

MINUTES OF THE JANUARY 6, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Councilwoman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comments

Mayor Leonard opened the floor for public comment.

- Mr. Stewart Baker, 5156 Serenity Lane, stated that he has 2 items to address with Council. The first item was regarding filling the vacant Council seat. He advised that traditionally it is typical to select the next person that did not take office from the most recent election. He urged Council to continue in that same tradition in their deliberations to fill the vacancy. He also commented on Council possibly naming the Town as a 2nd Amendment Sanctuary Community. He stated that he is in support of Council approving this and conveying the Town's position as a 2nd Amendment Sanctuary City to Senator Lewis and Representative Bloxom, the General Assembly and the Governor. This shows Council's objection to the many unconstitutional 2nd Amendment legislative proposals that will be under consideration of the General Assembly this coming Wednesday.

Mr. Baker advised that he is making this request for many reasons: 1. To ensure both the state and federal constitutional right to have and bear arms for the protection of our lives, our families, our communities, our state and country from threats of any source. 2. To continue our Chincoteague and Eastern Shore way of life as a rich waterfowl and wildlife hunting area. 3. To continue to be able to teach our children and grandchildren the safe practice of handling firearms for hunting and self-defense, which may become necessary during their lifetime in this everchanging world. 4. To be ready and prepared to support local law enforcement in the protection of the neighbors and communities when and if the need arises in the future.

- Accomack County Supervisor, Billy Joe Tarr reported they had approximately 200 people at their December meeting. He advised that this week the bills that were drafted to the House of Delegates will seriously have an adverse effect on our right to keep and bear arms. He has received visits, calls and emails from citizens about these bills. He wanted everyone to know that the Supervisors are all on board with everyone here and in the county. They are fighting and they want it to stop. They want to be united to remove the bills. They've adopted a resolution at the last meeting and sent it to Richmond outlining their wishes to the representatives in Richmond to get rid of it. He stated that they have left out the word "sanctuary" in their resolution because no one has that authority and it means nothing. They do not have the authority to give anyone the right to not follow the law. He read a paragraph from the Supervisors resolution. "Whereas the Board has no legislative, regulatory or enforcement authority related to the purchase, possession, transfer, ownership, carrying, storage or transporting a firearm, ammunition or components or combination thereof as provided by §15.2-915 of the Code of Virginia as amended. It has no authority over the independent execution of the duties of the Constitutional officers involved in law enforcement." He advised that what will happen is the person that is not abiding by the law will end up in jail. He also stated that he could be sitting in jail as well if he gives the authority to do something that he doesn't have the authority to do. He stated that the "sanctuary cities" for illegal immigrants only means that when the feds come in to get the illegal immigrants, the locality or county will not help find them, process them or hold them. Supervisor Tarr advised he is going to Richmond February 6th where all of the Association of Counties will meet and invited everyone to go. He concluded by saying "Let your voice be heard!"

- Mr. Harold Cherrix, 3308 LeKites Drive, asked Council to notify the Attorney General and Governor of Virginia that the Town of Chincoteague will not enforce any laws that contradicts the 2nd Amendment of the United States Constitution. He read a quote from Patrick Henry "I have but one lamp of which my feet are guided, and that lamp is the lamp of experience". He knows no way to judge the future but by the past. History has proven that when the government begins to take guns from citizens that citizens do not fare well. He listed several examples including 90 miles off the coast of Florida there was Castro. He continued that once they remove the firearms from citizens they begin locking up and executing who questions the government. The past has demonstrated that government has always tried to undermine individual liberties. He didn't think this would happen in the United States. However, he never thought he would see a time that a United States President would authorize over \$1 billion for a private jet and fly to a terrorist country. He believes anything is possible in government today.

Mr. Cherrix continued that when he was 12 years old, he grabbed his 12-gauge shotgun and 6 duck decoys and headed around Eastside putting those decoys into the creek to get a few ducks. It was no big deal, and no one was afraid of him walking around with a gun because they had respect for human life. There were also a few trucks in the parking lot at Chincoteague High School with shotguns and rifles in them and no one was afraid of that. It is not a gun problem, it's a people problem. In his opinion, we are not raising kids to respect each other and not teaching gun safety. Kids are growing up without both parents teaching them how to be productive members of society. Everyone knows that SB16 and SB64 currently before state legislature is a direct result of Bloomberg bought and paid for legislature with the intent to introduce a gun ban and confiscation of firearms in Virginia. Both bills are purposely vague and

allow for future interpretation. You have to pass it before you know what's in it. SB16 calls for the banning and confiscating of certain firearms: Any rifle with a fixed or detachable magazine with a clip greater than 10 rounds. If the rifle has a detachable magazine, it can't have a pistol grip, pump stock, thumbhole, or any other characteristics they deem scary. The SB16 also bans pistols that have a magazine fixed or removable magazine with a clip greater than 10 rounds capacity, removable grip or thumbhole. SB64 states "a person is guilty of unlawful paramilitary activity, punishable as a Class 5 felony if he teaches or demonstrates anyone the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in, or in furtherance of, a civil disorder".

Mr. Cherrix explained that "civil disorder" is broad-termed. This causes great concern. These bills are so vague that you can be arrested for teaching someone self-defense or firearm safety. Introducing more laws will not fix the violence in this country. Laws do not stop crime. The criminal justice system was not designed to stop crime, it was designed to identify criminal activity, establish a mechanism and punish criminals. If the laws stopped crime, we would be in a crime free country now. There are plenty of laws already. There are only 2 things that will stop a man from murdering his neighbor; 1. He knows it's morally wrong. 2. His neighbor is well armed. The law didn't stop the bad guy in White Settlement Church, in Texas. He was stopped by a man with a gun who was well trained using his natural rights given to him by God to defend himself and those around him. The Constitution by itself can't protect our rights. The Constitution is a piece of parchment with ink. The Constitution cannot visit legislators, it cannot protest in front of Congress, it cannot go to meetings like this and tell our elected officials how we feel.

Mr. Cherrix stated that, we the people are the only ones that can protect our rights. He was disappointed in the Accomack County Board of Supervisors in their lame submittal to the Virginia legislators. He asked Mayor and Council to send a letter to the Attorney General and the Governors of Virginia stating that Chincoteague will not enforce any law that violates the 2nd Amendment of the Constitution thus becoming a Sanctuary Town. Remember the people who riddled Anne Frank broke the law and those who killed her were obeying the law.

Mayor Leonard moved Agenda Item 9 to Item 5.

Councilman Lewis moved, seconded by Councilman Taylor to move Agenda item 9 "Discussion of Second Amendment Resolution" to Item 5. Unanimously approved.

5. Discussion of Second Amendment Resolution

Councilman Taylor read an excerpt of one of the proposed resolutions:

NOW, THEREFORE, BE IT RESOLVED by the Town of Chincoteague Town Council:

That the Chincoteague Town Council hereby declares Chincoteague, Virginia, as a "Second Amendment Sanctuary", and

That the Town Council of Chincoteague hereby expresses its intent to uphold the Second Amendment rights of the citizens of Chincoteague, Virginia, and

That the Chincoteague Town Council hereby expresses its intent that public funds of the town not be used to restrict the Second amendment rights of the citizens of Chincoteague, or to aid federal or state agencies in the restriction of said rights, and

That the Chincoteague Town Council hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

The undersigned Mayor of the Town of Chincoteague, hereby certifies that the resolution set forth above was adopted during an open meeting on January 6, 2020, by the Town Council with the following votes:

Mayor Leonard asked for discussion.

Councilwoman Bowden asked Chief Fisher if Council declares the Town of Chincoteague as a 2nd Amendment Sanctuary what this means for the Chincoteague Police.

Chief Fisher stated that they are all sworn to uphold the Constitution of the United States and Virginia and its laws. He also stated he wasn't sure what "sanctuary" entails. He recalled a House Bill in response to public service employees (police), if they do not enforce the laws then the state considers that they are on strike. The state will then tell the Town to fire those employees and they cannot be employed in Virginia as an officer for 12 months.

Councilman Lewis doesn't believe they can force the Town to fire those officers. He feels that if the bills are passed, more police will die going into homes to take guns.

Mayor Leonard expressed that there aren't that many gun violence incidents on Chincoteague.

Chief Fisher stated that he could recall 3 or 4 gun violence incidents on Chincoteague over the last 10 years. He also mentioned the "Red Flag Law". He added that this is a hunting community and the way this law is written you won't be able to take them hunting. He warned that the bills could contain the intent of the "Red Flag Law" without naming it. He added that criminals shouldn't have a weapon. He stated that in the Constitution for law abiding citizens the 2nd Amendment of the Constitution cannot be violated.

Councilwoman Bowden advised that she is a proud gun owner. Her father taught her to respect guns and about gun safety. They used to go up-the-bay and shoot cans off the dock. She is also a concealed carry permit holder. She commented that if someone comes into the meeting room brandishing a firearm, everyone here would be glad that people in the room had guns to protect them. Some people shouldn't have a gun. The legislators are looking at guns as being the problem. It is a people problem. Councilwoman Bowden advised when she left her house today and walked by her gun cabinet, neither one of those guns opened up the cabinet went out and shot someone. She stated that she is a law-abiding citizen that shouldn't be punished for abiding by the law. She asked what power a 2nd Amendment Sanctuary give the Town in this fight. Her

right shall not be infringed upon as an American citizen. She is still unsure about the “sanctuary” part of it.

Councilman Taylor read the County’s version of the resolution. He added that this is not what Council proposes, he wanted to read it with the Town’s information in it.

Councilman Lewis explained it’s saying they will not use Town funds to enforce this unconstitutional law.

Councilman Taylor asked Chief Fisher is he had any problem with this paragraph “The Chincoteague Town Council hereby expresses its intent that public funds of the Town will not be used in the restriction of the 2nd Amendment Rights of the citizens.

Chief Fisher advised he does not have a problem with this. He advised that he is going to do what Council says.

Councilman Reed asked to move on with the motion.

Councilwoman Richardson agreed with Councilwoman Bowden.

Mayor Leonard advised he went to the Accomack County Board of Supervisors’ meeting. He stated that he received a shotgun at 12 years old along with the responsibility. He was told in no uncertain terms what he could and could not do with it. He added that in today’s political climate they’re going down a bad road. There is starting to be gangs. He also stated that you’re in red or blue. He stated that we’re not red or blue, we’re red white and blue. He added that we aren’t democrats or republicans, we’re Americans. It isn’t the guns, it’s the people behind the guns. He added that by delegating these laws of what sounds good to one person who has never owned a firearm and has no clue doesn’t make it the right thing to do. Mayor Leonard asked where this will end. They start with assault weapons then it’s whatever they can hand out. He feels they’ll be empty handed. He wants Richmond to know we are not going to support anything that will prevent us from our 2nd Amendment. He wants to send Richmond a message from the fringes of the State that we don’t like what they’re doing.

Councilman Lewis motioned, seconded by Councilman Taylor to adopt the Resolution declaring the Town of Chincoteague as a 2nd Amendment Sanctuary City. Unanimously approved.

RESOLUTION OF THE TOWN OF CHINCOTEAGUE TOWN COUNCIL

WHEREAS, the Second Amendment of the United States Constitution reads “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” And

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states, and

WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment, and

WHEREAS, Article I, Section 13 of the constitution of Virginia provides “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed,” and

WHEREAS, Article I, Section 1 of the Constitution of Virginia reads, “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety, and

WHEREAS, Article I, Section 2 of the Constitution of Virginia reads “that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them”, and

WHEREAS, certain legislation that has or may be introduced in the Virginia General Assembly, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia, and

WHEREAS, the Town of Chincoteague Town Council is concerned about the passage of any bill containing language which could be interpreted as infringing on the rights of the citizens of Chincoteague to keep and bear arms, and

WHEREAS, the Town of Chincoteague wishes to express its deep commitment to the rights of all of its citizens to keep and bear arms, and

WHEREAS, the Chincoteague Town Council wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Chincoteague to keep and bear arms, and

WHEREAS, the Town of Chincoteague wishes to express its intent to stand as a Sanctuary Town for Second Amendment rights and to oppose, within the limits of the Constitution of the United

States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Chincoteague to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and the power to direct the law enforcement and employees of Chincoteague to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED by the Town of Chincoteague Town Council:

That the Chincoteague Town Council hereby declares Chincoteague, Virginia, as a “Second Amendment Sanctuary”, and

That the Town Council of Chincoteague hereby expresses its intent to uphold the Second Amendment rights of the citizens of Chincoteague, Virginia, and

That the Chincoteague Town Council hereby expresses its intent that public funds of the town not be used to restrict the Second amendment rights of the citizens of Chincoteague, or to aid federal or state agencies in the restriction of said rights, and

That the Chincoteague Town Council hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

The undersigned Mayor of the Town of Chincoteague, hereby certifies that the resolution set forth above was adopted during an open meeting on January 6, 2020, by the Town Council with the following votes:

Ayes: Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

Mayor: _____
John Arthur Leonard

Attest: _____
James M. West, Clerk of Council

6. Agenda Adoption

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the agenda as changed. Unanimously approved.

7. Staff Updates

Police Department

Chief Fisher stated that the 28th, 29th and 30th will be the 3rd accreditation assessment. He feels they are ready.

Public Works Department

Public Works Director Spurlock advised that they have started the next phase of the Sarbanes sidewalk project on Pension Street, Ocean Boulevard and Maddox Boulevard.

General Government

Town Manager West reported that the NASA contractor who is building the filtration plant will be tying into the 16" main on Tuesday.

Public Works Director Spurlock interjected that it should go unnoticed because Sunday's total water usage was 190,000 which is the lowest consumption recorded.

Town Manager West also advised they have been approved for the firehall planning and engineering grant. He reported that regarding the Inlet Study, VIMS will have a workshop Tuesday and he plans to attend.

8. Committee Reports

Budget and Personnel

Mayor Leonard advised they discussed the jumbotron. He reported that last year the Chamber paid for it. This year the Chamber will pay \$2,000, the Pony Committee will pay for \$1,000 and the Town will pay the difference. They also discussed IT items that needed to be done, desalination, and the vacancy on Council which will be discussed later in the meeting.

9. Adoption of the Minutes of the December 2, 2019, Council Meeting

Councilwoman Richardson asked to add a clarification on page 10 of the agenda packet in the minutes regarding the Cemetery Committee report. She stated that she was unsure about the Chincoteague High School BETA having to earn 40 community service hours and agreeing to maintain the Hallie Whealton Smith Cemetery to earn their hours. She explained that this property was conveyed to the Accomack County School Board years ago. The Town has gone in there and cleaned it 3 times. However, the School Board agreed to maintain it. She suggested they contact Mr. Mike Tolbert to take care of it.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the December 2, 2019 Council meeting as corrected. Unanimously approved.

10. Personnel Policy Amendment

There was no discussion.

Employees whose position requires them to possess a Commercial Driver's License (CDL) are subject to Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse rules. The Clearinghouse is an electronic database that contains information about commercial motor vehicle drivers' drug and alcohol program violations. The rule requires FMCSA-regulated employers, Medical Review Officers, Substance Abuse Professionals, consortia/third-party administrators and other service agents to report

to the Clearinghouse information related to violations of FMCSA's drug and alcohol testing regulations by current and prospective commercial motor vehicle driver employees.

In addition:

- *Employers must query the Clearinghouse for current and prospective employees' drug and alcohol program violations before permitting those employees to operate a commercial motor vehicle on public roads.*
- *Employers are required to query the Clearinghouse annually for each driver they currently employ.*
- *State driver licensing agencies will be required to query the Clearinghouse whenever a CDL (commercial driver's license) is issued, renewed, transferred or upgraded.*

The following information will be reported to the Clearinghouse:

- *A verified positive, adulterated, or substituted drug test result;*
- *An alcohol confirmation test with a concentration of 0.04 or higher;*
- *A refusal to submit to a drug or alcohol test;*
- *An employer's report of actual knowledge, as defined at 49 CFR § 382.107;*
- *On duty alcohol use pursuant to 49 CFR § 382.205;*
- *Pre-duty alcohol use pursuant to 49 CFR § 382.207;*
- *Alcohol use following an accident pursuant to 49 CFR § 382.209;*
- *Drug use pursuant to 49 CFR § 382.213;*
- *A substance abuse professional's (SAP) report of the successful completion of the return-to-duty process;*
- *A negative return-to-duty test; and,*
- *An employer's report of completion of follow-up testing.*

Councilman Lewis motioned, seconded by Councilwoman Richardson to approve the Personnel Policy amendment. Unanimously approved.

11. Consider Preliminary FY 21 Trolley Operational Budget

Town Manager West explained that the Trolley Operational Budget is completed early each year and approved by Council for grant application purposes and to include the necessary funds for the Town's match in the upcoming budget. The Town's contribution is reduced because they've agreed to raise the Trolley fare from \$0.25 to \$0.50. It's a minor reduction from last year to this year. They are thinking about asking for another grant from a sub-organization to use as the match for the purchase a new trolley this year.

Councilwoman Bowden asked if the ridership was up or down.

Town Manager West advised it was up a little. He advised they are proposing to change the routes a little to include the Harbor and to work it in such a way to keep the old routes. They feel there is value in running some routes to the Harbor.

Councilman Taylor commented that in the summer months the people are using the Trollies.

Councilwoman Richardson motioned, seconded by Councilman Lewis to adopt the preliminary FY 21 Trolley Operational Budget. Unanimously approved.

ACCOUNT	REVENUE	FY 21 Proposal	FY 20
704501.0100	TROLLEY GRANTS	\$59,327	\$62,883
704501.0110	PROGRAM INCOME	\$8,000	\$1,500
704501.0200	RTAP REIMBURSEMENTS	\$0	\$0
704501.0300	MISC. NONPROGRAM INCOME	\$0	\$0
704501.8900	TRANSFER FROM GEN. FUND	\$24,232	\$25,685
	TOTAL	\$91,559	\$90,068
	EXPENDITURES		
	SALARIES		
703010.0100	SALARIES	\$44,760	\$44,442
	TOTAL	\$44,760	\$44,442
	BENEFITS		
703010.2001	SOCIAL SECURITY	\$3,424	\$3,400
	TOTAL	\$3,424	\$3,400
	OPERATIONS EXPENSES		
703030.3401	INSURANCE & BONDING	\$3,400	\$3,310
703030.4400	COMUNICATION SERVICES	\$800	\$1,225
703030.4401	PRINTING & REPRODUCTION	\$2,700	\$2,716
703030.4402	ADVERTISING & PROMOTION	\$1,175	\$1,175
703030.4403	EDUCATION & TRAINING	\$1,200	\$1,000
703030.4404	CLEANING SUPPLIES	\$100	\$100
703030.4406	SUPPLIES & MATERIALS	\$500	\$500
703030.4407	MEMBERSHIPS & DUES	\$250	\$250
703030.4408	TRAVEL & MEALS	\$1,000	\$1,000
703030.4701	FUEL & LUBRICANTS	\$7,000	\$7,000
703030.4702	TIRES & TUBES	\$600	\$600

703030.4703	UNIFORMS	\$1,200	\$0
703030.4704	PARTS	\$750	\$750
703030.5201	DRUG TESTING/BACKGROUND CHECKS	\$1,200	\$1,100
703030.6100	RTAP EXPENSES	\$0	\$0
703030.7302	REPAIRS/MAINT	\$6,500	\$6,500
703030.8505	RENT TO GENERAL FUND	\$15,000	\$15,000
	TOTAL	\$43,375	\$42,226
	TOTALS:	\$91,559	\$90,068

12. Filling of Council Vacancy

Mayor Leonard explained that Mr. Ben Ellis had resigned from Council as he has moved. He asked for discussion from Council.

Councilman Reed nominated Mr. Chris Bott which was seconded by Councilman Taylor.

Councilwoman Richardson nominated Mr. Ray Rosenberger which was seconded by Councilwoman Bowden.

Councilwoman Bowden asked about Mr. Baker's comment regarding the traditional practice in replacing a Councilmember.

Councilwoman Richardson advised that this has not been the traditional practice. She gave names of citizens appointed in the past that did not run for Council.

Mayor Leonard advised that this is for a 6-month appointment.

Mayor Leonard asked for a vote for Mr. Chris Bott.

Ayes: Reed, Taylor and Lewis

Mayor Leonard asked for a vote for Mr. Ray Rosenberger.

Ayes: Richardson and Bowden.

Mayor Leonard asked Mr. Bott if he was willing to serve the remaining term of 6 months on Council.

Mr. Bott advised that he is willing.

Mayor Leonard welcomed Mr. Bott to Council.

13. Mayor Committee Appointments

Mayor Leonard appointed Councilwoman Bowden as Vice Mayor. He stated that Councilwoman Bowden was Vice Mayor in the past and has filled that position well. He asked if Council had any problems with this. There were none.

Mayor Leonard stated that he has to appoint Council to the committees and commissions that Mr. Ellis was a member. He appointed Vice Mayor Bowden to the Budget and Personnel Committee for the remaining 6 months. He appointed Councilman Taylor to the Chincoteague Recreation and Convention Authority for the remaining 6 months. He appointed Councilman Reed to the Planning Commission for the remaining 6 months.

14. 2019 Christmas Decoration Recognitions

Mayor Leonard announced the winners of the 2019 Christmas Decorated homes:

Most Festive/Best Themed:

1st Place: Mrs. Faith Gregory

Honorable Mention: Mr. Dino Johnson

Most Traditional:

1st Place: Mr. & Mrs. Scott Chesson

Honorable Mention: Mr. & Mrs. Bill Derrickson

Best Overall:

1st Place: Mr. & Mrs. Bill Birch

Honorable Mention: Mr. & Mrs. Harry Thornton

15. Mayor & Council Announcements or Comments

Councilman Reed asked to address the over-run of foxes on the Island. He explained the damage they're doing and expressed personal concerns. He reported that the foxes have killed all of their chickens, given his horse mange along with the damage to cemeteries. He suggested calling the USDA because something has to be done. He would like it addressed before it gets out-of-hand. He asked if he was allowed to shoot them.

Chief Fisher advised that the Ordinance states that you are allowed to shoot them only if you're protecting your family or property. He also advised that they received permission for the depopulation of foxes along with the deer depopulation program. However, the foxes are too smart and too fast. He stated that he will contact the Department of Agriculture who exterminates them with gas.

There was discussion about the dens, damage in cemeteries and that the cemeteries are privately owned. The foxes can be trapped but not relocated. There were further comments.

Councilman Taylor thanked Chief Fisher for his position to the 2nd Amendment Sanctuary decision. He added that they wouldn't put our officers in a bad situation. He feels this was a good, productive and courteous meeting.

Vice Mayor Bowden welcomed Mr. Chris Bott on board. She has no doubt he would do a fantastic job. She thanked him for being willing to serve. She thanked Chief Fisher for answering her questions. She advised that one of the Town's Public Works employees lost his

son suddenly New Year's Day. She asked everyone to keep him and his family close to their hearts. She also stated that she is looking forward to input and cooperation this year.

Councilman Taylor also asked for prayers for Councilman Lewis' brother, Mr. David Lewis, who is going into surgery tomorrow.

Councilwoman Richardson also welcomed Mr. Chris Bott to Council.

16. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE FEBRUARY 20, 2020 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Agenda Adoption

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor
Nays: None
Absent: Bowden

5. Public Comments

Mayor Leonard opened the floor for public comment. There was none.

6. Joint Public Hearing – Proposed Town of Chincoteague 2020 Comprehensive Plan

Planning Commission Chairman Rosenberger opened the public hearing for the Planning Commission.

Mr. Shendock motioned, seconded by Mr. Katsetos to adopt the agenda as presented. Unanimously approved.

Chairman Rosenberger explained the process by the Planning Commission which allowed public participation and comment. They took everything into consideration. He feels the plan needs addressing, mainly the photo issues and updated photos. The URL references could help with access of better quality of the pictures and maps. The direction they've received from Council has been instrumental. They have been blessed to have Mr. Shendock as an expert. He suggested that if Council has specific areas or chapters to address, it would be an easier approach.

There being no comment from the public, Mayor Leonard asked Council if they had comments.

Councilman Taylor appreciated that they didn't make zoning changes.

Chairman Rosenberger stated that in 2010 they went through zoning changes.

Councilman Lewis stated that the Planning Commission has done an outstanding job. He mentioned the maps and asked about making them better.

Mr. Shendock explained that he contacted the source for the images and the screen capture is what it is. He also added that they were unable to get the numbers. However, including the URL is a help to look at a particular parcel.

Town Manager West showed an example by pulling it up on the video display in the chamber.

There were comments.

Mr. Shendock stated that a couple of the items came out of the County's GIS. However, not all of the Town's information is in this system. He feels there is a lot of information that pertains to the Town.

Councilman Bott stated that he read through the electronic version with 'track changes' in the program on and didn't notice any changes. He mentioned resiliency regarding the Wachapreague Tide Chart but didn't see the Town's Tide Chart in the Plan.

Mr. Shendock advised that Emergency Coordinator Rush helped him with this. They discussed the Chincoteague tidal locations which started a few years ago. However, it takes several years to certify it and they are in the process of having it done. He added that NOAA hasn't posted any data because it hasn't been certified.

Councilman Reed advised they answered all of his questions at the meeting the other night.

Councilwoman Richardson asked about taking the property rights away from the people.

Chairman Rosenberger advised that it comes back to Council's decisions. Any Zoning changes that Council chooses to make would happen because of various circumstances. They would be happy to take it to the Planning Commission based on Council's suggestions.

Councilwoman Richardson understands that this is a legal document once it's approved. She asked if Council would be taking away anyone's rights if they wanted to do something and the Plan says they can't.

Chairman Rosenberger advised that there is nothing in the Plan that says "No" someone can't do something. It's just a Plan, however it is a legal plan that the state requires.

Mayor Leonard asked about the change to C4, regarding commercial centers under #8 Resort Commercial Planning. He asked about compact clusters. He referred the 4 bullet points which shows that they will allow a small shopping center in small districts.

Mr. Shendock stated that this text came from the 2015 Plan. They didn't change C4. The only change was in C3 to make it more liberal.

Mayor Leonard also stated that the other issue is mother-in-law suites, regulations and control of how it is used. He stated that he can see this getting out-of-hand by the owner living in the mother-in-law suite and renting the rest of the house out.

Chairman Rosenberger suggested allowing it as a special use permit.

Councilman Taylor advised with the appropriate square footage it would be allowed by right.

Chairman Rosenberger stated that it would have to go to the Ordinance Committee. He added that in other areas many people are going back to their families and creating secondary living quarters with additions. This could be the result of medical or age issues. The state only provides for medical response.

Councilman Taylor added that if the lot is under 13,500 square feet, they would have a hard time putting a house, septic and additional living quarters.

Chairman Rosenberger stated that they have to address some of the commercial clusters adding there are apartments over storefronts in town.

Mayor Leonard feels they may need to look at that again. He stated that the Planning Commission has done an amazing job. They have had a lot of discussions to put out the publication.

Councilman Taylor commented further.

Chairman Rosenberger stated that if they choose to approve the draft as presented, they will address the priorities and goals along with the pictures. Once completed they will bring it to Council for final approval.

Mayor Leonard asked if they had to have another public hearing for the final draft.

Chairman Rosenberger advised they do not unless there is a significant change.

Councilman Taylor motioned, seconded by Councilman Lewis to approve the Draft Town of Chincoteague 2020 Comprehensive Plan as presented. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

Chairman Rosenberger stated that it has been an interesting and challenging couple of years.

7. Mayor & Council Announcements or Comments

Councilman Taylor thanked the Planning Commission and feels this Town has some hard-working people. He appreciates everything they do.

Councilman Lewis thanked the Planning Commission for the job they do, and that the people also appreciate it.

Town Manager West stated that he has a list of minor corrections he will send to Mr. Shendock.

Chairman Rosenberger thanked Building and Zoning Administrator Lewis for being instrumental and helpful in the process. He also thanked Town Manager West for his help.

8. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE FEBRUARY 20, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

Denise P. Bowden, Vice Mayor

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Agenda Adoption

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

5. Public Comments

Mayor Leonard opened the floor for public comment. There was none.

6. Joint Public Hearing – Proposed Town of Chincoteague 2020 Comprehensive Plan

Planning Commission Chairman Rosenberger opened the public hearing for the Planning Commission.

Mr. Shendock motioned, seconded by Mr. Katsetos to adopt the agenda as presented. Unanimously approved.

Chairman Rosenberger explained the process by the Planning Commission which allowed public participation and comment. They took everything into consideration. He feels the plan needs addressing, mainly the photo issues and updated photos. The URL references could help with access of better quality of the pictures and maps. The direction they've received from Council has been instrumental. They have been blessed to have Mr. Shendock as an expert. He suggested that if Council has specific areas or chapters to address, it would be an easier approach.

There being no comment from the public, Mayor Leonard asked Council if they had comments.

Councilman Taylor appreciated that they didn't make zoning changes.

Chairman Rosenberger stated that in 2010 they went through zoning changes.

Councilman Lewis stated that the Planning Commission has done an outstanding job. He mentioned the maps and asked about making them better.

Mr. Shendock explained that he contacted the source for the images and the screen capture is what it is. He also added that they were unable to get the numbers. However, including the URL is a help to look at a particular parcel.

Town Manager West showed an example by pulling it up on the video display in the chamber.

There were comments.

Mr. Shendock stated that a couple of the items came out of the County's GIS. However, not all of the Town's information is in this system. He feels there is a lot of information that pertains to the Town.

Councilman Bott stated that he read through the electronic version with 'track changes' in the program on and didn't notice any changes. He mentioned resiliency regarding the Wachapreague Tide Chart but didn't see the Town's Tide Chart in the Plan.

Mr. Shendock advised that Emergency Coordinator Rush helped him with this. They discussed the Chincoteague tidal locations which started a few years ago. However, it takes several years to certify it and they are in the process of having it done. He added that NOAA hasn't posted any data because it hasn't been certified.

Councilman Reed advised they answered all of his questions at the meeting the other night.

Councilwoman Richardson asked about taking the property rights away from the people.

Chairman Rosenberger advised that it comes back to Council's decisions. Any Zoning changes that Council chooses to make would happen because of various circumstances. They would be happy to take it to the Planning Commission based on Council's suggestions.

Councilwoman Richardson understands that this is a legal document once it's approved. She asked if Council would be taking away anyone's rights if they wanted to do something and the Plan says they can't.

Chairman Rosenberger advised that there is nothing in the Plan that says "No" someone can't do something. It's just a Plan, however it is a legal plan that the state requires.

Mayor Leonard asked about the change to C4, regarding commercial centers under #8 Resort Commercial Planning. He asked about compact clusters. He referred the 4 bullet points which shows that they will allow a small shopping center in small districts.

Mr. Shendock stated that this text came from the 2015 Plan. They didn't change C4. The only change was in C3 to make it more liberal.

Mayor Leonard also stated that the other issue is mother-in-law suites, regulations and control of how it is used. He stated that he can see this getting out-of-hand by the owner living in the mother-in-law suite and renting the rest of the house out.

Chairman Rosenberger suggested allowing it as a special use permit.

Councilman Taylor advised with the appropriate square footage it would be allowed by right.

Chairman Rosenberger stated that it would have to go to the Ordinance Committee. He added that in other areas many people are going back to their families and creating secondary living quarters with additions. This could be the result of medical or age issues. The state only provides for medical response.

Councilman Taylor added that if the lot is under 13,500 square feet, they would have a hard time putting a house, septic and additional living quarters.

Chairman Rosenberger stated that they have to address some of the commercial clusters adding there are apartments over storefronts in town.

Mayor Leonard feels they may need to look at that again. He stated that the Planning Commission has done an amazing job. They have had a lot of discussions to put out the publication.

Councilman Taylor commented further.

Chairman Rosenberger stated that if they choose to approve the draft as presented, they will address the priorities and goals along with the pictures. Once completed they will bring it to Council for final approval.

Mayor Leonard asked if they had to have another public hearing for the final draft.

Chairman Rosenberger advised they do not unless there is a significant change.

Councilman Taylor motioned, seconded by Councilman Lewis to approve the Draft Town of Chincoteague 2020 Comprehensive Plan as presented. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

Chairman Rosenberger stated that it has been an interesting and challenging couple of years.

7. Mayor & Council Announcements or Comments

Councilman Taylor thanked the Planning Commission and feels this Town has some hard-working people. He appreciates everything they do.

Councilman Lewis thanked the Planning Commission for the job they do, and that the people also appreciate it.

Town Manager West stated that he has a list of minor corrections he will send to Mr. Shendock.

Chairman Rosenberger thanked Building and Zoning Administrator Lewis for being instrumental and helpful in the process. He also thanked Town Manager West for his help.

8. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. All present were in favor and the motion was carried.

Ayes: Bott, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MARCH 2, 2020 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman

Council Members Absent:

J. Arthur Leonard, Mayor

Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Vice Mayor Bowden led in the Pledge of Allegiance.

4. Public Comments

Vice Mayor Bowden opened the floor for public comment.

- Ms. Jenny Hanyo, 5150 Deep Fern Court, addressed Council regarding the Island Community House. She introduced the new Senior Service Manager and gave the new schedule. She reported that the open house is April 21st from 10:00 a.m. to 2:00 p.m.

Vice Mayor Bowden asked about their plans for the senior services.

Ms. Hanyo stated that the marketing plans are being developed.

Vice Mayor Bowden wanted to get the word out to the senior population that services and opportunities are available.

Ms. Hanyo agreed and responded that they are in the process of getting the word out.

Councilman Taylor thanked her and stated that they can't do enough for the seniors or youth.

5. Agenda Adoption

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Leonard

6. Staff Updates

Police Department

PFC Gladding advised that the report was included in the packet. He asked if anyone had any questions. There were none.

Public Works Department

Public Works Director Spurlock reported that if everything goes as planned the water system will be switched over to the new VFD system tomorrow morning. They want to test the system first and then drain the tank. There should be some slight fluctuations in the water pressure and the tank should be drained by Thursday at which time the rehab will begin. The schedule from the contractor advises that it will be down for 6 weeks. He reported that mid-March they will be paving Church Street from Main Street to Barrett Street and Eastside Road from Janes Lane all the way around Eastside Road. They will also finish grading the connector of Coach's Lane bike path. The bike path will also be paved as part of the Multi-Modal Transportation Project for the year.

Councilman Reed asked why Main Street from Britton Drive to Misty Meadows has never been paved.

Public Works Director Spurlock was unsure if there is a reason and offered to look into it to see if they can add it to the project provided the budget allows. He added that he plans to have the drainage pipe crossings that are sinking along Deep Hole Road patched as well.

General Government

Town Manager West advised that the May elections will include (3) 4-year Council seats and there will be (1) 2-year seat for the special election for the unexpired term of Mr. Ellis. Tomorrow is the deadline to declare that they are running and once he hears from the Electoral Board, he will have a sample ballot posted on the website. Town Manager West reported on the Council AV system. He advised that part of the contributors to the choppy transmission could be that they need more than 5MB for an upload. The recommendation is to upgrade the system to 25MB which will cost \$400 more a month. He wants to upgrade the hardware system. He advised they are currently hosting the video on a site that costs \$49 per year. They can upgrade this as well because when more than a few people go to the site to watch, it chops up the data. The need to get rid of the problems to make the system better. He stated that they are working on it, but it will be expensive.

Vice Mayor Bowden asked how long the Town has been broadcasting.

Town Manager West gave an explanation as to asked why it was getting worse. He was advised that there are different options other than dialup. When you sign up for a new provider it gives you individual faster line speeds. However, that data is parsed out as well and the new providers are contributing to the transmission slowing down. There are a lot of variables.

Vice Mayor Bowden stated that if they are going to have it, it should be right. She thanked Town Manager West for working on this.

Town Manger West reported that he met with the grant provider on Friday about the Firehouse. The ANPDC is moving ahead and hiring a consultant. He spoke with a couple of members of

the Steering Committee and believes that they will meet March 13th. He reported on the FY 21 Budget. The Sarbanes Grant will not pay for the septic or restroom on Maddox Boulevard and they will have to budget approximately \$50,000 to have this done. He suggested phasing it and putting the septic system in first. He also mentioned that they were approached by the Boating Infrastructure Grant Committee about a potential application for improvements at the Harbor and Robert Reed Park. Public Works Director Spurlock and Harbormaster Merritt are currently working on that application. They will need a match of 26% which will be about \$40,000. He also added that he spoke with the Kiwanis who requested to store furniture in the Firehouse. He denied their request and asked for Council to concur.

7. Committee Reports

Cemetery Committee

Councilwoman Richardson advised they met February 6th to review Redmen's Cemetery and the repairs that need to be done. They will have to have a professional come in and repair the stones. She handed out proposed changes to the Cemetery Ordinance to coincide with the Town's Ordinance with grass cutting. She showed pictures of 3 of the Public Works employees who went to the Whealton Cemetery adjacent to the High School and cleared a path so they can clean it this Saturday at 9:00 a.m. She added that there are other cemeteries they will be cleaning also.

Budget and Personnel

Councilman Taylor reported that they reviewed the FY 21 budget. He feels Town Manager West has it under control. He feels they will be able to compromise to get things where it should be without raising taxes. He thanked Town Manager West and staff for working on it.

Vice Mayor Bowden stated that she had no idea that so much was done with so very little. She commented that this is the least amount of property taxes on Delmarva and in the state. Town Manager West and staff does a fantastic job at finding money to get the things they need done. She stated that they deserve a lot of credit for keeping the budget in check.

8. Adoption of the Minutes of the February 3, 2020 Regular Council Meeting and the February 20, 2020 Council Workshop Meeting.

Councilman Reed motioned, seconded by Councilwoman Richardson to adopt the minutes of the February 3, 2020 and February 20, 2020 Council meetings as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Leonard

9. Mayor & Council Announcements or Comments

Councilwoman Richardson commented that the sidewalks along Maddox Blvd. looks nice. She explained the sidewalk plan which will run all the way down Maddox and ending up past the Museum.

10. Closed Meeting in Accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters

Councilwoman Richardson motioned, seconded by Councilman Reed to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Leonard

11. Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia

Councilman Taylor motioned, seconded by Councilman Reed to certify the closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Leonard

12. Adjournment

Councilman Reed motioned, seconded by Councilwoman Richardson to adjourn. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: Leonard

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE MARCH 19, 2020
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Agenda Adoption

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adopt the agenda as presented.

5. Closed Meeting in Accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

6. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia

Councilman Taylor Motioned, Seconded by Councilwoman Richardson to convene a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters. Unanimously approved.

5. Certification of Closed Meeting

By show of hands, Council unanimously certified that the closed meeting was held in accordance with § 2.2-3712 (D) of the Code of Virginia.

Councilman Taylor motioned to offer the position of Town Manager to Mr. Bryan Rush, candidate for the position. Seconded by Edward Lewis. Those in favor were Councilman Taylor, Councilman Lewis, and Councilwoman Richardson.

Vice Mayor Bowden motioned to offer the Town Manager position to Mr. Michael Tolbert and the motion was seconded by Councilman Reed. Those in favor of the motion were Vice Mayor Bowden, Councilman Reed, and Councilman Bott.

There being a tie in attempts to fill the position, Mayor Leonard voted in favor of Mr. Tolbert. Council authorized the Mayor to negotiate with the selected candidate.

6. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE APRIL 6, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Adoption of Ordinance Establishing Procedures for Electronic Public Meetings

Mayor Leonard asked Town Manager West to read the Ordinance:

Councilman Reed motioned, seconded by Vice Mayor Bowden to adopt the Ordinance Establishing Procedures for Electronic Public Meetings. Unanimously approved.

ORDINANCE OF THE TOWN OF CHINCOTEAGUE

IMPLEMENTING EMERGENCY PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 11, 2020, the World Health Organization declared the novel Coronavirus (COVID-19) outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty One declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, there are confirmed cases of COVID-19 in the Eastern Shore region of Virginia; and

WHEREAS, on March 19, 2020, the governing body of The Town of Chincoteague confirmed the declaration of local emergency made by the local Director of Emergency Management on March 19, 2020, specifically finding that the COVID-19 Pandemic constitutes an emergency (disaster) under Virginia Code § 44-146.16, being a “communicable disease of public health”, and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months.

NOW, THEREFORE, BE IT ORDAINED that the Town of Chincoteague Town Council understands that the infectious nature of COVID-19 makes it unsafe to assemble a quorum of the Town Council in a single location, or to assemble members of the public in a single location, thereby making it difficult or impossible for the Council and the Town’s various Boards, Committees and Commissions to conduct meetings in accordance with normal practices and procedures. In accordance with Section 15.2-1413 of the Code of Virginia, the following emergency procedures are adopted to ensure continuity of government during the emergency and disaster created by the COVID-19 pandemic:

a. That any process, procedure, or matter which requires the physical presence of the public in a Town building or public gathering place that has been declared closed to the public is hereby suspended.

b. That meetings of the Town Council and the Town's Boards, Committees, and Commissions, may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meeting is still given in accordance with applicable laws.

c. All Rules of Procedure adopted by the Town Council are hereby suspended.

d. All such Town Council meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Council members, so long as alternative arrangement for public access to such meetings are made. Such alternative public access may be electronic, including, but not limited to audio, telephonic or video broadcast.

e. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter, inclusive of conventional mail and electronic mail as possible and practical. All such comments will then be provided to the Town Council and made part of the record of such meeting.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon adoption and shall remain in effect until repealed by the Town Council or such time as the Declaration of Local Emergency is lifted.

ADOPTED by the Town of Chincoteague Town Council, April 6, 2019

ATTEST:

5. Agenda Adoption

Councilman Reed motioned, seconded by Vice Mayor Bowden to adopt the agenda as presented. Unanimously approved.

6. Staff Updates

Mayor Leonard advised the staff reports were included in the packet.

7. Committee Reports

Ordinance Committee

Councilman Reed reviewed the minutes of the Ordinance Committee meeting. He advised they discussed adding a bamboo ordinance to regulate growth of bamboo and instructed Town Manager West to write the ordinance. He stated they also discussed electronic scooters and expressed the Committee's concerns. He added that the items will be brought to Council at a later date.

Chincoteague Historic Firehouse Redevelopment Fire Hall Steering Committee

Vice Mayor Bowden reported that they met March 13th along with members of the ANPDC. They elected Vice Mayor Bowden as the chairperson. They compiled a survey which is on the Town's website. They reviewed some preliminary results. Once the survey results are in and finalized, they will meet again for review.

Budget and Personnel Committee

Mayor Leonard advised that the Committee sent the FY 21 budget to Council who approved to send the budget for publication at the March 10th Council workshop. However, it was held up because due to COVID-19.

8. Adoption of the Minutes of the March 2, 2020 Regular Council Meeting and the March 19, 2020 Council Workshop Meeting.

Councilman Reed motioned, seconded by Councilman Lewis to adopt the minutes of the March 2, 2020 and March 19, 2020 Council meetings as presented. Unanimously approved.

9. FY 20 Budget Amendment

Town Manager West explained the amendment in detail. He asked about scheduling this for a public hearing.

Town Manager West asked Councilman Taylor to speak with the Chincoteague Center Board about the reduction in the payment from the Town.

Councilman Taylor commented about their estimated shortfalls but agreed to speak with the Board.

Town Manager West advised that the FY 21 budget was approved at the Council workshop. He suggested that they could proceed to the public hearing and advertise as it is understanding there will be an amendment later in the year, which is what the County did. He also suggested that they could estimate the impact in the budget understanding that an amendment may be necessary. He added that the VML has an estimator on their website. He asked Council's pleasure.

Council commented.

Council agreed to leave the budget as it was originally approved, understanding that there may be a budget amendment and to send it for advertisement for the public hearing to be the 2nd meeting in May.

FY 2020 Budget Amendment					
Revenues	Source	approved budget	proposed amendment	variance	notes
104001.0125	PERS PROPERTY TAX	\$195,000	\$219,000	\$24,000	More collections than predicted
104001.0500	MEALS TAX	\$1,000,000	\$900,000	-\$100,000	Shortfall caused by COVID 19 closures
104010.0200	BUSINESS LICENSE	\$128,000	\$90,000	-\$38,000	
104010.0600	TRANSIENT OCCUPANCY TAX	\$1,210,000	\$1,120,000	-\$90,000	
104401.0201	SARBANES GRANT	\$450,000	\$594,000	\$144,000	More work was awarded
104601.0300	VPA GRANT	\$99,000	\$0	-\$99,000	Grant application not successful
104701.0400	XFR FROM RAMP REPAIR FUND	\$33,000	\$75,000	\$42,000	Drawn for 2 ramp projects
104701.1000	XFR FROM GEN FUND SA VINGS	\$35,000	\$603,497	\$568,497	For purchase of firehall
104701.1100	XFR FROM GEN FUND SA VINGS (MC SUB)	\$18,000	\$25,000	\$7,000	
	TOTAL Revenue	\$3,168,000	\$3,626,497	\$458,497	
General Government					
		approved budget	proposed amendment	variance	
105010.2101	HEALTH INSURANCE	\$52,718	\$46,000	\$6,718	
105030.3401	LIABILITY INSURANCE	\$133,000	\$145,434	-\$12,434	Audit resulted in higher premium
105030.5101	ATTORNEY/CONSULTANTS	\$50,000	\$20,089	\$29,911	
105030.3701	TRANSFER TO CIVIC CENTER	\$110,000	\$91,667	\$18,333	less TOT collected (COVID)
105030.3705	MEALS TX TO CTR AND CHAMBER	\$100,000	\$91,470	\$8,530	
105090.9704	PROPERTY ACQUISITION RESERVE	\$50,000	\$0	\$50,000	
105090.9705	PROPERTY ACQUISITION	\$0	\$603,497	-\$603,497	for purchase of firehall
	Total Gen Govt	\$495,718	\$998,157	-\$502,439	
Emergency Services					
105110.2101	HEALTH INSURANCE	\$73,332	\$64,908	\$8,424	premium reduction
Public Works					
106010.1001	SALARIES	\$298,186	\$357,701	-\$59,515	added staffing
106090.9108	MUN CTR SIDEWALK REPAIRS	\$11,000	\$0	\$11,000	not needed
106090.9110	FLOATING DOCK - REED PARK	\$132,000	\$0	\$132,000	did not receive grant
106090.9301	SARBANES WORK	\$409,000	\$540,000	-\$131,000	more work awarded
106090.9600	MUNICIPAL CENTER PARKING	\$42,000	\$5,682	\$36,318	seal coated in lieu of overlay
	TOTAL	\$892,186	\$903,383	-\$11,197	
Police Dept					
107010.1001	SALARIES/OFFICERS	\$596,156	\$549,441	\$46,715	
	Total Expenses	\$2,057,392	\$2,515,889	-\$458,497	
		Balance		\$0	

10. Economic Hardship Relief Proposal

There was lengthy discussion about extending due dates.

Vice Mayor Bowden motioned, seconded by Councilman Reed to approve the relief:
Suspension of collection, reporting and payment of the transient occupancy taxes and meals taxes until June 10, 2020.

Boat ramp decals, boat slip rental fees and dog park permits extended until June 10, 2020.

Business License renewals extended until June 10, 2020.

Water/Trash payments extension for 60 days without penalties or interest.

Unanimously approved.

11. Mayor & Council Announcements or Comments

Councilman Reed received a message from a concerned citizen of how the Town will enforce those who continue to travel here from out-of-town. He suggested having people report it.

Mayor Leonard commented that the Emergency Service Team has discussed this in length but there are full-time residents here with out-of-state tags who just haven't transferred their tags yet. He feels this would be tough to police that. He added that the hotels and campgrounds have been shut down and reduced the number of visitors. They are playing it day by day. He said the police are getting calls and doing their best to answer them.

Councilman Taylor reminded the citizens to take the Census because the Town gets money back. He encouraged everyone to stay safe and to look out for one another. He added that there are scared and young families that are hurting. He again asked everyone to look out for one another and keep them in your prayers.

Councilwoman Richardson extended her heartfelt appreciation to the EMS and the Town employees who are still out there working. She added that there are lot of people who are hurting and afraid. She concluded that the Lord has been good, and they will get through this. Just have patience.

Vice Mayor Bowden has also fielded calls concerning people coming to their vacation homes. She added that there is no playbook for this. The Town is learning as they go. The police and Council are doing their best. The concerns are being heard. It's more to it than posting someone at the bridge. She feels for those who are vey concerned. She is also concerned. It only takes one bad thing to happen on the Island. It's a difficult situation. She has all the confidence in the world in the Police Department, Emergency Management Coordinator, and the Emergency Management Committee to make the right decisions for all involved. She stated that this is something the Town has never had to deal with before. She appreciates how everyone is working together for what is best for our citizens. She concluded by saying we're all in it together and we will all get through it together.

Councilman Bott commended Mayor Leonard for making the tough decisions in the State of Emergency. He feels he is doing a fine job and encouraged Mayor Leonard to keep it up. He explained that we need to study when these things are reaching the peak. He advised that it isn't the same across the board. He stated that Pennsylvania's peak is a matter of weeks and the Town's peak is 30+ days from now. He feels they may need to keep an eye on this.

Pennsylvania could be released earlier than us and want to come to the Island whereas we haven't been cleared.

Councilman Bott asked Town Manager West if the Town was eligible for any federal funds. He understands that some of the businesses can apply for some of federal help. He asked if there was anything coming for small towns.

Town Manager West is unaware of anything except for Emergency Management. He advised that Emergency Coordinator Rush has been keeping an accounting of any expenditures for this purpose. However, he is unaware of anything for the potential loss of revenue.

Emergency Coordinator Rush responded that FEMA has authorized assistance for Category B measures. This type of event is for most of staffing, over-time, extra staffing due to quarantine. It would also cover a local drive-thru testing if necessary. They would receive 75% from FEMA, another percentage from the state and the rest would be the Town's responsibility. He stated that FEMA has also come up with Category Z, which is for recovery. This covers recovery for certain meetings to discuss the public assistance process and what numbers would be along with the paperwork. FEMA is looking at individual assistance but haven't worked all details out. They have talked about the possibility of supplementing income. Regarding the business owners, the Small Business Administration is working a lot of cases at this time. Business owners can go online to the Business Administration and apply for funding. There are low-cost loans and some of this may be forgiven on the backend or with individual assistance. This is new and the Town doesn't have all of the information yet. We're all learning as we go.

Mayor Leonard asked Town Manager West if the VML had any guidelines for the Town.

Town Manager West advised there has been a lot of communications and advice. However, they have not weighed in on funding. He added that they are very much engaged.

Mayor Leonard thanked Town Manger West and Emergency Coordinator Rush as they have been his guidance in all of this along with the Emergency Management Committee. He stated that Vice Mayor Bowden has been there as well. He stated that this has been a tough thing to do because there is no playbook. There has been a lot of discussion of what to do, when to do it and how to implement it. He again thanked Town Manager West and Emergency Coordinator Rush for their help. He also stated that they should think about the police and EMS who are being put in harms-way. He asked the public to follow the simple guidelines; if you feel sick, if your child is sick or if you're elderly and feel sick, stay home and call the doctor. Quarantine yourself, avoid social gatherings of more than 10 people. Avoid travel. He stated that this will help the virus to go away. Practice good hygiene, don't forget to wash your hands, don't touch your face and be aware of your surroundings.

12. Closed Meeting in Accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters

Vice Mayor Bowden motioned, seconded by Councilman Reed to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

13. Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia

Vice Mayor Bowden motioned, seconded by Councilman Reed to certify the closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

14. Adjournment

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to adjourn.

Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE APRIL 16, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Town Manager West reported on the 2020 Census. He advised that the response rate for Virginia is under 50%, the county response is 26% and Chincoteague is lower than that. The Census is necessary. It will decide districting, representation at the federal and state levels. It also decides how federal dollars will be spent, including within our school system. He expressed the importance of completing the Census. He advised that there is an announcement on the website to complete the Census. He found out from the County that a lot of people haven't been contacted. Many people have been sent the postcard with an ID number prompting to complete the survey. He went to the website today and it took about 5 minutes. If you don't have an ID number, you can still go in and fill out the information. You need to be counted.

Mayor Leonard advised that they look at our Census as keeping our schools and the funding. He expressed the importance of being recorded.

4. Consider Proposed Ordinances

Councilman Reed read the proposed Nuisance Bamboo Ordinance.

Running Bamboo and Other Invasive Species: This proposal would add Division 3 to Article II, Weeds, of Chapter 66, Vegetation, of the Code of the Town of Chincoteague.

DIVISION 3. RUNNING BAMBOO AND OTHER INVASIVE SPECIES

Sec. 66-56. Nuisance declared.

It is the finding of the Town of Chincoteague that the planting of growing of running bamboo, and certain other species, has been and will continue to be destructive to the natural environment and destructive to properties adjoining and neighboring those properties where running bamboo has been planted or permitted to grow; and because of these effects, the planting or growing of running bamboo and other invasive species threatens the value and physical integrity of both public and private property in the Town of Chincoteague. Therefore, in order to protect and preserve said environment and property values, it is the intent of the Town of Chincoteague to regulate the planting or growing of running bamboo and other invasive species with the Town of Chincoteague.

Sec. 66-57. Definitions.

Running bamboo means the plant genera *Phyllostachys*. Other invasive species are further defined in the list compiled by the Virginia Department of Conservation and Recreation (DCR):

Sec. 66-58. Duty to contain running bamboo and other invasive species

A. Except as provided in subsection C of this section, a landowner on whose property running bamboo or invasive species grows shall not allow the running bamboo or invasive species to spread from his property to any adjoining property not owned by the landowner or within ten feet of a public right of way or a public roadway.

B. A landowner on whose property running bamboo or invasive species grows shall install or implement an appropriate containment measure effective at preventing such running bamboo or invasive species from spreading from his property onto an adjoining property not owned by the landowner or within ten feet of a public right of way or public roadway.

C. A landowner on whose property running bamboo or invasive species has spread from an adjoining property shall not be required to install or implement a containment measure to prevent the spread of this running bamboo if he:

1. Did not plant the running bamboo or invasive species or cause the running bamboo or invasive species to be planted or grown on his property;
2. Has provided satisfactory proof to the Town of Chincoteague that, within a reasonable period of time after (i) discovering the spread of the plant onto his property from an adjoining property or (ii) purchasing property on which the plant had spread from an adjoining property, he advised the owner of the adjoining property of his objection to the spread of the running bamboo or invasive species; and
3. Has initiated steps for the removal of the running bamboo or invasive species from his property, including remedies at law.

Sec. 66-59. Containment measures.

A. An appropriate containment measure is any measure that prevents the plant from spreading to adjoining property or within ten feet of public right of way or public roadway.

B. A barrier used as a containment measure shall be:

1. Impenetrable to the plant or its root system; and
2. Installed at a sufficient depth within the property where the running bamboo or invasive species is planted or growing to prevent the growth of the running bamboo or invasive species on or the encroachment of the running bamboo or invasive species upon adjoining property or within ten feet of a public right of way or public roadway.

C. A trench used as a containment measure shall be a sufficient depth within the property where the plant is planted or growing to prevent the growth of the plant on or the encroachment of the plant upon adjoining property or within ten feet of a public right of way or public roadway.

Sec. 66-60. Penalties.

Any person who fails or refuses to comply with this article shall be deemed guilty of a class 4 misdemeanor.

(Adopted 4/16/20)

Councilman Taylor asked what a Class 4 Misdemeanor was.

Town Manager West advised that it is up to \$1,200.

Vice Mayor Bowden stated that being in the lawncare business in the past, this is definitely an issue. It can grow 1 foot in 24 hours. It is very hard to get rid of.

There were brief comments.

Councilman Reed motioned, seconded by Councilwoman Richardson to adopt the Bamboo and Other Invasive Species Ordinance as presented. Unanimously approved.

Councilman Reed read the proposed regulation of eScooters.

Regulation of eScooters: This proposal would add language to Article 1, Chapter 58, Traffic and Vehicles, of the Town of Chincoteague as follows:

Sec. 58-19. Operation of eScooters on Town streets and sidewalks

(a) The following words, terms, and phrases, when used in this section, shall have the means ascribed to them in this subsection, except where the context clearly indicates a different meaning:

eScooter or motorized skateboard or scooter means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more than 20 miles per hour on a paved level surface when powered by the electric motor. “Motorized skateboard or scooter (eScooter)” includes vehicles with or without handlebars but does include “electric personal assistive mobility devices.”

Person means and natural person.

(b) It shall be unlawful for any person to operate an eScooter on any sidewalk, roadway, street, bicycle or walking path within the Town.

(c) Any person violating this section shall, upon conviction, be guilty of a class 4 misdemeanor.

(Adopted 4/16/20)

There was lengthy discussion about allowing to ride eScooters, electric bicycles or motorized skateboards on streets or sidewalks, the rental regulations, rules, etc. They also asked about the allowance of personal handicapped assessable vehicles.

Councilman Reed asked Councilman Lewis if there was a law not allowing skateboarding in Town.

Councilman Lewis advised they aren't allowed to ride skateboards on the sidewalks from Jester Street to Maddox Boulevard.

Councilman Taylor asked if skateboards were allowed to be ridden in Town on the roads.

Councilman Lewis stated that it was Main Street and Maddox Boulevard.

Business Administrator Lewis advised that it is from Jester Street to and including Maddox Boulevard and all side streets between.

Councilman Reed advised that years ago he had a lot of friends that rode skateboards who were getting stopped for doing it.

Business Administrator Lewis added that this was why they built the skate park.

There was discussion about a motorized skateboard in Town and not restricting electric bicycles.

Councilman Reed agreed and suggested exempting bicycles. He is unsure about electric skateboards. He added that a regular skateboard isn't allowed on those streets and he can't see how an electric skateboard would make any difference.

Council commented further and agreed to send this back to the Ordinance Committee for more review.

5. Adopt Change in Personnel Policy

Town Manager West explained that in Section 5.6 Anthem ran into problems with the renewal of our employees' health insurance coverage. Anthem had problems with the way the Town was handling retirees and felt the old policy was too open-ended. Referring to those employees hired before 2012 and employees hired after 2012. Their complaint was that you could come and work the month of December 2011 and be covered for life. He advised them that the Town isn't hiring anyone before 2012 now. Anthem didn't care but wanted it changed. Some of the reasoning was to define what one retiree was and defining what an early retiree was. The first part of this addresses the retiree that reaches the age of 65 and leaves because they qualify for Medicare. An early retiree is one that retires between 55-65 and they leave those in the Hazardous Duty Supplement Program at ages 50 with 25 years of service. All this is because they want it defined. They want it to be clear that once you retire and reach Medicare age, they don't want to cover anyone that's hired that is of Medicare age. Their biggest concern was a dependent of a former employee who retires on Medicare and by the previous policy, the Town

would cover the spouse as long as the employee wanted to pay for it. However, they can't cover their spouse because they are no longer an employee of the Town and the spouse is not an employee of the Town. He added that with the way it is written they could cover the spouse for 3 years because of the COBRA laws. This complex language is to satisfy them and get the renewal under Anthem this year. They have shopped with a couple of providers and Anthem offered an increase of 4%. The competitors couldn't offer this. This also helps the budget as the FY 2021 budget will show savings.

5.6 Medical Benefits

Health care insurance is provided at the beginning of the first full month following completion of 30 calendar days of employment. Details of medical care coverage and relevant benefits are outlined for each employee annually through information provided by the health insurance carrier.

- A. Any employee hired before January 1, 2012 and having been in the Town's employ as a full-time employee and enrolled in the Town's Health Insurance plan for a period of five years who retires from the Town at age 65 or later 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. Once a retired employee is covered by Medicare, the Town's health insurance coverage for the employee and any dependent(s) will terminate. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents for a period of 36 months under COBRA under the Health Insurance Company's plan or until the dependent is eligible for Medicare whichever occurs earlier/first. The employee will be responsible for the entire health insurance premium for his/her dependents.
- B. **Early Retirees:** Any employee hired before January 1, 2012 and having been in the Town's employ as a full-time employee and enrolled in the Town's Health Insurance plan for a period of five years who retires from the Town and is between 55 and 65 years of age and is not eligible for the Medicare shall be eligible to continue his/her health insurance coverage with the Town. Town Employees that are classified as Emergency Service Workers or Police Officers and enrolled in the Virginia Retirement System's Enhanced Hazardous Duty Supplement Program may become early retirees within the definition in this paragraph, at age 50, with 25 years of service. The Town will pay the premium for the early retirement employee's coverage. When the employee becomes Medicare eligible, paragraph (A) above applies. 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 until the dependent reaches Medicare eligibility. 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 after January 1, 2012. Employees hired after January 1, 2012 will be eligible for COBRA benefits through the health insurance carrier.

Councilman Reed motioned, seconded by Councilwoman Richardson to approve the change in Section 5.6 Medical Benefits in the Personnel Policy. Unanimously approved.

6. New A/V System Proposal

Stationary Streaming Camera for Town Hall \$ 1,750.00 (Option 1)

- 1080p Camera \$650
- Software \$300
- Ceiling Mount \$125
- Cables & Adapters \$225 (from soundboard to camera)
- Network Cable Drop to Camera Location \$125
- 5 Hours Labor, Install & Setup \$425

Pan-Tilt-Zoom Camera for Town Hall \$ 3,825.00 (Option 2)

- 1080p Camera \$2,600
- Software \$300
- Ceiling Mount \$125
- Cables & Adapters \$250 (from soundboard to camera)
- Network Cable Drop to Camera Location \$125
- 5 Hours Labor, Install & Setup \$425

Microphones \$3169.00

- 11 – 18” CVGD-18 Gooseneck Mics (10 + 1 spare) = \$188.00 ea
- 2 – CVO-White Ceiling Mount Mics = \$110 ea
- 1 – 4-pack Replacement MIC Windscreens = \$13
- Misc. Cabling = \$150
- 3 Hours Installation = \$255

Soundboard/Mixer \$1,340.00

- Zoom L20R \$700
- Audio Stage Box (JB) \$300
- 2 Hours Installation and Configuration = \$170
- 2 Hours Training on System = \$170

Town Manager West commented about the cameras in option 2 and if anyone wants to do a public address, this would be suited to zoom in on that person. It feels it’s a nice perk.

Vice Mayor Bowden stated that you get what you pay for. She added that with this day and time the Town needs to be on the forefront with being able to communicate with the constituents that are unable to make a meeting. She likes Option 2.

Councilman Reed asked who would control the pan, tilt and zoom.

Town Manager West stated that with an iPad or tablet they would have a control system and the idea is that we can control it or set it and go. There is software for this. An iPad or tablet could be controlled in the Council room. He added that it does have to be turned on or off. Whoever the administrator is would turn the switch on.

Vice Mayor Bowden stated that it is under budget.

Town Manager West advised he didn't budget anything for this. He stated that there is enough money in the furniture line item. However, Council won't get new chairs or desks in the Council room this year. He added that he included Council room chairs and desk in next year's budget.

Mayor Leonard feels that the constituents would prefer a new camera system than chairs for Council because everyone these days are watching meeting rooms online. He commented that the microphones are more than the camera system. He asked if the microphones would be wired in.

Town Manager West advised they would be. They could upgrade to wireless in the future and the soundboard could be adapted to wireless mics in the future.

Mayor Leonard asked if the soundboard and mixer would go in the closet.

Town Manager west stated that it is small and will fit on the shelf.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to approve Option 2. Unanimously approved.

Option 2:

Pan-Tilt-Zoom Camera for Town Hall \$ 3,825.00

- 1080p Camera \$2,600
- Software \$300
- Ceiling Mount \$125
- Cables & Adapters \$250 (from soundboard to camera)
- Network Cable Drop to Camera Location \$125
- 5 Hours Labor, Install & Setup \$425

Microphones \$3169.00

- 11 – 18" CVGD-18 Gooseneck Mics (10 + 1 spare) = \$188.00 ea
- 2 – CVO-White Ceiling Mount Mics = \$110 ea
- 1 – 4-pack Replacement MIC Windscreens = \$13
- Misc. Cabling = \$150
- 3 Hours Installation = \$255

Soundboard/Mixer \$1,340.00

- Zoom L20R \$700
- Audio Stage Box (JB) \$300
- 2 Hours Installation and Configuration = \$170

- 2 Hours Training on System = \$170

7. Mayor & Council Announcements or Comments

Councilwoman Richardson stated that she will be glad to get back to normal.

Vice Mayor Bowden feels the same way. She stated that this is nothing they have seen before and they have to deal with it a little while longer. She stated that they have to wait until April 22nd when the General Assembly meets before they know anything about the upcoming May election.

Town Manager West advised he sent an inquiry about it earlier today.

Mayor Leonard advised the General Assembly has to assemble in person.

Vice Mayor Bowden stated that she has had a lot of people ask about it and she has informed them to wait. She asked everyone to stay safe and well.

Councilman Taylor stated to keep safe and sane. He reminded everyone that God is in control.

Councilman Lewis thanked Town Manager West for his service to the Town and stated that he has been an asset and hopes he enjoys his retirement.

Councilman Reed apologized for being involved in a situation he found himself in a few weeks ago that went against the Governor's orders. He stated that he made a mistake, he was at the wrong place at the wrong time. He went to what he thought was a dinner with a couple of friends. He does have the Island's best interest in his heart and will work hard as he always has to continue to make this the best place for our residents and our visitors. He thanked everyone for their time and forgiveness.

Mayor Leonard thanked Councilman Reed. He asked everyone to try and stay sane. Hopefully everyone has been going to the Town's website to see what they've been doing and posting.

Councilman Bott had no comments.

Mayor Leonard advised they will go into a closed meeting to discuss personnel matters.

8. Closed Meeting in Accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

9. Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to certify the closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

Councilwoman Richardson motioned, seconded by Councilman Taylor to extend the retirement benefit to Town Manager West as stated in the Personnel Policy Section 5.6 (A) for his many years of service, dedication and expertise to the Town of Chincoteague and our citizens. Unanimously approved.

10. Adjournment

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adjourn.

Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

**MINUTES OF THE MAY 4, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Staff Updates

Police Department:

Mayor Leonard advised that the staff reports were included in the packet. He reported that the missing girl, Jennifer Barnes' body was found. The Police Department had to deal with another tragic incident that is being investigated. There was another traffic stop with 146 people going through. They are also policing the parking lots where people shouldn't be. He added that if anyone has any questions to contact Chief Fisher.

Public Works:

Mayor Leonard also advised that the water tank misspelling was corrected. The maintenance to both of the boat ramps are complete. The military banners have also been put up. He added that because the seniors of the high school aren't going to have a prom or graduation, they are looking at doing banners for them as well. He added that if there are any questions regarding Public Works to contact Public Works Director Spurlock.

General Government:

Town Manager West advised that the medical renewal came in at a 1% increase. He feels this was very competitive and much lower than all the quotes.

Councilman Taylor thanked Town Manager West for all the years of leadership he has committed to the Town. He stated that it has been very important for the Town to have veteran leadership. He thanked Town Manager West.

5. Adoption of the Minutes of the April 6, 2020 and April 16, 2020 Council Meetings.

Vice Mayor Bowden asked for a correction to be made to both meetings minutes. She stated that she did not lead in the Pledge of Allegiance at either meeting.

Councilwoman Richardson, seconded by Vice Mayor Bowden to adopt the minutes of the April 6, 2020 and April 16, 2020 Council meetings as corrected. Unanimously approved.

6. FY 20 Budget Amendment

Town Manager West stated that for this agenda item and agenda items #8 and #9, both the FY 20 Budget Amendment and the FY 21 Budget advertisements gave until 5:00 p.m. April 29th, "2021" and should have been "2020". He added that the year error was only seen by Council as the public only saw the agenda cover sheet, and the advertisement on the website was correct. He reported that there were no comments. The purpose for the budget amendment was for the accounting for the firehall. It was also for the accommodation for some known differences in revenue streams for COVID-19 realizing the Town would not collect the projections in meals and transient occupancy taxes. This may not make it on target but will bring it closer.

Councilwoman Richardson motioned, seconded by Councilman Reed to approve the FY 20 Budget Amendment as presented. Unanimously approved.

Councilman Taylor asked what the Town has in General Fund Savings that is not committed.

Town Manager West advised \$1.7 million.

FY 2020 Budget Amendment					
Revenues	Source	approved budget	proposed amendment	variance	notes
104001.0125	PERS PROPERTY TAX	\$195,000	\$219,000	\$24,000	More collections than predicted
104001.0500	MEALS TAX	\$1,000,000	\$900,000	-\$100,000	Shortfall caused by COVID 19 closures
104010.0200	BUSINESS LICENSE	\$128,000	\$90,000	-\$38,000	
104010.0600	TRANSIENT OCCUPANCY TAX	\$1,210,000	\$1,120,000	-\$90,000	
104401.0201	SARBANES GRANT	\$450,000	\$594,000	\$144,000	More work was awarded
104601.0300	VPA GRANT	\$99,000	\$0	-\$99,000	Grant application not successful
104701.0400	XFR FROM RAMP REPAIR FUND	\$33,000	\$75,000	\$42,000	Drawn for 2 ramp projects
104701.1000	XFR FROM GEN FUND SA VINGS	\$35,000	\$603,497	\$568,497	For purchase of firehall
104701.1100	XFR FROM GEN FUND SA VINGS (MC SUB)	\$18,000	\$25,000	\$7,000	
	TOTAL Revenue	\$3,168,000	\$3,626,497	\$458,497	
General Government					
		approved budget	proposed amendment	variance	
105010.2101	HEALTH INSURANCE	\$52,718	\$46,000	\$6,718	
105030.3401	LIABILITY INSURANCE	\$133,000	\$145,434	-\$12,434	Audit resulted in higher premium
105030.5101	ATTORNEY/CONSULTANTS	\$50,000	\$20,089	\$29,911	
105030.3701	TRANSFER TO CIVIC CENTER	\$110,000	\$91,667	\$18,333	less TOT collected (COVID)
105030.3705	MEALS TX TO CTR AND CHAMBER	\$100,000	\$91,470	\$8,530	
105090.9704	PROPERTY ACQUISITION RESERVE	\$50,000	\$0	\$50,000	
105090.9705	PROPERTY ACQUISITON	\$0	\$603,497	-\$603,497	for purchase of firehall
	Total Gen Govt	\$495,718	\$998,157	-\$502,439	
Emergency Services					
105110.2101	HEALTH INSURANCE	\$73,332	\$64,908	\$8,424	premium reduction
Public Works					
106010.1001	SALARIES	\$298,186	\$357,701	-\$59,515	added staffing
106090.9108	MUN CTR SIDEWALK REPAIRS	\$11,000	\$0	\$11,000	not needed
106090.9110	FLOATING DOCK - REED PARK	\$132,000	\$0	\$132,000	did not receive grant
106090.9301	SARBANES WORK	\$409,000	\$540,000	-\$131,000	more work awarded
106090.9600	MUNICIPAL CENTER PARKING	\$42,000	\$5,682	\$36,318	seal coated in lieu of overlay
	TOTAL	\$892,186	\$903,383	-\$11,197	
Police Dept					
107010.1001	SALARIES/OFFICERS	\$596,156	\$549,441	\$46,715	
	Total Expenses	\$2,057,392	\$2,515,889	-\$458,497	
		Balance		\$0	

7. FY 21 Proposed Budget

Mayor Leonard stated that Council will not vote on the FY 2021 budget this evening as it has to sit for 2 weeks. He added that if anyone had any comments, they could submit those by email within the next 2 weeks.

Councilman Taylor stated that it's hard to look at the revenues and think it is realistic as we are already down \$100,000 for April.

Town Manager West believes that they will probably end the year \$250,000 - \$300,000 under what was projected. He understands that this budget cannot be accurate. The idea was to get an approved budget for operations in July. He stated that it's important to have an approved budget even if it's inaccurate. This is with the understanding that there will be a budget amendment when the Town resumes to normal. It could be accurately assessed as to what the revenue streams might be. This depends on when the Town reopens. He hopes for some rebound in the businesses. He feels there will be a better idea in August. He recommends to put a freeze on some staffing. A lot of the FY 21 expenses are related to some staffing and he has discussed this with the department heads. He stated that if Council passes this budget, to put a freeze on any of that staffing increases discussed.

Town Manager West advised he solicited public comment by mail or email and didn't receive comment by the deadline. This is a budget hearing and what he would have normally done is to read the comments into the record. It can't be voted on tonight.

Mayor Leonard again stated that they have 2 weeks to send in their comments to have read into record at that time.

Councilman Bott referred to Town Manager West's statement on a hiring freeze. He asked about a freeze on the Capitol expenditures as well.

Town Manager West stated that they had a couple of big-ticket items. He stated that he scheduled a Budget and Personnel Committee meeting Tuesday, May 12th and asked if this would be a good time to target the pluses and minuses. He recommends taking it up at the Budget and Personnel Committee meeting next week. He offered to attend the meeting.

8. Review of COVID 19 State of Emergency

Emergency Service Director Rush advised that 54 days ago they started discussing COVID-19 on Chincoteague. He stated that on March 19, 2020 Council voted on the Declaration for a Local Emergency, which was 47 days ago. He then explained the Declaration of Emergency takes the Emergency Management function and turns it over to the Director of Emergency Management, which by Code is the Mayor who becomes the Director of Emergency Management within the Town. This gives him the authority within the State Code and regulations to keep everyone safe. Over the years, they develop plans; the Emergency Operations Plan which is revised every 4 years. He added that in 2021 they will begin reviewing and updating it again. They also use the Continuity of Operations Plan (COOP) if the leadership

would go down this would help keep government running. They utilize the Hazard Identification and Risk that has been included in the Plan. Most of the risks are donated to terrorism, flooding, severe storms, severe winter storms and hurricanes. He added that its mostly things of nature.

Emergency Service Director Rush advised that very little planning has been developed along the way for a pandemic, which usually falls to the Health Department. He stated that in the fall they held a pandemic planning exercise with staff where they distributed medications in the event of an outbreak. This has been a big learning curve and he explained the hurricane timelines, planning, and cleanup. The pandemic will help drive the recovery plans into the future. This COVID-19 recovery will be a big financial burden on the Town, businesses and residents. This is a good exercise for the Town planning for the future. We have to anticipate this along with the things in the risk analysis. He stated that because of the current situation he has overlooked Hurricane Preparedness Week which is May 3rd – May 9th and EMS Appreciation Week, which is May 17th – May 23rd where the Town honors the EMS in a resolution. He added that everyone has put forth effort, EMS, Police Department, Public Works and the office staff. He feels the citizens need to be commended for staying put and following the Mayor's Orders and asking questions. This has been a learning environment for all.

Emergency Service Director Rush reviewed the Disaster Laws in the Commonwealth. He stated that as they reviewed this, they discussed it with legal counsel. He referred to the Declaration of Local Emergency and the ratification. This also allows the Town to put in for funding. The funding is typically for emergency protective measures up to 75% which is up to FEMA. They are submitting and prepared to submit anything that can be reimbursed. When FEMA begins to conduct the audit, some things may get 75% and some things may not. Once a local emergency is declared, at that point allows the Director of Emergency Management, which is the Mayor, to restrict commodities, change rolls, come up with emergency ordinances in order to keep the public safe. Typically, those orders have been "stay put", curfew, evacuation of non-residents and such. He continued that in this event it has become widespread. They have restricted movements and they have asked folks not to travel here.

Emergency Service Director Rush continued that last month Councilman Bott predicted the curve to hit later which was on target. Other areas have gone over their curve and we are right in our curve on the climb. They have been on conference calls with other emergency management teams on the Eastern Shore and the Health Department last week once they started seeing the severe outbreak. In their discussion, it looked as it was a 2-week period and we are 1 week into that 2-week period. Even though we are seeing a lot of numbers in the first 3-5 days that really climbed, yesterday they had a climb of 25. He cautioned when you see a low number day and added that, we are not there yet. He is hoping and planning that next Monday they are near the peak in the area, but that could change. This has been a fluid situation since day one which changes hourly. He received information from the Health Department earlier that they are only able to report countywide and not prepared to report by zip code yet. They have confirmed that there are very low numbers on the Island.

Emergency Service Director Rush stated that based on the 425 in Accomack County, he would hope we have under 20. We do have quite a few presumed positive, which is someone who may have symptoms and/or has been around someone who tested positive. He gave an example and

added that testing is starting to come up but not in our area. He explained the PPE (personal protective equipment) inventory. He advised that because people are following directions it has lowered the number of EMS calls. An EMS provider on a call has to assume everyone has COVID-19. They are receiving more N95 masks, but gowns are harder to find. He thanked those who are making the cloth masks. The big reason the Mayor did Executive Order #1 was to eliminate the number of visitors coming to the Island. The side effect of doing what we are told is keeping the number low. The main reason was to protect our medical resources, from PPE to the hospitals that we share. As of today, Accomack County was showing 21 hospitalized and Northampton County was showing 5 hospitalized. Not all patients are at Riverside-Shore some are across the bay but report in the Accomack County Health District. He also explained that if someone has a Maryland doctor or goes to a Maryland hospital and they are tested but live in the 23336 zip code, if the test was negative, it will show within the Accomack County Health District. He added that it takes a few days which is why the number fluctuates. They also find that there are residents on the Island that claim residency on the Island, but the addresses on their identification shows in a different area. Those tests are reported to that area Health District. That area Health District will investigate and find that they actually live in Chincoteague and then they will contact our area Health District to add to the Accomack County Health District counts which could take days. We don't have a huge number to tests available to us yet. The Mayor's Order has slowed the effects of positive cases. The citizens have heeded the advice of wearing masks outdoors and in public and is the positive thing to continue.

Emergency Service Director Rush reported that the Governor is going to try to move into Phase 1 of the Recovery Plan on May 15th as long as the numbers show. There won't be a lot of difference of what we're seeing now. A lot of the businesses that are non-essential will be opened with guidelines which will come out in the next day or so. They know the 10-rule where no more than 10 will be allowed to gather, will still be in effect in Phase I. Employers will have to come up with PPE of their own with additional brakes for sanitizing. Nothing has been said that it will be required but will be recommended. If we're all wearing a mask or face covering in public then we're all covered. The distancing in the stores will remain at 6'. Phase I will last 2-4 weeks but depends on social responsibility to keep the numbers from going up. Then we will enter a Phase II period where 50 people will be allowed to gather which will last a couple of weeks going into June. Phase III will be 10-12 weeks out which will allow a larger group setting almost back to normal. However, anyone who doesn't feel safe will want to continue using masks in public. Campgrounds will be allowed to open under the Governor's Phase I and other businesses will be allowed a percentage of campers coming into visit. The hotel/motel industry has been allowed to be opened all along under the Governor's Order, but not the by the Mayor's Order which closed all accommodations. Going forward this will be addressed in the coming days. He reminded that the 10-rule will come into effect. He stated that the recovery phase will be small painful steps. Hopefully, with this phaseout people will be responsible. There is still a lot of fear out there. COVID-19 will come back, hopefully not in the depth that we've seen. He offered to answer questions.

Councilman Taylor stated that Emergency Service Director Rush and Mayor Leonard have done a tremendous job. He referred to §44-146-21 verbiage which states, "consent of the governing body", "confirmation of the governing body", "the governing body in its judgement". He stated

that they would like a little more input on the decisions. He again feels they've done a tremendous job and he is not complaining whatsoever.

Emergency Director Rush stated that when you declared the Local State of Emergency on March 19th, you consented to the Declaration of Emergency. Council has had input all along through the different meetings and discussions they've held. He added that each Councilmember has a share in this. He stated that when it comes down to it, it falls on the Mayor's shoulders. Each of you have the responsibility to speak up. The hours of planning and talk, and every idea that has been proposed has been vetted multiple times.

Councilman Taylor asked if the Town would be in align with the Governor's Phase I date of May 15th.

Emergency Service Director Rush stated that during a State of Emergency, a locality can be more restrictive but not less than the Governor's restrictions. They shouldn't make any harsh decisions until next week to see if the predictions hold true and if we're coming out of the curve. He would then make the recommendation to go along with the Governor. We just don't have anything to validate that those numbers will be lower next week. Chincoteague has done a fabulous job of keeping it from spreading, but Accomack County is the 2nd highest incident rate in Virginia. We're at the height of it right now. Hopefully by next Monday we should come out of our peak and then his recommendation would be to go along with the Governor. We're at the point to talk about recovery. He advised that the nursing home in Northampton County is having issues now with staffing. Working out all those things and anything we can do to help Accomack or Northampton behind the scenes is appreciated and if we were to need help, they would help us. It has been a slow and learning process. He is willing to listen to any recommendations.

Councilman Taylor reiterated that hopefully we may be able to align with the Governor's Phase I date of May 15th.

Emergency Service Director Rush stated that he would like to think we can enter Phase I on May 15th. He reminded that Phase I doesn't look a lot different than what we're doing now.

Mayor Leonard interjected that if Council were involved, all 7 would have to meet, by law, the meeting would require advertisement of so many days and then they could have the meeting. This set of limitations wouldn't work in this situation. Council has called him to let him know what they're thinking, and he has taken this to the meetings. He added that these meetings have gone on for hours. The bottom line is what they can do for the citizens of Chincoteague. He also stated that how and why Council wasn't involved was a decision made long before us. Moving forward is another discussion they should have. When you talk to people, they don't want anyone on the Island at all. There is such a division of people on the Island. One group wants everything back to normal with full motels, full campgrounds, the water park going and all the restaurants open and full. They had 145 visitors which is substantially less than a normal weekend. However, there is the other section of residents who feel there were 145 more people than they wanted on Chincoteague. He is in the middle and doesn't know where to turn. He

stated that it's going to be tough, look at the numbers and follow the recommendations. Safety of the Island is the bottom line and that is how they should proceed.

Vice Mayor Bowden stated that she has contacted Mayor Leonard several times over the last 45 days. This past weekend she was hit with a lot and her thought this morning before the Governor had his update was hopefully on May 15th they can start getting back on track with the hotels, motels and campgrounds. She hopes everyone will stick to the 10 – 6 rule. She advised that Emergency Service Director Rush hit the nail on the head, and we've got a lot of people out there pointing the finger at people telling them they shouldn't be here. She added that people are going to do what they want to do. They're going to come to their 2nd home and say anything they can to go through the Police checkpoint. The Town can only do so much, but it comes down to the individual to take responsibility for their own actions. She suggested if they start Phase I on May 15 that the business owners should take responsibility and the 10 – 6 rule is followed, along with making sure everything is sanitized. She doesn't feel it should be someone calling telling on a store for having 20 people in it. She feels it should be up to the store and the individuals to make sure they're following the guidelines. She hopes that on the 15th we will see a path that we're getting back to where we need to be. If not, this season will get away from them. However, they do want everyone safe, but people have to take individual responsibility.

Councilman Reed asked how long Phase I would take.

Emergency Service Director Rush responded 2-4 weeks. In that 2-4 week period, they will look at the number of tests, positives and hospitalizations. If the numbers aren't climbing rapidly, they can look at setting a date for Phase II. Getting to Phase III could take 10-12 weeks out, mid July. He feels it's too early to get scared but they will know more as each weeks go by. His goal is to reach it by the middle-end of June. We can't get less restrictive but can be more restrictive. If the numbers do what they have projected, they will be able to go along with the May 15th date along with the Governor.

Councilman Bott stated that currently Council doesn't have ultimate governance over this COVID-19 crisis. He asked how long they will stay in this type of governance, during the State of Emergency. The State Code says they make the decision to come out of the State of Emergency. He asked how this would work so they could get back to the Council governance.

Emergency Service Director Rush advised that they would have to rescind the Declaration of Local Emergency which would take a vote of Council. Once they got into the Recovery Phases, less operational and more recovery is when they would want to do this. They don't want to jeopardize any of the federal funding. There would then be a means to rescind.

Councilman Bott asked if they have started any form of local recovery to get things back on track or is this going to be done on the state's backbone.

Mayor Leonard stated that he can only go by the daily numbers which shows that it's not ready to be opened.

Councilman Bott stated that he is talking about a plan towards recovery. They need to talk about it and get it on track.

Mayor Leonard advised that this is why it is on the agenda so that they can discuss it. He doesn't want to do this in a vacuum. He suggested a recovery team for a recovery plan. He is hesitant because when they do this and incorporate a team, the team gets water down the effect they have. He needs Council to have some say in the recovery and let them be known to Emergency Service Director Rush or himself.

Vice Mayor Bowden stated that with this being something that none of them has been through before, she wouldn't begin to know what recovery looked like. She stated that some in the business community are desperate. She feels recovery is going to be May 15th and getting back to riding the fine line. She added that there are some business owners asking about taxes and the water bills will have no penalties or cutoffs. Her fear is with 10-12 weeks out and that's pushing toward Pony Penning. She knows what a devastating hit the Island would take without it. She knows that no one has all the answers, but she doesn't have a clue to try to put forth a plan other than opening up. She understands that as of today it's not possible. The path to recovery is doors open but she knows it's not possible today.

Mayor Leonard stated that if asked 54 days ago, never in his wildest dreams would he have thought we would be conducting a Zoom meeting.

Emergency Service Director Rush stated that the Shamrock Event went forward with low numbers. Everything after that was cancelled. This weekend would have been the Seafood Festival. These are big milestones we've passed along the way. He encouraged, during the recovery planning, to go back and look at the areas that were devastated by natural disasters and see what their recovery plan looked like. He added that the thing to do is treat everyone as if they're sick and that will keep us all safe. Infrastructure is in place, we have food, electricity, homes and brick and mortar are still here. He suggested seeing what other areas did to get their economy back up and running. He advised to look at Mexico Beach, Florida, Charleston and Miami Dade after major hurricanes. There is a lesson to be learned that maybe something there will show that this is what we should be doing.

Councilman Bott stated that this was his point that they need to get something started. Even though there hasn't been a natural disaster as far as building and structure. However, there is a lot of damage out there as far as image and reputation. He mentioned the negative attitudes towards our second homeowners and visitors. He didn't like the police at the base of the bridge that it wasn't giving a good image. He feels it all has to be factored into the recovery.

Mayor Leonard stated that Council has to work on the image. He stated that this is Chincoteague and we have recovered in the past and people will come back. He understands and agrees with Councilman Bott. He explained that the stops at the bridge lets the Emergency Operations know the numbers rather than working on hearsay. By the police being at the base of the bridge, they didn't turn anyone away, but they did get numbers and handed out information. He believes the police were useful at the bridge. The perception may not have been good, but it gave factual

numbers. There was a decrease in numbers, which is what they wanted to see. He understands this was a bad image, but it was an image we needed.

Councilman Bott respectfully disagreed.

Councilwoman Richardson reminded of the flood years ago that under Marshall Law they had to leave for 2 weeks. Before they were permitted to return they had to stop at the Royal Farms area to have typhoid shots. She understands what Councilman Bott is saying. She has had people tell her that they were stopped by the police and they were treated nicely, they asked where they were going and where they were from. They didn't take it bad. There is no one who wants to open up the Island as much as she does. They have to be careful they are fighting an invisible enemy that no one can see. They have to go by what the medical professionals are advising to keep ourselves and neighbors safe. She stated that they will get there and it is up to the good Lord, but we will get through it. At the time of the flood they didn't have the police at the foot of the bridge, they had the National Guard. It will get better; we have to have patience. He knows everyone has done well and Councilman Bott has done well in his business with following protocol. We have to follow the rules.

Vice Mayor Bowden stated that according to Emergency Service Director Rush's statement from the Governor's Executive Order, he didn't shut down the hotels or motels, but our Executive Order did. She stated that if the Governor will be able to move forward on May 15th with opening up, she asked if the Town will be looking at opening up the hotels as well with the guidelines.

Mayor Leonard stated that it would look as though we would have to. He stated that even if it goes against everything we've been doing, if the Governor opens up the campgrounds the influx of people and visitors from just campgrounds will be mind boggling. It wouldn't be fair to just reopen campgrounds without reopening rental homes and hotels. We would have to open up everything else.

Vice Mayor Bowden shares this opinion.

Mayor Leonard feels that if this is opened up and we see a spike in numbers, we may have to close down again. There is no play book, we just don't know. We have to venture forward. He asked Councilman Bott if he would chair the Recovery Team.

Councilman Bott agreed and stated he would like to pull in the Chamber and feels this is a good path to get a team together to give advice going forward. They have to step in as a Town to help with the recovery as it will be hard on the nonprofits.

9. Mayor & Council Announcements or Comments

Vice Mayor Bowden stated that words can't describe how much Town Manager West has meant to the Town, she hates to see him go and wished him the best. She appreciates everything he has done for the Town staff and Council.

Councilwoman Richardson thanked Town Manager West for the privilege and honor for the last 20 years and she knows that he has the Island at heart. She hopes he enjoys his retirement. She thanked him.

Councilman Lewis thanked Town Manager West. He stated that it has been a pleasure working with him over the years. He thanked him again and stated that he has done great.

Councilman Reed also thanked Town Manager West for all he has done, especially for him being new on Council. He has helped him out with many different things. He hates to see him go, but understands he wants to enjoy life.

Councilman Taylor stated that he saw Town Manager West in his golf cart today with a great big smile. He stated that he has deserved that big smile. He thanked him for everything he has done for the Town. He will keep Town Manager West in his prayers.

Mayor Leonard stated that when Town Manager West came on it was such a fresh thing with his enthusiasm. He knows that for 20 years and longer he has had Chincoteague at heart. He stated that it all goes back to his mother, Ms. Nikki who had Chincoteague in her heart as well. He thanked him for his service and wished him well. He added to have fun and not be a stranger and his input is always welcomed.

Mayor Leonard advised that the new Town Manager is a native to the Island, his father was in local politics. His family has been on Chincoteague for many generations. He believes that he will also have Chincoteague at heart just as his family has. He announced that the new Town Manager is Mr. Mike Tolbert. He will start on Wednesday. He is coming to the Town from Accomack County Public Schools running the day-to-day operations. He welcomed Mr. Tolbert aboard. He concluded, "God Bless Us!" He urged everyone to get out and take a walk, to greet the citizens with a smile and a wave to let them know you're friendly and enjoy the time you have on the Island.

10. Adjournment

Councilwoman Richardson motioned, seconded by Councilman Reed to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

James M. West, Town Manager

MINUTES OF THE MAY 21, 2020 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman

Council Members Absent:

Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Agenda Adoption

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. Unanimously approved.

5. Review of State of Emergency

a. Executive Order Number EO1 Amended

Mayor Leonard advised that this weekend the hotels will be at 50% and everything else stays about the same. He asked for questions from Council.

There was lengthy discussion about requiring masks, being more restrictive than the Governor and if the Town's orders are legal. There were also comments about hiring a Town Attorney for legal advice.

Mayor Leonard responded that the VML attorney reviewed the order and advised they were in compliance.

Councilman Bott advised in the Governor's conference yesterday, the Governor stated that no one can be more restrictive. Councilman Bott expressed his concerns.

Mayor Leonard asked if everyone read the letter that the Town sent to the Governor. Town Manager Tolbert advised he obtained the addresses for the Governor from the County. He sent the letter to the same address as their letter was.

Councilman Taylor suggested aligning with the Governor on May 29th and release the State of Emergency.

Discussion continued and Mayor Leonard stated that one of the drawbacks would be having Council meet which requires 3-day public notification. However, Emergency Management can meet day to day without notification. He also added that this also affects FEMA money.

Councilman Bott reported that the Town of Onancock is meeting regularly without notification under the "State of Emergency" and they read the statute that allows them to. He also stated that under the State of Emergency the Town is under the state government for funding. He suggested that someone research it. He would like legal clarification.

Town Manager Tolbert stated that they have an attorney they've used previously, and he will contact him. He added that the VML attorney advised they are sound, and the decisions made to date can be defended. He will contact the same attorney with the questions.

Councilman Taylor discussed the possibility of dropping the charges against the church that was charged for having too many in the building. He feels it's interfering with their 1st Amendment right.

There was further discussion.

Vice Mayor Bowden stated that the Town is under a State of Emergency and it takes precedence. Other churches have been doing Zoom meetings and drive-in services. She stated that the Town isn't interfering with the 1st Amendment. They aren't stopping them from worship. They're protecting the safety and welfare of the community. She added that other churches are going to great strides to conduct worship services.

Comments continued.

Councilman Bott feels this is a precedent setting case. He stated that when the Constitution was written in 1791 in the Bill of Rights, they had pandemics. They're trying to set a precedent that a pandemic doesn't stop their Bill of Rights.

Councilman Taylor offered to pay their fine.

Vice Mayor Bowden stated that it doesn't matter who it is. The rules were set in place for a reason. Just because it was a church didn't give the right to do what they want. All organizations fall under the same set of rules and have a certain responsibility to not put anyone in certain positions. You can't single out one group and not another one.

Mayor Leonard stated that this is uncharted territory, and no one has all the answers. He feels it will take many years to get it all straightened out. He advised that we are currently still in Phase 0. His heart goes out to the campgrounds.

Councilman Bott mentioned that according to the Roberts Rules this matter should be tabled as the issue isn't solved.

Town Manager Tolbert agreed that this should be an active review at every meeting until the State of Emergency is over.

Councilwoman Richardson stated at the Board of Supervisors meeting someone asked if they could skip Phase 1 and go straight to Phase 2.

Town Manager Tolbert stated that he listened to the meeting. He advised that Mr. Mason read information from the 1st Order about skipping Phase 1 to Phase 2. Mr. Mike Mason read the original order that states you will proceed to Phase 1 prior to proceeding to Phase 2. He has heard talk of proceeding to Phase 2 and skipping Phase 1 but not definitively.

Councilwoman Richardson stated that Mr. Mason advised he would call the Governor's office to see if they could skip Phase 1 and move on to Phase 2.

Town Manager Tolbert hasn't talked with Mr. Mason today, but will be in contact with him in the morning.

Councilwoman Richardson stated a lot of people and businesses are hurting. This is a busy time of the year and the big events have been cancelled. She added that the businesses are looking for help from the Town.

Councilman Reed asked what the Town could do to help the Chamber. The Town will have to have help getting people back here.

Mayor Leonard advised of the C.A.R.E Act that they will be discussing next on the agenda.

Councilman Bott motioned, seconded by Councilman Reed to table the review of State of Emergency and Executive Order Number EO1 Amended. Unanimously approved.

6. County C.A.R.E. Act Funding

- a. How much**
- b. County will require an agreement.**
- c. County will use for small business rescue – will roll out in next 2 weeks.**

Town Manager Tolbert reported that the County was notified by the state that they are receiving \$2.81 million in the C.A.R.E funds from the state level. The decided to pass it on to the Towns by percentages based on population. They are using the Weldon-Cooper population numbers. He sent information to Council of what qualifies as permissible uses. The County has discussed this matter and decided to go with assistance for small businesses with their money. He stated that it doesn't have to be used for this. However, when they pass it on to the Town, they will require the Town to front the money and request the reimbursements with documentation. The fund has to be used for something that is not in the current fiscal year budget as of March 27th. It cannot be used for regular funding. It has to be COVID-19 related and all of the funds have to occur between March 27th and December 30th, 2020. He sent Council information on frequently asked questions and information from the state and federal government of how to use and not use the funds. He advised that the Town's share is \$251,000 based on the population. He has

received more information and will forward it to Council. Chincoteague will get the largest amount given to any of the towns.

Vice Mayor Bowden reiterated that the Town would front the money and will apply for reimbursement from the County. She feels the businesses have taken a direct hit. She asked how it was possible for businesses to apply by a specific date and the Town distribute it.

Town Manager Tolbert responded that it is the proof of loss of income due to COVID-19.

Mayor Leonard advised that just one business has lost \$251,000. He feels it will be a tough task.

There was discussion about how the money would be distributed.

Town Manager Tolbert stated that the Board of Supervisors hasn't developed criteria. He added that they have decided that taxes have to be paid up to date and businesses must be open when the restrictions were put in place.

There was further discussion regarding distribution, who would qualify, application deadlines, and proof of loss. They also asked if the Chamber would qualify. Because they're a 501C-6 they are specifically excluded from assistance funding. They are in need of assistance as well, especially after canceling their main fundraising events.

Mayor Leonard asked Council to think about this and bring their suggestions to Town Manager Tolbert or himself. He would like to act on this and start distributing assistance before the next Council meeting in June.

7. Public Comment on Budget Adoption

Town Manager Tolbert read a letter from Mr. William "Bill" McComb regarding the FY 2021 budget:

May 3, 2020

Honorable Mayor Arthur Leonard and members of Council

Town of Chincoteague, Inc.

6150 Community Drive

Chincoteague Island, VA 23336

RE: FY20 AND FY21 BUDGET COMMENTS AND COVID-19 CONSIDERATIONS.

Dear Mayor and Council,

In these unprecedented times, I commend the efforts of all involved in managing the welfare and safety of the community, especially those essential workers on the front lines. As has been said on prior occasions, there is no "rule book" on how to address many of the concerns and challenges that have arisen as a result of the COVID-19 outbreak. To that end, we are approaching a critical juncture as Virginians anticipate recovery in controlled phases to a "new normal" as directed by the Governor, the world we return to will undoubtedly be different from the one we left behind two months ago. The recovery is anticipated by many to be a process that is going to take several months if not years, it is very important that everyone remain positive while staying cautious when considering matters such as budget amendments for the remainder of FY20, as well as formulating the proposed budget for FY21.

It is apparent that the Town's proposed budget does not work without strong tourism; the fact that approximately 30% of the Town's revenue is generated from tourism through Transient Occupancy and Meals Tax, that amount is even greater when considering the indirect revenue impact from areas such as water billing. As neighboring jurisdictions prepare their own recovery or "snap back" plans, many citizens are anticipated to be less likely to travel outside of the localities in which they reside due to continued COVID-19 concerns, as well as the financial burdens that have resulted from "stay home" orders. Many of the Town's expenses are fixed or are projects that are at least in part funded by grants or other sources; however, it is important that while fixed expenses continue to occur, the focus needs to be on variable expenses, to fully implement a budget when revenues are almost certain to be dramatically reduced without reducing expenses is not going to produce a favorable outcome. To that end I would submit the following points for your consideration with the suggestion they become effective immediately and remain in place throughout FY21 until revenue levels either reach a point where they are equal to 80% of the prior year or until an offset of proportional expenses have been eliminated:

- • An immediate hiring freeze.
- • Deferral of Mayor and Council salaries to be paid when the current situation improves, while continuing any current level of benefits such as health insurance.
- • No unnecessary payroll related expenditures, no overtime other than what deemed essential to critical infrastructure, public welfare and safety. Such overtime should be reported through the Budget and Personnel Committee for council information purposes as well as public consumption. Even overtime that is partially funded by the Commonwealth or another government agency should be avoided if there is any spend necessary from Town funds.
- • All current projects not deemed essential to critical infrastructure, public welfare and safety should be halted. The exception to this would be projects fully funded by outside sources or are partially funded and a delay would disqualify the Town from receiving such outside funding.
- • No purchase of equipment, including new patrol cars or service vehicles. Only purchases essential to public safety and welfare should be considered, excluding those purchases fully funded from an outside source.

Actions like the above, are unfortunately common in the public sector presently, it is crucial to take a granular approach when considering expenses, no potential savings is too small or should be dismissed. Local taxpayers and businesses may be affected to an even greater degree than the national average due to the amount of employment and revenue generated from our service-based industries. For this reason, it is important to control spending, and leverage expenses so they do not outpace revenues. The Town cannot save itself to recovery or budgetary solvency, drawing from reserves may be necessary at some point, but as a last resort when all other avenues have been exhausted. If the timeline for COVID-19 related impacts become far reaching, those reserve funds may be needed more later. Such unanticipated spending may be needed to further support local organizations such as the Chincoteague Volunteer Fire Department due to their normal revenues being interrupted, or monies to continue and increase the promotion of Chincoteague as a tourist destination. Competition for available tourism dollars is going to be greater than ever as the economy recovers, so it is important that the marketing of Chincoteague be considered a top priority utilizing the Chamber to execute that effort while be fully transparent and seeking the input from the local business community as well as the Mayor and Council. The community is very strong and resilient, and adversity has been overcome in the past, how the Town recovers from this will define us for months and years to come. Community participation has never been needed more, therefore I would suggest a recovery committee be formed with representation including citizens, Mayor and Council, Chamber, CVFC, banks, merchants, cultural associations and church leaders with the task of guiding the Town's recovery by the exchange of ideas from all aspects of the community, while keeping public informed through regular online meetings. Your consideration is appreciated as well as a sincere thank you for your continued leadership. May God continue to bless you and our community.

Best regards,
 Bill
 William "Bill" McComb Jr.
 7120 Silver Sails Landing
 Chincoteague, VA 23336

8. Adoption of FY 2021 Budget

Town Manager Tolbert reported that Mr. West found a cut of \$158,000 identified as personnel that they don't have to hire. He added that he found capitol improvement projects that can be deferred or cancelled with a savings of \$400,000, which makes a cut of \$558,000 in FY 2021. It doesn't help in the loss of revenue in this fiscal year.

Councilman Taylor motioned, seconded by Councilwoman Richardson to adopt the FY 2021 budget as presented. Unanimously approved.

Revenue:

**Town of
 Chincoteague
 FY'21 Budget
 Revenues**

<u>Revenue Name</u>	<u>Number</u>	<u>Budgeted</u>
Fund 10 - General Government		

Real Estate Tax Levy	4001-0100	\$	632,000
Tangible Property Tax Levy	4001-0125	\$	215,000
Delinquent Tax Collection, Int. & Pen.	4001-0130	\$	18,000
Meals Tax	4001-0500	\$	1,100,000
Bank Franchise Tax	4001-0600	\$	92,000
Sales Tax	4010-0100	\$	160,000
Business License	4010-0200	\$	130,000
Motor Vehicle License	4010-0300	\$	80,000
Utilities Tax	4010-0500	\$	226,000
Transient Occupancy Tax	4010-0600	\$	1,290,000
Fines	4015-0100	\$	50,000
Interest on Savings	4020-0100	\$	80,000
Cemetery Cleanup Donations	4041-0150	\$	200
Playground Equipment Donations	4041-0170	\$	1,200
Robert Reed Park	4041-0180	\$	1,000
User Fees - Boat Ramps	4041-0200	\$	24,000
User Fees - Dog Park	4041-0300	\$	4,600
Building Permits	4041-0500	\$	40,000
Zoning Advertisements	4041-0600	\$	750
Sale of Capital Assets	4049-0100	\$	5,000
Health Insurance-Retirees Spouse	4051-0200	\$	15,000
VA Fire Programs	4051-0300	\$	10,000
Payment in lieu of Taxes - USFWS	4061-0100	\$	7,800
Rental Income - Trolley	4061-0106	\$	15,000
Tower Rent	4061.0107	\$	6,348
Communications Tax	4071-0100	\$	107,000
Personal Property Relief Act	4071-0200	\$	129,246
Mobile Home Sales Tax	4071-0300	\$	7,000
Car Rental Distribution Tax	4071-0400	\$	22,000
Recovered Cost from Water	4101-0200	\$	100,000
Public Works Miscellaneous	4201-0100	\$	3,000
Miscellaneous Income	4303-0100	\$	10,000
Solid Waste Collection Fee	4303-0400	\$	386,630
Law Enforcement Funds	4401-0100	\$	116,940
Police Miscellaneous	4401-0125	\$	5,000
Police Donations	4401-0150	\$	30,000
Police Grants	4401-0160	\$	11,626
Dispatch Revenue	4401-0200	\$	12,150
USFWS - Sarbanes Grant	4401-0201	\$	425,000
VDOT Maintenance Funds	4501-0100	\$	700,000
Road Permit Fees	4501-0101	\$	300

Land Use Surety	4501-0110	\$	1,000
VA Commission for the Arts - Grant	4545-0140	\$	4,500
Transfer from Ramp Repair Fund	4701-0400	\$	12,689
Transfer from Gen. Fund Savings	4701-1000	\$	75,000
Total Fund 10		\$	6,362,979

Fund 30 - Curtis Merritt Harbor

Interest on Harbor Savings	4031-0100	\$	1,800
Harbor Rent	4031-1000	\$	110,000
Subleases	4031-1002	\$	52,000
Dry/Winter Storage	4031-1003	\$	1,000
VA Port Authority Grant	4031-1050	\$	110,067
Fuel Revenue	4031-1058	\$	376,000
Harbor Miscellaneous	4031-1060	\$	500
Transfer from Boat Ramp Fund	4910-8700	\$	36,689
Total Fund 30		\$	688,056

Fund 70 - Trolley

Trolley Grants	4501-0100	\$	59,327
Program Income	4501-0110	\$	8,000
RTAP Reimbursements	4501-0200	\$	-
Transfer from General Fund	4501-8900	\$	24,232
Total Fund 70		\$	91,559

Fund 80 - Water

Water Rent	4101-0100	\$	1,050,000
Waterline Extensions	4131-0100	\$	1,000
Service Connections	4131-0200	\$	15,000
Interest on Water Savings	4131-0300	\$	14,000
Availability Fees	4131-0500	\$	45,000
Total Fund 80		\$	1,125,000

TOTAL ALL FUNDS **\$** **8,267,594**

Expenditures:

Town of Chincoteague
FY'21 Expenditures

<u>Expenditure Name</u>	<u>Number</u>	<u>Budgeted</u>
FUND 10 - General Fund		

Fund 10 - General Fund/Department 50 - General Government

Salaries

Mayor	5010-0101	\$	4,800
Council	5010-0102	\$	23,040
Town Office Staff	5010-1001	\$	435,729
Overtime	5010-1003	\$	2,700
	<i>Subtotal</i>	\$	466,269

Benefits

Social Security	5010-2001	\$	33,540
Hospitalization	5010-2101	\$	55,243
Retirement	5010-2201	\$	38,793
Life Insurance	5010-2202	\$	2,968
Unemployment - All Employees	5020-2103	\$	2,000
	<i>Subtotal</i>	\$	132,544

Expenses

Bank Charges	5030-3100	\$	8,500
Building Administrator Expense	5030-3101	\$	100
Cleaning	5030-3102	\$	16,000
Planning Commission	5030-3103	\$	100
Board of Zoning Appeals	5030-3104	\$	50
Building Permit Surcharge	5030-3105	\$	1,000
Board of Building Code Appeal	5030-3106	\$	50
Insurance	5030-3401	\$	150,000
Auditing	5030-3501	\$	25,000
Donations	5030-3601	\$	14,350
Civic Center (TOTAX)	5030-3701	\$	110,000
Meals Tax Tourism - 10%	5030-3705	\$	110,000
ANPDC Membership	5030-4030	\$	7,000
Scholarship	5030-4301	\$	2,000
Office Supplies/Publications	5030-4401	\$	10,000
Office Equipment/Software			
Maintenance	5030-4402	\$	60,000
Postage	5030-4403	\$	12,000
Tax Conversion	5030-4404	\$	2,400
Gasoline	5030-4701	\$	1,200
Vehicle Maintenance	5030-4702	\$	500
Travel & Training	5030-4801	\$	1,200
Mayor's Expense	5030-4901	\$	300
Council's Expense	5030-4902	\$	1,000

Town Manager's Expense	5030-4903	\$	500
Attorney/Legal Consultants	5030-5101	\$	35,000
Drug/Alcohol Testing	5030-5201	\$	2,000
Christmas Dinner	5030-5501	\$	2,500
Dues	5030-6101	\$	2,000
Advertising & Website	5030-7101	\$	12,000
Building Maintenance	5030-7301	\$	12,000
Electricity	5030-7401	\$	14,000
Heating Oil	5030-7402	\$	5,800
Special Projects	5030-7701	\$	4,000
Pony Penning Expense	5030-7702	\$	13,000
Deer De-Pop Program	5030-7703	\$	300
Telephone Bills	5030-8202	\$	29,500
Health Insurance - Retirees	5030-8401	\$	37,300
Insurance-Retiree, Spouses & Others	5030-8402	\$	22,000
Retiree Prescription Assistance	5030-8404	\$	3,500
Miscellaneous	5030-8501	\$	4,000
911 Addressing	5030-8505	\$	500
Cemetery Cleanup	5030-8600	\$	200
Va Commission for the Arts	5030-8700	\$	9,000
Transfer to Trolley Fund	5030-8900	\$	24,232
Transfer to Harbor	5030-9000	\$	36,689
	Subtotal	\$	802,771

Capital Improvements

Property Acquisition Reserve	5090-9704	\$	26,000
Office Equipment	5090-9709	\$	8,000
Council Room Equipment/Furniture	5090-9710	\$	10,000
New Boiler-Municipal Building	5090-9715	\$	10,000
Rehab Town Office Restrooms	5090-9725	\$	20,196
	Subtotal	\$	74,196

Subtotal Fund 10 Dept 50 **\$ 1,475,780**

Fund 10 - General Fund/Department 51 - Emergency Management Services

Salaries

Emergency Medical Staff	5110-1002	\$	684,464
Overtime	5110-1003	\$	93,991
	Subtotal	\$	778,455

Benefits

Social Security	5110-2001	\$	65,841
Hospitalization	5110-2101	\$	97,776
Retirement	5110-2201	\$	52,198
Life Insurance	5110-2202	\$	4,458
	<i>Subtotal</i>	\$	220,273

Expenses

Emergency Med. Clothing	5130-3107	\$	4,000
EMS Cell Allowance	5130-3108	\$	2,800
Fire Department Donation	5130-3602	\$	21,000
Office Supplies/Publications	5130-4401	\$	500
Office Equip/Software Maint	5130-4402	\$	1,000
Travel & Training	5130-4801	\$	1,500
Dues	5130-6101	\$	500
VA Fire Programs/CVFC	5130-7601	\$	10,000
EOC Operations/Training	5130-7602	\$	3,000
VOLSAP for Vol. Firefighters	5130-8912	\$	4,500
	<i>Subtotal</i>	\$	48,800

Subtotal Fund 10 Dept 51 **\$ 1,047,528**

*Fund 10 - General Fund/Department - Public Works***Salaries**

Salaries	6010-1001	\$	327,276
Overtime	6010-1003	\$	5,000
	<i>Subtotal</i>	\$	332,276

Benefits

Social Security	6010-2001	\$	25,427
Hospitalization	6010-2101	\$	60,446
Retirement	6010-2201	\$	22,337
Life Insurance	6010-2202	\$	2,230
	<i>Subtotal</i>	\$	110,440

Expenses

Seasonal Deco & Banners	6030-4100	\$	2,000
Office Supplies & Equipment	6030-4401	\$	400
Street Maintenance	6030-4501	\$	2,000
Street Signs / 911	6030-4502	\$	150

Street Lights	6030-4503	\$	23,000
Gasoline/Diesel	6030-4701	\$	20,000
Oil/Grease	6030-4703	\$	1,100
Tools Shop	6030-4704	\$	2,500
Travel/Training	6030-4801	\$	500
Clothing / Uniforms	6030-5202	\$	5,000
Building Maintenance	6030-7301	\$	3,600
Equipment Repairs	6030-7302	\$	18,000
Safety	6030-7303	\$	500
Vehicle PMs	6030-7304	\$	300
Tires	6030-7305	\$	2,000
Garage Supplies	6030-7306	\$	3,000
Vehicle Repairs	6030-7307	\$	6,000
Electricity	6030-7401	\$	13,000
LP Gas	6030-7402	\$	1,500
Tipping Fees	6030-7501	\$	1,000
Sanitation Contract	6030-7502	\$	415,000
Miscellaneous	6030-8501	\$	1,500
Parks & Rec Expense	6030-8590	\$	40,000
Vandalism Repairs	6030-8600	\$	500
	Subtotal	\$	562,550

Capital Improvements

Vehicle/Equipment	6090-9101	\$	32,000
DJ Amrien Center Ext Repairs	6090-9105	\$	15,000
Playground Equipment (Smith)	6090-9200	\$	75,000
Bridge Tender House Restoration	6090-9300	\$	5,000
Ped Trail - Sarbanes	6090-9301	\$	425,000
Public Works Fuel Pump Replacement	6090-9305	\$	13,000
Spin Balancer - Garage	6090-9307	\$	5,000
Septic System - Chamber Parcel	6090-9466	\$	20,000
Smith St Park Project	6090-9500	\$	75,000
Pave Memorial Park Drive & Lots	6090-9601	\$	55,000
	Subtotal	\$	720,000

Subtotal Fund 10 Dept 60 **\$ 1,725,266**

Fund 10 - General Fund/Department 61 - Mosquito Control

Salaries

Salaries	6110-1001	\$	36,341
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Overtime	6110-1003	\$	350
	Subtotal	\$	36,691

Benefits

Social Security	6110-2001	\$	2,807
	Subtotal	\$	2,807

Expenses

Insurance	6130-3401	\$	6,500
Office Supplies	6130-4401	\$	20
Gasoline	6130-4701	\$	4,000
Tools & Small Equipment	6130-4704	\$	500
Chemicals	6130-4705	\$	50,000
Contract Spraying	6130-4706	\$	20,800
Travel/Training/Conference	6130-4801	\$	100
Sundry	6130-6101	\$	100
Equipment Repairs/Maintenance	6130-7302	\$	500
Vehicle Maintenance	6130-7304	\$	1,300
	Subtotal	\$	83,820

Subtotal Fund 10 Dept 61 **\$ 123,318**

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

Salaries

Salaries	6510-1001	\$	114,299
Overtime	6510-1003	\$	2,500
	Subtotal	\$	116,799

Benefits

Social Security	6510-2001	\$	8,935
Hospitalization	6510-2101	\$	18,364
Retirement	6510-2201	\$	3,494
VSRS/Life Insurance	6510-2202	\$	779
	Subtotal	\$	31,572

Expenses

Snow Removal	6530-4102	\$	22,879
Pavement Maintenance	6530-4150	\$	400,000
Sidewalks	6530-4201	\$	5,000
Traffic Control Operations	6530-4202	\$	3,000

Roadside Services	6530-4250	\$	750
Drainage Maintenance	6530-6250	\$	5,000
Traffic Control Devices	6530-7202	\$	5,000
Electricity	6530-7450	\$	60,000
Vehicles/Equipment	6530-9855	\$	50,000
	Subtotal	\$	551,629

Subtotal Fund 10 Dept 65 **\$ 700,000**

Fund 10 - General Fund/Department 70 - Police Department

Salaries

Salaries	7010-1001	\$	597,867
Overtime	7010-1003	\$	9,800
	Subtotal	\$	607,667

Benefits

Social Security	7010-2001	\$	46,487
Hospitalization	7010-2101	\$	93,702
Retirement	7010-2201	\$	50,942
Life Insurance	7010-2202	\$	3,856
	Subtotal	\$	194,987

Expenses

Gasoline	7030-4701	\$	17,500
Travel/Training	7030-4801	\$	7,500
Uniform Allowance (Officers)	7030-5201	\$	8,100
Uniforms - Town	7030-5202	\$	3,000
Office Supplies/Equipment	7030-7300	\$	5,300
Equipment Maintenance Agreements	7030-7302	\$	7,500
Vehicle Maintenance	7030-7304	\$	6,000
Drug Enforcement	7030-7901	\$	5,000
Academy Dues	7030-7903	\$	7,000
Bicycle Patrol	7030-7904	\$	500
Community/Youth Programs	7030-7905	\$	30,000
Grant Funded Expenditures	7030-7906	\$	7,800
Ammunition	7030-7907	\$	1,500
Cell Phone Allowance	7030-8203	\$	3,000
Police Accreditation	7030-8301	\$	1,900
Sundry	7030-8501	\$	1,500
	Subtotal	\$	113,100

Capital Improvements

Patrol Vehicle	7090-9650	\$	45,000
LSV (for use by seasonal and SRO)	7090-9655	\$	12,500
Kevlar Vests	7090-9660	\$	1,500
Stancil Recorder	7090-9663	\$	12,000
Radio Repeater	7090-9665	\$	10,000
Intoxilyzers - Vehicle 3 each	7090-9690	\$	1,300
Fingerprint Scanner	7090-9695	\$	5,500
Computers/Software	7090-9696	\$	2,000
Camera System - Interrogation Room	7090-9698	\$	5,400
Rifles - Patrol Vehicle	7090-9715	\$	7,500
Bailout Bags - Patrol Vehicle	7090-9720	\$	2,500
Software Maintenance - cameras	7090-9760	\$	5,000

Subtotal \$ 110,200

Subtotal Fund 10 Dept 70 \$ 1,025,954

Fund 10 - General Fund/Department 75 - Dispatch

Salaries

Salaries	7510-1001	\$	183,405
Overtime	7510-1003	\$	2,700

Subtotal \$ 186,105

Benefits

Social Security	7510-2001	\$	14,842
Hospitalization	7510-2101	\$	32,592
Retirement	7510-2201	\$	12,637
Life Insurance	7510-2202	\$	957

Subtotal \$ 61,028

Expenses

Travel/Training	7530-4801	\$	1,500
Uniform Allowance - Dispatchers	7530-5201	\$	1,200
Uniforms (Town for Dispatchers)	7530-5202	\$	650
Office Supplies/Equipment			
Maintenance	7530-7300	\$	14,500
Sundry	7530-8501	\$	150

Subtotal \$ 18,000

Subtotal Fund 10 Dept 75 \$ **265,133**

Total Fund 10 \$ **6,362,979**

**Fund 30 - Curtis Merritt
Harbor**

Salaries

Salaries	8010-1001	\$	47,549
	<i>Subtotal</i>	\$	47,549

Benefits

Social Security	8010-2001	\$	3,638
Retirement	8010-2201	\$	4,279
Life Insurance	8010-2202	\$	324
	<i>Subtotal</i>	\$	8,241

Expenses

Operation/Maintenance/Etc.	8030-7300	\$	30,000
Fuel Purchase	8030-7315	\$	330,000
Sundry	8030-8501	\$	500
	<i>Subtotal</i>	\$	360,500

Capital Improvements

Long Term Replacement Reserve	8090-9124	\$	54,000
Infrastructure Repairs/Upgrades	8090-9200	\$	49,010
New Fuel System	8090-9130	\$	22,000
Floating Dock Finger Pier	8090-9300	\$	146,756
	<i>Subtotal</i>	\$	271,766

Total Fund 30 \$ **688,056**

Fund 70 - Trolley

Salaries

Salaries	3010-0100	\$	44,760
	<i>Subtotal</i>	\$	44,760

Benefits

Social Security	3010-2001	\$	3,424
	<i>Subtotal</i>	\$	3,424

Expenses

Insurance & Bonding	3030-3401	\$	3,400
Communication Service	3030-4400	\$	800
Printing & Reproduction	3030-4401	\$	2,700
Advertising & Promotion	3030-4402	\$	1,175
Education & Training	3030-4403	\$	1,200
Cleaning Supplies	3030-4404	\$	100
Supplies, Materials & Uniforms	3030-4406	\$	500
Memberships and Dues	3030-4407	\$	250
Travel & Meals	3030-4408	\$	1,000
Fuel and Lubricants	3030-4701	\$	7,000
Tires & Tubes	3030-4702	\$	600
Uniforms	3030-4704	\$	1,200
Parts	3030-4704	\$	750
Drug Testing	3030-5201	\$	1,200
Equipment Repairs/Maintenance	3030-7302	\$	6,500
Rent	3030-8505	\$	15,000
	<i>Subtotal</i>	\$	43,375

Total Fund 70 \$ **91,559**

Fund 80 - Water

Salaries

Salaries	6210-1001	\$	268,324
Overtime	6210-1003	\$	5,000
Pump Duty	6210-1004	\$	19,000
	<i>Subtotal</i>	\$	292,324

Benefits

Social Security	6210-2001	\$	22,363
Hospitalization	6210-2101	\$	36,415
Retirement	6210-2201	\$	19,151
Life Insurance	6210-2202	\$	1,828
	<i>Subtotal</i>	\$	79,757

Expenses

Office Supplies/Equipment			
Maintenance	6230-4401	\$	1,300
Postage	6230-4403	\$	5,000
Gasoline & Diesel	6230-4701	\$	4,700
Tools	6230-4704	\$	1,000

Chemicals	6230-4705	\$	12,000
Travel & Training	6230-4801	\$	1,000
Uniforms	6230-5202	\$	1,000
Dues/Licenses	6230-6101	\$	1,000
Building Maintenance/Rehab	6230-7301	\$	2,089
Safety	6230-7303	\$	500
Vehicle Maintenance	6230-7304	\$	1,000
Raw Water Purchase (NASA)	6230-7400	\$	-
Electricity	6230-7401	\$	35,400
LP Gas	6230-7402	\$	200
Distribution & Repairs	6230-8101	\$	46,000
Supply Repairs	6230-8103	\$	7,000
Cell Phone Allowance	6230-8202	\$	900
Miss Utility	6230-8204	\$	800
Subscription - Neptune 360	6230-8209	\$	7,000
Sundry	6230-8501	\$	500
Reimbursement to Fund 10	6230-8601	\$	100,000
Regulation Compliance	6230-8750	\$	6,000
State Groundwater Permits	6230-8770	\$	10,000
Engineering	6230-9101	\$	13,000
	<i>Subtotal</i>	\$	257,389

Capital Improvements

Water Main Extensions	6290-9101	\$	5,284
Metered Distribution	6290-9207	\$	10,000
Water Bond	6290-9506	\$	177,382
Interest on Water Bond	6290-9507	\$	4,218
AMI Bond	6290-9508	\$	86,564
AMI Bond Interest	6290-9509	\$	16,464
Waterline Line Replacement	6290-9600	\$	45,618
Wireless Meters - Gateways	6290-9701	\$	65,000
GLR Tank Paint	6290-9703	\$	80,000
High Rise Lift Pump	6290-9704	\$	5,000
	<i>Subtotal</i>	\$	495,530

Total Fund 80 \$ **1,125,000**

TOTAL ALL FUNDS \$ **8,267,594**

Councilman Taylor asked about the projected shortage in the remaining FY20 budget. He stated that Mr. West felt it would be \$250,000.

Town Manager Tolbert commented that currently they are short \$400,000 between Meals Tax and Transient Occupancy Tax between the months of April, May and June. This is conservative as they haven't considered any revenue at all in either of these sources.

9. Mayor & Council Announcements/Comments

Councilman Bott feels everyone in the community is really trying and taking this seriously by wearing masks and practicing social distancing. He gave kudos to everyone in Town who are making this work.

Councilwoman Richardson agreed and stated that she has seen the same thing. She explained a situation at Family Dollar where they were patiently waiting in line outside until they could enter.

Councilman Reed understands that this bothers everyone. He feels they should take heed and do what the orders say. He encouraged everyone to hang with it and do the best they can. He is bothered by how bad the businesses are hurting. He is in construction which is considered essential and he is able to continue working. He added that it is hard seeing Chincoteague look like a ghost town when normally it would be hammered with people. He hurts hearing that the carnival is closed. This has taken a toll on a lot of people. He added for everyone to do what they can, hang tough and be safe.

Councilman Lewis agreed with Council comments. He congratulated everyone on the election and wished them luck in the next 4 years.

Councilman Taylor asked to keep everyone in their prayers. He also asked everyone to thank those in the restaurants and stores. He added that they understand the stress and reminded everyone to put their faith and trust in the Lord.

Vice Mayor Bowden stated that every step they take is in uncharted territory. She also stated they don't know if it's right or wrong. She added that the Fire Company made an agonizing decision. She explained that it cost a lot of money to open the carnival. If it is opened, they may not have the crowd and they would have lost a lot of money. They thought about postponing it until August and fear the same outcome. This was extremely tough for everyone. The Fire Company will take about a \$500,000 hit on this year. However, they will still be able to auction the ponies. She wants Council to look at every option available to help the businesses. She prays they can come through this. She wants everyone to investigate every option. She stated that it's heartbreaking. The Town is tough and strong and will be back better than ever when it's time.

Councilwoman Richardson commented that the Saltwater Cowboys better have their horses ready. She reminded that the ponies don't know the swim has been cancelled and they could come across anyway.

Mayor Leonard congratulated the survivors of Tuesday's election as it was bitter cold. He also congratulated the winners and commented that Councilman Bott was the top vote getter. He congratulated Vice Mayor Bowden and Councilman Taylor. He also welcomed Mr. Bill McComb to Council. He commented the Councilman Lewis has done a good job.

Councilman Taylor thanked Councilman Lewis for hanging with them. He also thanked Mrs. Pat Farley for running and expressed how important it is to have contested races. He commended her that she thinks enough of the Town to serve.

Vice Mayor Bowden also congratulated Mayor Leonard. She stated that being on Council isn't an easy job and mentally it's the hardest job she's ever had to do. It is something crazy about them that they want to do it but it's something in their heart that makes them want to serve their community.

Councilman Lewis commented that those who complain should try it for at least 4 years.

10. Adjournment

Vice Mayor Bowden motioned, seconded by Councilman Reed to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE JUNE 1, 2020 CHINCOTEAGUE TOWN COUNCIL MEETING

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Bryan Rush, Emergency Management Coordinator
Mrs. Kelly S. Lewis, Business Administrator

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Staff Updates

Mayor Leonard advised the reports are in the packet.

5. Committee Reports

Budget & Personnel Committee:

Mayor Leonard advised they discussed possible budget issues due to COVID 19.

Public Works Committee:

Councilwoman Richardson reported they discussed the Multimodal Transportation Project which will continue with sidewalks along Maddox Blvd from Chicken City Road to the traffic circle. They also discussed the lease-to-own street sweeper, which will be reviewed later in the meeting.

6. Adoption of the Minutes of the May 4, 2020 and May 21, 2020 Council Meetings.

Vice Mayor Bowden motioned, seconded by Councilman Reed to adopt the minutes of the May 4, 2020 and May 21, 2020 Council meetings as presented. Unanimously approved.

7. Agenda Adoption

Councilman Taylor asked Mayor Leonard if they could add a closed session to discuss Law Enforcement matters.

Mayor Leonard agreed.

Councilwoman Richardson motioned, seconded by Councilman Reed to adopt the agenda with the addition of item #12A, Closed Session as requested. Unanimously approved.

8. Council Approval of Street Sweeper Lease-to-Own and Resolution

Town Manager Tolbert advised that the funds will be out of the Urban Maintenance money and not from the Town fund.

There were comments.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to approve the lease-to-own street sweeper. Unanimously approved.



**EXHIBIT A
RESOLUTION OF GOVERNING BODY
EXTRACT OF MINUTES**

LESSEE: Town of Chincoteague, Inc.

At a duly called meeting of the governing body of the lessee, on the 1st day of June 2020, the following resolution was introduced and adopted.

WHEREAS, the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement by and between Lessee and Leasing 2, Inc., and has further determined that the Equipment will be used solely for essential governmental functions and not for private business use.

WHEREAS, Lessee has taken the necessary steps, including, without limitation to compliance with legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment.

BE IT RESOLVED, by the governing body of Lessee that the terms of said Lease-Purchase Agreement and Escrow Agreement, if applicable, are in the best interest of Lessee for the acquisition of such Equipment, and the governing body of Lessee designates and confirms the following person to execute and deliver, the Lease-Purchase Agreement and Escrow Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement and Escrow Agreement.

Michael T. Tolbert, Town Manager

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Lease-Purchase Agreement and Escrow Agreement is the same as presented at said meeting of the governing body of Lessee.

Secretary/Clerk

Date

9. Approval of Floating Dock Project

Mayor Leonard advised that they would like to add a floating dock for an additional 20 slips. He stated that they installed a floating dock last year and feels this has been a big improvement. He commented that Harbor Master Merritt has leased all the slips. The application has been approved to receive a grant from the Virginia Port Authority. The total cost of the project will be \$146,756 of which \$110,067 is the awarded grant

Town Manager Tolbert reported that the Town's match is 25% which is \$36,689 and the Town's match will be drawn from the Harbor Fund.

Mayor Leonard feels the Harbor fund could easily match this.

There were further comments.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to approve the Floating Dock Project proceeding with the grant with the Town's responsibility of 25%. Unanimously approved.

10. Review of State of Emergency

b. Executive Order #EO 1

c. Executive Order #EO 1 Amended

Emergency Management Coordinator Rush reported on the COVID-19 positive numbers to date. He reviewed the regulations set forth for reopening. He advised they will continue to monitor the reports on cases over the next few weeks. He hopes the Governor will give a timeline for Phase 2. He feels that the state's numbers do not show that many active cases. He would like to be at Phase 2 by at least next Friday, June 12th. This will help with group activities. There will be some information on summer camps and school openings for the fall. He advised that as of midnight last Friday the Mayor's Executive Order #1 expired. As of now, everything the Town is doing mirrors what the Governor has enacted.

Councilman Bott asked if Chincoteague was still in a State of Emergency.

Mayor Leonard advised they are still in a State of Emergency, however the Executive Order is no longer in effect.

There was lengthy discussion regarding the permit for outdoor seating at restaurants and if this was legal to require a permit without going through the Ordinance Committee and Council. They also discussed that the Health Department oversees and approve outdoor seating.

Councilman Bott expressed his discontent and feels the Town was over-reaching with the permit.

Councilman Reed asked if they would try to keep the outdoor seating when the pandemic is over.

Town Manager Tolbert responded that the purpose was to allow additional outdoor seating. The additional seating will expire when the State of Emergency expires. Those businesses can apply through the appropriate channels after that time to continue with outdoor seating.

Councilman Reed didn't feel they needed the permit.

Vice Mayor Bowden interjected that the permit was free.

Mayor Leonard also added that the permit was a simple form giving the business information, location and a pencil drawing.

Town Manager Tolbert stated that the Governor's order did not allow for newly created outdoor seating. This was done to help create outdoor seating and help the businesses.

Councilman Bott asked if Council could vote to come out of the State of Emergency.

Mayor Leonard advised that he would like to come out of the State of Emergency. He stated that if the cases go up the Town would be back at square 1. He added that there is no intent for control, it was done to track expenditures which is what the State of Emergencies is for.

Emergency Management Coordinator Rush advised that under the State of Emergency there are a lot of moving parts for FEMA's reimbursement. There will be reimbursements of up to 75% of the expenses. He feels it would be irresponsible for the Town to come out of the State of Emergency at this time. The Town business can continue to run, and they should stay in a State of Emergency for a short period of time. They are still in response mode and response recovery mode. He commended staff for a great job responding and filtering many calls and giving out information. He suggested staying in the State of Emergency until at least halfway through Phase 2 as it gives the mechanism of reimbursement.

Councilman Bott asked if the state was still in a State of Emergency.

Emergency Management Coordinator Rush responded that the state is. He explained that this allows for reimbursement of funds, it also gives access to other resources. The Town will receive reimbursements while they're still in the State of Emergency, but it is questionable if they come out. He advised that Northampton County, Accomack County and Chincoteague are in a State of Emergency. The Code of Virginia lists Chincoteague because it has its own Emergency Services which allows a declaration of a State of Emergency during an event.

Mayor Leonard stated that other towns have enacted other orders.

Emergency Management Coordinator Rush added that other Towns like Tangier, would go to Accomack County for reimbursements. However, Chincoteague applies on its own behalf. The Town has its own team assigned to us to complete the paperwork and file.

11. C.A.R.E.S Act Funding Discussion

Town Manager Tolbert advised that the Board of Supervisors have not approved the guidelines. He stated that Council discussed helping the working watermen. Mr. Mike Mason advised that non-profits do not qualify. A shortfall in revenue does not qualify. The Town will receive \$251,961. The County will disburse on a first come first serve basis and will award the money until it is gone. They will also set aside for working watermen.

Vice Mayor Bowden asked if it stated that the money could not be used for loss of revenue.

Town Manager Tolbert responded that it reads that a loss of revenue for "Municipalities" does not qualify. But loss of revenue for small businesses does qualify. He added that Council has the decision and he feels it should be to do the most good for most. They do not want to see anyone receive funds from multiple sources. He stated that since the campgrounds were closed by Governor's order they should qualify for reimbursement under the County. Because the Town closed the hotels/motels/rentals, etc., the Town would award those businesses who applied.

Vice Mayor Bowden feels that \$251,000 isn't a lot of money to spread out to 40-50 businesses. She is concerned how they decide on the criteria and who would qualify for what amount.

Councilman Taylor asked which brick and mortar business was not affected.

Councilman Bott responded essential businesses don't qualify, which narrows it down.

Vice Mayor Bowden feels the Governor's order left several loopholes that businesses could jump through. Some businesses could have been open with the 6²/10 rule and chose not to.

Emergency Management Coordinator Rush stated that the Town did not have the spread because of the elected officials, the businesses and the community.

Vice Mayor Bowden feels the motels, campgrounds and restaurants were hit hard. The money will not be much.

Town Manager Tolbert advised that the County requires the Town to disburse their funds and they will check the qualifications for reimbursement.

Mayor Leonard stated that they need to make sure they have everything documented. The Town can give out the money to a business, if the County feels they do not qualify, the Town may not be reimbursed.

Councilman Taylor suggested referring to last year's Meals and Lodging taxes for reimbursement information.

There was discussion regarding public restrooms which were opened a week ago Friday. They are being cleaned every 2 hours. They also discussed the need for more restroom facilities within the Town along with planning another public restroom.

Vice Mayor Bowden stated that when the County completes the application to businesses for the C.A.R.E.S Act the Town should review it to create our own. She wants to see that this is fair.

12. Mayor & Council Announcements or Comments

Councilman Bott gave a shoutout to the seniors. He feels the parade was cool and it was good to see all the support.

Councilwoman Richardson thanked the school who bought the banners for the seniors, the Town for putting them up and the Kiwanis for helping as well. They have a lot to be thankful for. She congratulated the 2020 graduates. She also commented on the speech from the Chincoteague High School Principal, Mr. Harold Holmes about being the first graduating class to experience this.

Councilman Reed stated that he was relieved to drive down Beach Road to see a little traffic and people eating. This is a good sign that people are going to come back.

Councilman Taylor also congratulated the seniors. He stated that it has been a pleasure serving with Councilman Lewis on Council. He thanked him for sticking with Council.

Vice Mayor Bowden stated that she wishes nothing but the best for the graduates. She also stated that when she went down Maddox Boulevard Friday and Saturday seeing everyone doing the right things with 6' distancing in lines at the Creamery. She added that they may not like it but they're getting through trying times. As citizens in the County, Chincoteague, and the Country, we should be doing good for mankind. This country is hurting in a lot of ways. She quoted from Ms. Brianna Merritt "Be Kind".

Councilman Lewis congratulated the seniors. The thanked Emergency Management Coordinator Rush for keeping everyone informed over the past weeks.

Mayor Leonard stated that getting back to some sort of normalcy is good to see. This will not be a normal summer without the carnival and Pony Penning. He congratulated the seniors. He understands how hard this has been for them, the parents, and teachers. He commented that the teachers have had a lot of extra time to learn new things to educate the kids.

Mayor Leonard announced that the recipient of the Town of Chincoteague, Justin P. Stone Scholarship is Ms. Alanna Hall.

12(A). Closed Meeting in Accordance with §2.2-3712 (A) (19) of the Code of Virginia to Discuss Plans to Protect Public Safety

Councilman Taylor motioned, seconded by Vice Mayor Bowden to go into a closed meeting in accordance with §2.2-3712 (A) (19) of the Code of Virginia to discuss plans to protect public safety. All present were in favor and the motion was carried.

Councilman Reed motioned, seconded by Vice Mayor Bowden to reconvene into regular session. All present were in favor and the motion was carried.

Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden certify the closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. All present were in favor and the motion was carried.

13. Adjournment

Councilman Reed motioned, seconded by Councilman Bott to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE JUNE 18, 2020
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

J. Arthur Leonard, Mayor
Denise P. Bowden, Vice Mayor
Christopher D. Bott, Councilman
Edward W. Lewis, Jr. Councilman
Matthew Reed, Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

1. Call to Order

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

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Agenda Adoption

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

5. Consider Proposed Ordinances

Councilman Reed advised that the first Ordinance consists of minor changes to an existing Ordinance, Sec. 42-29. Rules and Regulations. He explained that it adds the Donald Leonard Park and the Island Nature Trail to the listed Parks. He added that they will also require liability insurance to groups over 30 listing the Town as insured.

Councilwoman Richardson questioned that they haven't had liability insurance in the past for utilization of the park. She asked why the Town would do it now.

Mayor Leonard responded that they are trying to cover the Town. It would take one injury for that person to sue the Town.

There was further discussion and comments about liability insurance requirements for reunions with 60 people which could be waived at the discretion of the Town Manager and/or Council.

Vice Mayor Bowden agrees that the Town should be protected.

Councilman Bott advised he didn't like the 30-person limit but does agree with the insurance requirement. He also agrees with the discretion.

Vice Mayor Bowden motioned, seconded by Councilman Reed to approve the changes, corrections and additions to Sec. 42-29. Rules and Regulations as presented and including the requirements of liability insurance waiver at the discretion of the Town Manager or Town Council. The motion was carried.

Ayes: Bowden, Reed, Lewis, Bott, Taylor

Nays: Richardson

Abstain: None

Sec. 42-29. Rules and Regulations: (as amended)

(b) For the purpose of this subsection the word "group" shall additionally mean either a preplanned assemblage of ten or more persons engaging in one joint activity, or an informal assemblage of ten or more persons coming together and engaging in one joint activity. The following rules and regulations shall be applicable to the use of the facility by groups for **all Town Facilities including but not limited to** Veterans Memorial Park, Robert N. Reed Downtown Park, **Donald J. Leonard Park and the Island Nature Trail** so as to ensure that the facility is reasonably accessible to all citizens and guests, no liability is incurred by the town or its agents and employees and the property is preserved and maintained for the benefit of future users:

- (1) Any such group or member thereof shall, prior to utilizing the facility, secure a written permit from the office of the town manager.
- (2) Such permit shall specify the area of the facility to be used by the group for its activity and the permitted hours, consistent with the planned activity, other groups desiring to use the facility or particular part thereof, and such other reasonable

factors that the town manager or his designee may determine. The playground equipment cannot be exclusively reserved.

- (3) The permit shall be further executed by the group or a member thereof and shall provide that the group or person executing the permit shall be responsible for any and all damages to the facility committed by such group or any member thereof. ~~The town manager or his designee may require either that such person or the group provides evidence of financial responsibility or appropriate liability insurance.~~ **A certificate of liability insurance listing the Town of Chincoteague as a named insured shall be required for all groups exceeding or expecting to exceed 30 persons. The Town Manager shall provide the applicant with requirements for the limits of liability at time application is made. The Town Manager and/or Town Council will have the discretion to waive the liability insurance requirement.**

Councilman Reed also read the changes to Sec. 58-17. Riding bicycles on certain designated sidewalks.

Councilwoman Richardson stated that in the Code book it states “It shall be unlawful for any person to play the games known as football, baseball, or bandy or to use in the streets any skateboard, roller blade, roller skate or non-motorized scooter, or any instrument known as a slingshot...”. She asked if they were going to allow these onto the street and advised that there are conflicting ordinances.

Town Manager Tolbert stated that those items aren’t allowed on the sidewalk and this states that they aren’t allowed on the street.

Councilman Lewis stated that with the traffic on the Island, it is dangerous to ride a skateboard on the streets.

Vice Mayor Bowden mentioned the handicapped motorized scooters and asked if they would be allowed on the sidewalks.

Town Manager Tolbert explained that the definitions do not include those types of devices. He explained that the electric personal assisted mobility device refers to what he believes is a Segway or hoverboard with 2 non-tandem wheels. He stated that the motorized wheelchair-type carts are not included in this.

Vice Mayor Bowden stated that the discussion at the Ordinance meeting was about not having someone rent e-scooters or e-bicycles and leaving them all of the Island.

Councilman Reed stated that in a city you could walk up to a e-scooter with an app, scan it and rent it. It can be left at the curb outside of a store and another person could scan it and ride off on it. They didn’t want this which is included in the next part of the Ordinance changes. He also explained that they included that it has to be rented at a depot and returned to the depot or the depot can drop it off at the rental home and picked up from that rental home. This would eliminate that problem.

Vice Mayor Bowden asked Chief Fisher if the Town has had a lot of problems with skateboards and bicycles in town on the sidewalks.

Chief Fisher advised they haven't recently. He has seen some kids skateboarding. He added that skateboarding in the road is against a state law.

There was discussion and Council agreed to remove "skateboard and scooter" from section (b).

Councilman Reed motioned, seconded by Vice Mayor Bowden to approve the proposed additions, corrections and deletions to Sec. 58-17. Riding bicycles on certain designated sidewalks, removing "skateboards" and "scooters" from section (b). Unanimously approved.

Sec. 58-17. Riding bicycles on certain designated sidewalks.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bicycle means a device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than 25 inches from the ground when adjusted to its maximum height.

Electric power-assisted bicycle means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider.

Electric personal assistive mobility device is a self-balancing two-nontandem-wheeled device that is designed to transport only one person and is powered by an electric propulsion system that limits the device's maximum speed to fifteen miles per hour or less.

Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (iv) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

Person means any natural person.

(b) It shall be unlawful for any person to ride a bicycle, ~~skateboard, scooter, electric power-assisted bicycle, motorized skateboard, motorized scooter or electric personal assistive mobility device~~ on ~~the following designated sidewalks~~ a sidewalk within the incorporated town.

~~(1) — That portion of the sidewalks adjacent and parallel to Main Street, bounded on the north by Maddox Boulevard or the prolongation thereof and bounded on the south by Jester Street or the prolongation thereof.~~

~~(2) — That portion of the sidewalks adjacent and parallel to Maddox Boulevard, bounded on the west by Main Street and bounded on the east by Deep Hole Road.~~

~~(e) — Any person violating this section shall, upon conviction, be guilty of a class 4 misdemeanor.~~

(d) This section is adopted pursuant to the provisions of Code of Virginia, § 46.2-904. (Code 1977, § 14-7(a)-(d), (f); Ord. of 12-2-1991)

Cross reference—Streets, sidewalks and other public places, ch. 50.

Division 2. Specific Businesses and Occupations:

Section 18-____. Vehicle Rental Agency:

For the purpose of this section, a vehicle is defined as a bicycle, skateboard, scooter, electric power-assisted bicycle, motorized skateboard, motorized scooter or electric personal assistive mobility device as defined in Section 46.2-100 of the Code of Virginia.

Any business offering vehicles for-hire within the Incorporated Town, regardless of the rental term, shall establish a physical depot to house or store such vehicles. All for-hire vehicles shall be returned to the same depot upon the expiration of each rental term and shall remain at the depot until another rental term is initiated.

Nothing in this section shall preclude or prevent a for-hire business from delivering a rental vehicle to the customer's place of residence at the commencement of the rental period and picking it up upon termination of that period.

Vice Mayor Bowden mentioned a letter she received from Building and Zoning Administrator Lewis regarding bamboo. She asked if the ordinance was for new plants.

Councilman Reed advised that it included existing. He explained that it is supposed to be kept on your property. They would have to keep it from invading onto a neighboring property.

Mayor Leonard suggested sending it back to the Ordinance Committee and invite Building and Zoning Administrator Lewis for assistance.

6. Review of State of Emergency

Emergency Service Director Rush advised that today marks day 100 of COVID-19 response. He feels they have proven successful in what they've done. Currently they had 10 cases in Chincoteague with 1 case reported last Saturday, which was the first case in almost a month. The other 9 should be recovered. Over the last couple of days there has been a small spike in numbers in the county due to the last of the poultry plant testing. Based on the state rate they are at about 7.2% positive which is trending down. The Governor announced what Phase 3 will look like. The message is to still continue wearing masks, social distancing at 6', and the message is

still “it is safer at home” especially for those more vulnerable. He added that restaurants will be allowed to go at capacity, however, they will still need to continue social distancing by spreading tables out which loses that capacity. Gatherings indoors will be up to 250 people, or 50% of what that capacity is, whichever is less. Large venues, centers, amusement parks, and concerts, are allowed 1,000 or 50% of the lowest occupancy, which ever is less. Pools will be allowed to go to 75% with social distancing, groups in pools will also have to stay spread out. Gyms will go to 75%. They are still recommending telework, and a lot of the messaging is still consistent with Phase 1 and Phase 2 following CDC guidelines by keeping areas clean, wearing masks along with social distancing. He feels they won’t see that much restrictions in Phase 3. He commented on livestock shows as well adding that the Fire Department can be notified that they did the right thing as there are so many restrictions. He added they will not go to Phase 3 until June 26th and there are a lot of emphasis on caseloads going back up.

Councilwoman Richardson asked about the Water Park.

Emergency Service Director Rush stated that based on the 75%, an amusement was no more than 1,000. He stated that he would look into it further. The 6’ distancing comes into play and at concerts there is a 10’ distancing. He added that curbside take-outs are still encouraged.

Councilman Taylor referred to the 6’ distancing in restaurants, and stated that families did not have to social distance.

Emergency Service Director Rush responded that this was correct. Families that live in the same household do not have to be at 6’.

There were brief comments.

Mayor Leonard thanked Emergency Service Director Rush. He also stated that while they’ve been in a State of Emergency, the Chincoteague Police Department have been going through accreditation. He announced that they are fully accredited.

Chief Fisher reported that they had a Zoom meeting today with the Accreditation Board and received full approval from the Board. Within the next couple of months, they will contact the Department with the presentation schedule. He stated that this is the Police Department’s 3rd accreditation. The 1st under Chief Lewis, the 2nd under Chief Mills and the 3rd under Chief Fisher.

7. C.A.R.E.S. Act Funding

Mayor Leonard reported that he and Town Manager Tolbert went to the Board of Supervisor’s meeting. One of the key points was that yesterday ended the applications for the working watermen. They issued 20 grants and received 86 applications. He stated that there were 3 municipalities who decided to give half of their money back, Bloxom, Hallwood and Saxis.

Town Manager Tolbert was unsure if they advised they would give half their money back or if they had already signed up to say they would participate. The Town, as an incorporated town, has not said they would do that yet. He added that he would like to have a vote tonight whether

the Town was going to participate or not. Participation does not mean they will give half the money back. It means that the Town wants the \$251,000, at that point they can tell the County that they either want to administer it or allow our businesses to be eligible for County money, which would require the Town to give back \$125,000. This can be stipulated once they decide to participate.

Vice Mayor Bowden stated that if the Town takes the \$251,000 and a business applies for some of that money, then that business would not be eligible for anything from the County.

Town Manager Tolbert advised this was correct. He explained that the County advised if an incorporated Town is going to keep 100% of the allocation and administer it, that would be fine. However, if the incorporated Town administers it, the County will not allow any business within that incorporated Town any other money. He explained that when this first started the County was going to qualify businesses based on the Governor's Executive Order. The Governor closed campgrounds, hair salons, amusements, and others. However, since the Governor closed those businesses, they would qualify for County money. When the Town gets the money, his scheme would have been for those businesses to apply for the County money. He was advised up front that the County would not qualify any businesses that the Town's Executive Orders closed. He added that the accommodations industry that were affected by the Mayor's Executive Order would not qualify for County money. The obvious thing to do was to have those businesses who were closed by the Governor to apply for County money and those businesses that were closed or affected by the Mayor's Executive Order to apply for Town money. Town Manager Tolbert continued that the County has stated that if they don't want to keep all of the money, they won't give any of the Town's businesses any money.

Vice Mayor Bowden asked which would give the businesses more money the Town or the County.

Town Manager Tolbert stated he has had staff look up the number of businesses that would qualify and he feels that businesses applying for the Town's money would have a better shot at receiving money as opposed to applying with the County to compete with all of those businesses.

Vice Mayor Bowden wants every cent of the \$251,000 to go to those businesses that have suffered greatly.

Mayor Leonard stated that they have done the calculations with the Transient Occupancy Tax. He added that the Town sends \$630,000 each year to the County and they're only getting \$251,000 back. This was all done through the Governors who worked it out through population. They have granted 28% of the money through incorporated towns.

Town Manager Tolbert advised that about 1/3 of the businesses in the entire county reside on the Island. He stated that they need a decision if the Town is going to participate and a decision if the Town is going to participate in full and accept the entire amount in distribution, or not. They also need to discuss and decide how to administer, set up the program and the qualifiers. The County program has some good things that the Town can use.

Vice Mayor Bowden motioned, seconded by Councilwoman Richardson to accept the C.A.R.E.S. Act funding from the County and use it on the Town's businesses, and come up with their own guidelines. Unanimously approved.

Mayor Leonard advised he asked Town Manager Tolbert to draft a letter yesterday and asked if he would share it with Council. He asked Council to read the letter and give Town Manager Tolbert their comments on whether they should send it along with the acceptance to the Board of Supervisors. He added that they aren't dissing the County, they feel their first scheme would have worked out better for all of the County. They received \$2.1 million.

Town Manager Tolbert stated that almost \$800,000 was allocated to the 14 incorporated towns. They are putting approximately \$1 million into their small business program and the remainder they will use to do some work to their 911 center, give hazard pay to those who have been cleaning offices and they also have a few public works projects. He also added that if it was in the budget as of March 27th it does not qualify. It has to be something that came up from March 1st to December 30th and has to be COVID-19 related. A municipality or local government cannot use it to make up lost revenue. You can have a small business assistance program that helps small businesses with loss revenue. They found a way to make a couple of their outstanding projects qualify based on the COVID-19 money. Anticipated expenses for COVID-19 related matters can also be included.

There were questions and comments about the County's use and qualifications.

Councilman Taylor asked how many businesses are on the Island.

Town Manager Tolbert reported there were 1,225 Business Licenses sold last year. He added that based on his research, the U.S. Census shows a total number of businesses in Accomack County are 2,295. He also stated that when going through the Town's Business Licenses, he cut it down by taking out businesses that did not have a Chincoteague business address. There are about 1,000 Business Licenses. He didn't remove any of the County's Business Licenses. He feels the Town has about 1/3 of the County's businesses on the Island.

8. Mayor & Council Announcements/Comments

Councilman Reed thanked Councilman Lewis for all he has done for the Town from being the Chief of Police to his service on Council. He stated that it has been a pleasure and hates to see him go.

Councilman Taylor agreed that it has been a pleasure. He stated that it's not fun, but you have to step up. He thanked him for being here. He asked him to keep the Town in his prayers. He thanked him for all that he has done.

Councilman Lewis stated that it has been a pleasure serving with Council. He knows he's not as outspoken, but it has been an honor to represent the residents of the Island. They can all agree to disagree, but they do what is right for the community. He thanked everyone for working with him.

Councilman Bott commented that he only sat next to Councilman Lewis for 6 months, but he seemed to be alright. He added that everyone has been doing a good job of wearing masks. He encouraged everyone to keep up the good work.

Vice Mayor Bowden stated that everyone in there have known each other all of their lives. She stated that he has served the Town with grace and compassion. She added that it hasn't gone unnoticed. She appreciated the four years she has been on Council with him. She added that she has to find another partner on the other side to protect the Mayor. She thanked him again. She also congratulated Chief Fisher and the Police Department on another successful accreditation. She didn't have a doubt that they would come through with flying colors. She added that being in the first meeting back in Council Chambers is good. She stated that the last 2 months have been the most trying months with people. She feels that generally people have a good heart. The Town is very blessed, and she believes that everyone wants to do the right and best thing. She concluded that they would prevail and at least they are open.

Councilwoman Richardson thanked Councilman Lewis for serving in the Police Department as Chief and Council. She added that she has enjoyed serving with him. She understands that they don't all always see eye-to-eye, but they do what is best for everyone. She hopes he enjoys some retirement and added that he will be missed. She thanked all of the Town for all they have done. She stated that it's been hard on everyone, but they will get through it. The best part about being here is that everyone is close and tries to work together. She thanked the Town Manager, the Police Department, Emergency Service Director Rush and his staff and Town workers. She understands it's been stressful on them as well. She also thanked Mayor Leonard.

Mayor Leonard stated that he has worked with Councilman Lewis when he was Chief and on Council. He also stated that it has always been a pleasure. He added that even though there has been a difference in opinion, Councilman Lewis always listened. He thanked him for all his work throughout the community and at the Food Bank along with his wife. He expressed that it's good to see the Island back open. He mentioned that beach parking was better. He thanked all the Islanders for all they've done during the COVID-19 to keep it away from us. It took a lot from the whole Island who came together.

Vice Mayor Bowden advised she will not be at the July 6th meeting as her Goddaughter will be graduating in New Jersey. She told Councilman-elect McComb she won't be there for his first meeting, but she is glad he is coming aboard.

9. Closed Meeting in Accordance with §2.2-3712 (A) (1) of the Code of Virginia to Discuss Personnel Matters

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

10. Certification of Closed Meeting in Accordance with § 2.2-3712 (D) of the Code of Virginia

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to certify the closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

Councilwoman Richardson motioned, seconded by Vice Mayor Bowden to go back into regular session. Unanimously approved.

Ayes: Bott, Bowden, Lewis, Reed, Richardson, Taylor

Nays: None

Absent: None

11. Adjournment

Councilman Lewis motioned, seconded by Vice Mayor Bowden to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager