

**CHINCOTEAGUE TOWN COUNCIL  
REGULAR MEETING  
A G E N D A**

April 15, 2021 - 5:00 P.M. - Council Chambers - Town Municipal Center

- |  |               |        |
|--|---------------|--------|
| 1. Call to Order   | Mayor Leonard |        |
| 2. Invocation  |               |        |
| 3. Pledge of Allegiance  | Mayor Leonard |        |
| 4. Public Comment  | Mayor Leonard |        |
| 5. Agenda Adoption   | Mayor Leonard |        |
| 6. Review of State of Emergency  | Mr. Rush      |        |
| 7. Presentation of Updated Emergency Operations Plan   | Mr. Rush      | Pg. 2  |
| 8. Consider Modification to Elevated Tank Painting Contract  | Mr. Tolbert   | Pg. 3  |
| 9. Consider Smith Street Deed of Gift  | Mr. Tolbert   | Pg. 5  |
| 10. FY22 Budget Workshop 4 <sup>th</sup> Draft   | Mr. Bott      |        |
| 11. Consider Public Hearing Advertisement for FY22 Budget  | Mr. Tolbert   | Pg. 10 |
| 12. Closed Meeting in Accordance with §2.2-3711 (A) (5) of the Code to discuss a prospective business: |               |        |
| 13. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia:         |               |        |
| 14. Mayor & Council Announcements  | Mayor Leonard |        |
| 15. Adjourn  |               |        |

**Agenda Item #7: Revised Emergency Operations Plan**



To: Mayor Leonard and Town Council

From: Mike Tolbert, Town Manager

Date: April 12, 2021

Re: Review of Emergency Operations Plan

The required review and update of the Emergency Operations Plan has been completed and is presented here for your review and comment. The Review Committee organized and directed by EMS Director Bryan Rush has met several times over the last few months to accomplish the review. Bryan will attend the meeting to give the Council a brief update on the review.

Council is asked to review the updated plan with an intended final approval of the plan to be at the June regular Council Meeting.

Due to the length of the plan, it will be distributed electronically, via email if possible.

**Agenda Item #8: Modification to Elevated Tank Painting Contract**



To: Mayor Leonard and Town Council

From: Mike Tolbert, Town Manager

Date: April 12, 2021

Re: Contract Modification

The Public Works Committee at its April 6 meeting approved an estimate to paint the ground water storage tank at the water plant on Willow Street. The tank must be taken out of service during the work as condensation will prevent proper adhesion of the coatings to the metal surface. It is desirable therefore, to complete the work prior to the start of the busy summer season or delay the project until later in the Fall.

The current year budget allocates \$80,000 for this capital project. Harvey was able to negotiate a price of \$39,080 for the work completed this year. At its April 6 meeting, the Public Works committee elected to proceed with the work this year rather than wait for the Fall when the price will most certainly increase.

The funds for this project would be withdrawn from the general fund if available. If for some reason, the general fund balance is insufficient for the project, the water reserve fund would be used and replaced after July 1 with the expected water fund surplus from FY22. In either case if ARPA funds are available I would recommend that we take advantage of that opportunity to either to pay for the work or to reimburse the general fund or reserve account, whatever the ARPA guidance would allow.

Council is asked to approve this modification to the existing Elevated Tank Painting Contract with D&M Painting increasing the contract value by \$39,080.00.

To: Stephanie Holland, General Manger, D&M Painting  
Re: Modification to Contract# 1-WTR-20  
April 16, 2021

Ms. Holland,

Be advised the subject contract is hereby modified as follows:

**Scope:** Expand scope of work to include prep/painting of the Willow Street 1 Mg groundwater storage tank.

Services shall include:

- Power washing with spinner tip and Chlorid,
- Power tooling rusted areas,
- Spot priming rusted areas with Carboguard 635,
- Application of one full coat of Carbothane 134UV, color to match elevated tank.

**Contract Value:** Total contract value is increased by \$39,080.00, from \$444,540.00 to \$483,620.00.

Authorized by:

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Michael Tolbert, Town Manager



To: Mayor Leonard and Town Council

From: Mike Tolbert, Town Manager

Date: April 12, 2021

Re: Smith Street Corner, Lot Deed of Gift

At the December meeting of the Recreation and Community Enhancement Committee, the members discussed the acquisition of the lot on the corner of Smith and School streets with the owner Mr. David Landsberger. Mr. Landsberger was amenable to donating the lot to the town if it would be used to install improvements related to the adjacent construction of Brianna's Kindness Park.

At the January 12 meeting of the Budget and Personnel Committee, the committee approved the budget for the completion of Brianna's Kindness Park that included playground equipment, public bathrooms and a pavilion all to be installed on the contiguous properties that included the aforementioned corner lot.

At this commitment from the Town, Mr. Landsberger had his attorney prepare a deed of gift between Racing Moon LLC and the Town.

Council is asked to formally accept the property and approve execution of the attached deed of gift.

**Agenda Item #09 Consider Smith Street Deed of Gift:**

**The existence of title insurance is unknown to the preparer.**

TAX MAP No.: 030-A5-A0-00-0369-B2

**THIS DEED OF GIFT** is made this 7th day of April, 2021, between **RACING MOON, LLC, a Maryland limited liability company, ("Grantor")**, and **THE TOWN OF CHINCOTEAGUE, a Virginia municipal corporation, ("Grantee")**, of 6150 Community Drive, Chincoteague, Virginia 23336.

**IN CONSIDERATION** of good and valuable consideration, in hand paid before the delivery of this deed, the receipt of which is acknowledged, the Grantor does hereby give, grant and convey unto the Grantee with General Warranty and English Covenants of title, the following lot or parcel of real estate:

**DESCRIPTION:** All that certain lot or parcel of land situate in the Town of Chincoteague, Accomack County, Virginia, and designated as "New Parcel 14,766 Sq. Feet (0.339 Acres)" on a certain plat of survey entitled "SCHOOL STREET SUBDIVISION AT SCHOOL & SMITH STREETS", dated October 8, 2018, and made by B.J. Nolan, Jr., PLS, said plat being recorded in Clerk's Office for the Circuit Court of Accomack County, Virginia, as Instrument #180003927, and reference is hereby made to said plat for a more particular description of the herein conveyed property.

**BEING** a portion of the same property conveyed to the Grantor by deed dated July 25, 2018, from J.A.D. Associates, LLC, a Virginia limited liability company, and recorded in the aforesaid Clerk's Office as Instrument #180002788.

**TOGETHER WITH** all the rights, easements, buildings, privileges and appurtenances thereunto belonging or in anywise appertaining.

**SUBJECT TO** valid recorded easements, covenants, reservations and restrictions in the chain of title to the property herein described, which have not expired or otherwise become ineffective.

Possession of the herein conveyed lot or parcel of land is to be given immediately upon the

This document was prepared by:  
JOHN P. CUSTIS, who is a member of the  
VIRGINIA STATE BAR, #77861.  
Onley, Virginia 23418

signing, sealing and delivery of this deed and taxes for the year 2021 are to be prorated as of the date of delivery of this deed.

**This deed is exempt from taxation, pursuant to Va. Code Ann. §58.1-811(3) (2018 Cum Supp.).**

**WITNESS** the following signature and seal:

**RACING MOON, LLC**  
A Maryland limited liability company

By: \_\_\_\_\_(SEAL)  
**David I. Landsberger, Member**

Commonwealth of Virginia,  
County of Accomack, to-wit:

The foregoing instruments was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021  
by David I. Landsberger, Member of Racing Moon, LLC, on behalf of the company.

\_\_\_\_\_  
Notary

My Commission expires: \_\_\_\_\_

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WITNESS the following signature and seal:

**TOWN OF CHINCOTEAEUE, INC.**

A Virginia municipal corporation

By: \_\_\_\_\_(SEAL)

**J. Arthur Leonard, Mayor**

Commonwealth of Virginia,

County of Accomack, to-wit:

The foregoing instruments was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021  
by J. Arthur Leonard, Mayor of the Town of Chincoteague, on behalf of the Town.

\_\_\_\_\_  
Notary

My Commission expires: \_\_\_\_\_

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**ACCEPTANCE AS TO FORM:**

**TOWN OF CHINCOTEAGUE, INC.**  
A Virginia municipal corporation

By: \_\_\_\_\_ (SEAL)  
*Town Attorney*

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**Agenda Item #10: FY22 Budget Workshop 4<sup>th</sup> Draft**



To: Mayor Leonard and Town Council

From: Mike Tolbert, Town Manager

Date: April 12, 2021

Re: Advertisement of FY22 Budget

The 3<sup>rd</sup> draft of the proposed FY22 Budget was reviewed and amended by the Budget and Personnel Committee at their April 13<sup>th</sup> meeting and the subsequent draft has been further reviewed by the full council this evening.

Council is therefore asked to approve advertisement of the budget in the April 23<sup>rd</sup> edition of the Eastern Shore Post for a public hearing on the budget to be held at the Regular Council Meeting on May 3<sup>rd</sup>.

Upon the completion of the public hearing on May 3<sup>rd</sup> and the required 7 day waiting period, the final approval will be scheduled for the May 20<sup>th</sup> workshop meeting.