowden’s award. He expressed how proud he is of Mr. Bowden for his dedicated service to the Town.

- Mrs. Helen Merritt thanked Council for recognizing Mr. Greg Merritt on his retirement. She added that she is proud of him also.

Mayor Tarr again thanked Mr. A. J. Bowden for all his hard work.

STAFF UPDATE

Police Department

Major Mills issued the Police Department's monthly report to Council and asked if there were any questions. There were none.

Public Works Department

Public Works Director Spurlock issued the Public Works' monthly report. He also stated that Mr. Chris Quillen has successfully obtained his Waterworks License.

Councilman Jester asked for an update on the Church Street, Chicken City Road and Ridge Road intersection.

Public Works Director Spurlock reported that the intersection was closed in all 4 directions approximately 9:00 a.m. today until the project is complete in approximately 3 weeks.

There were a few questions regarding the closure. Public Works Director Spurlock also added that all the utility work is complete and they are working on the road.

Councilman J. Howard commented.

General Government

Town Manager Ritter gave the General Government monthly report to Council. He reported that they received word that the Town has been selected for round 2 consideration of the Transportation Enhancement Grant for the east side of the downtown revitalization project for next year. He also stated that the current project is expected to be completed by Memorial Day. He added that at the very least, the concrete sub-base will be completed. He advised that the paving of the downtown area will be sometime after Memorial Day.

Town Manager Ritter stated that staff is still working on the Line of Duty Act and a resolution will be discussed at the next council meeting. He stated that there is open enrollment for employees' health benefits coming up in June with no premium increase. He added that they are finalizing the survey and asked for input from Council. He concluded that the Town Newsletter will be distributed in the Beacon in a couple of weeks.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda. Unanimously approved.

1. Consider Adoption of the Minutes

• Recessed Council Meeting of April 2, 2012

Councilman T. Howard asked for a few corrections in the minutes of the April 2, 2012 meeting. He clarified that on page 3, the current name of the theater was the "Roxy" and he was saying to change the name back to the "Island Theater". He also stated that on page 8, on the resolution, #3 to remove the word "it" after hereby.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the minutes as corrected. Unanimously approved.

2. Resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the resolution on the Annual Spring Clean-up, Paint-up, Fix-up Week of May 12th through May 18th to coincide with the Mother Earth Day celebration. Unanimously approved.

Councilman J. Howard asked if in the coming years the Town could coordinate the clean-up, paint-up, fix-up week with the tire disposal of the County which was last week.

Town Manager Ritter advised that they changed it to coincide with the Mother Earth Day weekend.

Councilman T. Howard feels that all three events should be coordinated.

Town Manager Ritter also added that on May 17th, there will be a 2nd bulk trash collection and reminded anyone who has bulk trash to contact Mrs. Fox at the Town Office to be placed on the schedule.



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

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

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

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

WHEREAS, Chincoteague's Mother Earth Day is Saturday, May 12, 2012; Mother Earth Day will celebrate the beauty of our Island and involve people around the world over the course of several days; and

WHEREAS, during this celebration, we have the opportunity to demonstrate to ourselves, our

neighbors, and our visitors, our commitment to a clean and beautiful town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, INC:

1. That the week of May 12th – May 18th, 2012 is designated as **SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK** in the Town of Chincoteague to coincide with the Earth Day Celebration
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of May 14 –May 18, 2012 so that our Town of Chincoteague will exemplify cleanliness and beauty and to kick off the Tourist Season. Calling the Town Office with the items to be picked up will ensure collection of said items.

John H. Tarr, Mayor

Attest: _____
Robert G. Ritter, Jr., Town Manager

3. Resolution on Designating Hurricane Awareness Week

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the Resolution on Designating Hurricane Awareness Week for May 27th through June 2nd. Unanimously approved.



**RESOLUTION
Hurricane Preparedness Week 2012**

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year. In order to heighten awareness, the week of May 27-June 2, 2012 has been designated "Hurricane Preparedness Week"; and

Whereas, with the Town of Chincoteague being an Island, is vulnerable to the devastating effects a hurricane or tropical storm can cause. With the average land elevation of 3.5 feet above mean high tide could face loss of life and property if such a disaster occurs; and

Whereas, both public and private entities should develop emergency response and recovery plans in accordance with local jurisdictions and local emergency management offices. Such preventative action could save lives; and

Whereas, the Town of Chincoteague Emergency Management, the National Weather Service, and the Commonwealth of Virginia strongly suggest that all residents and visitors to the Town of Chincoteague be aware of the high winds, flooding and severe weather that may occur in conjunction with a tropical storm or hurricane.

Now, Therefore, Be It Resolved, that the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 27-June 2, 2012 as "Hurricane Preparedness Week: in the Town of Chincoteague.

John H. Tarr, Mayor

Attest: _____
Robert G. Ritter, Jr., Town Manager

4. Proclamation for Safe Boating Week

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the Proclamation for Safe Boating Week of May 19th through May 25th. Unanimously approved.



PROCLAMATION

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. But with this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat.

WHEREAS, responsible boaters will learn the local boating regulations, master the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters.

WHEREAS, U. S. Coast Guard Auxiliary, Flotilla 12-06 Chincoteague provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

WHEREAS, boaters nationwide are wearing their life jackets this week and year round to recognize National Safe Boating Week with the theme, “Life Jackets. They Float. You Don’t.”

NOW THEREFORE, BE IT RESOLVED I, Mayor John H. Tarr, proclaim May 19 through 25, 2012 as Safe Boating Week within the Town of Chincoteague and encourage all boaters to wear their life jacket, boat responsibly, and enroll in a safe boating class.

DATED this 7th day of May, 2012

Mayor John H. Tarr
Town of Chincoteague, Inc.

Sr. Chief Petty Officer A. Mark Kannan
U. S. Coast Guard
Station Chincoteague

Janie Conquest
Vice Flotilla Commander 12-06
U. S. Coast Guard Auxiliary

5. Phase 1 if the Six year Plan for Public Transportation

Town Planner Neville advised that in December 2011 Council adopted the Final Report for a Town of Chincoteague Transit Development Plan which included several recommended alternatives. The trolley brochure for 2012 included the changes suggested by the report and required by Virginia DRPT. He stated that they decided to expand some of the service hours or days. He also stated that the suggestion is to increase the season by adding another Saturday in October, which gives an additional 5 days.

Town Planner Neville also stated that there was an adjustment proposed for the “Red Route”. He stated based on ridership there wasn’t a strong need to create that loop in the system. They decided to go as far as the turn-around on Ridge Road before Ocean Breeze. He also reported that there is a provision for a Non-Discrimination Policy to be able to go off the route for people with disabilities.

Town Planner Neville advised that the Star Transit Blue-Line service to Chincoteague is scheduled to start this month. He stated that they're going to see how many people sign up to be able to implement this.

6. Public Hearing on the Zoning Ordinance, Section 2.127 Pony Penning Sales

Mayor Tarr asked Town Manager Ritter if this was properly advertised.

Town Manager Ritter advised it has been properly advertised and sent to the appropriate committees.

Mayor Tarr opened the public hearing at 8:48 p.m. There were no comments. Mayor Tarr closed the public hearing at 8:49 p.m.

Town Attorney Poulson reiterated that the fee is now \$50 instead of \$300 and anyone can get a permit.

Town Planner Neville stated that the choice was to get a \$50 Business License or a \$300 Pony Penning Permit, so everyone was purchasing a Business License.

There was discussion.

Town Planner Neville also advised that there was an exemption in the meals tax portion of the Ordinance regarding Pony Penning Sales. He explained that the exemption states that if they have food sales for 3 years they are exempt from paying a deposit in the amount of \$500. They decided to eliminate this and give the deadline of 30 days to report meals tax or the deposit is then forfeited to the Town.

There was discussion.

Town Planner Neville advised that this is changing the Zoning Ordinance through the public hearing process and placement in the Town Code. He asked if Council wanted to move forward and this would be a two part action. He added that the new application for the permit would also be revised to list the new standards and eliminate the exemption.

Mayor Tarr advised that there are two actions that need to be taken. One is to change Zoning Ordinance Section 2.127 and the second is to adopt the changes to Town Code Section 18-96 Pony Penning Sales.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the recommendation from the Ordinance Committee in Section 2.127, Pony Penning Sales. Unanimously approved.

Sec. 2.127. Pony Penning Sales.

Pony Penning sales is herein defined in this ordinance to mean and include all general sales within the Town that are open to the public during the period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately

~~following Pony Penning. for the purpose of disposing of any personal property. A permit is required for conducting Pony Penning sales within the Town in accordance with Chapter 18 of the Code.~~

~~Permit. A permit is required for conducting Pony Penning sales within the town and must be secured seven days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale.~~

~~Permit fee. The permit fee shall be \$300.00.~~

~~(1) Anyone with a valid town business license is exempted from the permit fee.~~

~~(2) Any person who produces documentary evidence to the reasonable satisfaction of the town manager that said person derives less than 50% of their gross income from the sale of such merchandise is exempt from the permit fee.~~

~~(3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales, and the remaining balance of the deposit, if any, shall be refunded to permittee at the end of such period upon computation of the actual tax due and payable as determined by such sales. Anyone conducting such food sales who has, for a period of three years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required is exempt from this deposit requirement.~~

~~Duration of sale; hours of operation; frequency. Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements. (Amended 6/19/08.)~~

Councilman J. Howard motioned, seconded by Councilman T. Howard to adopt the changes as recommended by the Ordinance Committee to Section 18-96 Pony Penning Sales. Unanimously approved.

Sec. 18-96 Pony Penning Sales

(a) *Generally.* *Pony Penning sales* is herein defined in this ordinance to mean and include all general sales within the town, that are open to the

public ~~during the event.~~—~~for the purpose of disposing of any personal property.~~

(b) *Permit.* A permit is required for conducting Pony Penning sales within the town and must be secured eight days prior to the Saturday preceding Pony Penning. The permit shall be displayed at the sale location for the entire length of the sale. Yard sales are prohibited during the event.

(c) *Permit fee.* The permit fee shall be \$50.00.

(1) Anyone with a valid town business license is exempted from the permit fee.

~~(2) —Any person who produces documentary evidence to the reasonable satisfaction of the Town Manager that said person derives less than 50% of their gross income from the sales of such merchandise is exempt from the permit fee.~~

(3) Anyone selling prepared food as defined in the town's meal tax ordinance must submit a deposit to the town manager in an amount of \$500.00 prior to receiving such permit, which amount shall be applied to any tax due as a result of such sales. Report of actual sales must be submitted ~~by August 20th~~ **within 30 days from the end of the event.** Failure to report actual sales by the due date will forfeit the deposit. The remaining balance of the deposit, if any, shall be refunded to permittee upon computation of the actual tax due and payable as determined by such sales. ~~Anyone conducting such food sales who has for a period of three (3) years preceding this permit, complied with all applicable reporting and payment procedures as otherwise required, is exempt from this deposit requirement.~~

(d) *Duration of sale; hours of operation; frequency.* Sales conducted under this section are restricted to a maximum period beginning no sooner than the Saturday preceding Pony Penning and ending on the Saturday immediately following Pony Penning. Any sale exceeding this time period or otherwise not in compliance with this section will not be considered Pony Penning sales and will be in violation of this section and will be considered a business and must comply with all applicable zoning and business licensing requirements.

(Amended 05/07/12)

7. Resolution to Request Transfer of Bridge Street Right of Way

Town Manager Ritter advised that this is requested from VDOT for Bridge Street along with the Marsh Island area where the old bridge tenders house is to transfer ownership of this property to the Town.

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the resolution for the Department of Transportation to transfer certain real property to the Town of Chincoteague, Inc. Unanimously approved.



**RESOLUTION PETITIONING THE COMMONWEALTH OF VIRGINIA
TRANSPORTATION BOARD TO TRANSFER CERTAIN REAL PROPERTY TO THE
TOWN OF CHINCOTEAGUE**

WHEREAS, the Commonwealth of Virginia rerouted that portion of State Route 175 know as Bridge St. on Chincoteague Island as the result of the Chincoteague Island Bridge Project also known as VDOT Project Number 1896 Contract ID Number 0175-001-V12, C502,B606;

WHEREAS, all aspects of the construction of the Project are complete and title to the real property encompassed by Bridge Street remains vested in the Commonwealth; and

WHEREAS, the Town maintains the Property and believes it would be in the Town's best interest for title to the Property within Bridge Street be transferred to the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF
CHINCOTEAGUE ISLAND, VIRGINIA;**

1. That the Town of Chincoteague hereby petitions the Commonwealth of Virginia, Transportation Board, pursuant to Code Section 33.1-149 of the Code of Virginia, as amended , to transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Project as shown on Exhibit A -1, A-2, & A-3, attached hereto and made a part hereof, which constitutes a section of public road, to the Town of Chincoteague, and to take such other action as necessary to complete the conveyance of title to the Town of Chincoteague, and upon transfer, such section of road shall cease being a part of the State Highway System.

2. That the Town Manager, or his authorized designee , is hereby authorized to execute any and all documents on behalf of the Town to complete the conveyance of title to the Property,

containing such terms and conditions deemed necessary and sufficient by the Town Manger and in a form deemed satisfactory by the Town Attorney.

Adopted by the Town Council of the Town of Chincoteague Island, Virginia, this 7th day of May, 2012.

Robert G. Ritter, Town Manager

8. Public Safety Committee Report of April 2, 2012

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

9. Recreation and Community Enhancement Report of April 10, 2012

- **Directional Sign at the Bottom of the Welcome Sign Entering the Island**
- **Name the Overlook at the Curtis Merritt Harbor, Mariner’s Point and Have a Sign Put up as Soon as Possible**

Councilman Jester reported that Mrs. Nancy Lane from the Garden Club and Mr. David Johnson were appointed to the Committee. He advised that one of the issues was the directional signage to be placed at the bottom of the welcome sign at the foot of the bridge. He stated that the other issue is naming the overlook at the Curtis Merritt Harbor “Mariner’s Point”.

Town Planner Neville informed Council that the Downtown Merchants Association appreciates the current sign. However, would like to have a directional sign at the bottom that is visible when people arrive on the Island. He explained some options and advised that the Downtown Merchants Association suggested an alternative. He stated that staff would like to get some feedback from Council.

There was further discussion. They decided that the front side should be directional to the historic downtown and the back side of the sign should be directional to the Robert Reed Waterfront Park.

Councilman Jester also explained that they discussed naming the overlook at the Curtis Merritt Harbor “Mariner’s Point”. He advised that with the work done there they feel it should be formally named and a small sign placed on the existing fence.

Councilman Jester motioned, seconded by Councilwoman Conklin to name the overlook at the Curtis Merritt Harbor “Mariner’s Point”. Unanimously approved.

10. Ordinance Committee Report of April 12, 2012

- **Water Utility Service Connection and Extensions Code Amendment**
- **Pony Penning Sales Permit Ordinance, Chapter 19 Code Amendment**

Councilman T. Howard reported that Public Works Director Spurlock gave the Committee information on Service Connection components and extensions. He stated that currently all

water mains have to be 6” and the change would give him the discretion to install the size main that would be sufficient. He also mentioned another change referring to easements.

Public Works Director Spurlock also explained that the first proposed change is more of a housekeeping issue using an easement regarding the property that doesn't front a water main. The other is a constructive change to the water main size.

Town Manager Ritter explained the corrections.

Town Attorney Poulson stated that paragraph B only applies to an easement prior to November 7, 1991. He feels there is a problem. He stated that there are two kinds of easements; ingress and egress, which is strictly for this and a right-of-way is for all reasonable, necessary and incidental uses that would go with a residence. He also added that this is for utility type purposes. He further explained easements.

There were questions from Town Attorney Poulson regarding the new easements created after 1991.

They discussed potential scenarios. There was lengthy discussion and Council decided to ask Town Attorney Poulson to review the ordinance further.

Sec. 62-87. Service connection requirements.

(a) Each parcel requiring a service connection to the water system shall be adjacent to a water main. Where properties are not adjacent to a water main, the following shall apply:

(1) The water system (nearest main) shall be extended at the expense of the property owner and in accordance with the requirements of section 62-88.

~~(2) A parcel may be served from a meter and connection located on the property of others, provided that the parcel owner has a recorded perpetual easement granted by the other property owner which provides for the installation and maintenance of the water meter and service line between the town's water main and the parcel to be served. The minimum width of such easement shall be five feet. The use of easements as described in this subsection shall not apply to any legal division of property occurring after November 7, 1991.~~

~~(3)~~ (3) A parcel may be served from a connection, meter and service line located in an ~~existing older easement and/or right-of-way, provided the use of such is not~~ specifically described. The minimum width of such easement shall be five feet. The town will interpret such easements and rights-of-way- to allow for total usage, which would include the right to install and maintain water utilities. Such easements and rights-of-way as described in this subsection must be adjacent to a water main and be contiguous to the involved parcel. The term "older" as used in this section, shall refer to property or divisions of property legally recorded prior to ~~December 6, 1974~~ November 7, 1991.

(b) The use of nonspecific older easements and rights-of-way and perpetual easements shall only be permitted when there is no other practicable avenue available to provide water to the requiring parcel.

Sec. 62-88. Water main extensions.

(a) The owner and/or developer of a parcel requiring a water main extension by virtue of the requirements of subsection 62-87(a) shall request such extension from the town in writing. With the written request, the owner and/or developer shall also submit recorded drawings, plats or surveys depicting the parcel to be served by the requested extension. Such drawings shall include the delineation of the utility easements to be used by the town for the placement and maintenance of the requested water main. Delineated easements on recorded drawings shall include the finished grade elevation of the easement area. In the absence of utility easements being included in recorded drawings, easements and certification of elevation may be conveyed through separate perpetual deed of easement or agreement to the town. Utility easements shall be a minimum of ten feet in width. Pavement for roadways shall not be installed over utility easements.

(b) Upon review of the request and within 30 days of the request, the town shall design and size the appropriate extension to the water system and calculate the cost of installation of the extension. Costs shall include an administrative fee percentage, set by the town council. The requester will be notified of the cost of the installation and allowed 30 calendar days to initiate the installation by paying the provided cost. If payment is not made within the allotted time, the requester shall submit subsequent requests as necessary to allow the town to calculate the new cost. The town shall have the right to recover costs incurred from repeated design and calculation in subsequent cost calculations.

(Amended 4/19/07)

(c) Once payment for an extension is made, the town shall schedule and implement the work within 60 calendar days.

(d) Water main extensions shall be designed and sized on a case-by-case basis, ~~but in no case will pipe with inside diameter sizes of less than six inches be used for mains~~, nor will required fire hydrants be deleted from a potential extension.

(e) Property owners assume all responsibility for delineation of property to be served by water mains and the delineation of utility easements to be used for the installation of water mains. All property markers relevant to water main installation shall be in place in the field and located prior to the town's installation work.

(f) All obstructions to the path of the water main and service connections shall be cleared by the property owner prior to installation work.

(Code 1977, § 15-4-3; Ord. of 4-5-1999, § 15-4-3)

11. Mayor & Council Announcements or Comments

Councilman T. Howard discussed the road conditions in certain areas. Referring to road work and repairs, he asked if there is some kind of equipment to fix the road back so that it doesn't become an insult to an almost perfect road.

Councilman T. Howard suggested allowing him to ride with Public Works Director Spurlock to show him some areas in need of repair.

Councilwoman Conklin commended Mayor Tarr and his wife Sherry as leaders of the Annual Seafood Festival for the Chamber as it was a wonderful affair. She also advised that the Cinco de Mayo celebration for the museum was a wonderful occasion.

Councilman Jester stated that it was good to have such events on the Island. He also stated that someone suggested that next year's museum celebration should be "Chinco de Mayo".

Councilman J. Howard stated that he would like to see the Town attempt to adopt some of the roads in Ocean Breeze. He would like to talk to Mr. Tull about this. He asked Town Manager Ritter to look into this further. He also commented that he doesn't want all the men at once digging in a hole for fear something would happen to them all.

Town Manager Ritter wished Mayor Tarr a happy birthday. He also congratulated Councilman Jester and Mayor Tarr on winning the election.

Mayor Tarr reminded Council to sign up for the annual Chamber meeting scheduled for Wednesday at Don's Seafood.

Adjourn.

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

Mayor

Town Manager

MINUTES OF THE MAY 16, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING

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 at 5:00 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to adopt the agenda. Unanimously approved.

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

• **Legal Matters (“Town-County relations”)**

Councilman T. Howard moved, seconded by Councilman Jester to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss legal matters. Unanimously approved.

Councilwoman Conklin moved, seconded by Councilman T. Howard to reconvene in regular session. Unanimously approved.

Vice Mayor Richardson moved, seconded by Councilman T. Howard to adopt a resolution of certification of the closed meeting.

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

WHEREAS, Section 2.2-3711(A)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this

certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Jester, T. Howard, J. Howard, Richardson, Conklin, Muth
Nays- None
Absent- None

Adjourn

Vice Mayor Richardson motioned, seconded by Councilman Jester to adjourn. Unanimously approved.

Mayor

Town Manager

FACT SHEET OR HIGHLIGHTS

1. TOTAL BUDGET \$6,523,069
2. GENERAL FUND TOTAL BUDGET \$4,652,008
3. REAL ESTATE TAX INCREASE OF \$0.01/\$100 OF ASSESSED VALUE DUE TO LOWER ASSESSMENTS.
4. TRANSIENT OCCUPANCY TAX WILL INCREASE BY 1%.
5. IT IS ANTICIPATED THAT THE TRANSIENT TAX INCREASE WILL GENERATE ENOUGH ADDITIONAL REVENUE IN 5 MONTHS TO PLACE REVENUE IN THE BEACH/RECREATION/TOURISM RESERVE.
6. THE CHINCOTEAGUE RECREATION AND CONVENTION CENTER AUTHORITY WILL RECEIVE 14% OF TRANSIENT OCCUPANCY TAX. DRAINAGE WILL RECEIVE 5%.
7. STATE MANDATED (UNFUNDED) EMPLOYEES MUST PAY 5% RETIREMENT EMPLOYERS MUST PROVIDE 5% SALARY INCREASE TO OFFSET.
8. ANY PHASE-IN PLAN WILL COST MORE TO IMPLEMENT.
9. TOWN WILL RECEIVE SAFE ROUTES TO SCHOOLS GRANT. THIS WILL PROVIDE A BICYCLE PATH FROM THE HIGH SCHOOL TO THE ELEMENTARY SCHOOL WITH LIGHTING. A SHELTERED BICYCLE RACK WILL BE BUILT AT THE ELEMENTARY SCHOOL.
10. \$10,000 IS INCLUDED FOR THE OCEAN BLVD. TRAIL.
11. \$22,000 IS INCLUDED FOR REPAIRS TO MEMORIAL PARK BOAT RAMP FROM USER FEES.
12. TOWN DECALS REDUCED FROM \$33 EACH TO \$27.
13. THE BUDGET INCLUDES AN INCREASE IN WATER RATES.
14. THE WATER FUND PROPOSES TO SET ASIDE \$75,368 IN THEIR RESERVE.

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 REVENUES

<u>Revenue Name</u>	<u>Number</u>	<u>FY'13 Budget Revenues</u> <u>Budgeted</u>
Fund 10 - General Government		
Real Estate Tax Levy	4001-0100	\$ 611,090
Tangible Property Tax Levy	4001-0125	\$ 188,700
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$ 35,000
Meals Tax	4001-0500	\$ 648,900
Bank Franchise Tax	4001-0600	\$ 42,000
Sales Tax	4010-0100	\$ 110,000
Business License	4010-0200	\$ 125,000
Motor Vehicle License	4010-0300	\$ 80,000
Utilities Tax	4010-0500	\$ 140,000
Transient Occupancy Tax	4010-0600	\$ 745,936
Fines	4015-0100	\$ 45,000
Interest on Savings	4020-0100	\$ 30,000
Banner Donations	4041-0100	\$ 6,000
Cemetery Cleanup Donations	4041-0150	\$ 1,000
User Fees	4041-0200	\$ 25,000
Building Permits	4041-0500	\$ 42,420
Zoning Advertisements	4041-0600	\$ 2,000
Grants/Litter	4045-0100	\$ 2,585
Sale of Capital Assets	4049-0100	\$ 500
Health Insurance-Retirees Spouse	4051-0200	\$ 7,500
VA Fire Programs	4051-0300	\$ 11,910
Payment in lieu of Taxes - USFWS	4061-0100	\$ 4,200
Harbor Administration	4061-0105	\$ 7,000
Rental Income - Trolley	4061-0106	\$ 12,000
Tower Rent	4061.0107	\$ 4,800
Communications Tax	4071-0100	\$ 212,855
Personal Property Relief Act	4071-0200	\$ 150,250
Mobile Home Sales Tax	4071-0300	\$ 7,482
Recovered Cost from Water	4101-0200	\$ 78,399
Public Works Miscellaneous	4201-0100	\$ 10,000
Miscellaneous Income	4303-0100	\$ 15,000
Solid Waste Collection Fee	4303-0400	\$ 293,403
Law Enforcement Funds	4401-0100	\$ 97,587
Police Miscellaneous	4401-0125	\$ 1,000
Police Donations	4401-0150	\$ 20,000
Police Grants	4401-0160	\$ 9,000
911 Dispatch Revenue	4401-0200	\$ 29,000
911 Local Tax (Wireless)	4401-0300	\$ 30,345
VDOT Maintenance Funds	4501-0100	\$ 557,906
Road Permit Fees	4501-0101	\$ 400
VA Commission for the Arts - Grant	4545-0140	\$ 5,000
Safe Routes to Schools Grant	4701-0400	\$ 205,840
Total Fund 10		\$ 4,652,008

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 REVENUES

Fund 20 - Main Street Project

Program Income	4501-0100	\$	3,000
TEA-21 Grant	4501-0115	\$	565,646
Total Fund 20		\$	568,646

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	1,500
Harbor Rent	4031-1000	\$	61,036
Subleases	4031-1002	\$	19,255
Dry/Winter Storage	4031-1003	\$	850
Loading Dock	4031-1004	\$	2,520
Fuel Revenue	4031-1058	\$	94,000
Total Fund 30		\$	179,161

Fund 70 - Trolley

Trolley Grants	4501-0100	\$	45,200
Program Income	4501-0110	\$	7,000
Transfer from General Fund	4501-8900	\$	23,200
Total Fund 70		\$	75,400

Fund 80 - Water

Water Rent	4101-0100	\$	1,008,643
Water Adjustments	4101-2200	\$	(500)
Waterline Extensions	4131-0100	\$	10,000
Service Connections	4131-0200	\$	10,500
Interest on Water Savings	4131-0300	\$	360
Miscellaneous	4131-0400	\$	500
Availability Fees	4131-0500	\$	18,351
Total Fund 80		\$	1,047,854

TOTAL ALL FUNDS		\$	6,523,069
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TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

<u>Expenditure Name</u>	<u>Number</u>	<u>FY'13 Expenditures</u>	
FUND 10 - General Fund			
<i>Fund 10 - General Fund/Department 50 - General Government</i>			
<u>Salaries</u>			
Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	418,000
Emergency Medical Staff	5010-1002	\$	256,000
Overtime	5010-1003	\$	30,000
<i>Subtotal</i>		\$	731,840
<u>Benefits</u>			
Social Security	5020-2001	\$	51,000
Hospitalization	5020-2101	\$	60,764
Blood Bank	5020-2102	\$	100
Unemployment - All Employees	5020-2103	\$	5,000
Retirement	5020-2201	\$	80,000
Life Insurance	5020-2202	\$	3,500
Line of Duty Trust	5030-2300	\$	18,076
<i>Subtotal</i>		\$	218,440
<u>Expenses</u>			
Bank Charges	5030-3100	\$	3,000
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	13,325
Planning Commission	5030-3103	\$	40
Board of Zoning Appeals	5030-3104	\$	40
Building Permit Surcharge	5030-3105	\$	1,025
Board of Building Code Appeal	5030-3106	\$	25
Emergency Medical Clothing	5030-3107	\$	2,200
EMS Cell Allowance	5030-3108	\$	1,500
Insurance	5030-3401	\$	96,000
Auditing	5030-3501	\$	22,550
Donations	5030-3601	\$	6,600
Fire Department Donation	5030-3602	\$	20,141
Civic Center (TOTAX)	5030-3701	\$	104,431
Tourism - \$30K Chamber & \$30K Civic Center & \$7100 Other	5030-3705	\$	64,890
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	1,000
Office Supplies/Publications	5030-4401	\$	10,250
Office Equipment/Software Maintenance	5030-4402	\$	21,000
Postage	5030-4403	\$	10,763
Tax Bills & Conversion	5030-4404	\$	1,750
Motor Vehicle License	5030-4501	\$	2,100
Travel & Training	5030-4801	\$	3,588
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	500
Town Manager's Expense	5030-4903	\$	250
Attorney/Legal Consultants	5030-5101	\$	50,600
Drug/Alcohol Testing	5030-5201	\$	2,000

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Christmas Dinner	5030-5501	\$	2,200
Dues	5030-6101	\$	4,400
VML Conference	5030-6102	\$	1,000
Advertising & Website	5030-7101	\$	12,000
Building Maintenance	5030-7301	\$	6,000
Electricity	5030-7401	\$	14,863
Heating Oil	5030-7402	\$	4,000
VA Fire Programs/CVFC	5030-7601	\$	11,910
EOC Operations/Training	5030-7602	\$	1,500
Special Projects	5030-7701	\$	7,000
Pony Penning Expense	5030-7702	\$	6,000
Deer D-Pop Program	5030-7703	\$	1,000
Leonard Asst Fund	5030-8001	\$	-
Telephone Bills	5030-8202	\$	20,000
Health Insurance - Retirees	5030-8401	\$	20,000
Transfer to Medicare (Doughnut Hole)	5030-8403	\$	10,000
Insurance-Retiree, Spouses & Others	5030-8402	\$	7,500
Miscellaneous	5030-8501	\$	5,000
Cemetery Cleanup	5030-8600	\$	1,500
Va Commission for the Arts	5030-8700	\$	10,000

Transfer to Trolley Fund	5030-8900	\$	23,200
VOLSAP For Volunteer Firemen	5030-8912	\$	2,640
Transfer to Beach/Recreation/Tourism Reserve	5030-8913	\$	65,000
Subtotal		\$	683,681

Capital Improvements

Office Equipment	5090-9709	\$	3,000
Bond - School Board Property	5090-9740	\$	74,815
Interest on Bond	5090-9741	\$	8,141
Software	5090-7960	\$	3,561
Subtotal		\$	89,517

Subtotal Fund 10 Dept 50 **\$ 1,723,478**

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

Salaries

Salaries	6010-1001	\$	105,223
Overtime	6010-1003	\$	525
Subtotal		\$	105,748

Benefits

Social Security	6020-2001	\$	9,329
Hospitalization	6020-2101	\$	18,000
Retirement	6020-2201	\$	14,730
Life Insurance	6020-2202	\$	646
Subtotal		\$	42,705

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Expenses

Office Supplies & Equipment	6030-4401	\$	500
Street Maintenance	6030-4501	\$	1,050
Street Signs / 911	6030-4502	\$	3,000
Street Lights	6030-4503	\$	22,000
Gasoline/Diesel	6030-4701	\$	30,252
Oil/Grease	6030-4703	\$	2,625
Tools Shop	6030-4704	\$	2,625
Travel/Training	6030-4801	\$	1,250
Clothing / Uniforms	6030-5202	\$	4,100
Building Maintenance	6030-7301	\$	1,550
Equipment Repairs	6030-7302	\$	12,800
Safety	6030-7303	\$	1,250
Vehicle PMs	6030-7304	\$	1,300
Tires	6030-7305	\$	2,100
Garage Supplies	6030-7306	\$	2,500
Vehicle Repairs	6030-7307	\$	8,200
Electricity	6030-7401	\$	7,380
LP Gas	6030-7402	\$	2,000
Tipping Fees	6030-7501	\$	1,200
Sanitation Contract	6030-7501	\$	394,294
Miscellaneous	6030-8501	\$	1,500
	Subtotal	\$	503,476
Subtotal Fund 10 Dept 60		\$	651,929

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	33,829
Overtime	6110-1003	\$	10,000
	Subtotal	\$	43,829

Benefits

Social Security	6120-2001	\$	3,429
Hospitalization	6120-2101	\$	-
Retirement	6120-2201	\$	-
Life Insurance	6120-2202	\$	-
	Subtotal	\$	3,429

Expenses

Insurance	6130-3401	\$	8,100
Office Supplies	6130-4401	\$	200
Gasoline	6130-4701	\$	4,200
Tools & Small Equipment	6130-4704	\$	1,000
Chemicals	6130-4705	\$	45,500
Contract Spraying	6130-4706	\$	23,700
Travel/Training/Conference	6130-4801	\$	300
Uniforms	6130-5202	\$	750
Equipment Repairs/Maintenance	6130-7302	\$	1,800
Safety Equipment	6130-7303	\$	400
Vehicle Maintenance	6130-7304	\$	1,250
Sundry	6130-6101	\$	200
	Subtotal	\$	87,400

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Capital Improvements

Drainage	6190-9125	\$	37,300
	<i>Subtotal</i>	\$	37,300

Subtotal Fund 10 Dept 61 **\$ 171,958**

Fund 10 - General Fund/Department 63 - Public Works Facilities

Salaries

Salaries	6310-1001	\$	150,000
Overtime	6310-1003	\$	1,050
	<i>Subtotal</i>	\$	151,050

Benefits

Social Security	6320-2001	\$	11,476
Hospitalization	6320-2101	\$	39,000
Retirement	6320-2201	\$	18,121
Life Insurance	6320-2202	\$	795
	<i>Subtotal</i>	\$	69,392

Expenses

Seasonal Decorations & Banners	6330-4100	\$	8,000
Tools	6330-4704	\$	800
Uniforms	6330-5202	\$	3,075
Public Restroom Supplies	6330-6260	\$	10,500
Electricity	6330-7401	\$	3,700
Sundry	6330-8501	\$	200
Park & Recreation Expense	6330-8590	\$	12,500
Vandalism Repairs	6330-8600	\$	2,000
Boat Ramp Expense	6330-8700	\$	22,000
Donald J Leonard Park	6330-8800	\$	500
Island Nature Trail	6330-8900	\$	500
Island Activity Center	6330-8950	\$	5,000
	<i>Subtotal</i>	\$	68,775

Capital Improvements

Ocean Blvd Trail	6390-9400	\$	10,000
	<i>Subtotal</i>	\$	10,000

Subtotal Fund 10 Dept 63 **\$ 299,217**

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

Salaries

Salaries	6510-1001	\$	108,030
Overtime	6510-1003	\$	2,000
	<i>Subtotal</i>	\$	110,030

Benefits

Social Security	6520-2001	\$	8,264
Hospitalization	6520-2101	\$	11,340
Retirement	6520-2201	\$	13,050
VSRS/Life Insurance	6520-2202	\$	573

Subtotal \$ 33,227

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TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Expenses

Snow Removal	6530-4102	\$	1,000
Pavement Maintenance	6530-4150	\$	234,149
Sidewalks	6530-4201	\$	40,000
Roadside Services	6530-4250	\$	3,000
Drainage Maintenance	6530-6250	\$	50,000
Traffic Control Devices	6530-7201	\$	20,000
Traffic Control Operations	6530-7201	\$	1,500
Electricity	6530-7450	\$	60,000
Engineering	6530-8600	\$	5,000
	Subtotal	\$	414,649

Subtotal Fund 10 Dept 65 **\$ 557,906**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	493,000
Overtime	7010-1003	\$	8,500
	Subtotal	\$	501,500

Benefits

Social Security	7020-2001	\$	38,300
Hospitalization	7020-2101	\$	36,000
Retirement	7020-2201	\$	56,900
Life Insurance	7020-2202	\$	2,490
	Subtotal	\$	133,690

Expenses

Gasoline	7030-4701	\$	22,000
Travel/Training	7030-4801	\$	7,500
Uniform Allowance (Officers)	7030-5201	\$	6,000
Uniforms - Town	7030-5202	\$	2,000
Office Supplies/Equipment Maintenance	7030-7300	\$	7,000
Equipment Repairs & Supplies	7030-7302	\$	3,500
Vehicle Maintenance	7030-7304	\$	5,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	3,800
Bicycle Patrol	7030-7904	\$	300
Community/Youth Programs	7030-7905	\$	20,000
Grant Funded Expenditures	7030-7906	\$	5,000
Ammunition	7030-7907	\$	2,500
Cell Phone Allowance	7030-8203	\$	3,600
Sundry	7030-8501	\$	500
	Subtotal	\$	93,700

Capital Improvements

Patrol Vehicle	7090-9650	\$	28,500
Safe Routes to Schools Project	7090-9685	\$	205,840
	Subtotal	\$	234,340

Subtotal Fund 10 Dept 70 **\$ 963,230**

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$	201,000
Overtime	7510-1003	\$	2,500
<i>Subtotal</i>		\$	203,500

Benefits

Social Security	7520-2001	\$	14,500
Hospitalization	7520-2101	\$	18,000
Retirement	7520-2201	\$	13,500
Life Insurance	7520-2202	\$	590
<i>Subtotal</i>		\$	46,590

Expenses

Travel/Training	7530-4801	\$	2,000
Uniform Allowance - Dispatchers	7530-5201	\$	1,400
Uniforms (Town for Dispatchers)	7530-5202	\$	500
Office Supplies/Equipment Maintenance	7530-7300	\$	24,000
E911 Line Fees	7530-8202	\$	5,600
911 Addressing	7530-8203	\$	600
Sundry	7530-8501	\$	100
<i>Subtotal</i>		\$	34,200

Subtotal Fund 10 Dept 75 \$ **284,290**

Total Fund 10 \$ **4,652,008**

Fund 20 - Main Street Project

Expenses

Maintenance	2030-7101	\$	1,000
Electricity	2030-7401	\$	2,000
<i>Subtotal</i>		\$	3,000

Capital Improvements

Main Street Project	2090-9711	\$	565,646
<i>Subtotal</i>		\$	565,646

Total Fund 20 \$ **568,646**

Fund 30 - Curtis Merritt Harbor

Salaries

Salaries	8010-1001	\$	27,778
Overtime	8010-1003	\$	200
<i>Subtotal</i>		\$	27,978

Benefits

Social Security	8030-2001	\$	2,125
Retirement	8020-2201	\$	3,356
Life Insurance	8030-2202	\$	147
<i>Subtotal</i>		\$	5,628

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Expenses

Administrative Expense - Town	8030-3100	\$	7,000
Operation/Maintenance/Etc.	8030-7300	\$	22,821
Driveway Stones	8030-7305	\$	2,000
Fuel Purchase	8030-7315	\$	84,000
Sundry	8030-8501	\$	2,000
	<i>Subtotal</i>	\$	117,821

Capital Improvements

Electrical Meter Station	8090-9128	\$	21,000
Fencing	8090-9134	\$	6,734
	<i>Subtotal</i>	\$	27,734

Total Fund 30 \$ 179,161

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	32,500
	<i>Subtotal</i>	\$	32,500

Benefits

Social Security	3020-2001	\$	2,450
	<i>Subtotal</i>	\$	2,450

Expenses

Insurance & Bonding	3030-3401	\$	4,000
Communication Service	3030-4400	\$	750
Printing & Reproduction	3030-4401	\$	2,500
Advertising & Promotion	3030-4402	\$	800
Education & Training	3030-4403	\$	650
Cleaning Supplies	3030-4404	\$	250
Supplies & Materials (Other)	3030-4406	\$	325
Memberships and Dues	3030-4407	\$	125
Travel & Meals	3030-4408	\$	1,000
Fuel and Lubricants	3030-4701	\$	9,400
Tires & Tubes	3030-4702	\$	600
Uniforms	3030-4703	\$	500
Parts	3030-4704	\$	750
Drug and Alcohol Testing	3030-5201	\$	800
Equipment Repairs/Maintenance	3030-7302	\$	6,000
Rent	3030-8505	\$	12,000
	<i>Subtotal</i>	\$	40,450

Total Fund 70 \$ 75,400

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	214,647
Overtime	6210-1003	\$	3,150
Pump Duty	6210-1004	\$	14,175
	<i>Subtotal</i>	\$	231,972

TOWN OF CHINCOTEAGUE
FISCAL YEAR 2013 EXPENSES

Benefits

Social Security	6220-2001	\$	17,746
Hospitalization	6220-2101	\$	39,917
Retirement	6220-2201	\$	29,124
Life Insurance	6220-2202	\$	578
	<i>Subtotal</i>	\$	87,365

Expenses

Office Supplies/Equipment Maintenance	6230-4401	\$	2,500
Postage	6230-4403	\$	3,500
Gasoline & Diesel	6230-4701	\$	3,150
Tools	6230-4704	\$	1,000
Chemicals	6230-4705	\$	12,600
Travel & Training	6230-4801	\$	2,500
Uniforms	6230-5202	\$	2,000
Dues/Licenses	6230-6101	\$	1,200
Building Maintenance/Rehab	6230-7301	\$	5,000
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	1,000
Raw Water Purchase (NASA)	6230-7400	\$	500
Electricity	6230-7401	\$	47,632
LP Gas	6230-7402	\$	525
Distribution & Repairs	6230-8101	\$	37,500
Supply Repairs	6230-8103	\$	16,000
Miss Utility	6230-8204	\$	900
Sundry	6230-8501	\$	200
Reimbursement to Fund 10	6230-8601	\$	78,399
Regulation Compliance	6230-8750	\$	3,500
State Groundwater Permits	6230-8770	\$	10,000
Transfer to Water Reserve	6230-8900	\$	75,368
Engineering	6230-9100	\$	500
	<i>Subtotal</i>	\$	305,974

Capital Improvements

Water Main Extensions	6290-9101	\$	10,000
Interest on Water Bond Supply Line	6290-9504	\$	21,730
Water Bond - Supply Line Main Street	6290-9505	\$	102,141
Water Bonds	6290-9506	\$	179,406
Interest on Water Bond	6290-9507	\$	62,266
Waterline Line Replacement	6290-9600	\$	12,000
Pitless Adapter Booster Station	6290-9700	\$	35,000
	<i>Subtotal</i>	\$	422,543

Total Fund 80 \$ **1,047,854**

TOTAL ALL FUNDS \$ **6,523,069**

GENERAL GOVERNMENT FEES

Building and Zoning Permit Fees

Category	CURRENT FY "12"	DRAFT FY "13"
Res. New Construction: per sq ft	\$0.18	\$0.18
Res. New Const.: minimum fee	\$80.00	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00	\$60.00
Comm. New Construction: per sq ft	\$0.23	\$0.23
[plus \$5 per plumbing fixture (Chinco)]		
Comm. New Constr.: minimum fee	\$110.00	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00	\$90.00
Mobile Homes: per sq ft	\$0.18	\$0.18
Demolition of Structure: Residential	\$30.00	\$30.00
Demolition of Structure: Commercial	\$30.00	\$30.00
Removal/Installation fuel tanks:		
1000-3000 gallon capacity	\$115.00	\$115.00
Each additional 1000 gallon capacity	\$25.00	\$25.00
Installation of radio or communication tower:		
Up to 100 feet	\$115.00	\$115.00
Each additional 100 feet	\$45.00	\$45.00
Each Additional Attachment		
Piers or Bulkheads:		
Up to 300 linear feet	\$90.00	\$90.00
Each additional 100 linear feet	\$11.00	\$11.00
New Docks: per sq ft	\$0.18	\$0.18
Boat ramps & groins	\$115.00	\$115.00
Swimming Pools:		
Above-ground	\$60.00	\$60.00
In-ground	\$80.00	\$80.00
Commercial	\$80.00	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00	\$45.00
Installing New Sheathing-Residential while re-roofing		
Installing New Sheathing-Commercial while re-roofing		
Re-siding	\$45.00	\$45.00
Moved Buildings	\$80.00	\$80.00
For other work not listed:		
Residential	\$60.00	\$60.00
Commercial	\$90.00	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a	n/a
No inspection required	\$30.00	\$30.00
Inspection required:		
Per sq ft	\$0.13	\$0.13
Minimum fee	\$60.00	\$60.00
Appeals to the Board of Appeals	\$450.00	\$450.00
Administrative Fees:		
Lost permit (reissue)	\$30.00	\$30.00
Permit amendment (reissue)	\$30.00	\$30.00
Change of use	\$50.00	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00	\$30.00
For beginning constr. prior to obtaining BP:		
First offense	\$50.00	\$50.00
Each offense thereafter	\$200.00	\$200.00
Re-inspection fee	\$40.00	\$40.00
State Code Academy Surcharge	1.75%	2.00%

GENERAL GOVERNMENT FEES

Building and Zoning Permit Fees

Category	CURRENT FY "12"	DRAFT FY "13"
Refunds: (% of amount paid)		
Permit issued, no inspections	75%	75%
Foundation inspection completed	75%	75%
Framing & foundation inspection completed	25%	25%
Subdivision Review Fees (per each submitted plat):		
Up to 10 lots:		
Base fee	\$200.00	\$200.00
Each lot (in addition to base fee)	\$10.00	\$10.00
Over 10 lots or required new road construction:		
Base fee	\$500.00	\$500.00
Each lot (in addition to base fee)	\$20.00	\$20.00
Zoning Fees:		
Zoning inspections	\$0.00	\$0.00
Special use permit	\$450.00	\$450.00
Conditional use permit	\$1,500.00	\$1,500.00
Conditional use permit for Wind Mills	\$450.00	\$450.00
Variance application	\$450.00	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00	\$540.00
Appeal decision of Zoning Administrator	\$450.00	\$450.00
Proposed rezoning change	\$730.00	\$730.00
Amendment to the zoning ordinance	\$330.00	\$330.00
Vacating any subdivision plat or any part thereof	\$250.00	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00	\$30.00
Site evaluation (subdivision)	\$100.00	\$100.00
Travel Trailer Park Fees:		
Up to 25 trailers	\$500.00	\$500.00
26-49 trailers	\$1,000.00	\$1,000.00
50 or more trailers	\$2,000.00	\$2,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
Sign Permit Fees:		
Less than or equal to 25 square feet	\$45.00	\$45.00
Each sq ft in excess of 25 sq ft	\$1.00	\$1.00
Mobile Home Park Fees:		
4-25 mobile homes	\$1,000.00	\$1,000.00
26-40 mobile homes	\$2,000.00	\$2,000.00
41 or more mobile homes	\$5,000.00	\$5,000.00
Base fee		
Each lot if over 4 lots (plus base fee)		
Transcript Fees (per page)	\$12.00	\$12.00
Document Fees:		
Comprehensive Plan	\$20.00	\$20.00
Zoning Ordinance	n/a	n/a
Subdivision Ordinance	n/a	n/a
Complete ordinances, incl zoning & subdivision	\$35.00	\$35.00
Excerpts from Ordinances & Other Town Documents: per page and/or double sided per page	\$0.10	\$0.10
Maps 36" x 44"	\$55.00	\$55.00
Contractors List (Class A & B)	\$0.00	\$0.00
New Address Fee	\$25.00	\$25.00
New Road Fee (at cost per MSAG)	cost	cost

GENERAL GOVERNMENT FEES

Building and Zoning Permit Fees

Category	CURRENT FY "12"	DRAFT FY "13"
Elevators/Escalators/Lifts	\$60.00	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00	\$80.00
Carport or Garage: per sq ft	\$0.18	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00	\$45.00
Deck: per sq ft	\$0.18	\$0.18
Fence (> 8 linear ft. Total)	\$45.00	\$45.00
Fireplace	\$0.00	\$0.00
Foundation	\$60.00	\$60.00

General Government Taxes and Fees

Real Estate Tax (\$___/100 of assessed value)	\$0.06	\$0.07
Tangible Property Tax (\$/100)	\$0.85	\$0.85
Tangible Property Tax Relief (percent)	63%	63%
Excise Tax; Meals (percent)	5%	5%
Excise Tax; Transient Occupancy (percent) New Rate Starts Jan 1, 2013	3%	4%
Chincoteague Recreation and Convention Center % of Trans Occupancy	17%	14%
Vehicle Decals (annual)	\$33.00	\$27.00
Road Suvdivision Review Fee	\$250.00	\$250.00
Side Walk Administrative Fee Maximum of \$200 or 25%	25%	25%
Solid Waste Collection Fee (Residential per week)	\$1.50	\$1.50
Solid Waste Collection Fee (Commercial/Business per week)	\$1.50	\$1.50
Drainage Administrative Fee Maximum of \$200 or 25%	25%	25%
Robert Reed Park, Fishing Vessels (per Day mon - fri)	\$15.00	\$15.00
Robert Reed Park, Fishing Vessels (per Day sat & sun)	\$30.00	\$30.00
Robert Reed Park, Recreational Vessels (\$ per ft. per Day)	\$1.00	\$1.00
Business License Minimum/Maximum	\$50/\$500	\$50/\$500
Retail, Repair, Personal, Business, Construction (\$0.13/\$100)	\$0.13	\$0.13
Wholesale (\$0.05/\$100)	\$0.05	\$0.05

FISCAL YEAR 2013

Rate Schedule

Curtis Merritt Harbor

(July 1, 2012 – May 31, 2013)

25 ft Slip \$385.00

30 ft Slip \$434.00

40 ft Slip \$653.00

50 ft Slip \$950.00

Slip at head of Collector Pier \$1045.00

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

Daily permit rate for Commercial Vessels: \$4.50 per day or any portion of a day.

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

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

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

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

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

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

D.W.MERRITT HARBORMASTER

WATER RATES, CHARGES AND BILLING FOR FY 13

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

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$29 residential	6,000	\$4.36
	\$47 commercial	6,000	\$5.16
1	\$115	15,000	\$5.16
1.5	\$228	30,000	\$5.16
2	\$365	48,000	\$5.16
3	\$727	96,000	\$5.16
4	\$1,135	150,000	\$5.16
6*	\$2,272	300,000	\$5.16
8	\$3,634	480,000	\$5.16

*One meter currently in the system is to be charged \$6.52 per 1000 gallons over the allowed usage.

Connection Fees

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

\$670 for a 5/8" or 3/4" Meter connecting pipe

\$1,176 for a 1" connecting pipe

\$1,570 for a 2" connecting pipe

Availability Fee Schedule

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

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

Billing and other charges

- No service shall be reconnected without payment of all delinquent charges plus a reconnecting charge of \$50.00.
- Any person having service disconnected by the Town for purposes other than plumbing repairs, shall be charged a fee of \$75.00.
- A change of ownership fee of \$50.00
- An administrative fee will be applied to all Water main extensions, by the Town for a maximum of \$200 or 25%

Water bill adjustments

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

GENERAL GOVERNMENT
BUSINESS LICENSE RATES - FY "13"

(Rate per \$100 of gross receipts)
 At a \$ 500 Maximum & \$50 Minimum
 "Since 2010 "

Code	Business Type	Rate
1	Retail Merchant	0.13
11	Restaurant	0.13
12	Amusements	0.13
2	Professional	0.13
3	Repair, Personal, Business	0.13
31	Tourist Home	0.13
32	Motel	0.13
33	Bed & Breakfast	0.13
34	Campground	0.13
35	Property Rental Agency	0.13
36	Charter Boats	0.13
37	Cottages/Cabins	0.13
38	Trucking/Hauling	0.13
39	Lawn Care	0.13
4	Contract Construction	0.13
41	Home Improvement	0.13
42	Construction Class C	0.13
43	Construction Class B	0.13
44	Construction Class A	0.13
45	Plumbers	0.13
46	Electricians	0.13
47	HVAC (Heating/Air Cond.)	0.13
5	No Charge	0
6	Peddler/Perishable*	\$75 per vehicle
7	Franchise (Utility)*±	1/2 of 1% of gross rec
8	Vending Machines	\$200 + .13
9	Wholesale	0.05
	Pawnbroker	\$100 + .13
*	Billposters	\$500
*	Carnival/Circus	\$500
*	Bus & Freight Terminal	\$85
*	Savings Institution; Credit Union	\$50
*	Going out of Business Sale	\$50
*	Itinerant Vendor	\$500
*	Retail Peddler on Foot	\$225
*	Retail Peddler Other than on Foot	\$500
*	Wholesale Peddler	\$100 per vehicle

* Does not follow the "per \$100 of gross receipts" format

± Cable Franchise rate is 2% of gross receipts.

TOWN OF CHINCOTEAGUE, INC.
FY'13 PROPOSED BUDGET

PUBLIC HEARING TO BE HELD MONDAY, JUNE 4, 2012 AT 7 PM
IN THE TOWN COUNCIL CHAMBERS
6150 COMMUNITY DRIVE
CHINCOTEAGUE ISLAND, VA 23336

<u>REVENUES</u>		<u>EXPENDITURES</u>	
REAL ESTATE TAX	\$ 611,090	GENERAL GOVERNMENT	
TANGIBLE PROPERTY TAX	\$ 188,700	SALARIES & BENEFITS	\$ 694,280
DELINQUENT REAL & TANGIBLE TAXES	\$ 35,000	EMS SALARIES	\$ 256,000
PERSONAL PROPERTY TAX RELIEF	\$ 150,250	EXPENSES	\$ 683,681
MEALS TAX	\$ 648,900	CAPITAL IMPROVEMENTS	\$ 89,517
BANK FRANCHISE TAX	\$ 42,000	PUBLIC WORKS ADMINISTRATION	
SALES TAX	\$ 117,482	SALARIES & BENEFITS	\$ 148,453
BUSINESS LICENSE	\$ 125,000	EXPENSES	\$ 503,476
MOTOR VEHICLE LICENSE	\$ 80,000	MOSQUITO CONTROL DIVISION	
UTILITIES TAX	\$ 140,000	SALARIES & BENEFITS	\$ 47,258
TRANSIENT OCCUPANCY TAX	\$ 745,936	EXPENSES	\$ 87,400
FINES	\$ 45,000	CAPITAL IMPROVEMENTS	\$ 37,300
REV FROM USE OF MONEY & PROPERTY	\$ 125,199	FACILITIES DIVISION	
DECORATION DONATIONS	\$ 6,000	SALARIES & BENEFITS	\$ 220,442
CEMETERY CLEANUP DONATION	\$ 1,000	EXPENSES	\$ 68,775
USER FEES	\$ 25,000	CAPITAL IMPROVEMENTS	\$ 10,000
PERMITS, FEES AND LICENSES	\$ 44,820	ROADS DIVISION	
GRANTS	\$ 222,425	SALARIES & BENEFITS	\$ 143,257
FIRE PROGRAMS	\$ 11,910	EXPENSES	\$ 414,649
PAYMENT IN LIEU OF TAXES - USFWS	\$ 4,200	POLICE DEPARTMENT	
HARBOR ADMINISTRATION	\$ 7,000	SALARIES & BENEFITS	\$ 635,190
COMMUNICATIONS TAX	\$ 243,200	EXPENSES	\$ 93,700
MISCELLANEOUS INCOME	\$ 34,000	CAPITAL IMPROVEMENTS	\$ 234,340
SOLID WASTE COLLECTION FEE	\$ 293,403	EMERGENCY DISPATCH	
LAW ENFORCEMENT FUNDS	\$ 97,587	SALARIES & BENEFITS	\$ 250,090
E911 DISPATCH REVENUE	\$ 29,000	EXPENSES	\$ 34,200
VDOT MAINTENANCE FUNDS	\$ 557,906		
POLICE COMMUNITY DONATIONS	\$ 20,000		
TOTAL GENERAL FUND REVENUE	\$ 4,652,008	TOTAL GENERAL FUND EXPENSES	\$ 4,652,008
MAIN STREET PROJECT GRANTS	\$ 565,646	MAIN STREET EXPENSES	\$ 3,000
PROGRAM INCOME	\$ 3,000	CAPITAL IMPROVEMENTS	\$ 565,646
TOTAL MAIN STREET PROJECT	\$ 568,646	TOTAL MAIN STREET PROJECT	\$ 568,646
HARBOR RENT	\$ 61,036	HARBOR SALARIES & BENEFITS	\$ 33,606
SUBLEASES/LOADING DOCK/STORAGE	\$ 22,625	EXPENSES	\$ 117,821
HARBOR INTEREST	\$ 1,500	CAPITAL IMPROVEMENTS	\$ 27,734
FUEL REVENUE	\$ 94,000		
TOTAL HARBOR REVENUE	\$ 179,161	TOTAL HARBOR EXPENSES	\$ 179,161
TROLLEY GRANTS	\$ 45,200	TROLLEY SALARIES & BENEFITS	\$ 34,950
PROGRAM INCOME	\$ 7,000	EXPENSES	\$ 40,450
TRANSFER FROM GENERAL FUND	\$ 23,200		
TOTAL TROLLEY REVENUE	\$ 75,400	TOTAL TROLLEY EXPENSES	\$ 75,400
WATER RENT	\$ 1,008,143	WATER FUND	
WATERLINE EXTENSIONS/CONNECTIONS	\$ 20,500	SALARIES & BENEFITS	\$ 319,337
INTEREST ON WATER RESERVE	\$ 360	EXPENSES	\$ 230,606
MISCELLANEOUS INCOME	\$ 500	CAPITAL IMPROVEMENTS	\$ 497,911
AVAILABILITY FEES	\$ 18,351		
TOTAL WATER FUND REVENUE	\$ 1,047,854	TOTAL WATER FUND EXPENSES	\$ 1,047,854
TOTAL ALL REVENUES	\$6,523,069	TOTAL ALL EXPENDITURES	\$ 6,523,069

THE FOLLOWING RATES HAVE BEEN PROPOSED FOR FY'13 WITHIN THIS BUDGET:

REAL ESTATE TAX LEVY	\$0.07 PER \$100 OF ASSESSED VALUE
PERSONAL PROPERTY	\$0.85 PER \$100 OF ASSESSED VALUE
EXCISE TAX (MEALS)	5%
EXCISE TAX (TRANSIENT OCCUPANCY) EFF. 1/1/13	4%
MOTOR VEHICLE LICENSE	\$27.00
SOLID WASTE COLLECTION	\$1.50 PER WEEK
PERSONAL PROPERTY TAX RELIEF	63%

A COMPLETE COPY OF THE PROPOSED BUDGET, PROPOSED GENERAL GOVERNMENT FEE SCHEDULE, PROPOSED CURTIS MERRITT HARBOR OF REFUGE RATE SCHEDULE AND WATER RATE SCHEDULE ARE AVAILABLE IN THE TOWN OFFICE, 6150 COMMUNITY DRIVE, CHINCOTEAGUE ISLAND, VIRGINIA.

RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Town Council of the Town of Chincoteague to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Chincoteague hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

Town of Chincoteague
Chincoteague Volunteer Fire Company

to the best of the knowledge of Town Council of the Town of Chincoteague, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the Town of Chincoteague agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the Town of Chincoteague on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the Town of Chincoteague agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the Town of Chincoteague shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Chincoteague, Virginia this 4th day of June, 2012.

John H. Tarr, Mayor

**AMENDMENT TO
MEMBER AGREEMENT**

THIS AMENDMENT TO MEMBER AGREEMENT (this "Amendment") is made and entered into this 1st day of July, 2011 (the "Effective Date") by and among VML Insurance Programs (the "Pool"), a group self-insurance pool licensed by the Bureau of Insurance (the "Bureau"), the Virginia Municipal League ("VML"), a local association of city, town and county governments, and the undersigned Virginia political subdivision or agency thereof, which is a member (individually the "Member", and together with other political subdivisions, the "Members") of the Pool.

WHEREAS, the parties entered into a Member Agreement (the "Member Agreement") dated July 1, 2010, pursuant to which the parties agreed to provide for joint and cooperative action to form a group self-insurance pool pursuant to Chapter 27 of Title 15.2 of the Code of Virginia (the "Act") for the purpose of providing risk management services and insurance coverages for the Members pursuant to Virginia Code § 15.2-2703(A); and

WHEREAS, the Bureau has confirmed with VML and the Pool that the lines of insurance authorized under the Act will extend to the benefit obligations required by the by Virginia Code § 9.1-400 *et seq.* ("Line of Duty Act"); and

WHEREAS, the parties desire to become parties to this Amendment for purposes of including Line of Duty Act coverage, to comply with the conditions set forth herein, and to ratify and confirm all of the terms and provisions of the Member Agreement except as otherwise set forth in this Amendment.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and obligations herein contained, the parties hereto covenant and agree as follows:

1. **Amend and Restate Section 15.** Section 15 of the Member Agreement is hereby amended and restated as follows:

Each Member agrees to execute necessary authorization forms permitting the Pool to obtain information and data required in determining the experience or other rating modification of such Member. Each Member agrees to pay contributions to the Pool as computed in accordance with a rating plan approved by the Board, as amended from time to time. Each Member agrees that the contributions shall be payable in full in advance of coverage unless the Board in its discretion determines otherwise. Such contributions are deemed earned by the Pool when received and are nonrefundable.

For all lines of coverage other than workers' compensation coverage and Line of Duty Act obligations, in the event of the Pool's deficit for any

fiscal year, the Board may adopt, following approval by the Commission, a plan it deems equitable for the elimination of such deficit. The plan may include, but is not limited to, the assessment of all Members in the proportion which the contribution of each Member bears to the total contributions of all Members in the year in which such deficit occurs; provided, however, in no event shall such assessment exceed two (2) times the Member's annual contribution.

Notwithstanding the foregoing paragraph, in the event of the Pool's deficit for any fiscal year with respect to Line of Duty Act obligations, the Board may adopt, following approval by the Commission, a plan it deems equitable for the elimination of such deficit. The plan may include, but is not limited to, the assessment of all Members that purchase Line of Duty Act coverage in the proportion which the contribution of each Member bears to the total contributions of all Members that purchase Line of Duty Act coverage in the year in which such deficit occurs.

For Members purchasing workers' compensation insurance, such Members shall be jointly and severally liable to other Members as to workers' compensation coverage, and membership in the Pool shall not relieve the Member's obligations imposed by Title 65.2 as an employer to its employees.

With respect to all lines of coverage, a Member is obligated to pay any assessment which applies to a Pool year in which it was a Member. The Pool has the authority to assess its Members according to line of coverage, and according to any particular fiscal year. If the Pool is required to obtain the assessment by suit or by other means in which the Pool incurs expenses to recover such reimbursement, the Member agrees to pay the Pool's reasonable attorneys' fees and all costs incurred in the suit.

2. **Amend and Restate Section 17.** Section 17 of the Member Agreement is hereby amended and restated as follows:

To the extent of a Member's limitation of liability set forth in this Member Agreement, and payment of the funds described in Sections 13(a) and (b), the Pool shall defend in the name of and on behalf of each Member any suits or other proceedings which may at any time be instituted against such Member on account of claims within the purview of this Agreement and any such coverage agreement in force at the time of the loss, even though such allegations or demands are wholly groundless, false, or fraudulent, and to pay all costs reasonably incurred in any legal proceeding defended by the Pool, including all interest accruing against an entry of judgment, and all expenses incurred for investigation, claimant's attorney fees awarded by the court and negotiated settlements. If a personal appearance by an official or employee of a Member is necessary in any dispute, the

expense of such appearance shall be paid by the Member. The Pool shall select, retain and supervise legal counsel on behalf of and at the expense of the Pool necessary for the prosecution or defense of any litigation. Each Member agrees to fully cooperate by supplying any information and assistance deemed by the Board, the service agent, or legal counsel, to be needed or helpful to defend such action. Upon notice in writing to the Board, the service agent and the Administrator, a Member may refuse to settle a claim involving its locality, but in such event the Member shall be obligated for any payment of sums above the proposed settlement amount if such payment, including attorneys' fees, is thereafter required.

3. **Miscellaneous.** Except as expressly provided herein, all other terms and conditions of the Member Agreement shall apply and remain in full force and effect. This Amendment may be executed in one or more counterparts, all of which together shall constitute one and the same Amendment. This Amendment shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without regards to principles of conflicts of law. This Amendment may only be amended by a writing expressly amending the same and executed by the parties to be bound. All recitals are incorporated herein by reference. Unless otherwise specified herein, the terms used herein shall have the meanings as set forth in the Member Agreement. Any waiver by any party of any term hereof shall not constitute a waiver of such term or any other term in the future. If any term or provision hereof shall be deemed unenforceable by a court of competent jurisdiction as against public policy, that term or provision shall be deemed deleted and the remainder of this Amendment shall be enforced in accordance with its terms.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have caused this Amendment to be signed as follows: on behalf of the Pool by a duly authorized representative, on behalf of VML by a duly authorized representative, and on behalf of the Member by its chief executive officer or other officer designated by its governing body.

VML INSURANCE PROGRAMS

By _____

VIRGINIA MUNICIPAL LEAGUE

By _____

MEMBER LOCALITY

By _____

Title: _____

Name of Locality: _____



Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the Town of Chincoteague (55341) does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

- The Certified Rate of 12.08% The Alternate Rate of 9.44%; and

BE IT ALSO RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Town of Chincoteague (55341) are hereby authorized and directed in the name of the Town of Chincoteague to carry out the provisions of this resolution, and said officers of the Town of Chincoteague are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Chincoteague for this purpose.

John H. Tarr, Mayor

CERTIFICATE

I, Robert G. Ritter Jr., Clerk of the Town of Chincoteague, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Town of Chincoteague held at 6150 Community Drive, Virginia at 7:00 o'clock pm on June 4, 2012. Given under my hand and seal of the Town of Chincoteague this 4th day of June, 2012.

Clerk

**This resolution must be passed prior to July 1, 2012 and
received by VRS no later than July 10, 2012.**



Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the Town of Chincoteague (55341) employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 (“FY2013 Employees” for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Chincoteague (55341) employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the Town of Chincoteague (55341) may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Town of Chincoteague (55341) does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	%	5%
Plan 2	%	5%
FY2013 Employees	0%	5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Chincoteague in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Town of Chincoteague under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Town of Chincoteague directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Chincoteague shall be reduced by the amount of member contributions picked up by the Town of Chincoteague on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of the Town of Chincoteague (55341) are hereby authorized and directed in the name of the Town of Chincoteague to carry out the provisions of this resolution, and said officers of the Town of Chincoteague are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Chincoteague (55341) for this purpose.

John H. Tarr, Mayor

CERTIFICATE

I, Robert G. Ritter Jr., Clerk of the Town of Chincoteague, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Town of Chincoteague held at 6150 Community Drive, Virginia at 7:00 o'clock pm on June 4, 2012. Given under my hand and seal of the Town of Chincoteague this 4th day of June, 2012.

Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.



Christ's Sanctified Holy Church

May 9, 2012

Town of Chincoteague
 6150 Community Drive
 Chincoteague, VA 23336

To: Mayor and Council,

I am requesting permission to install a pump and haul sewer system for Christ's Sanctified Holy Church on North Main Street. We would like to add a bath with a toilet and sink on the back of the church that is accessible from the sanctuary and from the outside. We hold Sunday School each Sunday and have many special meetings during the year.

I appreciate your attention to this request. Please let me know if you have any questions. I can be reached at 1125 Belvoir Lane, Virginia Beach, VA 23464. I also have a cell phone 757-439-0673.

Sincerely,

A handwritten signature in cursive script that reads "Daniel H. Collins".

Daniel H Collins
 Trustee

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, ~~2011~~ **2012**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2011~~ **2012**. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, **6-17-10**)

Sec. 58-3. Display of state license plate with current decal.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the town,



RESOLUTION

WHEREAS, The Town Council of the Town of Chincoteague, Incorporated desires to submit an application for an allocation of funds of up to \$5,000 through the Virginia Department of Transportation Fiscal Year 2013, Revenue Sharing Program; and,

WHEREAS, \$5,000 of these funds are requested to fund recycling collection fees along with the Spring and Fall Cleanup Projects;

NOW, THEREFORE, The Town Council of the Town of Chincoteague, Incorporated hereby supports this application for an allocation of up to \$5,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED the Town Council of the Town of Chincoteague, Incorporated hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing project.

ADOPTED by unanimous vote of the Town Council on June 4, 2012.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

**ORDINANCE COMMITTEE
TOWN OF CHINCOTEAGUE
May 10, 2012
Meeting Minutes**

Present

Councilman Terry Howard, Chairman
Councilwoman Nancy Conklin

Absent

Councilman John Henry Howard

Staff

Robert G. Ritter, Jr., Town Manager
Kenny Lewis, Building & Zoning Administrator

Call to Order

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

Open Forum/Public Participation

There was no public comment.

Agenda Adoption

Councilwoman Conklin motioned, seconded by Chairman Terry Howard to adopt the agenda

1. Chapter 22, Article III. Nuisances, Sec. 22-62 (D) Grass, Weeds and other Foreign Growth on Private Property.

Zoning Administrator Lewis reviewed the memo that was brought to the committee. Mr. Lewis will be talking with Town Attorney Poulson concerning some of the wording in the State Code for clarification.

Chairman Howard would like to have wetlands considered in the ordinance. He suggested the ordinance be sent to the Town's Attorney for his interpretation.

Town Manager Ritter stated most of the ordinance was adopted from the state code but sec 22-62 (d).2 was what the committee needed to discuss.

The committee would like to add the wording "wetlands and" to the last part of this section. The new wording will be "This section shall not apply to wetlands and wooded areas of land in their natural state."

The committee discussed whether to have the Town employees or outside contractors cut the properties that become a problem.

Councilwoman Conklin motioned, seconded by Chairman Terry Howard to forward the recommendation to Council.

2. Discuss Chapter 18 Peddlers vs. Itinerant Vendor License

Zoning Administrator Kenny Lewis asked the committee for their interpretation of itinerant vendor. He explained that most of the vendors have been just getting a fifty dollar business license to operate and have not been charged five-hundred dollars as defined in the ordinance.

Town Manager Ritter explained most are getting a business license for a few days and then they leave town. This is what the ordinance says is an itinerant vendor but they are being charged a normal business license fee of fifty dollars.

Zoning Administrator Kenny Lewis stated he gets complaints from full time business owners about itinerant vendors coming in for a few days and stealing their business.

Staff would like the committee to clean up the old wording in the ordinance.

The committee also discussed a request from the Chincoteague Volunteer Fire Department to be a peddler during the Pony Swim. They would like to sell drinks and food from the back of a cart. The committee stated if we allow one non profit organization to do it then we have to allow all non profits to do the same.

The committee decided to discuss these matters at their next meeting.

3. Committee Member Comments

There were no comments from the committee.

Adjournment:

Councilwoman Conklin motioned, seconded by Chairman Terry Howard to adjourn the meeting.



MEMORANDUM

To: Mayor Tarr and Town Council Members

Through: Robert Ritter, Town Manager

From: Kenny L. Lewis, Zoning Administrator

Date: June 4, 2012

Subject: Grass, Weeds and Foreign Growth Ordinance

This past year due to several complaints, the Town requested Delegate Lynwood Lewis to introduce an amendment to State Code Section 15.2-901 that permits certain localities the ability to adopt grass and weed cutting ordinances. The addition of the Town of Chincoteague to this section was enacted by the General Assembly and approved by the Governor on March 30, 2012 (see attached State Code section).

A draft ordinance was reviewed by the Town Ordinance Committee at their meeting on May 10, 2012 that would adopt a requirement for property owners to cut grass, weed, and other foreign growth on their property. These regulations are authorized in the Town Charter (Chapter 2, Section 1, Paragraph 21) to promote the health, safety and welfare of the inhabitants of the town, and would be included in the Town Code (Chapter 22 Environment, Article III Nuisances)

The Committee suggested a change to the draft that would exempt 'wetlands or wooded areas in their natural state'. This has been added under Section 22-62(D)2-A. The Committee recommended that this draft ordinance should be forwarded to the full Town Council with a recommendation for approval.

Further discussion has occurred at the staff level to determine if it will be necessary to define the meaning of 'natural state' versus an area that should be actively maintained. Since the State Code now allows the locality to apply the standard to three different types of property (Occupied Property, Vacant Developed Property, and Undeveloped Property), the Town Council may wish to consider limiting the Town Ordinance to only the first two property types. Alternative text is included at the end for Council consideration.

PROPOSED ORDINANCE

CHAPTER 22 ENVIRONMENT

ARTICLE III. NUISANCES

SEC. 22-62 (D) GRASS, WEEDS AND OTHER FOREIGN GROWTH ON PRIVATE PROPERTY.

SEC. 22-62 (D) 1. Definitions.

For the purpose of the article, the following words shall have the meanings respectively ascribed to them by this section:

Owners: Persons holding title to any land or lot within the Town; lessees, tenants and principle occupants of any land or lot within the Town or agents of persons holding title to such lands or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the Town for others.

Weeds: Wild or uncontrolled growth or vegetation of every kind standing on land, other than trees, ornamental shrubbery, flowers and garden vegetables.

SEC. 22-62 (D). 2 DUTY OF PROPERTY OWNERS TO CUT.

(A). Owners of property, within the Town, shall not allow grass, weeds, and other foreign growth thereon to exceed ten (10) inches in height on developed or undeveloped property.

This section shall not apply to wetlands or wooded areas of land in their natural state.

(B). Any owner who violates any provision of this section shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first violation, or violation arising from the same set of operative facts. The penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be Two Hundred Dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offence. In no event shall a series of specified violations arising from the same operative facts result in civil penalties that exceed a total of Three Thousand Dollars (\$3,000.00) in a twelve (12) month period.

(C). Violations of any provision of this section shall be a Class 3 misdemeanor in the event three (3) civil penalties have been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period. Classifying such subsequent violations as criminal offences shall preclude the imposition of civil penalties for the same violation.

SEC. 22-62 (D). 3 Notice To Cut.

When there exist upon any developed or undeveloped property, grass, weeds or other foreign growth in excess of ten (10) inches in height, the zoning administrator/code enforcement officer shall immediately notify the owner of such property to cut such grass, weeds, or other foreign growth to a height not to exceed three (3) inches. Notification shall be by Certified Mail to the last known owner of said property. Property owner shall cut such grass, weeds or other foreign growth within 10 days of receipt of such notice.

SEC. 22-62 (D). 4. Cutting by the Town.

- (a) If grass, weeds, or other foreign growth have not been cut within ten (10) days from the date of the certified mail, the zoning administrator/code enforcement officer shall cause the cutting by the Town forces or the Town's subcontractors or agents of such grass, weeds or other foreign growth forthwith.
- (b) Where grass, weeds or other foreign growth have been cut by order of the zoning administrator /code enforcement officer pursuant to the provisions of this section, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, it shall be added to the Town real estate tax bill on such property and shall be a lien on such property to the same extent and effect as such real estate tax is.

State Law References—Authority of Town to require cutting or removal of weeds and other foreign growth, Code of Virginia, §§15.1-11, 15.1-867, §15.1-901(penalty).

ALTERNATIVE TEXT

SEC. 22-62 (D) 1. Definitions.

For the purpose of the article, the following words shall have the meanings respectively ascribed to them by this section:

Developed Property: Any land, in public, semi-public or private ownership that contains a structure, and/or is currently served by the public water system.

SEC. 22-62 (D). 2 DUTY OF PROPERTY OWNERS TO CUT.

(A). Owners of property, within the Town, shall not allow grass, weeds, and other foreign growth thereon to exceed ten (10) inches in height on occupied developed or ~~undeveloped~~ vacant developed property.

This section shall not apply to wetlands or wooded areas of land in their natural state on any property-