

REGULAR COUNCIL MEETING A G E N D A

TOWN OF CHINCOTEAGUE

July 2, 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 June 4, 2012 (Page 2 of 62)
 - Special Council Meeting of June 21, 2012 (Page 24 of 62)
2. Selection of the Vice Mayor
3. Committee Appointments and Assignments (Page 46 of 62)
4. Consider Appointment to the Planning Commission (Page 47 of 62)
5. Public Safety Committee Report of June 5, 2012 (Mayor Tarr) (Page 51 of 62)
6. Possibly consider a no Parking Zone on Church Street from Anderton Ave to Main St. (Page 53 of 62)
7. Recreation and Community Enhancement Com. Report of June 12, 2012 (Councilman Jester) (Page 54 of 62)
8. Possible Adoption of a Trial Agreement with ESVBA (Page 56 of 62)
9. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE JUNE 4, 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
Tripp Muth, Councilman
John N. Jester, Jr., Councilman
Terry Howard, 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

Mayor Tarr invited Mr. Jack Van Dame to come forward. He presented Mr. Van Dame with a Certificate of Honorable Service as he has recently retired from the Town of Chincoteague as the Director of Transportation.



CERTIFICATE OF HONORABLE SERVICE

awarded to

Mr. Jack Van Dame

**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

Mr. Van Dame thanked Mayor Tarr and Council.

Mayor Tarr thanked Mr. Van Dame for running the Trolley Service throughout the years minimizing the cost for the residents.

OPEN FORUM/PUBLIC PARTICIPATION

- Mrs. Suzanne Taylor, with the Chincoteague Chamber of Commerce, thanked Mr. Van Dame for all of his help. She thanked Town Council for their support of the Chamber of Commerce in the annual budget and gave a packet to Council that summarized last year's activities.
- Mrs. Ginny Van Dame thanked Councilwoman Conklin and Councilman J. Howard for all their hard work on the Town Council. She also commented on the Conklins' hard work and support in the community along with Mr. Howard's.
- Mrs. Nancy Lane advised Council she is there on behalf of everyone who has worked so hard to bring the Island Theatre back. She advised they are planning to open and show movies this weekend. She also advised the first live performance will be June 16th. She encouraged everyone to come to the movies.

STAFF UPDATE

Police Department

Officer Greenley reported that the Police Department handled 2,092 calls, 256 were 911 calls, 78 from landlines and 178 were wireless calls. 39 of the calls were EMS and 2 were for fire. The Police Department received 48 calls for service which resulted in 20 investigations into criminal offenses: 1) shoplifting, 3) driving under the influence of alcohol, 1) aggravated assault, 4) simple assaults, 1) obtaining money under false pretenses, 1) drunk in public, 6) other larcenies and 5) misdemeanor offenses. There were 12 arrests and 14 charges as a result of these investigations. The Department issued 82 summonses for traffic offenses, 50 warning tickets and investigated 6 vehicle accidents.

Public Works Department

Public Works Director Spurllock stated that in addition to the monthly report he submitted to Council, that the Chicken City Road, Ridge Road intersection is essentially complete with only a few items remaining. The Downtown milling is complete with the first cut of asphalt and the final paving is scheduled for Friday.

Planning Department

Town Planner Neville reported that the Waste Water Advisory Committee is focusing on research of similar coastal communities as far as costs and communication to the community. They met with the D.E.Q. and Health Department. He advised there will be a workshop at the Eastern Shore Community College to give an overview of wastewater operations on the Eastern Shore. He also reported that regarding the Beach Access Committee the FWS consultant is continuing to work on the revised CCP and Economic Study.

General Government

Town Manager Ritter stated that in addition to Council's report, there were a total of 67 EMS calls in May. He stated that the Emergency Management Coordinator Rush has been working on a Space Tourism Action Response Plan for the upcoming rocket launches. He reported that the Town should hear more later in the month regarding the Transportation Enhancement Grant for the other half of the planned Main Street improvements. Staff is collecting Town Surveys.

Councilman Jester asked if the surveys can be completed online.

Town Manager Ritter advised the link is listed in the Town's newsletter and will be put on the website. He then introduced Mr. Rob Catron the Town's political consultant from Washington, D.C.

Mr. Rob Catron reported about the beach access matter. He advised there is a meeting scheduled for tomorrow with the advisor that the U. S. Fish and Wildlife Service has hired to possibly mend some fences with the Town. He stated that since the Congressional Hearing in March there was great interest in finding out whether the Fish and Wildlife Service could be more responsive to the Town. He stated that what the Town is going through is not unique. He feels that between now and November he is confident that the Town will have a great deal of interest from the Delegation and Congressman Rigell who have weighed in on the Town's point of view in protecting the interest in what happens to the beach. They want to make sure that environmental protection doesn't take priority over the economy of the Town and Accomack County.

Councilman J. Howard stated that there is dredging over on Wallops Island. He feels that if the sand they're dredging is put on Assateague Island the Town wouldn't have to worry about erosion at the beach for the rest of our lives.

Mr. Catron advised they are working on it and it could take some time.

Mayor Tarr thanked Mr. Catron for all his work.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

1. Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the agenda removing item #7 - Consider Permission to Pump and Haul at Christ's Sanctified Holy Church. Unanimously approved.

2. Consider Adoption of the Minutes

- **Regular Council Meeting of May 7, 2012**
- **Special Council meeting of May 16, 2012**

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the minutes as presented. Unanimously approved.

3. Public Hearing for the Fiscal Year 2013 Budget, Consisting of:

- 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

Mayor Tarr opened the public hearing at 7:29 p.m. advising that he was opening all 3 public hearings at the same time and closing all 3 public hearings at the same time.

Town Manager Ritter asked Finance Director Hipple to present the graphs.

Finance Director Hipple reviewed the FY2013 Budget graphs. She stated that in order to cover the budgeted expenditures the Town would have to raise taxes \$0.01 per \$100.00 of assessed value. She also added that this increase is still not quite sufficient to meet the same revenue as last year due to the change in property values.

Town Manager Ritter further explained the reassessment and tax decrease at that time.

Finance Director Hipple then stated that the budget includes a Transient Occupancy Tax increase of 1% to begin January 1, 2013 to be collected in February which would only give the additional revenue for 5 months. She stated that the increase in Transient Occupancy revenue will go into a Beach Reserve Fund up to \$65,000. She gave examples for possible use of the beach reserve fund. She continued to explain the budget and the increase in employee retirement costs. She discussed revenues.

Finance Director Hipple informed Council of a decrease in the Town decal fee. She discussed putting money in Water Reserve, expenditures of the Harbor, Trolley Fund, Water Fund, bond payments, Emergency Medical Services, Public Works Department, Mosquito Control, Roads, and the Police Department. She also explained how the audit report breaks down the revenue. She reviewed the revenues in detail including the grants and taxes.

Finance Director Hipple discussed the increase in Transient Occupancy Tax again. She informed Council of the Transient Occupancy Taxes charged by other jurisdictions. She also reminded Council of the operating costs for the services that the Town offers. She continued to review the projects and funds.

Mayor Tarr explained the reason for the tax rate increase. He also stated that the Transient Occupancy Tax increase may help the Town pay for the consulting fees that have been instrumental to protecting the Town's interests. He feels that the cost is minimal except the Town has to find a way to pay for the services. He advised that the consultant has also assisted in other county issues. He added that the Town acquired the gym for youth programs and the Town acquired the operating costs to go with it. He also stated they are working on an emergency plan that takes funds also.

Mayor Tarr closed the public hearing at 9:44 p.m.

4. Public Hearing on the Transient Occupancy Rate Increase of 1%.

Mayor Tarr opened the public hearing at 7:29 p.m.

- Mr. Gene Wayne Taylor expressed his opposition of the Transient Occupancy Tax increase. He stated that this adds to the visitors' fees for coming to Chincoteague.

Mayor Tarr added that when tourism is up the Town's costs are up also and gave an example of the increase in water flow and chemicals along with 911 dispatch and Emergency Medical Services.

- Mrs. Wanda Thornton stated that she appreciates everything the Town does knowing they have to make hard decisions. She also knows what Mr. Catron is doing for the Town. She mentioned the Transient Occupancy Taxes in other jurisdictions. She further commented that the Town of Chincoteague has had hundreds of thousands of dollars going from the Town to the County just for personal property taxes for trailers that are on the campground lots. She also added that she asked that the budget overage from last year be placed in a reserve fund. She asked Finance Director Hipple what the Town does with the excess money left over.

Finance Director Hipple advised it goes into the General Fund and it will offset over-expenditures and the rest will go into long-term savings.

Mayor Tarr asked Mrs. Thornton if seasonal sites paid transient occupancy tax.

Mrs. Thornton advised they don't, but was giving an example. She was trying to make a case for the tourist. She added that if the Town had created the fund last year there would be approximately \$86,000 in there. She stated that \$0.01 is going to generate \$79,000.

Town Manager Ritter advised that Council already approved Mr. Catron's services for another 6 months to be taken out of LGIP.

Mrs. Thornton stated that the County takes all of the end of year budget excess and rolls it into major capital improvements.

Mayor Tarr advised that they have reviewed the LGIP funds. The Town has borrowed from those funds for the last 4 years to balance the budget so that they wouldn't have to raise taxes.

He stated that this was the first time that the Town hasn't borrowed from long-term savings to balance the budget.

Mrs. Thornton asked if the maximum amount to be put in that reserve was \$65,000.

Mayor Tarr was unsure how the maximum amount was established because there is no actual maximum.

There was discussion as to what was collected and having no cap.

Mrs. Thornton suggested putting the entire amount of that 1% in a separate fund and passing a council resolution to that effect. She also added that this didn't seem fair to enact the tax after the new council came on.

Mayor Tarr responded that it will be passed in the new budget to begin January 1st.

There were further comments.

- Mr. Jim Frese asked Council to consider what could be cut from the budget. He referred to the 1% Transient Occupancy Tax increase and feels it's inappropriate. He further explained how the local businesses would lose business with the increase.
- Mr. Paul Katsetos expressed his opposition of the 1% increase to the Transient Occupancy Tax.
- Mr. Spider Fleming voiced his opposition to the Transient Occupancy Tax increase. He mentioned the downtown project and asked if the Town would reconsider.
- Mr. Tommy Daisey also expressed his opposition to the Transient Occupancy Tax increase. He mentioned the unemployment and asked Council to cut the fat. He stated that he knows the families personally that come to the Island that gets hit with the taxes. He stated it's hard for visitors to come now but to raise it would make it harder. He told Council they are going to have to quit spending. He stated that if they keep adding taxes it's not going to be better it will be worse. Mr. Daisey explained the decrease in business over the past couple of years. He asked Town Attorney Poulson how long a public hearing had to be advertised.

Town Attorney Poulson responded that it only had to be one week.

Mr. Daisey asked Council to tighten the belt.

- Mr. Tommy Mason stated that higher taxes discourage people from coming to Chincoteague. He feels we're slipping into a recession. He asked about the assessment of the real estate taxes.

Mayor Tarr advised that most residential properties went down and commercial properties stayed where they were. He advised that the 1% doesn't bring the Town where they were last year and is still short for this year. He explained the increase in assessed values and increases to the costs

to maintain services. He also stated that the Town could cut services to save money. He also added that they look at the employee salaries and advised it is a struggle. He urged anyone to go through the budget and give suggestions.

- Mr. Richard Conklin, Sr. advised Council that when his business income decreased he cut employees. He stated that the Town is in the same situation and wants to raise taxes. He stated he couldn't raise prices. He stated that he sees high salary employees, new vehicles and equipment. He urged Council to cut back somehow.
- Ms. Denise Bowden asked how the Beach/Recreation/Tourism Reserve is going to be used. She asked if this was for the lobbyist or to help the Fish & Wildlife to put parking back.

Mayor Tarr advised it's for both.

Ms. Bowden asked if they would accept the money.

Mayor Tarr responded that the Town doesn't know if they'll accept it. However, they legally can accept the financial assistance from the Town.

Ms. Bowden asked how much of the Transient Occupancy Tax that the Town collects goes to the County.

Mayor Tarr stated that none of the amount collected by the Town goes to the County as they collect their own.

Ms. Bowden stated that if they decide to increase this tax, she feels it's quite a large sum. She agreed with Mr. Mason to invite more people here. She also understands that it takes money to make money. She feels that the government on every level has beaten the people of Chincoteague to death. She stated that between the Fish & Wildlife and the County it's hard to swallow taking a beating from your own town. She understands the hard job and asked to keep in mind that people come to the Island because they love it and 1% can make a difference.

- Mr. David Johnson stated that he understands that this is a very difficult issue. He stated that saving the beach is important to save the tourism industry. He explained that the reason people come to the Island is because they don't have to pay that extra 1%. He feels there will be an impact on the increase.

Mayor Tarr advised that the Town tracks the Transient Occupancy and the visitors to the beach monthly.

- Mrs. Donna Mason complimented Finance Director Hipple's budget presentation. She feels that 1% is a lot for a family to add to their vacation. She feels that keeping it down will entice those families to stay a little longer to offset the shortfall. Mrs. Mason advised that she grocery shops on the Island to keep that grocery store here. She asked Council to look at the big picture, keeping in mind we're all in this together. She added that the goal is to keep the money here and help each other.

- Ms. Laurie Walton advised that her rentals are down and the Town has lost 4 events this season. She feels that if the Town doesn't start thinking outside the box for tourist season it's going to get worse. She stated that over the last 6-8 months the Town's transient tax revenue is up and meals tax revenue is up but sales tax revenue is down. She explained that the visitors are coming and eating but not buying or paying for the extra services. She asked if the Town could develop some type of system to help each other out.

Councilwoman Conklin asked which events were lost.

Ms. Walton advised that the Chili Chowder Cook-off went from the Main Street Merchants to the Fire Company, the Daffodil Festival and the Blessing of the Fleet along with the concert in the park for that day. She feels they need continuity.

Mayor Tarr stated that something has to happen to keep the events and it is getting more difficult to hold the two major festivals. He stated that if the Town loses the events, revenue goes down.

Mrs. Mason asked Council to wait to add the 1% and see if the economy doesn't pick up a little. She also added that if they want funding for the beach, that people will give something for that specific purpose.

Councilman Jester interjected that you can't depend on "something". He asked how the Town fights for the beach. He stated that in order to fight this it is done through the halls of Congress. He added that Mr. Catron the Town's lobbyist is how you go about it. He asked what should be cut, EMS, Mosquito Control, street lights or the garbage collection. He reminded the residents that they will suffer the loss of the beach if the Town does nothing. He feels this is necessary to win the battle for the beach and a lobbyist is the only way.

- Mr. Richard Conklin asked where the Town stands on the beach issue. He believes this is what is hurting the Island's economy.

Mayor Tarr advised that the property acquisition was stopped until the CCP is complete. He added that Mr. Lou Hinds has taken a step back and the Town now deals with the FWS Northeast Region Chief, Scott Kahan. They have hired an advisor who is a retired refuge manager and are working hard to move toward a better resolution to the beach access issue.

- Mrs. Ina Rae Adams asked about cutting mosquito control as it doesn't do any good in her back yard.

- Ms. Laurie Walton added that the Chincoteague Chamber of Commerce are receiving calls every day about the beach access.

Mayor Tarr closed the public hearing at 9:44 p.m.

Mayor Tarr asked Town Manager Ritter what the process of moving forward would be.

Town Manager Ritter advised that Council needs to clarify if they wish to continue with the Transient Occupancy Tax increase for January 1, 2013 or bring a proposal taking out the recreation and tourism line item. This will be decided at the next meeting, June 21, 2012. He stated that Council should clarify where to make up the shortfall in the budget should they cut the increase in taxes.

Councilman T. Howard asked about the water rate increase.

Town Manager Ritter advised that if there is no water rate increase they would have to cut the \$75,000 scheduled to be put into reserves.

Councilwoman Conklin asked what the Town would do if something happens and there is nothing in the reserves.

Councilman T. Howard asked what the importance of the \$65,000 is.

Finance Director Hipple stated that the \$65,000 going to the reserve is from the 1% increase in Transient Occupancy Tax.

Town Manager Ritter added that this is a tourism recreation reserve.

Councilman T. Howard feels these items have to be addressed before they are voted on.

Town Manager Ritter asked for Council's direction in bringing the budget back for adoption. He advised that Council can vote on the increases.

Finance Director Hipple informed Council that if they vote tonight it will direct staff to use the funds in the budget or to cut items from the budget.

Councilman T. Howard feels that by listening to the citizens they need time to digest the information before they vote.

Town Manager Ritter advised that the law requires the budget to sit for 10 days after the public hearing prior to voting. However, the tax increases can be voted on after the public hearing.

Councilman J. Howard explained why he doesn't want to run for Council anymore. He feels there are too many employees in Public Works and fuel costs should be cut. He made a few suggestions.

Mayor Tarr asked for discussion regarding the Transient Occupancy Tax rate increase of 1%. He stated that this will generate \$65,000 in the budget.

There was discussion as to what would be cut without the increase.

Mayor Tarr asked where the Town would find the money to extend Mr. Catron's services another 6 months.

Town Manager Ritter advised that it would come from LGIP.

Councilman Jester reiterated that it will have to come from the increase or it will have to come from savings.

Councilwoman Conklin feels they shouldn't go into the reserves. She suggested approving the increase and if there's any overage they won't have to collect it next year.

Councilman Jester stated they can't keep borrowing from savings especially if there is a major storm and asked how the Town would pay for this. He added that with the water increase they will be able to put money into the reserves.

Councilman T. Howard stated that he doesn't know anything any more important than the beach closing. He added there is nothing wrong with having savings if you get it fair-and-square. He agreed that the Town has to spend money to keep that beach open. He expressed his discord about raising taxes.

Mayor Tarr advised Councilman T. Howard that this issue has to be voted on. He also stated that there were 3 budget meetings where everything was on the table. He stated that they discussed what this could do to the businesses.

Councilman Jester motioned, seconded by Councilwoman Conklin to include the Transient Occupancy Tax increase of 1% in the FY2013 budget. Motion Carried.

Ayes: Conklin, Jester, Muth, Tarr

Nays: Richardson, T. Howard, J. Howard

5. Public Hearing on a Real Estate Tax Increase From \$.06/100 Assessed Value to \$.07/100

Mayor Tarr opened the public hearing at 7:29 p.m.

- Mrs. Peggy Thomas stated she is before Council regarding the real estate tax increase. She asked if the people could afford it. She explained the assessment of her properties. She asked Council to do something somewhere.

Mayor Tarr closed the public hearing at 9:44 p.m.

Councilwoman Conklin motioned, seconded by Councilman Muth to include the real estate tax increase from \$0.06/100 assessed value to \$0.07/100 in the FY 2013 budget. Motion Carried.

Ayes: Conklin, Jester, Muth, Tarr

Nays: Richardson, T. Howard, J. Howard

6. Possible Adoption of the Following Resolutions:

- a. Irrevocable Election Not to Participate in the Line of Duty Act Fund**
- b. VML – Amendment to Membership Agreement**
- c. VRS – Employer Contribution Rate**
- d. VRS – Member Contribution Rate**

Town Manager Ritter explained each item.

Finance Director Hipple explained the Line of Duty Act.

There was discussion of the County's participation.

Finance Director Hipple advised that the Fire Chief went to the Fire Commission and told them to remove the Chincoteague Fire Company from the Line of Duty Act that Chincoteague would take care of them.

Councilman T. Howard asked what the difference was between the VML, VRS or state.

Finance Director Hipple stated that the Town doesn't know the difference in the premium or the benefits if there are any. She also stated that there is a problem with the Line of Duty Act, this will cover insurance for the families until the children are 18 or finish college. It also covers health insurance for the rest of the spouse's life even if the spouse remarries. She also doesn't feel that inactive members should be on the list.

Mayor Tarr feels this should be discussed with the Fire Company. He advised that the County has picked up the Line of Duty Act for all of the other 14 companies.

Ms. Bowden commented that if the County doesn't pickup Chincoteague it's another classic example.

Finance Director Hipple stated that when she received the roster there were many inactive members and non-members as the list is not maintained. She added that the roster must be submitted to VML.

Mayor Tarr advised that because this is coming to the Town, the Town has to question the roster.

Ms. Bowden advised she would get an updated roster.

Finance Director Hipple also advised they have until June 30, 2012 as they were given one year to make this irrevocable decision. She advised that the resolution has to be adopted and it states that the Town is covering the Fire Company. She informed Council of the cost.

There was further discussion regarding the rate increase.

AMENDMENT TO MEMBERSHIP 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 the Member Agreement (the “Member Agreement”) dated July 1, 2010 pursuant to which the parties agreed to provide for joint cooperative action to form a group self-insurance pool pursuant to Chapter 27 of the 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 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 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 Members 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 and 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.

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: _____

Town Manager Ritter advised Council of the next two resolutions. He explained that one resolution is because the state has mandated that the Town pick up 12.08% and the second refers to the employees paying 5%.

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adopt the Resolution for VRS – Employer Contribution Rate and adopt the Resolution for the VRS – Member Contribution Rate. Unanimously approved.



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, Chincoteague Island, 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



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, Chincoteague Island, 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

7. Accomack County Board of Supervisors Update

Supervisor Wanda Thornton addressed Council. She first asked Council that they stipulate in a resolution that the 1% increase in Transient Occupancy be “only” used for beach replenishment. She added that she appreciates Councilman Jester for his dedication and helping her when they went to Washington. She reported on the County’s tax rate increase for calendar year 2012. She mentioned the Fire Tax issue that it has not been discussed on the board level and the payments beginning in February. She also reported that she obtained the Transient Occupancy Tax amounts. She reported that as of May 31, 2012 the County collected \$330,000 from Chincoteague and from the remainder of the County collected \$26,000.

Councilman T. Howard asked if there was anything the County gave back to Chincoteague to help with tourism.

Supervisor Thornton advised the only thing they do is donate some money to the Tourism Commission which is for Northampton and Accomack Counties. She stated that the other districts pay \$0.06/100 for EMS that the Town does not pay. She is concerned about the resolution where it did not eliminate the EMS Tax. The County Administration is also looking into more space as the Board of Supervisors and School Board offices are over-crowded. She advised Council that Star Transit is now back on Chincoteague. She stated that regarding the Atlantic Town Center, the Board of Zoning Appeals has turned down their sewage treatment facility. They are appealing the decision in the Circuit Court. There is a sewage workshop with the DEQ at the Eastern Shore Community College Wednesday evening. This will inform the community of the advanced technology. She stated that there is so much misinformation of how

this system works. She discussed the County's requirement for central water and central sewer and having a mechanism in place.

Supervisor Thornton advised she asked the Army Corps of Engineers to request a meeting with the Fish & Wildlife Service to discuss environmental impacts of the CCP alternatives. The meeting is scheduled later this month. She added that the Army Corps of Engineers has been very good to the Town.

There were questions and comments about the Wallops Research Park property and the Navy taking the old little league field.

Mayor Tarr thanked Supervisor Thornton.

~~8. Consider Permission to Pump and Haul at Christ's Sanctified Holy Church~~

9. Consider Adoption of the State Motor Vehicle Code

Town Manager Ritter advised that this is an annual adoption of the State Motor Vehicle Code.

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt Section 58-1 of the State Motor Vehicle Code adding "any future provisions or amendments are adopted automatically unless expressly rejected by Council". Unanimously approved.

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.

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

(a) Pursuant to the authority of §46.2-1313 of the Code of Virginia of 1950 as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950 as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950 as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950 as amended, in effect

on July 1, 2012, 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 herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted 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 section as fully as though set forth at length herein, and it shall be unlawful for any person within the Town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950 as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950 as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950 as amended, which are 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 Title 46.2 of the Code of Virginia of 1950 as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950 as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950 as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the Town.

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,

10. Possible Adoption of a Resolution for the FY 2013 Litter Grant Program

Town Manager Ritter stated this resolution is for the annual grant.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the Resolution for the FY2013 Litter Grant Program. Unanimously approved.



RESOLUTION

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

11. Ordinance Committee Report of May 10, 2012

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

Councilman T. Howard explained that Council never meant to get into large tracts of undeveloped land with the Grass and Weed Ordinance. He stated that they were primarily focusing on lots that were improved with a building, developed or at least a water meter servicing the property. He advised Council of the draft Ordinance before them and explained the intent. He stated that they also discussed itinerant vendors or peddlers but will discuss that further at another meeting.

Councilwoman Conklin asked Town Attorney Poulson if he reviewed the draft ordinance.

Town Attorney Poulson advised that this wouldn't work.

Ms. Bowden gave an example of her grandmother's property and the overgrowth. She advised she does the best she can to cut back to the property line. She asked what a citizen is to do about this. She also added that this is undeveloped property.

Councilman T. Howard stated that this is why they can address the three different types of property; occupied property, developed unoccupied property or undeveloped property. He stated that the Town may want to consider the first two. He feels it could be addressed separately.

There was discussion about current overgrowth on undeveloped property and the remedy.

Town Attorney Poulson stated that it cannot be put as item D under Nuisances because it would be considered as a civil conflict. He also stated that under the old statute before the amendment, it was vacant developed property that could be acted on. He explained vacant developed property. He stated that there is an issue with what constitutes occupied. He also stated that the Town needs to look at vacant developed property, undeveloped property and occupied property deciding how to apply the ordinance to each classification. He explained that years ago referring to undeveloped property it specified footage to the property line. He suggested getting to the heart of it and making decisions as to what to apply.

Councilman T. Howard concurs.

There was further discussion as to the details of things to consider in the ordinance.

Town Attorney Poulson suggested this topic be carried over to the next meeting for further discussion.

12. Mayor & Council Announcements or Comments

Vice Mayor Richardson discussed the Fish & Wildlife Service's sign on the Causeway letting people know when the beach parking lot is full. She feels this will turn visitors away as opposed to giving them the opportunity to visit other businesses on the Island.

They discussed the signs and feel they are definitely an eyesore and don't want to turn visitors away.

Mayor Tarr advised that staff would draft a letter about the signs. He also added that every year Council goes through the same process for the budget and tries to cut costs during the meetings. He stated that Council agrees during the meetings, but when employees and the public are in attendance it doesn't happen. He added that it's a hard decision.

Adjourn

Councilwoman Conklin motioned, seconded by Councilman J. Howard to adjourn.

Unanimously approved.

Mayor

Town Manager

**MINUTES OF THE JUNE 21, 2012
CHINCOTEAGUE SPECIAL TOWN COUNCIL MEETING**

Council Members Present:

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

Council Members Absent

John H. Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Elect Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin motioned, seconded by Vice Mayor Richardson to adopt the agenda adding item 1b. Irrevocable Election Not to Participate in the Line of Duty Act Fund. Motion carried.

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

Nays: None

Absent: J. Howard

PUBLIC PARTICIPATION

- Mr. Ray Rosenberger approached Council regarding the Eastern Shore Communication 8 week wireless demonstration project. He strongly urges Council to allow this trial as it could lead to further distribution to the broadband project.

1a. Consider Adoption of the Fiscal Year “2013” Budget, Consisting of:

- 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

Town Manager Ritter reported that at the last Council meeting the tax increase was approved and adopted by Council. He asked Council if there were questions.

Councilwoman Conklin motioned to adopt the budget for Fiscal Year 2013 as presented.

To adopt the budget for the fiscal year 2013 as presented including the tangible property tax rate of \$0.85/100, tangible property tax relief of 63 percent, excise tax (meals) at 5 %, General Government fee schedules, Harbor fee schedules, Water fee schedule and appropriate the funds for disbursement.

Councilman Jester requested to add to the motion, that the 1% increase in the Transient Occupancy Tax be placed in a fund for beach, recreation and tourism issues only and any excess funds to go toward beach, recreation and tourism, Councilwoman Conklin agreed. Councilman Muth seconded the motion. Motion Carried.

Ayes: Conklin, Muth, Jester

Nays: T. Howard, Richardson

Absent: J. Howard

<u>Revenue Name</u>	<u>Number</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

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**

Expenditure Name**Number****FY'13 Expenditures****FUND 10 - General Fund**

Fund 10 - General Fund/Department 50 - General Government

Salaries

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
Subtotal		\$	731,840

Benefits

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
Subtotal		\$	218,440

Expenses

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
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

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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	43,829

Benefits

Social Security	6120-2001	\$	3,429
Hospitalization	6120-2101	\$	-
Retirement	6120-2201	\$	-
Life Insurance	6120-2202	\$	-
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	87,400

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

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**

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

Salaries	7510-1001	\$	201,000
Overtime	7510-1003	\$	2,500
	Subtotal	\$	203,500

Benefits

Social Security	7520-2001	\$	14,500
Hospitalization	7520-2101	\$	18,000
Retirement	7520-2201	\$	13,500
Life Insurance	7520-2202	\$	590
	Subtotal	\$	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
	Subtotal	\$	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
	Subtotal	\$	3,000

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

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
	Subtotal	\$	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
	Subtotal	\$	422,543

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

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

Building and Zoning Permit Fees

Category	DRAFT FY "13"
Res. New Construction: per sq ft	\$0.18
Res. New Const.: minimum fee	\$80.00
Res. Remodeling & Alterations: per sq ft	\$0.13
Res. Remodeling & Alterations: minimum fee	\$60.00
Comm. New Construction: per sq ft	\$0.23
[plus \$5 per plumbing fixture (Chinco)]	
Comm. New Constr.: minimum fee	\$110.00
Comm. Remodeling & Alterations: per sq ft	\$0.18
Comm. Remodeling & Alterations: minimum fee	\$90.00
Mobile Homes: per sq ft	\$0.18
Demolition of Structure: Residential	\$30.00
Demolition of Structure: Commercial	\$30.00
Removal/Installation fuel tanks:	
1000-3000 gallon capacity	\$115.00
Each additional 1000 gallon capacity	\$25.00
Installation of radio or communication tower:	
Up to 100 feet	\$115.00
Each additional 100 feet	\$45.00

Each Additional Attachment	
Piers or Bulkheads:	
Up to 300 linear feet	\$90.00
Each additional 100 linear feet	\$11.00
New Docks: per sq ft	\$0.18
Boat ramps & groins	\$115.00
Swimming Pools:	
Above-ground	\$60.00
In-ground	\$80.00
Commercial	\$80.00
Re-roofing (adding 1 layer to existing)	\$45.00
Installing New Sheathing-Residential while re-roofing	
Installing New Sheathing-Commercial while re-roofing	
Re-siding	\$45.00
Moved Buildings	\$80.00
For other work not listed:	
Residential	\$60.00
Commercial	\$90.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):	n/a
No inspection required	\$30.00
Inspection required:	
Per sq ft	\$0.13
Minimum fee	\$60.00
Appeals to the Board of Appeals	\$450.00
Administrative Fees:	
Lost permit (reissue)	\$30.00
Permit amendment (reissue)	\$30.00
Change of use	\$50.00
Permit 6-month extension (2 ext. maximum)	\$30.00
For beginning constr. prior to obtaining BP:	
First offense	\$50.00
Each offense thereafter	\$200.00
Re-inspection fee	\$40.00
State Code Academy Surcharge	2.00%
Refunds: (% of amount paid)	
Permit issued, no inspections	75%
Foundation inspection completed	75%
Framing & foundation inspection completed	25%
Subdivision Review Fees (per each submitted plat):	
Up to 10 lots:	
Base fee	\$200.00
Each lot (in addition to base fee)	\$10.00
Over 10 lots or required new road construction:	
Base fee	\$500.00
Each lot (in addition to base fee)	\$20.00
Zoning Fees:	
Zoning inspections	\$0.00
Special use permit	\$450.00
Conditional use permit	\$1,500.00
Conditional use permit for Wind Mills	\$450.00
Variance application	\$450.00
Special use permit & variance application processed & presented at same time	\$540.00
Appeal decision of Zoning Administrator	\$450.00
Proposed rezoning change	\$730.00
Amendment to the zoning ordinance	\$330.00

Vacating any subdivision plat or any part thereof	\$250.00
Certification of zoning compliance (includes home occupation)	\$30.00
Site evaluation (subdivision)	\$100.00
Travel Trailer Park Fees:	
Up to 25 trailers	\$500.00
26-49 trailers	\$1,000.00
50 or more trailers	\$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
Each sq ft in excess of 25 sq ft	\$1.00
Mobile Home Park Fees:	
4-25 mobile homes	\$1,000.00
26-40 mobile homes	\$2,000.00
41 or more mobile homes	\$5,000.00
Base fee	
Each lot if over 4 lots (plus base fee)	
Transcript Fees (per page)	\$12.00
Document Fees:	
Comprehensive Plan	\$20.00
Zoning Ordinance	n/a
Subdivision Ordinance	n/a
Complete ordinances, incl zoning & subdivision	\$35.00
Excerpts from Ordinances & Other Town Documents:	
per page and/or double sided per page	\$0.10
Maps 36" x 44"	\$55.00
Contractors List (Class A & B)	\$0.00
New Address Fee	\$25.00
New Road Fee (at cost per MSAG)	cost
Elevators/Escalators/Lifts	\$60.00
Mobile Offices/Pre-manufactured Units	\$60.00
Tent/Air Support Structures (over 900 sq ft)	\$80.00
Carport or Garage: per sq ft	\$0.18
Accessory building/structure (<150 sq ft)	\$45.00
Deck: per sq ft	\$0.18
Fence (> 8 linear ft. Total)	\$45.00
Fireplace	\$0.00
Foundation	\$60.00

General Government Taxes and Fees

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

Retail, Repair, Personal, Business, Construction (\$0.13/\$100)
 Wholesale (\$0.05/\$100)

\$0.13
 \$0.05

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 \$47 commercial	6,000 6,000	\$4.36 \$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.

Curtis Merritt Harbor FISCAL YEAR 2013 Rate Schedule
(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.

1b. Irrevocable Election Not to Participate in the Line of Duty Act Fund

Town Manager Ritter advised that the Board of Supervisors voted to fund the Chincoteague Volunteer Fire Company. He stated that this Resolution will allow the Town to opt out of the VRS Line of Duty Act.

Councilman T. Howard asked if the County was going to pay the same for all the other fire companies.

Town Manager Ritter advised they were already paying for all the other fire companies.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the resolution to not participate in the Line of Duty Act Fund. Motion carried.

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

Nays: None

Absent: J. Howard



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 21st day of June, 2012.

John H. Tarr, Mayor

2. Possibly Consider a No Parking Zone on Church Street From Anderton Avenue to Main Street.

Town Manager Ritter advised that no parking on Church Street has been discussed many times over the past several years. He stated that he and Chief Lewis approached the different businesses along with Christ United Methodist Church, the Opportunity Shop and the Catholic Church. He advised that they had no problems with this. He added that there will be no problems with loading and unloading as long as they remain with their vehicles. He also stated that upon approval this would not be enforced until all the appropriate signage was up.

EMS Supervisor Rush advised that from an emergency standpoint, this would get EMS vehicles through quickly and safely along with prevention of potential accidents. He asked Council to consider this.

Town Manager Ritter also mentioned the potential for speeding.

Councilwoman Conklin expressed her experiences and concerns with the parked cars along Church Street. She added that with the appropriate parking for each of the churches there aren't any hardships.

Councilman Jester suggested communicating with the community what the Town is planning and allowing time for input as opposed to just doing it. There was further discussion.

Mrs. Mary Chrisman came before Council as a representative of the Opportunity Shop. She stated that with the additional and adequate parking they currently have, there are no objections to no parking along Church Street. She asked why they aren't considering all of Church Street.

Chief Lewis advised that there was no parking down the rest of Church Street as the road width is too narrow.

Councilman Jester asked about loading zones.

Town Manager Ritter advised there would be loading zones with signage. He added that when someone is unloading luggage at the Channel Bass Inn and for the Opportunity Shop there would be no problems.

Councilman Jester suggested specifying the loading zones.

Discussion and comments continued.

Councilman Muth added that the Student Government brought this up in the past and he agrees this is a good idea. He also feels that the public should be notified giving a grace period.

Vice Mayor Richardson advised as a school bus driver that there isn't enough room and it is a safety hazard.

Councilman T. Howard stated that this is a problem and needs consideration.

Vice Mayor Richardson made a motion to restrict parking on Church Street from Main Street to Anderton Avenue putting signage and allowing loading or unloading.

Councilman Jester asked that Council wait to vote on this to communicate to the community.

Mayor Tarr feels that it would be best to table the matter until the next Council meeting, July 2, 2012.

Town Manager Ritter feels that there should be a 5 minute loading and unloading zone.

Vice Mayor Richardson withdrew her motion.

Chief Lewis stated that this is a congested area and has been brought to Council for many years. He feels that loading or unloading is also an issue.

Discussion continued.

Mayor Tarr directed staff to return with more information.

EMS Supervisor Rush added that as a part of the July 4th fireworks event there will be no parking on Church Street from Main Street to Willow Street. He stated that this is to facilitate the shuttle busses and if they see some temporary no parking signs it is for this purpose only.

3. Possibly consider Allowing Eastern Shore Communication to Provide an 8 Week Wireless Demonstration Project

Town Manager Ritter introduced Mr. Ronald Van Geijn to explain the demonstration project.

Mr. Van Geijn explained the 8 week wireless demonstration project. He advised that they have to determine feasibility of high-speed internet service. He stated they are willing to set up the device for a limited period. He added that the water or the trees may prevent them from producing high speed internet service to all areas. He added that at the conclusion of the pilot they will remove the equipment. He added that wireless is one solution. He isn't asking for an exclusion agreement for Chincoteague.

Councilwoman Conklin asked about cost.

Mr. Van Geijn further explained there is no cost for the demonstration and described the signal area and that this pilot is done through volunteers.

Councilman Jester asked what would be located on the Island.

Mr. Van Geijn advised that it would be the antenna.

Town Manager Ritter explained the trial agreement with the ESVBA. He stated that it is specifically with the Town. He advised that the money would not have to come through the Town. He stated that the Town would choose 1 provider with 25mgs for 6 months and then they would be charged for 50% for the remainder of the year and then 100% for the next year. He will email and circulate the trial agreement to review for the July meeting.

Town Manager Ritter also stated that when he met with the ESVBA Board, they agreed to pass the money through them and not the Town when the 6 months is up. There would be no impact to the Town.

There were further questions.

Councilman Muth motioned, seconded by Councilwoman Conklin to allow Eastern Shore Communication to provide an 8 week wireless demonstration project. Motion carried.

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

Nays: None

Absent: J. Howard

4. Mayor & Council Announcements or Comments

Councilman T. Howard attended the Meet and Greet, Open House at the Island Theatre. He was approached by a citizen who feels that speeding is a problem in the downtown area.

Chief Lewis advised that there are officers sitting in the Medical Center Parking lot facing north and they haven't stopped anyone for speeding yet. He suggested that they may appear to be traveling faster than they really are. He advised they will continue to monitor the area.

They also discussed replacing the crosswalk posts which will slow traffic there also.

Councilwoman Conklin asked if the other side of Main Street would be completed in the fall with the grant.

Town Manager Ritter advised they will receive the rest of the grant to complete the other side of Main Street in the fall.

Councilwoman Conklin asked if the space in front of the Library would have any more trees.

Vice Mayor Richardson she stated that it has been a pleasure to serve with Councilwoman Conklin. She also expressed her concerns with small children standing in front of the adult on scooters. She strongly feels they need helmets and it should be looked into further for safety. She asked if there was a law.

Chief Lewis advised there is no law in place requiring helmets on scooters, but the Town could adopt an ordinance stating such. He also stated that they are supposed to be sitting on the seat and not standing.

Councilman T. Howard asked how old they have to be to operate a scooter.

Chief Lewis advised they are required to be 16.

Vice Mayor Richardson feels this is dangerous. She suggested taking this to the Public Safety Committee.

Town Manager Ritter advised Council that there will be a goose roundup by the Fish and Wildlife Service on June 26th to be donated to the 'Food for the Hungry' organization.

Mayor Tarr announced the swearing in ceremony on June 28th at 5:00 p.m.

Public Works Director Spurlock advised they are planning to pave the Town Dock early next week and it will be closed all day.

Chief Lewis wished Councilwoman Conklin good luck and stated she has served the Town of Chincoteague's people very well and he thanked her for all she has done.

Mayor Tarr also thanked Councilwoman Conklin and stated that she is more than a Councilperson.

Councilman T. Howard stated that it is commendable that she attended her last meeting. He commented that it is in poor taste and blatant when you don't attend.

5. Closed Meeting in Accordance with Section 2.2-3271(A)(7) of the Code of Virginia
• Legal Matters (“Probable Litigation”)

Section 2.2-3711(A)(7) of the Code of Virginia to discuss probable litigation. Unanimously approved.

Councilman T. Howard moved, seconded by Vice Mayor Richardson to reconvene in regular session. Unanimously approved.

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

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

WHEREAS, Section 2.2-3711(A)(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, Muth, T. Howard, Richardson, Conklin
Nays- None
Absent- J. Howard

Adjourn

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

Mayor

Town Manager

**Committee & Appointments
Mayor & Council
July 2, 2012**

Budget & Personnel Committee

1. _____ – Chair
2. _____
3. _____

Ordinance Committee

1. _____ – Chair
2. _____
3. _____

Meals Tax Committee

1. _____

Harbor Committee

1. _____ – Chair
2. _____

Recreation & Community Enhancement Committee

1. _____ – Chair
2. _____
3. _____

Public Works Committee

1. _____ – Chair
2. _____
3. _____

Planning Commission

1. _____

Cemetery Committee

1. _____ – Chair
2. _____

Public Safety – Police, EMS, EOC (see note 1.)

1. _____ – Chair
2. _____
3. _____

Liaison Committee

1. _____ – Chair
2. _____
3. _____

Chincoteague Recreation & Convention Center Authority

1. _____ – Chair

Meeting Day and Time

Subject to change by the Chairperson

2nd Tuesday @ 5:00 PM
Every Other Month

2nd Thursday @ 5:00 PM
Every Other Month

As needed during the budget process

1st Thursday @ 5:00 PM
Every Other Month

2nd Tuesday @ 5:00 PM
Every Other Month

1st Tuesday @ 5:00 PM
Every Other Month

2nd Tuesday @ 7:00 PM

1st Thursday @ 6:00 PM
As needed

1st Tuesday @ 5:00 PM
Every Other Month

As needed

2nd Monday @ 3:00 PM

Notes:

1. Trolleys under Robert Ritter - General Government, and Transportation under Harvey Spurlock - Public Works
2. Chairperson may call an additional meeting or cancel meetings subject to the importance of the agenda item ('s).



Town of Chincoteague
PRESS RELEASE
June 18, 2012

Town of Chincoteague Seeks Planning Commission Applicants

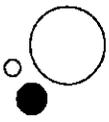
The Town of Chincoteague is now seeking applications for one opening on the Planning Commission. Applicants must be a resident of Chincoteague. The Planning Commission typically meets the second Tuesday of the month at 7:00 PM. An Applicant needs to submit their name and are encouraged to stop by the Town Office to pick up a small questionnaire to fill out. Applicants need to submit their name and questionnaire to William Neville, Planning Director by noon on **June 27, 2012**. For any additional information please contact Mr. Neville at 336-6519

The following applicants have requested consideration for a Planning Commission appointment and have submitted the attached questionnaires:

- **Nancy Lane, 3890 Main Street**
- **Michael J. Dendler, 6316 Cropper Street**

Applicants that applied for the previous vacancy have been notified.

- Michael J. Dendler
- Helen Merritt
- Nancy Lane
- Andrew Jorgensen



Planning Commission - Applicant Questionnaire

Name: Nancy Lane

3890 Main St., Chincoteague, VA 757-336-3375 (home) * 202-841-9602 (cell) * nancyclane@gmail.com



Why to you think you would be a good Planning Commission Member?

I am a retired federal employee with over 30 years of experience working successfully in government organizations. I have worked effectively on many project teams.

I have owned a home in Chincoteague since 1979 and have lived on the island full-time since January, 2007. I volunteer with Chincoteague Reports, attending Planning Commission meetings to insure meeting results are available to all interested people on the Chincoteague Reports website. I also volunteer for various Chincoteague Cultural Alliance-sponsored activities. I conduct island history tours in the summer months.

I love the island and have the time and energy to devote to making Chincoteague a town that is responsive to both it's year-round residents as well as the tourists who visit.



What do you see as major issues the Town is currently facing?

Major issues that the town must address are

- promoting economic development while maintaining environmentally-friendly policies,
- establishing and maintaining a land use plan that maintains the unique character of the island while insuring affordable housing for year-round residents,
- building a public sewer system,
- working to maintain the current level of beach parking,
- developing an infrastructure that complements the refuge and seashore facilities, and
- being responsive to our citizens' needs.



What motivated you to apply for the Planning Commission?

I have intense interest in making the island a better place to live for everyone: long-term residents, part-time residents, and seasonal tourists. The physical appearance and management of the island will insure that Chincoteague continues to be a desirable place to live and will significantly affect the island economy.



What is your hope for the future of Chincoteague?

I would like to see a prosperous, year-round economy that maintains the special character of this beautiful island.



Would you be willing to attend courses and/or training sessions for Planning Commission Members?

Yes

Planning Commission- Applicant Questionnaire

Name: Michael J. Dendler

Contact information:

6316 Cropper Street
Chincoteague, VA 23336
757-336-5198
mike.dendler@gmail.com

Thanks for your interest in serving as a member of the Planning Commission for the Town Chincoteague. Below are a few questions that will assist Council members in selecting individuals to serve on the Commission. Please fill this questionnaire out and return to Town Office or email responses by **June 27, 2012 at Noon**. Please use back or attach sheet if more space is required. If you have any questions please contact, William Neville, 336-6519 or wneville@chincoteague-va.gov.

Why do you think you would be a good Planning Commissioner?

My interest in community service and my appreciation for the traditional values that are such a fundamental part of life on Chincoteague are of value to the Planning Commission. In addition, my concern for, and interest in, balanced economic development and future community development make me a good candidate for the Planning Commission. As the parent of two Chincoteague Elementary School students, it is very important to me that our community grow in ways that will provide a future for our children, while maintaining the family oriented values that make life in Chincoteague so appealing. I possess good communication skills, as well as the ability to consider all sides of an issue, including views in opposition to my own. I can appreciate the accumulated wisdom and experience of those who have lived on, and served, this island community longer than myself and I am able to set aside personal preference in service of the common good.

What do you see as major issues the Town is currently facing?

The issue that strikes me as the most immediate is the issue of beach parking and its impact on the economic viability of the community. Beyond this crucial issue, one of my primary concerns is the development of a wider economic base for the community, beyond the tourism industry. I feel that Chincoteague needs to develop opportunities for economic growth, in order to avoid the pitfalls of becoming solely a retirement community, or one completely at the whim of tourists. Tourism is obviously a vital part of our community but there are tremendous risks associated with allowing tourism to become the only engine of economic sustainability.

What motivated you to apply for the Planning Commission?

My primary motivation for application to the Planning Commission is the desire to become involved in my community, beyond attending Council Meetings, volunteering at the annual carnival, and at cemetery clean-ups. My wife and I have chosen to raise our children here and I believe that community service on my part will benefit them, both in terms of contributing to the creation of opportunities for them in the future, and in setting an example for them of good citizenship.

What is your hope for the future of Chincoteague?

My hope for the future of Chincoteague is that the community will maintain our family oriented values and remain a vibrant and resilient community. It is important to me that we remember our past and create opportunities for the future. I believe that the Planning Commission plays a crucial role in laying the groundwork for the future health of our community. Future development must be balanced with preservation of what is best from the past in order to maintain the unique environment of this island.

Would you be willing to attend courses and/or training sessions for Planning Commission Members?

It is my belief that education is a life-long activity and I would welcome the opportunity to attend classes and/or training sessions. In 2009, I received my Associates degree in Liberal Studies from Neumann University, with a GPA of 3.95. I am pursuing my Bachelor's degree in Strategic Leadership, with a minor in Intelligence Studies, also through Neumann University. Years ago, I attended the Pennsylvania Academy of Fine Arts (PAFA) on a full scholarship and greatly value the large artistic and craft communities on Chincoteague. My current college studies are oriented towards business and community planning would be a welcome and valuable addition to my ability to contribute to my community.

****Please add any additional information you feel is important for Council to review.***

I applied for a position on the planning commission two years ago. My commitment to Chincoteague has only deepened over the last two years and I am even more determined to contribute whatever I can to maintaining the very special community that we enjoy as residents of this island. I would appreciate your consideration of my qualifications for this position and assure you that I will put all of my energy into working toward a community where the past is valued and the future thoughtfully developed.

Public Safety Meeting Minutes

June 5, 2012

Chairman Tarr called the meeting to order at 18:09

Present: Mayor Tarr, Chairman
Vice Mayor Richardson
Councilman Jester

Staff: Robert Ritter, Jr., Town Manger
Bryan Rush, EM Coordinator
Edward Lewis, Police Chief

Public Participation

No public comments.

Agenda Adoption

A motion was made by Councilwoman Richardson to adopt the agenda and a second by Councilman Jester. The motion was unanimously approved.

1. Monthly Emergency Management Report

Report given by Bryan Rush

PLANNING

WALLOPS FLIGHT FACILITY REGIONAL RESPONSE

The Chincoteague Annex to the STAR (Space Tourist Action Response) Plan is nearly complete. The plan is in its final draft and will be complete by June 21 for the final exercise planning committee meeting. The purpose of the plan is to deal with an influx of a large number of space tourists. The new plan will be tested at a table-top exercise on July 17th at the Chincoteague Community Center, beginning at 0830.

EASTERN SHORE DISASTER PREPAREDNESS COALITION

The ESDPC is currently preparing its members for hurricane season as well as gaining support functions for the upcoming table top exercise to test the STAR Plan.

ACCOMACK COUNTY EMERGENCY MANAGEMENT

The Accomack County Department of Public Safety has filled the position for the Deputy Coordinator of Emergency Management. The new coordinator will begin July 1. Currently, the position of Director of Public Safety is being advertised.

FIREWORKS TRANSPORTATION

Transportation planning is in progress for the annual fireworks celebration. The Chincoteague Fireworks Transportation Safety Plan is being reviewed and implemented. The new trolley manager has been added in the planning process.

CONTINUITY OF OPERATIONS PLANNING

Staff is currently developing a Continuity of Operations Plan for disaster recovery. The plan will enable staff to maintain and/or recover services after a disaster. The initial draft is on a time line for September 7, 2012.

HURRICANE SEASON

Hurricane Season began June 1. All department heads have been instructed to review their department specific plans and ensure that their employees do the same. NOAA has forecasted an average season; however, as you are aware there have already been two named storms prior to the official season opener.

TRAINING

Currently there are no scheduled training opportunities for staff.

LOGISTICS

SATELLITE PHONES

The Town has 3 satellite phones that are in operation. This year however, will see a marginal increase in the service fee. These devices are key equipment to support emergency communications.

PUBLIC INFORMATION

PREPERATION

The quarterly newsletter was once again used as a platform to urge readers to prepare for disasters as well as notifying readers on the sales tax holiday for emergency supplies. The sales tax holiday was also posted on the web page.

2. Chincoteague Volunteer Fire Company Report

Two letters from the fire company to VDOT concerning the request for a traffic control device at the intersection of Route 175 and Atlantic Road; and a request to fix the approach on the east side of Queen Sound bridge were introduced. Mayor Tarr requested Mr. Ritter to have a letter of support for the fire company's request sent to VDOT.

3. Fireworks Plan Briefing

Mr. Rush advised the committee that the fireworks transportation and safety group had a meeting to review operations for the event. Mr. Rush informed the committee that the Fireworks Transportation and Safety Plan will be executed and the operation will run as in previous years with an altered trolley route and the addition of three county school busses to transport visitors and locals alike. Mr. Hubb, the new Director of Transportation was in attendance at the meeting.

4. Church Street Parking Hazards

Mr. Rush advised the committee that parking on Church Street from Main St. to Willow Street has become a serious problem. The increased flow of traffic coupled with on-street parking is causing grid-lock at times and is hampering response of large emergency vehicles. Councilwoman Richardson questioned if this was discussed in some meetings before. Mr. Ritter stated that the Public Works Committee was to bring it to Council after they had talked to the churches and a fifteen minute parking limit was to be imposed. Mayor Tarr asked if staff ever met with the churches. Councilman Jester stated that this was a contentious topic when this came up before. Mr. Jester stated that it needs to be dealt with and maybe there could be some lenience for parking on Sunday mornings only. Councilwoman Richardson suggests adding a cross-walk for those individuals walking from the Town parking lot to the Methodist church. Councilman Richardson suggests telling those churches and businesses that we need their help to alleviate these safety hazards. Mayor Tarr suggested that Mr. Ritter speak with the churches and businesses in the area and get their input to develop a plan to deal with this issue.

5. Committee Member Comments

No comments.

Adjournment

A motion to adjourn was made by Councilwoman Richardson and a second to the motion was given by Councilman Jester. All were in favor of the motion. Meeting adjourned at 18:36



MEMORANDUM
Town of Chincoteague Inc.

Date: June 27, 2012
To: Mayor Tarr and Town Council Members
From: Robert Ritter, Town Manager
Subject: A No Parking Zone on Church Street from Anderton Ave to Main St.

At the Special Council Meeting of June 21, 2012, we had on the agenda the consideration of a no parking zone on Church Street from Anderton Ave to Main St. It was noted at the meeting for staff to come back with a plan on the loading and unloading zone, in the front of the Channel Bass Inn and the Opportunity Shop.

I met with Chief Lewis and Officers during the monthly staff meeting and all Officers stated that the best case scenario for enforcement would be to have parking on Church Street eliminated all together but allow loading and unloading as long as a person stays with their automobile. If we had to designate a loading and unloading zone with striping; only allow one automobile for a five minute loading and unloading period.

After listening to all the comments from folks regarding the elimination of parking on Church Street and talking with the Officers; **the Plan** from staff would be a “No Parking Zone” on Church Street from Anderton Ave to Main St., and allow for folks to load and unload their belongings at any location as long as they do not leave the site of their vehicle. The enforcement would begin once the parking signs are placed at regular intervals and we would give offenders a one month grace period giving only warnings.

An Alternate plan would be to have a “No Parking Zone” on Church Street from Anderton Ave to Main St. and place a five (5) minute load and unload sign at a specific location in front of the Opportunity Shop and the Channel Bass Inn.

Note: Mr. Rush brought it to my attention that we could suggest that the Opportunity Shop place their drop box on the back side of their property adjacent to our Town Parking lot to load and unload their belongings and park in our parking lot while unloading.

**Recreation and Community Enhancement
Committee Meeting Minutes
June 12, 2012**

Committee Members Present:

John Jester, Chairman
Bob Conklin
Jack Van Dame
Nancy Lane
David Johnson

Staff Present:

Robert G. Ritter, Town Manager
Town Planner, William Neville

Call to Order

Chairman Jester called the meeting to order at 5:00 PM.

Agenda Adoption

Mr. Jack Van Dame motioned, seconded by Ms. Nancy Lane to adopt the agenda. Unanimously approved.

1. Eastern Shore Healthy Communities

Mr. Neville explained that Mr. Dan Burden and others will be in the area from July 28-August 2 to do a study on possible walking paths on the Shore. The committee discussed where on the Island that they would like him to look at possible walking paths. The committee members were invited to join Mr. Burden on his tours of the Shore as well as the Island.

2. Donation Guidelines for Town Parks

Mr. Neville spoke about the possibility of placing memorial benches in the town parks. They also discussed other items that could be donated for memorials such as trees and picnic tables for the enhancement of the community. The committee agreed to review the park master plans and identify a list of needed park improvements before finalizing a donation guideline.

3. Project Report Updates

Mr. Bob Conklin asked about Coach's Lane and the possibility of extending the bike path that now goes from Ocean Boulevard to Chicken City Road. He would like to keep as much bike traffic as possible off of Maddox Boulevard for safety reasons.

They also discussed the USFWS plan to install a bike trail from the NASA Visitor Center to Chincoteague along the causeway. There was great concern for safety as well as the disruption of the character of the Island. They suggested a letter be written to the refuge manager with their concerns. They are opposed to a similar design such as the one that is currently going from the Chincoteague Museum to the entrance of the Wildlife Refuge.

Mr. Van Dame motioned, seconded and amended by Ms. Lane to recommend that a letter be sent from the Town to the USFWS in opposition to the future use of concrete deck elevated bike trails with wire rails, while in support of additional bike trails that are more in keeping with the natural character of the Island. Where possible the use of widened roadway shoulders is preferred. The motion was passed unanimously.

Chairman Jester discussed the Police Department's request to establish curfews in Memorial Park with the exception of the fishing pier and waterfront gazebos. He suggested a sign stating the park closes at 10pm and the fishing pier closes at midnight.

Mr. Neville gave an update on the Island Activity Center. Staff recommends charging non-residents a \$25 fee for open gym use, plus a \$25 refundable deposit to resolve some of the current issues.

Mr. Neville also discussed the walking and biking tour brochure. The current maps need to be updated to show the new bridge. The committee would like to have a new brochure printed for the 2012 season. They asked about a grant from the Virginia Coastal Zone to assist with printing costs.

4. Committee Member Comments

Mr. David Johnson asked about the noise ordinance in reference to scooters. He stated it seems more and more businesses are renting out the scooters. Chairman Jester was concerned about the lack of insurance with those scooters and all the accidents that have occurred already this year.

Ms. Nancy Lane motioned, seconded by Mr. David Johnson to adjourn the meeting.

TRIAL AGREEMENT

This Agreement is made and entered into as of the date it is signed by both parties (hereinafter referred to as the "Effective Date") by and between Eastern Shore of Virginia Broadband Authority, having offices at 36272 Lecato Road, Belle Haven, VA 23306, (hereinafter referred to as "ESVBA"), and the Town of Chincoteague, having offices at 6150 Community Drive, Chincoteague Island VA, 23336 (hereinafter referred to as "Town").

RECITALS

WHEREAS, ESVBA desires to provide Town with discounted Internet access to facilitate the availability of affordable internet access to small businesses and residential dwellings (hereinafter referred to as the "Trial"). Such discounted Internet access shall hereinafter be referred to as the "Service".

WHEREAS, Town wishes to determine the utility and feasibility of utilizing the Service to meet the broadband needs its businesses and residents ("Users"),

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and covenants set forth herein, ESVBA and Town agree as follows:

1. ESVBA RESPONSIBILITIES

ESVBA will provide to Town, at the charges specified in Attachment A, dedicated internet service, to a mutually agreed up on location that is on or near the ESVBA network. Title to any equipment and/or software provided by ESVBA for the purposes of this Trial shall remain with the ESVBA. Town will assume any risk of loss or damage to any equipment and/or software used in the Trial.

2. TOWN'S RESPONSIBILITIES

- a. Town shall cooperate with ESVBA in all aspects of the Trial as reasonably required by ESVBA. Cooperation shall include: evaluating the Service while the Trial is in progress and informing ESVBA of Town's views concerning the virtues and shortcomings of the Service.
- b. Town shall work independently, or with other parties, to conduct the trial in an organized and professional manner.
- c. If the Town determines that they want to a third party to take responsibility of the Trial and operate the Trial as a commercial entity (Operation), the Town must issue a public RFP and follows the laws of the Commonwealth of Virginia.
- d. Town acknowledges that nothing in this Agreement shall be construed as a commitment by ESVBA to offer the Service to any of the end users of the Trial following the termination of the Trial.
- e. Unless otherwise stated, ~~Town shall bear its own expenses associated with the Trial.~~ Town, or the Town's selected Service Provider, will also pay ESVBA the Service charges specified in Attachment A for the duration of the Trial.

3. EQUIPMENT & INTELLECTUAL PROPERTY

- a. Town's selected Service Provider agrees that upon expiration or termination of this Agreement, Town's selected Service Provider will promptly return all hardware, software equipment and associated documentation, which ESVBA as provided, to ESVBA in the same condition as received, reasonable wear and tear excepted, or they must purchase the aforementioned at the ESVBA's purchase price.

4. TERM AND TERMINATION

- a. The term of this Agreement shall commence with the date that the Town desires ESVBA's Internet Service to begin, or upon the date which the Town awards an RFP to a Service Provider (In Service Date) and shall expire twelve (12) months thereafter, unless terminated earlier as provided below.
- b. This Agreement shall terminate at the earlier to occur of the following:
 - 1) the expiration date of the Term, or
 - 2) upon thirty (30) days prior written notice by the Town.
 - 3) upon thirty (30) days' prior written notice by either party to the other party if the other party is in default of a material term or condition of this Agreement and has failed to cure such default within the notice period, or
 - 4) immediately upon written notice by either party if:
 - i. the other party has intentionally or in a willful, wanton or reckless manner made any material, false representation or violated the other's tradenames, trademarks or service marks;
 - ii. the other party has been placed in conservatorship or receivership, become insolvent or involved in a liquidation or termination of its business, or adjudicated bankrupt, or been involved in an assignment for the benefit of creditors; or
 - iii. mandated by governmental or regulatory authority.
 - iv. Upon expiration or termination of this Agreement neither party shall be relieved of any obligations due at the time of such expiration or termination, nor shall such expiration or termination prejudice any claim of either party accrued on account of any default or breach by the other.
- c. The Town shall be able to change the amount of bandwidth (not to exceed 25 Mb/s), or cancel Service, without any penalties during the Term of the Trial. At the conclusion of the Trial, ESVBA will enter in an agreement with the ~~Town, or~~ the Town's selected service provider, at ESVBA's standard rates (Appendix B).

5. CONFIDENTIALITY

- a. Both parties, for their mutual benefit, desire to disclose or have disclosed to the other, certain specifications, designs, plans, drawings, software, data prototypes, or other business and/or technical information (hereinafter collectively referred to as

"Information") which is proprietary to the disclosing party or its affiliated companies or suppliers. The receiving party shall hold such Information in confidence, shall reproduce or copy such Information only to the extent necessary for its authorized use, shall restrict disclosure of such Information to its employees who have a need to know, shall advise such employees of the obligations assumed under this section, and shall not disclose such Information to any third party without the prior written approval of the other party and a confidentiality agreement at least as restrictive as this Article 5.

- b. These restrictions on the use of disclosure of information shall not apply to any Information:
 - 1) that is independently developed by the receiving party or its affiliated companies or lawfully received free of restriction from another source having the right so to furnish such Information; or
 - 2) that is or becomes publicly available by means other than unauthorized disclosure; or
 - 3) that, at the time of disclosure to the receiving party, was known to such party or its affiliated companies free of restriction as evidenced by documentation in such party's possession; or
 - 4) that the disclosing party agrees in writing is free of restrictions stated in this Agreement.
 - 5) Each party agrees that all of its obligations undertaken in this Section 5 as a receiving party of Information shall survive and continue for two years after any expiration or termination of this Agreement.

6. WARRANTIES

- a. ESVBA warrants that it will make commercially reasonable efforts to provide continuous service at the contracted levels.
- b. EXCEPT FOR THE WARRANTIES STATED IN SECTION 6(a), THE SERVICE IS OFFERED ON AN "AS IS" BASIS. ESVBA MAKES NO WARRANTY, GUARANTEE, OR REPRESENTATION, EXPRESS OR IMPLIED, RELATING TO THE RELIABILITY, EFFECTIVENESS, ACCURACY, COMPLETENESS, PERFORMANCE, OR OPERATION OF THE SERVICE, OR OF THE EQUIPMENT AND SOFTWARE FURNISHED TO TOWN FOR PURPOSES OF THE SERVICE OR THE TRIAL, AND SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. ESVBA DOES NOT GUARANTEE THAT THE SERVICE WILL NOT CAUSE INTERRUPTIONS IN OR INTERFERENCE WITH TOWN'S OR USERS' TELECOMMUNICATIONS OR OTHER SERVICES WHICH INTERCONNECT WITH THE SERVICE.

7. LIMITATION OF LIABILITY

- a. THE LIABILITY OF EITHER PARTY TO THE OTHER FOR ANY CLAIM ARISING FROM ANY CAUSE WHATSOEVER (EXCEPTING PERSONAL INJURY AND/OR DEATH) REGARDLESS OF THE CAUSE OF ACTION, WHETHER IN CONTRACT, TORT OR OTHERWISE, SHALL BE LIMITED

TO DIRECT DAMAGES ACTUALLY PROVEN, NOT TO EXCEED AN AGGREGATE OF \$10,000 DURING THE TERM OF THIS AGREEMENT.

- b. ESVBA SHALL NOT BE LIABLE FOR ANY DAMAGES ARISING OUT OF: INABILITY BY TOWN, USERS OR THIRD PARTIES TO USE THE ESVBA SERVICE WHICH IS THE SUBJECT OF THIS AGREEMENT; SERVICE INTERRUPTIONS; INTEROPERABILITY, INTERACTION OR INTERCONNECTION OF THE ESVBA SERVICE WITH APPLICATIONS, SERVICES OR NETWORKS PROVIDED BY TOWN, USERS OR THIRD PARTIES; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF TOWN'S USERS' OR THIRD PARTIES' APPLICATIONS, DATA, PROGRAMS, INFORMATION, NETWORK OR SYSTEMS THROUGH ACCIDENT, FRAUDULENT MEANS OR ANY OTHER METHOD BY ANYONE.
- c. NEITHER PARTY SHALL BE LIABLE FOR INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE OR SPECIAL DAMAGES, INCLUDING WITHOUT LIMITATION DAMAGES FOR LOST PROFITS, SAVINGS OR REVENUES OF ANY KIND OR INCREASED COST OF OPERATIONS, WHETHER OR NOT IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
- d. AS USED IN THIS ARTICLE 7, "ESVBA" AND "TOWN" SHALL BE DEEMED TO INCLUDE EACH PARTY'S PARENTS, SUBSIDIARIES, AND AFFILIATES, AND THE DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, SUPPLIERS AND CONTRACTORS OF ALL OF THEM.

8. FORCE MAJEURE

Neither party nor its affiliates, subsidiaries, subcontractors, parent corporation or any of its parent's affiliates or subsidiaries shall be liable in any way for delay, failure in performance, loss or damage due to any of the following force majeure conditions: fire, strike, embargo, explosion, power blackout, earthquake, flood, war, labor disputes, civil or military authority, acts of God or the public enemy, inability to secure raw materials, acts or omissions of other carriers or suppliers, or other causes beyond its reasonable control, whether or not similar to the foregoing.

9. ASSIGNMENT

Neither party may assign or transfer or attempt to assign or transfer any part or all of this Agreement, or any of its rights or obligations hereunder, without the prior written consent of the other party. Such consent shall not be unreasonably denied.

10. CHOICE OF LAW

The construction, interpretation and performance of this Agreement shall be governed by the laws of the Commonwealth of Virginia without giving effect to its choice of law rules.

11. ENTIRE AGREEMENT

The terms and conditions of this Agreement shall constitute the entire agreement and understanding of the parties with respect to the subject matter hereof and shall supersede all prior, written or oral agreements, proposals or understandings. This Agreement shall not be modified, altered, changed or amended in any respect, except by a writing signed by an authorized representative of each party.

12. PUBLICITY/TRADEMARKS AND TRADENAMES

Neither party shall use, in any advertising, publicity or User documentation, any of the other party's trade names, logos, trademarks, trade devices, service marks, symbols, codes, specifications, abbreviations or registered marks, or contractions or simulations thereof (hereinafter referred to collectively as "Marks"), without the other party's advance approval in writing. Neither party shall claim ownership or any other rights in the other party's Marks. Upon termination of this Agreement, any and all rights or privileges of either party to use the other's Marks shall expire and each party shall discontinue the use of the other's Marks.

13. SECTION HEADINGS

The section headings in this Agreement are inserted for convenience only and are not intended to affect meaning or interpretation.

ESVBA and Town, acting through their duly authorized representatives, hereby agree to the terms set forth in this Agreement.

Town of Chincoteague

By: _____
Name: **Robert G. Ritter Jr.**
Title: **Town Manager**

Date: **July 2, 2012**

Eastern Shore of Virginia Broadband Authority

By: _____
Name: **Nicholas Pascaretti**
Title: **Executive Director**

Date: _____

ATTACHMENT A-- SERVICE CHARGES

ESVBA will bill Town, or the Town's selected Service Provider, the charges specified below, which is exclusive of any applicable taxes. Payment of all charges, including applicable taxes, shall be due within 30 days of the invoice date. Town, or the Town's selected Service Provider, shall pay all local, state and Federal taxes, however designated (excluding taxes on ESVBA's net income), imposed on or based upon the provision or use of the Service.

The charges below are subject to change in the event that the parties mutually agree to change the deliverables or responsibilities of the parties specified in Attachment A.

1. One Time Non-recurring Costs (NRC): \$0.00
2. Monthly Recurring Costs (MRC):

MRC's Schedule for 25Mb/s				
	Months 1-6	Months 7-9	Months 10-12	Months 13+
Discount	100 %	75 %	50 %	0%
MRC	\$0.00	\$625	\$1,250	\$2,500

NOTE: Town may at any time reduce or increase the amount of Internet service with no penalties. After Month 12, ESVBA's standard rates will be charged (Appendix B).

Appendix “B”

ESVBA Dedicated IP and Transport Pricing

Service Offering	Type of Circuit	Node Bandwidth	Monthly Recurring Cost			
			60 Months	36 Months	24 Months	12 Months
Ethernet Transport/WAN	Point-to Point	2 Mb/s	\$300.00	\$345.00	\$375.00	\$414.00
Ethernet Transport/WAN	Point-to Point	5 Mb/s	\$450.00	\$520.00	\$575.00	\$621.00
Ethernet Transport/WAN	Point-to Point	10 Mb/s	\$650.00	\$750.00	\$825.00	\$897.00
Ethernet Transport/WAN	Point-to Point	15 Mb/s	\$850.00	\$975.00	\$1,100.00	\$1,173.00
Ethernet Transport/WAN	Point-to Point	20 Mb/s	\$975.00	\$1,125.00	\$1,225.00	\$1,345.50
Ethernet Transport/WAN	Point-to Point	25 Mb/s	\$1,000.00	\$1,150.00	\$1,250.00	\$1,380.00
Ethernet Transport/WAN	Point-to Point	50 Mb/s	\$1,300.00	\$1,500.00	\$1,625.00	\$1,794.00
Ethernet Transport/WAN	Point-to Point	100 Mb/s	\$1,500.00	\$1,725.00	\$1,875.00	\$2,070.00
Ethernet Transport/WAN	Point-to Point	200 Mb/s	\$2,250.00	\$2,600.00	\$2,800.00	\$3,105.00
Ethernet Transport/WAN	Point-to Point	400 Mb/s	\$3,000.00	\$3,450.00	\$3,750.00	\$4,140.00
Ethernet Transport/WAN	Point-to Point	800 Mb/s	\$3,300.00	\$3,795.00	\$4,125.00	\$4,554.00
Ethernet Transport/WAN	Point-to Point	1000 Mb/s	\$3,500.00	\$4,025.00	\$4,375.00	\$4,830.00
Dedicated Internet	Point-to Point	1 Mb/s	\$300.00	\$345.00	\$375.00	\$414.00
Dedicated Internet	Point-to Point	2 Mb/s	\$420.00	\$485.00	\$525.00	\$580.00
Dedicated Internet	Point-to Point	3 Mb/s	\$570.00	\$655.00	\$715.00	\$790.00
Dedicated Internet	Point-to Point	5 Mb/s	\$850.00	\$975.00	\$1,100.00	\$1,173.00
Dedicated Internet	Point-to Point	10 Mb/s	\$1,300.00	\$1,500.00	\$1,650.00	\$1,794.00
Dedicated Internet	Point-to Point	15 Mb/s	\$1,800.00	\$2,100.00	\$2,250.00	\$2,484.00
Dedicated Internet	Point-to Point	20 Mb/s	\$2,200.00	\$2,530.00	\$2,750.00	\$3,036.00
Dedicated Internet	Point-to Point	25 Mb/s	\$2,500.00	\$2,875.00	\$3,125.00	\$3,450.00
Dedicated Internet	Point-to Point	50 Mb/s	\$3,500.00	\$4,025.00	\$4,375.00	\$4,830.00
Dedicated Internet	Point-to Point	100 Mb/s	\$4,500.00	\$5,175.00	\$5,625.00	\$6,210.00
Dedicated Internet	Point-to Point	200 Mb/s	\$6,000.00	\$6,900.00	\$7,500.00	\$8,280.00
Dedicated Internet	Point-to Point	400 Mb/s	\$7,500.00	\$8,625.00	\$9,375.00	\$10,350.00
Dedicated Internet	Point-to Point	800 Mb/s	\$8,000.00	\$9,200.00	\$10,000.00	\$11,040.00
Dedicated Internet	Point-to Point	1000 Mb/s	\$9,000.00	\$10,350.00	\$11,250.00	\$12,420.00

- Non-recurring charges are on an individual case basis based upon installation costs, constructions costs, equipment costs, and network capacity.
- Monthly recurring charges are based upon existing ESVBA “Lit Buildings” on the Eastern Shore of Virginia.
- Charges for any services requiring another carrier or other parties, or not listed above, shall be determined on an individual case basis.