

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

January 3, 2012 - 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 December 5, 2011 (Page 2 of 21)
2. Wastewater Advisory Committee Update (Mr. Spyridon Papadopoulos) (Page 12 of 21)
3. Christmas Lights Judging Results (Page 14 of 21)
4. Motion to approve the Trolley Operating Funds, Grant Application Resolution (Page 15 of 21)
5. Employee Handbook Review and Possible Adoption (Page 16 of 21)
6. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
7. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the Code of Virginia.
 - Personnel Matters (To set the Police Chief and Town Manager Goals and Objectives for 2012)

ADJOURN:

MINUTES OF THE DECEMBER 5, 2011
CHINCOTEAGUE REGULAR TOWN COUNCIL MEETING

Council Members Present:

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

Council Members Absent:

None

CALL TO ORDER

Mayor Tarr called the meeting to order.

INVOCATION

Councilman T. Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

- Ms. Laurie Walton addressed Council to present \$3,000 from the proceeds of the Christmas House Tour to Chief Lewis for the needy. She listed those who opened their homes for the tour: Ms. Cindy Kane, Todd & Annie Switzer, Ms. Bonnie Phipard, Ms. Cynthia Walston, Mr. & Mrs. David Jennings, Union Baptist Church, Union Baptist Church Office, Mr. & Mrs. Sam Mazza, Ms. Patt Thompson, Mr. & Mrs. Bob Mabin, Ms. Bonnie Armstrong, Mr. & Mrs. Jake Godshall, Ms. Louisa Fannigain & Paul Brzozowski, Mr. & Mrs. Chuck Ward, Mr. & Mrs. Craig Beitzel and Mr. Kevin Krome & Mr. Steve Potts.

Chief Lewis thanked them for the generous donation and advised it will be put to good use.

STAFF UPDATE

Planning Department

Town Planner Neville reported that the Planning Commission met November 8th and conducted a public hearing on Section 2.127 of the Town Code pertaining to the Pony Penning Sales Permit. There were no public comments, however, the Commission had revisions and will address the changes at the January meeting.

Town Planner Neville stated that at the Beach Access Committee they were advised that the Washington Post reported the Beach issue along with a paper in Ontario, Canada. He stated that they were in support of Chincoteague. They also met with the Army Corps of Engineers requesting a dredging permit for the Chincoteague Channel and Inlet. He advised that Mr. Lou Hinds announced that the Planning Team will meet on December 21st where he'll report a summary of all the comments.

Town Planner Neville announced that Council will review the Transit Development Plan later in the meeting. He advised that the Planning Commission has been struggling to work through the Sign Ordinance issues to define character.

Councilman T. Howard commended Town Planner Neville and the Commission for their work in finding resources and other methods that could work in the community.

Police Department

Chief Lewis advised that the members of the Law Enforcement Accreditation Team arrived earlier and will be conducting an audit that could last a couple of days. He stated that Saturday was the Ride for Kids and was a huge success.

Mayor Tarr thanked Chief Lewis and advised they certainly appreciate the Police Department and their efforts.

Chief Lewis advised that if they pass the audit for accreditation the Chincoteague Police Department will be the only Police Department on the eastern shore of Virginia that is accredited.

Public Works Department

Public Works Director Spurlock stated that in the month of November the Public Works Department was working on putting up Christmas decorations. He thanked the community for their contributions for the Christmas decorations. He advised that the fall paving is complete. They received the approval from the Army Corps of Engineers to repair the shoulder on Eastside Road. He also stated that the insulation at the Island Activity Center is also complete and they will begin repairing the floors soon.

Public Works Director Spurlock also reported that they received the permit from the DEQ to begin work on the Ocean Boulevard Extension project. He stated that the bid for the intersection of Church Street and Ridge Road came in \$160,000 over budget. The Town has agreed to do the water service upgrades at the intersection and the waterline replacements will begin the first of March.

Councilman Jester suggested the Town send a letter to the Coast Guard commending them on their assistance with the Island Activity Center.

Councilman T. Howard stated that the patchwork in front of the Carnival grounds was a good job.

General Government

Town Manager Ritter reported on the progress of the Broadband Project and adding that they would like to be completed by the end of March. He stated that they spoke with the Army Corps of Engineers about dredging. The employee evaluations are just about complete. He advised that staff has been working hard collecting taxes. He also stated that at the next meeting in January the Waste Water Advisory Committee would like to give an update along with a budget review. They have finalized the FEMA documents regarding Hurricane Irene.

Town Manager Ritter reported on the revenues:

	<u>Year to Date</u>	<u>Prior Year</u>		<u>Difference</u>
Real Estate Tax	\$320,630	\$166,968	(up)	\$153,662
Tangible Property Tax	\$ 99,917	\$ 14,302	(up)	\$ 85,615
Meals Tax	\$442,417	\$412,940	(up)	\$ 29,477
Transient Occupancy Tax	\$515,047	\$499,268	(up)	\$ 15,779
Solid Waste Collection	\$124,990	\$ 83,715	(up)	\$ 41,275
Sales Tax	\$ 48,488	\$ 52,201	(down)	\$ 3,713
Water Rent	\$525,534	\$516,889	(up)	\$ 8,645

Town Manager Ritter stated that in the downtown area they are proposing to dredge from the new bridge to the downtown transient slips and the spoil will go to the spoil site at the Harbor.

Councilman T. Howard stated that the reports were all very thorough and well thought out. He was encouraged with the reports.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Town Attorney Poulson explained that he has some minor changes to the previously approved Curtis Merritt Harbor Lease.

Mayor Tarr stated there are a few items to add to the agenda: item 2a Adopt the 6-Year Transit Development Plan and item 2b Resolution of the Purchase of Federal Land, and item 5a Adoption of Change to the Curtis Merritt Harbor Lease.

Councilman T. Howard motioned, seconded by Councilman Jester to adopt the agenda adding item 2a Adopt the 6-Year Transit Development Plan and item 2b Resolution of the Purchase of Federal Land, and item 5a Adoption of Change to the Curtis Merritt Harbor Lease. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of November 7, 2011**
- **Council Workshop Meeting of November 17, 2011**

There was discussion regarding a few typographical errors.

Councilwoman Conklin motioned, seconded by Councilman Jester to adopt the minutes as corrected. Unanimously approved.

2. Presentation of the 6-Year Transit Development Plan

Town Planner Neville introduced Mr. Joel Eisenfeld, Senior Transportation Planner with KFH Group. He stated that this is a very good comprehensive use for the Town. He noted that the resolution they will discuss later on is unrelated to what Mr. Eisenfeld has been working on. They felt they clarified the Town's position if they are to adopt the Transit Develop Plan.

Mr. Eisenfeld thanked the representatives from the Town of Chincoteague and the strong local support. He advised that this is required for funding for a transit system. He presented the 6-Year Transit Development Plan. He reviewed the goals and objectives and explained what the group represented along with upcoming grants. He advised the Town would begin by doing an evaluation of the existing service and system. He stated they looked at passenger count and rode the Pony Express giving an account of passenger activity. They also talked to the riders about other options to move around the Island.

Mr. Eisenfeld stated that the next step is a Need Analysis where they interviewed different businesses and people. He continued to explain the process and potential of expanded service hours. He made recommendations to start earlier in the peak season and make route adjustments. He made recommendations for the operations and talked about the financial responsibilities for the projects. Finally he made a few recommendations to the organization and advised that the role of the Town Council would remain unchanged.

Councilman J. Howard mentioned that there was an athletic bus for those high school students that participate in sports in the past. He advised that this would help with transportation from practices and games for those who wouldn't otherwise play because of the lack of transportation. He asked if this would be something that they could do to help.

Mr. Eisenfeld suggested a "Tripper Service". He explained that as long as it is open to the public every day could be effective. He stated that although there may be a need, the numbers may not support it. He suggested a volunteer driver program that may be able to assist with that. He also mentioned the possibility of a midday run from Chincoteague to Rt. 13. He thanked Council for allowing him to present the Plan.

Trolley Manager Van Dame commented about the count which was over the past 5 years.

2a. Adoption of the 6-Year Transit Development Plan

Councilman T. Howard motioned, seconded by Vice Mayor Richardson to adopt the 6-Year Transit Development Plan.

2b. Resolution to Oppose the Federal Purchase of Property

Mayor Tarr explained that the resolution is reiterating the letters that have already been sent. He asked that the number of years in service be researched and correctly put in the resolution.

Councilman J. Howard motioned, seconded by Councilwoman Conklin to adopt the Resolution to Oppose the Federal Purchase of Land within the Town of Chincoteague adding "Whereas, a specific 200 acre developed property was identified by the draft CCP that, if acquired with taxpayer money, would end a 30 year old family business; and" and adding "job" prior to "tax revenue". Unanimously approved.



RESOLUTION
To Oppose the Federal Purchase of Land within the Town of Chincoteague

WHEREAS, an Alternative Transportation Study was prepared for Chincoteague National Wildlife Refuge in December 2009 by the Volpe National Transportation Systems Center; and

WHEREAS, several alternative strategies propose to reduce or eliminate personal vehicle use at the current beach front parking lots in favor of a transit shuttle during the peak season; and

WHEREAS, this study and the draft Refuge Comprehensive Conservation Plan (CCP) alternatives propose the acquisition of property within the Town of Chincoteague for remote transit parking; and

WHEREAS, a specific 200 acre developed property was identified by the draft CCP that, if acquired with taxpayer money, would end a 30 year old family business; and

WHEREAS, the loss of private investment, jobs and tax revenue would adversely impact the Town of Chincoteague and Accomack County economies; and

WHEREAS, the Town of Chincoteague completed a questionnaire of over 13,000 summer visitors to the Refuge in 2010 in which over 82% stated they would not return for another visit if transit from a remote parking lot to the beach was provided;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Chincoteague opposes the expansion of National Wildlife Refuge or National Seashore boundaries within the Town of Chincoteague; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Chincoteague requests assistance from our Congressional delegation to assure that such actions do not occur.

ADOPTED on this 5th Day of December, 2011.

I certify that the foregoing is an accurate copy of the Resolution adopted by the Council of Town of Chincoteague on December 5, 2011.

John H. Tarr, Mayor

Attest:

Robert G. Ritter Jr., Town Manager

3. Accomack County Board of Supervisors Update

Supervisor Thornton complimented the Town on a fabulous job. She stated that the improvements island wide is tremendous. She stated that she recognizes and appreciates it. She reported that the County voted to give the 5% match to Star Transit. She stated that it was her decision to start April 1st. The new management team has done a fantastic job. She spoke with different organizations including the senior citizens and churches. She advised it is not going to close, it will continue to operate.

Supervisor Thornton stated that Mr. Allen Witt, Chairman of Riverside Shore Memorial made a presentation to the Board about economic development. She talked about Wallops Island growth. She also discussed the County delinquent tax report.

Supervisor Thornton reported that the Fire Commission met last week and unanimously adopted a movement toward a uniform fire tax concept. She also advised that Mr. Mike Mason did not recommend that Chincoteague be added to this equation. They discussed the amount of revenue the additional tax would generate. She also reported on the Wallops Research Park. She stated that the full Committee recommended relieving the restriction off of the Park. Congressman Rigell hopes to get this through the House by the end of the year. A conditional use permit was approved for a solar farm and will start construction within a year or more.

Supervisor Thornton also advised that the Fire Academy was short of funds. They appropriated \$10,000 in additional funds and asked Northampton to share the expenses. Delegate Lewis has instrumental in helping with the TMDL's. He has scheduled another meeting for Thursday. This could cost the County millions of dollars. They can prove that the formula they're using is against the rural areas. The impact on the farmers will be significant.

Supervisor Thornton also discussed Beach Access. She talked about the economic impact along with the safety and welfare to Chincoteague. She stated that Mr. Hinds advised her that it didn't really matter how Chincoteague feels because he has 51% of the vote. She was very disturbed by the statement and was upset to think a Refuge Manager would have that type of authority and attitude.

There was further discussion about getting the message out.

Supervisor Thornton stated that they need to take a different stand. She feels the primary message is that we need help and now.

There was also discussion regarding zoning, agricultural property and a conditional use permits.

Mayor Tarr advised that the Town is currently working on a plan regarding beach replenishment and access.

Councilman J. Howard expressed his concern for Mr. Hind's statements. He feels that the Town should find a way to have him removed.

4. Committee/Commission Appointments and Recommendations

- **Building Code Board of Appeals**
- **Curtis Merritt Harbor Committee**
- **Chincoteague Recreation & Civic Center Authority**

Mayor Tarr advised that Mr. Robert Tye's seat on the Building Code Board of Appeals has expired. He stated that Mr. Robert Tye has been contacted and would like to continue to serve. He opened the floor for nominations.

Councilman T. Howard nominated Mr. Robert Tye to be reappointed to the Building Code Board of Appeals for another 5 year term to expire December 31, 2016.

Mayor Tarr closed the nominations. He called for a vote for Mr. Robert Tye for the Building Code Board of Appeals. Unanimously approved

Mayor Tarr advised that Mr. Michael Handforth's seat has expired on the Curtis Merritt Harbor Committee. He stated that Mr. Handforth has been contacted and would also like to continue to serve on the Committee. He opened the floor for nominations.

Councilman J. Howard nominated Mr. Michael Handforth to be reappointed to the Curtis Merritt Harbor Committee for another 2 year term to expire December 31, 2013.

Mayor Tarr closed the nominations. He called for a vote for Mr. Michael Handforth for the Curtis Merritt Harbor Committee. Unanimously approved.

Mayor Tarr stated that Mr. Spiro Papadopoulos' seat has expired on the Planning Commission and Mr. Papadopoulos has expressed that he would like to continue to serve. He opened the floor for nominations.

Councilman Muth nominated Mr. Spiro Papadopoulos to be reappointed to the Planning Commission for a 4 year term to expire December 31, 2015.

Mayor Tarr closed the nominations. He called for a vote for Mr. Spiro Papadopoulos for the Planning Commission. Unanimously approved.

Mayor Tarr advised Council that two seats have expired on the Chincoteague Recreation and Convention Center Authority and they are Ms. Laurie Walton and Mr. William Chrisman. He stated that they both expressed that they would like to continue to serve. He opened the floor for nominations for Ms. Walton's seat.

Councilman T. Howard nominated Ms. Laurie Walton to be reappointed to the Chincoteague Recreation and Convention Center Authority Committee for a 4 year term to expire December 4, 2015.

Mayor Tarr closed the nominations. He called for a vote for Ms. Laurie Walton for the Chincoteague Recreation and Convention Authority Committee. Unanimously approved. Councilwoman Conklin nominated Mr. William Chrisman to be reappointed to the Chincoteague Recreation and Convention Center Authority Committee for another 4 year term to expire December 4, 2015.

Mayor Tarr closed the nominations for Mr. Chrisman's seat. He called for a vote for Mr. William Chrisman for the Chincoteague Recreation and Convention Authority Committee. Unanimously approved.

Mayor Tarr requested that a letter be sent to the Honorable Judge Revell Lewis requesting that Mr. Robert Cherrix be reappointed to the Board of Zoning Appeals for another 5 year term to expire December 31, 2016.

5. Discuss Retaining the Lobbyist for Additional 6 Months.

Town Manager Ritter listed items that have been done by Alcalde & Fays to date. He expressed the importance of continuing with this firm as they have done so much work especially with the beach issues. He explained that in the fiscal year 2012 Budget there was an approval for six months of funding and requested to continue for the remainder of the fiscal year.

Councilman J. Howard motioned seconded by Vice Mayor Richardson to retain the lobbyist for an additional 6 months. Unanimously approved.

Mayor Tarr advised this will be brought up in the Budget Workshops in January to allocate funds to continue work with this firm.

5a. Adoption of the Changes to the Curtis Merritt Harbor Lease

Town Attorney Poulson suggested changes to: Section Eight, the spelling of "therin" to "therein" along, Section Eleven the word "term" to "permit", Section Thirteen add "which removal shall be accomplished by the **HOLDER** within 10 days" after the phrase "sunken craft is removed" and on the last line, change the word "promptly" to "timely". The last change is from "Haul Number" to "Hull Number"

Councilman T. Howard stated that he can't support this because he feels it is taking away some of the Lease Holders' rights.

Vice Mayor Richardson motioned, seconded by Councilwoman Conklin to approve and adopt the changes to the Curtis Merritt Harbor lease as presented by Town Attorney Poulson. Motion carried.

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

Nays: T. Howard

6. Mayor & Council Announcements or Comments

Councilman Muth commented on the Commission and Board vacancies.

Councilman Jester mentioned the Accomack County Space Flight Commission. He advised that they are doing a “Hot Test” which is an engine test on the slab, in February. He stated that the first big rocket launch will spur a lot of attention.

Town Manager Ritter reminded Council of the Employee Christmas gathering Wednesday at noon. He also reminded Council of the PDA meeting on Thursday.

Public Works Director Spurlock reported that his trip to Tuscaloosa, Alabama was very successful as they were able to help get some families lives back together. He thanked Councilwoman Conklin for getting it together and Council for allowing him to go.

Mayor Tarr announced the judging of the Christmas Decorated Homes will be Saturday the 17th beginning at 5:30 p.m.

Town Manager Ritter reminded the public to call the Police Department no later than 5:00 p.m. Friday the 16th.

Mayor Tarr stated there will be a new group of judges and he expressed his appreciation for those who volunteered to judge the homes this year. He added that Mr. Kevin Krome and Steve Potts started this “Christmas by the Sea” about 3 years ago and collected over \$10,000 this year to put new decorations up along Church Street and Willow Street.

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

• **Personnel Matters**

Councilman T. Howard moved, seconded by Councilwoman Conklin to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

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

Councilman T. Howard moved, seconded by Councilman Muth 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)(1) 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.

Ayes- Jester, Muth, T. Howard, J. Howard, Richardson, Conklin

Nays- None

Absent- None

Adjourn.

Vice Mayor Richardson motioned, seconded by Councilman J. Howard to adjourn.

Unanimously approved.

Mayor

Town Manager

January 3, 2012

STATUS REPORT TO THE TOWN OF CHINCOTEAGUE COUNCIL

BY

The Wastewater Advisory Committee

Background:

The Wastewater Advisory Committee was established by the Council's unanimous vote during a Special Council meeting on May 19, 2011. This Committee is to serve in an advisory capacity and any recommendation made is to be referred to the full Council for action.

An organizational meeting of the Committee was held on July 15, 2011 and the Committee structure was defined along with identifying material for review by the members. Specifically:

1. The CLARK-NEXSEN Preliminary Engineering Report for Sanitary Sewer, Phase I of March 2011.
2. The Town of Chincoteague Comprehensive Plan of January 4, 2010.
3. The Town of Chincoteague Water Master Plan of October 2003.

The Committee has five members, Spiro Papadopoulos (chair), Mike Tolbert (vice chair), Scott Chesson, Kelly Conklin and Tommy Clark.

Committee Meetings:

1. July 21, 2011. Presentation of the Atlantic Town Center Wastewater Treatment Plant by Christopher Carbaugh of The Atlantic Group.
2. October 26, 2011. Presentation of the Waste Water Treatment Package Plant by Todd Burbage of Blue Water Development Corp.
3. December 1, 2011. Discussion on identifying issues that this Committee should be focusing on, review of Wastewater studies to date (1976, 1988, 2007 and 2011), defining options, regulations, capacities of wastewater treatment plants, various combinations (residential on-site WTP, commercial on-site WTP, phase I commercial central WTP and island wide central WTP).

Other Activities:

1. December 7, 2011. Attendance at the Chesapeake Bay TMDL (Total Maximum Daily Load) meeting at the Eastern Shore Community College.
2. December 14, 2011. Attendance at the Accomack County Planning Commission in order to learn "first-hand" status of Atlantic Town Center Wastewater Treatment Facility CUP Application and Zoning Ordinance Text Amendment.

Current Committee recommendation to Council:

The Town to enter discussions with Blue Water to develop terms of agreement and to allow a sewer main to be constructed between the existing WTP at Sunset Bay and Landmark Plaza that would also serve existing commercial properties that wish to connect to such sewer main.

Proposed future plan of actions by the Committee:

1. Research and review regulations applicable to wastewater systems for Chincoteague Island.
2. Schedule and meet with senior representatives of Virginia's appropriate agencies/departments (Department of Health and Department of Environmental Quality) in order to clarify applicable regulations and compliance with the Clean Water Act.
3. Review actions by communities similar to Chincoteague Island and their solutions to the wastewater issue.
4. Summarize and evaluate options on actions and alternatives regarding possible waste water plans.
5. Develop ideas and suggestions for the Town Council on areas to be served with waste water system.
6. Develop recommendations for consideration by the Town Council.
7. Develop approach for the Committee to serve as liaison to the Public and Town Council.

Respectfully submitted by: Spiro Papadopoulos, Chair Wastewater Advisory Committee



2011 WINNERS OF THE ANNUAL CHRISTMAS DECORATIONS:

Judges Choice *

Mr. & Mrs. Michael Jester
5141 Fish Lane

Most Festive *

Rev. & Mrs. William Gregory
6126 Taylor Street

Most Themed *

Mr. & Mrs. Raymond Rosenberger
7297 Sunset Drive

Most Traditional *

Mr. & Mrs. Ernest Dale Holston
7236 Olga Drive

Honorable Mention

The Chincoteague Center
6155 Community Drive

Alex Hubb
3015 Ridge Road

Chuck & Tama Ward
5375 Main Street

* Each category winner will receive a \$100 savings bond

◇ A Special thank you to all the judges



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2013 beginning 10/1/2012**

BE IT RESOLVED by the Mayor & Council of The Town of Chincoteague, Inc. that the Town Manager of The Town of Chincoteague, Inc. is authorized, for and on behalf of The Town of Chincoteague, Inc., hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,400.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize The Town Manager to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Mayor and Town Council of The Town of Chincoteague, Inc. certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$23,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, acting Town Manager of The Town of Chincoteague, Inc. adopted at a legally convened meeting of the Town Council held on the 3rd day of January, 2012.

Robert G. Ritter, Jr., Town Manager
The Town of Chincoteague, Inc.



MEMORANDUM
Town of Chincoteague Inc.

Date: December 27, 2011
To: Mayor Tarr and Town Council Members
From: Robert Ritter, Town Manager
Subject: Employee Handbook Update from the November 17th, Meeting

The Mayor and Council discussed the Draft Employee Handbook at the Workshop meeting of November 17, 2011. From the workshop meeting, the Mayor and Council discussed and recommended changes to the following pages correlating to the Employee Handbook handed out for the November workshop:

Page 12, 2.0 Employee classifications, we added a new 2.2 Essential Employees and the 2.2 Employee classifications became 2.3 and so on.

2.2 Essential Employees

Essential personnel shall be defined as employees who are required to carry on the operations of the Town during a disaster, inclement weather or other emergency. Given the small number of Town employees all are considered essential. Acceptance of essential employee duties is a condition of employment with the Town.

Department Heads will determine which employees are assigned or scheduled to maintain essential services. It shall be at the discretion of the Department Head to determine what positions within the department report first. If an employee fails to respond as required, the employee shall be subject to disciplinary actions up to and including dismissal and/or charged vacation leave for the period of the emergency.

Essential employees will be allowed to return to their homes and/or to seek safety outside the affected area if mandatory evacuations are anticipated or invoked. If the threat to personal safety increases and services are curtailed, essential personnel will be released from duty and instructed to seek safety. Every attempt will be made to provide ample time for shutdown and employee departure to protect the safety of employees and their families. All Employees will be issued a Town identification badge to facilitate access to the area post event.

Essential employees may be assigned to:

1. Complete preparations in advance of a known emergency such as predicted flooding or a hurricane, prior to release from work duties;
2. Remain at a safe and secure site during an emergency event, serving at the Town water plant, Emergency Operations Center, or Incident Command Post where established;
3. Relocate to remote locations to support continued operations or support services;
4. Shelters established for rapid response for post-storm recovery operations;
5. Other duties as may be required.

Page 16, 3.7 Salary: Effect of Promotions, Demotions, Transfers, and Reclassifications

Demotion now reads. When an employee is demoted to a position with a new salary range for which he is qualified and which was not a result of discipline, the Town Manager shall set the salary at the rate in the new pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the employee's existing salary is within the new range, the employee's salary may be retained at the previous rate if deemed appropriate by the Town Manager. If the demotion is the result of discipline, the salary shall be decreased in an amount commensurate with the infraction. Salaries of demoted employees may be no greater than the maximum of the new range. Annual evaluation date will not be changed due to demotion.

Page 17, Reclassification now reads. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the hiring rate of the new pay range, whichever is higher or the Town Manager, with approval of the Town Council, may set the salary at an appropriate rate in the range of the position to which the employee is reclassified. If the employee's position is reclassified to a class having a lower salary range, the employee's salary shall remain the same. If the employee's existing salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

3.8 Salary: Effect of Salary Range Revisions now reads

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the hiring rate of the new range, whichever is higher or the Town Manager, with approval of the Town Council, may set the salary at an appropriate rate in the range of the position to which the employee is qualified. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at the existing level until such time as the applicable salary range is increased to an amount above the employee's current salary.

Page 19, of 3.10 Standard Work Week and Overtime Pay Provisions [Fair Labor Standard Act], second paragraph from the Top now reads;

In determining overtime vacation, sick leave, or holidays leave shall not be included in the computation of hours worked.

Page 20, of 3.11 Business Travel Expenses now reads;

Expenses that generally will be reimbursed include the following:

- Reasonable cost of meals. Not to exceed the per diem set by the US joint travel regulations
- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi fares only when there is no less expensive alternative.
- Mileage costs for use of personal cars will be reimbursed at a rate set by Section 15.2-1508.1 of the Code of Virginia, only when a Town vehicle is not available.
- Cost of standard accommodation in low to mid-priced hotels, motels, or similar lodgings.
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.

Alcohol or entertainment expenses will not be reimbursed.

When travel is completed, employees must submit completed travel expense reports within three working days. Reports must be accompanied by receipts for all individual expenses. Expenses with no receipts will be paid by the employee. Any cash advance in excess of actual expenses incurred by and paid for by employee shall be reimbursed by employee within 5 working days of travel.

Employees shall contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Page 32, of 5.1 Flexible Work Schedule now reads;

The Department Head has authority to approve or deny the request based upon whether the employee's work will be completed in a timely manner and not be delayed due to flex time schedules; adequate coverage during normal business hours; effect on co-workers; attention to internal communication; and compliance with the FLSA's requirement for overtime for nonexempt employees for hours worked in excess of 40 hours per week; all criteria's above are subject to the approval of the Town Manager.

Page 33, 5.5 Employment of Relatives now reads:

The Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- a. Result in a relative supervising a relative; or
- b. Result in relatives occupying positions in the same line of authority; or
- c. Result in a relative auditing the work of a relative; or
- d. Create a conflict of interest; or
- e. Create the potential or perception of favoritism.

"Relative" in this Article 5.5 is defined as a spouse, sibling (brother, sister, step or half, natural or adopted), parent (mother or father, step, foster or legal guardian) or child of the employee.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.

Page 35, 5.10 Inclement Weather now reads:

Town departments will remain open during periods of inclement weather unless otherwise authorized by the Town Manager or his designee for delayed opening, early closing, or other deviation. The Town Manager will implement policies and procedures for delayed opening, early closing, or other deviations from normal operations. Department Heads will determine which employees are assigned or scheduled to maintain essential services.

Page 36, 5.12 Conflict of Interest now reads:

No Council member, officer or employee of the Town may receive any personal or private benefit resulting from the activities of the Town or from the receipt of the Town of funds from the State of Virginia, or from any other source, apart from reasonable compensation for services rendered and reimbursement for reasonable expenses incurred in the conduct of the business of the Town. Further, no Council member, officer, or employee of the Town shall obtain any direct or indirect economic stake in any entity participating in the programs of the Town, and the Town shall not employ any individual who owns a stake in such entity. The Town reserves the right to require any person who is in violation of this policy to elect to terminate their employment or relinquish any such benefit or economic stake.

It is the Town's policy to comply with the provisions of the Virginia conflict of interest act (§2.2-3100 – §2.23131). This policy is intended to comply with, not expand, the Town's obligations under the Act. This policy does not contain each and every right or requirement of the Act. To the extent anything in this Handbook conflicts with state law regarding conflict of interest act, state law applies.

Page 39, 6.2 Group Health and Hospitalization Insurance now reads:

Health care insurance is provided for each full-time employee after completion of 30 calendar days from the first day of employment or the earliest date thereafter as permitted by health insurance. Employees may elect to include coverage for his or her family members. Details of medical care coverage and benefits are outlined for each employee in a separate booklet entitled "Group Insurance Plan" that is provided by the health insurance carrier.

- a. Any employee (hired before January 1, 2012) who retires from the Town and is eligible for Medicare shall be reimbursed by the Town for his/her Medicare supplement premium for the remainder of his/her life not to exceed the Town's medical insurance premium for an individual employee. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents under the Health Insurance Company's plan. The employee will be responsible for the entire health insurance premium for his/her dependents.
- b. Any employee (hired before January 1, 2012) who retires from the Town and is not eligible for the medical supplement shall be eligible to continue his/her health insurance coverage with the Town. The Town will pay the premium for the employee's coverage. When the employee becomes eligible, Medicare supplement (B) will apply. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents under the Health Insurance Company's plan. The employee will be responsible for the entire health insurance premium for his/her dependents.
- c. The Town of Chincoteague will not continue health insurance coverage following retirement (as in "a" & "b" above) for employees hired on or after January 1, 2012. Employees hired on or after January 1, 2012 will be eligible for COBRA benefits through the health insurance carrier. See Article 6.8.

Page 47, 7.4 Holidays: Compensation now reads:

Holiday Pay

Full time employees that work 8-hour shifts will be paid for 8-hours of pay for each observed holiday. Full time employees that work 10-hour shifts or more will be paid for 10-hours of pay for each observed holiday. Generally, part time and temporary employees are not eligible for holiday pay. However, at the Town Manager’s discretion, a part time or temporary employee who works a 8-hour day the calendar day immediately before and a 8-hour day the calendar day immediately after the observed holiday may receive holiday pay.

Compensation When Work is Required on Holidays

At the discretion of the Town Manager, employees may be assigned to work on a regularly scheduled holiday.

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled, not to include overtime hours. Part time and temporary employees shall receive twice the regular hourly rate for the hours actually worked on the holiday, not to include overtime hours.

If an employee is engaged in shift work and if the regular work schedule requires the employee to work on a holiday, the employee shall receive regular pay for hours actually worked plus holiday pay or a subsequent day off as compensation for the holiday worked, not to include overtime hours.

An employee required to perform work on a regularly scheduled holiday who would normally be expected to observe the day off shall receive regular holiday pay plus 1.5 hours of the regular hourly rate for the hours actually worked on the holiday, not to include overtime hours. Employees not eligible to receive holiday pay will receive twice the regular hourly rate.

Departments with employees working a shift schedule shall compensate those employees for working on the “true” holidays rather than the Town designated holidays.

Page 49, 7.8 Vacation Leave: Maximum Accumulation / Carry Over now reads:

The maximum number of unused vacation hours that may be carried over from one calendar year to the next is:

Non Exempt Regular full-time employees	280 hours
Police Officers on Rotating Shifts	280 hours
EMT Personnel on 24-hour shifts	280 hours
Exempt Regular full-time employees	280 hours

Page 56, 7.19 Executive/Professional Administrative Leave now reads:

Note: current non-exempt positions shown above as exempt may be grandfathered.

Page 90, 14.2 Coverage of Personnel, B. has been struck out in its entirety.

Page 95, 14.6 Grievance Hearings, A. Rules for Hearing, number one has been changed to:

1. The grievance shall be heard by an administrative hearing officer. The administrative hearing officer shall be appointed by the executive Secretary of the Supreme Court of Virginia or by the Department of Employment Dispute Resolution, at the Town's discretion §15.2 -1507 A.10(a)(3) or §2.2-4024.

Page 116, Appendix III, Job Descriptions, We added on the top right of each job description NON EXEMPT or EXEMPT along with ESSENTIAL employee. Also, in each job description we added the requirement for FEMA - NIMS & ICS training.

Note: All Typos or small errors in the document have been fixed, but are not shown in this memorandum.

- * Please bring your copy of the Employee Handbook handed out in November for the discussion.