

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

January 7, 2013 - 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 3, 2012 (Page 2 of 29)
 2. Public Hearing on the Request to Vacate a Lot Line in Oyster Bay II (Mr. Ettinger) (Page 12 of 29)
 3. Virginia Saltwater Recreational Fishing Development Fund Resolution (Page 23 of 29)
 4. Update on the Schedule of the Down Town Project (Ms. Kat Edwards) (Page 24 of 29)
 5. Possible Donations to the following: (Page 25 of 29)
 - Eastern Shore Rural Health Dentistry Division
 - The Chincoteague Elementary School Beta Club
 6. Christmas Lights Judging Results (Page 26 of 29)
 7. Motion to approve the Trolley Operating Funds, Grant Application Resolution (Page 27 of 29)
 8. Downtown Restroom Force Main Connection (Page 29 of 29)
 9. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
 10. Closed Meeting in Accordance with Section 2.2-3711(A) (7) of the Code of Virginia.
 - Probable Litigation

ADJOURN:

MINUTES OF THE DECEMBER 3, 2012
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

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

CALL TO ORDER

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

INVOCATION

Councilman Taylor offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

A Junior Beta Member from Chincoteague Elementary & Middle Schools, read a letter to Council requesting a donation to the Junior Beta to help with the convention expenses.

Mayor Tarr asked Town Manager Ritter to put this matter on the next Council meeting agenda.

STAFF UPDATE

Planning Department

Town Planner Neville advised that the Planning Commission has been working with the Wastewater Advisory Committee on common issues of future development of the Town. He advised that the next meeting of the Planning Commission will be December 11th. They will be reviewing a downtown parking study. He also stated that the Wastewater Advisory Committee will be reviewing a map of the proposed Phase 1 sewer service area.. He added that Mr. Papadopoulos has been appointed to the County Planning Commission.

Councilman Taylor commented on the Fish & Wildlife Study. There was brief discussion.

Police Department

Chief Lewis reported that Saturday was their annual Toy-Run. He advised that the total raised for the kids this year was \$42,000. This will be used for the needy in the community.

Public Works

Public Works Director Spurlock reported that along with putting up Christmas decorations they are still cleaning up debris. The Town will collect debris on private roads and there is a contractor for debris collection on public roads. He stated that the Willow Street paving has been put on hold.

General Government

Town Manager Ritter reported that there were 62 EMS responses during November. He stated that the Rapid Sequence Innovation was put into place the first part of November. Town Manager Ritter congratulated EMS personnel. He also reported on the Downtown Rehabilitation on the east side of Main Street. He advised that they have 3 easements. They have submitted them to VDOT and should be able to get the bid out before Christmas. He stated that the Audit Report has been completed and Robinson, Farmer Cox will give an oral report to Council in January or February.

Town Manager Ritter also reported on the Broadband status. He stated that a request for proposal has been advertised in the Eastern Shore News for a wireless provider for the Eastern Shore Broadband. He also stated that the pilot program is successful to date. He stated that the General Government staff has been processing taxes, which are due December 21st. He advised that they have processed \$10,586 in taxes to date. He also asked for Council's input for the newsletter. He added that the evaluations have been completed.

Councilman Howard asked what the status of the pilot program was. He stated that no one has come by his house to hook up the internet as part of the pilot program.

Town Manager Ritter advised that they went to Councilman Howard's home and the receiver was unable to pick up the signal. He then stated that they will have to complete a plan to cover the entire island.

Councilwoman Richardson asked when the downtown would be completed.

Town Manager Ritter advised it will be completed by Memorial Day.

There was brief discussion about the easement and the request for proposals.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr asked Council to add item 8a) Resolution for the Virginia Saltwater Recreational Fishing Development Fund Authorization.

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the agenda adding item 8a) Resolution for the Saltwater Recreational Fishing Development Fund Authorization. Unanimously approved.

- 1. Consider Adoption of the Minutes**
 - Regular Council Meeting of October 1, 2012**

Councilman Howard motioned, seconded by Councilwoman Richardson to adopt the minutes of the regular council meeting of November 5, 2012. Unanimously approved.

2. Presentation by Eastern Shore Rural Health

Mayor Tarr welcomed Ms. Nancy Stern the CEO of Eastern Shore Rural Health.

Ms. Stern gave a PowerPoint presentation. She recognized Mr. Harry Deitch who is a board member. She also introduced Ms. Amy Bull who is the Director of Development. She advised that over the past 18 months 33,000 patients have looked to the E. S. Rural Health. She stated that there are dentists on the Island that are working as partners with them. She mentioned the other Community Health Centers. She advised that they have a federal grant that gives assistance with those unable to afford insurance. She also stated that they grew by 2,000 patients without insurance in a year. She stated that she hopes they can raise enough money to fund their programs.

Ms. Stern stated there are 53,000 unmet dental appointments due to the lack of dentists throughout Accomack County. She advised the residents just can't afford to see the dentist. 18% of those residents live below the poverty level compared to the state average of just over 10%. She stated that most employers don't offer dental insurance and due to the nature of the jobs on the Shore people can't get off work to see the dentist. There is also a lack of transportation and a language barrier. For those Accomack County residents that don't go to the dentist, there is a lack of routine care and they suffer with severe oral health issues.

Ms. Stern advised that they currently have dental units at Franktown Community Health Center in Northampton County and Pungoteague along with Metompkin elementary schools in Accomack County. They plan to add a state-of-the-art 7-chair dental wing at the new Atlantic Community Health Center along with a new dental team where both children and adults will be seen. Rural Health has also started an outreach program using portable dental equipment and is initially focused on Accomack County Public Schools. She explained the importance of good oral health. They are a Federally Qualified Health Center and non-profit practice with a mission to make comprehensive primary care accessible to all regardless of ability to pay.

Ms. Stern stated that in October 2010 the Health Resources and Services Administration awarded Rural Health a \$4.9 million grant to build and equip the new Atlantic Center. The grant alone will not cover the cost of the dental wing. They will finance the additional cost through grants and a capital campaign. She advised of the new center opening in March 2013 and stated that any contribution that the Town can give will help pay for the new wing and equipment along with a full-time dental team.

Councilman Taylor thanked Ms. Stern for her presentation and for the new facility.

Ms. Stern assured Council that they are here to stay and will continue to offer medical services on Chincoteague Island.

Mayor Tarr also thanked Ms. Stern. He asked Town Manager Ritter to put this matter on the agenda for January.

3. Authorize to Use Byrd Brothers, Inc. Emergency Services for Storm Debris Management.

Public Works Director Spurlock introduced Mr. Carl Davis who is the managing contractor with VDEM. He advised that VDEM recommended them.

Mr. Davis stated that they have done a windshield assessment and see roughly 15,000 - 20,000 yards of debris left for collection. He described the equipment and stated that the trucks they use will hold 100 – 150 yards of debris. He advised they are preparing to begin collections tomorrow and should be completed before Christmas. He explained that they are planning to place the debris at the Curtis Merritt Harbor where it will be chipped.

Councilman Howard asked if they were going to make mulch.

Mr. Davis stated that they grind it into 1” pieces and will haul it to Pocomoke where they will recycle it.

Councilman Howard liked this idea as it will prevent waste.

Mayor Tarr asked how many times they will be going by residences.

Public Works Director Spurlock advised that a public service announcement was put out about 2 weeks ago and they intend to do one pass and then a second pass. He stated that they would like to start the collection process tomorrow with Council’s permission this evening. He added that they would immediately get out another public service announcement to let them know the first pass was completed and at that time give the date of the start second pass. He stated that the limit to the regular brush collection is 1 pickup truck.

Mayor Tarr feels there’s a little confusion and asked to notify the public.

Public Works Director Spurlock stated that there has been some collection prior to the contractor. He stated that FEMA reimburses 75%, VDEM reimburses 18% and the Town pays the difference. He advised the total cost is \$280,000.

Mr. Davis discussed the issues with stumps.

Councilman Howard asked if there was a size limit to what can be put out.

Mr. Davis stated that with the equipment they have if it fits in the truck it can be picked up.

Public Works Director Spurlock advised that he would put a reverse 911 out tomorrow and if Council will give permission they will begin tomorrow. He added that the collection is for “public right-of-ways” not private property.

Councilman Taylor motioned, seconded by Councilman Howard to authorize Public Works Director Spurlock to hire and oversee the work of the Byrd Brothers, Inc. for storm debris management. Unanimously approved.

4. Mariners' Point Boy Scout Service Project

Mr. Barry Abell gave a PowerPoint presentation about the Chincoteague Island Waterman's Memorial. He gave history of the S.S. Marine Electric which sunk on February 12, 1983 off the coast of Chincoteague where 33 men were lost and only 3 survivors. On January 18, 2006 a fishing vessel overturned, 2 were rescued and one died.

Mr. Abell showed pictures of a Fisherman's Memorial in Gloucester, Massachusetts. He read the mission statement which is to design and build a man-size bronze statue with a full granite base dedicated to all watermen, their families and those lost at sea. He suggested naming the statue "The Chincoteague Island Waterman's Memorial". It will be a place to gather and remember the names of men and women who were lost at sea from Chincoteague, the Chincoteague Naval Air Station and the communities surrounding the immediate area. He would like to establish an organization dedicated to establish, fund and maintain the memorial.

Mr. Abell stated that they would like to set the budget goal of \$60,000. He also stated that he has built a boat for a raffle to raise money. He's been selling raffle tickets since the Oyster Festival. He gave credit to Mr. George Bowden, Herb Jester, Charles Ralph Turlington, Louis Hancock and Shreves Wimbrow for their input and wisdom during the planning and building of the boat. He gave a list of donors for the motor and trailer which totaled \$7,500. He also mentioned the sponsors and partners for the memorial.

Mr. Abell reported on the naval personnel that were lost at sea also. He stated that on April 26, 1956 a Washington Panther jet was headed to Kill Devil Hill, NC and went down in the ocean just off of Chincoteague. He added that Lieutenant Alan Montgomery Gunn, 24 went missing. The Watermen have a statue that was donated by Hap Hagood. He also stated they would like to put up a 50' Christian Cross at the Harbor. The Boy Scouts, Troop 323 will be completing the work as part of their community service projects and this will be Phase 1 of the Chincoteague Island Waterman's Memorial. He stated they are getting enormous support from the community, businesses and the Eastern Shore. He showed pictures of the Christian Cross and Compass Rose.

Mr. Abell informed Council that A &N Electric Cooperative based out of Tasley donated, delivered and unloaded 5 wooden poles to the Memorial site overlooking the Inlet. He gave the names of those involved, Mr. Bernie Hastings, Mr. Matt Jones, Mr. Kenny Thornton of ANEC and Mr. Ricky Betts of Verizon. He continued to show the plans.

Mr. Abell explained the list of what they needed from the Town: Personnel to dig the foundation, a crane to lift the cross, 3 yards of concrete, 1 ton of crusher run, bolts and cable, paint, preservative and miscellaneous items which would cost approximately \$1,122.00.

Councilwoman Richardson asked when they needed the hole dug for the cross.

Mr. Abell stated that if it can be dug next week it can be up by Christmas.

Mayor Tarr congratulated Mr. Abell for taking this project on. He asked Town Manager Ritter to put this item on the agenda for January also.

5. Harbor Committee Report of November 8, 2012

Vice Mayor Leonard reported that there were discussions of putting in a self-service ice vending machine at the Harbor. He advised that there were a couple of boats that came into the Harbor during Hurricane Sandy.

Councilman Howard asked if the concrete pad was already there.

Vice Mayor Leonard advised that if there is a pad there it's for the drink machines.

There was further discussion.

6. Recreation & Community Enhancement Committee Report of November 13, 2012

Councilman Jester reported that they have conducted a Park inventory. This was done to see what other additions they can make to the parks provided there is funding. He stated that there was an idea to build a platform for a stage adjacent to the pavilion at the Robert N. Reed, Sr., Downtown Waterfront Park. He stated that they suggested putting benches at the Island Activity Center for spectators. He also stated that they discussed parking in the downtown area. He spoke with the Kiwanis to possibly use their parking after hours using signs to show the hours of operation for the Community Health Center.

They will need a memorandum of agreement with the Kiwanis.

There was discussion about the possibility of a floating dock for kayak launching at the Chincoteague Veteran's Memorial Park.

7. Committee/Commission Appointments and Recommendations

- **Building Code of Appeals**
- **Curtis Merritt Harbor Committee**
- **Planning Commission**
- **Recreation & Community Enhancement Committee**

Mayor Tarr reviewed the Boards and Committees that had expired terms. He asked Council if they were prepared to make nominations.

Mayor Tarr stated that there is an expired term for for the Building Code Board of Appeals. He advised that Mr. Tolbert has expressed his interest in reappointment. He opened the floor for nominations for the Building Code Board of Appeals.

Councilwoman Richardson nominated Mr. Mike Tolbert to continue another term on the Building Code Board of Appeals.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that there is an expired term on the Curtis Merritt Harbor of Refuge Committee. He advised that Mr. Bowden has expressed his interest in serving another term on

this Committee. He opened the floor for nominations for the Curtis Merritt Harbor of Refuge Committee.

Councilman Howard nominated Mr. Ernie Bowden to serve another term on the Curtis Merritt Harbor of Refuge Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised there are two terms open on the Planning Commission. He opened the floor for nominations for one of the two terms open on the Planning Commission.

Councilwoman Richardson nominated Mr. Steve Katsetos to serve another term on the Planning Commission.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr opened the floor for nominations for the 2nd seat for another term on the Planning Commission.

Councilman Howard nominated Mr. Mike Dendler to serve another term on the Planning Commission. Unanimously approved.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that there are two seats open for the Recreation and Community Enhancement Committee.

Mayor Tarr opened the floor for nominations for one of the two seats open for the Recreation and Community Enhancement Committee.

Councilwoman Richardson nominated Mr. Bob Conklin to serve another term on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr opened the floor for nominations for the second seat on the Recreation and Community Enhancement Committee.

Councilwoman Richardson nominated Mr. Jack Van Dame to serve another term on the Recreation and Community Enhancement Committee.

Mayor Tarr closed the nominations and called for a vote. Unanimously approved.

Mayor Tarr advised that Town Attorney Poulson has submitted the order to the judge for appointment.

8. Discuss Retaining the Lobbyist for Additional 6 Months

Town Manager Ritter advised that during the budget hearings Council approved to hire the lobbyist for 6 more months. He is recommending retaining the lobbyist for an additional 6 months. He added that Council will review this matter again at the next budget hearings.

Councilman Howard feels that it isn't fair that the County hires this firm using the Town's Transient Occupancy Tax and the Town doesn't benefit.

Councilman Jester feels that Mr. Catron is a valuable asset.

There was discussion about the CCP and the work Mr. Catron has done for the Town.

Councilman Muth mentioned that the Town should utilize the lobbyist for representation at the General Assembly. He feels that there should be an agenda from the Town for other needs.

Mayor Tarr requested consulting staff about issues for the lobbyist.

Councilwoman Richardson motioned, seconded by Councilman Muth to retain the Lobbyist for an additional 6 months. Unanimously approved.

8a. Virginia Saltwater Recreational Fishing Development Fund Authorization

Town Manager Ritter advised these are funds given from the Saltwater Fishing & Recreation Grant for the concrete fender for the old bridge. He stated that the resolution would authorize him to sign the contract to receive the funds.

Mayor Tarr asked for the total dollar amount.

Town Manager Ritter advised it is \$103,028. He added that they are hoping they will get help from ANEC.

Mayor Tarr mentioned the matching funds.

Town Planner Neville stated that they spoke with ANEC about the costs of the lights. He mentioned the estimates of \$80,000 for the poles.

Town Manager Ritter stated that the total grant amount is \$129,083.

There was lengthy discussion about the Town's match, lighting and details of the project.

Mayor Tarr asked Town Manager Ritter to put this item on January's agenda as Council needs more information and time.

9. Causeway Sign Request

Chief Lewis asked Council's permission to put a sign on the Causeway. He stated that the Police Department had a sign on Rt. 175, but, it was damaged in the storm. He advised that they intend to match the style of the current signs. He advised that to replace the sign it will cost over \$1,000 to be paid from the Police Department funds. He stated that to rent, through Chesapeake Signs, is \$1,100 per year.

There was discussion.

Councilman Taylor recognized the Police Department for what they do for the community and motioned, seconded by Vice Mayor Leonard to approve a Causeway sign for the Chincoteague Police Department. Unanimously approved.

10. Mayor & Council Announcements or Comments

Councilman Taylor thanked everyone for their cooperation during the storm along with debris removal. He also thanked the Police Department for helping families at Christmas.

Councilman Muth requested that written staff reports should be provided in advance of each Council meeting.

Councilman Jester requested seeing a draft calendar before it's published. He commended all the organizations for the parade. He commended town employee, Mr. Donnie Thornton, for sweeping up the candy after the parade.

Town Manager Ritter wished everyone a Merry Christmas and Happy New Year. He reminded Council of the Public Safety Committee meeting scheduled for 5:00 p.m. on December 4th, and the Planning Commission will meet on the 11th at 7:00 p.m. He also stated that there is a BZA meeting on the 13th.

Mayor Tarr stated that the Christmas light judging will be December 20th wasn't on the calendar.

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

• Personnel Matters

Councilman Howard motioned, seconded by Vice Mayor Leonard to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Councilman Jester motioned, seconded by Councilman Muth to reconvene in regular session. Unanimously approved.

Councilman Jester 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.

VOTE: Ayes- Leonard, Jester, Muth, Howard, Richardson, Taylor

Nays- None

Absent- None

Adjourn

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

Mayor

Town Manager

MEMORANDUM

To: Robert Ritter, Town Manager
From: Kenny L. Lewis, Zoning Administrator
Date: December 13, 2012
Subject: Request to Vacate Subdivision Lot Line
Phillip Ettinger & Oyster Bay II

Mr. David Rowen, P. C. agent for Phillip Ettinger has submitted a request to vacate (relocate) a line on N. Hibiscus Drive.

The lot line to be vacated (relocated) is located between Parcels 031B1-12-230 & 231.

I have reviewed the attachments and have found no violations of current zoning.

Please advise of the date for this public hearing so I can notify Mr. Rowen when to advertise in the local newspaper.

David W. Rowan, P.C.

A Professional Corporation

Attorney at Law

23279 Courthouse Avenue · Post Office Box 561

Accomac, Virginia 23301

E-mail: dwrpc@visi.net

Admitted to practice in Virginia,
Maryland and the District of Columbia

Office: 757-302-1375
Fax: 757-302-1377

December 12, 2012

Kenny Lewis, Zoning Administrator
Town of Chincoteague
6150 Community Drive
Chincoteague, VA 23336

**Re: Vacation of Property Lines
Lot 230 an Lot 231, Oyster Bay II**

Dear Mr. Lewis:

Per your request, enclosed please find two originals of the ordinance vacating the property lines of the above-noted lots and a clean copy of the proposed ad.

I understand Jeff Potts will be bringing you the signed plat for your review and signature.

Please call me if you need anything further.

Sincerely yours,



David W. Rowan

DWR/lc

Enclosures

**AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT
PURSUANT TO §15.2-2272.2**

WHEREAS, Oyster Bay II Community Property Owners Association (“OB II”) is the owner of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 230 (Tax Map No.: 031B11200023000) on a certain Plat of Survey entitled “Oyster Bay Community, Section II, Subdivision D” dated May 4, 1972, prepared by Richard L. Bartlett and Associates, which plat is recorded with a certain deed dated June 26, 1972 between First Chincoteague Corporation and Joseph A. Giardina, et al., which plat is recorded in the Clerk’s Office of the Circuit Court for Accomack County, Virginia in Deed Book 318, at page 483, said plat being recorded on page 494. (the “Original Plat”); and

WHEREAS, Phillip P. Ettinger (“Ettinger”) is the owner of a certain parcel of real estate situated in the Town of Chincoteague shown as Lot 231 (Tax Map No. 031B11200023100) on the above-mentioned Original Plat; and

WHEREAS, Lot 230 and 231 are further shown on a Plat of Survey entitled “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493 [SIC]) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”, dated December 2, 2012, made by Shoreline Surveyors and certified on December 6, 2012 by Michael A. Starling, Land Surveyor, (the “Boundary Line Adjustment Plat”) which Plat is attached hereto and made a part hereof; and

WHEREAS, OB II and Ettinger have requested that the line shown on the Original Plat as “N 52° 07’ 42 ”E dividing Lot 230 and Lot 231 be vacated and such property line be relocated as shown on the Boundary Line Adjustment Plat as “Property Lines Hereby Established”; and

WHEREAS, the purpose of this vacation and relocation of property line is to bring the improvements presently located on Lot 231 into compliance with the setback provisions applicable to said lot. Notwithstanding the relocation of the property lines, both Lot 230 and Lot 231 will continue to be conforming lots under the Zoning and Subdivision Ordinances of the Town of Chincoteague; and

WHEREAS, all notice requirements of §15.2-2204 have been complied with, and

WHEREAS, the governing body affirmatively finds that no owner of any lot shown on the Original Plat will be irreparably damaged by the vacation and relocation of said property line.

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the “N 52° 07’ 42” E line between Lot 230 and Lot 231 shown on the Original Plat be vacated and that the new property line of Lot 230 and Lot 231 in the place and stead of the property line is so vacated, shall be as follows:

Beginning from a point at the southern corner of Lot 230 on the Northeast right-of-way of Hibiscus Drive (60’ R/W), thence N 46° 01’ 35” E 140.23 feet to a pin; thence S 43° 56’ 25” E 33.23 feet to a pin; thence N 52° 06’ 55” E 28.30 feet to a pin on the Northeast line of Lot 231; all as more particularly shown on the plat entitled “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493 [SIC]) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”, dated December 2, 2012, made by Shoreline Surveyors and certified on December 6, 2012 by Michael A. Starling, Land Surveyor.

2. That as a result of the aforesaid vacation and relocation of the property line, OB II and Ettinger shall execute and record a deed of exchange conveying the necessary portions of each lot to each other so as to fully vest title to each party in their respective lot as contemplated hereby.

3. That this Ordinance shall have no legal effect until conveyance and recordation of said deed of exchange.

4. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia.

Ayes:

Nays:

Approved as of _____, 2013

, Mayor

COMMONWEALTH OF VIRGINIA
COUNTY OF ACCOMACK, to-wit:

I, _____, a notary public for the City/County and State aforesaid, do certify that _____, Mayor of the Town of Chincoteague, Virginia, whose name is signed to the foregoing instrument, has acknowledged the same before me in my City/County aforesaid this ___ day of _____, 201__.

NOTARY PUBLIC

[Seal]

Printed Name of Notary Public

Notary Public Registration Number

My Commission expires: _____

Prepared by:
David W. Rowan, PC
VSB # 25810

**AN ORDINANCE VACATING A PART OF A SUBDIVISION PLAT
PURSUANT TO §15.2-2272.2**

WHEREAS, Oyster Bay II Community Property Owners Association (“OB II”) is the owner of certain real estate situated in the Town of Chincoteague, Accomack County, Virginia, shown as Lot 230 (Tax Map No.: 031B11200023000) on a certain Plat of Survey entitled “Oyster Bay Community, Section II, Subdivision D” dated May 4, 1972, prepared by Richard L. Bartlett and Associates, which plat is recorded with a certain deed dated June 26, 1972 between First Chincoteague Corporation and Joseph A. Giardina, et al., which plat is recorded in the Clerk’s Office of the Circuit Court for Accomack County, Virginia in Deed Book 318, at page 483, said plat being recorded on page 494. (the “Original Plat”); and

WHEREAS, Phillip P. Ettinger (“Ettinger”) is the owner of a certain parcel of real estate situated in the Town of Chincoteague shown as Lot 231 (Tax Map No. 031B11200023100) on the above-mentioned Original Plat; and

WHEREAS, Lot 230 and 231 are further shown on a Plat of Survey entitled “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493 [SIC]) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”, dated December 2, 2012, made by Shoreline Surveyors and certified on December 6, 2012 by Michael A. Starling, Land Surveyor, (the “Boundary Line Adjustment Plat”) which Plat is attached hereto and made a part hereof; and

WHEREAS, OB II and Ettinger have requested that the line shown on the Original Plat as “N 52° 07’ 42 ”E dividing Lot 230 and Lot 231 be vacated and such property line be relocated as shown on the Boundary Line Adjustment Plat as “Property Lines Hereby Established”; and

WHEREAS, the purpose of this vacation and relocation of property line is to bring the improvements presently located on Lot 231 into compliance with the setback provisions applicable to said lot. Notwithstanding the relocation of the property lines, both Lot 230 and Lot 231 will continue to be conforming lots under the Zoning and Subdivision Ordinances of the Town of Chincoteague; and

WHEREAS, all notice requirements of §15.2-2204 have been complied with, and

WHEREAS, the governing body affirmatively finds that no owner of any lot shown on the Original Plat will be irreparably damaged by the vacation and relocation of said property line.

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the “N 52° 07’ 42” E line between Lot 230 and Lot 231 shown on the Original Plat be vacated and that the new property line of Lot 230 and Lot 231 in the place and stead of the property line is so vacated, shall be as follows:

Beginning from a point at the southern corner of Lot 230 on the Northeast right-of-way of Hibiscus Drive (60’ R/W), thence N 46° 01’ 35” E 140.23 feet to a pin; thence S 43° 56’ 25” E 33.23 feet to a pin; thence N 52° 06’ 55” E 28.30 feet to a pin on the Northeast line of Lot 231; all as more particularly shown on the plat entitled “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493 [SIC]) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”, dated December 2, 2012, made by Shoreline Surveyors and certified on December 6, 2012 by Michael A. Starling, Land Surveyor.

2. That as a result of the aforesaid vacation and relocation of the property line, OB II and Ettinger shall execute and record a deed of exchange conveying the necessary portions of each lot to each other so as to fully vest title to each party in their respective lot as contemplated hereby.

3. That this Ordinance shall have no legal effect until conveyance and recordation of said deed of exchange.

4. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of Council is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia.

Ayes:

Nays:

Approved as of _____, 2013

, Mayor

COMMONWEALTH OF VIRGINIA
COUNTY OF ACCOMACK, to-wit:

I, _____, a notary public for the City/County and State aforesaid, do certify that _____, Mayor of the Town of Chincoteague, Virginia, whose name is signed to the foregoing instrument, has acknowledged the same before me in my City/County aforesaid this ___ day of _____, 201__.

NOTARY PUBLIC

[Seal]

Printed Name of Notary Public

Notary Public Registration Number

My Commission expires: _____

Prepared by:
David W. Rowan, PC
VSB # 25810

NOTICE OF PUBLIC HEARING

The Chincoteague Town Council will hold a Public Hearing commencing at 7:00 PM on January 7, 2013, in the Council Chambers of the Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia, to afford interested parties the opportunity to be heard or present written comments concerning the following proposed Ordinance to vacate and relocate a property line of a recorded plat of subdivision in the Town of Chincoteague, Accomack County, Virginia.

AN ORDINANCE TO VACATE AND RELOCATE A PART OF A RECORDED PLAT OF SUBDIVISION IN THE TOWN OF CHINCOTEAGUE, ACCOMACK COUNTY, VIRGINIA.

WHEREAS, the governing body of a municipality may vacate part of a recorded plat after the sale of a lot shown on said plat pursuant to Section 15.2-2272 (2) of the Code of Virginia of 1950, as amended; and

WHEREAS, an Application has been filed by Phillip Ettinger and the Oyster Bay II Community Property Owners Association to vacate and relocate part of a recorded plat of subdivision in the Town of Chincoteague entitled "Oyster Bay Community, Section II, Subdivision D" dated May 4, 1972, prepared by Richard L. Bartlett and Associates, which plat is recorded with a certain deed dated June 26, 1972 between First Chincoteague Corporation and Joseph A. Giardina, et al., which plat is recorded in the Clerk's Office of the Circuit Court for Accomack County, Virginia in Deed Book 318, at page 483, said plat being recorded on page 494. WHEREAS, the basis of said vacation is that:

1. The property line between Lots 230 and 231 is a property line between lots owned by Oyster Bay II Community Owners Association and Phillip Ettinger, respectively.

2. That the said Oyster Bay II Community Owners Association and Phillip Ettinger desire to vacate the original boundary line between the two lots and substitute in lieu thereof a new boundary line, all as shown on that plat entitled “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”, dated December 2, 2012, made by Shoreline Surveyors and certified on December 6, 2012 by Michael A. Starling, Land Surveyor, a copy of which is attached hereto as **Exhibit “A”** and incorporated herein by specific reference thereto.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE:

1. That the part of the first-mentioned plat entitled “Oyster Bay Community, Section II, Subdivision D” showing a property line as hereinabove described, between Lots 230 and 231 be, and hereby is vacated.

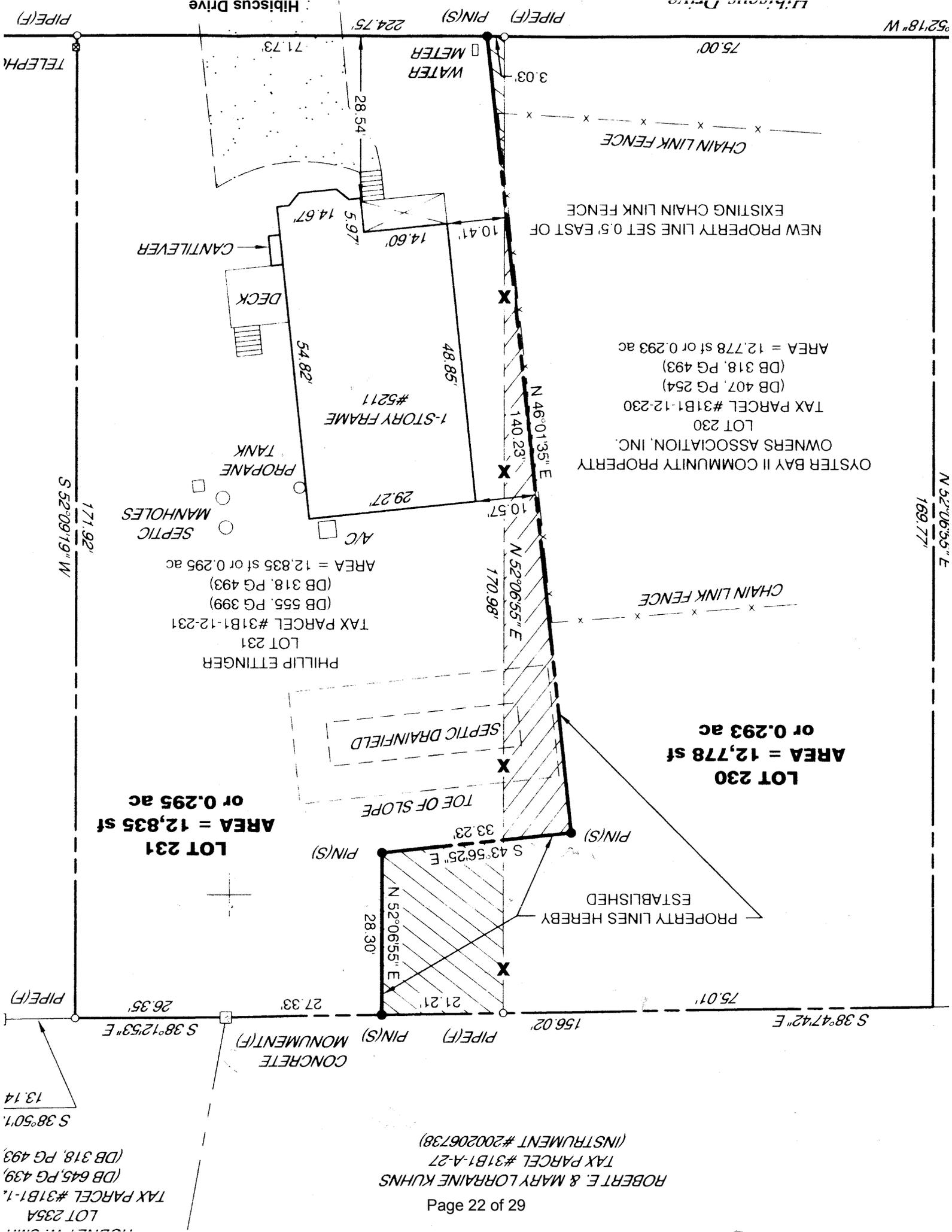
2. That the new boundary line between Lots 230 and 231 shall be as shown on the aforementioned “Boundary Line Adjustment of Lot 230 & 231 Oyster Bay Community Section II – Subdivision “D” (Deed Book 318, Page 493) Tax Parcels #031B11200023000 & #031B11200023100, Town of Chincoteague, Accomack County, Virginia for Phillip Ettinger”.

3. That certified copy of this Ordinance be recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia.

That the effective date of the Ordinance shall be upon adoption by the Town Council for the Town of Chincoteague.

Handicapped assistance available by calling 757/336-6519.

Robert G. Ritter
Town Manager
Town of Chincoteague



PIPE(F) TELEPH. 52°18' W
 S 52°09'19" W 171.92'
 S 38°50'1" 13.14'
 S 38°12'53" E 26.35'
 S 38°47'42" E 75.01'
 S 38°12'53" E 27.33'
 S 43°56'25" E 33.23'
 S 38°47'42" E 156.02'
 S 52°06'55" E 28.30'

224.75'
 71.73'
 28.54'
 5.97'
 14.67'
 14.60'
 10.41'
 10.57'
 170.98'
 140.23'
 10.57'
 29.27'
 48.85'
 54.82'
 14.60'
 10.41'
 10.57'
 170.98'
 33.23'
 21.21'
 27.33'
 26.35'

PIPE(F) PIN(S) WATER METER 3.03'
 CHAIN LINK FENCE
 NEW PROPERTY LINE SET 0.5' EAST OF EXISTING CHAIN LINK FENCE
 OYSTER BAY II COMMUNITY PROPERTY OWNERS ASSOCIATION, INC.
 LOT 230
 TAX PARCEL #31B1-12-230
 (DB 407, PG 254)
 (DB 318, PG 493)
 AREA = 12,778 sf or 0.293 ac
 CHAIN LINK FENCE
 PHILLIP ETTINGER
 LOT 231
 TAX PARCEL #31B1-12-231
 (DB 555, PG 399)
 (DB 318, PG 493)
 AREA = 12,835 sf or 0.295 ac
 SEPTIC DRAINFIELD
 TOE OF SLOPE
 ESTABLISHED PROPERTY LINES HEREBY
 CHAIN LINK FENCE
 N 46°01'35" E 140.23'
 N 52°06'55" E 170.98'
 S 43°56'25" E 33.23'
 N 52°06'55" E 28.30'
 S 38°47'42" E 156.02'
 S 38°12'53" E 26.35'
 S 38°47'42" E 75.01'
 S 52°06'55" E 170.98'
 N 46°01'35" E 140.23'
 N 52°06'55" E 170.98'
 S 43°56'25" E 33.23'
 N 52°06'55" E 28.30'
 S 38°47'42" E 156.02'
 S 38°12'53" E 26.35'

LOT 235A
 TAX PARCEL #31B1-1
 (DB 645, PG 439)
 (DB 318, PG 493)

ROBERT E. & MARY LORRAINE KUHN
 TAX PARCEL #31B1-A-27
 (INSTRUMENT #200206738)



VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND AUTHORIZING RESOLUTION

WHEREAS, under the provisions of the VIRGINIA SALTWATER RECREATIONAL FISHING DEVELOPMENT FUND, funding assistance is available to aid in financing the cost of development of saltwater fishing facilities; and

WHEREAS, the Town of Chincoteague considers it in the best public interest to develop portions of the historic Chincoteague bridge structure as a recreational fishing pier;

NOW, THEREFORE, BE IT RESOLVED that;

1. The Town is committed to operate the facility for its intended purpose for 30 years;
2. The Town will be responsible for law enforcement and patrol of the facility;
3. The Town understands that it is responsible for maintenance and/or capital improvement of the facility and that a fee may be approved by the Recreational Fishing Advisory Board to offset the cost;
4. The Town understands that if a fee is to be charged, holders of Virginia Saltwater Recreational Fishing Licenses will receive a discount from facility fees;
5. The Town will abide by all construction, reporting, usage restrictions and maintenance requirements of the VMRC Facility Grant Provisions;
6. The Town Manager is authorized to sign the Virginia Saltwater Recreational Fishing Development Fund grant contract after counsel review.

This resolution was adopted by the Chincoteague Town Council during the meeting held the 7th day of January, 2013, at the Council Chambers, 6150 Community Drive, Chincoteague Island, 23336.

Signed and approved by the following authorized representative:

Robert G. Ritter, Town Manager



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
EMAIL: anpdc@anpdc.org • WEBSITE: www.a-npdc.org

MEMORANDUM

TO: Mayor and Council

FROM: Kat Edwards
Director of Housing Services

SUBJECT: Streetscape Enhancement Project

DATE: January 2, 2013

I spoke with our project representative at VDOT just before Christmas for a status update. They have received the Town's request for right-of-way authorization. The engineer has reviewed the project scope and done some value engineering and submitted a revised cost estimate that is within VDOT limits. There are still a number of things that must be done on VDOT's end before we can put the project out to bid.

This is the BEST CASE SCENARIO that VDOT gave me on Friday.

- Earliest possible bid date February 17th
- Advertise for 3 weeks
- Pre-bid conference held
- Bid opening March 11
- FWHA approval of the bid could take an additional 3 weeks.
- Pre-construction conference held
- Notice to Proceed issued first week in April

That would mean if everything went smoothly and took the minimum time projected, we couldn't start construction until early to mid-April. There is no way that we could be complete before Memorial Day. Last year we started construction the first week in March and we were not complete until after the first week in June. This phase is longer and extends to Cleveland Street. An April start could have a significant negative impact on the downtown economy because construction would continue into June.

Other options are:

1. Bid in the spring with a start date after Labor Day
 - Plus side – makes it seem like the project is moving forward
 - Down side – Bidders are likely to pad the pricing because they can't predict what prices will be in the fall
2. Bid the project in July or August with a start date after Labor Day
 - Plus side – pricing should be more accurate
 - Down side - makes it seem like the project is not moving forward

We are well within VDOT's time frame for project completion even if construction doesn't start till fall. There will be no repercussions from that standpoint.





MEMORANDUM
Town of Chincoteague Inc.

Date: January 2, 2013
To: Mayor Tarr and Town Council Members
Thru: Robert Ritter, Town Manager
From: Karen Hipple
Subject: Donations

The Town budgeted \$6,600 for donations in the FY'13 budget. To date, the Town has donated \$3,200 towards the Museum, Youth Soccer League, Chincoteague Elementary School PTA and the Christmas Parade. There is \$2,750 in committed donations which have not paid to date, Fireworks (\$1,500), Little League (\$250), After-Prom (\$250), Star Transit (\$500) and Youth Football (\$250). Therefore, \$650 remains uncommitted in donations at this time.



2012 WINNERS OF THE ANNUAL CHRISTMAS DECORATIONS:

Judges Choice *

Mr. & Mrs. Billy W. Birch
7079 Bunting Road

Most Festive *

Mr. & Mrs. Ernest Dale Holston
7236 Olga Drive

Most Themed *

Mr. & Mrs. Alfred Johnson
3510 Ridge Road

Most Traditional *

Mr. & Mrs. Richard Betts
6317 Church St

Honorable Mention

Mr & Ms Homer Cherrix
6520 Church Street

Ms. Margaret Nichols
4471 Main Street

Mr. & Ms. Kenneth Barrett
6250 Circle Drive

* 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 2014 beginning 10/1/2013**

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 \$79,500.00 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 Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of The Town of Chincoteague Inc., on the 7th day of January, 2013.

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



**Resolution Authorizing the Application for
State Aid to Public Transportation for
Fiscal Year 2014 beginning 10/1/2013**

Suggested motion to approve an Operating Funds Grant application for trolley service beginning 10/1/2013 and ending 9/30/14 (FY14)

Motion: To approve the resolution dated January 7, 2013 for the fiscal year ending on September 30, 2014 (FY14) authorizing Robert G. Ritter to apply for a grant to the Virginia Department of Rail and Public Transportation for \$79,500.00 to defray operating cost for the “the Pony Express”. The Town of Chincoteague will be responsible for matching funds of \$23,000.00.



MEMORANDUM
Town of Chincoteague Inc.

Date: January 3, 2013
To: Mayor Tarr and Town Council Members
Thru: Robert Ritter, Town Manager
From: Harvey Spurlock
Subject: Downtown Restrooms Force Main Connection

The attached quotation for connecting the downtown restrooms to the Sunset Bay Utilities force main was received from Bundick Well and Pump. Total cost for all required labor and materials is \$15,900. Bundick is the only certified E One installer to quote the work.

On January 2, 2013, the Public Works Committee met to discuss the above mentioned force main connection and voted unanimously to recommend to the full Council the approval of the Downtown restroom force main connection project to Budick Well and Pump for \$15,900.

I recommend the contract be awarded to Bundick Well and Pump for \$15,900.