

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

December 2, 2013 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN TAYLOR

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Consider Adoption of the Minutes
  - Regular Council Meeting of November 4, 2013 (Page 2 of 46)
2. Discuss the 911 Dispatch Memorandum of Agreement with ESVA 911 Commission (Page 11 of 46)
3. Discuss Retaining the Lobbyist for Additional 6 Months (Page 13 of 46)
4. Contract with Bowman Consulting for Phase 2D of the Downtown Rehabilitation Project (Page 20 of 46)
5. Resolution to be Exempt in the Newly Created State Storm Water Regulation (Page 30 of 46)
6. Harbor Committee Report of November 7, 2013 (Vice Mayor Leonard) (Page 31 of 46)
7. Recreation & Community Enhancement Com Report, November 12, 2013(Councilman Jester) (Page 33 of 46)  
*The following may require a motion:*
  - Location of the Watermen's Memorial
  - Citizens Working Group to Established a Plan for the Playground Equipment
  - DCR Trails Grant
8. Ordinance Committee Report of November 14, 2013 (Councilman Howard) (Page 39 of 46)
9. Budget and Personnel Committee Report of November 19, 2013 (Mayor Tarr) (Page 43 of 46)  
*The following may require a motion:*
  - Discuss Dispatch Salaries
  - Resolution: Rescission of the Opt Out of the Virginia Local Disability Program (Page 45 of 46)
10. Committee/Commission Appointments and Recommendations (Page 46 of 46)
  - Building Code of Appeals
  - Curtis Merritt Harbor Committee
  - Planning Commission
  - Recreation & Community Enhancement Committee
11. Mayor & Council Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*
12. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
  - Personnel Matters (Police Chief and Town Manager Annual Evaluation)

ADJOURN:

**MINUTES OF THE NOVEMBER 4, 2013**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
J. Arthur Leonard, Vice Mayor  
Ellen W. Richardson, Councilwoman  
John N. Jester, Jr., Councilman  
Tripp Muth, Councilman  
Gene W. Taylor, Councilman  
Terry Howard, Councilman

**CALL TO ORDER**

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

**INVOCATION**

Councilman Taylor offered the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Tarr led in the Pledge of Allegiance.

**OPEN FORUM/PUBLIC PARTICIPATION**

Mayor Tarr opened the floor for public participation.

- Mr. Mike Meyers approached Council reading a statement regarding his neighbor's concrete fence. He feels this could potentially cause drainage issues during the rise of storm waters. He expressed his dissatisfaction of the Town's efforts to correct this issue. He referred to the Town Codes, the State Codes and mentioned FEMA. He further expressed his concerns.
- Ms. Kelly Jewett, co-founder of the Chincoteague Animal Rescue, also came before Council. She advised that over the years they have done 5-10 stray cat spays and neuters a month. She stated that about a year and a half ago the Town teamed up to do the Cat Roundup. She apologized for not coming to Council sooner to provide a report. She stated that she is offended by the articles in the paper and how the Town is portrayed. She advised Council that over the last year and a half there were 3 mega clinics. They have spayed or neutered over 600 stray cats along with issuing their rabies shot. She is unhappy with the way the Health Department has portrayed the Island. She reported that the last clinic they conducted 186 spays or neuters.

Ms. Jewett also advised that they will be doing another clinic in the Spring. She then mentioned the cat hoarder. She feels that this was a horrific situation. She commended the officers who went into the home. She advised that they set traps there during the last clinic and only caught a neighbor's cat. She stated that, to the best of her knowledge, there was one stray cat left that the cat hoarder was feeding. She added that there are not a lot of stray cats left in Ocean Breeze. She also advised of the low cost rabies clinic and suggested doing this again in the Spring.

Councilman Howard stated that there is a threat where rabies is concerned. He commended her efforts and the work she has been doing.

Ms. Jewett thanked Council for their support. She added that the veterinarians volunteer for the clinics. She again feels it isn't fair how the paper is portraying the Island. Councilman Jester feels that it's because of the lack of information regarding the situation. He stated that the article was written without all the facts.

Councilman Howard stated that he has never seen such a great effort to control the stray dog and cat population. Discussion continued.

Mayor Tarr thanked Ms. Jewett for leading this organization and having the clinics.

## **STAFF UPDATE**

### **Planning Department**

Town Planner Neville stated that the Planning Report is included in the packet. He also thanked those who attended the Wastewater Advisory open house. He said there were approximately 12 people who came with some feedback. He stated that the Committee will meet one more time to review the comments. He mentioned that the guest this evening is bringing up the topic of the beach and the relationship with the managing agencies of Assateague. He stated that with the one year anniversary of Hurricane Sandy there's been activity on the Federal level with projects to build sand dunes and beach nourishment, which is a good idea.

Town Planner Neville reported that it has been passed by Congress for the Army Corps of Engineers to prepare a North Atlantic Coast Comprehensive Study. This will look at 31,000 miles of coastline and report back to Congress the best ways to effectively reduce flood risks to vulnerable coastal populations and promote coastal resilient communities. He feels this is an opportunity for the Town to speak up. He also stated that with the grant monies it is also a way to partner with the U. S. Fish and Wildlife Service along with the Park Service to put proposals out there to help with coastal restoration. He advised of the deadline of January 31, 2014 for the proposals. He stated that it may be a good time for the Beach Access Committee to meet again.

Councilman Howard mentioned flood damage along the coastline. He asked if there was a deadline for the study.

Town Planner Neville advised that he will give Council the information.

### **Police Department**

Chief Lewis advised that the monthly report was included in the agenda packet. He reported that they will be ready to turn the 911 Service over to the Eastern Shore 911 Commission, November 18, 2013.

Councilman Howard advised that when reviewing a report in the packet, he noticed that once more the Police Department has helped out another family on the Island. He stated that Chief Lewis and his Department do this community proud.

### **Public Works Department**

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He also reported on the Fall Paving Project schedule. He mentioned replacing the 6" water main on north Main Street that will be done before paving. He also advised that they are putting up Christmas Decorations.

There was discussion regarding incorporating the sidewalk paving and with the roadwork. There was also brief discussion about a sidewalk easement on the corner of Rt. 175 and Main Street.

### **General Government**

Town Manager Ritter reported that EMS has completed training on the new battery operated stair chair. He reported that the ORS3 will be launched November 19<sup>th</sup> – 26<sup>th</sup> with a 2 hour window each day at 1730. He stated that there will be another launch of the ORB to the International Space Station December 15<sup>th</sup> – 18<sup>th</sup> at 2300 with a 7 minute window. He reported that there was a preconstruction meeting for the Downtown Revitalization earlier today. He showed the picture of the plans for Phase 2C. Town Manager Ritter advised that the start date will be December 9<sup>th</sup>, which is after the Christmas Parade. He added that they will have 120 days, which puts the completion date at the end of April. He also stated that there was a meeting earlier today with the Contractor, Engineer and the Main Street Merchants. They are reviewing the contract and will try to make arrangements to accommodate those merchants.

Town Manager Ritter stated that staff has updated the Town Codes. He reported that staff is working on getting 2013 taxes in the mail, which are due December 5<sup>th</sup>. He reported that he attended a meeting with Harbormaster Merritt, the Army Corps and the U. S. Coast Guard. He stated this was regarding a report from Mr. Red McDonald about the waterway closing up around the bouy in front of the U. S. Coast Guard base. The U. S. Coast Guard is planning to bring in a dredge this week to clear it out. He mentioned the newsletter that went out in the Beacon.

Councilman Jester asked about the condition of the roads during the Downtown Revitalization Project. Public Works Director Spurlock advised that he has discussed this with Branscome who will help minimize the inconvenience.

Town Manager Ritter stated they will be ready by the end of the month to put out the bids for the fishing pier.

There was brief discussion about the update to the Code.

### **AGENDA ADDITIONS/DELETIONS AND ADOPTION**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda as presented. Unanimously approved.

- 1. Consider Adoption of the Minutes**
  - **Regular Council Meeting of October 7, 2013**
  - **Council Workshop Meeting of October 17, 2012**
  - **Special Council Meeting of October 21, 2013**

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the minutes as presented. Unanimously approved

## **2. Introduction to National Park Service, National Seashore Superintendent Deborah Darden**

Mayor Tarr introduced Ms. Deborah Darden, the new Superintendent of the National Park Service, Assateague Island National Seashore.

Ms. Darden advised that she loves the seashore. She gave an account of her childhood and background. She also gave her employment background over the years. She advised that her first project is the General Management Plan. She feels that the draft will be released sometime after the beginning of the year. She stated that she hasn't gotten through the CCP as of yet.

Council welcomed Ms. Darden.

Councilman Howard commented.

Mayor Tarr stated that they would like to have her back for a meeting to review the CCP and GMP.

## **3. Discuss the 911 Dispatch Memorandum of Agreement with ESVA 911 Commission**

Town Manager Ritter reviewed an email from Mr. Flournoy reporting from the Eastern Shore 911 Commission. He stated that the Committee would like to review the MOA making additions, deletions or corrections. He also stated that he would like Council and Town Attorney Poulson's input. Town Manager Ritter would also like to attend the meeting with Mayor Tarr and Chief Lewis and come back with a completed document for the Workshop meeting. He advised that the MOA was written by Mr. Flournoy and staff has made changes.

Town Manager Ritter also stated that they are going to speak with Ms. Dorothy Spears from VITA who issues the money. He stated that the State reassesses every 5 years and they're only 10 months in. He believes the money could still have to come to the Town, which will be included into the Town's budget to forward to the E. S. 911 Commission. Town Manager Ritter doesn't want to have to include it into the budget.

There was discussion about ownership of the new equipment, maintenance of the old equipment and who the equipment belongs to.

Town Attorney Poulson advised that if it belongs to the Commission there is no problem unless the Town takes the System back. He stated that if the Town takes it back they don't want to have to replace the new equipment they have put in. He suggested looking into something that the Town would have to pay to get it back. He also added that the Town shouldn't have to pay the new cost of the equipment if they get it back in 3 years.

Town Manager Ritter advised that he would contact Mr. Flournoy and set up a meeting.

Councilwoman Richardson stated that she voted a couple of weeks ago to send the 911 System back to the E. S. 911 Commission. She advised that this was a mistake. She informed Council of concerns expressed to her that if the County is going to raise the taxes they would rather pay those increased taxes to the Town and keep the 911 service. She stated that she was reluctant when she voted. She also stated that if Council had known back in May that this was a problem it would have been taken care of. Councilwoman Richardson also added that the Fire Company wants the System brought up to where it's supposed to be. She just wanted to go on record by saying she does not want it going back to the E. S. 911 Commission.

Councilman Howard stated that there is no guarantee that the County isn't going to raise fees or taxes. He feels that they have more confidence knowing that the Town could take it back down the road. He doesn't feel they will use this as a reason to raise taxes.

Councilwoman Richardson informed Council of an email from Mr. Flournoy in response to her questions about the percentage they expect from the Town. She also stated that she asked if any of the other Towns had a MOA and they do not. She stated that he advised that there is also no other Town providing 911 Service as the Town of Chincoteague has. She asked if the Town loses the 911 Communications Tax is there anything that says they can get it back if they take the 911 System back.

Mayor Tarr responded that those questions have been answered in the past. He stated that the E911 Tax and the Landline Tax is there because they were running a 911 System. He added that when they go out of the 911 System business, they can no longer receive those taxes. He also added that the reason there is no MOA with the other Towns in the County is because they do not receive any money from the Communications Tax or E911 Tax.

Councilwoman Richardson just wanted to express what other people and firemen were saying, that they didn't want it going back down there.

Town Attorney Poulson suggested adding in paragraph F regarding the 12 months' notice to the Commission; to notify the Commonwealth of Virginia also, if the Town elects to resume.

Vice Mayor Leonard asked if they had any indication as to when the Commission was going to meet to look at the agreement.

Councilman Howard advised that it stated 60 days.

Vice Mayor Leonard stated that it's going back to them November 18<sup>th</sup>.

Mayor Tarr advised that the Commission has already met, last Thursday evening.

Town Manager Ritter advised that they formed a small sub-Committee who has concerns.

Vice Mayor Leonard then stated that they are going to take it over before there is an agreement on the MOA. He feels that the Town is stuck

Mayor Tarr stated that the Town is still receiving the money. He isn't sure they need a MOA and they didn't have a MOA when the Town took it over, they applied to the State.

Town Attorney Poulson asked if there was another trial period until the MOA has been executed.

Mayor Tarr stated that its 60 days. He advised that there are other things going on also. He explained that they have to get rid of telephone lines and getting a new telephone system and things like that, which takes time. He also added that he doesn't believe they spoke with Mr. Flournoy before their meeting. He stated that Mr. Flournoy didn't know the Town's wishes when he went into that meeting. He stated that if the Town can't agree on the MOA the E. S. 911 Commission will still take it over in 2 weeks. He asked Chief Lewis if the deadline he mentioned was the E. S. 911 Commission's deadline.

Chief Lewis advised that he spoke with Mr. Flournoy and they decided on the 18<sup>th</sup>.

There were multiple comments from Council.

Mayor Tarr stated that Chief Lewis and Town Manager Ritter need to meet with Mr. Flournoy to make sure things happen.

Chief Lewis stated that the issue is the money. He explained that the money will come to Chincoteague and then Chincoteague will send it to the E. S. 911 Service. He added that in the state code the Town is locked in for 4 years. He advised they will be talking to Ms. Spears tomorrow.

There were further comments.

Chief Lewis advised that he received an email earlier that day stating that the Town will receive the money and then send it to the E. S. 911 Commission, Northampton County.

Discussion continued about the right of the Town to take the 911 Service back if they so choose.

Mayor Tarr stated that they need to get the MOA completed. He advised that they will meet with the E. S. 911 Commission's subcommittee to iron out the Agreement.

Council further commented.

#### **4. Repeal of Town Code, Chapter 54, Article III, Division 3, enhanced Emergency Telephone Service**

Town Manager Ritter stated that this is basically a housekeeping item. He added that the Code is regarding the former 911 Tax, adopting the Communications Sales and Use Tax. He advised that the State Code has since been repealed. Staff recommended repealing the Town's Code that refers to the repealed State Code and also since the 911 Service is going to the E. S. 911.

Town Attorney Poulson asked about the Town needing this for any reason whether the Town keeps the 911 Service or not.

Town Manager Ritter advised that if it comes back, the Town would need to adopt some type of language or Ordinance that has a Communications Sales and Use Tax from the 2006-2007 adoption and that Code number, but it is not this Code.

Mayor Tarr asked if the Town collects other Communications Tax.

Town Manager Ritter advised that this is specific to enhanced emergency telephone service.

Mayor Tarr added that the State Code references the Communications Tax in general. He asked if the Town would need to adopt something for the Communications Tax and if what the Town has references the State Code.

Town Manager Ritter advised he would check into that.

Mayor Tarr stated that Town Attorney Poulson's question was if the Town needs this at all, whether they have 911 or not.

Town Manager Ritter advised that they do not.

Councilman Howard motioned, seconded by Councilman Muth to repeal the Town Code, Chapter 54, Article III, Division 3, Sec. 216-223, Enhanced Emergency Telephone Service. Unanimously approved.

##### **5. Purchase of Computer Aided Dispatch System and Phone System**

Chief Lewis explained that as previously discussed the Police Department would like to purchase a CAD system to assist the dispatchers in efficiently obtaining information to dispatch a call. He explained the capabilities. He added that if 911 would ever come back it would handle that also.

Chief Lewis also explained that in order to turn the 911 System over to the E. S. 911 Commission, Verizon will be retrieving some computer programs they currently use. He added that they will not be able to use any longer. He advised that the current phone system is 10 years old and some of the equipment would have to be replaced by next year anyway. He is requesting that they replace it all at one time; the Police Department, Town Offices and Public Works.

Councilman Howard asked about the amounts.

Town Manager Ritter added that the current phone system is antiquated and the company that the Town currently uses is unable to do the maintenance. He advised that the phone system has been a good system from Delmarva TelePlus, Inc. He added that they haven't been called other than reprogramming a couple of the phones for the EOC. He explained the purchases of phones that are included in the total cost. He also explained the difference in phone types.

Councilman Jester asked how they proposed to pay for this.

Town Manager Ritter advised that it will come from the budgeted 911 upgrade of \$265,000. He added that \$150,000 was grant money and the remaining was from Town funds.

Councilman Jester motioned, seconded by Vice Mayor Leonard to approve the purchase of the Dispatch Essential Software from Southern Software, Inc. in the amount of \$27,716.00. Unanimously approved.

Councilman Howard motioned, seconded by Councilman Muth to approve the purchase of an upgraded phone system and phones with Delmarva TelePlus, Inc. in the amount of \$11,423.00. Unanimously approved.

#### **6. Cemetery Committee Report of September 12, 2013**

- **Proclamation designating November 9<sup>th</sup>-15<sup>th</sup> as Cemetery Cleanup Week**

Councilwoman Richardson stated that Mr. Alex Hubb has recently cleaned the Reed Cemetery on Deephole Road and advised that he will continue. She stated that they will be cleaning the Holy Ridge Cemetery on Ridge Road on Saturday at 9:00 a.m.. She asked for volunteers. She also read the Proclamation.



### **PROCLAMATION**

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John H. Tarr do hereby proclaim the week of November 9<sup>TH</sup> through 15<sup>TH</sup>, 2013, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 4<sup>th</sup> day of November, 2013.

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John H. Tarr, Mayor

ATTEST:

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Robert G. Ritter Jr., Town Manager

Councilwoman Richardson thanked the Town employees for cleaning up the local cemeteries.

Councilman Howard asked about Mr. Hubb adopting the Reed Cemetery.

Councilwoman Richardson stated that he has and wants to adopt more.

**7. Mayor & Council Announcements or Comments**

There were no further comments.

**Adjourn**

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

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John H. Tarr, Mayor

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Robert G. Ritter, Jr., Town Manager

## **Memorandum of Agreement Between**

### **Eastern Shore of Virginia 9-1-1 Commission and Town of Chincoteague, VA**

#### **I. Purpose**

The purpose of this Memorandum of Agreement is to memorialize the request from the Town of Chincoteague, a municipal corporation, ("Town") to transfer 9-1-1 services (defined as the reception point for 9-1-1 calls and the dispatch of Fire/EMS services for the Town of Chincoteague) to the Eastern Shore of Virginia 9-1-1 Commission ("9-1-1 Commission") and to specify items of agreement associated with this transition of services. At the October 21<sup>st</sup>, 2013 Town of Chincoteague public hearing/council meeting, authorization was approved by vote of the Chincoteague Town Council to transfer 9-1-1 services pending execution of this Memorandum of Agreement.

#### **II. General Terms and Conditions**

The Eastern Shore of Virginia 9-1-1 Commission and the Town of Chincoteague agree to the following terms and conditions.

- A. Effective on November 18<sup>th</sup>, 2013, 9-1-1 services for the Town of Chincoteague shall be transferred to the ESVA 9-1-1 Commission. The ESVA 9-1-1 Commission shall dispatch and provide dispatch related services for the Town of Chincoteague (as is done for other Fire/EMS agencies in Accomack County) and transfer law enforcement matters to the Chincoteague Police Department.
- B. The Town shall notify the Commonwealth of Virginia of no longer being a primary Public Safety Answering Point (PSAP), effective November 18<sup>th</sup>, 2013, and an agreement between the ESVA 9-1-1 Commission and Town of Chincoteague. It is understood from representatives from Virginia Information Technologies Agency (VITA) that the funds the Town of Chincoteague receives from the two revenue sources related to processing 9-1-1 calls (wireless E-911 surcharge and Communications Sales and Use Tax (percentage for 9-1-1 services)) are unable to be directly provided to the ESVA 9-1-1 Commission, or its fiscal agent. The Town of Chincoteague will forward to the Eastern Shore 9-1-1 Commission or its fiscal agent revenues received monthly, within forty-five days, as stated above from 9-1-1 tax collections (wireless E-911 surcharge and Communications Sales and Use Tax (percentage for 9-1-1 services) for tax imposed on or after December 1, 2013 or until such time the Commonwealth of Virginia disburses the revenue directly to the ESVA 9-1-1 Commission or its fiscal agent.
- C. The Commission shall assume ownership and maintenance responsibilities for the VHF Fire/EMS radio infrastructure used for fire/EMS Communications upon receipt of a complete inventory of the existing radio infrastructure owned by the Town. This inventory includes but is not limited to the VHF repeater, duplexer, and radio antenna system used for fire/EMS Communications with the Town of Chincoteague. The radio infrastructure does not include console related equipment/infrastructure. The Town warrants and represents that at the time of execution of this Agreement, all VHF infrastructure equipment is operational with no deficiencies and all infrastructure equipment and field equipment is compliant with any state and federal requirements. Should the town elect to resume 9-1-1 services, the Commission shall transfer the applicable equipment stated above back to the Town. The Commission shall offer the sale of such new equipment at a pro-rated amount based on depreciation. All aged and replaced equipment shall be delivered to the Town at such time of replacement.

- D. The applicable FCC license (VHF Fire/EMS radio system) shall also be transferred to the Commission within 6 months of the effective date of this Agreement. Should the town elect to resume 9-1-1 services; the Commission shall then effect the transfer of the applicable FCC license (VHF Fire/EMS radio system) back to the Town.
- E. Immediate (24/7) access shall be provided to ESVA 9-1-1 Center staff to the VHF Fire/EMS communications equipment for needed repairs, testing, and maintenance, with the Town of Chincoteague being responsible for security of all equipment.
- F. If the Town of Chincoteague elects to resume 9-1-1 services, twelve months' notice shall be provided to the ESVA 9-1-1 Commission and the Commonwealth of Virginia, unless otherwise agreed to by the ESVA 9-1-1 Commission and the Town of Chincoteague. Such notice shall be in writing from the duly authorized representative of the Town to the Chairman of the ESVA 9-1-1 Commission and shall be by certified or registered mail, or commercial delivery. Upon such termination of services by the Town, and the resumption of such services by the Town, all such funds as described under Paragraph B hereof then being paid to the Commission for such services, whether forwarded by the Town or paid directly by the Commonwealth of Virginia, shall be, as of the effected date of termination, retained by the Town, forwarded by the Commission to the Town on a monthly basis within 45 days after receipt, or paid to the Town directly by the Commonwealth of Virginia, as applicable.
- G. The term of this Memorandum of Agreement is for one year beginning on December 1, 2013. This Agreement shall automatically renew annually on December 1, each year unless notice of termination has been given as described in Paragraph F.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2013 by the Eastern Shore 9-1-1 Commission and on the \_\_\_\_ day of \_\_\_\_\_, 2013 by the Town of Chincoteague, a Virginia municipal corporation, and executed by the ESVA 9-1-1 Commission Chairman and the Mayor of the Town of Chincoteague, VA:

**ESVA 9-1-1 Commission**

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**TOWN OF CHINCOTEAGUE, VA**

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**Date:** \_\_\_\_\_



MEMORANDUM  
Town of Chincoteague Inc.

Date: November 27, 2013  
To: Mayor Tarr and Town Council Members  
From: Robert Ritter, Town Manager  
Subject: Retaining the Lobbyist for an Additional 6 Months

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The fiscal year 2014 budget that was approved in June only has six months of funding for the Town's Lobbyist Alcalde & Fay. Alcalde & Fay consultant Rob Catron will prepare a work plan for the rest of the fiscal year for the Council meeting. Council will need to decide whether to go forward and fund the remainder of the fiscal year. The funding can come out of the tourism / recreation reserve for FY 2014 and in January we will have a budget work shop to discuss the budget amendments.

## MEMORANDUM

TO: Mayor of Chincoteague, the Chincoteague Town Council and Town Manager

FR: Rob Catron, Managing Partner, Alcalde & Fay - Virginia

DA: November 25, 2013

RE: Status Update and Future Plans

As you know, the Commonwealth elected a new slate of statewide officials. The Governor, Lt. Governor and Attorney General will be sworn-in on Saturday, January 11, 2014. Chincoteague's current state senator, Dr. Ralph Northam, has been elected Lt. Governor and will vacate his seat. The special election to replace him will likely be held on Tuesday, January 7 or Tuesday, January 14. Each political party has nominated their candidates. Should Delegate Lynwood Lewis win election to the Virginia Senate, then a special election to fill his seat will take place in mid- to late-February.

Federally, the law mandating a "sequester", or across the board cuts to all federal agencies, continues in effect. Congress' inability to pass appropriations bills to fund the government, and instead govern through one continuing resolution (CR) after another, has brought many federal agencies to a standstill insofar as long range planning goes.

Another "fiscal cliff" is looming. The current CR expires in mid-December and the federal debt ceiling will likely have to be raised in mid-January. These facts impact the management of federal agencies and are partly responsible for tremendous delay in the USFWS release of the draft Comprehensive Conservation Plan for the Chincoteague NWR.

The federal government shutdown began October 1 and lasted for 16 days. There was an obvious impact to the Town as the Chincoteague NWR – and access to the Assateague National Seashore – was closed. States and localities all over the country that rely on tourism to federal parks and lands were negatively impacted. Utah, Colorado, New York, South Dakota and Tennessee wired more than \$2 million to the Interior Department to get their parks reopened. Virginia did not participate in this process.

Over the past several months, we have worked with Town staff on the following issues:

- We contacted Virginia Secretary of Natural Resources, Doug Domenech, to determine how to plan to keep the Chincoteague NWR and Assateague National Seashore open in the event of another federal government shutdown. The Secretary is very willing to work with us and has agreed to forward a letter to his

federal counterparts to put a Memorandum of Understanding in place so in the event of a shutdown the Commonwealth, Accomack County and the Town will know in advance what their responsibilities are in order to provide beach access. We are drafting a letter for the Mayor to send to Secretary Domenech and a letter for him to send to the Interior Department.

- We worked with Rep. Rigell's office to get a letter to NPS regarding requesting an update to their planning for the Assateague National Seashore.
- We worked with town staff on an issue relating to a landowner putting dirt fill on his property and the subsequent objection by FEMA .
- Virginia's new stormwater regulations are impractical for Chincoteague and other very low lying communities where it is geographically impossible to capture and treat stormwater before it returns to, in Chincoteague's case, the ocean. We have discussed the need to repeal or relax these regulations for Chincoteague with DCR and DEQ.
- We have been in contact with the USFWS about the CCP. We were able to confirm with the FWS that "there is no option in place to purchase the Maddox Family Campground"; but the FWS did say that they can revisit this issue after the CCP is adopted.
- We discussed with the Town Manager the need for funding for a study relating to wastewater for the areas from downtown to the high school and down Maddox from the bridge to McDonalds.
- There is also a question of how to pay for such a project. We recommend setting up a meeting with the Virginia Resources Authority.
- We discussed with the Town Manager a need to widen the shoulders on the Causeway for safety issues.
- We were also made aware of the Maddox Blvd and Main Street intersection flooding issue. We recommended the Town contact the Hampton Roads District Administrator to determine whether they have the money and authority to correct the intersection. If the Administrator is unable or unwilling to fix the intersection, then we will go the Commonwealth Transportation Board to get it fixed.

Here is our plan for the next 6 months, which will include the 2014 Session of the Virginia General Assembly:

- The draft CCP will likely be released in January. This will begin a public comment period. We will review the CCP draft with Chincoteague elected officials and staff. If intervention or support is necessary by the Commonwealth or federal elected officials, we will work with staff to get these folks educated and persuade them to intervene on Chincoteague's behalf. We can coordinate efforts with Virginia's federal congressional delegation, the Eastern Shore's General Assembly delegation, and the Offices of the Governor, Lt. Governor and Attorney General, as necessary.

# ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

- FEMA Flood Insurance rates are increasing dramatically in Chincoteague and across the country. Our firm is at the forefront of working for a legislative remedy to reduce flood insurance rates. We will continue to keep you informed and advocate for Chincoteague residents on this critical issue.
- Represent Chincoteague's interests in the General Assembly and before state agencies on stormwater management issues. Legislation may be necessary and we will lobby the General Assembly for Chincoteague's interests.
- As the Mid-Atlantic Regional Spaceport is an important source of year-round hotel, restaurant and tourism revenue for the Town, we will work with our partners to secure funding to help the Spaceport implement its growth strategies. Although Governor McDonnell and Governor-elect McAuliffe are supporters of the Spaceport, we still need to educate legislators from across Virginia about the importance and benefits of a vibrant and growing Spaceport at Wallops Island.
- As Chincoteague is a town with its own police department, the Town received what is known as "599 Aid to Localities with Police Departments" funding. We will work to increase HB 599 funding in the Governor's proposed budget and the General Assembly's adopted budget. Chincoteague currently received \$105,149. We need to increase the topline number for 599 funding for Chincoteague to get more funds.
- Work with the new McAuliffe Administration on establishing a MOU with the Interior Department to keep the Chincoteague NWR and Assateague National Seashore open in the event of another federal government shutdown.
- Work with VDOT and the CTB to fix the Main and Maddox intersection to reduce flooding and for funding to increase the shoulders on the Causeway.
- Work to secure state funding for a study to determine the most affordable wastewater plan for Chincoteague.

The 2014 Session of the Virginia General Assembly will also provide the Town with opportunities to seek legislation to benefit the Town and/or defeat legislation that is not in the Town's interests. We are in Richmond every day during the Legislative Session and will work on legislative initiatives for the Town at your direction. We will be in contact with the Town regularly to provide updates and get direction on legislative opportunities or challenges.

Once again, thank you for the opportunity to work with the Town Council on behalf of the people of Chincoteague. It is an honor and a privilege to work on behalf of this wonderful community.

If you have questions or need further information about any issue, I can be reached by email at [catron@alcalde-fay.com](mailto:catron@alcalde-fay.com) or by phone at 703.841.0626.

The Mayor requested information relating to the 4 projects that were approved for Hurricane Sandy funding and the genesis of these requests. Hurricane Sandy is a huge boon to federal agencies looking for a new source of funds for their pet projects. We don't see anything nefarious or harmful to Chincoteague in this list of projects. NPS requested the funds because funds were available. That's what federal bureaucrats do – request funding. Virginia won the 4 projects below...

**Subject:** Assateague Island NS Participates in Hurricane Sandy Projects

On May 7, 2013, in accordance with its approved strategic spending plan, the Department released \$475.25 million of the (\$786.7million post-sequester) funding the Department of the Interior received from the Disaster Relief Appropriations Act of 2013 to fund 234 projects that will repair and rebuild parks, refuges and other Interior assets damaged by Sandy. The funding will also provide investments in scientific data and studies to support recovery in the region, as well as historic preservation efforts.

- [Approved recovery projects, funding amounts, and spending plan](#). (Includes specific projects for Assateague)
- State-by-state list of total funding amounts ([PDF](#) or [XLS](#)).

The remaining funding is to be allocated competitively in the coming months for mitigation projects that increase coastal resiliency and capacity to withstand future storm damage and to restore and rebuild public assets across the Sandy-affected region. Of this competitive mitigation funding, \$100 million will fund an open competition while the rest will support innovative resilience work undertaken by the Department.

In an October 24, 2013 Press Release DOI announced that \$162 million will be invested in 45 restoration and research projects that will better protect Atlantic Coast communities from future powerful storms, by restoring marshes, wetlands and beaches, rebuilding shorelines, and researching the impacts and modeling mitigation of storm surge impacts, including the four highlighted for Assateague..<http://www.doi.gov/news/pressreleases/secretary-jewell-announces-162-million-for-45-projects-to-protect-atlantic-coast-communities-from-future-storms.cfm>

Note from Alcalde & Fay: Additional information the four projects was included on the project List (see attached). You will note that Virginia is receiving funds for other projects. Also, only two of the projects were requested by the NPS.

Project	State	Agency	Description	Amount
Living Shoreline-Oyster Reef Restoration and Construction at Chincoteague National Wildlife Refuge, Virginia	MD, VA	FWS	The US Fish and Wildlife Service, in partnership with the National park Service, The Nature Conservancy, Virginia Department of Game and Inland Fisheries and the	\$553,425

# ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

Virginia Marine Resources Commission, proposes to construct two living shoreline projects and two acres of oyster reefs on the Chincoteague National Wildlife Refuge that will help restore and rebuild the Refuge after impacts associated with Hurricane Sandy. The Chincoteague NWR Living Shorelines/Living Reefs project will also increase the resilience and capacity of certain Refuge infrastructure, i.e. Service and Beach roads, to withstand future storms with reduced damage.

<p>Linking Coastal Processes and Vulnerability – Assateague Island Regional Study (GS2-2C Assateague)</p>	<p>DE, MD, NY, VA</p>	<p>USGS</p>	<p>This project involves mapping of the regional geologic framework and describing the physical processes governing the evolution of the Delmarva coastal system, which includes Assateague Island. We will produce actionable information for improving the resilience of coastal habitat and infrastructure to future storms and sea-level rise.</p>	<p>\$4,000,000</p>
<p>Submerged Marine Habitat Mapping: A foundation for enhancing resilience to coastal storms and other climate change drivers</p>	<p>MA, MD, NJ, NY</p>	<p>NPS</p>	<p>Submerged marine areas are the dominant habitat type of Northeast Region coastal parks, especially those directly impacted by Sandy, yet knowledge of these valued habitats is lacking. This project will produce maps and inventories of submerged marine areas that depict bathymetry, sediment, geomorphology, ecological habitats and archeological resources. Without this information, park managers cannot effectively identify and design adaptation strategies (e.g., habitat restoration, marine reserves) that will enhance the ability of marine ecosystems to withstand major coastal storms, other climate drivers, and human-induced stressors</p>	<p>\$2,400,000</p>

Acquire high-resolution elevation data to improve storm surge forecasting and mitigation planning	MD, NJ, NY, VA	NPS	<p>The goal of this project is to acquire baseline, ground-based, high resolution bathymetric and terrestrial topographic data and information required to aid in developing highly accurate and precise models (inundation, storm surge, coastal change, climate change, sea level rise, etc.) that can be incorporated into future resiliency planning efforts for coastal parks in the Northeast Region. This project will acquire high-resolution elevation data for key park areas identified by park managers and planners, and seamless topographic surfaces will be developed across the landwater interface for those critical areas.</p>	\$3,000,000
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**MEMORANDUM**  
Town of Chincoteague Inc.

Date: November 27, 2013  
To: Mayor Tarr and Town Council Members  
From: Robert Ritter, Town Manager  
Subject: Chincoteague Main Street Project, Phase 2D, Consultant's Proposal

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The fiscal year 2014 budget was approved in June for Phase 2C. The Town was awarded a grant for Phase 2D in the amount of \$427,200, with a total Phase 2D project cost of \$534,000 this past October. Council will need to decide whether to go forward and start designing the Phase 2D, so that we can bid the project out next fall. The funding can come out of the awarded amount and in January we will have a budget work shop to discuss a budget amendment for the grant award.

Staff recommends that we award the proposal for Phase 2D, to provide Survey, Design and Construction Monitoring Services from Bowman Consulting in the amount of \$79,800 (see attached proposal).



October 11, 2013

Mr. Robert Ritter  
Town Manager  
Town of Chincoteague  
6150 Community Drive  
Chincoteague Island, Virginia 23336

Re: Chincoteague Main Street Corridor Project, Phase 2D (the "Project")  
Proposal to provide Survey, Design and Construction Monitoring Services (the "Proposal")  
Bowman Marketing No. 009200-01-003

Dear Mr. Ritter:

We are pleased to submit this Proposal to provide professional Survey, Design and Construction Monitoring Services for Phase 2D of the Chincoteague Streetscape Improvements. Upon verbal or written direction to proceed with performance of the services described here, this Proposal, along with all attachments will constitute a binding agreement (the "Agreement") between Bowman Consulting Group, Ltd. ("BCG") and Town of Chincoteague (the "Client").

Chincoteague Main Street Corridor Project, Phase 2D is identified as the south side of Main Street between Bridge Street to a point about 100' west of Cropper Street. This property is governed by the Town of Chincoteague, Virginia and the Virginia Department of Transportation for project approval.

It is our understanding that the Project consists of completing the survey and the streetscape design documents and preparing a bid set of documents for the Phase 2D project limits which extend along Main Street from the terming of the completed streetscape section near Bridge Street to a point about 100' west of Cropper Street side of Main Street as identified in the Exhibit A attached to this agreement. The project scope will also include work within the roadway of Main Street and the adjoining side streets and coordinating utility relocation services as necessary.

Bowman Consulting will prepare a survey of the corridor, prepare design documents in order to bid the project, assist in obtaining VDOT approval at various stages of the project, conduct a public bid on behalf of the Town of Chincoteague, and provide construction assistance and oversight.

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## **SCOPE OF SURFACES AND FEES**

The scope of services (the “Scope”) and associated fees shall be as follows:

### **1. Meetings and Project Management**

BCG will assume attendance will be required at the various meetings as required by the project. The meeting dates and circumstances will be at the discretion of the Town of Chincoteague staff. BCG will provide all necessary personnel, drawings, renderings, graphics and other materials as required for the conduct of the meeting’s agenda.

- Public Meetings – Town shall coordinate meeting space and provide public notices and advertisement for public information meetings as required by VDOT and as requested by the Town. BCG will provide all drawings necessary to conduct the public meeting.
- Staff Meetings – BCG will meet during the design phase with Town Staff for project status or review. All meetings will be at the discretion of the Town Staff.
- Other Meetings – BCG will attend meetings/presentations to Main Street Committee, utility or any other business or civic stakeholder groups as required by the project scope. BCG will provide all drawings and renderings necessary to conduct the meetings.
- Utility Coordination Meetings – BCG will meet/coordinate with representatives of ANEC Power, Verizon, Cavalier Communication, Broadband and any other private utility company in the corridor for the purpose of relocation or consolidation of overhead and conflicting utility systems.

**FEE: Hourly (Not to Exceed \$8,500.00)**

### **2. Topographic Field Survey**

The project topographic survey limits will extend along Main Street from approximately 50' south of Bridge Street Drive north to a point 50' north of the intersection of Main and Church Street. This comprises a distance of approximately 750 feet. The survey will include all buildings, walks, walls, trees, monuments and other physical features within corridor and will generally extend 50' beyond the right of way. The survey limits will stop at the face of those buildings fronting on Main Street unless the building is substantially set back from the right-of-way and its location is not needed for design purposes. The topographic survey will extend along all intersection streets approximately 100' east from Main Street. The streets included are Cropper Street and Cleveland Street. We have also included in our survey a 50' wide corridor for one of the drainage outfalls running from Main Street out to the harbor.

Elevations across the site will be collected on a 25-foot grid to insure that there are no gaps in the location of physical features such as curbing, fences, walls, etc. Survey will include all necessary topographic information for proper tie-in of design elements. The vertical datum will be based on the National Geodetic Vertical Datum (NGVD) 1929. At least three (3) temporary benchmarks will be placed within the survey limits and referenced so they can be utilized during site construction.

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The topographic survey will be based on horizontal control established by Global Positioning Satellite (GPS) and conventional methods. The datum for the horizontal control will be based on the Virginia Coordinate System, South Zone National American Datum 83(92).

BCG will contact Miss Utility prior to the field survey to perform the utility designation. If it is determined that the Miss Utility information is felt to be incomplete or Miss Utility is non-responsive to the design needs, MDA will supplement and verify the information with an underground designation Firm. Miss Utility markings will be located by our survey and are included as a part of this scope of services. If a private designation Firm is used, this effort would be considered additional services.

The right-of-way corridor and property lines as they intersect the right-of-way will be located by the survey. For the purpose of this proposal we have assumed that there are no discrepancies in the property boundaries, public rights-of-way, or questions of property ownership. No right-of-way or property monuments shall be set as part of this proposal.

Any work associated with the resolution of questions of title ownership, or the location public rights-of-way requiring additional boundary surveying will be treated as additional services and will require additional fees.

Should the Town of Chincoteague require that new boundary or right of way monumentation be installed, such work will be performed as additional services and require prior approval by the County.

The survey base mapping information will include property owner's names, parcel addresses, other related parcel information on those parcels immediately adjacent to the project site. MDA will base all property boundary, easement and rights or way locations on information recovered by the research performed in the Accomack County Clerk's office and Real Estate Assessor's office. The survey will show those existing easements affecting the properties that are recovered during our research.

#### **Estimated Schedule**

Based on our current workload, the scope of work involved, and anticipated conditions beyond our control, we estimate that we can complete the survey within twenty (20) business days of receipt of your written authorization to proceed and receipt of those supporting documents to be provided by your office.

**FEE: \$14,500.00 (Lump Sum)**

### **3. NEPA – CE Documentation**

BCG will prepare NEPA documentation for a “Categorical Exclusion” designation and assist coordinating VDOT approval for the document.

**FEE: \$1,800.00 (Lump Sum)**

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**4. Design Documents**

BCG will prepare design documents for the project and provide review documents at the 30%, 60%, 90%, and 100% stages of the project development. The construction documents will consist of the following:

- Prepare Demolition and Erosion Control Plan.
- Prepare grading and geometric design based to include streetscape elements, materials selections, entrances, private property integration, storm drainage, and utilities.
- BCG will redesign storm drainage to utilize existing outfalls.
- BCG will coordinate with all utility companies for the franchise utility relocation plans as necessary and prepare any infrastructure design associated with the agreed upon overhead relocations.
- BCG will prepare the pavement markings and signage plan.
- BCG will provide cost projections and add alternates at various stages of the project to coordinate with the available funding. BCG will develop add alternates to be used in bidding the project.
- BCG will complete all design plans, profiles and details suitable for bidding. All the appropriate sheets shall be completed for VDOT review submittals.
- BCG will prepare technical construction specifications and bid forms at both the 90% and 100% submittals to be used with standard VDOT front-end documentation and VDOT/FHWA required documents (TEA-21). BCG will check for VDOT updates of all standard documentation.
- BCG will prepare easement and property acquisition exhibits as required by VDOT for all private property encroachments.
- BCG will prepare all plans and specifications for submittal of the 100% plans and specifications to VDOT for approval. BCG will coordinate with VDOT to obtain project approval to advertise. Once approval is given by VDOT, copies of the bid documents will be produced for distribution and bidding.

**FEE: \$28,500.00 (Lump Sum)**

**5. Final VDOT Approval and Bidding Services**

BCG will assist the Town of Chincoteague in developing a bid schedule and attend/host a pre-bid meeting. BCG will prepare any addendum and responses to contractor questions necessary for the project. BCG will advise the Town on TEA-21 bidding requirements and VDOT review/approval schedules and assist the Town in review of the Bids to insure compliance with the Federal requirements. BCG will prepare a recommendation for award.

**FEE: Hourly (Not to Exceed \$4,500.00)**

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**6. Post-Bid Services**

BCG will provide limited construction liaison services to include:

- Preparation revised drawings based on contractor comments or differing site conditions, to be used during construction. These may include construction contract change order work, as necessary.
- Attendance at pre-construction meetings and field visits at the discretion of the Town schedule. We anticipate weekly meetings to be held on-site.
- Review and recommendation on all shop drawings and “RFI’s”. Assistance to Town on design questions and sketches.
- Review and recommendation for approval on all pay requests by the Contractor.
- Attend final walk-through inspections at Substantial Completion.
- Preparation of record drawings based on contractor field notes.

**FEE: Hourly (\$18,000.00 Not to Exceed)**

**7. Miscellaneous Expenses:**

Miscellaneous expenses to include:

- Printing and copying,
- Mileage and tolls,
- Mailing, shipping, and outsource delivery (i.e. DHL, FedEx) costs, and
- Fees and expenses of special consultants as authorized by the Client

**FEE: Actual Expenses plus 15% (\$4,500.00 Not to Exceed)**

Please note the fees have been presented in an hourly basis with a “not to exceed” figure as per standard VDOT format. We have also attached Bowman’s VDOT current audited rates.

**SUMMARY MATRIX**

<b>Task</b>	<b>Description</b>	<b>Fee Type</b>	<b>Total</b>
1	Meetings and Project Management	Hourly - NTE	\$8,500.00
2	Topographic Field Survey	Lump Sum	\$14,000.00
3	NEPA – CE Documents	Lump Sum	\$1,800.00
4	Design Documents	Lump Sum	\$28,500.00
5	Final VDOT Approval and Bidding Services	Hourly - NTE	\$4,500.00
6	Post-Bid Services	Hourly - NTE	\$18,000.00
7	Miscellaneous Expenses (Actual Expenses + 15%)	Hourly - NTE	\$4,500.00
<b>Total Estimated Fee</b>			<b>\$79,800.00</b>

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**CLIENT RESPONSIBILITIES**

The Client shall be responsible for obtaining permission for BCG, its employees, agents and subcontractors to enter onto the subject property and any properties in the vicinity as reasonably necessary for BCG to perform the services described herein. By either countersigning this Proposal or verbally authorizing BCG to proceed, the Client warrants and represents that it has obtained such permission.

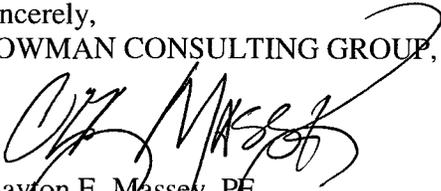
**OTHER TERMS**

This proposal is based on the scope of services indicated here and the information available at the time of the proposal preparation. If any additional services are required due to unforeseen circumstances and/or conditions, client or regulatory requested revisions, additional meetings, regulatory changes, etc, Bowman will notify the client that additional scope of work and fees are required and will obtain the client's written approval prior to proceeding with any additional work.

BCG's Standard Terms and Conditions and Hourly Rate Schedule are attached here and incorporated into this Proposal by reference. You should read these standard terms and conditions and assure yourself that you understand them prior to accepting this proposal or authorizing BCG to proceed with the performance of the services described herein.

In the event you wish to accept this proposal, please execute both originals, initial all pages and return one executed original to this office. The individual executing this proposal represents and warrants that he has the authority to sign on behalf of the Town of Chincoteague.

Sincerely,  
BOWMAN CONSULTING GROUP, LTD.



Clayton E. Massey, PE  
Branch Manager

Town of Chincoteague hereby accepts all terms and conditions of this Proposal (including the Standard Terms and Conditions) and authorizes BCG to proceed with the Project.

Town of Chincoteague

By: \_\_\_\_\_  
(Signature)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

BCG INITIAL \_\_\_\_\_ CLIENT INITIAL \_\_\_\_\_

**BOWMAN CONSULTING GROUP, LTD.**

**SCHEDULE "A"  
2013 SCHEDULE OF HOURLY RATES**

Expert Research, Prep & Testimony.....	\$285.00/hour	Senior Geologist.....	\$160.00/hour
Principal.....	\$230.00/hour	Staff Geologist.....	\$120.00/hour
Vice President - BDA.....	\$230.00/hour	Soil Technician.....	\$65.00/hour
Branch Manager.....	\$190.00/hour	Certified Arborist.....	\$130.00/hour
Department Executive.....	\$190.00/hour	Senior GIS Specialist.....	\$160.00/hour
Department Manager.....	\$170.00/hour	GIS Technician.....	\$110.00/hour
Team Leader.....	\$160.00/hour	Environmental Scientist 1.....	\$120.00/hour
Senior Project Manager.....	\$160.00/hour	Environmental Scientist 2.....	\$110.00/hour
Project Coordinator.....	\$130.00/hour	Environmental Scientist 3.....	\$95.00/hour
Project Manager.....	\$130.00/hour	Senior Traffic Engineer.....	\$160.00/hour
Assistant Project Manager.....	\$117.00/hour	Traffic Engineer 1.....	\$140.00/hour
Engineer 1.....	\$120.00/hour	Traffic Engineer 2.....	\$120.00/hour
Engineer 2.....	\$110.00/hour	Traffic Engineer 3.....	\$100.00/hour
Engineer 3.....	\$95.00/hour	Traffic Technician.....	\$90.00/hour
Designer 1.....	\$100.00/hour	Traffic Counter.....	\$40.00/hour
Designer 2.....	\$85.00/hour	Right of Way Specialist 1.....	\$150.00/hour
Designer 3.....	\$75.00/hour	Right of Way Specialist 2.....	\$120.00/hour
Licensed Surveyor.....	\$130.00/hour	Right of Way Specialist 3.....	\$95.00/hour
Computer Tech 1.....	\$110.00/hour	Right of Way Technician.....	\$65.00/hour
Computer Tech 2.....	\$85.00/hour	Utility Coordinator.....	\$130.00/hour
Computer Tech 3.....	\$65.00/hour	Survey Field Crew.....	\$135.00/hour
CADD Drafter 1.....	\$100.00/hour	Survey Field Crew-1man.....	\$100.00/hour
CADD Drafter 2.....	\$85.00/hour	Field Coordinator.....	\$125.00/hour
CADD Drafter 3.....	\$70.00/hour	3D Laser Scanning.....	\$110.00/hour
CADD Drafter 4.....	\$60.00/hour	Scanning Office Technician.....	\$110.00/hour
Land Planner 1.....	\$120.00/hour	Clerical.....	\$60.00/hour
Land Planner 2.....	\$110.00/hour		
Land Planner 3.....	\$95.00/hour		
Landscape Architect 1.....	\$105.00/hour		
Landscape Architect 2.....	\$95.00/hour		
Landscape Architect 3.....	\$80.00/hour		
Junior Landscape Architect.....	\$64.00/hour		
Senior Soil Scientist.....	\$190.00/hour		
Staff Soil Scientist.....	\$120.00/hour		

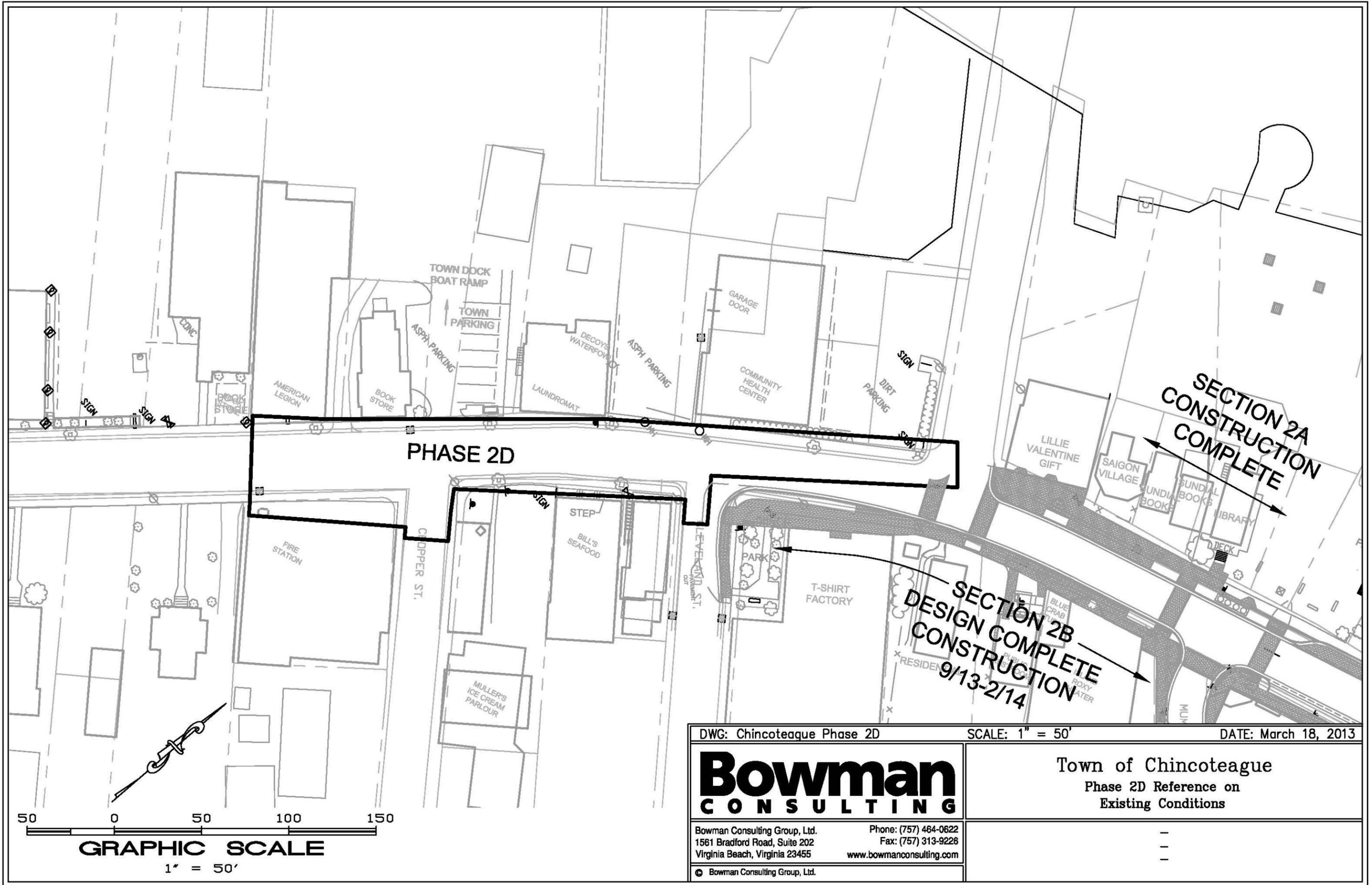
05-10-13 – Table 25 – soVA/NC

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# EXHIBIT A

## Phase 2D Exhibit

BCG INITIAL CMJ CLIENT INITIAL \_\_\_\_\_



DWG: Chincoteague Phase 2D      SCALE: 1" = 50'      DATE: March 18, 2013

**Bowman**  
CONSULTING

Town of Chincoteague  
Phase 2D Reference on  
Existing Conditions

Bowman Consulting Group, Ltd.      Phone: (757) 464-0622  
1561 Bradford Road, Suite 202      Fax: (757) 313-9226  
Virginia Beach, Virginia 23455      www.bowmanconsulting.com

© Bowman Consulting Group, Ltd.



## RESOLUTION

### TO OPPOSE ADOPTION OF TECHNICAL CRITERIA BY REFERENCE IN PROPOSED STORMWATER MANAGEMENT REGULATIONS BY THE STATE WATER CONTROL BOARD

**WHEREAS**, the Virginia State Water Control Board is scheduled to take action on December 17, 2013 to adopt an amendment of regulation on stormwater management with an open comment period through November 20, 2013; and

**WHEREAS**, the Regulation incorporates by reference extensive Technical Criteria that will have a significant impact on the local economy and quality of life on Chincoteague Island; and

**WHEREAS**, the Regulations and Technical Criteria have been prepared for upland areas located in the Chesapeake Bay watershed to meet non-compliant water quality standards; and

**WHEREAS**, The Town of Chincoteague is located in a tidal special flood hazard district, located within a compliant Atlantic Ocean coastal bays watershed;

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Chincoteague opposes the proposed amendment of Stormwater Management Regulations and Technical Criteria; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Chincoteague requests assistance from the Department of Environmental Quality and our Congressional delegation to assure that an 'exemption' is granted for coastal watersheds until such time as the Regulations and Technical Criteria are revised accordingly.

**ADOPTED** on this 2<sup>nd</sup> day of December, 2013.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Council of Town of Chincoteague on December 2, 2013.

Attest:

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John H. Tarr, Mayor

---

Robert G. Ritter Jr., Town Manager

**MINUTES OF THE NOVEMBER 7, 2013  
HARBOR COMMITTEE**

**Members Present:**

J. Arthur Leonard, Chairman  
John N. Jester, Councilman  
Mike Handforth  
Ernie Bowden

**Others Present:**

Robert Ritter, Town Manager  
Wayne Merritt, Harbormaster  
Ray Rosenberger

**Call to Order**

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

**Open Forum/Public Participation**

There was no public participation.

**Agenda Adoption**

Councilman Jester motioned, seconded by Mr. Mike Handforth to adopt the agenda as presented. Unanimously approved.

**1. Harbormaster Update**

**A. Summer Activity**

Harbormaster Merritt advised the committee that subleasing was down. It was a slower season than most.

**B. Fuel System**

Harbormaster Merritt advised that fuel sales are increasing. He also told the committee that someone came to look at the fuel system due to some recent problems with credit cards and the amount being held longer than 24 hours. They advised him the problem may be due to the location of the tanks and the communication being lost between the tank and harbor office. They are looking into a wireless system and getting rid of the DOS based system and getting a window based program.

**C. Ice Machine**

There have been problems with the ice machine due to communication problems with the system and the internet. That problem has been fixed.

**D. Water Entrance to the Harbor**

The harbor entrance is holding about 4 foot of water at low tide. He also advised there is a pending contract to replenish Wallops Beach if they do this they will probably use the Harbor to dock and that will open the entrance.

**E. Update of Cameras**

During the storm that occurred on Pony Penning Day lightning struck at the Harbor causing damage to the camera system. The new system is now up and running and is much better than the other one. Harbormaster Merritt stated there have been problems with the lights due to power surges. Several of the lights have had to be replaced and they are constantly going out.

## **2. Discuss a Sign Permit for the Harbor on the Fence before Mariners Point**

Harbormaster Merritt stated that Mr. Barry Abell wanted to place a sign at the entrance of Mariners Point. The sign will be advertising the Waterman's Memorial and the size will be 4ft.x 8ft. Harbormaster Merritt believes that the large sign will attract a lot of visitors and therefore limit the slipholders parking area. Several of the committee members agreed the size needed to be smaller. The committee agreed on giving Mr. Abell a 10 square foot area for the sign and it shall be placed on the hill.

## **3. Discuss Revenue and Expenditures**

Town Manager Ritter asked if there were any questions about the revenues and expenditures. There were no questions.

## **4. Committee member comments**

Councilman Jester asked about putting a jetty out in front of the Harbor. There is going to be a study done showing the sand transport in the area. He also asked about an automated tide gauge at the Harbor showing the rise and fall of tides in that area.

## **ADJOURN:**

Councilman Jester motioned, seconded by Mr. Mike Handforth to adjourn the meeting.

**Recreation and Community Enhancement  
Committee Meeting Minutes  
November 12, 2013**

**Committee Members Present:**

John Jester, Chairman  
Terry Howard, Councilman  
Jack Van Dame  
Bob Conklin  
David Johnson

**Staff Present:**

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

**Others Present:**

Ray Rosenberger  
Nancy Rosenberger  
Drew Jorgensen  
Paula Gormly  
Donna Leonard  
Ted Daisey

**Call to Order**

Chairman Jester called the meeting to order at 5:10 PM

**Agenda Adoption**

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

**1. Watermans Memorial**

Chairman Jester introduced the item to review a proposed concept plan change for Robert Reed Park. Town Planner Neville summarized prior committee consideration of a Waterman's Memorial with certain elements to be located at Mariners Point and the possible location of a memorial sculpture or monument to be located at Robert Reed Park.

A location in the new park expansion area at the 'jog' in the boardwalk was proposed as a focal point, and examples were illustrated in the Staff Report of the appropriate size and scale of similar sculptures. Mr. Neville suggested that the Committee could forward this proposal to the Town Council as a recommendation to amend the Robert Reed Park master plan.

Chairman Jester suggested that this area would need to be set aside for a period of time to allow for continued fundraising. He discussed the plan for locating historic bridge artifacts and an information kiosk at the end of Bridge Street. David Johnson asked about the timing of these park improvements. Mr. Ritter explained the ongoing negotiation with VDOT and adjacent property owners to allow Town ownership of the Bridge Street right of way.

Committee Members continued to discuss the master plan elements of the expansion area. Mr. Conklin stated his understanding was that a vote to allow the location of a Waterman's Memorial sculpture in a designated location was all that was necessary and other park elements would continue to be planned around it. Mr. Howard recalled that the Waterman's Memorial was always to be located at Curtis Merritt Harbor. Mr. Van Dame added that a decision to locate a sculpture at Robert Reed Park has not been made in the past. Chairman Jester reviewed prior

actions to locate the 'ships mast' memorial at Mariners Point. Mr. Johnson stated that a decision regarding location of the sculpture is needed to help with continued fundraising.

Committee members disagreed over the best location for the proposed sculpture.

- Mr. Conklin made a motion recommending for Town Council to set aside a certain allotted area of land within Robert Reed Park to place the Waterman's Memorial statue as shown in the November 12, 2013 staff report. The motion was seconded by Mr. Johnson. Mr. Howard supported the efforts to create the memorial but disagreed with placing memorials in both parks and felt that the Harbor was an appropriate location.

For: Conklin, Johnson, Jester

Against: Howard, Van Dame

## **2. Chincoteague Veterans Memorial Park Playground**

Chairman Jester described problems experienced this year at the playground with tree removal and aging play equipment. Town Planner Neville presented several options for a renovation of the existing playground including a possible fund raising campaign with a theme for the new play equipment. Mr. Neville asked for direction from the Committee whether to replace one piece of equipment at time over several years under the existing plan, or whether there should be a complete renovation with a new master plan led by a community-wide effort.

Chairman Jester supported a larger community effort that would include the PTA so that parents with children get involved in selecting play equipment for a variety of ages and experiences. Since cost is a big factor to provide safe well designed play systems, it will be necessary to encourage community fundraising. The Town has a playground fund created by Chief Lewis with a current balance of approximately \$8,000 that can be a good start.

Mr. Conklin suggested other community organizations such as the Kiwanis and American Legion which typically like to organize to benefit a project, and perhaps with 5 main play structures there could be a group to sponsor each structure. Other ideas were to contact the Navy Chiefs or Orbital Sciences who might get interested in playground equipment with a nautical or rocket theme. He identified the need for someone to organize interested groups.

Mr. Neville provided early cost information of \$5,000 and \$20,000 per structure depending on the number of play events, and a possible overall goal of \$100,000 for the complete renovation.

Chairman Jester emphasized how important this effort is for Chincoteague Veterans Memorial Park because of the heavy use by Island and County residents as well as seasonal visitors. Mr. Howard supported the idea of a complete plan to address the playground area and other issues such as drainage and landscaping. The public was asked to comment.

Ted Daisey offered to help with a citizen group to work on the master plan. He suggested separating the play areas for small children from the basketball courts.

Chairman Jester proposed to schedule a workshop with the Committee and invite individuals and organizations who would like to participate in planning the playground. He suggested other park

improvements that were needed, however it was decided to limit the effort to just the playground area for now. The regular Committee meeting on January 14<sup>th</sup> was identified as the best time to organize a workshop. Mr. Howard identified Ann Whealton as a person who had served as a great resource to the Town in the past for the previous effort to build the playground.

Mr. Neville described a process for working with information provided by the recreational equipment manufacturer to prepare a preliminary design for review by the working group. Chairman Jester asked for an initial drawing of the park to decide what needs to be done, what are the flooding issues, and how can the needs of all ages be met (backs on benches).

Mr. Howard stated that this plan will give the Mayor and Council food for thought regarding funding and needs for regular maintenance.

Chairman Jester proposed reaching out to interested groups to identify what their part could be and what they would like to do before the January meeting. Kiwanis Club, American Legion, YMCA, Chamber of Commerce were suggested as possible supporters that should be contacted.

- Mr. Howard and Chairman Jester discussed making a recommendation at the next full Council meeting that a citizens working group be established to plan the playground renovation project.

### **3. DCR Trails Grant**

Staff provided information about a grant opportunity that could assist the Town in re-paving the existing asphalt Nature Trail. Since the grant requires a 20% local match and the estimated cost is around \$43,000, the grant would need to be around \$50,000.

- Mr. Conklin motioned, seconded by Mr. Howard to recommend to Town Council the application for a Recreational Trails grant in the amount \$53,750 to include work in-kind by the Public Works Department for the required local match. The motion passed unanimously.

### **4. Project Report Updates**

Committee members discussed various ongoing projects:

#### ***Ocean Boulevard Extended***

The footbridge over Fowling Gut has been completed and the natural surface trail is open for use. Mr. Conklin complimented the Public Works department on the bridge.

Chairman Jester reported that USFWS is still hoping to award remaining trail grant funds for paving the trail. The committee discussed several ways to advertise the opening of the trail for use including placing an article in the next Town Newsletter. Improvements to Coach's Lane were identified as the next priority so that the trail will connect back to Maddox Boulevard.

Mr. Conklin suggested that placing a removable bollard at the trail entrances may be necessary to prevent people from driving over the new bridge.

#### ***CNWR Bike Trail Extension***

The Town is working with CNWR to possibly widen the road shoulder bike lanes from AJ's to the traffic circle.

***SRTS Multi Use Trail / Hallie Whealton Smith Drive***

Mr. Neville reported that the survey and design phase is underway and a preliminary design study will be available for review by the Safe Routes to School Committee in December.

**5. Committee Member Comments**

Chairman Jester invited members of the public to provide comments.

Donna Leonard supported a Watermans Memorial sculpture located at the Harbor, and repeated her suggestion that the Chamber of Commerce should participate in the Playground project with the Easter Decoy Festival auction as a possible fundraiser. She encouraged the rocketship theme as a way for the community to embrace space tourism.

Ms. Leonard described her family's hopes for the Leonard Park Improvement Fund that currently contains approximately \$4,000. A ramp for non-motorized vehicle launch into Chincoteague Bay was proposed and photos of a floating kayak dock and the end of a low boardwalk from Onancock were shown as an example of what could be done. She stated that this could provide a facility for kayaks, wind surfers and other non-motorized watercraft that did not conflict with other boat ramps and hoped that the facility could be used without a fee or sticker. New picnic tables are also needed.

Mr. Howard asked if this improvement could help with family tourism and the economy. Ms. Leonard stated that this would help to attract more people to the Island. Chairman Jester suggested a kayak around the Island event and getting the Scouts to build picnic tables with donated lumber.

- The Committee agreed with this idea and asked Ms. Leonard to report back to the committee with more information about costs and what would be needed.

**ADJOURN:**

Mr. Conklin motioned seconded by Mr. Johnson to adjourn.



## STAFF REPORT

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To: Recreation and Community Enhancement Committee

Through: Robert G. Ritter, Town Manager

From: William Neville, Planning Director

Date: September 6, 2013 (**Revised November 12, 2013**)

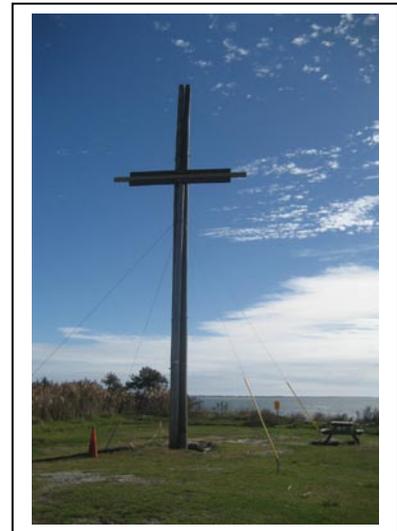
Subject: Chincoteague Waterman's Memorial

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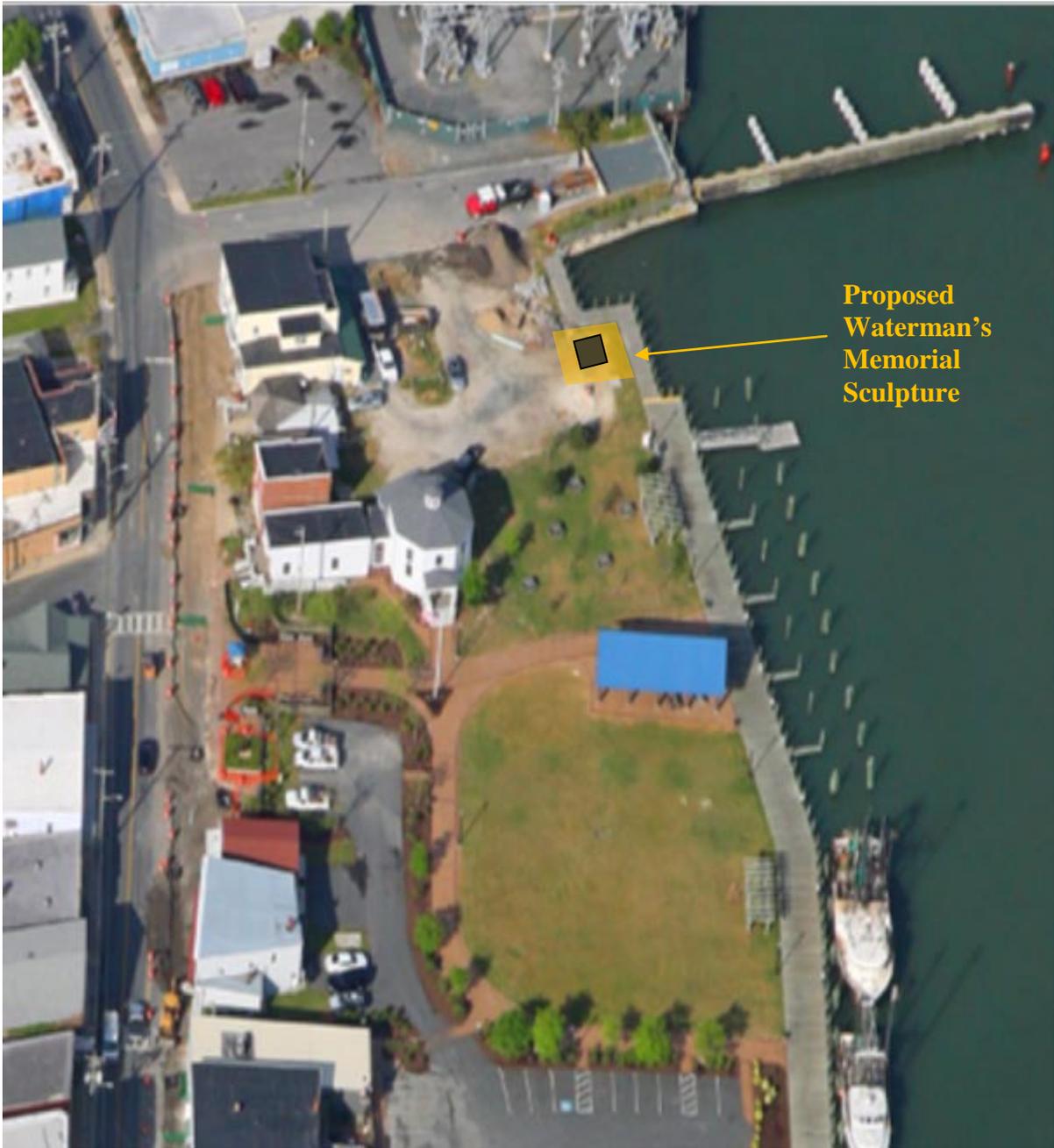
- ❖ Review proposed addition of a Waterman's Memorial Sculpture to the Robert Reed Waterfront Park Master Plan
- 

The Committee previously reviewed a 'ship's mast' memorial that is currently under construction at Mariners Point. Mr. Barry Abell also proposed that a Waterman's Memorial Sculpture similar in scale to the famous 'Gloucester fisherman' should be located at the Robert Reed Downtown Waterfront Park. Attached are several views of the Park Expansion area between the Library and the waterfront that may provide a suitable location.

The Committee considered the area needed for this type of memorial, the height and dimension of landscape features such as the wall and sculpture, and the circulation of people and other activities within the Park. It was determined at the last meeting that a memorial wall would require too large an area, however the location of a sculpture could provide a point of interest in the new park area behind the Library with opportunities for research and reflection.



Another example is provided from a similar memorial in Maryland that is the right scale for a Downtown location and would be suitable for a visitor experience that captures views of the waterfront and commercial fishing boats. Mr. Abell requested support for this idea and direction from the Town at previous Council meetings. The Committee may wish to prepare a recommendation to Town Council for amendment to the Robert Reed Park master plan.



**Proposed  
Waterman's  
Memorial  
Sculpture**



Example from Gloucester MA



Proposed location in Chincoteague VA

**ORDINANCE COMMITTEE  
TOWN OF CHINCOTEAGUE  
November 14, 2013  
Meeting Minutes**

**Present**

Terry Howard, Chairman  
Councilman Tripp Muth  
Councilman Gene Wayne Taylor

**Staff**

Robert G. Ritter, Jr., Town Manager  
William Neville, Planning Director

**Call to Order**

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

**Open Forum/Public Participation**

There were eight members of the public present.

Ms. Wanda Thornton asked if they could provide comment later in the agenda. Chairman Howard assured all present that public comments would be accepted following presentation of the agenda item.

**Agenda Adoption**

Councilman Taylor motioned, seconded by Councilman Muth to adopt the agenda. The motion passed unanimously.

**1. Discuss Possible Revision to the Floodplain Ordinance**

Chairman Howard introduced the first agenda item and asked Mr. Ritter for a presentation.

Town Manager Ritter described the current Town Floodplain Ordinance with revisions proposed by the State to comply with their model ordinance, and several additions considered necessary by Town Staff. Mr. Ritter indicated that these additions are consistent with ordinances from other similar coastal communities based on Staff research.

Councilman Taylor requested that the proposed changes should be described as either being the minimum required by the model code or as exceeding the minimum standards

Town Planner Neville described the FEMA process that will lead to adopting new floodplain maps in approximately one year, and the requirement that each community adopt changes, if necessary, to bring their floodplain ordinance into compliance with minimum National Flood Insurance Program (NFIP) standards. Communities may adopt standards which exceed the minimum requirements in order to obtain a community wide discount on insurance rates. The current rate for Chincoteague is a 10% discount based on meeting higher standards.

Mr. Neville explained that the last review of the Town Flood Ordinance was in 2011, and at the time, most of the redline changes shown in the staff report were recommended by the State Coordinator Charley Banks. These changes are required to be adopted by the Town before April

4, 2014 in order to remain in compliance with NFIP standards according to the most recent letter from FEMA.

Two additional changes are proposed by Town Staff to address recent concerns with the required floodplain zoning permit process. The first is a list of exceptions under Section 30-7 Definition of 'Development', and the second is a new definition of 'Fill or Filling', and 'Grade or Grading'. Mr. Neville suggested that these clarifications still accomplish what FEMA wants the community to do however they would exempt minor development activities and only require a permit for land disturbance of over 10,000 square feet to be consistent with the State erosion and sediment control permit.

The proposed permit process was clarified by Mr. Ritter to explain how a Town floodplain permit would be approved after a County Sediment/Erosion Control permit was issued. Mr. Neville reviewed the other changes recommended by Mr. Banks that include several definitions and one strikethrough for a section on riverine conditions that do not apply.

Mr. Ritter and Mr. Neville recommended that the proposed changes should be discussed by the Committee and forwarded to the Town Attorney for review before sending a recommendation to Town Council for action.

Chairman Howard asked whether these changes were likely to be approved by Charley Banks and FEMA. Staff responded that this an approach recommended by Mr. Banks and that matches our research of other similar communities.

Committee review of each redline change began with a reference to the adoption date of new floodplain maps. Mr. Ritter mentioned a possible change to the purpose section that would limit the applicable FEMA regulations to only those that apply to coastal communities:

*"The special flood hazard areas were generated for storm surges and designated on the Flood Insurance Rate Maps (FIRMs) as Zones AE (base flood elevation data has been provided) and Zones VE (Coastal high hazard base flood elevation data has been provided). References to other special flood hazard areas have been omitted from this ordinance since they are not identified on the [insert community name] FIRMs. If other special flood hazard areas are added as revisions to the FIRMs, this ordinance will be revised to reflect the additional zones. Since the FIRMs have been based on storm surges, paragraph 60.3.(c)(10) of the CFR 44 (cumulative effects of proposed developments) has been omitted from this ordinance." (Town of Dauphin Island, Alabama Flood Damage Prevention Ordinance, July 13, 2006)*

Mr. Neville explained that the last portion about not requiring expensive engineering studies of cumulative effects was supported by the recent letter from FEMA to the Town of Chincoteague. Discussion continued on the redline changes regarding a penalty for violations.

Proposed changes to the definition of the term 'development' were presented as a necessary next step to exclude certain minor land-disturbing activities from the zoning permit recently adopted by Town Council. Item #7 on the exception list is any disturbed area of less than 10,000 square feet in size that matches the State definition under the Erosion/Sediment Control regulations for permitting purposes.

Town staff recommended that adding details and exceptions to the definition of development is necessary since FEMA is trying to enforce regulations by using a general definition that applies everywhere in the United States without allowing local officials to interpret and apply the term. Definitions for 'Fill or Filling', and 'Grade or Grading' were reviewed by the Committee.

County Supervisor Wanda Thornton participated in discussing the problems with regulating fill and stockpiles of material such as shells, timber or other materials. She indicated that Accomack County was not going to willingly adopt any regulation or permit requirements for 'fill'. Ms. Thornton referred to the letter from FEMA indicating that some regulations were not applicable to coastal communities, and other FEMA guidance documents recommend fill around a foundation to minimize flood damage which seems to be contradictory to the requirement for all fill to be regulated. Ms. Thornton expressed her concern over the threat of FEMA removing a community from the flood insurance program and the rate increases that are taking effect over the next several years.

Mr. Neville advised the Committee that the Town could take the position that regulating fill activity has not been done in the past and amend the ordinance to exclude this activity from the definition of 'development', however it is unlikely to be acceptable to FEMA since this definition is a national standard and has already been adopted by both the Town and Accomack County. Ms. Thornton recommended that the same standard should apply in both the Town and County, and that the attorneys should both work on reasonable ordinance provisions.

The next step was proposed by Mr. Ritter to send the proposed definitions and other redline changes to Mr. Poulson, Mr. Taylor and Mr. Fluhart to receive their direction before the Committee makes a recommendation to Town Council in time to adopt changes before the April 4, 2014 deadline.

Mr. Donald Thornton read aloud a portion of the latest FEMA letter which confirms that CFR 44 Section 60.3(c)(10) regarding the study of cumulative impacts does not apply in coastal areas and asked if other sections do not apply as well. Ms. Thornton suggested that this same guidance could be applied to the regulation of fill because the only time fill is regulated is in the V zones and not other floodplain categories. In fact FEMA guidance documents actually show buildings elevated on fill to reduce flood impacts and minimize flood damage.

Councilman Taylor expressed his opinion that there is not any reasonable activity on Chincoteague Island that would cause the floodplain to increase by one foot. He requested that the list of exceptions under the definition of 'development' would also include: 12) stockpiles of natural materials such as shells needed for the shellfish industry. Chairman Howard suggested a more inclusive exception for stockpiles and storage of all materials for resale. Ms. Thornton suggested that storage of material at the lumberyard should also be on the list.

Chairman Howard asked what the Town stands to lose if these changes are made to the Flood Ordinance. Mr. Neville described the FEMA process for non-compliance with NFIP minimum requirements that takes several years and allows for the Town to remedy the violation. Several questions from the public led to a discussion of the number of permits required for development, and how long the Town Floodplain Permit would be issued with no fee.

Review of the redline changes continued. Mr. Bobby Lappin asked about base flood elevation changes that are proposed by the new flood maps. There was discussion of the possible benefit of

requiring construction of a first floor with one foot of freeboard elevation above base flood elevation. This higher standard would help to provide everyone in the Town with a discount in flood insurance. Ms. Thornton suggested that adding a requirement for 1 foot of freeboard may not allow a community to exceed the 10% discount that is currently provided and may not make it worth exceeding the minimum standards. Mr. Thornton asked if property owners would receive a greater individual discount for voluntarily building above base flood elevation than they would receive by a Town Ordinance that exceeds the minimum requirements.

Discussion continued regarding the benefits of freeboard to balance the uncertainty of ‘average storms’ and flood maps that are dramatically changing base flood elevations. Chairman Howard asked for more information about flood insurance rates and discounts. Concern was expressed for the impact of flood insurance on property values, tax revenues, and the ability for people to sell and finance properties.

Mr. David Johnson asked why a floodplain permit was a problem for people to obtain. This started a discussion about fees, FEMA direction that expensive engineering studies should be completed, and under what conditions a permit should be denied by the Town.

Several final changes were described by Mr. Neville. He suggested that the definition of ‘shallow flooding area’ should be removed since there are no areas so designated on the draft maps, and because this would overlap Federal standards with State stormwater management regulations and Town drainage regulations. Ms. Thornton asked what ordinance requirements apply in New Orleans for flood permits and stormwater management in a coastal community at or below sea level. For the last section on Existing Structures, staff recommended deleting paragraph ‘A’ because any floodway standards do not apply in the coastal area.

Chairman Howard offered an opportunity for additional public comments. Mr. Thornton commented on FEMA’s interest in limiting fill in flood zones on individual properties compared to the beach re-nourishment and storm protection activities that are being approved for whole communities. Commissioner Taylor discussed the current erosion control permit process and complimented Mr. Norman Pitts on working well with the community. He suggested that a floodplain permit process that parallels erosion control would not be too great of a burden if it satisfies FEMA.

Staff was directed to provide these materials to the Town and County attorneys and to schedule this item for further consideration at the Ordinance Committee on January 9<sup>th</sup>. Committee members thanked the public for attending and providing ideas and suggestions.

## **2. Committee Member Comments**

There were no additional committee comments.

### **Adjourn:**

Councilman Taylor motioned, seconded by Councilman Muth to adjourn the meeting.

Next Meeting: January 9<sup>th</sup> at 5pm.

**MINUTES OF THE NOVEMBER 19, 2013  
BUDGET AND PERSONNEL COMMITTEE MEETING**

Members Present

John H. Tarr, Mayor  
Eugene “Tripp” Muth  
Gene Wayne Taylor

1. Call to Order.

Mayor Tarr called the meeting to order at 5:15 p.m.

2. Agenda.

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

3. Salaries for Dispatchers.

Police Chief Lewis presented two scenarios for increases to dispatchers salaries, both fulltime and part-time, to bring them in line with area dispatcher salaries.

The Committee discussed the matter at length. The Committee felt that the Town needs to increase the rate of pay to compete and retain qualified dispatchers.

Councilman Taylor motioned, seconded by Councilman Muth to recommend a pay increase for dispatchers to Council. Unanimously approved.

4. Retirement and Disability.

The state has mandated that all non-LEOS employees hired on or after January 1, 2014, be in a new Hybrid retirement plan. Current employees will have an upcoming open enrollment if they would like to get out of their current retirement plan and go to the Hybrid plan. The Hybrid plan is modeled more like a 401k plan. The Hybrid retirement plan does not include disability and the state has developed a long and short-term disability plan for those in the Hybrid retirement plan. Council recently adopted a resolution to not take the state’s disability plan, but to find a competitor through VML or VACO. The State’s rates were high and out of line with the other plans. Since Council adopted the resolution to “Opt Out”, the state has reconsidered their rates and now proposed a lower rate than can be obtained from VML or VACO. The State has also provided those municipalities that “Opted Out” until December 3 to rescind their “Opt Out” resolution if they desire.

There are many changes that will be necessary to the Town’s employee handbook and some of them including sick leave were discussed.

The immediate attention is for Council to decide to stay with VRS or to obtain the disability plan portion through other avenues. The Committee will continue to review

and consider the necessary changes to the employee handbook and discuss at a future meeting.

Councilman Taylor motioned, seconded by Councilman Muth to recommend to Council to rescind the “Opt Out” resolution and use the State’s plan for disability. The motion was unanimously approved.

5. Adjournment.

Young Councilman Muth motioned, seconded by Councilman Taylor to adjourn the meeting. The motion was unanimously approved.



## RESOLUTION

### Rescission of Election to Opt Out of the Virginia Local Disability Program

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Va. Code § 51.1-169; and

**WHEREAS**, the Town of Chincoteague, 55341, passed a resolution dated October 7, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees by January 1, 2014; and

**WHEREAS**, it is the intent of the Town of Chincoteague, 55341, to rescind this election;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Town of Chincoteague rescinds its resolution dated October 7, 2013.

Adopted in the Town of Chincoteague, Virginia this 2<sup>nd</sup> day of December, 2013.

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Authorized Signature

Title



# MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Town Council  
From: Robert Ritter, Town Manager  
Date: November 27, 2013  
Subject: Committee/Commission/Board Vacancy Appointments

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The term for the following member currently serving on the Building Code Board of Appeals will end on December 31, 2013:

**1. Jerry Tarr**

Mr. Tarr has voiced his desire to be reappointed to the Building Code Board of Appeals. The term if reappointed shall be for a period of 5 years and end on December 31, 2018.

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The terms of the following member currently serving on the Curtis Merritt Harbor Committee will end on December 31, 2013:

**1. Michael Handforth**

Mr. Handforth has voiced his desire to be reappointed to the Curtis Merritt Harbor Committee. The term if reappointed shall be for a period of 2 years and end on December 31, 2015.

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The terms of the following members currently serving on the Planning Commission will end on December 31, 2013:

- 1. Mollie Cherrix**
- 2. Jeff Potts**
- 3. Ray Rosenberger**

Ms. Cherrix, Mr. Potts and Mr. Rosenberger have voiced their desire to be reappointed to the Planning Commission. The term if reappointed shall be for a period of 4 years and end on December 31, 2017.

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The terms of the following members currently serving on the Recreation and Community Enhancement Committee will end on December 31, 2013:

- 1. Nancy Lane**
- 2. David Johnson**

Ms. Lane and Mr. Johnson have voiced their desire to be re-appointed to the Chincoteague Recreation & Community Enhancement Committee, which is a two year term and if reappointed their term will end December 31, 2015.

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The term of the following member currently serving on the Board of Zoning Appeals will end on December 31, 2013:

**1. Jesse Speidel**

Mr. Speidel has voiced his desire to be re-appointed to this Board. The term shall be for a period of 5 years and shall expire on December 31, 2018. A letter will be sent to the Honorable Revell Lewis, Judge, regarding his re-appointment.

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Council will need to take the necessary action to replace or fill the above applicants at your convenience.