

SPECIAL COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

July 13, 2010 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of June 7, 2010 (Page 2 of 64)
 - Regular Council Meeting of June 17, 2010 (Page 14 of 64)
 - Special Council Meeting of June 29, 2010 (Page 30 of 64)
2. Selection of the Vice Mayor
3. Setting the Date on a Joint Public Hearing on Home Occupation Ordinance (Mr. Neville) (Page 42 of 64)
4. Public Safety Committee Report of June 1, 2010 (Mayor Tarr) (Page 48 of 64)
5. Proposal for Road Engineering on Eastside Drive (Page 52 of 64)
6. Change in Code Chapter 18, Businesses, for Minimum licensing fee. (Page 60 of 64)
7. Committee Appointments and Assignments (Page 61 of 64)
8. Virginia Retirement System Plan II Adoption. (Page 62 of 64)
9. Commercial Use of Town Facilities, Hold Harmless Agreement (Page 64 of 64)
10. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
11. Closed Meeting in Accordance with Section 2.2-3711(A) (3) of the Code of Virginia.
 - Consideration of the acquisition of real property

ADJOURN:

MINUTES OF THE JUNE 7, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

| | |
|-----------------------------------|--------------------------------|
| John H. Tarr, Mayor | John N. Jester, Vice-Mayor |
| James Frese, Councilman | Nancy B. Conklin, Councilwoman |
| Terry Howard, Councilman | John H. Howard, Councilman |
| Ellen W. Richardson, Councilwoman | |

CALL TO ORDER

Mayor Tarr called the meeting to order at 7:01 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the pledge of allegiance.

PRESENTATIONS

Mayor Tarr read three Certificates of Recognition: one for Mrs. Ernestine Helen Hall, the second one for Mrs. Mabel Louise Liscum and the third for Mrs. Sadie J. Ayres.

(Insert Certificates Here)

Mayor Tarr advised they were unable to attend the meeting, but would see that they received their Certificates.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor to the public.

- Mrs. Nancy Rosenberger explained an incident at the Downtown Park. She strongly urges Council to post "No Dogs Allowed" there. She added that there are parks that do allow dogs.

Mayor Tarr directed Public Works Director Spurlock to look into the regulations regarding dogs at the Parks.

- Mr. Joe Justice of Chicken City Road approached Council regarding the drainage issues on his property. He requested an update especially since hurricane season is here. He also added that on his boundary line along Vacation Park Lane there is an overgrowth of poison oak. He advised it is coming from an adjoining property onto his. He asked what can be done because it is a health hazard.

Building and Zoning Administrator Lewis stated that they do not have a weed ordinance, however, if it is a nuisance he will be able to send a letter requesting that this be cleared.

Mr. Justice advised it is a nuisance.

Councilman T. Howard feels this should be taken care of possibly through the Nuisance Ordinance.

There was discussion as to contacting the Assateague Inn to have them clear the property line as it is a nuisance to the adjoining property.

- Mr. Bob Conklin, Recreation and Community Enhancement Committee, addressed Council that the Committee has suggested building an observation deck to be placed on the eastside of the Curtis Merritt Harbor overlooking the Ocean. He stated that they would like permission for the Town to undertake this as it would be very opportunistic for various aspects of life. They feel this would be another popular project. He advised that they envisioned a 20-30 foot platform. Mr. Conklin stated they spoke with Public Works Director Spurlock regarding the materials to use and the construction. He stated that a contractor quoted a price of \$30,000 to build this type of observation area. He requested that Council consider putting this into the budget for the future.

- Dr. William Baczek, the Island's Dentist, stated that he pays for a business license every year. He also stated that there is no other doctor's office paying for a business license. He feels he is being discriminated against. He has reviewed the Ordinance and sees that a business license can be overruled by Council. He advised that he is the only doctor paying a business license and has cost him \$10,000 over the course of 20 years. He stated that he does a service to the Town and requests that Council find a solution.

Mayor Tarr directed Town Manager Ritter to research this matter.

Mrs. Jenny VanDame stated that the Island is blessed to have Dr. Baczek and would hate to see him leave because he isn't appreciated or treated fairly.

- Ms. Helen Merritt addressed Council regarding signs, flags and balloons. She asked where the rules originate. She stated that they are regulating so much that a business owner can't have a picture of seafood on a flag because they sell seafood. She asked if they make the rules up, because she knows they voted on them. Ms. Merritt also stated that the business people are hurting enough. She doesn't feel Council is being fair to the local business people. She requested that Council review the Sign Ordinance and think about the local businesses.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Planning Commission has completed their work on the Home Occupation Regulations and is ready for Council's review at possibly the next meeting. He also stated that they are making progress on the update of the zoning map. They have followed through with the discussion of the directional signs for the new bridge. He advised that they have rescheduled the next meeting for June 15th. He is currently completing a couple of grants as the deadline is approaching such as the Cop's program and VDOT Revenue Sharing. He is also working on the report for the 2009 Enterprise Zone.

Councilman T. Howard asked if the Planning Commission has reviewed off premise directional signs. He was advised that the work that has gone into this has been geared toward standardization.

Councilman J. Howard asked if there were plans with VDOT for the improvements to the Main Street Maddox Boulevard intersection.

Public Works Director Spurlock advised that he sent a request to VDOT and the Traffic Engineering Division has expressed their understanding and agreement, but has not offered an official response.

There was further discussion about planning the corrections to the intersection.

Councilman Frese asked about off premise directional signs.

Town Planner Neville stated that the Ordinance was written not to include off premise signs. He feels that to add it back should be done carefully.

Discussion continued and Town Planner Neville suggested collecting information and holding a workshop.

Vice Mayor Jester commended Town Planner Neville on his plan to update the zoning on the Comprehensive Plan.

Councilman J. Howard stated he would rather see the business map as opposed to adding signage.

Several members of Council commented on the need for advertisement.

Police Department

Major Mills reported that the Department, through donations to the Food Bank, medical supplies, heating fuel and recent charities, has given out over \$45,000 this past year to help different people throughout the Town. He stated that Chief Lewis wanted him to thank all those who helped and made donations.

Mayor Tarr thanked the Police Department on behalf of Council and himself for going above and beyond the call of duty for the community.

Public Works Department

Water Works:

Public Works Director Spurlock advised that they have completed the water service for the Refuge/Park Service. They've ordered materials for the Methodist Church drainage improvements. And they are continuing with daily routine operations continue.

Roads & Facilities

Routine seasonal upkeep and maintenance continues along with the spring cleanup that took about 10 days, which included debris collection. They have completed the Pension Street sidewalk removal and also completed cleanup at the Curtis Merritt Harbor. They have put mulch in at the Robert N. Reed, Sr. Downtown Park and conducted pothole patching. The P.M. activities for the emergency generator are complete.

Staff

Public Works Director Spurlock received the draft M. O. U. from Accomack County Public Works. This included the plan to take over the Convenience Center on Deep Hole Road. They will give current staff the first option for employment and has listed to be closed 1 day per week. He also reported that they have reviewed the easements for the Chicken City Road Intersection and there should be no impact on the properties. Pension Street paving should be completed by June 18th. They are planning repairs to the washout and collapse of the culvert on South Main Street on the east side of the road near Mr. Britton’s property.

There was discussion about installing flood gates while they’re repairing the culvert and completing the Master Drainage Plan. Branscom is currently paving Pension Street and will be doing some minor asphalt work along Maddox Boulevard and Main Street in the area of Marlin Street. The pavement markings will be scheduled after the completion of paving. The Cockle Creek water main has been repaired. They are planning to complete the drainage work on Margaret’s Lane.

There was discussion regarding the purchase of a plainer. Mayor Tarr advised that there is an attachment for the skid steer and could possibly workout in the upcoming budget.

General Government

Town Manager Ritter reported that the 2nd notices for Business License renewals were mailed out. The office is receiving Blueberry Festival applications along with Meals and Lodging taxes. VDOT is planning the Bridge Grand Opening for possibly September 25th and has hired a consultant. He also announced the Swearing in Ceremony on the 24th at 5:00 p.m. with Mr. Sammy Cooper. He requested the comments from Council for Springstead. He also advised they were reviewing new tax software and would be discussed later in the meeting.

He reported Revenues for the month of May:

| | <u>Year to Date</u> | <u>Prior Year</u> | <u>Difference</u> |
|-----------------------|---------------------|-------------------|-------------------|
| Real Estate | \$612,745 | \$610,328 | (up) \$ 2,417 |
| Personal Property Tax | \$172,326 | \$182,143 | (down)\$ 9,817 |
| Meals Tax | \$436,438 | \$435,636 | (up)\$ 802 |
| Sales Tax | \$ 87,723 | \$ 97,334 | (down)\$ 9,611 |
| Transient Occupancy | \$558,872 | \$560,395 | (down)\$ 1,523 |
| Water Rent | \$817,530 | \$745,990 | (up) \$71,540 |

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman T. Howard motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. Unanimously approved.

1. Consider Adoption of the Minutes

- **Council Budget Workshop Meetings of April 12, 13 & 20, 2010**
- **Regular Council Meeting of May 3, 2010**
- **Special Council Meeting of May 20, 2010**
- **Regular Council Meeting of May 20, 2010**

Councilman T. Howard motioned, seconded by Councilwoman Conklin to approve the minutes as presented. Unanimously approved.

2. Public Hearing for the Fiscal Year “2011” Budget Consisting of:

- **Revenues for all Divisions**
- **Trolley Division Expenses**
- **General Government Fund Expenses**
- **Harbor Division Expenses**
- **Water Division Expenses**
- **Harbor, Water & Gen. Gov. Rate Sheet**
- **Total Main Street Fund Expenses**

Mayor Tarr declared the public hearing open.

Mrs. Hipple reviewed the budget in its entirety explaining the changes. She reviewed the revenue and expenditure charts for each fund comparing this year’s budget to last year.

Vice Mayor Jester discussed breaking down the different taxes and mentioned breaking down the salaries for EMS personnel.

Mrs. Hipple gave a breakdown for the department salaries.

Councilwoman Conklin asked about the Water Fund expenses.

Mrs. Hipple also explained the revenue and expenses to Fund 25 which is the Broadband Project.

Mayor Tarr asked for any further comments.

Mrs. Peggy Thomas asked about the User Fee at the Curtis Merritt Harbor for those who rent slips. She also feels the Town is double dipping by collecting slip rent from the slip holder and again to sublease the slip if it isn’t occupied.

Mayor Tarr advised that the slip holders get a free sticker for Harbor use only.

Mrs. Hipple added that should they want to use the other launches they would have to pay for it.

Town Attorney Poulson asked about the line of credit and having to post a \$100,000 certificate of deposit.

Mrs. Hipple advised that the line of credit is the certificate of deposit. This is just the collateral for the broadband grant and the Town will get this money back.

Mayor Tarr closed the public hearing. He advised Council the budget will be on the 17th agenda for approval.

Councilman Frese addressed the fees for two-sided copies. He stated that the fee in the budget is \$0.50. He believes that this comes under the FOIA laws. He stated that the standard cost is generally \$0.10 per page. He feels this is fair and reasonable and should be changed from \$0.50 to \$0.10.

Town Manager Ritter advised that the charge is also regarding the human side.

Councilman Frese stated that the human side is taken care in the FOIA laws. He doesn't feel this is a fair cost. He stated that Mrs. Hammonds gave him information from research she conducted that it costs the Town \$0.0397 per page to copy, which covers the rent, toner, maintenance and paper.

Town Manager Ritter agreed.

Councilman Frese motioned, seconded by Councilman T. Howard to reduce the copy fee from \$0.50 to \$0.10 per page. Unanimously approved.

Councilman T. Howard apologized to Mrs. Hipple about his questioning of the decal fees from earlier in the meeting. He also commended her on a good presentation.

Vice Mayor Jester discussed the increase to the decal fee.

Councilman T. Howard stated that he doesn't feel its right to raise the fee because the County raised their fee or "possibly" could take the difference.

There was further discussion about the fee.

Mayor Tarr reviewed the increases in the different fees and rates that are listed in the draft budget. He also commended Mrs. Hipple for explaining the shortfalls. He also stated that the Ordinance Committee will be reviewing fees.

Councilman T. Howard commended Councilman J. Howard and Councilman Frese for reviewing things to make them fair.

3. Public Hearing on the Real Estate Tax Rate

Mayor Tarr declared the public hearing open. He advised that the tax rate will be the same. However, the revenues went over by 1% due to the reassessment from the County. He continued that the Town will have to adjust back the tax rate amount.

Mrs. Hipple explained that the Code of Virginia states that if there is a general reassessment that you must do a rate adjustment that equals within 1% of last year's revenue, taking the new assessment amount and rolling back your tax rate. She stated that it is 5.9%, but the County

cannot support a part of a percent. She concluded that they roll the rate up by .001 to have a round number and causes the Town to have a public hearing.

Mrs. Peggy Thomas asked about the water rates.

Mayor Tarr closed the public hearing.

4. Public Hearing on the Meals Tax Rate

Mayor Tarr opened the public hearing.

Mayor Tarr explained that the meals tax rate increase for the new budget is 1%, from 4% to 5%.

Mayor Tarr closed the public hearing.

5. Public Hearing on a Lot Line Vacation

Mr. Turner stated he is before Council on behalf of Mr. Carlton Mason who normally uses an attorney from Virginia Beach. He stated that Mr. Mason's attorney would like to table this matter until next month to resolve any issues with the homeowners of the lot line vacation.

Town Attorney Poulson stated that he may not have all of the necessary documents to legally act on this matter. He stated that this matter should be re-advertised for two weeks.

Mayor Tarr stated that there will not be a public hearing as it is not ready to be heard.

Mr. Roth, Marsh Island, presented a necessary document to Council regarding restrictions and covenants of Captain's Quarters.

Councilwoman Richardson motioned, seconded by Vice Mayor Jester to postpone this matter until June 17, 2010 for further review and research. Unanimously approved

Mayor Tarr announced that this will be re-advertised in the Eastern Shore News or the Post.

6. Recommendation to Purchase Tax Software

Mrs. Hipple stated that the tax billing and collections system has never been updated and the current company that the Town works with will not be able to offer as they previously stated. She advised that they have researched and found 3 companies; BAI, PCI USA and Southern Software. She stated that she along with Mrs. Hooper and Mrs. Fox have looked at the products online. She informed Council that Southern Software is willing to split the setup cost between the fiscal years.

Town Attorney Poulson asked about the contract.

Mayor Tarr asked about the dates set in the contract.

Mrs. Hipple advised that she set the date and it could be changed.

Mayor Tarr also expressed his concern about the statement that they don't guarantee 100% conversion. He asked if they did a sample.

Mrs. Hipple stated they have received the information and they conducted a test conversion from the County's software. She advised that the conversion of the history of 10,000 delinquent tax bills is very important.

There was discussion regarding the delinquent taxes.

Mrs. Hipple is asking for approval to pursue the contract and obtaining the software for tax billing and collections.

There was also further discussion regarding the current software company.

Town Attorney Poulson asked for a list of things the Town is looking for in the software and company.

Town Manager Ritter advised that it is staff's recommendation to go with Southern Software.

Vice Mayor Jester motioned, seconded by Councilman J. Howard to approve the purchase of the tax software from Southern Software after Town Attorney Poulson and staff has reviewed and made additions/corrections to the contract and work with Harris is complete. Unanimously approved.

7. ESVBA and the Town Engineering Service Agreement

Town Manager Ritter stated that he and Town Planner Neville has reviewed the agreement and forwarded on to Town Attorney Poulson.

Town Attorney Poulson stated that there have been some additions, corrections and deletions from both parts and he would like to join both together.

Mrs. Hipple also informed Council that the ESVBA has asked for an irrevocable letter of credit and a certificate of deposit in the amount of \$100,000. She advised they are going to closing this week and has until tomorrow to complete the paperwork.

Town Attorney Poulson added that these are different things.

Mrs. Edwards thought that the letter of credit was option B.

Town Manager Ritter stated he feels that they need to approve the agreement.

There was further discussion.

Mayor Tarr directed Town Manager Ritter and Mrs. Hipple to contact the ESVBA regarding this matter.

Council concurred to have Town Attorney Poulson review the agreement prior to approval.

8. ESVBA and the Town Agreement for Network Build-Out

Council concurred to have Town Attorney Poulson review this agreement also prior to approval.

9. Mutual Aid Agreement with Department of Interior, U.S. Fish & Wildlife

Mayor Tarr stated that Town Attorney Poulson has reviewed the agreement and explained that whoever calls has to pay for the service.

Town Attorney Poulson explained some of the details of the agreement.

Councilman J. Howard motioned, seconded by Vice Mayor Jester to approve the Mutual Aid Agreement with the Department of Interior, U.S. Fish & Wildlife. Unanimously approved.

10. Harbor Committee Report of May 6, 2010

Councilman T. Howard reported that subleasing is up. He stated that the surveillance cameras are actively running. He reported that the fish cleaning station has been moved. He also stated that Harbormaster Merritt has attended a workshop entitled "A Clean Marina Program". They have talked about and decided to install speed bumps at the Harbor. He advised that they had an update on the fuel system. The Boating Infrastructure Grant has been approved and they are waiting to hear from the Port Authority. There is a problem with the swells into the Harbor. He stated that at the Budget Workshop they decided to raise the daily rate by \$0.50 per foot, from \$3.50 to \$4.00 per foot.

Mayor Tarr stated that the roads at the Harbor are part of the VDOT system and before the speed bumps are installed they should be contacted.

There was discussion about the speed bumps, the stone piles and the fish cleaning station.

11. Recreation and Community Enhancement Committee Report of May 11, 2010

Councilman Frese asked for questions from the minutes in the packet.

There was further discussion about building an over-look at the Harbor.

Vice Mayor Jester asked about a walk-through from Ocean Boulevard Extended to Chicken City Road. They talked about building bridges over the low areas.

Mayor Tarr asked for more information and plans.

12. Public Works Committee Report of May 17, 2010

Mayor Tarr asked for questions regarding the report.

Public Works Director Spurlock asked to make a correction. He stated that the next scheduled meeting will need to be rescheduled as it is listed as July 6th as this is the date of the next Council meeting.

13. Resolution to Apply for VDOT Revenue Sharing Program

Public Works Director Spurlock stated that VDOT will match dollar for dollar and use these funds for the road lottery. He stated that the current budget has \$50,000 to go toward one private road.

Mayor Tarr stated that we will match VDOT roads money and would have \$100,000 to complete the work.

Public Works Director Spurlock stated that there is flexibility as to what road. He stated that the rules have to be worked out for the Lottery.

Mayor Tarr added that VDOT will have to research the paperwork to make sure the road can be added into the system.

Town Manager Ritter stated that this resolution allows the Town to apply for the Grant.

Councilman J. Howard motioned, seconded by Councilwoman Richardson to approve the resolution to Apply for VDOT Revenue Sharing Program. Unanimously approved.



RESOLUTION

WHEREAS, the Town of Chincoteague Inc. desires to submit an application for an allocation of funds of up to \$50,000 through the Virginia Department of Transportation Fiscal Year 2010, Revenue Sharing Program; and

WHEREAS, the Town will provide \$50,000 for this program, to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia; and

WHEREAS, the Director of Public Works will prepare a prioritized list of eligible projects including the construction, reconstruction or improvement of Town streets for inclusion into the public street maintenance system;

NOW, THEREFORE, BE IT RESOLVED THAT: the Town Council hereby supports this application for an allocation of \$50,000 through the Virginia Department of Transportation Revenue sharing Program:

BE IT FURTHER RESOLVED THAT: the Town Council hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects.

ADOPTED This 7th Day of June 2010.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Town of Chincoteague on June 7, 2010.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

14. Mayor & Council Announcements or Comments

Councilwoman Richardson expressed her discontent regarding the new volleyball court at Memorial Park. She advised that there is a cost to the Town. She advised that the fence has been removed, there was manpower to build it, the middle school students are unable to practice there and the Coast Guard will not be practicing there any longer. She stated that the Coast Guard will be practicing on the mainland daily because of this.

Mayor Tarr stated that if the fence was put back up, there wouldn't be a problem.

Councilman J. Howard asked if there was another location to put the volleyball court.

There was discussion regarding the placement of the fence.

Councilwoman Richardson feels the Town should be good neighbors with the Coast Guard.

Discussion continued in-depth. Council expressed their disagreement.

Mayor Tarr asked Councilwoman Richardson for a list of concerns to be given to Town Manager Ritter and Public Works Director Spurlock.

Councilman T. Howard feels that the use and needs should be reviewed.

Councilman J. Howard suggested this matter be referred to the Committee.

Mayor Tarr stated that it looks nice.

Councilwoman Richardson also mentioned the Chicken City Road and Church Street intersection. She asked if there were plans for a light at the intersection.

Public Works Director Spurlock advised that they were. He also added that VDOT stated they were not widening the intersection any further to create a turn lane.

There was further discussion about the plans for the intersection.

Councilman J. Howard stated that he will be voting against the budget as he is dissatisfied with the way the Town is operating.

Councilman T. Howard talked about a parking issue on the curve in front of the old Bunting house. He expressed his concern of the potential for an accident there. He feels that the Public Works Director should review this matter.

Council continued to discuss this matter further.

Mayor Tarr thanked Mrs. Lane for writing the news letter. He also announced that July is the new Committee assignments and Town Manager Ritter will be issuing the current Committee listings and numbers. He asked Council to contact him about their assignments. Mayor Tarr asked Town Manager Ritter to give Council an updated list at the Harbor. He asked Town Attorney Poulson to review a dilapidated boat ordinance.

Adjourn

Councilman T. Howard motioned, seconded by Councilman Frese to adjourn the meeting. Unanimously approved.

Mayor

Attest: Town Manager

MINUTES OF THE JUNE 17, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

| | |
|-----------------------------------|---------------------------------|
| John H. Tarr, Mayor | Nancy B. Conklin, Councilwoman |
| James Frese, Councilman | John H. Howard, Councilman |
| Terry Howard, Councilman | <u>Absent:</u> |
| Ellen W. Richardson, Councilwoman | John N. Jester, Jr., Vice Mayor |

CALL TO ORDER

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

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilwoman Conklin suggested items 2 and 3 on the agenda be postponed as Vice Mayor Jester was out of town. She feels that this could be rescheduled and the items should be discussed with full Council.

Councilman Frese asked if there would be a special meeting to discuss these items before his term expires.

Councilwoman Conklin advised that was her intent.

Councilman T. Howard agreed that they be postponed for full Council.

Council concurred.

Councilwoman Conklin motioned, seconded by Councilman T. Howard to adopt the agenda, deleting items 2 and 3 and rescheduling those items on an agenda before Councilman Frese's term expires. Unanimously approved.

1. Presentation by PASS Marketing on a Bridge Celebration

Mr. Joe Lowrey came before Council regarding a bridge opening ceremony/celebration. He discussed the things to include in the celebration. He feels this would promote community spirit and pride. He stated that any celebration would require funding. He also stated that VDOT does not have the funds. He added that this is not a VDOT function.

Mr. Lowery explained the options: 1) Announce through the state system. 2) Invite approximately 300 people to attend an event. 3) Conduct a Family Fun Walk on the bridge then have a ribbon cutting ceremony.

Councilman J. Howard asked if there could be some improvements made before the Council commits to having a ceremony. He advised that he would like to see a property swap for more footage in the turn lanes.

A representative with Jacob's Engineering advised that the Department of Transportation has come up with some solutions for the Main and Maddox intersection issues. He stated that there are short-term solutions with American Bridge along with long-term solutions of property acquisition.

Councilman T. Howard asked if there was any idea as to the exact plan.

There was further discussion about the plans for the intersection.

Mr. Lowery continued and advised of the different funds to make the ceremony happen. He recommends a big event. He suggested a Family Fun Run or half marathon. He stated that the publicity would be nationwide. He believes that over 2,000 people would be in attendance. He informed Council that an organization that promotes health expos was interested in attending and setting up at the Community Center. He stated that this would be an event that would precede the actual race. Mr. Lowery explained in detail his ideas for attendance and participants. He suggested turning this into an annual event to promote tourism and community. He stated that they have informally labeled it the Chincoteague Challenge.

Mayor Tarr asked for a deadline.

Mr. Lowery asked for Council's endorsement for further planning.

Councilman T. Howard is concerned of the projected expenses of up to \$40,000 for this event.

Mr. Lowery stated that there are matching funds and they are prepared to raise money through Virginia Green, which is done through DEQ.

Councilman T. Howard expressed his concern of the cost. He doesn't feel this should be a quick decision.

Mr. Lowery advised that they aren't asking for any money from the Town. They're asking for cooperation from the Police Department and for in-kind services.

Discussion continued.

Councilman J. Howard motioned, seconded by Councilwoman Conklin to move forward and endorse the planning of a bridge celebration. Unanimously approved.

Mayor Tarr feels this is a great opportunity for the community.

2. Beach Access Committee Revised

Mayor Tarr advised that Council has a membership list for the Beach Access Committee. He stated that this is before Council for some minor changes. He explained the Committee assignments. He stated that the Committee is asking to move the County Administrator and the Town Manager down so that they would be advisors and not a voting part of the Beach Access Committee. He advised that anything done at the meeting would be brought back to Council.

Councilman J. Howard motioned, seconded by Councilman T. Howard to the changes to the Beach Access Committee members. Unanimously approved.

3. Possible Adoption of the fiscal Year “2011” Budget, Consisting of

- Revenues for all Divisions
- General Government Fund Expenses
- Water Division Expenses
- Total Main Street Fund Expenses
- Trolley Division Expenses
- Harbor Division Expenses
- Harbor, Water, & Gen Gov. Rate Sheets

Town of Chincoteague

| <u>Expenditure Name</u> | <u>Number</u> | <u>FY'11 Expenditures</u> |
|---|---------------|---------------------------|
| FUND 10 - General Fund | | |
| Fund 10 - General Fund/Department 50 - General Government | | |
| <u>Salaries</u> | | |
| Mayor | 5010-0101 | \$ 4,800 |
| Council | 5010-0102 | \$ 23,040 |
| Town Office Staff | 5010-1001 | \$ 360,367 |
| Emergency Medical Staff | 5010-1002 | \$ 223,704 |
| Overtime | 5010-1003 | \$ 30,000 |
| <i>Subtotal</i> | | \$ 641,911 |
| <u>Benefits</u> | | |
| Social Security | 5020-2001 | \$ 49,106 |
| Hospitalization | 5020-2101 | \$ 60,765 |
| Blood Bank | 5020-2102 | \$ 100 |
| Unemployment - All Employees | 5020-2103 | \$ 5,000 |
| Retirement | 5020-2201 | \$ 63,550 |
| Life Insurance | 5020-2202 | \$ 2,589 |
| <i>Subtotal</i> | | \$ 181,110 |
| <u>Expenses</u> | | |

| | | | |
|--|-----------|----|---------|
| Bank Charges | 5030-3100 | \$ | 3,000 |
| Building Administrator Expense | 5030-3101 | \$ | 100 |
| Cleaning | 5030-3102 | \$ | 13,000 |
| Planning Commission | 5030-3103 | \$ | 40 |
| Board of Zoning Appeals | 5030-3104 | \$ | 40 |
| Building Permit Surcharge | 5030-3105 | \$ | 735 |
| Board of Building Code Appeal | 5030-3106 | \$ | 25 |
| Emergency Medical Clothing | 5030-3107 | \$ | 2,200 |
| EMS Cell Allowance | 5030-3108 | \$ | 1,500 |
| Insurance | 5030-3401 | \$ | 100,700 |
| Auditing | 5030-3501 | \$ | 24,790 |
| Donations | 5030-3601 | \$ | 6,600 |
| Fire Department Donation | 5030-3602 | \$ | 19,650 |
| Transfer to Civic Center (TOTAX - 17%) | 5030-3701 | \$ | 102,000 |
| Tourism - 5% Chamber & 5% Civic Center | 5030-3705 | \$ | 60,000 |
| ANPDC Membership | 5030-4030 | \$ | 7,000 |
| Scholarship | 5030-4301 | \$ | 1,000 |
| Office Supplies/Publications | 5030-4401 | \$ | 10,000 |
| Office Equipment/Software Maintenance | 5030-4402 | \$ | 20,000 |
| Postage | 5030-4403 | \$ | 10,000 |
| Tax Bills & Conversion | 5030-4404 | \$ | 750 |
| Motor Vehicle License | 5030-4501 | \$ | 2,100 |
| Travel & Training | 5030-4801 | \$ | 3,800 |
| Mayor's Expense | 5030-4901 | \$ | 300 |
| Council's Expense | 5030-4902 | \$ | 500 |
| Town Manager's Expense | 5030-4903 | \$ | 250 |
| Attorney/Legal Consultants | 5030-5101 | \$ | 19,000 |
| Drug/Alcohol Testing | 5030-5201 | \$ | 2,000 |
| Christmas Dinner | 5030-5501 | \$ | 4,000 |
| Dues | 5030-6101 | \$ | 3,000 |
| VML Conference | 5030-6102 | \$ | 1,000 |
| Advertising & Website | 5030-7101 | \$ | 11,000 |
| Building Maintenance | 5030-7301 | \$ | 5,000 |
| Electricity | 5030-7401 | \$ | 14,500 |
| Heating Oil | 5030-7402 | \$ | 3,500 |
| VA Fire Programs/CVFC | 5030-7601 | \$ | 10,000 |
| EOC Operations/Training | 5030-7602 | \$ | 1,500 |
| Special Projects | 5030-7701 | \$ | 7,000 |
| Pony Penning Expense | 5030-7702 | \$ | 5,000 |
| Telephone Bills | 5030-8202 | \$ | 18,000 |
| Health Insurance - Retirees | 5030-8401 | \$ | 46,000 |

| | | | |
|---------------------------------|-----------|----|---------|
| Insurance-Ret Spouses & Others | 5030-8402 | \$ | 20,796 |
| Miscellaneous | 5030-8501 | \$ | 5,000 |
| Cemetery Cleanup | 5030-8600 | \$ | 1,500 |
| Va Commission for the Arts | 5030-8700 | \$ | 10,000 |
| Transfer to Main Street Project | 5030-8800 | \$ | 19,610 |
| Transfer to Trolley Fund | 5030-8900 | \$ | 20,000 |
| VOLSAP For Volunteer Firemen | 5030-8912 | \$ | 2,640 |
| <i>Subtotal</i> | | \$ | 620,126 |

Capital Improvements

| | | | |
|------------------------------|-----------|----|--------|
| Office Equipment | 5090-9709 | \$ | 6,000 |
| Bond - School Board Property | 5090-9740 | \$ | 69,626 |
| Interest on Bond | 5090-9741 | \$ | 13,330 |
| <i>Subtotal</i> | | \$ | 88,956 |

Subtotal Fund 10 Department 50 \$ 1,532,103

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

Salaries

| | | | |
|------------------------|-----------|----|---------|
| Salaries | 6010-1001 | \$ | 110,223 |
| Overtime | 6010-1003 | \$ | 500 |
| <i>Subtotal</i> | | \$ | 110,723 |

Benefits

| | | | |
|------------------------|-----------|----|--------|
| Social Security | 6020-2001 | \$ | 8,363 |
| Hospitalization | 6020-2101 | \$ | 18,000 |
| Retirement | 6020-2201 | \$ | 13,453 |
| Life Insurance | 6020-2202 | \$ | 498 |
| <i>Subtotal</i> | | \$ | 40,314 |

Expenses

| | | | |
|-----------------------------|-----------|----|--------|
| Office Supplies & Equipment | 6030-4401 | \$ | 500 |
| Street Maintenance | 6030-4501 | \$ | 1,000 |
| Street Signs / 911 | 6030-4502 | \$ | 3,000 |
| Street Lights | 6030-4503 | \$ | 40,000 |
| Gasoline/Diesel | 6030-4701 | \$ | 22,875 |
| Oil/Grease | 6030-4703 | \$ | 2,500 |
| Tools Shop | 6030-4704 | \$ | 2,000 |
| Travel/Training | 6030-4801 | \$ | 1,250 |
| Clothing / Uniforms | 6030-5202 | \$ | 1,175 |

| | | | |
|------------------------|-----------|----|---------|
| Building Maintenance | 6030-7301 | \$ | 1,500 |
| Equipment Repairs | 6030-7302 | \$ | 12,500 |
| Safety | 6030-7303 | \$ | 750 |
| Vehicle PMs | 6030-7304 | \$ | 1,000 |
| Tires | 6030-7305 | \$ | 2,000 |
| Garage Supplies | 6030-7306 | \$ | 2,000 |
| Vehicle Repairs | 6030-7307 | \$ | 7,000 |
| Electricity | 6030-7401 | \$ | 7,500 |
| LP Gas | 6030-7402 | \$ | 2,000 |
| Tipping Fees | 6030-7501 | \$ | 1,200 |
| Sanitation Contract | 6030-7501 | \$ | 380,256 |
| Miscellaneous | 6030-8501 | \$ | 1,500 |
| <i>Subtotal</i> | | \$ | 493,506 |

Capital Improvements

| | | | |
|------------------------|-----------|----|---------|
| Vehicle | 6090-9101 | \$ | 25,000 |
| Equipment | 6090-9102 | \$ | 10,000 |
| Consultant | 6090-9103 | \$ | 48,857 |
| Road Lottery Program | 6090-9104 | \$ | 50,000 |
| <i>Subtotal</i> | | \$ | 133,857 |

Subtotal Fund 10 Department 60 \$ 778,400

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

| | | | |
|------------------------|-----------|----|--------|
| Salaries | 6110-1001 | \$ | 31,504 |
| Overtime | 6110-1003 | \$ | 10,000 |
| <i>Subtotal</i> | | \$ | 41,504 |

Benefits

| | | | |
|------------------------|-----------|----|-------|
| Social Security | 6120-2001 | \$ | 3,103 |
| Hospitalization | 6120-2101 | \$ | 1,290 |
| Retirement | 6120-2201 | \$ | 626 |
| Life Insurance | 6120-2202 | \$ | 20 |
| <i>Subtotal</i> | | \$ | 5,039 |

Expenses

| | | | |
|-----------------|-----------|----|-------|
| Insurance | 6130-3401 | \$ | 8,100 |
| Office Supplies | 6130-4401 | \$ | 200 |
| Gasoline | 6130-4701 | \$ | 5,500 |

| | | | |
|-------------------------------|-----------|----|--------|
| Tools & Small Equipment | 6130-4704 | \$ | 1,000 |
| Chemicals | 6130-4705 | \$ | 44,610 |
| Contract Spraying | 6130-4706 | \$ | 22,500 |
| Travel/Training/Conference | 6130-4801 | \$ | 300 |
| Uniforms | 6130-5202 | \$ | 500 |
| Equipment Repairs/Maintenance | 6130-7302 | \$ | 1,500 |
| Safety Equipment | 6130-7303 | \$ | 400 |
| Vehicle Maintenance | 6130-7304 | \$ | 1,250 |
| Sundry | 6130-6101 | \$ | 200 |
| Cell Phone Allowance | 6130-6204 | \$ | 400 |
| <i>Subtotal</i> | | \$ | 86,460 |

Capital Improvements

| | | | |
|------------------------|-----------|----|--------|
| Drainage | 6190-9125 | \$ | 63,294 |
| <i>Subtotal</i> | | \$ | 63,294 |

Subtotal Fund 10 Department 61 \$ 196,297

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

Salaries

| | | | |
|------------------------|-----------|----|---------|
| Salaries | 6310-1001 | \$ | 175,062 |
| Overtime | 6310-1003 | \$ | 1,000 |
| <i>Subtotal</i> | | \$ | 176,062 |

Benefits

| | | | |
|------------------------|-----------|----|--------|
| Social Security | 6320-2001 | \$ | 13,299 |
| Hospitalization | 6320-2101 | \$ | 39,000 |
| Retirement | 6320-2201 | \$ | 21,367 |
| Life Insurance | 6320-2202 | \$ | 792 |
| <i>Subtotal</i> | | \$ | 74,458 |

Expenses

| | | | |
|--------------------------------|-----------|----|-------|
| Seasonal Decorations & Banners | 6330-4100 | \$ | 2,000 |
| Tools | 6330-4704 | \$ | 750 |
| Uniforms | 6330-5202 | \$ | 5,179 |
| Public Restroom Supplies | 6330-6260 | \$ | 5,000 |
| Electricity | 6330-7401 | \$ | 3,500 |
| Sundry | 6330-8501 | \$ | 200 |
| Park & Recreation Expense | 6330-8590 | \$ | 5,000 |
| Vandalism Repairs | 6330-8600 | \$ | 2,000 |

| | | | |
|-------------------------------|-----------|----|--------|
| Boat Ramp Expense | 6330-8700 | \$ | 17,000 |
| Transfer to Boat Ramp Reserve | 6330-8701 | \$ | 8,000 |
| Donald J Leonard Park | 6330-8800 | \$ | 200 |
| Island Nature Trail | 6330-8900 | \$ | 1,000 |
| <i>Subtotal</i> | | \$ | 49,829 |

Subtotal Fund 10 Department 63 \$ 300,349

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

Salaries

| | | | |
|------------------------|-----------|----|--------|
| Salaries | 6510-1001 | \$ | 54,086 |
| Overtime | 6510-1003 | \$ | 2,000 |
| <i>Subtotal</i> | | \$ | 56,086 |

Benefits

| | | | |
|------------------------|-----------|----|--------|
| Social Security | 6520-2001 | \$ | 4,291 |
| Hospitalization | 6520-2101 | \$ | 10,500 |
| Retirement | 6520-2201 | \$ | 6,685 |
| Life Insurance | 6520-2202 | \$ | 244 |
| <i>Subtotal</i> | | \$ | 21,720 |

Expenses

| | | | |
|----------------------------|-----------|----|---------|
| Snow Removal | 6530-4102 | \$ | 1,000 |
| Pavement Maintenance | 6530-4150 | \$ | 232,097 |
| Sidewalks | 6530-4201 | \$ | 30,000 |
| Traffic Control Devices | 6530-4202 | \$ | 20,000 |
| Roadside Services | 6530-4250 | \$ | 3,000 |
| Drainage Maintenance | 6530-6250 | \$ | 50,000 |
| Traffic Control Operations | 6530-7201 | \$ | 1,500 |
| Electricity | 6530-7450 | \$ | 49,000 |
| Engineering | 6530-8600 | \$ | 5,000 |
| <i>Subtotal</i> | | \$ | 391,597 |

Subtotal Fund 10 Department 65 \$ 469,403

Fund 10 - General Fund/Department 70 - Police Department

Salaries

| | | | |
|------------------------|-----------|----|---------|
| Salaries | 7010-1001 | \$ | 439,875 |
| Overtime | 7010-1003 | \$ | 8,500 |
| <i>Subtotal</i> | | \$ | 448,375 |

Benefits

| | | | |
|------------------------|-----------|----|---------|
| Social Security | 7020-2001 | \$ | 34,755 |
| Hospitalization | 7020-2101 | \$ | 36,000 |
| Retirement | 7020-2201 | \$ | 49,970 |
| Life Insurance | 7020-2202 | \$ | 1,975 |
| <i>Subtotal</i> | | \$ | 122,700 |

Expenses

| | | | |
|---------------------------------------|-----------|----|--------|
| Gasoline | 7030-4701 | \$ | 19,500 |
| Travel/Training | 7030-4801 | \$ | 7,000 |
| Uniform Allowance (Officers) | 7030-5201 | \$ | 6,000 |
| Uniforms - Town | 7030-5202 | \$ | 3,000 |
| Office Supplies/Equipment Maintenance | 7030-7300 | \$ | 7,000 |
| Equipment Repairs & Supplies | 7030-7302 | \$ | 3,500 |
| Vehicle Maintenance | 7030-7304 | \$ | 5,000 |
| Drug Enforcement | 7030-7901 | \$ | 5,000 |
| Academy Dues | 7030-7903 | \$ | 3,800 |
| Bicycle Patrol | 7030-7904 | \$ | 500 |
| Community/Youth Programs | 7030-7905 | \$ | 20,000 |
| Grant Funded Expenditures | 7030-7906 | \$ | 5,000 |
| Ammunition | 7030-7907 | \$ | 1,400 |
| Police Drug Dog | 7030-7908 | \$ | 3,500 |
| Cell Phone Allowance | 7030-8203 | \$ | 3,600 |
| Sundry | 7030-8501 | \$ | 1,500 |
| <i>Subtotal</i> | | \$ | 95,300 |

Capital Improvements

| | | | |
|------------------------|-----------|----|--------|
| Patrol Vehicle | 7090-9650 | \$ | 27,500 |
| In Car Computers | 7090-9670 | \$ | 70,000 |
| <i>Subtotal</i> | | \$ | 97,500 |

Subtotal Fund 10 Department 70 \$ 763,875

Fund 10 - General Fund/Department 75 - Emergency Dispatch

Salaries

| | | | |
|------------------------|-----------|----|---------|
| Salaries | 7510-1001 | \$ | 166,175 |
| Overtime | 7510-1003 | \$ | 2,500 |
| <i>Subtotal</i> | | \$ | 168,675 |

Benefits

| | | | |
|------------------------|-----------|----|--------|
| Social Security | 7520-2001 | \$ | 13,218 |
| Hospitalization | 7520-2101 | \$ | 18,000 |
| Retirement | 7520-2201 | \$ | 12,072 |
| Life Insurance | 7520-2202 | \$ | 452 |
| <i>Subtotal</i> | | \$ | 43,742 |

Expenses

| | | | |
|---------------------------------------|-----------|----|--------|
| Travel/Training | 7530-4801 | \$ | 2,000 |
| Uniform Allowance - Dispatchers | 7530-5201 | \$ | 1,400 |
| Uniforms (Town for Dispatchers) | 7530-5202 | \$ | 500 |
| Office Supplies/Equipment Maintenance | 7530-7300 | \$ | 20,000 |
| E911 Line Fees | 7530-8202 | \$ | 7,000 |
| 911 Addressing | 7530-8203 | \$ | 600 |
| Sundry | 7530-8501 | \$ | 100 |
| <i>Subtotal</i> | | \$ | 31,600 |

Subtotal Fund 10 Department 75 \$ 244,017

Total Fund 10 \$ **4,284,444**

Fund 20 - Main Street Project

Expenses

| | | | |
|------------------------|-----------|----|-------|
| Maintenance | 2030-7101 | \$ | 4,920 |
| Electricity | 2030-7401 | \$ | 2,000 |
| <i>Subtotal</i> | | \$ | 6,920 |

Capital Improvements

| | | | |
|------------------------|-----------|----|---------|
| Main Street Project | 2090-9711 | \$ | 237,380 |
| <i>Subtotal</i> | | \$ | 237,380 |

Total Fund 20 \$ **244,300**

Fund 25 - Broadband Project

Expenses

| | | | |
|------------------------------|-----------|----|--------|
| Legal Matters (Easements) | 5255-5101 | \$ | 3,000 |
| Administration - ANPDC | 5255-5200 | \$ | 47,745 |
| Business Technology Training | 5255-5300 | \$ | 6,000 |
| <i>Subtotal</i> | | \$ | 56,745 |

Capital Improvements

| | | | |
|------------------------------------|-----------|-----------|----------------|
| Construction | 5259-9000 | \$ | 274,500 |
| Electronics | 5259-9010 | \$ | 105,000 |
| Inspection/Construction Management | 5259-9020 | \$ | 19,000 |
| Architect/Engineer/Design | 5259-9030 | \$ | 38,000 |
| <i>Subtotal</i> | | \$ | 436,500 |
| Total Fund 25 | | \$ | 493,245 |

Fund 30 - Curtis Merritt Harbor

Salaries

| | | | |
|-----------------|-----------|----|--------|
| Salaries | 8010-1001 | \$ | 22,905 |
| Overtime | 8010-1003 | \$ | 200 |
| <i>Subtotal</i> | | \$ | 23,105 |

Benefits

| | | | |
|-----------------|-----------|----|-------|
| Social Security | 8030-2001 | \$ | 1,760 |
| Retirement | 8020-2201 | \$ | 2,385 |
| Life Insurance | 8030-2202 | \$ | 105 |
| <i>Subtotal</i> | | \$ | 4,250 |

Expenses

| | | | |
|-------------------------------|-----------|----|--------|
| Administrative Expense - Town | 8030-3100 | \$ | 7,000 |
| Operation/Maintenance/Etc. | 8030-7300 | \$ | 18,734 |
| Driveway Stones | | \$ | 15,000 |
| Sundry | 8030-8501 | \$ | 4,200 |
| <i>Subtotal</i> | | \$ | 44,934 |

Capital Improvements

| | | | |
|-----------------|-----------|----|---------|
| Fuel System | 8090-9132 | \$ | 179,850 |
| <i>Subtotal</i> | | \$ | 179,850 |

| | | | |
|----------------------|--|-----------|----------------|
| Total Fund 30 | | \$ | 252,139 |
|----------------------|--|-----------|----------------|

Fund 70 - Trolley

Salaries

| | | | |
|-----------------|-----------|----|--------|
| Salaries | 3010-0100 | \$ | 30,000 |
| <i>Subtotal</i> | | \$ | 30,000 |

Benefits

| | | | |
|-----------------|-----------|----|-------|
| Social Security | 3020-2001 | \$ | 2,300 |
| <i>Subtotal</i> | | \$ | 2,300 |

Expenses

| | | | |
|-------------------------------|-----------|----|--------|
| Insurance & Bonding | 3030-3401 | \$ | 4,000 |
| Communication Service | 3030-4400 | \$ | 1,000 |
| Printing & Reproduction | 3030-4401 | \$ | 4,000 |
| Advertising & Promotion | 3030-4402 | \$ | 750 |
| Education & Training | 3030-4403 | \$ | 500 |
| Cleaning Supplies | 3030-4404 | \$ | 425 |
| Supplies & Materials (Other) | 3030-4406 | \$ | 200 |
| Membership & Dues | 3030-4407 | \$ | 125 |
| Travel & Meals | 3030-4408 | \$ | 1,100 |
| Fuel and Lubricants | 3030-4701 | \$ | 7,000 |
| Tires & Tubes | 3030.4702 | \$ | 600 |
| Uniforms | 3030.4703 | \$ | 500 |
| Parts | 3030-4704 | \$ | 1,000 |
| Drug and Alcohol Testing | 3030-5201 | \$ | 900 |
| Equipment Repairs/Maintenance | 3030-7302 | \$ | 9,000 |
| Rent | 3030-8505 | \$ | 12,000 |
| <i>Subtotal</i> | | \$ | 43,100 |

Total Fund 70 \$ **75,400**

Fund 80 - Water

Salaries

| | | | |
|-----------------|-----------|----|---------|
| Salaries | 6210-1001 | \$ | 197,991 |
| Overtime | 6210-1003 | \$ | 3,000 |
| Pump Duty | 6210-1004 | \$ | 13,500 |
| <i>Subtotal</i> | | \$ | 214,491 |

Benefits

| | | | |
|-----------------|-----------|----|--------|
| Social Security | 6220-2001 | \$ | 15,146 |
| Hospitalization | 6220-2101 | \$ | 33,000 |
| Retirement | 6220-2201 | \$ | 24,472 |
| Life Insurance | 6220-2202 | \$ | 895 |
| <i>Subtotal</i> | | \$ | 73,513 |

Expenses

| | | | |
|--|-----------|-----------|------------------|
| Office Supplies/Equipment Maintenance | 6230-4401 | \$ | 2,500 |
| Postage | 6230-4403 | \$ | 3,300 |
| Gasoline & Diesel | 6230-4701 | \$ | 2,500 |
| Tools | 6230-4704 | \$ | 750 |
| Chemicals | 6230-4705 | \$ | 8,250 |
| Travel & Training | 6230-4801 | \$ | 2,500 |
| Uniforms | 6230-5202 | \$ | 1,300 |
| Dues/Licenses | 6230-6101 | \$ | 600 |
| Building Maintenance/Rehab | 6230-7301 | \$ | 2,000 |
| Safety | 6230-7303 | \$ | 500 |
| Vehicle Maintenance | 6230-7304 | \$ | 750 |
| Raw Water Purchase (NASA) | 6230-7400 | \$ | 500 |
| Electricity | 6230-7401 | \$ | 45,364 |
| LP Gas | 6230-7402 | \$ | 500 |
| Distribution & Repairs | 6230-8101 | \$ | 30,000 |
| Supply Repairs | 6230-8103 | \$ | 15,000 |
| Pager/Well Monitoring | 6230-8202 | \$ | 500 |
| Miss Utility | 6230-8204 | \$ | 500 |
| Sundry | 6230-8501 | \$ | 200 |
| Reimbursement to Fund 10 | 6230-8601 | \$ | 63,750 |
| Loan Reimbursement to Fund 10 2 yrs left | 6230-8602 | \$ | 60,000 |
| Regulation Compliance | 6230-8750 | \$ | 3,000 |
| State Groundwater Permits | 6230-8770 | \$ | 6,300 |
| <i>Subtotal</i> | | \$ | 250,564 |
| | | | |
| <u>Capital Improvements</u> | | | |
| Water Main Extensions | 6290-9101 | \$ | 10,000 |
| Interest on Water Bond Supply Line | 6290-9504 | \$ | 28,702 |
| Water Bond - Supply Line Main Street | 6290-9505 | \$ | 95,169 |
| Water Bonds | 6290-9506 | \$ | 165,209 |
| Interest on Water Bond | 6290-9507 | \$ | 76,464 |
| Waterline Line Replacement | 6290-9600 | \$ | 10,000 |
| S.C.A.D.A. | 6290-9860 | \$ | 55,000 |
| <i>Subtotal</i> | | \$ | 440,544 |
| | | | |
| Total Fund 80 | | \$ | 979,112 |
| | | | |
| TOTAL ALL FUNDS | | \$ | 6,328,640 |

Mayor Tarr advised that the only changes made to the Budget were the fee for copies from \$0.50 to \$0.10 and the dock sublease rent at the Harbor is at \$4.00 not \$4.50. He also mentioned adding the Broadband Fund to the budget. He also stated that because of the Broadband Fund the total amount of the budget changed.

Councilman Frese feels that the fees should be revisited and changed.

Councilman T. Howard concurred that they should be reviewed and an amendment to the budget could be done at another time.

Mayor Tarr expressed his concern as Council and staff has been working on the budget for a couple months.

Discussion continued further.

Councilman Frese motioned, seconded by Councilman T. Howard to adopt the FY 2011 Budget including the real estate tax rate of \$0.06/100 of assessed value, tangible property tax rate of \$0.85/100, tangible property tax relief of \$0.63/100, excise tax (meals) at 5%, excise tax (transient occupancy) at 3%, including the General Government, Harbor and Water fee schedules and appropriate the funds for disbursement with the understanding that the rate schedule will be placed on the next Council agenda. Motion carried.

Ayes: Frese, T. Howard, Conklin, Richardson

Nays: J. Howard

Absent: Jester

Councilman J. Howard stated that the reason he voted against the budget is because he feels the Town is mismanaged and wasting money.

4. Consider Adoption of the State Motor Vehicle Code

Mayor Tarr explained this is a housekeeping item for yearly re-adoption.

Councilman T. Howard motioned, seconded by Councilwoman Conklin to adopt the State Motor Vehicle Code. Unanimously approved.

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

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

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

(Code 1977, § 11-21)

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

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

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Code of Virginia, title 46.2 and in Code of Virginia, § 18.2-266 et seq. in effect July 1, ~~2009~~ **2010**, except those provisions which are contained elsewhere in this chapter and except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town. References to "highways of the state" contained in such provisions and requirements adopted in this subsection shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements hereby adopted, mutatis mutandis, are made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, title 46.2 or of Code of Virginia, § 18.2-266 et seq., which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, title 46.2 or under Code of Virginia, § 18.2-266 et seq.

(b) The provisions of this section, as readopted, shall be effective as 12:01am July 1, ~~2009~~ **2010**. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by prior law, which is continued in effect for that purpose.

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

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

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

Mayor Tarr asked for public comments.

- Ms. Nancy Lane thanked the Public Works Department and Public Works Director Spurlock for their assistance in cleaning out the planters out Town so they could replant.

5. Mayor & Council Announcements or Comments

Councilwoman Conklin thanked the Public Works Department for all they do.

Councilwoman Richardson asked Public Works Director Spurlock about the drain on Eastside near Sunnywood Manor. She asked that this be addressed by possibly putting a flap on the drain to Memorial Park.

Public Works Director Spurlock advised he would look into the matter and make any corrections necessary.

Town Manager Ritter thanked Council for the hard work on the Budget.

Public Works Director advised that Pension Street is ready for the final grade. He added that Branscom is scheduled to return with the topcoat.

Mayor Tarr thanked Councilman Frese for accepting his position on Council and for his hard work.

Adjourn

Councilman Frese motioned, seconded by Councilwoman Conklin to adjourn the meeting. Unanimously approved.

MINUTES OF THE JUNE 29, 2010
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

| | |
|-----------------------------------|--------------------------------|
| John H. Tarr, Mayor | Nancy B. Conklin, Councilwoman |
| John N. Jester, Jr. Vice Mayor | James Frese, Councilman |
| John H. Howard, Councilman | Terry Howard, Councilman |
| Ellen W. Richardson, Councilwoman | |

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

PUBLIC PARTICIPATION

- Mr. Jim White commented on Business License taxes paid by Dr. Baczek and Dr. Pesinello. He feels that they should be refunded along with the zoning fees of \$35 paid by the small lawn care services. He read from the Town Code and quoted one of the Ten Commandments “Thou shall not steal”. He feels that the Town should live up to standards that are reasonably and solidly based. He strongly urged Council to return the fees already collected.
- Mr. Ray Rosenberger supported Mr. White’s comments that the fees should not have been charged and should be refunded. He stated that the lawn care fees should be left alone. He commented on Building and Zoning Administrator Lewis’ letter regarding the fees. Mr. Rosenberger doesn’t feel the citizens should subsidize the cost of those functions only applying to individuals. He concluded that the fees are more than reasonable.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr stated that Public Works Director Spurlock has an item to discuss regarding the purchase of a backhoe. He suggested adding this item to the agenda.

Councilman Frese motioned, seconded by Vice Mayor Jester to adopt the agenda adding an item for the purchase of a backhoe. Unanimously approved.

0. Backhoe Purchase

Public Works Director Spurlock advised that they were under budget on the VDOT Roads Maintenance funds by approximately \$75,000. He advised that he has located a used backhoe. He described the equipment and package. He requested that Council approve the purchase in the amount of \$35,000. He also advised that the person he will be dealing with would like to purchase the Town’s JCB.

Councilman T. Howard motioned, seconded by Councilman Frese to purchase the backhoe at Public Works Director Spurlock's request. Unanimously approved.

1. Cemetery Maintenance

Councilwoman Richardson explained some history of the Odd Fellow Cemetery. She advised that Mr. Rick Smith was given a grant to use a ground penetrating radar at the Cemetery. He found something like a footer, which is called a lich gate. She advised that he didn't recover the findings but would need shells to fill in around it. She also discussed asking the Town employees to do routine cemetery maintenance approximately 3 times a year. She also stated that the Town Code states that the Town of Chincoteague is responsible for the upkeep of the cemeteries. She asked Council if they feel that the Public Works employees could maintain them.

Councilman J. Howard asked how many cemeteries were adopted. He also stated that those in the grass cutting business complained that the Town was taking business from them.

Councilwoman Richardson advised of the cemeteries that need adopting which were the Mechanics and the Greenwood.

Discussion continued. There was a suggestion that the Town advertise the need of cemetery adoption.

Councilman T. Howard advised that there is a line item in the budget in the amount of \$500 each year. He also stated that any time there is a major cleanup Councilman J. Howard and the Town have assisted in hauling away the debris and anything else needed.

Council listed the cemeteries that needed attention.

Mayor Tarr requested that Town Manager Ritter list all the cemeteries and those that maintain them. He also requested a list of the organizations that have donated in the cemetery cleanup.

Councilwoman Richardson advised that staff immediately send a thank you for the donations. She stated that she has a book showing the cemeteries before and after they've been taken care of.

2. Request Investigation by Council on the Volleyball Court Construction

Councilman Frese feels this is something that should be looked into. He suggested a policy so that things like this can be made public and brought before Council. He advised that he is disturbed that the Volleyball Court was designed and put up without approval or knowledge of Council. Councilman Frese also stated there should be cooperation from all departments. He mentioned the Zoning Fee for the grass cutting businesses. He feels this should never happen again.

Mayor Tarr advised he likes the volleyball court.

Councilwoman Conklin stated that she doesn't see a problem with the location of the volleyball court.

Councilman J. Howard stated that the reason items go before the Recreation Committee and then before Council is so that it can be reviewed by several people. This is to advise of potential problems. He advised that the middle school does not have a field and they use this field. He also stated that the Coast Guard uses it for practice. He feels that if the Town puts things there without looking at the different programs this is what happens.

Councilwoman Richardson stated that she asked if anything else was going to be put at the Park approximately a year ago. She was advised by the Town Manager that a volleyball court would be put in front of the pavilion. She informed him at that time that this was not an appropriate place. She assumed that they would bring this matter to the Committee or Council. She also stated that the Coast Guard would not be using this field because it is a safety hazard for those playing in the outfield. She also stated that the Little League along with the middle school teams wouldn't be able to use it any longer.

Councilwoman Richardson also advised that this field was used for a helicopter landing and if anything else is added they wouldn't be able to use it. She reminded Council of the suggestion many years ago to sell the Park and the community wouldn't allow it. She stated that Mrs. Anne Whealton helped raise money for the equipment at the Park and the citizens should have some say as to what happens at the Park. She added that she doesn't mind a volleyball court, just the current location. She concluded that the citizens won't allow ball field to be done away with.

Councilman T. Howard advised that the ball field is still there and will remain there. He stated that the volleyball court is further from home plate than the Skate Park.

Mayor Tarr advised that he spoke to the Coast Guard. He stated that they don't want to be involved. He stated that if it's there they'll use it. He also advised that the Coast Guard didn't want their name involved as saying it was an issue. He stated that they were afraid of the collision with poles and suggested changing the volleyball court angle. He was advised that they run into the Skate Park fence during play also.

Councilman J. Howard asked if the Recreation Committee should keep a list of what and where things are going in the Park.

Vice Mayor Jester stated that he was unaware of the volleyball court but feels it is a great addition. He feels there are things to be done to make it safer. He also suggested fencing the playground area. He feels that the Committee could review the Park to make it better. He also mentioned enhancing the heliport area with possibly some lighting.

Councilman T. Howard stated that this land was made assessable and the Town has created 5 different parks for different uses. He doesn't see anything wrong with installing 2 poles and a net. He recommended better communication. He also feels that items like this should go before the Recreation Committee and then to Council. He commented that he likes the addition and that

no one can say that the Town of Chincoteague is not trying to accommodate the needs of recreation.

Councilman J. Howard stated that this was wrong and Council shouldn't let it happen again. He stated that if they would have talked to each other it wouldn't have happened.

There was discussion of the middle school using the Little League ball fields.

Councilwoman Richardson stated that the property of the Little League ball fields behind the Community Center belongs to Accomack County.

Mayor Tarr advised that the Little League has a lease and the Coast Guard will be helping to build the new field so they will be able to use it. He advised that they are taking steps to make the volleyball court safer. He asked to bring the Coast Guard down there to give ideas to make it better for them.

Councilman T. Howard stated that the Town Manager should tell Council what is going on and explain how this came about.

Town Manager Ritter stated that there was a thought of putting a volleyball court in front of the pavilion. He stated that after talking to Councilwoman Richardson they realized that this wouldn't work. He then advised that he spoke with Public Works Director Spurlock and felt that it could go where it currently is. He stated that Mr. Barry Fisher donated the poles, the net was in the storage room and they brought sand from the beach. He advised they thought they were helping the community by adding another event. He stated that there wasn't any intention of misleading Council.

Councilwoman Richardson added that she isn't against the volleyball court. She expressed her concern about the safety.

Councilman Frese stated that this was brought up to make sure there was communication before something was done.

There was discussion about the Little League and what the Town does to help them.

3. Request for the Return of Taxes and Fees

Councilman Frese stated that the Business License for Dr. Baczek has been brought to Council's attention. He stated that the fees have been charged for 18-20 years along with fees for Dr. Pesinello. He advised that these two doctors are the only 2 that has been charged a Business License. He asked Council to correct this error by refunding their fees with interest. He feels that 5% interest is fair.

Councilwoman Conklin asked why Dr. Amrien and other doctors haven't been charged and only them. She asked if the doctors at the medical centers have to pay for a Business License.

Councilman J. Howard advised they were employees of Eastern Shore Rural Health and that is a non-profit organization.

Councilwoman Conklin also asked why Dr. Baczek and Dr. Pesinello paid for a Business License.

Town Manager Ritter stated that he asked Building and Zoning Administrator Lewis to research the minutes. He advised that there was no authorization to exempt those from the Business License. He also added that this has been going on for quite some time.

Councilman T. Howard feels this is an oversight.

Councilman J. Howard stated that the Town Attorney should make a ruling of what the state allows and set a procedure.

Mayor Tarr stated that there is a Business License Ordinance and doctors are set at the going rate. He advised that the only exemptions are for non-profit organizations. He asked how many years to go back to refund Dr. Baczek.

Dr. Baczek advised that he has all his receipts for the last 19 years.

Councilman Frese stated that with the receipts this should be granted.

Mayor Tarr stated that there have been veterinarians that have been charged.

Town Manager Ritter advised that the pharmacy is charged also under retail.

Vice Mayor Jester stated that it should be waived because this is for the benefit and health of the community.

Dr. Baczek agrees with Councilman Frese and feels that 5% interest is fair. He also suggested waiving the license for all healthcare providers. He advised that no other doctors will help in his office because his fees are too low. He stated that the Town is just too small to support Chiropractors as well.

Mayor Tarr feels this could be a future concern for Council to look at.

Dr. Baczek stated that he inquired about the License the first year he applied and was advised that everyone pays. He stated that he paid a Town of Chincoteague Business License fee and when he was in Parksley he paid a Business License fee there at that time also. He also added that Parksley and Exmore have invited him to do business there without paying for a Business License.

Councilwoman Richardson feels this is an oversight and should be rectified.

Councilman T. Howard stated that in the future the Town should take the steps to give the medical caregivers incentive to operate in the Town.

Councilwoman Richardson added to have this put in writing.

Mayor Tarr stated that the State Code has to be reviewed first.

Councilman Frese motioned, seconded by Councilman J. Howard to refund the Business License fees to the doctors that were charged for the years the receipts or documentation thereof are provided plus 5% interest. Unanimously approved.

Councilman Frese mentioned zoning fees that were assessed in error. He feels that this was a misunderstanding by charging 3 individuals a fee in error and should be refunded. He attempted to make a motion.

Councilman J. Howard advised that Mr. Lewis stated they applied for a home occupation license. He also stated that most of those have a post office box. He stated that this has to do with parking requirements. He also added that no one came to his house to check parking.

There was discussion about the parking requirements and how the zoning fee came about.

Councilman J. Howard asked why only 3 were charged and not everyone who cuts grass.

Town Manager Ritter responded that there were only 3 business license applications after the April 2009.

Discussion continued.

Councilman Frese stated that 8 months into the fiscal year, Building and Zoning Administrator Lewis spoke with the County Zoning office about the zoning inspection fee. He was advised that when there is an inspection and setbacks or parking is involved the fee is charged. Councilman Frese stated that the budget was already set when this was imposed. He advised that Building and Zoning Administrator Lewis stated that the Town Council wanted the Town to abide by the County's Zoning Fee Schedule. Councilman Frese stated that it was then brought to Council and they voted that this shouldn't have been imposed and to do away with the fee altogether. He does not feel that this was malicious.

Mayor Tarr stated that the charge to the grass cutting businesses were because there was an inspection as it was a home occupation parking inspection. He added that this was a legal fee voted on by Council and shouldn't be refunded. He advised that the line item was in the budget. He also asked why they aren't requesting to refund the other 80 that were charged.

Councilman J. Howard asked about specific charges and why.

Councilman Frese reminded Mayor Tarr that Council voted in June to drop the charge. He read the wording of the fee that was imposed.

Councilman Frese motioned to return any zoning inspection fees collected in 2009 after March 3, 2009. There was no second, the motion died.

Councilman Frese also wanted to discuss the philosophy and amounts of the fees that are currently imposed. He would like to review and address the fee schedule. He stated that those building or remodeling are increasing the value of their land thus causing more tax revenue. He asked if the land owner should be charged the “reasonable” fee as the charges are covered in the tax budget. He feels that it isn’t fair that the land owner is paying twice, once for the fee and the second time for the increase in the tax. He then mentioned the Special Use and Conditional Use permits fees. He made specific fee changes.

Councilman J. Howard is disturbed that the Building and Zoning Administrator is trying to pay his salary by the cost of fees.

Councilwoman Conklin reminded Council that a few years ago Council requested that Building and Zoning Administrator Lewis was directed to itemize everything his department does. She stated that they asked him to do one thing and now they want him to give all the fees back. She stated that some things have to be advertised and inspections have to be done. She feels there should be the fees to offset those charges to the Town.

Mayor Tarr produced the County’s fee schedule. He advised that the County’s fees are almost double the Town’s fees. He stated that there was a comprehensive study on the shore, the fees were brought back to Council and they were reviewed. He stated that he doesn’t want to pay his tax payer dollars for someone else’s improvements.

Councilman J. Howard feels the Town is no longer a friendly Town and should ease up on some of the regulations.

Discussion continued.

Vice Mayor Jester asked if this proposed change could change the budget and was advised it would.

Councilman T. Howard commented that the report from Building and Zoning Administrator Lewis was based on numbers and not in an arbitrary way. He asked why only a few was discussed to change. He doesn’t want to vote without knowing why he would do it.

Councilman Frese motioned, seconded by Councilman J. Howard to lower the fees for appeal to the Board of Appeals \$250, the First Offense fine \$25 and each offense thereafter \$50, Special Use fee \$250, Conditional Use fee \$500, Variance Application \$250, Special Use and Variance combined \$400, appeal the decision of Zoning Administrator \$50, proposed rezoning change \$450. Motion denied.

Ayes: Frese, J. Howard

Nays: Jester, T. Howard, Conklin, Richardson

4. **Convenience Center Memorandum of Understanding with Accomack County**
Councilwoman Conklin feels this isn't a fair trade. She would like the Town to continue to maintain it.

There was discussion regarding the allowance of commercial use at the recycling center. They also discussed the commercial/residential curbside collection and those allowances. Council was advised that the budget included the fees and charges for the Convenience Center.

MEMORANDUM OF UNDERSTANDING (MOU)
Between
County of Accomack
and
Town of Chincoteague

This is an agreement between the County of Accomack, hereinafter called the "County," and the Town of Chincoteague, hereinafter called the "Town."

I. PURPOSE & SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the implementation of the FY2011 County budget actions related to the operation of the Chincoteague Solid Waste Convenience Center, hereinafter called the "Center."

In particular, this MOU is intended to:

- Transfer the cost of operations of the Center from the Town to the County.
- Ensure consistent operations at all solid waste convenience centers in the County.
- Ensure that the County's Solid Waste Ordinance (Chapter 70, as amended) is applied uniformly at all solid waste convenience centers in the County.

II. BACKGROUND

The Center is currently being operated by the Town, with hauling/disposal service and technical assistance by the County and the County's contractors. The Town currently pays all staffing and utility expenses. In 2007, the County installed a waste compactor at the Center. The County currently pays for recycling services at the Center.

III. County RESPONSIBILITIES UNDER THIS MOU

The County shall undertake the following activities:

- Assume financial responsibility and management oversight for all staffing and utilities. The County expects to hire the Attendants currently working at the Center; pending standard County background checks, pre-employment physicals, and drug screening; should the current Attendants desire to become County employees.

An Attendant being transferred from Town to County employment will undergo a six-month probationary period, as do all regular County employees.

Accomack County Convenience Center Attendants are expected to be available to work at any location within the County, on a temporary or regular basis, as needs dictate. Effort is made to assign Attendants to centers close to where they reside, when possible.

- Maintain the Center in a manner consistent with other convenience centers in the County, to include mowing, weed-eating, spraying, and other general maintenance activities as necessary.
- Real estate to remain under Town ownership but be made available to the County for continued use as a solid waste convenience center with no fees.
- Ownership of existing Town-owned physical assets (e.g. attendant trailer, fencing, etc.) currently at the Center to remain with the Town but be made available to the County for continued use in solid waste operations with no fees. County will maintain and repair these assets as necessary.
- Operate the Center according to advertised hours of operation consistent with other convenience centers in the County, which are currently open six days per week from 7:00 AM to 6:00 PM.
- Ensure that the County's Solid Waste Ordinance (Chapter 70, as amended) is applied uniformly at all solid waste convenience centers in the County.

IV. TOWN RESPONSIBILITIES UNDER THIS MOU

The Town shall undertake the following activities:

- Facilitate the transfer of Attendants currently employed by the Town to County employment, should the Attendants desire and meet County pre-employment screening requirements.
- Real estate to remain under Town ownership but be made available to the County for continued use as a solid waste convenience center with no fees.
- Ownership of existing Town-owned physical assets (e.g. attendant trailer, fencing, etc.) currently at the Center to remain with the Town but be made available to the County for continued use in solid waste operations with no fees. County will maintain and repair these assets as necessary.
- Transfer any existing information (e.g. site plans, drawings, equipment manuals) that may be beneficial to the continued operation of the Center.
- Facilitate the transfer of utility billings from the Town to the County. Support the changes outlined in this MOU, in letter and spirit, and assist the County in educating the public regarding these changes.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- This document is a Memorandum of Understanding, not a Contract, and is not legally binding on either party.
- This MOU may be terminated at any time, by either party.

VI. FUNDING

This MOU does not include the reimbursement of funds between the two parties. FY 2011 County budget actions provide sufficient funding to accommodate the proposed changes in the upcoming budget year.

VII. RECORD RETENTION

All records must be retained for three years from fiscal year closure. This requirement applies to fiscal records, supporting documentation and reports.

VIII. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective beginning July 1, 2010 and shall be in force until terminated by one or both parties.

The County and Town indicate agreement with this MOU by the signatures of their authorized officials below.

Signatures and dates

Steven B. Miner, County Administrator

Robert G. Ritter, Jr., Town Manager

Date

Date

Councilman J. Howard motioned, seconded by Vice Mayor Jester to accept the MOU. Motion carried.

Ayes: Richardson, J. Howard, Jester, Tarr

Nays: Frese, Conklin, T. Howard

5. Possible Adoption of the Beach Access Committee Questionnaire

Town Planner Neville explained how the questionnaire originated.

Mayor Tarr stated that the Committee would like the questionnaire be out by the July 4th weekend.

Town Planner Neville reviewed and explained the changes. He advised that he would hand out copies of the questionnaire to the motels. Consultant Joni Carter from the Marketing Source suggested in an email that they could possibly go out and complete a direct survey if the Town did not get a good response through volunteer distribution.

Council commented and agreed on the questionnaire.

6. Mayor & Council Announcements or Comments

Councilman T. Howard stated that there is always room for improvement and Council should keep an open mind to do what is best for the people.

Councilwoman Conklin commented on a light meeting schedule in July.

Councilman Frese thanked Council and everyone for his time of service to the Town Council.

Vice Mayor Jester requested that Council receive the calendar prior to the first meeting so they could plan ahead.

Mayor Tarr stated that they have tentatively scheduled the next meeting for the 6th. He requested that because of several Council appointments and inability to attend, they reschedule the next meeting for the 13th.

Councilman J. Howard stated that in no way does he mean that he does not like Chincoteague. He does realize that there are things that the Town could do better. He would like to help in any way he could to keep the people on the Island.

Councilwoman Richardson asked about plans for a sidewalk on the western side of Main Street near the bridge intersection.

Public Works Director Spurlock advised that this has been brought to VDOT's attention.

Councilwoman Richardson also stated that she didn't know about the turn-on fee for the Fire Company. She suggested an exemption for non-profit organizations.

Councilman T. Howard asked if the turn-on fee should be applied to the non-profit organizations.

Public Works Director Spurlock advised that this fee is applied to everyone. He suggested that a solution would be to install a shut-off valve to avoid the Town's fee.

Councilman T. Howard stated that he doesn't think that any other non-profit organization would have a problem with waiving the fee for the Fire Company because they do a lot for the community.

Public Works Director Spurlock stated there are 4 or 5 sections of sidewalk to be poured along with a section of asphalt to be reworked on Pension Street.

Council commended the Public Works Department for a good job.

Councilwoman Richardson stated that she thanked Mr. Mears for the letter they wrote thanking the Public Works Department for such a good job on Pension Street.

Adjournment

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

Mayor

Attest: Town Manager



STAFF REPORT

To: Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: July 6, 2010

Subject: Draft Home Occupation Ordinance

The Town Council reviewed a prior version of the draft Home Occupation regulations at the March 2010 Town Council meeting and referred the document back to the Planning Commission with comments for further consideration.

The following Draft Home Occupation Ordinance have been reviewed by the Planning Commission on 4.13.10 and a preliminary review was completed by the Zoning Administrator on 5.5.10. Final corrections as directed by Planning Commission with a motion to recommend that the ordinance should be forwarded to the Town Council were added on 5.24.10 and 6.15.10.

Staff recommendation is to schedule the ordinance for a Council work session or joint public hearing with the Planning Commission.

Home Occupation Standards

July 2010 Draft

Zoning Ordinance

Article II

Definitions

(Revised through June 15, 2010)

Sec. 2.79. Home occupation.

An occupation, profession, enterprise, or business activity conducted within a dwelling, or accessory structure, by a member of the household who occupies the dwelling. Such occupation must be clearly incidental and subordinate to the use of the dwelling as a residence, and must meet all of the minimum land use criteria for **home occupations**. (See Article VI, section C for parking regulations, section G for land use criteria, and Article VII Section 7.3 Signs)

Sec. 2.88. Limited home occupation.

An occupation, profession, enterprise, or business activity conducted within a dwelling, or accessory structure, by a member of the household who occupies the dwelling. Such occupation must be clearly incidental and subordinate to the use of the dwelling as a residence, and must meet all of the minimum land use criteria for **limited home occupations**. (See Article VI, section C for parking regulations, section G for land use criteria, and Article VII Section 7.3 Signs)

Article III

Residential Districts

Sec. 3.4. Uses permitted by right.

The following uses shall be permitted in residential district R-2 subject to all other provisions of this ordinance:

- 3.4.1. Single-family dwelling.
- 3.4.2. Two-family dwelling.
- 3.4.3. Limited Home occupation.**
- 3.4.4. Tourist rental homes.
- 3.4.5. Tourist homes.
- 3.4.6. Accessory building/structure.

Article VI

Home Occupation Use

Section G. Home Occupations and Limited Home Occupations

Sec. 6.10 Statement of Intent

In order to preserve and protect the primarily residential character of Chincoteague Island neighborhoods, and to accommodate the economic self-sufficiency of all citizens, limited commercial uses will be allowed within residential dwellings as permitted in this section.

The purpose of the provisions of this ordinance is to allow for home occupations that are compatible with the neighborhood in which they are located, and to implement standards for limited commercial uses that are located within specific zoning districts.

Sec. 6.10.1 Permit procedures for all Home Occupations.

- a) Home Occupations complying with all of the minimum land use criteria, and approved by the Zoning Administrator, shall be permitted by right. A zoning permit, in conformance with Section 6.1, is required for such uses upon application and with evidence of payment of the appropriate business license.
- b) Home Occupations that do not meet all of the land use criteria shall be permitted only after approval of a conditional use by the Mayor and Town Council.
- c) Existing Home Occupations are granted a zoning permit under the conditions of their use at the time this ordinance is adopted or their business license is obtained. Change of use will require application for a new zoning permit concurrently with a new business license.
- d) Permits for home occupation use shall only be issued for one-family dwellings only. Permits for limited home occupation use may be issued for one-family, mobile home, two-family, townhouse, and multifamily dwellings.
- e) Applicant shall certify that the proposed use is not in violation of restrictive covenants or private road agreements. Land owner permission is required if the property is rented or leased.

Sec. 6.10.2 Land Use Criteria

- (a) **Limited home occupations** must be a permitted use as defined by this section and the zoning district standards, and must meet all of the following criteria:

1. The limited home occupation shall be clearly incidental and subordinate to the primary use of the dwelling as a residence; not more than 25 percent of the total gross floor area of the dwelling, or the equivalent area within an accessory structure, shall be used in conjunction with the limited home occupation or combination of limited home occupations.
2. Not more than one person, other than members of the family residing in the dwelling, shall be employed in the conduct of the home occupation.
3. There shall be no exterior evidence of the limited home occupation visible from the street or adjoining property, excluding one permitted sign in accordance with Section 7.3.
4. There shall be no outside display, or storage of equipment or materials associated with the limited home occupation. No more than one vehicle with the business name on it may be parked so as to be visible from the street or from adjoining properties.
5. Traffic, deliveries, or business vehicle parking generated by a limited home occupation shall be no greater in volume than would normally be expected in the immediately adjacent neighborhood.
6. No limited home occupation use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the immediately adjacent neighborhood if no limited home occupation use existed.
7. Retail Sales shall be limited to items handcrafted or improved on the premises.

(b) **Home occupations** must be a permitted use as defined by this section and the zoning district standards, and must meet all of the following criteria:

1. The home occupation shall be clearly incidental and subordinate to the primary use of the dwelling as a residence; not more than 30 percent of the total gross floor area of the dwelling, or the equivalent area within an accessory structure, shall be used in conjunction with the home occupation or combination of home occupations.
2. Not more than two persons, other than members of the family residing in the dwelling, shall be employed in the conduct of the home occupation.
3. There shall be no exterior evidence of the home occupation visible from the street or adjoining property, excluding no more than two permitted signs in accordance with Section 7.3, and no display of goods or business-

related items of any kind greater than 16 square feet in area visible from the street or from adjoining property.

4. No more than two vehicles with the business name on it may be parked so as to be visible from the street or from adjoining properties.
5. Traffic, deliveries, or business vehicle parking generated by a home occupation shall be no greater in volume than would normally be expected in the immediately adjacent neighborhood, and the need for additional parking spaces generated by the conduct of such home occupation shall be off the street and in designated driveway areas.
6. No home occupation use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the immediately adjacent neighborhood if no home occupation use existed.
7. Retail Sales shall be limited to services or products handcrafted on the premises, but may include similar products produced offsite, or sale of other products supportive of and secondary to the principal product or service of the home occupation use.

(c) Permitted home occupations and limited home occupations are restricted to the following general uses defined by Chapter 18 of the Town Code:

1. Business Service
2. Contractors and contracting
3. Personal Service
4. Professional
5. Repair Service
6. Retail Sales
7. Any other limited business clearly meeting the criteria listed in subsection (a) or (b) may be approved by the Zoning Administrator.

(d) The following specific uses are excluded:

1. Group health care, group assisted living or group instruction
2. Vehicle repair shops, small engine repair, outboard motor repair
3. Kennels
4. Activity including use of weapons, hazardous materials, illegal drugs or associated equipment
5. Sexually oriented business or business activities
6. Any other use that would significantly change the traditional residential character of the property and surrounding neighborhood as determined by the Zoning Administrator

Any use not listed in subsection (c), excluded in (d) and/or not clearly meeting the criteria listed in subsection (a) or (b) shall not be considered a home occupation and shall not be permitted without a conditional use permit granted under procedures set forth in Article IX.

ARTICLE VI. GENERAL PROVISIONS

SECTION C. PARKING

6.6.4 If a dwelling includes a home occupation which has direct sales to the public, two off-street parking spaces must be provided for the dwelling unit, and an additional two off-street parking spaces must be provided for the home occupation. Parking shall be identified by either signs or bumpers. If more than one home occupation is located within a dwelling unit then two additional off-street parking spaces shall be provided for each home occupation. Limited home occupation use must provide a minimum of two off-street parking spaces for the dwelling unit.

ARTICLE VII. SIGNS

SECTION A. PURPOSE AND INTENT

7.2.25 Home occupation sign. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

7.3.6.1 Limited home occupation signs. Such signs shall not exceed eight (8) square feet in area and shall only identify business information and/or the business owner. There shall not be more than one non-illuminated sign permitted per dwelling.

7.3.6.2 Home occupation signs. Such signs shall not exceed a total of sixteen (16) square feet in area. There shall not be more than two signs permitted per dwelling including one permanent sign that only identifies business information and/or the business owner, and one sandwich board sign.

7.3.11. Menu and sandwich board signs. Sign of not more than eight square feet may be displayed on private property. This sign type shall not constitute a “portable sign” as defined in this ordinance. Only one sandwich board allowed per business or home occupation. Home occupation sandwich board sign shall not be a permanent sign and shall only be displayed during normal business hours.

Public Safety Meeting Minutes

June 1, 2010

Chairman Tarr called the meeting to order at 17:02

Present: Mayor Tarr, Chairman
Councilwoman Ellen Richardson
Councilman John Jester
Robert Ritter, Jr., Town Manger
Bryan Rush, EM Coordinator
Harvey Spurlock, PW Director

No Public Participation

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

Monthly Emergency Management Report

Report given by Bryan Rush

PLANNING

LCAR

The yearly Local Capability Assessment Report is due July 1, 2010. The report is sent to VDEM and is utilized to provide assistance to local emergency management agencies in order that they may operate more efficiently and effectively. The report is currently populated for our jurisdiction.

EOP

The emergency contact list in the EOP has been updated to also include e-mail contacts to better facilitate communications with emergency contacts.

FIREWORKS TRANSPORTATION

Key staff and participants along with the Chincoteague Vol. Fire Co. have developed a revised plan for the bussing of spectators to this years fire works celebration on July 3rd. Objectives, resources, personnel, and safety were discussed. The bus request forms have been sent to Dr. Hall at the school board and are awaiting approval.

TRAINING

HURREVAC 2010

A new version of HURREVAC has been released this year. A train-the trainer class was held April 29 at the state EOC in Richmond. Bryan Rush attended the training. HURREVAC utilizes National Hurricane Center data along with evacuation studies to provide for better response to storm track and evacuations.

NIMS 2010 REQUIREMENTS

The 2010 National Incident Management System requirements for 2010 have been passed down through the Department of Emergency Management. Along with previous year requirements, jurisdictions will also have to show for those specific employees the training in IS 701 Multi Agency Coordination; IS 702 Public Information Systems; IS 703 Resource Management; IS 704 Communication and Information.

PUBLIC INFORMATION

HURRICANE PREPAREDNESS WEEK

May 23 – 29 was declared Hurricane Preparedness Week by Resolution adopted at the May 3rd Council Meeting. This act is just another way to remind the public of the upcoming hurricane season and its inherent dangers; but most importantly to encourage everyone to be prepared.

Fireworks Transportation

Coordinator Rush advised the committee that he and the department heads met and have discussed changing the transportation plan for the annual fireworks. Mr. Rush advised that the volunteer fire company and the trolley manager were also involved and approved of the new plan. Bus requests for three buses have been sent and awaiting approval by the County. Mr. Ritter met with the Mr. Betz, Mr. Tarr and Ms. Bowden of the fire company. Mr. Ritter explained that the plan calls for Willow Street to be closed at 6 pm on July 3. Officers will be stationed at the Bridge; at the back of the carnival grounds; at Davis and Main; and Bunting and Main streets. Additionally, eight more persons will be needed to direct traffic and secure roads. At approximately between 9 and 10 pm someone will go to Church and Main Streets. The buses will come to the back of the carnival ground for drop-off and pick-up. The buses will turn around in the Island Baptist Church parking lot. Fire Chief Lappin is concerned that they may not be able to provide the additional personnel as once thought due to carnival operations. Councilman Jester asked where the command post would be. Councilman Jester requests that a more permanent command post be set up. Chief Lappin advised that the command vehicle could be used to establish a command post. The fire chief, police chief, and the emergency management coordinator will be at the command post. Mr. Ritter requests that the fire company let the Town know the availability of personnel as soon as possible. Councilman Jester asked how the public would be notified. Coordinator Rush advised that the radio would be used; as well as flyers for the restaurants and hotels. VDOT will also provide a sign board. Chief Lappin advised that the fireworks would be launched by a computer this year to provide more safety. Coordinator Rush advised that he would have a fully staffed ambulance on standby at the fire station that night.

NIMS Plan Update

Coordinator Rush advised committee that new NIMS compliancy issues have been introduced for this year. The NIMS Plan would need to be revised. Coordinator Rush distributed a draft update with revised timeline for the committee's approval. The committee gave its approval. Coordinator Rush advised he would complete a final draft

and provide training to those that needed the additional courses. Councilman Jester asked Mr. Ritter as to whom the Town's Public Information Officer was. Mr. Ritter advised the Mayor has been handling such actions. Coordinator Rush advised that the EOP currently has officer Tarr listed as the PIO. Coordinator Rush advised that additional PIOs are needed.

Re-imbusement for DUI Expenses

Mr. Ritter stated that information was received that according to the state code, the town could pass an ordinance allowing collection of funds for response by fire, EMS, and police to DUI crashes and DUI arrests. Monies would be collected upon conviction for DUI. Coordinator Rush suggested that \$250 be given to each entity. Mr. Ritter asked committee for direction. Mayor Tarr asked what Accomack County was doing. Councilman Jester states the code allows any locality to have such ordinance. Councilman Jester requested a proposal of how such ordinance would be implemented and how the individual would be billed. Public Works Director Spurlock suggested structuring the ordinance like the water rates currently are. Mayor Tarr suggests that an implementation strategy be drawn up before the ordinance passes to define who will do the billing and if it was done in house for the fire company, a fee would need to be charged to cover in house expenses. Mr. Ritter advised he would draft such a plan and bring it before Council.

Chincoteague Volunteer Fire Company

Fire Chief Lappin introduced himself as being the new chief and his desire to work with the committee to increase public safety. Chief Lappin advised that he would be reviewing operational procedures and revising as necessary. Coordinator Rush advised Chief Lappin that an EOP from the fire company would be a big help. Coordinator Rush offered his help with such plan.

Committee Member Comments

Coordinator Rush thanked Kevin Holloway and the Police Department, Salyer's Funeral Home, Chincoteague Volunteer Fire Company, and Greenbackville Fire Company for their help with the mock motor vehicle crash at Chincoteague High School. The drill was a huge success and will become an annual event to deter drinking and driving during the prom and graduation season.

Public Works Director Spurlock reported that milling will begin on Pension Street and regular closures of the street will occur. Mayor Tarr asked if door knockers were placed. Mr. Spurlock advised that they were. Mr. Spurlock advised that a portable generator has been procured to run the wells and other needs during an emergency. Coordinator Rush asked if the generator on site has been serviced. Mr. Spurlock advised that it had been today. Councilman Jester asked as to what the preventative maintenance schedule was. Mr. Spurlock advised that it was completed bi-weekly. Mr. Spurlock also advised that he has received word that VDOT will be reconfiguring the Maddox and Main Street intersection.

Councilwoman Richardson asked if the fence at Veterans Memorial Park would be put back at the ball field. Mr. Ritter advised that it would be replaced.

Adjournment

Councilwoman Richardson made a motion to adjourn, which was second by Councilman Jester. The motion was unanimously approved.

Meeting adjourned at 1743.

MEMORANDUM

TO: Town Council

FROM: Harvey Spurlock, Public Works Director

DATE: July 13, 2010

SUBJECT: East Side Road Improvements

Presented below is a statement of work and fee proposal for Clark Nexsen to provide a geotechnical survey/investigation of the section of East Side Road that has slumped. The area of concern is in the proximity of the intersection of East Side Rd. with Wayne Rd. The information obtained will be required to evaluate the structural integrity of the road bed.

I recommend Clark Nexsen be authorized to proceed with the work detailed in the proposal. All services shall be in accordance with this proposal and the terms and conditions of the professional storm water management services agreement entered into by the Town of Chincoteague and Clark Nexsen (ref.RFQ # 09-001, Storm Water Management Support).

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTING SERVICES
EASTSIDE ROAD ANALYSIS**

PROJECT DESCRIPTION

Clark Nexsen will provide engineering services associated with evaluating subsurface conditions on Eastside Road within the limits of the attached map. The purpose is to determine underlying conditions causing the eastern side of the road to slump. The geotechnical study will also provide recommendations on measures to correct the deficiency and estimates of cost for each option. The following is a detailed description of the engineering services proposed:

PART I

A. GEOTECHNICAL ANALYSIS

The geotechnical analysis will be performed in accordance with the attached subconsultant proposal.

B. FIELD INVESTIGATION

Clark Nexsen will perform a site visit to evaluate the condition of the existing pavement in conjunction with the geotechnical findings.

C. CONSTRUCTION COST ESTIMATE

A construction cost estimate using VDOT Bid Items will be used to develop an estimate of probably Construction Cost.

D. QUALITY CONTROL

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

A meeting will be held with the Town to discuss the options and the recommend a course of action to address the road.

E. DELIVERABLES

1. Clark Nexsen will submit a copy of the Geotechnical Report with options and estimates of construction cost.

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTING SERVICES
EASTSIDE ROAD ANALYSIS**

F. SCHEDULE

The schedule for completing the design and plan development is approximately 30 days. The project milestones are:

| TASK | CALENDAR DAYS | COMPLETION DATE |
|-----------------------|---------------|-----------------|
| Notice-to-Proceed | - | 7-9-10 |
| Geotechnical Analysis | 30 | 8-9-10 |
| Study Report Review | 3 | 8-12-10 |
| Submit to Town | - | 8-13-10 |
| | | |

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

REIMBURSABLES

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

OPTIONAL SERVICES (NOT INCLUDED)

1. Roadway Design/Plan Development
2. Landscape Plans
3. Subsurface Utility Exploration
4. Utility Relocation Plans
5. Design of New Storm Drainage Systems
6. Environmental Evaluation, Investigations and Permitting
7. Technical Specifications
8. Citizen Information Meetings and Presentations

Town of Chincoteague Eastside Road Improvements



0 50 100 200 300 400 Feet 1 inch = 100 feet



GeoEnvironmental Resources, Inc.

Environmental • Groundwater • Hazardous Materials • Geotechnical • Industrial Hygiene

Thursday, July 1, 2010

Clark Nexsen

6160 Kempsville Circle, Suite 200A
Norfolk, VA 23502

Attention: **Mr. Robert A. Sherman, P.E.**

Subject: **Proposal for Geotechnical Services**
Eastside Road Drainage Improvements
Chincoteague, Virginia
GER Proposal P10-110-4991

GeoEnvironmental Resources, Inc. has prepared this proposal to perform geotechnical services for the above referenced project. This proposal contains our understanding of the project, proposed scope of services, estimated fees and schedule.

Project Understanding

The project will investigate drainage improvement alternatives to an approximate ¼ mile section of Eastside Road in the Town of Chincoteague, Virginia. This section of Eastside Road is a residential area along the west side and borders a tidal marsh on the east side. We understand the northbound lane slopes significantly toward the marsh (or has settled) and is prone to flooding. The southbound lane appears to be crowned normally. It is desired to increase grades along the east side of the road to alleviate the flooding and achieve a normal crown over the entire cross section of the roadway.

Scope of Services

The following scope of services is proposed based upon our understanding of the project:

- Utility Clearance** - We will contact Miss Utility of Virginia as required by state law prior to starting any subsurface exploration activities at the site.
- Traffic Control & Permits** - Since this is a low volume residential roadway, we are anticipating that the work can be accomplished using minimal traffic control devices (signs and cones) and will not require a temporary lane closure. We are not proposing to obtain any permits in connection with the exploration at this time.
- Subsurface Exploration** - We propose to core the existing pavement at 2 representative locations along the west side of the road to document existing material thickness and composition. On the east side of the road, we propose to conduct 2 SPT soil borings to a depth of 20 feet below existing pavement to determine the pavement composition and underlying subsurface soil conditions. We propose to collect 1 thin-walled tube sample of soft compressible soils if encountered. We will use a small rubber track mounted drill rig to conduct this work. Boreholes in the pavement will be backfilled and patched with asphalt upon completion.
- Laboratory Testing** - We propose a laboratory program that includes 4 natural moisture content tests, 2 classification tests and 1 consolidation test (if applicable) on selected soil samples recovered from the borings. No other laboratory testing is proposed at this time.

- Engineering & Report** - We will coordinate the clearing of underground utilities, layout test locations, supervise sampling and testing activities, classify soil samples collected, and provide a written engineering report that contains the results of all field and laboratory testing, an assessment of the subsurface conditions for supporting the east side pavement, and recommendations for regrading/replacing/resurfacing the pavement and subgrade preparation based on the findings. We will discuss long and short-term corrective measures as applicable along with estimates of relative costs for each.

Fees

The estimated fee for the above proposed services is as follows:

| | |
|------------------------------|-------------------|
| Mobilization | \$950.00 |
| Subsurface Exploration | \$900.00 |
| Laboratory Testing | \$610.00 |
| Engineering & Report | <u>\$2,520.00</u> |
| TOTAL | \$4,980.00 |

Schedule

We can begin coordinating the field activities immediately upon your authorization to proceed. Based upon our current schedule, we estimate our final report can be submitted in 4 weeks after receipt of your written authorization. Results and preliminary recommendations will be provided to you and other design team members as information becomes available prior to final report submittal.

Authorization

To authorize us to proceed with the proposed services, please sign the enclosed Proposal Acceptance Sheet and return a copy to us. Any exceptions to this proposal or special requirements not covered in the proposal should be listed on the Proposal Acceptance Sheet. Please note that the Terms and Conditions Sheet is part of this proposal. If our project understanding is incorrect, please notify us so that we may modify our proposal if necessary.

We appreciate this opportunity to propose on your project and look forward to hearing from you with any questions you may have concerning this proposal.

Sincerely,
GeoEnvironmental **R**esources, Inc.



Charles F. P. Crawley, III, P.E.
Assistant Vice President

Attachments: Proposal Acceptance Sheet
Terms and Conditions

**TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTANT SERVICES
EASTSIDE ROAD ANALYSIS**

CN COMM: 3459.2
DATE: 7/6/2010

SUMMARY

| TASK GROUP/BREAKDOWN | Principal hrs. | Project Manager hrs. | Civil Engineer hrs. | Civil Engineer Intern hrs. | GIS Specialist hrs. | Environmental Scientist hrs. | CADD Technician hrs. | Clerical hrs. | Total hrs. | Subtotal Cost \$ | Sub Consultant \$ | Sub Consultant Mark-up \$ | Direct Costs \$ | Total \$ |
|--------------------------|-------------------|----------------------------|---------------------------|-------------------------------------|---------------------------|------------------------------------|----------------------------|------------------|---------------|------------------------|-------------------------|------------------------------------|-----------------------|-------------|
| A. Geotechnical Services | | | | | | | | | | | \$4,980 | \$498 | | \$5,478 |
| B. Field Investigation | | | | | | | | | | | | | | |
| C. Analysis and Study | | 8 | | | | | | | 8 | \$1,200 | | | | \$1,200 |
| D. Quality Control | | 6 | | | | | | | 6 | \$900 | | | | \$900 |
| I. Reimbursables | | | | | | | | | | | | | \$300 | \$300 |
| TOTAL WORK HOURS | | 14 | | | | | | | 14 | \$2,100 | \$4,980 | \$498 | \$300 | \$7,878 |
| HOURLY RATE | \$180 | \$150 | \$125 | \$85 | \$85 | \$85 | \$65 | \$60 | | | | | | |

TOWN OF CHINCOTEAGUE
PROFESSIONAL ENGINEERING CONSULTANT SERVICES
EASTSIDE ROAD ANALYSIS
 WORK-HOUR BREAKDOWN

CN COMM: 3459.2
 DATE: 7/6/2010

| TASK GROUP/BREAKDOWN | | Principal hrs. | Project Manager hrs. | Civil Engineer hrs. | Civil Engineer Intern hrs. | GIS Specialist hrs. | Environmental Scientist hrs. | CADD Technician hrs. | Clerical hrs. | Total hrs. | Total Cost \$ |
|-------------------------|--|-------------------|----------------------------|---------------------------|-------------------------------------|---------------------------|------------------------------------|----------------------------|------------------|---------------|------------------|
| A. | Geotechnical Services | | | | | | | | | | |
| | Review Geotechnical Report | | | | | | | | | | |
| | Subtotal | | | | | | | | | | |
| B. | Field Investigation | | | | | | | | | | |
| | Field Investigation | | | | | | | | | | |
| | Subtotal | | | | | | | | | | |
| C. | Analysis and Study | | | | | | | | | | |
| | Evaluate Improvement Options | | 6 | | | | | | | 6 | \$900 |
| | Summary Report of Findings and Recommendations | | 2 | | | | | | | 2 | \$300 |
| | Subtotal | | 8 | | | | | | | 8 | \$1,200 |
| D. | Quality Control | | | | | | | | | | |
| | Review Report | | 6 | | | | | | | 6 | \$900 |
| | Review Meeting with Town | | | | | | | | | | |
| | Subtotal | | 6 | | | | | | | 6 | \$900 |
| TOTAL WORK HOURS | | | 14 | | | | | | | 14 | |
| HOURLY RATE | | \$180 | \$150 | \$125 | \$85 | \$85 | \$85 | \$65 | \$60 | | |
| TOTAL FEE | | | \$2,100 | | | | | | | | \$2,100 |

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor & Council
From: Robert G. Ritter Jr., Town Manager
Date: June 15, 2010
Subject: Amend the Code Chapter 18, Businesses

The budget for FY 2011 has been properly adopted on June 17, 2010, with the fee schedule having the minimum rate for business license to go from \$30.00 to \$50.00. In order to have the code match the fee schedule, council will need to adopt the following changes:

Sec. 18-47. Determination of taxes of new businesses.

Whenever any person begins a business, trade or occupation on or after January 1 of the license year, that person shall pay a licensing fee for the year of application of ~~\$30.00~~ **\$50.00**. Each following year shall be measured in accordance with this article as specified. (Code 1977, § 10-19)

DIVISION 3. BUSINESSES AND PROFESSIONS MEASURED BY GROSS RECEIPTS

Sec. 18-121. Minimum license tax.

The minimum license tax on all businesses and professions measured by gross receipts or gross purchases in the case of wholesale merchants shall be ~~\$30.00~~ **\$50.00**, which amount shall be absorbed into the total tax when such tax exceeds ~~\$30.00~~ **\$50.00** at the applicable rate. (Code 1977, § 10-42)

Council is respectfully requested to consider making a motion to **“to amend the Changes to Chapter 18, Businesses, Sec 18-47 and Sec 18-121 of the Code of the Town of Chincoteague.**

COMMITTEE ASSIGNMENTS

The following committees are standing committees. They serve as advisory committees and the recommendations made there are referred to the full Council for action. Issues that require discussion should be sent through the proper committee prior to the subject coming forward to a regular scheduled Council meeting. Also, the rules of Order for each committee will be that State law and the Town charter governs first, then Robert's Rules of Order - (current edition). The above shall apply to the Committees and its Chairperson with agendas approved and posted three business days prior to the meeting.

It is the responsibility of the Chairman to request in writing to the direction of the Town Manager for help in providing back-up information for the Committee agenda. The Chairman shall give adequate time for preparation of the packet for the agenda. The Committee Chair is to meet every other month or as frequent as action item ('s) can be placed on the agenda. It will be the responsibility of the Town Manager to have the report from each committee prepared for the regular Council meeting at the beginning of each month.

Budget and Personnel Committee

The committee will meet: to have a presentation from staff to give the financial operation of the Town; to report and make recommendations to Council regarding budget revisions, additions or deletions; to report to Council adequate and appropriate insurance coverage; and to review and recommend changes in the personnel policy handbook.

Cemetery Committee

The committee will meet: to review the finances of the Cemetery fund; to decide and plan for future clean-up weeks; and to decide on grass cuttings for the cemeteries.

Charter and Ordinance Committee

The committee will meet: to review any changes or additions needed in the Town Charter and Ordinances; to recommend to Council a possible public hearing on such changes.

Harbor Committee

The committee will meet: to review any changes in the Harbor Policies or Ordinances; to review fee structures; to review future capital projects; to review a report from the Harbor master on the current issues of the Harbor, Robert Reed park transient slips, Town Dock, and the various Town boat ramp facilities.

Liaison Committee

To be Council's link with the Community's businesses and organizations, other towns, Accomack County, and State and Federal Agencies concerning meetings and projects.

Public Safety Committee

The committee will meet: to review and update the Town's Emergency Operations Plan; to inspect and request additional equipment, supplies and to help in the time of an emergency; to act in the event of major emergencies such as power outages, flooded streets, etc.; to review and make recommendations on the policies and procedures of the Police Department.

Public Works Committee

The committee will meet: to review Public Works, Water and Drainage policies and major projects; to review a report on maintenance operations; to set priorities on the major projects for the year and the years thereafter. Where applicable make recommendations to Council relating to Public Works policy.

Recreational and Community Enhancement Committee

The committee will meet: to review recreational needs for the community; to review and make recommendations on the bicycle plan; to make recommendations on ways to beautify and enhance the Town of Chincoteague i.e. street-scape, signs, land-scape etc.

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as “Plan 2” employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may “pick-up” mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor’s signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer’s optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

- This is to acknowledge that Town of Chincoteague elects to phase in the pick-up of the 5 percent member contributions as detailed in the following duly approved resolution. We understand that this is a revocable election should we decide at a future date to modify the percentage to be phased in over the six year period.

RESOLUTION

Authorization to Pick-up the Employee’s Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as “Plan 2 Employees”). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Town of Chincoteague, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the Town of Chincoteague desires to pick-up and pay its Plan 2 Employees’ member contributions to VRS as an additional benefit not paid as salary in an amount equal to 3% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of August, 2010, the Town of Chincoteague shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to be phased in over three years according to the following schedule:

| Year | Employer Share | Employee Salary Reduction Share |
|------|----------------|---------------------------------|
| FY11 | 3 | 2 |
| FY12 | 4 | 1 |
| FY13 | 5 | 0 |

and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Chincoteague in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Town of Chincoteague directly instead of having them paid to VRS.

Adopted in the Town of Chincoteague, Virginia this 13th day of July, 2010.

John H. Tarr, Mayor

Authorized Signature

Robert G. Ritter, Jr. - Town Manager



TOWN OF CHINCOTEAGUE, INC. Commercial Use of Town Facilities

Form must be executed and submitted prior to the commercial use of any Town facility.

Submit to the Town of Chincoteague, 6150 Community Dr., Chincoteague, VA,
(757) 336-6150

Business Name: _____

Authorized Agent: _____

Title: _____

Address: _____

Phone: (____) _____

Facility(ies) to be used: _____

Purpose of usage _____

The above named person/organization accepts full responsibility for any damages or other adverse impact to Town facilities sustained as a result of the person's/organization's utilization of said facilities for any commercial purpose. It is further agreed that said facility(ies) shall be utilized in a manner consistent with the intended purpose and in accord with all policies and regulations. The above named person/organization also hereby releases and promises to indemnify, defend and hold harmless the Town of Chincoteague, Inc., its employees, agents, volunteers and officers from responsibility for any and all associated losses, claim of loss, injury, damage or expenses, to include attorney's fees, resulting from the named person's/organization's utilization of any Town facility.

Authorized Signature: _____ **Date** _____