

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

Council Members Present:

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

Council Members Absent

John H. Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Elect Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

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

Nays: None

Absent: J. Howard

PUBLIC PARTICIPATION

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

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

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

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

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

To adopt the budget for the fiscal year 2013 as presented including the tangible property tax rate of \$0.85/100, tangible property tax relief of 63 percent, excise tax (meals) at 5 %, General

Government fee schedules, Harbor fee schedules, Water fee schedule and appropriate the funds for disbursement.

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

Ayes: Conklin, Muth, Jester

Nays: T. Howard, Richardson

Absent: J. Howard

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

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

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

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

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

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

Nays: None

Absent: J. Howard



RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

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

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

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

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

RESOLVED that the following entities,

**Town of Chincoteague
Chincoteague Volunteer Fire Company**

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

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

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

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

Adopted in Chincoteague, Virginia this 21st day of June, 2012.

John H. Tarr, Mayor

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

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

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

Town Manager Ritter also mentioned the potential for speeding.

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

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

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

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

Councilman Jester asked about loading zones.

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

Councilman Jester suggested specifying the loading zones.

Discussion and comments continued.

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

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

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

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

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

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

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

Vice Mayor Richardson withdrew her motion.

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

Discussion continued.

Mayor Tarr directed staff to return with more information.

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

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

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

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

Councilwoman Conklin asked about cost.

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

Councilman Jester asked what would be located on the Island.

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

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

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

There were further questions.

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

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

Nays: None

Absent: J. Howard

4. Mayor & Council Announcements or Comments

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

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

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

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

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

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

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

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

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

Chief Lewis advised they are required to be 16.

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

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

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

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

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

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

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

5. Closed Meeting in Accordance with Section 2.2-3271(A)(7) of the Code of Virginia

• Legal Matters ("Probable Litigation")

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

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

Nays- None

Absent- J. Howard

Adjourn

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

Mayor

Town Manager